



**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): 11/16/2020
 ORM Number: LRE-1998-1020230-J20
 Associated JDs: LRE-1998-1020230-J19
 Review Area Location¹: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.2172 Longitude -85.0275

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
- 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Section II	0.28	acre(s)	(b)(1) Non-adjacent wetland.	The closest tributary, Section I, to this wetland identified has Section II is contiguous with the wetland, however it is via a very short ephemeral drain. The geographic location of the wetland in relation to the tributary does not meet wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is not physically separated by a natural feature from an (a)(1) - (a)(3). Section II is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. While the ephemeral drain associated with Section II does appear to be within the Floodplain of the Section I, based on field observation it does not appear to inundated Section II by floodwater in a typical year from an (a)(1) –(a)(3) water.
Section IV	0.05 on-site	acre(s)	(b)(1) Non-adjacent wetland.	The closest tributary, Section I, to this wetland identified has Section IV is contiguous with the wetland, however it is via a very short ephemeral drain. The geographic location of the wetland in relation to the tributary does not meet wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is not physically separated by a natural feature from an (a)(1) - (a)(3). Section II is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. While the ephemeral drain associated with Section II does appear to be within the Floodplain of the Section I, field observation does not appear that it inundates Section II by floodwater in a typical year from an (a)(1) –(a)(3) water.
Section V	0.10	acre(s)	(b)(1) Non-adjacent wetland.	There are no tributaries abutting the wetland identified has Section V, the closest identified tributary is approximately 200 feet west of the wetland location. The geographic location of the wetland in relation to the tributary does not meet

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is not physically separated by a natural feature from an (a)(1) - (a)(3). Section V is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. Section V is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water, Section V is located outside the mapped floodplain. Based on the FEMA flood map this wetland is in an area of minimal flood hazard. Based on the geographic distance and annual flood chance, Section V would not be subject to inundation by flooding in a typical year.
Section VI	0.42	acre(s)	(b)(1) Non-adjacent wetland. The closest tributary, Section I, to this wetland identified has Section VI is contiguous with the wetland, however it is via a very short ephemeral drain. The geographic location of the wetland in relation to the tributary does not meet wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is not physically separated by a natural feature from an (a)(1) - (a)(3). Section II is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. While the ephemeral drain associated with Section VI does appear to be within the Floodplain of the Section I, based on field observation it does not appear to inundated Section VI by floodwater in a typical year from an (a)(1) –(a)(3) water..
Section VII	0.01	acre(s)	(b)(1) Non-adjacent wetland. The closest tributary, Section I, to this wetland identified has Section VII is contiguous with the wetland, however it is via an ephemeral drain and another wetland area, Section II. The geographic location of the wetland in relation to the tributary does not meet wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is not physically separated by a natural feature from an (a)(1) - (a)(3). Section VII is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. Based on the FEMA flood map this wetland is in an area of minimal flood hazard.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			Based on the geographic distance and annual flood chance, Section V would not be subject to inundation by flooding in a typical year
Section VIII	207	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. This area is an ephemeral drain between two non-adjacent wetlands.
Section IX	0.10	acre(s)	(b)(1) Non-adjacent wetland. There are no tributaries abutting the wetland identified has Section IX, the closest identified tributary is approximately 50 feet west of the wetland location. The geographic location of the wetland in relation to the tributary does not meet wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is not physically separated by a natural feature from an (a)(1) - (a)(3). Section V is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. Section IX is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. While the Section IX does appear to be within the Floodplain of the Section I, based on field observation it does not appear to inundated Section VI by floodwater in a typical year from an (a)(1) –(a)(3) water.

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 dated 7/24/2019 by Earth Source, Inc revised 10/25/19.](#)

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 by consultant \(9/11/2019 & 7/17/2020\); \(Google Earth, see delineation report\); 2018 Indiana Ortho](#)
- Corps site visit(s) conducted on: [July 17, 2019](#)
- 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, Allen County \(see delineation report\)](#)
- USFWS NWI maps: [NWI wetlands mapper \(see delineation report\)](#)



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- USGS topographic maps: 7.5 minute, Cedarville quad (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	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** Sections I and Section III are not being re-evaluated for jurisdiction. The approved JD from 2019 which stated that both of these sections were within the Corps of Engineers jurisdiction remains in place.