



**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): 2/5/2021

ORM Number: NAB-2020-00413

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MD City: Grasonville County/Parish/Borough: Queen Annes County

Center Coordinates of Review Area: Latitude 38.9661 Longitude -76.1955

**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  |
| Intermittent Stream 1 and 2  | 911         | linear feet     | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.   |
|                              |             |                 | During a prior Corps site visit on 13 June 2019, the WSSI site visit on 09 June 2020, and the 19 November 2020 Corps site visit, flowing water was documented along the 911 linear feet of stream as depicted in the photographs, below. The Antecedent Precipitation Tool (APT) was run on each of the dates above with the varying degrees of wetness and dryness indicating this area flows at least intermittently. |

<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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| 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.            | N/A.                               |

| Adjacent wetlands ((a)(4) waters): |             |         |  |  |
|------------------------------------|-------------|---------|--|--|
| (a)(4) Name                        | (a)(4) Size |         | (a)(4) Criteria                              | Rationale for (a)(4) Determination   |
| WA 1-6                             | 0.335       | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetlands met all three parameters and directly abuts the unnamed tributary. The soils met the F3 – Depleted Matrix hydric indicator, the vegetation was determined hydrophytic through the dominance test, and hydrology was satisfied with the C-4 test. The mapped hydric soils from Web Soil Survey were Hammonton, Sandy Loam, 0 to 2 percent slopes (HnA) and Hurlock, sandy loam, 0 to 2 percent slopes (HvA). These soils extended outside of the “Area of Review” extending from WA5 to the shoreline. Additionally, there were mapped emergent, forested, and estuarine wetlands indicated in the area using the National Wetland Inventory mapper. |

**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   |
| B1exc  | 0.138          | acre(s) | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. | During the 19 November 2020 site visit, the Corps documented an abandoned stormwater management pond with a man-made plug severing the connection to the intermittent stream. The feature was not considered to be jurisdictional since it was considered isolated. |

**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 Studies and Solutions \(WSSI\), Inc. dated 13 October 2020 and 7 December 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: N/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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- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Other: Ground photographs taken 13 June 2019 and 19 November 2020 by the Corps and 09 June 2020 by Wetland Studies and Solutions (WSSI), Inc.*
- Corps site visit(s) conducted on: *19 November 2020*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Online Web Soil Survey*
- USFWS NWI maps: *NWI online wetland mapper*
- USGS topographic maps: *N/A.*

**Other data sources used to aid in this determination:**

| Data Source (select)       | Name and/or date and other relevant information                                      |
|----------------------------|--|
| USGS Sources               | 12 digit HUC: 020600020411; Lower Chester River                                      |
| USDA Sources               | N/A.   |
| NOAA Sources               | N/A.   |
| USACE Sources              | N/A.   |
| State/Local/Tribal Sources | Maryland's Environmental Resources and Land Information Network (MERLIN) online data |
| Other Sources              | N/A.   |

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

**C. Additional comments to support AJD:** *On 19 November 2020, the Corps determined there is a 911 linear-foot a(2) intermittent tributary that flows under Winchester Creek Road through a culvert and contributes flow to an a(1) water in a typical year, 0.335 acres of a(4) wetlands that abut an a(1) - a(2) water, and 0.138 acres of b(1) excluded waters located within the approximately 11.3 -acre "Area of Review."*