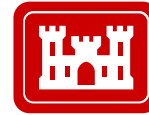




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Regulatory Program



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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): JAN 04 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAB-2018-01972 (Chesapeake Real Estate Group/Route 100 Business Park/Pre-app/Approved JD)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Maryland County/parish/borough: Anne Arundel City: Severn

Center coordinates of site (lat/long in degree decimal format): Lat. 39.149455, Long. -76.683238.

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 "Route 100 Business Park: Waters of the U.S. (Including Wetlands) Delineation", prepared by Wetland Studies and Solutions, Inc. and dated June 12, 2018.

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): 11/21/18.

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: "Route 100 Business Park: Waters of the U.S. (Including Wetlands) Delineation", dated 06/12/18.

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: .

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" = 2,000', Relay, MD 1974.

USDA NRCS Soil Survey. Citation: .

USFWS National Wetlands Inventory maps. Citation: .

State/Local wetland inventory maps. Citation: .

FEMA/FIRM maps. Citation: .

Photographs: Aerial. Citation: . or Other. Citation: 06/30/17.

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 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.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (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.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (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: The only possible area on the site that has some wetland parameters is a manmade puddle at the southwestern corner of the site. which has no hydric soils, and therefore does not meet the definition of a wetland.

¹ 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.

Non-Jurisdictional Waters

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 1. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	Small, manmade, isolated vegetated puddle that does not meet the definition of a wetland

2018-01972

WATERS OF THE U.S. DELINEATION AND SURVEY NOTES:

1. Periodic flag numbers are shown 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-ink in color. Data points are flagged with orange-glo and pink-glo flagging tied together.
2. Topographic information obtained in digital format from Anne Arundel County digital data was used as a base for the Attachment.
3. The 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 Regional Supplement to the Corps of Engineers Wetlands Delineation Manual Atlantic and Gulf Coastal Plain Region (Version 2) dated November 2010.
4. The Routine On-Site Wetland Determination Method for sites less than 5 acres was used.
5. Field work was performed on June 30, 2017 by Brianna Beauchamp and Austrey McTegart.
6. The feature identified on this sketch as an isolated wetland (along the western property line) lacks a surface connection to jurisdictional wetlands or other waters of the U.S. and, in our opinion, has no nexus to interstate commerce. In light of the policy changes as the result of the "Wilson Decision" in the Fourth Circuit Court case and the Supreme Court's "SWANCC Decision," the Federal government is not regulating isolated water bodies unless the U.S. Army Corps of Engineers (USACE) or the Environmental Protection Agency (EPA), at either's sole discretion, determines that there is a connection to interstate commerce or that the isolated water body is adjacent to a jurisdictional water of the U.S. USACE will request the USACE to concur the isolated wetland is not jurisdictional prior to the Clean Water Act. Please note that isolated water bodies are regulated by the Maryland Department of the Environment (MDE).
7. Total site area: 40.61 acres

SUMMARY OF JURISDICTIONAL AREAS WITHIN THE SANDY FARM PROPERTY*

COWARDIN CLASSIFICATION	AREA		LINEAR FEET OF STREAMBED
	(SQUARE FEET)	(ACRE)	
PEM	283	0.006	N/A
TOTAL	283	0.006	N/A

* These numbers are based on the surveyed locations of the delineated WOTUS boundaries within the site boundary.

