

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 29, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Detroit District, Michiana Section, Auburn Classic Sports JD, LRE-2022-00033-117-J22

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Indiana County/parish/borough: DeKalb County City: Auburn
Center coordinates of site (lat/long in degree decimal format): Lat. 41.33149° **N**, Long. -85.083445° **W**.
Universal Transverse Mercator: 16

Name of nearest waterbody: Cedar Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Maumee River

Name of watershed or Hydrologic Unit Code (HUC): HUC 10: 041000307; Cedar Creek

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: July 18, 2022

Field Determination. Date(s): May 17, 2022

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 948 linear feet: 2-4 width (ft) and/or N/A acres.

Wetlands: N/A acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): N/A.

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: **A total of seventeen (17) potentially jurisdictional waters were assessed within the Review Area. Fourteen (14)**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

of those waters were determined to be isolated aquatic resources and one (1) resource was determined not to be considered a water of the United States per the preamble to 33 CFR 328. Pond 1, Pond 2, and Pond 3, as described in the Wetland Delineation Report (Report) dated January 03, 2022 (revised June 20, 2022 and July 29, 2022), total an area approximately 5.45-acres in size and are located within the northern half of the Review Area. All three open water aquatic resources are located within areas mapped as Houghton muck, drained, a hydric soil for DeKalb County according to the NRCS Web Soil Survey. Review of historic aerial imagery from Indiana University Bloomington IHAPI for DeKalb County (dated 1957, 1964, and 1972) appears to indicate the potential presence of saturation in the areas of these open water ponds. However, this evidence was inconclusive to support that Ponds 1, 2, and 3, were excavated out of jurisdictional wetlands. Further, during the May 17, 2022, site inspection, no downstream surface water conveyance was observed emanating from any of these three open water aquatic resources that would connect Ponds 1, 2, and 3 to a downstream TNW. Stormwater drainage pipes conveying surface runoff from the surrounding parking lots and commercial development were observed discharging into Pond 1, Pond 2, and Pond 3, but no pipes or other conveyances were observed that would carry water offsite. Review of applicable resource maps sourced from Beacon GIS for DeKalb County also did not indicate the presence of any potential subsurface conveyance of these ponds to a downstream water of the United States. Wetlands Section I, Section II, Section III, Section IV, Section V, Section VI, Section VII, Section VIII, Section IX, Section X, and Section XI are located throughout the Review Area and total an area approximately 11.37-acres in size. Wetlands identified in the southern half of the Review Area (south of County Road 11A) include wetlands V, VI, VII, VIII, IX, X, and XI, and are surrounded primarily by agricultural development. Wetlands identified in the northern half of the Review Area (north of County Road 11A) include I, II, III and IV, and are located in low elevation areas amongst the existing commercially developed area. Review of the applicable USGS Topographic maps, USGS National Hydrography Dataset (NHD), aerial imagery, and Beacon GIS for DeKalb County, did not indicate the presence of a potential flow path or other potential surface or subsurface hydrologic connection from wetlands Section I, II, III, IV, V, VI, VII, VIII, IX, X, and XI to a RPW or TNW. This was confirmed during the site inspection. The eleven (11) wetlands identified above are not separated by a berm or other man-made structure from a surface water. In addition, no evidence suggests that the wetlands support recreational use. No direct evidence was observed of known species that require the wetlands to fulfill their life cycle requirements. There is no evidence to support the wetlands identified above provide for interstate or foreign commerce since they are not subject to commercial use and are not susceptible for commercial use in the future. In addition, there is no evidence that the non-jurisdictional wetlands support fish or shellfish that can be sold for interstate or foreign commerce. There is also no evidence to support the wetlands are used, or could be used, for industrial purposes in interstate or foreign commerce. The Report identified an excavated detention basin approximately 0.46-acres in size within the southwest corner of the Review Area. Based on review of historical aerial imagery taken in 2005, 2006, 2008, and 2010, and information contained in the Report, the detention basin was excavated/constructed between the years of 2008 and 2010. Although the basin was partially excavated out of Pewamo silty clay, a hydric soil for DeKalb County according to the NRCS Web Soil Survey, review of historic Indiana University Bloomington IHAPI imagery for DeKalb County (dated 1957, 1964, and 1972) and aerial imagery noted above prior to construction between 2008 and 2010, did not indicate the potential presence of wetlands. This is based on a lack of an observed wetland signature. Further, the area in which the detention basin is located appears to be in agricultural production prior to construction visible on aerial imagery taken in 2010. The detention basin is an artificial pond constructed/excavated between 2008 and 2010 out of upland for the purpose of storing stormwater runoff from I-69 to the west of the Review Area and is not considered a water of the United States per the preamble to 33 CFR 328.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: .041 square miles

