



**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): 10/20/2020  
 ORM Number: LRL-2020-797-lcl  
 Associated JDs: N/A.  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Westfield County/Parish/Borough: Hamilton  
 Center Coordinates of Review Area: Latitude 40.0196 Longitude -86.2099

**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
John Edwards Ditch (Tributary to Little Eagle Creek)	638	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Locally known as John Edwards Ditch, this perennial stream is an (a)(2) tributary flowing directly into Little Eagle Creek about 2,000 feet west of the review area. Little Eagle Creek flows into Eagle Creek, which flows into West Fork White River which eventually becomes an (a)(1) water. John Edwards Ditch is a solid blue-line on the U.S.G.S Quadrangle, with a defined bed and bank and OHWM width of ~15-20 feet. According to StreamStats, the drainage area upstream of the site is 3.4 square miles, or 2,200 acres. Flow can be observed on multiple

<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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			aerial images, during normal and drier than normal conditions. Therefore, this stream is an (a)(2) tributary.

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.

**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
Stream 1	66	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Stream 1 was identified as having an OHWM width of 2 feet and depth of 0.25 foot. The dominant substrate is silt. Stream 1 has a drainage area of approximately 9.6 acres. Based on the drainage area, physical conditions of the stream, typical year analysis in Section III.B, and site observations by the consultant in August 2020, this is an ephemeral stream.
Wetland A	0.677	acre(s)	(b)(1) Non-adjacent wetland. Wetland A is a linear wetland reportedly comprised of 0.212 acre PEM, 0.237 acre PSS, and 0.228 acre PFO. The wetland is connected to ephemeral Stream 1 but is located over 500 feet from the nearest (a)(2) tributary. It is not located in the floodplain of any tributary and is not subject to inundation by flooding in a typical year. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.

**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.

- Information submitted by, or on behalf of, the applicant/consultant: [Bent Creek Natural Resource Assessment, by V3 dated September 2020.](#)

This information is sufficient for purposes of this AJD.

<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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Rationale: *N/A.*

- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Aerial and Other: 2019 Aerial Imagery in NRA report; Digital Globe Aerials dated 9-15-20, 5-6-19; Google Earth Aerials dated 10-22-18, 8-25-17, 2-28-05; Consultant site photos August and September 2020.*
- Corps site visit(s) conducted on: *Date(s).*
- 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: *Hamilton County Soil Survey 2019, see NRA report.*
- USFWS NWI maps: *NWI Map 2018, see NRA report.*
- USGS topographic maps: *Westfield, IN Quadrangle, see NRA 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>	<i>N/A.</i>
<a href="#">USDA Sources</a>	<i>N/A.</i>
<a href="#">NOAA Sources</a>	<i>N/A.</i>
<a href="#">USACE Sources</a>	<i>N/A.</i>
<a href="#">State/Local/Tribal Sources</a>	<i>N/A.</i>
<a href="#">Other Sources</a>	<i>StreamStats Report 10-14-20</i>

**B. Typical year assessment(s):** *The Antecedent Precipitation Tool (APT) was used for the dates of the delineation conducted by V3, 12 August, 24 August, and 8 September 2020. The data shows that the 12 August delineation occurred under wetter than normal (15) climatic conditions, the 24 August delineation occurred under normal (13) conditions, and the 8 September delineation occurred under normal (13) conditions. Therefore, hydrologic conditions observed at the site were considered wetter than normal on 12 August 2020, and normal on 24 August and 8 September 2020.*

**C. Additional comments to support AJD:** *Rainfall events occurred on 11 August, 19 August, and 2 September 2020. On 11 August 2020, 0.82 inches fell within a 24-hour period, one day before the 12 August 2020 field delineation, at which time water was observed in the channel of Stream 1. On 19 August 2020, 0.25 inches fell within a 24-hour period, five days prior to the 24 August 2020 field delineation, at which time the channel of Stream 1 was observed to be dry. On 2 September 2020, 0.02 inches fell within a 24-hour period, six days prior to the 8 September 2020 field delineation, at which time the channel of Stream 1 was observed to be dry. These observations suggest that Stream 1 is an ephemeral stream that flows only in direct response to precipitation.*