



**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): 8/16/2021
 ORM Number: LRE-2019-00469-102-J21
 Associated JDs: LRE-2019-00469-102
 Review Area Location¹: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.06497 Longitude -85.30625

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
- 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 | 520 | 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). | Review of the USGS topo map, soil survey, and NHD do not indicate that a feature meeting the definition of a tributary, where Section I is located. The resource maps do not indicate that Section I was constructed in or relocated an existing tributary. The maps also do not indicate that Section I was excavated out of an adjacent wetland. The 2018 aerial indicates an ephemeral drainage swale that conveys water from Section IV to the detention basin on the west side of West Hamilton Road after precipitation events. During the 2019 site inspection no water was observed within the channel and it appeared to only be an overflow channel from the larger wetland (Section IV) during precipitation events. |
| Section II | 0.39 | acre(s) | (b)(1) Non-adjacent wetland. | Section II, is described in the Wetland Delineation Report, as a emergent 0.39 acres in size. Based on review of the applicable USGS Topographic maps, aerial imagery, and National Hydrological drainage maps, the geographic location of Section II, in relation to the nearest tributary (approximately 0.41 miles to the north of the review area), does not meet wetland adjacency criteria. Based upon a previous 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 0.28 miles north of the review area, indicating the geographic location of Section II precludes inundation by floodwater in a typical year from a (a)(1) – (a)(3) water. |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|-----------------|------------------------------|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| Section IV | 0.92 acre(s) | (b)(1) Non-adjacent wetland. | Section IV, is described in the Wetland Delineation Report, as a emergent 0.92 acres in size. Based review of the applicable USGS Topographic maps, aerial imagery, and National Hydrological drainage maps, the geographic location of Section IV, in relation to the nearest tributary (approximately 0.42 miles to the north of the review area), does not meet wetland adjacency criteria. Based upon a previous 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 0.29 miles east of the review area, indicating the geographic location of Section IV 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.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report dated 5/24/19 completed by Earth Source, Inc. with revised report dated 7/9/19.](#)

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: Site photos by consultant \(5/24/2019 and 6/28/19\); \(Google Earth, see delineation report\); 2018 Indiana Ortho, 2005 Indiana Ortho](#)

Corps site visit(s) conducted on: [June 26, 2019](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

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

USDA NRCS Soil Survey: [Web Soil Survey, Allen County \(see delineation report\)](#)

USFWS NWI maps: [NWI wetlands mapper \(see delineation report\)](#)

USGS topographic maps: [7.5 minute, Fort Wayne West quad \(see delineation report\)](#)

Other data sources used to aid in this determination:



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| 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 | N/A. |

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

C. Additional comments to support AJD: N/A