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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): FEB 13 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAB-2018-02159-M24 (Tanyard Cove South/Pre-App/Approved JD)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MD County/parish/borough: ANNE ARUNDEL City: GLEN BURNIE

Center coordinates of site (lat/long in degree decimal format): Lat. 39.171614, Long. -76.578339.

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 "Wetland Evaluation Report for Tanyard Cove South" prepared by McCarthy & Associates (07/2018) & "Section 1: Final Development Plans, A Single Family Detached and Townhouse Cluster Development Phasing Plan, Tanyard Cove South" prepared by Bowman Consulting (12/2017).

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: X Field Date(s): 8/15/2018 & 11/1/2018.

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: "Section 1: Final Development Plans, A Single Family Detached and Townhouse Cluster Development Phasing Plan, Tanyard Cove South" prepared by Bowman Consulting (12/2017).

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: "Wetland Evaluation Report for Tanyard Cove South" prepared by McCarthy & Associates (07/2018).

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: 1:24000 CURTIS BAY QUADRANGLE 7.5-MINUTE SERIES 2016 .

USDA NRCS Soil Survey. Citation: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

USFWS National Wetlands Inventory maps. Citation: <https://www.fws.gov/wetlands/Data/Mapper.html>.

State/Local wetland inventory maps. Citation: <http://gisapps.dnr.state.md.us/MERLIN/index.html>.

FEMA/FIRM maps. Citation: MAP 24003C0062F (<https://msc.fema.gov/portal/search#searchresultsanchor>).

- Photographs: Aerial. Citation: <http://gisapps.dnr.state.md.us/MERLIN/index.html>. or Other. Citation:
- LIDAR data/maps. Citation: <https://geodata.md.gov/topoviewer/>.
- Previous JDs. File no. and date of JD letter: CENAB-OP-RMN (TANYARD COVE PROPERTY/JD) 05-60583-24 dated April 12, 2005.
- 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:

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.

Jurisdictional Waters of the U.S.

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. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
Marley Creek	The waterbody is subject to Section 9 or 10 of the Rivers and Harbors Act	Traditional Navigable Waters that is tidally influenced
Tanyard Cove	The waterbody is subject to Section 9 or 10 of the Rivers and Harbors Act	TNW that is tidally influenced and discharges directly into Marley Creek

Table 2. (a)(5) Tributaries

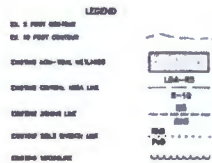
(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
Unnamed Tributary to Marley Creek 1	Perennial	Tanyard Cove / Marley Creek	No	Tributary flows northwest to form headwaters of Tanyard Cove with tidal wetland fringe. See map below (Page 10)
Unnamed Tributary to Marley Creek 2	Intermittent	Tanyard Cove / Marley Creek	No	Tributary originates from riprap channel/storm drain easement and flows north east to Tanyard Cove. Tidal wetlands at confluence of tributary/Tanyard Cove
Unnamed Tributary to Marley Creek 3	Intermittent	Tanyard Cove / Marley Creek	No	Highly incised channel that flows east to Tanyard Cove with tidal wetlands at confluence.
Unnamed Tributary to Marley Creek 4	Intermittent	Tanyard Cove / Marley Creek	No	Highly incised channel that flows east to Tanyard Cove with tidal wetlands at confluence.
Unnamed Tributary to Marley Creek 5	Intermittent	Marley Creek	No	Tributary flows north into Marley Creek with tidal wetlands at confluence.

Table 3. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	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.
PFO1C, PEM1R & E2EM5P	Unnamed Tributary to Marley Creek 1	Palustrine forested wetlands along the fringe of the stream that transition to emergent wetlands that are tidally influenced & Estuarine wetlands in the intertidal zone dominated with Phragmites at perennial confluence with Tanyard Cove. Dominated with FACW/OBL vegetation, muck/depleted soils, odor of sulfur, crayfish burrows, and other indicators found in 87 Manual/Atlantic & Gulf Plain Regional Supplement
PFO1A & E2USP	Unnamed Tributary to Marley Creek 2	Palustrine forested wetlands along fringe of intermittent stream that transition to estuarine wetlands in the intertidal zone that are irregularly flooded during storm events at confluence with Tanyard Cove. Dominated with FACW/OBL vegetation, muck/depleted soils, odor of sulfur, crayfish burrows, and other indicators found in 87 Manual/Atlantic & Gulf Plain Regional Supplement
PFO1A & E2USP	Unnamed Tributary to Marley Creek 3	Palustrine forested wetlands along fringe of intermittent stream that transition to estuarine wetlands in the intertidal zone that are irregularly flooded during storm events at confluence with Tanyard Cove. Dominated with FACW/OBL vegetation, muck/depleted soils, odor of sulfur, and other indicators found in 87 Manual/Atlantic & Gulf Plain Regional Supplement
PFO1A & E2USP	Unnamed Tributary to Marley Creek 4	Palustrine forested wetlands along fringe of intermittent stream that transition to estuarine wetlands in the intertidal zone that are irregularly flooded during storm events at confluence with Tanyard Cove. Dominated with FACW/OBL vegetation, muck/depleted soils, odor of sulfur, and other indicators found in 87 Manual/Atlantic & Gulf Plain Regional Supplement
PFO1C, PEM1R & E2USP	Unnamed Tributary to Marley Creek 5	Palustrine forested wetlands along the fringe of the stream that transition to emergent wetlands that are tidally influenced & Estuarine wetlands in the intertidal zone at intermittent confluence with Marley Creek. Dominated with FACW/OBL vegetation, muck/depleted soils, odor of sulfur, crayfish burrows, and other indicators found in 87 Manual/Atlantic & Gulf Plain Regional Supplement

