



**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): 2/3/2021

ORM Number: LRE-2020-02228-192

Associated JDs: N/A

Review Area Location¹: State/Territory: Indiana City: Columbia City County/Parish/Borough: Whitley

Center Coordinates of Review Area: Latitude 41.096879 Longitude -85.509594

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 Wetland	1.07 acre	N/A.	(b)(1) Non-adjacent wetland.	An emergent/scrub-shrub wetland located within a depression in the landscape and surrounded by uplands. See Section III.C
Section II Wetland	0.52 acre	N/A.	(b)(1) Non-adjacent wetland.	A forested wetland located within a depression in the landscape and surrounded by uplands. See Section III.C

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: [Delineation report submitted on behalf of the applicant by Earth Source, Inc., titled Williams Property, September 2020, Kristina Williams, 4477 South Washington Road, Columbia City, IN 46725](#)

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: Google Earth 2019, delineation report photos September 9, 2020](#)
- Corps site visit(s) conducted on: [December 9, 2020](#)
- 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, Whitley County, IN](#)
- USFWS NWI maps: [Wetland Mapper, Whitley County, IN](#)
- USGS topographic maps: [1:24K South Whitley East Quadrangle](#)

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.
FEMA/FIRM maps	Detroit District GIS Portal Regulatory Viewer, FIRM Panel 18085CO25D

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

C. Additional comments to support AJD: [The emergent and scrub-shrub wetland labeled Section I \(1.07 acres\) on the attached report extends off site to the north. It is surrounded by forested upland slopes to the](#)

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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south, east and west. The forested wetland labeled Section II (0.52 acres) on the attached report is located within a depression on the landscape and is surrounded by upland forest to the west, north and east and agricultural land to the south. Based on review of applicable resources and a site visit, the geographic location of Section I and Section II wetlands in relation to the closest waterway (Stony Creek) 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. Based on site review, it has been determined that Section I and Section II wetlands are also not physically separated from a (a)(1)-(a)(3) water by an artificial structure, dike barrier, etc. that has a direct hydrologic connection in a typical year. Section 1 and Section II wetlands are not inundated by flood water in a typical year from an (a)(1)-(a)(3) water. The wetland is located approximately 0.5 miles from Stony Creek (closest water/tributary) and is outside of the mapped floodzone and is located in a floodzone mapped Zone X (Area of Minimal Flood Hazard), which supports that Section 1 and Section II wetlands would not be subject to inundation by flooding in a typical year.