



**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): 7/20/2021
 ORM Number: LRL-2021-505-LCL
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Avon County/Parish/Borough: Hendricks
 Center Coordinates of Review Area: Latitude 39.8004 Longitude -86.3553

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
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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Section I	0.75	acre(s)	(b)(1) Non-adjacent wetland.	The reported wetland is located greater than 2,000 feet from an (a)(2) water and is not adjacent. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Section II	0.34	acre(s)	(b)(1) Non-adjacent wetland.	The reported wetland is located greater than 2,000 feet from an (a)(2) water and is not adjacent. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Section III	1,436	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Reported Section III is an ephemeral stream that begins just off-site to the west and flows east where it eventually joins East Fork White Lick Creek ~ ½ mile downstream. Channel width ranges from 1 to 5 feet wide, a depth of 1 foot, and substrate of silt and sand. The drainage area is 0.104 square miles. Water was present in the channel during the consultants site visit of 5/13/21. APT analysis indicates normal conditions during the wet season for this date. However, NOAA precipitation records for Avon show 1.51 inches of rainfall in the week prior to the delineation. Based on the drainage area, physical conditions, typical year analysis, and site observations, this is an ephemeral feature and is therefore excluded.
Section IV	0.04	acre(s)	(b)(1) Non-adjacent wetland.	The reported wetland is located greater than 3,000 feet from an (a)(2) water and is not adjacent. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Section V	0.35	acre(s)	(b)(1) Non-adjacent wetland.	The reported wetland is located greater than 3,000 feet from an (a)(2) water and is not adjacent. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Swale	1,800	linear feet	(b)(3) Ephemeral feature, including	The reported swale is likely a stormwater conveyance that was built for the old airport. It is

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		an ephemeral stream, swale, gully, rill, or pool.	located on the north side of the old parking area and runway, and extends to the east where it joins Section III. The swale is approximately 1-2 feet wide and was saturated at the time of delineation. The swale did not exhibit an OHWM.

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: [Avon Landing Wetland Delineation Report, by Earth Source dated 5/31/21.](#)

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: Delineation Report: Site photos – 5/13/21. Google Earth Aerials 6/30/04, 6/30/05, 7/26/06, 8/29/12, 10/11/13, 9/28/14, 8/25/17, 10/22/18, IHAPI Aerial 1967, NAIP Aerial 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: [See delineation report.](#)

USFWS NWI maps: [See delineation report.](#)

USGS topographic maps: [See 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	NOAA Precipitation Records, Avon Indiana, May 2021.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	StreamStats Report, Digital Globe Aerial 6/5/21.

B. Typical year assessment(s): [APT analysis indicates normal typical year conditions during the wet season for the delineation date of 5/13/21. 1.51 inches of precipitation during the week prior.](#)

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