



**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): 8/26/2021

ORM Number: LRL-2021-508-LCL

Associated JDs: N/A.

Review Area Location<sup>1</sup>: State/Territory: Indiana City: Mooresville County/Parish/Borough: Hendricks

Center Coordinates of Review Area: Latitude 39.6067 Longitude -86.4730

**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
Drain 1 - McCracken Creek	4,020 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	McCracken Creek is a perennial stream that flows into White Lick Creek, which flows into the White River which becomes a TNW. McCracken Creek has a width of 15-20 feet, substrate of cobble/gravel with sand and silt, and an upstream drainage area of 5.1 miles.
Drain 2 - INT (UNT)	920 linear feet	(a)(2) Intermittent tributary contributes	INT Drain 2 is an unnamed tributary to McCracken Creek. The stream is 2-3 feet wide, with substrate of mud, sand, silt, and gravel. The stream was flowing

<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
McCracken Creek)			surface water flow directly or indirectly to an (a)(1) water in a typical year.	both during the consultant's delineation date in the wet season (5/14/21), and during the USACE site in the dry season (8/4/21). For both dates normal typical year conditions were present.
Drain 3 – INT (UNT McCracken Creek)	445	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	INT Drain 3 is an unnamed tributary to McCracken Creek. The stream is 2-3 feet wide, with substrate of mud, sand, silt, and gravel. The stream was flowing both during the consultant's delineation date in the wet season (5/14/21), and during the USACE site in the dry season (8/4/21). For both dates normal typical year conditions were present.
Drain 4 – INT (UNT McCracken Creek)	173	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	INT Drain 4 is an unnamed tributary to McCracken Creek. The stream is 2-3 feet wide, with substrate of mud, sand, silt, and gravel. A small amount of flow was present in the stream during the USACE site in the dry season (8/4/21). Normal typical year conditions were present.
Drain 5 – INT (UNT McCracken Creek)	567	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	INT Drain 5 is an unnamed tributary to McCracken Creek. The stream is 2-3 feet wide, with substrate of mud, sand, silt, and gravel. Water was present in pools during the USACE site in the dry season (8/4/21). Normal typical year conditions were present.
Drain 7 – INT (UNT McCracken Creek)	867	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	INT Drain 7 is an unnamed tributary to McCracken Creek. The stream is 2-3 feet wide, with substrate of cobble and gravel. The upstream drainage area is 0.172 square miles. The stream was flowing both during the consultant's delineation date in the wet season (5/14/21), and during the USACE site in the dry season (8/4/21). For both dates normal typical year conditions were present.
Drain 8 (UNT McCracken Creek)	1,967	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Drain 8 is a perennial unnamed tributary to McCracken Creek. The stream is approximately 8 feet wide, with substrate of cobble, gravel, sand, and silt. The upstream drainage area is 0.674 square miles. The stream was flowing both during the consultant's delineation date in the wet season (5/14/21), and during the USACE site in the dry season (8/4/21). For both dates normal typical year conditions were present.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Drain 11 (UNT McCracken Creek)	3,556	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Drain 11 is a perennial unnamed tributary to McCracken Creek. The stream is approximately 20 feet wide, with substrate of cobble, gravel, sand, and silt. The upstream drainage area is 2.452 square miles. The stream was flowing both during the consultant's delineation date in the wet season (5/14/21), and during the USACE site in the dry season (8/4/21). For both dates normal typical year conditions were present.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Section II	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section II is an emergent wetland opening within the woods along the intermittent portion of Drain 2, a UNT to McCracken Creek.
Section V	0.29	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section V is a forested (0.12 acre) and emergent (0.17 acre) wetland along perennial Drain 11, a UNT to McCracken Creek.
Section VI	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section VI is an emergent wetland along perennial Drain 11, a UNT to McCracken Creek.
Section VII	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section VII is a scrub-shrub wetland along perennial Drain 11, a UNT to McCracken Creek.
Section VIII	5.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section VIII is a forested (2.22 acres) and emergent (3.03 acres) wetland along perennial Drain 11, a UNT to McCracken Creek.
Section IX	0.21	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Section IX is a forested wetland located in the floodway of McCracken Creek. An ephemeral drain connects the wetland to McCracken Creek. McCracken Creek appeared to be at normal flow conditions during the site visit. The top of bank was approximately 2 feet above the water level. Evidence of recent sediment and debris deposits were present indicating inundation by flooding in a typical year.
Section X	0.73	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section X is a forested wetland located in the floodway and along perennial Drain 1, McCracken Creek.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Section XII	1.54	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section XII is a forested wetland along perennial Drain 1, McCracken Creek.
Section XV	0.41	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section XV is a forested (0.16 acre) and emergent (0.25 acre) wetland within the floodway along Drain 1, McCracken Creek.
Section XVI	0.38	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Section XVI is a forested (0.13 acre) and emergent (0.25 acre) wetland along Drain 11, a UNT to McCracken Creek.
Section XVII	0.03	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Section XVII is a forested wetland within the floodway along Drain 1, McCracken Creek. It is separated from the (a)(2) tributary only by a natural berm feature.

