



**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): 7/30/2021

ORM Number: NAB-2021-00277

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MD City: Accokeek County/Parish/Borough: Prince Georges County

Center Coordinates of Review Area: Latitude 38.640463 Longitude -77.036357

**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.          | 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.            | 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.            | N/A.                               |

<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  |
| W-1                                | 0.007       | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | The wetlands met all three parameters and directly abuts the artificial structure, which contributes flow to an unnamed tributary. The soils met the F3 hydric soil indicators, the vegetation was determined hydrophytic through the dominance test, and hydrology was satisfied during the consultants site visit on 28 April 2021. The area was determined to be a seasonally saturated wetland. |

**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 |
| N/A.   | N/A.           | N/A. | N/A.                   | N/A.                                  |

**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: [Bay Environmental, Inc. dated 28 April 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

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

Photographs: [Other: Ground photographs taken 28 April 2021 by Bay Environmental Inc. and Corps documented photos from 16 July 2021](#)

Corps site visit(s) conducted on: [16 July 2021](#)

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.](#)

<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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**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: 020700110101; Piney Branch-Mattawoman Creek                            |
| 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              | Water Resource Registry and The National Map   |

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

**C. Additional comments to support AJD:** Through a thorough online analysis and a site visit the Corps concurred with WSSI's delineation report and findings, which documented a 163 square foot b(5) excluded stormwater management feature and approximately 318 square feet of a(4) wetlands in the approximately 0.25-acre "Area of Review." The Corps has determined that all the areas that fall outside of the wetland boundaries as indicated in the wetland delineation plan are uplands and excluded from jurisdictional status.