



**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): 4/20/2021
 ORM Number: 2021-00476-144-A21
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Plato County/Parish/Borough: LaGrange
 Center Coordinates of Review Area: Latitude 41.601809 Longitude -85.289304

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
Wetland 6	0.3	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland 6 is part of a larger wetland complex that continues off-site and abuts an (a)(2) tributary.

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
Wetland 1	5	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C
Wetland 2	2	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C
Wetland 3	0.5	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C
Wetland 4	0.5	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C
Wetland 5	0.5	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C
Ditch 1	360	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	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: [NRCS Wetland Delineation dated September 1, 2020](#)

This information is 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: Site photos taken March 31, 2021. Aerial photos dated; 1939, 1951, 1965, 1998 DOQ, 2005 Indiana Orthos, and Indiana Orthos 2017 \(East\)](#).

Corps site visit(s) conducted on: [March 31, 2021](#)

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: [NRCS-USDA Soil Survey for LaGrange County](#)

USFWS NWI maps: [USFWS On-Line Wetland Mapper](#)

USGS topographic maps: [1:24000 Wolcottville Quad, 1947 1:24000 Historical Quad and 1959 1:24000 Historical Quad](#).

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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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.
Other Sources	N/A.

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD:

Ditch 1: Ditch 1 is depicted on the 1:24000 Wolcottville USGS Topo map as an intermittent stream and connects to the Unnamed Tributary to Grass Lake. The Unnamed Tributary to Grass Lake is a county regulated drain according to the LaGrange County Drainage Maps. Aerial photos from 1951 and 1965 do indicate the presence of a stream feature in the location of Ditch 1. Ditch is present in a 1998 DOQ photo. In addition, 1:24000 USGS Topo maps from 1959 and 1947 do not indicate the presence of a stream feature on the site. Per the landowner the ditch was excavated in the 1970's. Based on the site visit and review of applicable resource maps Ditch 1 does not meet the definition of a tributary since it was not constructed in or relocated an existing tributary. While Ditch 1 was constructed in a wetland, Wetland 1 does not meet the definition of an adjacent wetland. Further, per the applicable resource maps and confirmed during the site visit, Ditch 1 terminates on the north-west side of Wetland 1 and does not contribute surface water either directly or indirectly to an (a)(1) water.

Wetland 1: The geographic location of Wetland 1 in relation to the closest tributary 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). Wetland 1 is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on site review. Wetland 1 is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. No evidence was observed during the site visit and review of applicable resource maps did not indicate inundation by flooding. The closest tributary located approximately 0.25 miles north does not have a mapped floodplain which further precludes inundation by flooding. Ditch 1 is located within the mapped boundary of Wetland 1, but Ditch 1 does not meet the definition of an (a)(2) Tributary.

Wetland 2: The geographic location of Wetland 2 in relation to the closest tributary 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). Wetland 2 is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on the site review. Wetland 2 is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. No evidence was observed during the site visit and review of applicable resource maps did not indicate inundation by flooding. The closest tributary, located approximately 0.1 miles to the north-west, does not have a mapped floodplain which further precludes inundation by flooding.

Wetland 3: The geographic location of Wetland 3 in relation to the closest tributary 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). Wetland 3 is also not physically separated from an (a)(1) - (a)(3)



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water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on site review. Wetland 3 is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. No evidence was observed during the site visit and review of applicable resource maps did not indicate inundation by flooding. The closest tributary, located approximately 0.15 miles to the north-west, does not have a mapped floodplain which further precludes inundation by flooding.

Wetland 4: The geographic location of Wetland 4 in relation to the closest tributary 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). Wetland 4 is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on site review. Wetland 4 is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. No evidence was observed during the site visit and review of applicable resource maps did not indicate inundation by flooding. The closest tributary, located approximately 0.2 miles to the north, does not have a mapped floodplain which further precludes inundation by flooding.

Wetland 5: The geographic location of Wetland 5 in relation to the closest tributary 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). Wetland 5 is also not physically separated from an (a)(1) - (a)(3) water by an artificial structure, dike barrier, etc., that has a direct hydrologic connection, this is based on site review. Wetland 5 is also not inundated by floodwater in a typical year from an (a)(1) –(a)(3) water. No evidence was observed during the site visit and review of applicable resource maps did not indicate inundation by flooding. The closest tributary, located approximately 0.25 miles to the north, does not have a mapped floodplain which further precludes inundation by flooding.

Wetland 6 is part of larger wetland complex that continues offsite. The wetland continues north from the project site and abuts a tributary. The tributary is an Unnamed Tributary to Grass Lake. The tributary is depicted on the USGS 1:24000 Wolcottville Quad has a blue line stream which indicates at least intermittent flow. Water was observed flowing during the site inspection. Review of the APT results for the day of the site visit indicate that, per the WebWIMP the site visit occurred during the wet season and the PDSI indicates a moderate drought is occurring and climatic conditions are not normal. Precipitation was normal when compared to the 30-year average. The presence of water within the stream channel when precipitation is normal and climatic conditions are not normal, substantiates that the Unnamed Tributary to Grass Lake has at least intermittent flow.