



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): 28-AUG-2020

ORM Number: LRE-2020-01746-102-J20

Associated JDs: N/A

Review Area Location¹: 10-acre property at 4511 Carroll Road

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

Center Coordinates of Review Area: Latitude 41.188687 Longitude -85.200949

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
NACS, Section IA	982 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Benward Branch Drain, Section IA as described in the Wetland Delineation Report, flows along the northern boundary of the review area in a southwest direction and continues offsite to the west. The stream is mapped on the United States Geological Survey's (USGS) National Hydrography Dataset (NHD) as a perennial canal/ditch. The United States Fish and Wildlife Survey's National Wetland Inventory (NWI) maps Benward Branch Drain as an R5 Unknown Perennial stream feature and the NRCS Web Soil Survey for Allen County maps the resource as a stream feature. Satellite aerial imagery sourced from the Allen

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 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.

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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			County iMap GIS Engineering Viewer (dated 1938-2018) depict the stream exhibiting perennial flow. Review of the 1908 Soil Survey of Allen County, the 1957 USGS Topographic map, and the 1963 USGS Topographic map, indicates the presence of unnamed stream in the location of today's Benward Branch Drain. See Section III.C. for additional details regarding flow path.
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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
NACS, Section IB	0.72 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland Section IB, as described in the Wetland Delineation Report, directly abuts Benward Branch Drain ((a)(2) water) along its south bank as it flows southwest through the review area.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
NACS, Section II	0.45 acres	(b)(1) Non-adjacent wetland	Wetland Section II, as described in the Wetland Delineation Report, is an emergent wetland approximately .45 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 II, 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 II 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 Northwest Allen County Schools Carroll Athletic Fields”*, prepared by Earth Source, Inc., dated July 21, 2020.

This information is sufficient for purposes of this AJD.

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Rationale: *N/A*

Data sheets prepared by the Corps: *N/A*

- Photographs: *Wetland Delineation Report, Appendix B, "Site Photographs", dated July 16, 2020; Site Inspection Photographs, dated August 13, 2020.*
- Corps Site visit(s) conducted on: *Site Inspection Report in Case File, August 13, 2020.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Wetland Delineation Report, Delineation Graphics, Attachment N4, "Allen County Soil Survey Map".*
- USFWS NWI maps: *Wetland Delineation Report, Delineation Graphics, Attachment N3, "National Wetland Inventory Map".*
- USGS topographic maps: *1:24,000, IN-Huntertown, 1957, 1963.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset, Accessed August 17, 2020. USGS Earth Explorer, Aerial Imagery March 02, 2011.
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, Accessed August 17, 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). An additional aerial photograph, dated March 02, 2011, was also used to assess typical year criteria. The typical year analysis used the rule recommended periodic range of the three, 30 day periods preceding the observation date. Both APT reports run for the site were 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. Water was observed flowing within the channel 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. In analyzing the March 02, 2011, aerial photograph, water was observed in the channel and the APT indicated that precipitation was normal and that March is considered the wet season. The PDSI indicates temperature and precipitation where relatively normal when compared to the monthly average. See APT readouts attached.

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- C. Additional comments to support AJD:** Benward Branch Drain appears as an unnamed stream on the 1908 U.S. Department of Agriculture, Bureau of Soils map referenced above. Additionally, the drain appears on two 1:24,000 U.S. Geological Survey Topographic maps, dated 1953 and 1964, and is depicted on both maps as an unnamed blue line stream. When compared with the 1908 USDA soil map, the channel does appear to have been altered from what is depicted on the 1953 and 1964 USGS topographic maps, however, all three suggest the present day Benward Branch Drain was a stream and not constructed/excavated to convey water. Therefore, Benward Branch Drain is a perennial stream that exhibits an Ordinary High Water Mark (OHWM) and a defined bed and bank. The Benward Branch Drain flows approximately 1.85 miles west to its confluence with the Benward Ditch. The Benward Ditch ((a)(2) water) flows approximately 1.23 miles north to its confluence with the Eel River. The Eel River is a perennial tributary ((a)(2) water) of the Wabash River (TNW). Benward Branch Drain is a perennial stream feature within the tributary system of the Wabash River and is considered a water of the United States. Wetland Section IB, as described in the Report, directly abuts Benward Branch Drain ((a)(2) water) which flows indirectly into a TNW (Wabash River) and is a water of the United States.

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