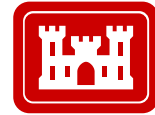


®

## Regulatory Program



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### **INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided  
in the Interim Approved Jurisdictional Determination Form User Manual.

#### **SECTION I: BACKGROUND INFORMATION**

**A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): FEB 12 2019**

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAB-2017-00568-M18**

#### **C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Maryland County/parish/borough: Anne Arundel City: Glen Burnie

Center coordinates of site (lat/long in degree decimal format): Lat. 39.161111°N, Long. -76.5825.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☐ attached ☒ in report/map titled "Marley Neck Property: Wetland Delineation Report"..

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

#### **D. REVIEW PERFORMED FOR SITE EVALUATION:**

☐ Office (Desk) Determination Only. Date: .

☒ Office (Desk) and Field Determination. Office/Desk Dates: . Field Date(s): August 24, 2017.

#### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: "Marley Neck Property: Wetland Delineation Report", March 29, 2017.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: "Marley Neck Property: Wetland Delineation Report", March 29, 2017.

☐ Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: .

Revised Title/Date: .

☐ Data sheets prepared by the Corps. Title/Date: .

☐ Corps navigable waters study. Title/Date: .

☐ CorpsMap ORM map layers. Title/Date: .

☐ USGS Hydrologic Atlas. Title/Date: .

☐ USGS, NHD, or WBD data/maps. Title/Date: .

☐ USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

☒ USGS maps. Scale & quad name and date: 1"=2000', Curtis Bay, MD 1974 . .

☒ USDA NRCS Soil Survey. Citation: NRCS Web Soil Survey (2017)..

☒ USFWS National Wetlands Inventory maps. Citation: Round Bay, MD Quad.

☐ State/Local wetland inventory maps. Citation: .

☐ FEMA/FIRM maps. Citation: .

☒ Photographs: ☐ Aerial. Citation: . or ☒ Other. Citation: WSSI photos from February 2017. .

☐ LiDAR data/maps. Citation: .

☐ Previous JDs. File no. and date of JD letter: .

☐ Applicable/supporting case law: .

- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

### **SECTION III: SUMMARY OF FINDINGS**

**Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required**

#### **A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

- ☒ "navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

**• Complete Table 1 - Required**

**NOTE:** If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

#### **B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION:** "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

- ☒ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

**• Complete Table 1 - Required**

☐ This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- ☐ (a)(2): All interstate waters, including interstate wetlands.

**• Complete Table 2 - Required**

- ☐ (a)(3): The territorial seas.

**• Complete Table 3 - Required**

- ☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

**• Complete Table 4 - Required**

- ☒ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

**• Complete Table 5 - Required**

- ☒ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

**• Complete Table 6 - Required**

- ☒ Bordering/Contiguous.  
Neighboring:

- ☒ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- ☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- ☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- ☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

**• Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- ☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

**• Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

#### C. NON-WATERS OF THE U.S. FINDINGS:

##### **Check all that apply.**

- ☐ The review area is comprised entirely of dry land.
- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- ☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- ☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- ☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- ☐ (b)(2): Prior converted cropland.
- ☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- ☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- ☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- ☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- ☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- ☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>
- ☐ (b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>
- ☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- ☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>
- ☐ (b)(4)(vii): Puddles.<sup>1</sup>
- ☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>
- ☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>
- ☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- ☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

#### D. ADDITIONAL COMMENTS TO SUPPORT AJD:

<sup>1</sup> In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.



**Jurisdictional Waters of the U.S.**

**Table 1. (a)(1) Traditional Navigable Waters**

<b>(a)(1) Waters Name</b>	<b>(a)(1) Criteria</b>	<b>Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.</b>
Marley Creek	The waterbody is subject to Section 9 or 10 of the Rivers and Harbors Act	Marley Creek is subject to the ebb and flow of the tide.

**Table 2. (a)(2) Interstate Waters**

<b>(a)(2) Waters Name</b>	<b>Rationale to Support (a)(2) Designation</b>
N/A	N/A

**Table 3. (a)(3) Territorial Seas**

<b>(a)(3) Waters Name</b>	<b>Rationale to Support (a)(3) Designation</b>
N/A	N/A

**Table 4. (a)(4) Impoundments**

<b>(a)(4) Waters Name</b>	<b>Rationale to Support (a)(4) Designation</b>
N/A	N/A
N/A	N/A

**Table 5. (a)(5) Tributaries**

<b>(a)(5) Waters Name</b>	<b>Flow Regime</b>	<b>(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows</b>	<b>Tributary Breaks</b>	<b>Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.</b>
1-Perennial Stream	Perennial	Marley Creek	No	Unnamed Tributary to Marley Creek to Marley Creek to Curtis Creek to Patapsco River.
2-Perennial Stream	Perennial	Marley Creek	No	Unnamed Tributary to Marley Creek to Marley Creek to Curtis Creek to Patapsco River.
2-Intermittent Stream	Intermittent	Marley Creek	No	Unnamed Tributary to Marley Creek to Marley Creek to Curtis Creek to Patapsco River.

