



**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): 12/14/2020
 ORM Number: NAB-2020-00304 (SBY Runway Expansion/JD)
 Associated JDs: NAB-2019-00456 (SBY Airport Industrial Park/JD)
 Review Area Location¹: State/Territory: Maryland City: Salisbury County/Parish/Borough: Wicomico County
 Center Coordinates of Review Area: Latitude 38.332702 Longitude -75.494399

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 |
| Horsebridge Creek | 1,750 linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Perennial tributary contributes continual flow downstream to the upper reaches of Nassawango Creek which drains to the larger Pocomoke River, a tidal tributary. |
| S-1 | 2,123 linear feet | (a)(2) Perennial tributary | Perennial tributary contributes continual flow downstream to the upper reaches of Nassawango |

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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| Tributaries ((a)(2) waters): | | | | |
|------------------------------|-------------|-------------|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| | | | contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Creek which drains to the larger Pocomoke River, a tidal tributary. |
| S-2 thru S-4 | 8,666 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Intermittent tributaries all identified on historic aerial imagery dating back to 1972. Flow observed early to late growing season. All mapped soil series and field verified are hydric. Ditch features are either man-altered or relocated tributaries constructed in hydric soils with intermittent flow characteristics flowing more than in response to precipitation and flow is discrete and confined to ditch channels to perennial flows entering Horsebridge Creek and Walston Branch downstream and connecting to Nassawango Creek mainstem. Surface water was present during field investigation. |

| 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 |
| W-10, W-11, W-24, W-38, W-39, W-42, W-47, W-48, W-49 W-50 | 11.61 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | All these wetland features are physically separate by man-made diversion/water control structures including culverts, however, the physical separation is man-induced and those non-jurisdictional features were assed to determine if each feature conveys surface water flow in a typical year that allows for a direct hydrological connection between the wetland and either Horsebridge Creek or Walston Branch into Nassawango Creek. In the case of ditched wetlands, those linear wetlands satisfy the definition of "adjacent wetlands." In addition, high resolution time-lapse aerial photography dating back to 1988 was reviewed to identify visual permeance of surface water drainage patterns during the growing season. Surface water was present during field investigation. |
| W-52, W-53, W-54, W-55, W-66 | 0.68 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic | All these wetland features are physically separate by man-made diversion/water control structures including culverts, however, the physical separation is man-induced and those non-jurisdictional features were assed to determine if each feature conveys surface water flow in a typical year that allows for a direct hydrological connection between the wetland |



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| Adjacent wetlands ((a)(4) waters): | | | | |
|------------------------------------|-------------|---------|--|--|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| | | | surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | and either Horsebridge Creek or Walston Branch into Nassawango Creek. In the case of ditched wetlands, those linear wetlands satisfy the definition of "adjacent wetlands." In addition, high resolution time-lapse aerial photography dating back to 1988 was reviewed to identify visual permeance of surface water drainage patterns during the growing season. Surface water was present during field investigation. |
| W-70 thru W-77 | 0.26 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | All these wetland features are physically separate by man-made diversion/water control structures including culverts, however, the physical separation is man-induced and those non-jurisdictional features were assed to determine if each feature conveys surface water flow in a typical year that allows for a direct hydrological connection between the wetland and either Horsebridge Creek or Walston Branch into Nassawango Creek. In the case of ditched wetlands, those linear wetlands satisfy the definition of "adjacent wetlands." In addition, high resolution time-lapse aerial photography dating back to 1988 was reviewed to identify visual permeance of surface water drainage patterns during the growing season. Surface water was present during field investigation. |
| W-4 thru W-21 | 1.02 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | All these wetland features are abutting (a)(2) intermittent tributaries identified as S-2 and S-3. Observed intermittent flow during all three site visits. Typical year satisfied for all wetlands abutting S-2 and S-3 which are upper reaches to Walston Branch. All wetlands W-4 thru W-19 are abutting to tributary S-2 and W-20 and W-21 are abutting to tributary S-3. |
| W-40 thru W-41 | 0.77 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetlands W-40 and W-41 continue outside of the study area, downslope. Both wetland features have surface water drainage to intermittent drainage ditches constructed in hydric soils. Wetlands and connecting drainage ditches are all adjacent wetland systems abutting Horsebridge Creek, an (a)(2) perennial tributary. |
| W-43 | 4.66 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetlands W-43 continues outside of the study area, downslope. Wetland feature contributes surface water drainage to intermittent drainage ditches constructed in hydric soils. Wetlands and connecting drainage ditches are all adjacent wetland systems abutting Horsebridge Creek, an (a)(2) perennial tributary. |
| W-51 | 5.06 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) | Wetland W-51 is a forested community system continuing outside of the study area, downslope. Wetland feature is geographically abutting |



