



**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): 11/13/2020
 ORM Number: LRE-2020-01802-143-A20
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Warsaw County/Parish/Borough: Kosciusko
 Center Coordinates of Review Area: Latitude 41.24005 Longitude -85.86527

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
Wetland A	10.32	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland A abuts Walnut Creek, a tributary, and therefore meets the definition of an adjacent wetland. See Section III.C.

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 B	0.28	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is physically separated from Walnut Creek by upland and it does not appear to be inundated by floodwater from the tributary in a typical year. See Section III.C.
Wetland C	0.12	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is physically separated from Walnut Creek by upland and it does not appear to be inundated by floodwater from the tributary in a typical year. 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, 201 S. Union Street, Warsaw, Kosciusko County, Indiana. Project Number 201032. Prepared for G&G Hauling and Excavating, Inc., 115 N. Columbia Street, Warsaw, Indiana 46580. Prepared by nuInventa. Dated July 27, 2020, revised October 1, 2020, with additional information submitted November 11, 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: Delineation photos dated July 16, 2020. Corps site inspection photos dated September 25, 2020. Google Earth Aerial Images dated 4/1998, 9/2003, 3/2005, 9/2005, 7/2006, 8/2007, 10/2008, 8/2010, 8/2013, and 10/2016.](#)

Corps site visit(s) conducted on: [September 25, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Hydric Rating by Map Unit – Kosciusko County, Web Soil Survey](#)

USFWS NWI maps: [Online Wetlands Mapper](#)

USGS topographic maps: [Warsaw, Indiana Quadrangle](#)

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	Portal GIS Viewer
State/Local/Tribal Sources	DNR Floodway maps
Other Sources	Kosciusko County Surveyor notes dated 1882, Kosciusko County regulated drain maps, Wayne Township plat maps dated 1879 and 1914.

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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B. Typical year assessment(s): *N/A*

C. Additional comments to support AJD: Wetland A continues offsite and abuts Walnut Creek, a tributary, therefore meeting the definition of an adjacent wetland per 33 CFR Part 328. Walnut Creek is a perennial stream that is recorded in county surveyor notes dating back to 1882. Walnut Creek is depicted with a solid blue line on the USGS Topographic Map, indicating perennial flow. Aerial photos show consistent surface water in the channel, also indicating perennial flow. Walnut Creek contributes surface water flow to the Tippecanoe River, meeting the definition of a tributary per 33 CFR Part 328. Wetland B and Wetland C are separate and distinct from Wetland A. Wetland B and Wetland C are separated from Walnut Creek and Wetland A by upland. As observed at the September 25, 2020 site inspection, Wetland B and Wetland C do not abut an (a)(1)-(a)(3) water and are also not inundated by flooding from an (a)(1)-(a)(3) water. Wetland B and Wetland C 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. No floodwater inundation of Wetland B and Wetland C was observed in aerial photos. Therefore, Wetland B and Wetland C do not meet the definition of adjacent wetlands per 33 CFR Part 328.