**Table 6. (a)(6) Adjacent Waters**

<b>(a)(6) Waters Name</b>	<b>(a)(1)-(a)(5) Water Name to which this Water is Adjacent</b>	<b>Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.</b>
Wetland A	Marley Creek	Waters Type Name (Ba6): Wetland A is bordering/contiguous with the OHWM of Marley Creek. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland B	Marley Creek	Waters Type Name (Ba6): Wetland B is bordering/contiguous with the OHWM of Marley Creek. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland C	1-Perennial	Waters Type Name (Ba6): Wetland C is bordering/contiguous with the OHWM of stream 1-Perennial. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland D	1-Perennial	Waters Type Name (Ba6): Wetland D is bordering/contiguous with the OHWM of stream 1-Perennial. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland E	2-Perennial	Waters Type Name (Ba6): Wetland E is bordering/contiguous with the OHWM of stream 2-Perennial. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland F	2-Perennial	Waters Type Name (Ba6): Wetland F is bordering/contiguous with the OHWM of stream 2-Perennial. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland G	2-Perennial	Waters Type Name (Ba6c2i): Wetland G is located within 100 feet with the OHWM of stream 2-Perennial. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland H	2-Perennial and 2- Intermittent	Waters Type Name (Ba6): Wetland H is bordering/contiguous with the OHWM of stream 2-Perennial and stream 2-Intermittent. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.
Wetland I	2-Perennial	Waters Type Name (Ba6c2i): Wetland I is located within 100 feet with the OHWM of stream 2-Perennial. Limits of wetland delineated with 87 Manual/Atlantic and Gulf Coastal Plain Regional Supplement.

**Table 7. (a)(7) Waters**

<b>SPOE Name</b>	<b>(a)(7) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 8. (a)(8) Waters**

<b>SPOE Name</b>	<b>(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Non-Jurisdictional Waters**

**Table 9. Non-Waters/No Significant Nexus**

<b>SPOE Name</b>	<b>Non-(a)(7)/(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus</b>	<b>Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 10. Non-Waters/Excluded Waters and Features**

<b>Paragraph (b) Excluded Feature/Water Name</b>	<b>Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.</b>
N/A	N/A
N/A	N/A

**Table 11. Non-Waters/Other**

<b>Other Non-Waters of U.S. Feature/Water Name</b>	<b>Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.</b>
N/A	N/A





Prepared For: Hogan Companies

Marley Neck Road Property  
Anne Arundel County Digital Data

Copyright © 2017 Wetland Solutions and Services, Inc.

<b>REVISIONS</b>						DATE: January 2019		SCALE: 1" = 300' C.T. 2"	
No.	Date	Description	Rev.	By	Apt	EAC	LJ	MJK	Sheet #
									1 of 1
						Geographical Name: NYS NAD 83			
						Original Date: MAY 08			
						Boundary and Topo Source:			
						Source: American Aerial County Digital Data			
						Design Drawn Approved			






U.S. ARMY ENGINEER DISTRICT, BALTIMORE  
JURISDICTIONAL DETERMINATION

## VERIFICATION MAP

FOR: WSSI/MANLEY NEUK/JD

CENAB-OP-RM4 2017-00568

COE SIGNATURE R. Kibby DATE 30 Jan 2019

LEGEND	
	STATE BOUNDARY
	ADJACENT STATE BOUNDARY (FOR WEST'S OBSERVATIONS)
	FEDERAL STATE BOUNDARY (FOR WEST'S OBSERVATIONS)
	INTERMEDIATE STATE BOUNDARY (FOR WEST'S OBSERVATIONS)
	APPROXIMATE LIMITS OF FEDERAL STATE BOUNDARY (FOR WEST'S OBSERVATIONS)
	WESTIAN PLACENAME POINT/NUMBER (John+10)
	WESTIAN DATA SHEET LOCATION/NUMBER (Group)
	COMPACTED WESTIAN PPE
	WESTIAN PPE FOUND
	WESTIAN PPE (WEST)

[illegible]

SUMMARY OF JURISDICTIONAL AREAS WITHIN THE MARLEY NECK ROAD PROPERTY	WATER'S NAME	AREA		LINEAR FEET STREAMBED
		(SQUARE FEET)	(ACRES)	
	Madaw Creek	26,789	0.61	N/A
	1-Perennial Stream	3,677	0.08	750
	2-Perennial Stream	14,952	0.34	2,070
	3-Intermittent Stream	1,907	0.05	345
	4-Intermittent Stream	3,002	0.07	N/A
	Wetland A	944	0.02	N/A
	Wetland B	5,111	0.12	N/A
	Wetland C	41,953	0.96	N/A
	Wetland D	52,772	1.28	N/A
	Wetland E	38,108	0.80	N/A
	Wetland F	3,420	0.08	N/A
	Wetland G	8,659	0.20	N/A
	<b>TOTAL</b>	<b>205,848</b>	<b>4.72</b>	<b>3,165</b>

\* These numbers are based on the surveyed and approximate location(s) of the self-reported WAC HC box collection within the area boundaries.

COWARDIN CLASSIFICATION	
WFO	PALUSTRINE FORESTED WETLAND
R4	RIVERINE INTERMITTENT
R3	RIVERINE UPPER PERENNIAL
E1UB	ESTUARINE SUBTIDAL UNCONSOLIDATED BOTTOM
E2EM	ESTUARINE INTERTIDAL EMERGENT