



**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): 8/11/2021

ORM Number: NAB-2021-00240

Associated JDs: N/A

Review Area Location¹: State/Territory: MD City: Glen Burnie County/Parish/Borough: Anne Arundel County

Center Coordinates of Review Area: Latitude 39.204532 Longitude -76.617098

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
Cabin Branch	305	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			The 305 LF of Cabin Branch on the site is a naturally occurring perennial surface water channel that contributes surface water flow to a paragraph (a)(1) water in a typical year either directly or through one of more paragraph (a)(2)-(a)(4) waters. Cabin Branch contributes surface water flow to Curtis Creek, a tidal waterway.

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.



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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	
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Unnamed wetland A	0.003 acre(s)	(b)(1) Non-adjacent wetland.	Under the NWPR, non-adjacent wetlands are not Federally regulated.	
Unnamed wetland B	0.007 acre(s)	(b)(1) Non-adjacent wetland.	Under the NWPR, non-adjacent wetlands are not Federally regulated.	
Unnamed wetland C	0.006 acre(s)	(b)(1) Non-adjacent wetland.	Under the NWPR, non-adjacent wetlands are not Federally regulated.	

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: [AJD request letter, wetland evaluation report, and wetland data sheets, submitted between July 14 and August 4, 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Wetland data sheets and report demonstrate three wetlands on the site are not adjacent wetlands and are therefore not Federally regulated. The wetland evaluation report demonstrates the stream on site is a perennial tributary to an \(a\)\(1\)-\(a\)\(4\) water, and is therefore Federally regulated.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Other: Ground photography included in wetland data sheets and wetland evaluation report.](#)

Corps site visit(s) conducted on: [August 3, 2021](#)

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: [USDA NRCS Web Soil Survey, Anne Arundel County, Maryland. Submitted with wetland evaluation on August 3, 2021.](#)

USFWS NWI maps: [USFWS National Wetlands Inventory, Submitted with wetland evaluation on August 3, 2021.](#)

USGS topographic maps: [USGS Curtis Bay, MD 7.5-Min Quad, Submitted with wetland evaluation on August 3, 2021.](#)

Other data sources used to aid in this determination:

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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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	Maryland Environmental Resource & Land Information Network Webpage, August 2, 2021.
Other Sources	N/A.

- B. Typical year assessment(s):** A typical year assessment was conducted using the Antecedent Precipitation Tool (APT). The APT was run for the date of the first Corps site visit, August 3, 2021, with the location set using the site latitude and longitude (39.204532, -76.617098). The APT produced a result demonstrating the site visit occurred during a period of normal precipitation conditions.
- C. Additional comments to support AJD:** The Corps received a request for a Department of the Army (DA) approved jurisdictional determination (AJD) for the property near 6233 Ritchie Highway in Glen Burnie, Anne Arundel County, Maryland. The information provided in the AJD request letter and additional documents listed above state the 16.63-acre property contains three isolated palustrine forested (PFO) wetlands and one perennial tributary, Cabin Branch. The Corps reviewed the USDA NRCS Soil Survey, USFWS NWI Map, and the USGS Topographic Maps for the study area. The Corps conducted a site visit on August 3, 2021, and field evaluated the entire study area, to confirm the review area only includes three wetlands and one perennial tributary. The Corps observed a perennial channel along the southern portion of the site and three isolated PFO wetlands, no other aquatic resources were observed. Based on field observations, information submitted by the applicant, review of NWI, USGS, and USDA Soil Survey, the Corps has determined the three wetlands on site did not meet the definition of “adjacent wetland” and are not (a)(1) waters. The Corps has determined the one perennial tributary on site does meet the definition of an (a)(2) water that has surface water flow directly or indirectly to an (a)(1) water, Curtis Creek, in a typical year. In conclusion, based on the available resource documentation and the Corps field observations during the August 3, 2021 site visits, the Corps has determined the review area includes three non-jurisdictional isolated PFO wetlands and one jurisdictional water of the U.S.