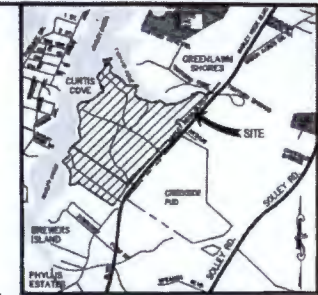


SOILS TABULATION			
SYMBOL	DESCRIPTION	HYDRO	HYDROLOGIC SOIL GROUP
Fst	FALLSACHTON SANDY LOAM, 0-1% SLOPES	YES	B/D
D-1P	DOWNEY-HAMMOND COMPLEX, 2-5% SLOPES	NO	B
ENC	EVERBROD AND GALESTOWN SOILS, 2-10% SLOPES	NO	A
DSE	SASSAFRAS AND CHOCOMA SOILS, 0-2% SLOPES	NO	B/C
REB	RUSSETT FINE SANDY LOAM, 2-5% SLOPES	NO	C
RNS	RUSSETT-ALLOWAY-HAMMOCK COMPLEX, 0-5% SLOPES	NO	A
RNC	RUSSETT-ALLOWAY-HAMMOCK COMPLEX, 5-10% SLOPES	NO	A
RND	RUSSETT-ALLOWAY-HAMMOCK COMPLEX, 10-15% SLOPES	NO	A
P-1B	PATAPOCO-EVERBROD-FORT MOTT COMPLEX, 0-5% SLOPES	NO	A
P-1C	PATAPOCO-FORT MOTT COMPLEX, 0-5% SLOPES	NO	A
P-1D	PATAPOCO-FORT MOTT COMPLEX, 5-10% SLOPES	NO	A
P-1E	PATAPOCO-FORT MOTT COMPLEX, 10-15% SLOPES	NO	A
U1	UNDEVELOPED LAND, 0-5% SLOPES	NO	-
U2	UNDEVELOPED LAND, 5-10% SLOPES	NO	-
L-1M	WOODSTOWN SANDY LOAM, 2-5% SLOPES	NO	C
R-1A	DESNAI AND DESNAI SOILS, 0-5% SLOPES, FREQUENTLY FLOODED	NO	C