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| Adjacent wetlands ((a)(4) waters): | | | | |
|------------------------------------|-------------|---------|--|--|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| | | | water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | Nassawango Creek, an (a)(2) perennial tributary to Pocomoke River. Topographic contours, hydric soils series and forested wetland community all identical in linear pattern observed on LiDAR and in the field contributing direct hydrological connection of surface waters to Nassawango Creek. W-51 flows in southwest direction beneath Fooks Road. W-51 is historically a headwater wetland to Nassawango Creek. |
| W-57 | 7.882 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature. | Wetland W-57 is a mineral soil flat forested wetland community system only separated by natural mineral soil flat topography features to Nassawango Creek, an (a)(2) perennial tributary to Pocomoke River. Seasonal drainage patterns evident in the field, observed on high resolution time-lapse aerial imagery and LiDAR data. |
| W-58 | 5.29 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | Wetland W-58 is a mineral soil flat forested wetland community system that abuts Nassawango Creek, an (a)(2) perennial tributary to Pocomoke River. Seasonal drainage patterns evident in the field, observed on high resolution time-lapse aerial imagery and LiDAR data. W-58 is a divided from W-59 by Twilley Bridge Road, but W-58 has a direct hydrologic surface water connection in a typical year to W-59. Soil series is Lenni sandy loam to Corsica mucky loam. The soil series then transitions to Longmarsh where the wetland feature contributes direct hydrological flow to Horsebridge Creek, an (a)(2) perennial tributary. |
| W-59 thru W-61 | 14.23 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland W-59, W-60 and W-61 are all part of a mineral soil flat forested wetland community system continuing outside of the study area, downslope. Wetland features are geographically abutting Horsebridge Creek, an (a)(2) perennial tributary to Nassawango Creek. Horsebridge Creek bisects both W-59 and W-60. W-61 is a smaller feature abutting to the other two wetland features sharing same hydric soils series, wetland hydrology, and hydrophyte species. |
| W-63 | 7.61 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland W-63 is a mineral soil flat forested wetland community system only separated by natural mineral soil flat topography features to Nassawango Creek, an (a)(2) perennial tributary to Pocomoke River. Seasonal drainage patterns evident in the field, |



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| Adjacent wetlands ((a)(4) waters): | | | |
|------------------------------------|-------------|-----------------|--|
| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
| | | | observed on high resolution time-lapse aerial imagery and LiDAR data. |
| W-64, W-66, and W-67 | 15.39 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water Wetland W-64 is a smaller wetland feature in-line with W-66 and W-67 larger wetland complex. W-64 contributes direct hydrological surface water connection via linear wetland system W-66 and W-42. All are part of a mineral soil flat forested to emergent wetland community system complex contributing surface water flow/drainage patterns to Walston Branch, downslope. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| W-1, W-2, and W-3 | 0.95 | acre(s) | (b)(1) Non-adjacent wetland. Wetland features are all geographically isolated and surrounded entirely by upland features consisting of mowed grass fields. |
| W-22 thru W-23 | 0.19 | acre(s) | (b)(1) Non-adjacent wetland. Wetland features are all geographically isolated and surrounded entirely by upland on all sides within existing mowed field. No observed connection to intermittent tributary identified as S-3. |
| W-25 thru W-26 | 1.13 | acre(s) | (b)(1) Non-adjacent wetland. Wetland features are all geographically isolated and surrounded entirely by upland on all sides within existing mowed field. W-25 is a linear emergent wetland system bordering Walston Switch Road and is separated from a separate forested linear ditch delineated as W-26. No observed connection to any intermittent/perennial tributary system. Topographically these features are predominately stormwater and overland sheet flow. No evidence of historic drainage patterns indicative of headwater wetland systems connecting downslope. |
| W-27 thru W-29 | 0.171 | acre(s) | (b)(1) Non-adjacent wetland. Wetland features are all geographically isolated. Soil series are Corsica and Lenni series which are hydric, but adjoining series are non-hydric Pepperbox/Rockawalkin. Review of high-resolution aerial photography dating back to 1988 shows these isolated wetland pockets were all connected to a mainstem drainage ditch immediately to the north of Runway 14-23. The |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|---------|------------------------------|---|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | | historical agricultural drainage ditches date to before 1942 airport construction. |
| W-30 thru W-37 | 1.46 | acre(s) | (b)(1) Non-adjacent wetland. | Wetland features are all geographically isolated. Soil series are Corsica and Lenni series which are hydric, but adjoining series are non-hydric Pepperbox/Rockawalkin. Review of high-resolution aerial photography dating back to 1988 shows these isolated wetland pockets were all connected to a mainstem drainage ditch immediately to the north of Runway 14-23. The historical agricultural drainage ditches date to before 1942 airport construction. Wetlands W-30 thru W-37 do not connect downstream historically through non-jurisdictional conveyances or other jurisdictional waters since 2003 when the area was modified for Runway 14-23 pavement expansion and underground diversion of surface water flows. Portions of these historical ditches prior to piping below ground were constructed in both hydric and non-hydric soil series. Flow in roadside ditches continues along Walston Switch Road and beneath Airport Road (approx. 6,500 linear feet) offsite into a seasonally flooded forested nontidal wetland system offsite to Walston Branch. |
| W-44 thru W-46 | 0.17 | acre(s) | (b)(1) Non-adjacent wetland. | Wetland features are all geographically isolated. Soil series are Corsica and Lenni series which are hydric, but each wetland feature is a small depression with no surface water connection out of the wetland to W-42 linear wetland/ditch downstream to Horsebridge Creek. Linear wetlands comprising W-42 complex are all (a)(4) adjacent wetlands, but no physical/hydrological connection with W-44 thru W-46. |
| W-62 | 0.02 | acre(s) | (b)(1) Non-adjacent wetland. | Wetland feature is geographically/hydrologically isolated. Soil is Lenni series, which is hydric, but the small wetland feature is isolated depression with no surface water connection into or out of the wetland feature. W-62 is not part of adjacent wetlands W-63 or W-61. |
| W-65 | 0.06 | acre(s) | (b)(1) Non-adjacent wetland. | Wetland feature is geographically/hydrologically isolated. Soil is Lenni series, which is hydric, but the small wetland feature is isolated depression with no surface water connection into or out of the wetland feature. W-65 is not part of W-66 or W-42 adjacent wetlands. |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------------|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| W-68 thru W-69 | 1.24 acre(s) | (b)(1) Non-adjacent wetland. | Wetland features are all geographically/hydrologically isolated. Soil is Lenni series, which is hydric, but the small wetland feature is a depression with no surface water connection into or out of the wetland feature to W-66, an adjacent emergent wetland system contiguous to W-67. W-66 and W-67 are adjacent (a)(4) wetlands to Walston Branch where flows are intermittent parallel to Fooks Road. |

