



**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): 8/11/2021

ORM Number: LRE-2016-00348-176-A21

Associated JDs: LRE-2016-00348-176-R17

Review Area Location<sup>1</sup>: State/Territory: Indiana City: near Ashley County/Parish/Borough: Steuben

Center Coordinates of Review Area: Latitude 41.5327 Longitude -85.0485

**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
Section I	0.99 acre(s)	(b)(1) Non-adjacent wetland.	Wetland Section I is located within a topographical depression and is bounded by upland farm ground that currently planted with corn. No potential surface hydrologic connection was observed between Wetland Section I and an (a)(1), (a)(2), or (a)(3) water during the site inspection. The wetland does not abut David Mills Regulated Drain or Johnson Ditch. Based on the site inspection and a review of applicable data and resource maps, the wetland is not inundated by flooding from David Mills Regulated Drain or Johnson Ditch. Section I is not physically separated from a jurisdictional water by only a natural feature or artificial structure as confirmed by site inspection. Wetland Section I is geographically separated from the nearest a(1), (a)(2), or (a)(3) waters by upland.
Section II	3.90 acre(s)	(b)(1) Non-adjacent wetland.	Wetland Section II is located within an agricultural field; the surrounding land is currently planted with corn and does not support a dominance of wetland vegetation. No potential surface hydrologic connection was observed between Wetland Section II and an (a)(1), (a)(2), or (a)(3) water during the site inspection. The wetland does not abut David Mills Regulated Drain or Johnson Ditch. Based on the site inspection and a review of applicable data and resource maps, the wetland is not inundated by flooding from David Mills Regulated Drain or Johnson Ditch. Section II is not physically separated from a jurisdictional water by only a natural feature or artificial structure as confirmed by site inspection. Wetland Section II is geographically separated from the nearest a(1), (a)(2), or (a)(3) waters by upland..

**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.

<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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Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, Brightmark II, dated April 30, 2021. Prepared for: JICI, Inc., 319 Pokagon Trail, Suite A, Angola, Indiana 46703. Prepared by: Earth Source, Inc., 14921 Hand Road, Fort Wayne, IN 46818. Revised June 17, 2021.](#)

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

Rationale: [Corps site inspection and review of applicable resource maps required. Revisions to delineation required; revised June 17, 2021.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth aerials 9/2020 and 4/2017; Beacon Schneider Corp 2019 aerials, Steuben County; delineation ground photos dated April 19, 2021.](#)
- Corps site visit(s) conducted on: [June 17, 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRE-2016-00348-176-R17; PJD dated October 16, 2017](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey. Hydric rating by map unit – Steuben County. Accessed February 26, 2021.](#)
- USFWS NWI maps: [USFWS National Wetlands Inventory website](#)
- USGS topographic maps: [Ashley, Indiana Quadrangle](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">National Hydrography Dataset</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">Steuben County regulated drain maps</a>
<a href="#">Other Sources</a>	<a href="#">FEMA FIRM panels 18151C0245E and 18033C0043E</a>

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

**C. Additional comments to support AJD:** [N/A](#)