Drainage area: .041 square miles

Average annual rainfall: 38.31 inches

Average annual snowfall: 28.9 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 3 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 15-20 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: N/A.

Identify flow route to TNW⁵: Drain 2 (UNT to George Shull Drain) flows approximately 57' south to its confluence with Drain 1 within the Review Area. Drain 1 (George Shull Drain) flows east and then southeast through the Review Area

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

for approximately 891'. Drain 1 enters a culvert beneath County Road 56 at the southern edge of the Review Area and continues to flow south approximately 960' to its confluence with Cedar Creek. Cedar Creek flows in a general southern direction for 17.6 miles to its confluence with the St. Joseph River near Cedarville, Indiana (Allen County). The St. Joseph River flows southwest approximately 13.8 miles to its confluence with the St. Mary's River in downtown Fort Wayne, Indiana, to form the Maumee River (TNW).
Tributary stream order, if known: 1st.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain: N/A.
 Manipulated (man-altered). Explain: N/A.

Tributary properties with respect to top of bank (estimate):

Average width: 2 feet
Average depth: .5 feet
Average side slopes: **3:1**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The tributary showed little to no signs of erosion and was heavily vegetated along both banks.

Presence of run/riffle/pool complexes. Explain: None observed.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 2 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: The flow of Drain 2 within the Review Area is predominantly driven by seasonal events such as snowmelt and in response to precipitation events throughout the year. Based upon the observed presence of surface water flowing through the tributary during the site inspection in May, and observations of water within the channel of the tributary in site photographs taken in December, the tributary was observed to exhibit flow at least seasonally during the year.

Other information on duration and volume: N/A.

Surface flow is: **Discrete and confined**. Characteristics: Water flowed through a defined channel within the Review Area at the time of the site inspection.

Subsurface flow: **Unknown**. Explain findings: Drain 2 emanates from a subsurface tile which drains primarily agricultural land to the north. Water was observed flowing from this subsurface tile into Drain 2 at the time of the site inspection.

Dye (or other) test performed: N/A.

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

- | | |
|--|--|
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Drain 2 (UNT to George Shull Drain) is located within a primarily agricultural setting within the Review Area.

Residential development is present east of Drain 2 outside the Review Area. At the time of the site inspections, Drain 2, as described in the Report, was observed conveying water within its channel. The water was clear and cool. The small tributary drains primarily upland agricultural and residentially developed land. It is anticipated that the tributaries would retain flood water, convey water to downstream abutting wetlands, and trap pollutants and sediment from runoff from surrounding development.

Identify specific pollutants, if known: N/A.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width): .

Wetland fringe. Characteristics: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: The small stream provides some measure of foraging habitat as well as cover for mammals. Waterfowl and migratory birds may also use the stream for resting, feeding, or as breeding or nesting grounds for part of the year. Small aquatic organisms including fish and macroinvertebrates may also use the stream for life cycle processes.

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: . acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): .

