



**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): 1/8/2021  
 ORM Number: LRE-1998-1170040-A20  
 Associated JDs: LRE-1998-1170040-A14  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Auburn County/Parish/Borough: DeKalb  
 Center Coordinates of Review Area: Latitude 41.38817 Longitude -85.03163

**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 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.

<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 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland A	0.32	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is a forested wetland situated in a kettle-like depression with no observable hydrologic connection to an (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.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, Bridgewater East, Auburn, DeKalb County, Indiana. Project Number 201036. Prepared for: Miller Land Surveying, Inc., 221 Tower Drive, PO Box 34, Monroe, Indiana 46772. Prepared by: nuInventa, 111 W. Berry Street, Suite 211, Fort Wayne, Indiana 46802. August 13, 2020.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Revisions to initial delineation required. Requested revisions based upon field observations at the October 23, 2020 site inspection with the consultant.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth Aerial Images dated: 4/1998, 9/2003, 3/2005, 9/2005, 7/2006, 8/2007, 10/2008, 8/2010, 5/2011, 3/2014, 4/2016, 10/2017, and 7/2018. Wetland Delineation Photographs dated August 3, 2020.](#)
- Corps site visit(s) conducted on: [October 23, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRE-1998-1170040-A14, March 9, 2015](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Soil Map and Hydric Rating by Map Unit, DeKalb County – Indiana, Web Soil Survey.](#)
- USFWS NWI maps: [USFWS Online Wetlands Mapper](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**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	<a href="#">Corps inspection reports for December 10, 2014 and October 23, 2020.</a>
State/Local/Tribal Sources	<a href="#">Beacon, DeKalb County, IN contour map</a>
Other Sources	<a href="#">FEMA National Flood Hazard maps.</a>

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

<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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**C. Additional comments to support AJD:** Wetland A, a 0.32 acre forested wetland, is situated within a kettle-like depression in the landscape. In 2015, this wetland (formerly delineated as Section III) was determined to be an isolated wetland per the 1986 Regulations and related guidance, as there was no hydrologic connection to a downstream water observed at the December 10, 2014 Corps inspection or documented in the November 23, 2014 Wetland Delineation Report.

Wetland A does not meet the definition of an adjacent wetland to an (A)(1)-(A)(3). Wetland A does not abut Cedar Creek, the nearest (A)(1)-(A)(3) water. A review of aerial photos in multiple years did not depict Wetland A being inundated by floodwaters from Cedar Creek, in any year. Further, Wetland A is not located within the mapped floodplain of Cedar Creek. Wetland A is physically separated from Cedar Creek in the landscape by upland forest and upland agricultural ground. The degree of separation of Wetland A from Cedar Creek is greater than by only a natural feature such as a dune or stream bank. Wetland A does not have a hydrologic surface connection to Cedar Creek via an artificial structure or barrier. Because there is no hydrologic connection between Wetland A and an (A)(1)-(A)(3) water, it does not meet the definition of an adjacent wetland and is therefore considered an excluded water.