



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): 24-JUN-2021
ORM Number: LRE-2021-00464-102-J21
Associated JDs: N/A
Review Area Location¹: 4300 Oxford Street
State/Territory: Indiana City: Fort Wayne County/Parish/Borough: Allen County
Center Coordinates of Review Area: Latitude 41.050758 Longitude -85.084718

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
Tibble, Stream A	588 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Schaper Drain flows east through the review area and continues offsite in a southern direction. See Section III.C. for additional information.

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):

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 and 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 independent 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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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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Tibble, Swale 1	1056 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 1, as described in the Wetland Delineation Report, is an ephemeral feature approximately 1,056 feet long within the review area. Swale 1 originates immediately south of the north end of the test track and conveys flow south through Wetland B before terminating at Wetland A. See Section III.C. for additional information.
Tibble, Swale 2	301 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 2, as described in the Wetland Delineation Report, is an ephemeral feature approximately 301 feet long within the Review Area. Swale 2 enters the review area from the property to the west and conveys flow south to its confluence with Schaper Drain. See Section III.C. for additional information.
Tibble, Wetland A	0.96 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
Tibble, Wetland B	0.12 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.

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.

XX Information submitted by, or on behalf of, the applicant/consultant: *“Wetland Delineation Report – 4300 Oxford Street”*, prepared by nulnventa, LLC., dated April 07, 2021.

This information is sufficient for purposes of this AJD.

Rationale: *N/A*.

Data sheets prepared by the Corps: *N/A*.

XX Photographs: *Wetland Delineation Report – 4300 Oxford Street, Appendix B, Photographic Log, dated March 19, 2021; Corps Site Inspection photographs, May 14, 2021.*

XX Corps Site visit(s) conducted on: *Site Inspection Report in Case File, May 14, 2021.*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*.

XX Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

XX USDA NRCS Soil Survey: *Wetland Delineation Report – 4300 Oxford Street, Appendix A, Maps, Figure 5, NRCS Soils Map.*

XX USFWS NWI maps: *Wetland Delineation Report – 4300 Oxford Street, Appendix A, Maps, Figure 4, National Wetlands Inventory Map.*

XX USGS topographic maps: *1:24,000, IN-Fort Wayne East, 1956, 1998.*

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	USGS National Hydrography Dataset, Accessed May 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	U.S. Army Corps of Engineers, Detroit District Regulatory Viewer, Accessed May 2021.
State/Local/Tribal Sources	Allen County iMap GIS Engineering Viewer, Accessed June 2021 and obtained aerial photographs dated; 2003, 2006, 2008, 2009, 2012, 2015, and 2018.
Other Sources	N/A.

B. Typical year assessment(s):

The Antecedent Precipitation Tool (APT) pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of "normal," "wetter than normal," or "drier than normal" based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index (PDSI) and the University of Delaware WebWIMP. Due to data availability, the APT scope was set at single point to ensure the APT had the necessary data.

The APT was run for March 19, 2021, and May 14, 2021, corresponding with the date of the photographs accompanying the wetland delineation report (Report) and Corps site inspection to determine if Schaper Drain meets the definition of an (a)(2) water. APT results for the March 19, 2021, site photographs accompanying the Report indicate the images were taken during a period that is considered the Wet Season per the WebWIMP. Precipitation was considered "drier than normal" when compared to the 30-year average. Water was observed within Schaper Drain in the site photographs accompanying the Report. The presence of flowing water within the stream channel when precipitation is drier than normal and climatic conditions are not normal, substantiates that Schaper Drain has at least intermittent flow. APT results for the May 14, 2021, Corps site inspection indicate the images were taken during a period that is considered the Wet Season per the WebWIMP. Precipitation was considered "Normal" when compared with the 30-year average. The PDSI indicates that "Moderate Drought" conditions were present at the time the May 14, 2021, Corps site inspection. Water was observed flowing within Schaper Drain during the site inspection. The presence of flowing water within the stream channel when precipitation is normal and climatic conditions are not normal, substantiates that Schaper Drain has at least intermittent flow.

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C. Additional comments to support AJD:

Swale 1 and Swale 2, only flow in response to precipitation events. The U.S. Fish and Wildlife Service National Wetland Inventory (NWI), the Natural Resources Conservation Service (NRCS) Web Soil Survey, nor the 1956 and 1998 U.S. Geological Survey (USGS) Topographic maps indicate a stream feature in the vicinity of the either Swale 1 or Swale 2. The NRCS soil map indicates that the swales are located in a soil (Glynwood silt loam) that is predominately non-hydric, which supports that both features were not constructed in a wetland. Water was observed in only portions of Swale 1 and no water was observed within Swale 2 during the May 14, 2021, Corps site inspection. Review of relevant aerial imagery and country drainage maps do not provide evidence that Swale 1 or Swale 2 provide for more than ephemeral flow and flow only in response to precipitation events.

The geographic location of Wetland A and Wetland B, in relation to the nearest tributary, do not meet the definition of an adjacent wetland. This is based upon the Corps' site inspection and review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Report submitted by the requester. Wetlands A and B do not directly abut an (a)(1) – (a)(3) water, and are not physically separated by a natural feature from an (a)(1) – (a)(3) water, nor are they physically separated by an artificial structure, dike, barrier, etc., that has a direct hydrologic connection to a (a)(1) – (a)(3) water in a typical year. Wetlands A and B lie approximately 3,200' north of the nearest Federal Emergency Management Agency (FEMA) mapped AE Flood Zone (1% chance of annual flooding) suggesting Wetlands A and B are not inundated by floodwater in a typical year from and (a)(2) water.

Schaper Drain is an intermittent stream that exhibits an Ordinary High Water Mark (OHWM) and a defined bed and bank. The stream is mapped on the USGS National Hydrography Dataset (NHD) as an intermittent stream/river. The U.S. Fish and Wildlife Survey's NWI maps Schaper Drain as an R4 Intermittent stream feature and the NRCS Web Soil Survey for Allen County maps the resource as a stream feature. Water was observed within the stream channel in satellite aerial imagery sourced from the Allen County iMap GIS Viewer (dated 2003, 2006, 2008, 2009, 2012, 2015, and 2018). Per the APT, the March 19, 2021, photographs accompanying the wetland delineation report were taken during a drier than normal period and in moderate drought conditions. However, water can be observed flowing within the Schaper Drain channel. The presence of observed water flowing under these conditions, provides further evidence to support that flow is intermittent at a minimum. Review of the 1956 and 1998 USGS Topographic maps both depict Schaper Drain as a dashed blue line stream feature, which indicates intermittent flow. Schaper Drain is an intermittent stream that contributes flow to the Maumee River, a TNW ((a)(1) water).

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