



**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): 8/31/2020
 ORM Number: NAB-2020-00363
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Maryland City: Henderson County/Parish/Borough: Caroline
 Center Coordinates of Review Area: Latitude 39.065308 Longitude -75.745439

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
N/A.	N/A.	N/A.	N/A.

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.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland K	0.232	acre(s)	(b)(1) Non-adjacent wetland.	Excluded features per. 33 CFR 328.3(b). Wetland K is located within an closed depression situated on farmland mapped as Hambrook (HbA) soil series, a non-hydric soil series. While the Corps evaluated this area due to repetitive surface water saturation evident early growing season, no surface water connection(s) are evident to establish jurisdiction. During the February 14, 2019 site visit, surface water ponding was evident, but confined within the feature. Wetland K is not abutting (a)(1) – (a)(3) water based on the definition of “adjacent wetland” per. 33 CFR 328.3(c)(1)(i).
Wetland L	0.686	acre(s)	(b)(1) Non-adjacent wetland.	Excluded features per. 33 CFR 328.3(b). Wetland L is located within an closed depression situated on farmland mapped as Hambrook (HbA) soil series, a non-hydric soil series. While the Corps evaluated this area due to repetitive surface water saturation evident early growing season, no surface water connection(s) are evident to establish jurisdiction. During the February 14, 2019 site visit, surface water ponding was evident, but confined within the feature. Wetland L is not abutting (a)(1) – (a)(3) water based on the definition of “adjacent wetland” per. 33 CFR 328.3(c)(1)(i).

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 survey prepared by Lane Engineering, Inc. dated February 19, 2019; revised July 21, 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 and 2018 June. Photos taken by the Corps during the February 14, 2019 site visit.](#)

Corps site visit(s) conducted on: [February 14, 2019.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [NAB-2004-60509](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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- USDA NRCS Soil Survey: [SSURGO online data at: https://websoilsurvey.sc.egov.usda.gov/](https://websoilsurvey.sc.egov.usda.gov/)
- USFWS NWI maps: [NWI online data at: https://www.fws.gov/wetlands/data/mapper.HTML](https://www.fws.gov/wetlands/data/mapper.HTML)
- USGS topographic maps: 1:24,000; Henderson, 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	12- Digit HUC: 020600050202; Tappahanna Ditch-Choptank River watershed.
Other USDA data (specify)	N/A.
NOAA Sources	N/A.
USACE Sources	CorpsMap
State/Local wetland inventory maps	Maryland’s Environmental Resources and Land Information Network (MERLIN) online data at: https://dnr.maryland.gov/Pages/Merlin.aspx
FEMA/FIRM maps	MERLIN online data at: https://dnr.maryland.gov/Pages/Merlin.aspx

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: The Corps completed a desktop review using high resolution time-lapse area photography to review both Wetland K and Wetland L where the applicant did not provide the Corps with a certified Prior Converted Cropland (PCC) determination, nor did the Corps independently make such a determination in the absence of consulting with the Caroline County Soil Conservation District for digitized records. The Corps determined this was not necessary as both wetland features did not shown evidence via desktop and field review satisfying the definition of an adjacent wetland since Wetland K and Wetland L are not abutting an (a)(1) – (a)(3) water. While an intermittent tributary is located outside of the review area, neither of the two wetland features in question “abut” the intermittent tributary.