



**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): 3/8/2021  
 ORM Number: LRL-2020-928  
 Associated JDs: LRL-2012-904-SJK, LRL-2020-744-LCL  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Fishers County/Parish/Borough: Hamilton  
 Center Coordinates of Review Area: Latitude 39.967199 Longitude -85.998785

**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
Wetland A	0.18 acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is a depressional emergent wetland. According to aerial maps the nearest a(2) tributary is approximately 0.68 miles from the wetland. A review of a previous jurisdictional determination for this area, LRL-2020-744, determined that Wetland A, identified as Section I, is not an adjacent wetland.
Wetland B	1.76 acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is an emergent wetland located adjacent to a large pond that does not connect to any “waters of the U.S.” A review of previous jurisdictional determination for this area, LRL-2012-904, determined that Wetland B, identified as W-3, is an isolated wetland not connected to any “waters of the U.S.”
UNT 1	20 Linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	UNT 1 was delineated as a perennial stream that flows into a detention pond; however, a review of a previous jurisdictional determination for this area, LRL-2020-744, the feature was determined to be a stormwater conveyance excavated wholly in uplands sometime between 1985 and 1994.

**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: [Wetland and Stream Delineation Report, Fishers System Improvement Project, July 30, 2020](#)

This information is not sufficient for purposes of this AJD.

Rationale: The submitted delineation claims that each of the features would be considered jurisdictional; however, fails to support this decision in the aquatic resource descriptions. The delineation references NHD and NWI maps as the reason for the features being jurisdictional. In a review of the Corps’ database, shows that 2 previous jurisdictional determinations were conducted for this review area. All of the aquatic resources identified in this project area were previously determined to be non-jurisdictional.

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Other: Photos submitted in the delineation](#)

<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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- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRL-2012-904-SJK \(Nov. 19, 2012\)](#), [LRL-2020-744-LCL \(Sep. 30, 2020\)](#)
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: [NRCS WebSoil Survey](#)
- USFWS NWI maps: [USFWS NWI](#)
- USGS topographic maps: [1:24K, McCordsville](#)

**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>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:** [In the Approved JD, LRL-2020-744, Wetland A is identified as Section 1. Section I is an emergent wetland located in a depression in the northwest corner of parcel. The closest potential a\(2\) tributary appears to be Sand Creek located approximately 0.68 miles to the southeast. 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.](#)

[In the same Approved JD, UNT 1 is identified as Stormwater Drain 1. This stormwater drain is an excavated stormwater conveyance on the north side of site. It was excavated wholly in uplands between 1985 and 1994, and conveys stormwater to the detention basin on site.](#)

[In the Approved JD, LRL-2012-904, Wetland B is identified as W-3; which was determined to be an isolated wetland with no hydrological connection or adjacency to any stream or other “waters of the U.S.”](#)