



**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): 8/18/2020
 ORM Number: LRE-2019-00600-102-A19
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.081968 N Longitude 85.243686 W

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.	acre(s)	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	24.69	acre(s)	(b)(1) Non-adjacent wetland.	N/A. Section I encompasses a part of the Klaehn-Merritt Drain, which has been determined to be an excluded water under (b)(5). The geographic location of Section I in relation to the closest 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 I 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 I is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water.
Section II	0.11	acre(s)	(b)(1) Non-adjacent wetland.	The geographic location of Section II in relation to the closest 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. Section II is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water.
Klaehn-Merritt Drain	Approx. 84	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	This drain appears to have been a constructed channel to convey water. This drain is not a naturally occurring tributary, is not a relocated tributary and does not have an intermittent or perennial flow regime as determined by a review of resource mapping, historical aerial photographs, on-site field visits, and APT results.

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.

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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- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, prepared by Earth Source, Inc., revised 12/20/2019; supplemental information submitted 7/15/2020](#)
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: Aerial Photographs, 2005 & 2015; Corps Site Inspection Photographs 8-9-2019](#)
- Corps site visit(s) conducted on: [August 9, 2019 and September 16, 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](#)
- USFWS NWI maps: [Online Wetlands Mapper](#)
- USGS topographic maps: [1:24K; Arcola-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	Allen County GIS iMap

B. Typical year assessment(s): The following aerial photos and corresponding APT result were used to determine if the Klaehn-Merritt Drain meets the definition of an (a)(2) water. The typical year analysis used the rule recommended periodic range of the three, 30 day periods preceding the observation date.

04/10/2002 APT result indicated the photo was taken in the Wet Season and the PDSI indicated climatic conditions were moderately wet. Precipitation was Wetter than normal when compared to 30-year average. Water not observed within drain in aerial photograph.

03/01/2005 APT results indicated that the photo was taken in the Wet Season and the PDSI indicated that climate conditions were Normal. Precipitation was Wetter than normal, but only slightly above the 30-year average. Water not observed within the drain in the aerial photograph.

03/02/2011 APT results indicated that photo was taken during the Wet season and the PDSI indicated that conditions were wet. Precipitation was normal when compared to the rolling 30 year average, however the preceding 60 days were drier than the 30 year average. Water not observed within the drain in the aerial photograph.

04/16/2008 APT results indicated that the photo was taken in the Wet Season and precipitation was considered Normal when compared to the 30-year average. Water was observed within a portion of the drain in aerial photograph, however the observed water does not appear to be flowing.

The following site visits dates and corresponding ATP results were also considered:

- 08/08/2019 APT results indicated that the site visit was done in the Dry Season and precipitation was Drier than normal when compared with the 30-year normal range; water was not observed in or flowing through the drain during the site visit.
- 09/16/2019 APT: APT results indicated the site visit was done in the Dry Season and precipitation was



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Normal when compared with the 30-year average. Water was not observed in or flowing through the drain during the site visit.

- C. Additional comments to support AJD:** Section I, Section II and Klaehn-Merritt Drain have been determined to be excluded, non-jurisdictional waters as described above.