



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): 08-SEP-2020

ORM Number: LRE-2020-01749-102-J20

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen County

Center Coordinates of Review Area: Latitude 41.038689 Longitude -85.23808

**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 and 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 independent 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.

<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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**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
Herendeen, Pond	0.52 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Aerial imagery from 1995 suggests the Pond was constructed in conjunction with land development to the northwest. Analysis of the NRCS soil survey suggests that a portion of the Pond was construction in partially hydric (76-95%) soils, however, based upon the site inspection, review of elevation contours, and review of applicable aerial imagery for the area, there is no indication the Pond was constructed within a wetland and/or other (a)(1) – (a)(3) water.
Herendeen, Section I	0.12 acres	(b)(1) Non-adjacent wetland	Wetland Section I, as described in the Wetland Delineation Report, is an emergent wetland approximately .12 acres in size. Based upon the site inspection and review of the applicable USGS Topographic maps, aerial imagery, and county drainage maps, the geographic location of Wetland Section I, in relation to the nearest tributary, does not meet wetland adjacency criteria. Based upon the site inspection, the wetland does not directly abut an (a)(1) – (a)(3) water, is not physically separated by a natural feature from an (a)(1) – (a)(3) water, nor is it physically separated by an artificial structure, dike, barrier, etc., that has a direct hydrologic connection to a (a)(1) – (a)(3) water. Wetland Section I is also not inundated by floodwater in a typical year from a (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.

XX Information submitted by, or on behalf of, the applicant/consultant: *“Wetland Delineation Report Midwestern Office Park Parcel V”*, prepared by Earth Source, Inc., dated July 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)*.

XX Photographs: *Wetland Delineation Report, Appendix B, “Site Photographs”, dated July 09, 2020; Site Inspection Photographs, dated August 13, 2020.*

XX Corps Site visit(s) conducted on: *Site Inspection Report in Case File, August 13, 2020.*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

XX Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

XX USDA NRCS Soil Survey: *Wetland Delineation Report, Delineation Graphics, Attachment M4, “Allen County Soil Survey Map”.*

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- XX** USFWS NWI maps: *Wetland Delineation Report, Delineation Graphics, Attachment M3, "National Wetland Inventory Map"*.
- XX** USGS topographic maps: *1:24,000, IN-Fort Wayne West, 1956, 1963, 1998, 2019.*

**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	USDA Bureau of Soils 1908 Soil Survey of Allen County.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Allen County iMap GIS Engineering Viewer, Historical Aerial Imagery, Accessed August 31, 2020.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was run for August 13, 2020 (the date of the Corps site inspection). The typical year analysis used the rule recommended periodic range of the three, 30 day periods preceding the observation date. The APT report run for the site was done using the Single Point scope option. Given the relative uniform topography of the county and the lack of available weather stations, the Single Point geographic scope provided the best available information. No water was observed flowing in any direction from Wetland Section I at the time of the site inspection on August 13, 2020. According to the APT, August is considered the dry season and precipitation was normal when compared to the three month, 30 year rolling average. The Palmer Drought Severity Index (PDSI), indicated mild wetness which suggests the month is slightly wetter and temperature relatively normal when compared to the monthly average for precipitation and temperature. See APT readout attached.
- C. Additional comments to support AJD:** Aerial imagery from 2018 and Topographic maps from 1963 and 1998 indicate the presence of a potential channel/conveyance in the vicinity of the review area that flows south toward Graham-McCulloch Ditch. A culvert was observed immediately south of wetland Section I during the August 13, 2020, site inspection. Based on the site inspection and review of applicable resources, an artificial structure (Towpath Trail) is located along the southern boundary of wetland Section I. It could not be established that wetland Section I was a part of the larger wetland complex to the south of the review area that abuts Graham McCulloch Ditch. Further, evidence does not suggest that more than ephemeral flow is conveyed through the observed culvert beneath Towpath Trail in a typical year. Wetland Section I is located immediately north of the FEMA mapped 1% chance of annual flooding, suggesting Section I would not be inundated by flooding in a typical year.

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