



**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): 10/19/2020
 ORM Number: LRE-2020-01537-102-A20
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.241672 Longitude -85.139845

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:
- 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
Section I	3.40	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Section I is an emergent wetland situated within a depression surrounded by an upland agricultural field. See Section III.C.
Section II	0.97	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Section II is an emergent wetland that had been excavated over 30+ years ago. The wetland is situated within a depression and is surrounded by upland. See Section III.C.
Section III	1.96	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Section III is a forested and emergent wetland situated within a depression and is entirely surrounded by upland, with the exception of the drain that flows into the wetland. See Section III.C
Drain	982	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).	The Drain (982 linear feet onsite) originates from a field tile off-site and flows into Wetland Section III. The Drain appears to have been at least partially excavated or altered to convey excess water from agricultural fields to the low-lying Wetland Section III. See Section III.C.

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, Fisher Property, dated 6/9/2020. Prepared by: Earth Source Inc., 14921 Hand Road, Fort Wayne, Indiana 46818. Prepared for: Roger Delagrange, Chestnut Group, 10729 Coldwater Road, Suite 140, Fort Wayne, Indiana 46845.](#)

This information **Select.** sufficient for purposes of this AJD.

Rationale: *N/A*

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: **Other:** [Delineation report ground photos dated 5/28/2020 and supplemental photos submitted by the consultant, dated 8/31/2020; Google Earth aerial photos dated 4/1998, 3/2002, 3/2005, 3/2014, 4/2016, and 10/2017. Historical aerials dated 1938, 1957, 1964, 1972, and 1986.](#)
- Corps site visit(s) conducted on: [August 31, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: [*provide detailed discussion in Section III.B.*](#)
- USDA NRCS Soil Survey: [Hydric Rating by Map Unit – Allen County Indiana, Web Soil Survey](#)

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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- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Huntertown, Indiana Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset
USDA Sources	Bureau of Soils Allen County Soil Map dated 1908
NOAA Sources	N/A.
USACE Sources	Detroit District Regulatory View Portal GIS
State/Local/Tribal Sources	Allen County Plat Map, dated 1907
Other information (specify)	Allen County GIS Data, iMap Engineering Viewer.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [Wetlands Section I, Section II, and Section III do not meet the definition of an adjacent wetland per 33 CFR 328.3. The wetlands within the review area do not abut an \(a\)\(1\)-\(a\)\(3\) water and are also not inundated by flooding from an \(a\)\(1\)-\(a\)\(3\) water. Section I, Section II, and Section III are not physically separated from an \(a\)\(1\)-\(a\)\(3\) water by only a natural feature such as a sand dune or bank, and are also not physically separated from an \(a\)\(1\)-\(a\)\(3\) water by an artificial barrier that would otherwise allow for a direct hydrologic surface connection in a typical year through a culvert, pump, or similar artificial feature.](#)

[The Drain \(982 linear feet onsite\) does not meet the definition of tributary per 33 CFR 328.3 because it does not contribute surface water flow to an \(a\)\(1\) water directly or through an \(a\)\(2\), \(3\), or \(4\) water. The drain flows into an non-adjacent wetland that has no known outlet or connection to an \(a\)\(1\)-\(a\)\(3\) water.](#)