



**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): 3/29/2021
 ORM Number: LRL-2021-73-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Cicero County/Parish/Borough: Hamilton
 Center Coordinates of Review Area: Latitude 40.1254 Longitude -86.0421

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
Stream 1	1,742	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream conveys flow only in response to rain events. See III C for additional discussion.
Stream 2	133	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream conveys flow only in response to rain events.
Wetland A	0.875	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts stream 1, an excluded feature.
Wetland B	0.002	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a topographically low area over 1,000 feet from the nearest potential tributary. It neither abuts nor is inundated by an (a)(1)-(a)(3) in a typical year.
Wetland C	0.04	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts stream 1, an excluded feature.
Wetland D	0.223	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located within an agricultural swale more than 2,400 feet from the nearest potential tributary. It is not adjacent to nor abuts an (a)(1)-(a)(3) water in a typical year.
Wetland E	0.287	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located within an agricultural swale more than 2,400 feet from the nearest potential tributary. It is not adjacent to nor abuts an (a)(1)-(a)(3) water 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: [Water Resources Delineation Report dated 9/1/2020 by Davey Resources.](#)

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 \(8/27/2020\); supplemental site photos taken 1/28/2021; 2016 aerial in delineation report; 1941 \(Hamilton County GIS\); 4/22/2019 \(DigitalGlobe\)](#)

Corps site visit(s) conducted on: [3/16/2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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- USDA NRCS Soil Survey: [Web Soil Survey, Hamilton County \(delineation report\)](#)
- USFWS NWI maps: [2014 USFWS map \(delineation report\)](#)
- USGS topographic maps: [7.5' Noblesville quad. \(delineation report\)](#)

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	Monthly precipitation data
USACE Sources	LiDAR/DEM lap (LRL Regulatory Viewer)
State/Local/Tribal Sources	N/A.
Other Sources	2020 aerial with legal drains (Hamilton County GIS)

- B. Typical year assessment(s):** [8/27/20 \(delineation\): APT data shows the delineation was performed during a period of mild dryness and in normal conditions in WETS.](#)
[1/28/2021 \(supplemental photos of streams\): The photos were taken during a period of drought in drier than normal conditions, per WETS.](#)
[3/16/2021 \(USACE site inspection\): WETS indicates the inspection occurred in drier than normal conditions with below average precipitation. Regional snowmelt and minimal precipitation occurred prior to the date of the inspection.](#)
- C. Additional comments to support AJD:** [Stream 1 flows only after precipitation events; however, evidence of broken and failing tile was present in the vicinity of the channel. A county-regulated drainage tile is present in the area \(a 20-foot segment was exposed in a sink hole and appeared to have heavy flow during the USACE inspection\), and likely captures hydrology into the subsurface drainage system.](#)