

## **Regulatory Program**

### **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):** 12 Feb 2020

**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





- This map has been prepared by The Maryland Coastal Data Project in 1983 using real time DOPS, Wetlands and other Waters of the U.S. (i.e. streams) data, points, data and the monumentation shown were located in the field using conventional survey methods. Accuracy of the information shown on this drawing should be as standard as that by the U.S. Army Corps of Engineers Memo CENAO-CCR, dated September 30, 1991. Field locations were completed on March 8, 2017.
2. The boundary line information shown herein is for information purposes only and does not constitute a boundary survey by WSSM Monumentation, including Inverse stations and fly points, shown on this drawing should be used to orient wetland locations to any future boundary, topographic, or land survey.
3. Periodic flag numbers are shown on the drawing depicting the survey-located boundary of wetlands and other waters of the U.S. (i.e., streams, ponds, etc.). Waters of the U.S. flags are pink-to-gold in color. Data points are flagged with orange-to-pink and pink-to-gold flagging tied together.
4. Topoboundary information obtained in digital form from Anne Arundel County digital data was used as a base for this Plan.
5. This delineation was performed pursuant to the "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 (1987 Manual) and subsequent guidance and modification by the Corps of Engineers, Corps of Engineers Wetland Delineation Manual: Atlantic Coasts and Coastal Plain (S-87-1) (2006 2nd edition November 2010).
6. The Routine On-Site Wetland Determination Method for areas more than 5 acres was used for this site, with multiple transects performed as depicted on this Plan.
7. Field work was performed during February and March 2017 by Michael J. Kisbasco, Kenneth A. Wallis, Audrey McGottart, and Efréna Beauchamp.
8. The terms "Intermittent," and "Perennial" used on this Plan classify and describe the flow regime character of streams, are based on WSSM's field observations, and are only provided for state and local regulatory purposes. The flow regime of streams are not verified by the COE: The geographic limits of these streams are all subject to COE jurisdiction, and the COE's approval of this delineation represents only the approval of the geographic limits of waters of the U.S.
9. WSSM has delineated and surveyed the outer limits of jurisdictional areas within the project site. One of the jurisdictional areas on the site is composed of systems containing different wetland and stream (L3, R3 and RA) types. The approximate limits of the different wetland and stream types within the surveyed jurisdictional areas are depicted as a thin black line of the associated type line.
10. Total Site Area (Area of Review): 113.07 ac.

SUMMARY OF JURISDICTIONAL AREAS WITHIN THE  
MARLEY NECK ROAD PROPERTY\*

WATERS NAME	AREA		LINEAR FEET OF STREAMBED
	(SQUARE FEET)	(ACRE)	
Mahey Creek	26,789	0.61	N/A
1-Perennial Stream	3,677	0.08	750
2-Perennial Stream	14,852	0.34	2,070
2-Intermittent Stream	1,997	0.05	345
Wetland A	3,002	0.07	N/A
Wetland B	944	0.02	N/A
Wetland C	5,311	0.12	N/A
Wetland D	41,963	0.96	N/A
Wetland E	55,772	1.28	N/A
Wetland F	39,108	0.90	N/A
Wetland G	144	0.00	N/A
Wetland H	3,420	0.08	N/A
Wetland I	8,669	0.20	N/A
TOTAL	295,848	4.72	3,165

\* These numbers are based on the surveyed and approximate location(s) of the delineated WQUS boundaries within the site boundary.

## COWARDIN CLASSIFICATION

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



A hand-drawn diagram illustrating the Wetlands of the U.S. It consists of three colored squares arranged vertically on the left side, each with a corresponding label to its right. The top square is yellow and labeled "CORPS AREA OF REVIEW". The middle square is blue and labeled "WATERS OF THE U.S.". The bottom square is green and labeled "JURISDICTIONAL WETLANDS".

### JURISDICTIONAL DETERMINATION KEY MAP

Prepared For: Hogan Companies  
Marley Neck Road Property  
Anne Arundel County Digital Data

[illegible]

Horizontal Datum: MCS NAD 83		
Vertical Datum: NAVD 88		
Boundary and Topo Source:		
Anne Arundel County Digital Data		
Design	Draft	Approved
EJC	LI	MJK
Sheet #		
1 of 1		
Computer File Name:		
I:\_Shared Data\Site\040401\040401.dwg		

U.S. ARMY ENGINEER DISTRICT, BALTIMORE  
JURISDICTIONAL DETERMINATION  
VERIFICATION MAP

FOR: WSSI/MARLEY NEUK/JD  
CENAB-OP-RMN 2017-00568

COE SIGNATURE R. Kubby DATE 30 JAN 2019



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Marley Neck Road Property, L.C.		File Number: 2017-00568 – M18	Date: <b>FEB 12 2019</b>
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Frank Plewa  
U.S. Army Corps of Engineers  
Carlisle Field Office, Regulatory Branch, Baltimore District  
Attn: CENAB-OPR-P  
401 East Louther Street, Suite 205  
Carlisle, Pennsylvania 17013-2657  
Telephone: (717) 249-2522  
Email: Frank.plewa@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Mr. James W. Haggerty  
Regulatory Program Manager (CENAD-PD-OR)  
U.S. Army Corps of Engineers  
Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, New York 11252-6700  
Telephone number: 347-370-4650

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

