



**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): 5/3/2021
 ORM Number: LRE-2008-00895-102-J20
 Associated JDs: LRE-2008-00895-102
 Review Area Location¹: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.113308 Longitude -85.018461

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
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
Section I	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Section I encompasses a part of Maysville Landing Drain No. 3, which has been determined to be an excluded water (b)(5). See Section III.C below.
Section IA	0.009	acre(s)	(b)(1) Non-adjacent wetland.	Section IA is not hydrologically connected to a (a)(1) – (a)(3) water. See Section III.C below
Section II	0.88	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Stormwater detention basin constructed in upland for residential development. Review of the relevant resources maps and historical aerials do not indicate that the feature was excavated out jurisdictional water. Historical aerials 1938, 1986, 2003, 2008, and 2009 show the area being in agricultural use prior to construction. The soil survey does show the presence of hydric soils, no potential wetland signatures were observed in any of the historical aerials used in the location of the feature.
Section III	0.10	acre(s)	(b)(1) Non-adjacent wetland.	Section III is not hydrologically connected to an (a)(1) – (a)(3) water. See Section III.C below
Section IV	3.43	acre(s)	(b)(1) Non-adjacent wetland.	Section IV is not hydrologically connected to an (a)(1) – (a)(3) water. See Section III.C below.
Section V	3.19	acre(s)	(b)(1) Non-adjacent wetland.	Determined to be an isolated wetland per the 1986 Regs and SWANCC & Rapanos Guidance in Approved JD LRE-2008-00895-102. See Section III.C below
Maysville Drain No. 3	Approx. 500	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	This ditch was constructed to convey water from a residential development into a stormwater detention basin (Section II). This drain is a constructed channel used to convey water (channelized ditch) and is not a naturally occurring tributary or a relocated tributary as determined by a review of resource mapping, the wetland delineation report, and historical aerial photographs.

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 - Maysville Pointe, prepared by Earth Source, Inc., December 22, 2020](#)

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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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: Historical, from Allen County iMap, years: 1938, 1986, 2003, 2008, and 2009](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRE-2008-00895-102](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey](#)
- USFWS NWI maps: [Online Wetlands Mapper](#)
- USGS topographic maps: [1:24K; 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	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Allen County GIS iMap

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

C. Additional comments to support AJD:

The geographic location of wetlands identified as Section IA, III, IV, and V in relation to the closest tributary does not meet wetland adjacency criteria since the wetlands do not abut an (a)(1)-(a)(3) water and are not physically separated by a natural feature from an (a)(1) - (a)(3) water. The identified wetlands are also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on review of relevant resources and the delineation report. The identified wetlands are not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. No evidence was observed during the review of applicable resource maps that indicate inundation by flooding. The closest tributary located approximately 0.6 miles east and Sections IA, III, IV, and V are located outside of the mapped floodplain for this tributary which precludes inundation by flooding.

Maysville Landing Drain No. 3 and Section I: Maysville Drain No. 3 was not constructed in or relocated an existing tributary. No signature is evident that resembled a potential tributary in the location of the Maysville Drain from review of historical aerials from 1938, 1986, 2003, 2008, and 2009. Prior to the construction of the drain, the area was in agricultural use. The drain was excavated out of mapped hydric soil, however no potential wetland signatures were observed in any of the historical aerials were the drain is located to support that the drain was excavated out of a wetland that was adjacent to an (a)(1)-(a)(3) water at the time of construction. Wetland identified as Section I does abut the Maysville Landing Drain, however the drain does not meet the definition of a tributary found in 33 CFR 328 and thus Section I is an excluded feature.

Section I, Section IA, Section II, Section III, Section IV, Section V and Maysville Drain. No 3 have been determined to be excluded, non-jurisdictional waters as described above.



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