



**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): 10/16/2020
 ORM Number: LRE-2020-01748-102-J20
 Associated JDs: NA
 Review Area Location¹: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.051813 Longitude -85.069836

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: NA
- 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
Wetland A, excluded water (b)(1)	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is considered a physically remote wetland which does not abut an (a)(1)-(a)(3) water. Further, Wetland A is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Also, a natural berm, bank, dune or similar natural feature is not present onsite which would otherwise facilitate adjacency to an (a)(1)-(a)(3) water. Wetland A does not contain a direct hydrologic surface connection through an artificial dike, barrier or similar artificial structure to an (a)(1)-(a)(3) water in a typical year. Therefore, Wetland A meets the definition of an exclusion per 33 CFR 328.3 (b) (1).

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: [Delineation provided by nulventa on behalf of Precision Fort Wayne LLC at 5402 Moeller Road, Fort Wayne \(Allen County\)](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

- Data sheets prepared by the Corps: [NA](#)
- Photographs: [Other: Delineation report provided by nulventa which includes site photos and aerial imagery.](#)
- Corps site visit(s) conducted on: [NA](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NA](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Web Soil Survey](#)
- USFWS NWI maps: [USFWS online wetland mapper](#)
- USGS topographic maps: [Fort Wayne East](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD maps
USDA Sources	NRCS web soil survey
NOAA Sources	N/A.
USACE Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
Other Sources	Delineation completed by nuInventa on July 7, 2020
Other Sources	Digital Globe 2020 aerial imagery, Indiana 2018 Ortho Imagery

B. Typical year assessment(s): NA

C. Additional comments to support AJD: Based upon information gathered from the delineation report, photographic log provided by nuInventa, discussions with the consultant and review of the applicable resource maps for the project area to include: Digital Globe Imagery dated April 16, 2020, 2018, Indiana Ortho Imagery, USGS Topo Map (Fort Wayne East quad), NRCS Web Soil Survey and USGS NHD map, it was determined that the review area did not contain a jurisdictional tributary within the subject site. The closest mapped tributary (Paul Trier Ditch) was noted to be approximately 0.45 miles from the review area southeast of the subject wetland. Further, the July 7, 2020 delineation report by nuInventa substantiated that the subject site contains no (a)(2) waters. As noted in Section II D above, the site does contain one excluded feature/wetland (Wetland A), which did not meet the adjacent wetland definition and therefore was deemed to be excluded per 33 CFR 328.3 (b) (1).