LEGEND

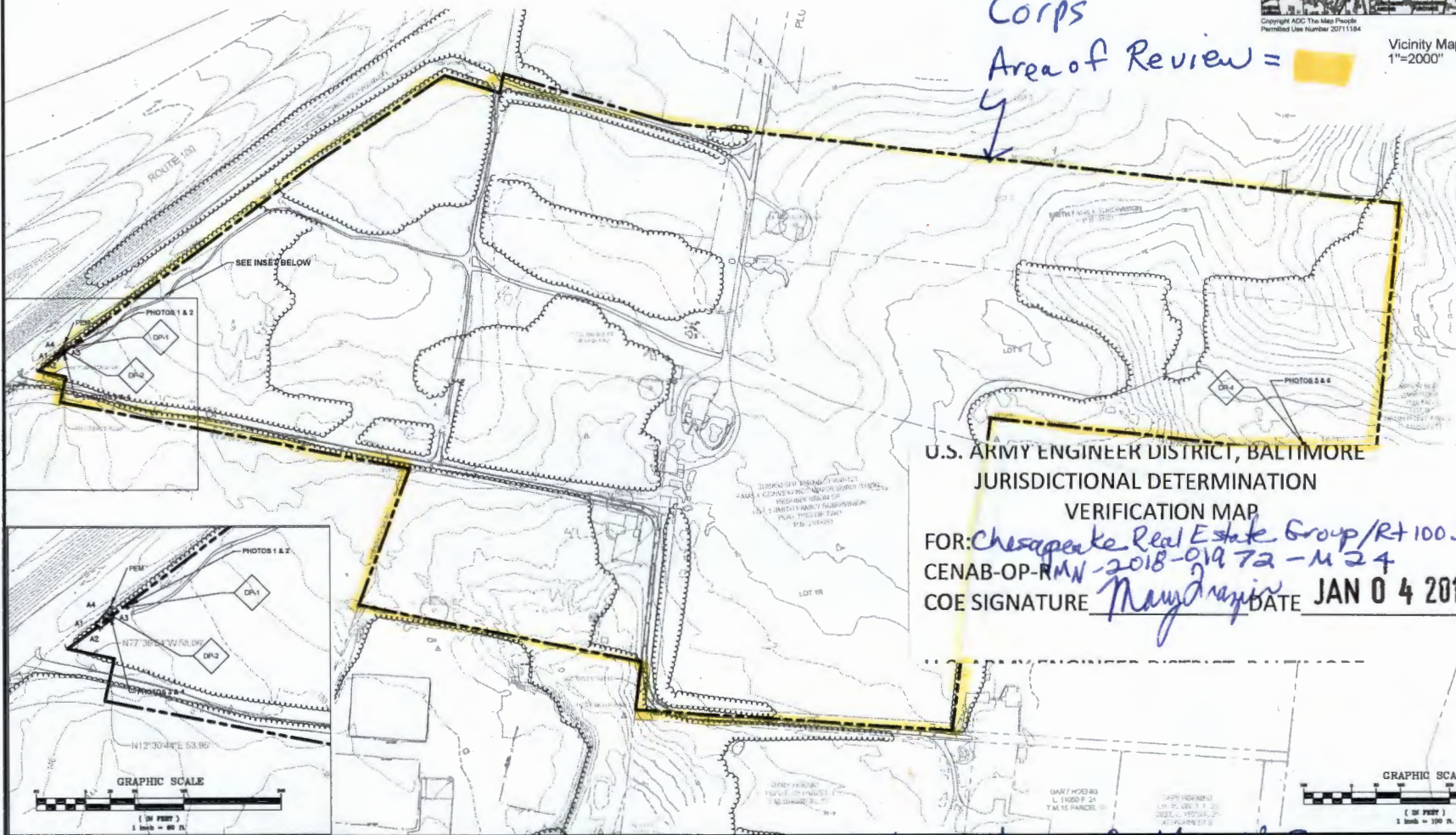
- STUDY AREA BOUNDARY
- JURISDICTIONAL WETLAND AREAS
- DATA POINT LOCATION NUMBER (orange and pink-glo) (NOT SURVEYED)

COWARDIN CLASSIFICATION

PEM PALUSTRINE EMERGENT WETLAND



Vicinity Map 1"=2000"



Corps Area of Review = [Yellow Box]

U.S. ARMY ENGINEER DISTRICT, BALTIMORE
 JURISDICTIONAL DETERMINATION
 VERIFICATION MAP
 FOR: Chesapeake Real Estate Group/Rt 100 Bus. Park
 CENAB-OP-RMN-2018-01972-M24
 COE SIGNATURE *Mary Drayton* DATE JAN 04 2019

Wetland
 1131 Rutledge Road, Suite 1
 Middleburg, MD 21118
 Phone: 410-252-9999 Fax: 410-672-2999

Attachment I:
 Waters of the U.S. (Including Wetlands) Wetland Delineation Plan
 WSSI #: MD1456.02
 Prepared For: Ben Engemann, Inc.
 Route 100 Business Park
 Anne Arundel County

REVISIONS

No.	Date	Description	Rev. By	App. By

Horizontal Datum: NAD83
 Vertical Datum: NAD83
 Boundary and Topo Source: Anne Arundel County Digital Data

Design	Drawn	Approved
BB	BB	KB

Sheet # 1 of 1

Computer File Name: [unclear]
 Date Plotted: 01/04/2019 11:14 AM
 Plotter: HP DesignJet 2500

There are no federally-regulated Waters of the U.S., including jurisdictional wetlands, within the "Area of Review".