



**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): 6/28/2021
 ORM Number: LRE-2020-02765-102-A20
 Associated JDs: LRE-2017-00034-102-A17, LRE-2015-01004-102
 Review Area Location¹: State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen
 Center Coordinates of Review Area: Latitude 41.172155 Longitude -85.238113

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
Section II, Fry-Sovine Drain	544 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Section II, the Fry-Sovine Drain, is excavated through and directly abuts wetland Section I, an (a)(4) adjacent wetland. A perennial tributary, the Fry-Sovine Drain (Section II) contributes surface water to the Wabash River, a Section 10 TNW ((a)(1) water), in a typical year.

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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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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Section I	12.86	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland Section I is part of a large wetland complex that abuts the Lamle Main Drain, a perennial tributary of the Wabash River, a Section 10 TNW. Wetland Section I also abuts the Fry-Sovine Drain (Section II), which was excavated through Wetland Section I. The Fry-Sovine Drain (Section II) is a perennial tributary that contributes surface water to the Wabash River, a Section 10 TNW ((a)(1) water), in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

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, 9929 Johnson Road, Fort Wayne, IN. Prepared for: 9929 Johnson Road, LLC, PO Box 803493, Chicago, IL 60680. Prepared by: Earth Source, Inc., dated December 10, 2020.](#)

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

Rationale: A site inspection was required for AJD purposes and was conducted on May 12, 2021. The delineation schematic was revised by the consultant on May 12, 2021 to indicate that wetlands continue beyond the limits of the review area.

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial and Other: Delineation ground photos taken 11/12/2020. Ground photos taken at the May 12, 2021 site inspection. Historical Aerial Photos Allen County GIS dated 1938, 1957, 1964, 1972, 1986, 1995, 1999, 2003, 2006, 2008, 2009, 2012, and 2015. Google Earth Images 4/1998, 4/2002, 9/2003, 3/2005, 9/2005, 7/2006, 8/2007, 10/2008, 8/2010, 5/2011, 3/2014, 4/2016, 10/2017, and 7/2018.
- Corps site visit(s) conducted on: [May 12, 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRE-2015-01004-102, June 9, 2016: PJD for wetlands to the south of the subject review area within the overall large wetland complex adjacent to the Lamle Main Drain. LRE-2017-00034-102-A17: PJD for Sutorious Drain northwest of the subject review area; the Lamle Main Drain and the Fry-Sovine Drain join to form Sutorious Drain.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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- USDA NRCS Soil Survey: [Hydric Rating by Map Unit – Allen County, Indiana. Web Soil Survey.](#)
- USFWS NWI maps: [Online Wetlands Mapper](#)
- USGS topographic maps: [All 1:24K Indiana Quad maps; Huntertown 1963, Churubusco 1965, Columbia City 1965, Laud 1961, South Whitley East 1962, South Whitley West 1962, North Manchester North 1962, North Manchester South 1961, Roann 1961, Richvalley 1981, Peru 1960, Twelve Mile 1963, Logansport 1972, and Anoka 1972.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset
USDA Sources	Bureau of Soils, 1908 Soil Map, Allen County, Indiana
NOAA Sources	Daily Global Historical Climatology Network
USACE Sources	Portal GIS Viewer; ORM; Antecedent Precipitation Tool (APT)
State/Local/Tribal Sources	Allen County Indiana GIS Engineering Viewer; Indiana Map; 1907 Plat Map of Lake Township; 1875 Allen County Map
Other Sources	Indiana Department of Natural Resources Geological Survey Bulletin 42-0 "Peat Resources of Indiana"

B. Typical year assessment(s): The Corps' Antecedent Precipitation Tool Version 1.0 (APT) was used to evaluate precipitation normalcy at the time of the wetland delineation and subsequent site inspection, when flowing surface water was observed in the perennial Fry-Sovine Drain. The APT pulls precipitation data from NOAA's Daily Global Historical Climatology Network within 30 miles of the review area location. The APT evaluates precipitation conditions for the given location based upon the range of normal rainfall conditions that occurred during the 30-years preceding the observation date. Using local precipitation data, the APT calculates whether climatological conditions were "normal," "wetter than normal," or "drier than normal" at the observation date. The APT also displays results generated via the Palmer Drought Severity Index (PDSI) and the University of Delaware WebWIMP.

Flowing surface water was observed in the Fry-Sovine Drain during the November 12, 2020 delineation of the review area. The APT results indicated that there were normal climatic conditions at the time of the delineation. The APT also indicated that the delineation was conducted during the wet season, however there was a mild drought at the time, according to the PDSI.

Flowing surface water was observed in the Fry-Sovine Drain at the May 12, 2021 site inspection. The APT results indicated that there were normal climatic conditions at the time of inspection. The APT also indicated that the inspection was conducted during the wet season, however according to the PDSI there was a moderate drought at the time.

The above APT results support the NWI map designation of the Fry-Sovine Drain as a perennial tributary, as surface water was flowing in the tributary during mild and moderate drought conditions.

C. Additional comments to support AJD: The 20 acre review area includes only a portion of a large wetland complex that abuts an off-site perennial tributary labeled as the Lamle Main Drain on Allen County Legal Drain maps. A portion of the wetland complex to the west of the subject review area is an active peat mine. This area is listed in the State of Indiana Department of Natural Resources Geological Survey Bulletin 42-0, "Peat Resources of Indiana." The Lamle Main Drain is depicted as a stream in the 1907 Plat



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Map of Lake Township and also on the 1908 Soil Map of Allen County. An 1875 Allen County map also depicts a tributary and lake in proximity of the review area. The National Wetland Inventory Map (NWI) labels the tributary as perennial. According to the Allen County regulated drain maps, the Lamle Main Drain becomes the Sutorious Drain (labeled Sutorious Ditch on the USGS Topo) after joining the Fry-Sovine Drain (labeled Section II in the wetland delineation report). Flowing surface water was observed in Sutorious Drain on May 12, 2021. Additionally, flowing surface water was documented in the Sutorious Drain on February 9, 2017, during a field review of the tributary for an unrelated drain maintenance project (File number LRE-2017-00034-102-A17). The Allen County regulated drain map and USGS Topographic maps show that the Sutorious Drain flows to the James T. Johnson Drain (labeled Johnson Ditch on the USGS Topo), which outlets into the Eel River. The Eel River is also labeled the Geller Drain on the Allen County regulated drain maps. Sutorious Ditch, Johnson Ditch, and the Eel River are all depicted as perennial streams on the USGS Topo map. The Eel River is a tributary of the Wabash River, a Section 10 TNW.

The Fry-Sovine Drain (Section II) was excavated out of and directly abuts Wetland Section I within the review area and off-site. The perennial tributary exhibits a defined bed and bank with an Ordinary High Water Mark. The Fry-Sovine Drain (Section II) joins the perennial Lamle Main Drain to become the Sutorious Drain (labeled Sutorious Ditch on the USGS Topo). The Sutorious Drain follows the flow-path described in the above paragraph to ultimately flow to the Wabash River, a Section 10 TNW. The perennial Fry-Sovine Drain (Section II) is an (a)(2) tributary that contributes surface water flow to an (a)(1) water in a typical year