



**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): 8/30/2021
 ORM Number: LRE-2021-00786-176-A21
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Angola County/Parish/Borough: Steuben
 Center Coordinates of Review Area: Latitude 41.694865 Longitude -85.075122

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
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.

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 A	0.084	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is located within a topographical depression in the landscape and is bounded by upland. No potential surface connection between Wetland A and another water was observed at the site inspection. Based on the site inspection and a review of applicable resources maps, Wetland A is geographically separated from the nearest potential jurisdictional water (located approximately 0.3 miles away) by upland and is not inundated by flooding. Wetland A is not separated from an (a)(1)-(a)(3) water by only a natural barrier. Wetland A is not separated from an (a)(1)-(a)(3) water by an artificial structure that allows for a direct hydrological connection in a typical year.
Wetland B	0.157	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is located within a topographical depression in the landscape and is bounded by upland. No potential surface connection between Wetland B and another water was observed at the site inspection. Based on the site inspection and a review of applicable resources maps, Wetland B is geographically separated from the nearest potential jurisdictional water (located approximately 0.3 miles away) by upland and is not inundated by flooding. Wetland B is not separated from an (a)(1)-(a)(3) water by only a natural barrier. Wetland B is not separated from an (a)(1)-(a)(3) water by an artificial structure that allows for a direct hydrological connection in a typical year.

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, ERJ Holdings, LLC Property \(18.09 acres\), N. County Road 425 West, Pleasant Township, Steuben County, Indiana. Prepared for: MLS Engineering, Inc., 221 Tower Drive, PO Box 34, Monroe, Indiana 46772. Prepared by: nulnventa, 111 W. Berry Street, Suite 211, Fort Wayne, Indiana 46802. Dated June 7, 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Corps site inspection for delineation verification.](#)

Data sheets prepared by the Corps: [N/A](#)

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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- Photographs: [Aerial and Other: Beacon 2019 aerial. Wetland Delineation ground photos dated May 18, 2021.](#)
- Corps site visit(s) conducted on: [August 10, 2021](#)
- 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 – Steuben County, Indiana. Web Soil Survey.](#)
- USFWS NWI maps: [USFWS Online Wetlands Mapper](#)
- USGS topographic maps: [1:24K, Angola West – Ind. Quad.](#)

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	Detroit District Regulatory Viewer
State/Local/Tribal Sources	Indiana Department of Natural Resources, Indiana Floodplain Information Portal, Steuben County GIS – Beacon
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)