



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): 03-FEB-2021  
ORM Number: LRE-2005-1020000-J20  
Associated JDs: LRE-2005-102-000-0  
Review Area Location<sup>1</sup>: 2.127 Acre parcel at Dupont Lakes Drive  
State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen County  
Center Coordinates of Review Area: Latitude 41.177129 Longitude -85.099566

**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 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.

<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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**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
Gerber Collision, Wetland A	0.8 acres	(b)(1) Non-adjacent wetland	Wetland A, as described in the Wetland Delineation Report, is an emergent wetland approximately .80 acres in size. Based on the site inspection, review of the applicable USGS Topographic maps, aerial imagery, and county drainage maps, the geographic location of Wetland A, in relation to the nearest tributary (approximately .4 miles to the south of the review area), 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. The nearest FEMA mapped AE flood zone (1% annual chance of flooding) is approximately .82 miles east of the review area, indicating the geographic location of Wetland A precludes inundation 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 – 2.127 Acres, Dupont Lakes Drive”*, prepared by Three Rivers Wetland Consulting, LLC., dated January 06, 2021.

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

Rationale: *N/A*

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

**XX** Photographs: *Wetland Delineation Report, Appendix B, “Site Photographs”, dated December 23, 2020; Site Inspection Photographs, dated January 13, 2021*

**XX** Corps Site visit(s) conducted on: *Site Inspection Report in Case File, January 13, 2021.*

**XX** Previous Jurisdictional Determinations (AJDs or PJDs): *LRE-2005-102-000-0, August 07, 2006.*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

**XX** USDA NRCS Soil Survey: *Wetland Delineation Report, Appendix I, “Report Graphics”, Figure 2, Allen County Soil Survey Map.*

**XX** USFWS NWI maps: *Wetland Delineation Report, Appendix I, “Report Graphics”, Figure 3, National Wetlands Inventory Map.*

**XX** USGS topographic maps: *1:24,000, IN-Cedarville.*

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**Other data sources used to aid in this determination:**

<b>Data Source (select)</b>	<b>Name and/or date and other relevant information</b>
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Allen County iMap GIS Engineering Viewer, Historical Aerial Imagery, Floodplains, Accessed January 14, 2021.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A.
- C. Additional comments to support AJD:** N/A.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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