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): 2/22/2021
ORM Number: NAB-2020-00317-M44
Associated JDs: N/A
Review Area Location[1]: State/Territory: Maryland City: Pasadena County/Parish/Borough: Anne Arundel
Center Coordinates of Review Area: Latitude 39.105242 Longitude -76.434244

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2)	Size	(a)(2) Criteria	Rationale for (a)(2) Determination
S-1: Intermittent Stream	0.04	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Corps conducted a site visit on August 28, 2020. During the review a continuous OHWM and clear bed and bank was observed based on several physical characteristics such as a break in slope, a clear/natural line impressed on the bank, changes in soil characteristics, absence of vegetation in channel, and the presence of litter and debris. These findings would suggest sufficient seasonal flow, volume, and duration to be a jurisdictional water of the United States. The stream channel contributes surface water flow directly to the Chesapeake Bay,

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2)	Size	(a)(2) Criteria	Rationale for (a)(2) Determination
				which is classified as a traditional navigable water (TNW). A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that this water meets the tributary definition and does contribute intermittent flow to a downstream TNW in a typical year.
S-2: Intermittent Stream	0.22	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Corps conducted a site visit on August 28, 2020. During the review a continuous OHWM and clear bed and bank was observed based on several physical characteristics such as a break in slope, a clear/natural line impressed on the bank, changes in soil characteristics, absence of vegetation in channel, and the presence of litter and debris. These findings would suggest sufficient seasonal flow, volume, and duration to be a jurisdictional water of the United States. The stream channel contributes surface water flow directly to the Chesapeake Bay, which is classified as a traditional navigable water (TNW). A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that this water meets the tributary definition and does contribute intermittent flow to a downstream TNW 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
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
W-1: PFO Wetland #1	0.35	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO/PSS wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO/PSS wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-2: PFO Wetland #2	0.18	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO/PSS

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-3: PFO Wetland #3	0.45	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-4: PFO Wetland #4	0.30	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-5: PFO Wetland #5	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-6: PFO Wetland #6	0.41	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-7: PEM Wetland #7	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PEM wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PEM wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PEM wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-8: PFO Wetland #8	1.78	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-9: PSS Wetland #9	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	During the field review all three wetland parameters were observed and confirmed within the PSS wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PSS wetland directly abuts the Chesapeake Bay, an (a)(1) water as described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PSS wetland is present during a typical year and is jurisdictional because it abuts the a(1) water above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	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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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 Report, September 24, 2019

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: Other: Submitted with Wetland Report, November 16, 2020

☒ Corps site visit(s) conducted on: August 28, 2020

☐ 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: Wetland Report, September 24, 2019

☒ USFWS NWI maps: Wetland Report, September 24, 2019

☒ USGS topographic maps: Wetland Report, September 24, 2019

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	LIDAR, Wetland Delineation Report, November 16, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	MD IMap – Infrared Imagery & Google Earth Pro

B. Typical year assessment(s): A typical year assessment was conducted using the Antecedent Precipitation Tool (APT) and results indicated that conditions were wetter than normal at the time of the site visit and delineation. See attached form. However, a thorough review of other data sources to include the USDA NRCS Soil Survey, USGS topographic map, ground photophraphs, and 2017 Infrared Aerial maps indicate the presence of a two intermittent stream channels that eventually converge before reaching the northern property line during a typical year. In addition, the NWI , USDA Soil Survey, and Infrared Aerial maps inidicate the presence of wetlands located throughout the central portion of the study area . Historic aerials obtained through Google Earth also indicate the long-term presence of stream channels on the east side of the site. This evidence supports the conclusion that both intermittent stream channels and PFO/PSS/PEM wetlands exist in a typical year.

C. Additional comments to support AJD: N/A, please see rational is section II.C above.