



**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): 7/27/2021  
 ORM Number: LRL-2021-493-sjk  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Zionsville County/Parish/Borough: Boone  
 Center Coordinates of Review Area: Latitude 40.0196 Longitude -86.2819

**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
Eagle Creek	6,095	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Finley Creek	2,615	linear feet	(a)(2) Perennial tributary contributes

<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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Stream 1 (Mounts Run)	1,300	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 year-round into Eagle Creek and White River, which becomes a TNW.
Stream 5	660	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 Eagle Creek and White River, which becomes a TNW.
Stream 6	3,252	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 year-round into Eagle Creek and White River, which becomes a TNW.
Stream 7	506	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 Stream 6, Eagle Creek, and White River, which becomes a TNW.
Stream 8	617	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 Finley Creek, Eagle Creek, and White River, which becomes a TNW.
Stream 11	1,364	linear feet	(a)(2) Intermittent tributary contributes	The stream flows intermittently into Finley Creek, Eagle Creek, and White River, which becomes a TNW.



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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.	
Stream 12	382	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 Finley Creek, Eagle Creek, and 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
Pond 1	1.85	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The pond was constructed, and impounds, Stream 8 (an [a][2] water).

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland G	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland abuts Eagle Creek, an (a)(2) water.
Wetland H	0.21	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland abuts Stream 6, an (a)(2) water.
Wetland I	0.21	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland abuts Pond, an (a)(3) water.
Wetland J	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland abuts Stream 12, an (a)(2) water.
Wetland K	0.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland abuts Stream 12, an (a)(2) water.

**D. Excluded Waters or Features**



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
Wetland A	0.41	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a low area confined by Pleasant View Road to the west and higher agricultural land to the east and south. The wetland is separated by Stream 1 by an area over 50 feet wide of higher elevations which does not allow flooding from the stream into the wetland. The wetland neither abuts nor is inundated by Stream 1 in a typical year.
Wetland B	0.63	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a topographic bowl in a forested area. It is approx. 900 feet away from Stream 1, an excluded stream. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland C	0.26	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a topographic bowl in a forested area. It is approx. 500 feet away from Stream 1, an excluded stream. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland D	0.07	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is in a small, topographically lower area on a ridge 150 feet away from Eagle Creek. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland E	0.2	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 4, an excluded feature.
Wetland F	0.31	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is more than 300 feet upslope from Eagle Creek. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Pond 2	1.02	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).	The pond was constructed in dry land more than 200 feet from Stream 10, an excluded feature.
Stream 2	1,562	linear feet	(b)(3) Ephemeral feature, including an ephemeral	The streams flows only in response to rain events in a typical year.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
Stream 3	1,550	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to rain events in a typical year.
Stream 4	1,287	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to rain events in a typical year.
Stream 9	277	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to rain events in a typical year.
Stream 10	630	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to rain events 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: [Bradley Property Natural Resource Assessment dated 1/2021, revised 6/22/2021; additional information dated 7/8/2021, by V3 Companies](#)  
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 in delineation report \(8/7/2020, 10/27/2020, 10/28/2020, 10/30/2020, 7/8/2021\); USACE site photos \(7/7/2021\); 2018 aerial](#)
- Corps site visit(s) conducted on: [7/7/2021](#)
- 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 \(delineation report\)](#)
- USFWS NWI maps: [NWI shapefiles on topo \(delineation report\)](#)
- USGS topographic maps: [7.5' Rosston, IN \(delineation report\)](#)

**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>



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Data Source (select)	Name and/or date and other relevant information
<a href="#">USACE Sources</a>	<a href="#">LiDAR (LRL Regulatory Viewer)</a>
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	<a href="#">Panel 18011C0220E (delineation report)</a>

**B. Typical year assessment(s):** [10/28/2020 \(delineation\)](#): The delineation occurred in drier than normal conditions (WETS) in a period recovering from drought conditions. The 30-day rolling total falls on the lower side of the 30-year normal range.

[7/7/2021 \(USACE site inspection\)](#): The inspection occurred during normal conditions (WETS) during the dry season. The 30-day rolling total falls within the upper 30-year normal range.

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