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Drain 1 (George Shull Drain), is a perennial RPW that exhibits an Ordinary High Water Mark (OHWM) and a defined bed and bank. Drain 1 is identified as an Intermittent Riverine system (R4SBC) on the USFWS National Wetland Inventory, however a blue-line stream on the USGS National Hydrography Advanced Viewer. Aerial imagery sourced from Beacon GIS for DeKalb County taken in 2012, 2017, and 2021, indicate that Drain 1 was conveying water at the time the photographs were taken. Water was observed flowing within the channel of Drain 1 during the May 17, 2022, site inspection. Additionally, site photographs accompanying the Report indicate that Drain 1 was conveying water on December 08, 2021.

- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Drain 2 (Unnamed Tributary to George Shull Drain), is a seasonal RPW that exhibits an Ordinary High Water Mark (OHWM) and a defined bed and bank. Water was observed flowing within the channel of Drain 2 during the May 17, 2022, site inspection. Drain 2 is fed by a tile outfall that drains the agricultural field to the north, as well as by overland flow. Site photographs accompanying the Report indicate that Drain 2 was conveying water on December 08, 2021, consistent with streams with at least seasonal flow. Due to the relatively small size and overgrown nature of the stream, review of aerial imagery was inconclusive in indicating the presence of water at the time aerial images were taken.

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: **948** linear feet **2-4** width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

Demonstrate that impoundment was created from “waters of the U.S.,” or

Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: 5.45 acres.
- Other non-wetland waters: 0.46 acres. List type of aquatic resource: Stormwater detention basin/artificial pond.
- Wetlands: 11.37 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: "Wetland Delineation Report - Auburn Classic Sports", prepared by Earth Source, Inc., dated January 03, 2022, and revised June 20, 2022/July 27, 2022.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: USGS National Hydrography Dataset.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000, IN-Auburn.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey, DeKalb County.
- National wetlands inventory map(s). Cite name: USFWS Online Wetlands Mapper (NWI).

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): National Regulatory Viewer - Great Lakes and Ohio River Division Imagery, 1998, 2005, 2007, 2008, 2016, and 2018; Beacon GIS for DeKalb County, 2012, 2017, and 2021; Indiana University Bloomington IHAPI for DeKalb County, 1957, 1964, and 1972.
or Other (Name & Date): "Wetland Delineation Report - Auburn Classic Sports", Appendix B, Site Photographs, December 08, 2021; Site Inspection Photographs, May 17, 2022.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): Site Inspection Report in Case File, May 17, 2022; National Regulatory Viewer - Great Lakes and Ohio River Division 3DEP Hillshade and 3DEM Digital Elevation Model (DEM); USGS National Hydrography Advanced Viewer; USGS StreamStats Application; NOWData - NOAA Online Weather Data was sourced from the National Weather Service to determine average annual rainfall and snowfall of the area.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Drain 1 (George Shull Drain) and Drain 2 (Unnamed Tributary to George Shull Drain), are perennial and seasonal RPWs, respectively, that exhibit Ordinary High Water Marks (OHWMs) and defined beds and banks. Both resources are identified on the USGS National Hydrography Advanced Viewer and water was observed flowing within each channel at the time of the site inspection on May 17, 2022. Further, site photographs accompanying the Report indicate that Drain 1 and Drain 2 were conveying water on December 08, 2021. Drain 2 (Unnamed Tributary to George Shull Drain) flows approximately 57' south to its confluence with Drain 1 within the Review Area. Drain 1 (George Shull Drain) flows east and then southeast through the Review Area for approximately 891'. Drain 1 enters a culvert beneath County Road 56 at the southern edge of the Review Area and continues to flow south approximately 960' to its confluence with Cedar Creek. Cedar Creek flows in a general southern direction for 17.6 miles to its confluence with the St. Joseph River near Cedarville, Indiana (Allen County). The St. Joseph River flows southwest approximately 13.8 miles to its confluence with the St. Mary's River in downtown Fort Wayne, Indiana, to form the Maumee River (TNW). Drain 1 (George Shull Drain) and Drain 2 (Unnamed Tributary to George Shull Drain), are perennial and seasonal RPWs, within the tributary system of the Maumee River (TNW) and are waters of the United States.