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: [delineation plans, report and supporting documentation as prepared by WSSI, Inc. dated June 16, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

- Data sheets prepared by the Corps: [N/A.](#)
- Photographs: [Aerial and Other: Google Earth Pro April 1992, February 2008, October 2009; May 2013; 2015 November; 2018 June; 2020 February. Site visit photos taken by the Corps dated below.](#)
- Corps site visit(s) conducted on: [May 11, 2020; May 18, 2020; and June 18, 2020.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NAB-2019-00456 \(SBY Airport Industrial Park/JD\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Wicomico County Soil Survey; online Streaming Web Soil Survey.](#)
- USFWS NWI maps: [NWI online wetland mapper.](#)
- USGS topographic maps: [1:24,000; Salisbury, MD \(7.5-Minute Series\).](#)

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--|---|
| USGS/WBD/NHD data/maps | USGS 12-Digit HUC: 020801110101; Upper Nassawango Creek. |
| Other USDA data (specify) | Wicomico County Soil Conservation Service. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local wetland inventory maps | Maryland's Environmental Resources and Land Information Network (MERLIN) online data. |
| FEMA/FIRM maps | Panel: 24045C0260E; Wicomico County, MD. |

B. Typical year assessment(s): A typical year assessments was performed by quarrying data from the Antecedent Precipitation Tool (APT) using 3 data points that corresponded to each of the 3 site visit calendar dates and a single point for each of the JD data forms prepared by WSSI, Inc. For 11 May 2020,



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the APT output identified drier than normal. For 18 May second site visit, the APT output identified normal conditions. For the last site visit 6 August 2020, the APT identified normal conditions. The consultant's JD was completed 2 April 2020 and the APT output using the calendar date as a single data entry point identifies normal conditions. In addition To APT, the Corps considered other information to document that normal conditons for precipitation and other climatic conditions are within the regional range for the site, including direct on-site observations and quarrying of other remote tools besides APT. Each wetland/waterway, including natural feature/artificial structure surface water conveyances that is identified as jurisdictional in Section II.C) meets "typical year" using field observation/data to verify desktop assessment results.

- C. Additional comments to support AJD:** Surface water hydrological connections observed in the field were determined to accurately represent regional hydrology conitions for Wicomico County, Maryland. Typical year conditions predicated on Corps Project Manger's geographic expertise.