



**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): 3/26/2021

ORM Number: LRE-2020-02837-150-A20

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 41.335331 Longitude -86.386933

**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
Wetland 1	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is situated within a depression in the landscape located over 0.3 miles away from a potential jurisdictional water and has no known hydrologic connection to an (a)(1)-(a)(3) water. See Section III.C for details.
Wetland 2	0.47	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is situated within a depression in the landscape located over 0.3 miles away from a potential jurisdictional water and has no known hydrologic connection to an (a)(1)-(a)(3) water. See Section III.C for 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: [Wetland Delineation Report, Conley Property, Plymouth, Indiana dated February 18, 2021. Prepared by Soil Solutions, Inc.](#)

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

Rationale: [Review of additional data, maps, and aerial photography required for determination.](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Beacon 2018 and 2019 aerials. Google Earth Aerials 4/1998, 7/2003, 3/2005, 6/2005, 7/2006, 9/2009, 7/2007, 6/2008, 6/2010, 8/2013, and 10/2016. Delineation ground photos dated January 14, 2021.](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [\*provide detailed discussion in Section III.B.\*](#)
- USDA NRCS Soil Survey: [Hydric Rating by Map Unit, Marshall County. Web Soil Survey accessed March 25, 2021.](#)
- USFWS NWI maps: [Online Wetlands Mapper accessed December 22, 2020.](#)
- USGS topographic maps: [1:24K, Donaldson, Ind. 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="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">Detroit District Regulatory Viewer</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">Marshall County Regulated Tile Drain maps</a>
<a href="#">Other Sources</a>	<a href="#">FEMA National Flood Hazard maps</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.



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

**C. Additional comments to support AJD:** Wetland 1 (0.13 acres) and Wetland 2 (0.47 acres) are forested wetlands situated within a depression in the landscape. Aerial photos and resource maps show that the wetlands are located over 0.3 miles away from the nearest potential water of the United States. Aerial photos show the landscape between the wetlands and the nearest potential jurisdictional water consist of upland agricultural fields and residential areas. The wetlands are located over 0.4 miles away from the closest FEMA mapped flood hazard zone and because of this distance are not subject to inundation in a typical year. Further, no inundation by flooding, or other potential surface hydrologic connection between the wetlands and a jurisdictional water are visible in aerial photos. Based on a review of aerial photos, resource maps, and the February 18, 2021 Wetland Delineation Report, there is no known hydrologic surface connection, either natural or artificial, between the wetlands and a water of the United States. The geographic location of the wetlands in relation to the closest potential jurisdictional water does not meet wetland adjacency criteria because the wetlands do not abut and are not physically separated by a natural feature from an (a)(1) - (a)(3), nor are the wetlands physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection in a typical year. Therefore, Wetland 1 and Wetland 2 are not considered adjacent wetlands and are excluded (b)(1) waters.