



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 11/20/2020  
 ORM Number: LRL-2020-769-sjk  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Whitestown County/Parish/Borough: Boone  
 Center Coordinates of Review Area: Latitude 39.9559 Longitude -86.3590

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Section I	0.48	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a topographic bowl in a mowed field surrounded by areas of higher elevation. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section II	0.16	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a topographic bowl in a mowed field surrounded by areas of higher elevation. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section III	0.25	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a topographic bowl within a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section IV	0.15	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a topographic bowl in a mowed field surrounded by areas of higher elevation. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section V	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a low area impounded against a topographically higher agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section VI	0.007	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a topographic bowl in a mowed field surrounded by areas of higher elevation. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section VII	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a topographic bowl in a mowed field surrounded by areas of higher elevation. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section VIII	0.008	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a low area and utilized as a refuse dump. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section IX	0.14	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is within a topographic bowl in a mowed field surrounded by areas of higher elevation. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Information submitted by, or on behalf of, the applicant/consultant: [Wetland delineation report dated 9/8/2020; supplemental delineation report dated 11/11/2020; updated delineation map received 11/13/2020, by Earth Source Inc.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: The original delineation report did not identify several wetlands on the site, including some that were previously identified and verified by USACE (see delineation report for LRL-2020-521-sjk). While the consultant provided updated delineation data (although the report lacks a narrative about wetland Section IX) that identifies the location of all the wetlands on the site, the size and boundaries are likely incorrect.

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: site photos in delineation report \(9/3/2020, 11/6/2020\); USACE site photos 10/6/2020; 1972, 2003, 2004, 2005, 2006, 2007, 2012, 2014, 2018 aerials \(see delineation report\); 4/20/2020, 7/23/2020, 9/15/2020, 10/20/2020 \(DigitalGlobe\)](#)
- Corps site visit(s) conducted on: [10/6/2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey, Boone County \(see delineation report\)](#)
- USFWS NWI maps: [Map contained in delineation report](#)
- USGS topographic maps: [7.5' Zionsville quad \(see delineation report\)](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other information (specify)</a>	<a href="#">Wetland delineation data/shapefiles from LRL-2020-521-sjk.</a>

**B. Typical year assessment(s):** [APT for 9/3/2020 delineation inspection \(see delineation report\): The delineation occurred during the dry season with “normal” WETS results, albeit, on the drier side\). No notable precipitation occurred in approximately the previous 30 days.](#)

[APT for 11/6/20 delineation inspection \(see delineation report\): The Palmer drought Index shows mild wetness conditions during the wet season. WETS results are normal conditions.](#)

**C. Additional comments to support AJD:** [N/A](#)