



**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): 12/3/2020  
 ORM Number: LRL-2020-898-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 40.0026 Longitude -86.3414

**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
Jackson Run	835	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			The tributary carries perennial flow to Eagle Creek then to White River, which becomes a TNW.

<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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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.	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.	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	
Wetland 1	0.35 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is contained within an agricultural swale associated with a buried drainage tile. The boundary terminates more than 50 feet away from a headwall and (higher elevation) standpipe that marks the beginning of Jackson Run. The wetland neither abuts nor is inundated by flooding from Jackson Run in a typical year.	
Wetland 2	0.02 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is contained within an agricultural swale associated with a buried drainage tile. It is several hundred feet away and does not abut nor is inundated by Jackson Run in a typical year.	
Wetland 3	0.43 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This pond is partially located in the review area and was constructed from dry land between 1939 and 1962.	
N/A.	N/A.	N/A.	N/A.	N/A.

**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: **“Surface Waters and Wetland Assessment” dated December 2019 by Christopher B Burke Engineering.**

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: Site photos in delineation report \(12/2019\); 2011 and 2016 aerials in delineation report; MAR-MAY2017 aerial with USACE comments comparing Wetland 1 boundary with Jackson Run, MAR-JUN 2006 aerial showing Wetland 3 \(pond\) embankment, 12/19/2018 oblique, 1/4/2019 oblique \(Boone County GIS\); 3/2/2018, 5/30/2020 \(Google Earth\); 12/19/2019, 6/8/2020, 11/20/2020 aerials \(DigitalGlobe\); 1939, 1962, 1972 \(IHAPI\)](#).
- 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: [SSURGO Boone County \(2011\), see delineation report](#)
- USFWS NWI maps: [2014 Digital NWI shapefiles \(see delineation report\)](#)
- USGS topographic maps: [7.5' Rosston 1987 and Zionsville 1997 \(see delineation report\)](#)

**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="#">FEMA/FIRM maps</a>	<a href="#">DFIRM eff. 1/18/2012 (see delineation report)</a>

**B. Typical year assessment(s):**

[12/3/2019: APT for delineation inspection – WETS indicates drier than normal conditions during the wet season with a drought index of moderate wetness.](#)

[3/2/2018 APT for aerial photography: The aerial shows the wettest conditions with consideration of any potential flooding by Jackson Run into Wetland 1 or Wetland 3 compared to other years' available. WETS indicates normal conditions during the wet season with a drought index of severe wetness. Multiple precipitation events occurred in the days immediately preceding the date the aerial was taken.](#)

**C. Additional comments to support AJD: [N/A](#) or provide additional discussion as appropriate.**