



**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): 7/19/2021  
 ORM Number: LRL-2021-567-sjk  
 Associated JDs: LRL-2017-1021-djd  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Indianapolis County/Parish/Borough: Marion  
 Center Coordinates of Review Area: Latitude 39.8993 Longitude -86.0536

**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	0.78	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is over 3,000 feet from the nearest potential tributary. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland B	1.38	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is over 3,000 feet from the nearest potential tributary. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland C	0.07	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is over 3,000 feet from the nearest potential tributary. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Intermittent Drainage	1,383	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.	The ditch was constructed prior to 1983 in dry, agricultural land to convey stormwater away from surrounding infrastructure.

**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: [I-465 & I-69 Property Natural Resource Assessment dated June 2021 by V3 Companies.](#)

This information is sufficient for purposes of this AJD.

Rationale: [See III C for additional discussion.](#)

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

Photographs: [Aerial and Other: Site photos in delineation report \(5/12/2021\); 1936, 1941, 1951, 1956, 1966, 1972, 1983, 1988, 1992, 1998, 2005, 2008, 2012, 2016 \(delineation report\).](#)

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: [Web Soil Survey, Marion County \(delineation report\)](#)

USFWS NWI maps: [NWI shapefile on topo map \(delineation report\)](#)

<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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USGS topographic maps: 7.5', Fishers, IN

**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	FIRM Panel 18097C0065F (delineation report)

- B. Typical year assessment(s):** 5/12/2021 (delineation): The delineation occurred during normal conditions per WETS data. Generally, the site was recovering from drought conditions in the preceding months; however, multiple recordable precipitation events occurred in the 2 weeks prior to the delineation. The 30-day rolling total fell within the 30-year normal range. The data indicates the delineation likely occurred during typical year conditions.
- C. Additional comments to support AJD:** A previous Approved JD was issued in November 2020 under LRL-2017-1021-djd for this parcel as part of a larger AJD request involving improvements to I-465 by INDOT. The delineation was completed by Parsons and identified the same resources identified by V3 Companies for the purposes of this AJD. However, the boundaries of the wetlands in each delineation report appear to be different. Since the identified wetlands are excluded from regulation under the CWA, it is the responsibility of the requestor to coordinate with the Indiana Department of Environmental Management to determine applicability of the wetlands under state law and verification of the wetland boundaries.