**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
Drain 2 - EPH	295	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 2 is a headwater ephemeral channel that flows only in response to precipitation.
Drain 3 - EPH	122	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 3 is a headwater ephemeral channel that flows only in response to precipitation.
Drain 4 - EPH	342	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 4 is a headwater ephemeral channel that flows only in response to precipitation.
Drain 5 - EPH	280	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 5 is a headwater ephemeral channel that flows only in response to precipitation.
Drain 6 - EPH	28	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 6 is an eroded rill in wetland Section XV connecting to McCracken Creek.

<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	
Drain 9 - EPH	54	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 9 is an ephemeral channel between wetland Section X and McCracken Creek.
Drain 10 - EPH	472	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain 10 is an eroded rill/swale between wetland Section IX and McCracken Creek.
Drain VIII - EPH	389	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drain VIII is an ephemeral channel running through wetland Section VIII to Drain 11.
Section I	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Section I is located in a valley along the ephemeral portion of Drain 2. 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	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Section III is located in the southeast part of the site and extends offsite to the east. The wetland is greater than 1,500 feet from the nearest potential (a)(2) water. 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 IV	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Section IV is located in a depression surrounded by agricultural fields and is greater than 1,000 feet from the nearest potential (a)(2) water. 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 XI	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Section XI is located at the headwater of the ephemeral portion of Drain 5. 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 XIII	0.23	acre(s)	(b)(1) Non-adjacent wetland.	Section XIII is located in a linear draw that conveys stormwater from the outfall of Section XIV. 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.



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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
Section XIV	0.42	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.
Section XVIII	N/A.	acre(s)	(b)(1) Non-adjacent wetland. Section XVIII is a wetland located at the headwater of the ephemeral portion of Drain 2. 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.

**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 – State Road 39 & Interstate 70 \(Revised 8-17-2021 with minor revisions 8-23-2021\)](#), 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: Wetland Report: 2020 Aerial, on-site photos 5-14-2021. Google Earth Aerials 2-28-2005, 8-29-2012, 10-22-2018. USACE site photos 8-4-2021.](#)

Corps site visit(s) conducted on: [8-4-21](#)

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: [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
<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="#">NOAA Climatic Observations July/August 2021</a>
<a href="#">Other USACE data (specify)</a>	<a href="#">Regulatory Viewer – LiDAR/DEM</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other information (specify)</a>	<a href="#">StreamStats Reports</a>
<a href="#">Other information (specify)</a>	<a href="#">Beacon GIS – Contours/Floodplain maps.</a>



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- B. Typical year assessment(s):** APT analysis was conducted for consultants original delineation date (5-14-21) and USACE site visit date (8-4-21). For original delineation date the APT indicates normal typical year conditions were present during the wet season. For the USACE site visit the APT indicates normal typical year conditions were present during the dry season.
- C. Additional comments to support AJD:** N/A.