



**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): 4/20/2021
 ORM Number: LRL-2021-32-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Plainfield County/Parish/Borough: Hendricks
 Center Coordinates of Review Area: Latitude 39.6723 Longitude -86.3430

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)²

§ 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): ³			
(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
Rock Creek	1,559 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream flows intermittently into East Fork White Lick Creek, White Lick Creek, then to White River, which becomes a TNW.
Guilford Branch	2,235 linear feet	(a)(2) Intermittent tributary contributes	The stream flows intermittently into East Fork White Lick Creek, White Lick Creek, then to White River, which becomes a TNW.

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

² 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.

³ 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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
UNT Guilford Branch	1,126	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream flows intermittently into Guilford Branch, East Fork White Lick Creek, White Lick Creek, then to White River, which becomes a TNW.
East Fork White Lick Creek	1,107	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream flows perennially into White Lick Creek and then White River, which becomes a TNW.
Black Creek	2,411	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream flows intermittently into East Fork White Lick Creek, White Lick Creek, and then White River, which becomes a TNW.

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
Section II	0.47	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
Section III	0.67	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
Section V	2.18	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
			This wetland was excavated for the purpose of impounding an (a)(2) water (UNT Guildford Branch). The impoundment was breached over 5 years ago, and the area meets all wetland criteria. The wetland



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			abuts an (a)(2) water (UNT Guilford Branch), that has re-established through the area.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EPH Guilford Branch	121	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
Section I	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a forested, topographically lower area more than 1,000 feet from the nearest potential tributary. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section IV	0.57	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographically lower area near I-70 that discharges into EPH Guilford Branch, an excluded stream.
Section VI	0.12	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographically lower area approximately 60 feet upslope from Guilford Branch. It neither abuts nor is inundated by the tributary 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.

- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, Revised 4/19/2021 by Earth Source, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Site photos provided by agent \(9/28/20 and 4/6/21\); 2018 aerial \(delineation report\); 1939, 1958, 1967 \(IHAPI\); 3/15/92, 2/28/05, 9/28/14, 3/2/18 \(Google Earth\); 12/19/19, 4/20/20, 9/15/20, 9/30/20, 12/11/20 \(DigitalGlobe\)](#).
- Corps site visit(s) conducted on: [4/6/21](#)
- 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, Hendricks County](#)
- USFWS NWI maps: [NWI map in delineation report](#)

⁴ 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.

⁵ 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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- USGS topographic maps: 7.5' Bridgeport, IN (delineation report)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR, DEM maps from LRL Regulatory Viewer

- B. Typical year assessment(s):** 9/28/20 through 10/1/20 (delineation inspections): The delineation occurred during drought conditions with drier than normal results for WETS. No significant precipitation had been recorded within the preceeding 2 months.
4/6/21 (USACE field inspection and additional delineation date): The inspection occurred during normal conditions in WETS with average amounts of precipitation compared to the 30 day rolling total and 30-year average. Multiple rain events <1 inch occurred in the preceeding month.
- C. Additional comments to support AJD:** The parcels containing data points T1P1 and T3P4 consist entirely of dry land.