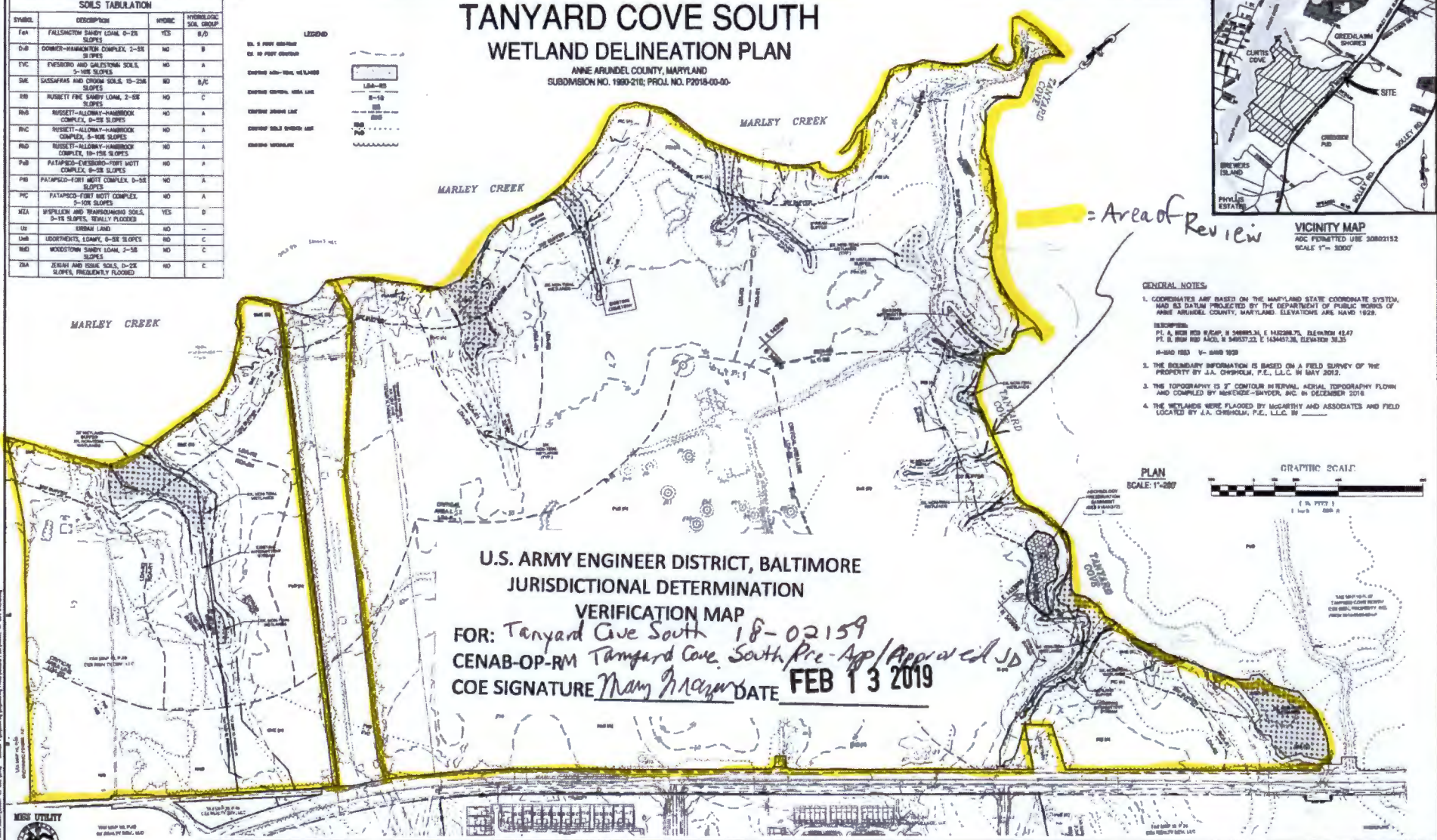


TANYARD COVE SOUTH WETLAND DELINEATION PLAN

ANNE ARUNDEL COUNTY, MARYLAND
SUBMISSION NO. 1990-216; PROJ. NO. P2019-00-00



VICINITY MAP
ASG PERMITTED USE 30002152
SCALE 1" = 3000'



GENERAL NOTES:

- COORDINATES ARE BASED ON THE MARYLAND STATE COORDINATE SYSTEM. NAD 83 DATUM PROJECTED BY THE DEPARTMENT OF PUBLIC WORKS OF ANNE ARUNDEL COUNTY, MARYLAND. ELEVATIONS ARE NAVD 1929.
- DESCRIPTION:
PT. 6, 8, 10W REF 8/4/P, N 248923.6, E 142382.6, ELEVATION 43.47
PT. 6, 8, 10W REF 8/4/P, N 248927.22, E 142445.36, ELEVATION 32.35
- THE BOUNDARY INFORMATION IS BASED ON A FIELD SURVEY OF THE PROPERTY BY J.A. CHISHOLM, P.E., L.L.C. IN MAY 2012.
- THE TOPOGRAPHY IS 2' CONTOUR INTERVAL. AERIAL TOPOGRAPHY FROM AND COMPILED BY MCGUIRE-BAYDOR, INC. IN DECEMBER 2016.
- THE WETLANDS WERE FLOODED BY MCGUIRE AND ASSOCIATES AND FIELD LOCATED BY J.A. CHISHOLM, P.E., L.L.C. BY _____.



**U.S. ARMY ENGINEER DISTRICT, BALTIMORE
JURISDICTIONAL DETERMINATION**

VERIFICATION MAP
FOR: Tanyard Cove South 18-02159
CENAB-OP-RM Tanyard Cove South Pre-App/Approved JD
COE SIGNATURE Mary McCarthy DATE **FEB 13 2019**



DEVELOPER/OWNER
TANYARD COVE SOUTH HOLDINGS LLC
ATTN: DEPT. OF ENGINEERING
172 ANNAPOLIS CORPORATE CENTER
SUITE 311
ANNAPOLIS, MARYLAND 21401
PHONE: 410-261-1100

McCarthy & Associates
ENVIRONMENTAL/REGULATORY CONSULTANTS
14-158 OLD MILL ROAD, SUITE 201
UPPER MARLBOROUGH, MARYLAND 20774
PHONE (301) 627-7100 FAX (301) 627-8971

PLAN PREPARED BY
Mary McCarthy
DATE

WETLAND DELINEATION PLAN
TANYARD COVE SOUTH
MARLEY MEADOWS RD. GLEN BURNE, MD 21038
TAN 80P - 10 BLOCK - 8 PARCELS - BY 301010 - 100
BUE. NO. 1000-010A. PROJ. NO. 1000-010A-01-07

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Bowman CONSULTING

NO. DESIGN	203	DATE	JANUARY 2019
SCALE	AS SHOWN		
JOB NO.	13020141-021		
DATE	JANUARY 2019		
SHEET	1	OF	1