



**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): 2/4/2021

ORM Number: LRE-2020-02547-102-J20

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen

Center Coordinates of Review Area: Latitude 41.04794 Longitude -85.253538

**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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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	0.02	N/A.	(b)(1) Non-adjacent wetland.	The emergent wetland is located within an open field area. See Section III.C for additional details.
Pond	2.40	N/A.	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	An excavated private pond used for recreational purposes. See Section III.C for additional details.

**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 McDevitt Property, October 2020](#)  
This information **Select.** sufficient for purposes of this AJD.  
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth 1957, 1964, 2019, delineation report photos, October 21, 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, Allen County, IN](#)
- USFWS NWI maps: [Wetland Mapper, Allen County, IN](#)
- USGS topographic maps: [1:24K Arcola 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="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">Daily Global Historical Climatology Network, Antecedent Precipitation vs Normal Range</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
Other Sources	N/A

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

**C. Additional comments to support AJD:** The emergent wetland labeled Section I (0.02 acres) on the attached report is located within an open field with forest to the north and west, open field to the south and open field and highway to the east. Based on review of applicable resources and a site visit, the geographic location of Section I wetland in relation to the closest waterway (Graham McCulloch ditch) does not meet wetland adjacency criteria since the wetland does not abut an (a)(1)-(a)(3) water and is 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 wetland is 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 wetland is not inundated by flood water in a typical year from an (a)(1)-(a)(3) water. The wetland is located approximately 1.4 miles from the Graham McCulloch Ditch (closest water/tributary) and is outside of the mapped floodzone, which supports that Section 1 wetland would not be subject to inundation by flooding in a typical year.

The area labeled Pond (2.40 acres) on the attached report was excavated for recreational purposes in non-hydric soils. According to aerial imagery, the pond was excavated between 1957 and 1964. Based on review of applicable materials, the Pond is not inundated by flood water in a typical year from an (a)(1)-(a)(3) water. The pond meets the (b)(8) exclusion, an artificial lake/pond constructed or excavated in upland or a non-jurisdictional water. Based on 1957, 1964 and 2019 aeriels a feature potentially meeting the definition of a tributary was not observed, thus the pond is not an impoundment of a jurisdictional water meeting conditions of paragraph (c)(6).