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): November 23, 2020
ORM Number: NAB-2020-00278-M30
Associated JDs: N/A or ORM numbers and identifiers:
Review Area Location[1]:
State/Territory: MD City: County/Parish/Borough: Charles County
Center Coordinates of Review Area: Latitude 38.62845 Longitude -76.874924

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
S-1	0.0391 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary flow occurs through more than a direct response to precipitation. This feature is noted on multiple year aerial imagery. During consultants initial review of the site flow was identified and based upon the APT it was drier than normal. It has been determined that this waters is a naturally occurring surface water channel that contributed surface water flow to an a(1) water in a typical year.
S-2	0.2788 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary flow occurs through more than a direct response to precipitation. This feature is noted on multiple year aerial imagery. During consultants initial review of the site flow was identified and based upon

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			the APT it was drier than normal. It has been determined that this waters is a naturally occurring surface water channel that contributed surface water flow to an a(1) water in a typical year.
S-3	0.0402 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary flow occurs through more than a direct response to precipitation. This feature is noted on multiple year aerial imagery. During consultants initial review of the site flow was identified and based upon the APT it was drier than normal. It has been determined that this waters is a naturally occurring surface water channel that contributed surface water flow to an a(1) water in a typical year.
S-4	0.2697 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary flow occurs through more than a direct response to precipitation. This feature is noted on multiple year aerial imagery. During consultants initial review of the site flow was identified and based upon the APT it was drier than normal. It has been determined that this waters is a naturally occurring surface water channel that contributed surface water flow to an a(1) water in a typical year.

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
W-1	13.1428	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	W-1 is a man-made lake that was caused by the impoundment of a blue line stream for mining operations. This water contributes to the surface flow of an (a)(1) water in a typical year.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-10	1.1196 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-10 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-11	0.0774 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-11 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-12	0.0339 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-12 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-13	0.0074 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-13 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-14	0.164 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-14 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-15	0.9627 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-15 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.

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W-16	0.3053 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-16 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-17	0.0115 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-17 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-18	0.0229 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-18 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-19	0.0019 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-19 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-2	0.0328 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-2 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-20	0.042 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-20 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-21	0.0364 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-21 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-22	0.0125 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-22 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-23	0.0472 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-23 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-24	0.0645 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-24 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-25	0.0694 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-25 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-3	0.0046 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-3 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-4	0.0294 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-4 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-5	0.4206 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-5 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-6	0.0579 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-6 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-8	0.0205 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-8 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
W-9	0.3686 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-9 is an abutting wetland. It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.

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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
W-7	0.5677 acres	(b)(1) Non-adjacent wetland	W-7 is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.

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.

_X_ Information submitted by, or on behalf of, the applicant/consultant: *Waldorf Flex Building Waters of the U.S. Delineation report provided by the consultant on behalf of the applicant.*
This information *is* sufficient for purposes of this AJD.
Rationale: *N/A*

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

___ Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*

_X_ Corps Site visit(s) conducted on: *August 19, 2020*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

_X_ USDA NRCS Soil Survey: *Northern Coastal Plain, 149 A online Soil Survey*

_X_ USFWS NWI maps: *USFWS ONLINE NWI Mapper*

_X_ USGS topographic maps: *USGS 7.5 Quad Brandywine MD*

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.
MERLIN	Spring 2017 Color Infrared

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. The Corps reviewed the APT to determine the flow characteristics of the three intermittent tributaries. During the consultants site visit flow was observed. The APT tool states that the initial consultant site visit was a drier than normal timeframe. During the agency site visit all tributaries were flowing. The APT states that the agency site visit date was wetter than normal but based on the previous site visits and aerial photography it was determined that these tributaries contributed more than storm flows to a downstream (a)(1) water.

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C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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