



**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): 10/30/2020
 ORM Number: NAB-2020-00419 Speigel Property/Pre-app/Approved JD
 Associated JDs: N/A
 Review Area Location¹: State/Territory: MD City: Middle River County/Parish/Borough: Baltimore County
 Center Coordinates of Review Area: Latitude 39.352328 Longitude -76.429889

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 b8. Artificial Lakes and Ponds			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Unnamed Pond	0.17 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Under the NWPR, artificial lakes and ponds constructed or excavated in upland are not regulated.

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: [Site plan dated May 14, 2020 and 1982 aerial image.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Plans display location of the artificial pond.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Other: NAB-2020-00419 Photos 1 through 5.](#)

Corps site visit(s) conducted on: [22 October 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

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

USDA NRCS Soil Survey: [USDA NRCS Web Soil Survey, Baltimore County, MD \(MD005\), 27 October 2020](#)

USFWS NWI maps: [USFWS National Wetlands Inventory – Surface Waters and Wetlands Mapper, 27 October 2020](#)

USGS topographic maps: [USGS, The National Map Viewer, Topographic Maps, 27 October 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	Marylands Environmental Resource & Land Information Network Webpage (MERLIN), 27 October 2020. Maryland Department of Natural Resources, Maryland Geologic Survey, 1977.
Other Sources	N/A.

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

C. Additional comments to support AJD: The Corps received a request for a Department of the Army (DA) Approved Jurisdictional Determination for a pond, at 9925 Bird River Road, Middle River, Baltimore County, Maryland 21220. The applicant provided information demonstrating the pond is an abandoned quarry pond constructed in uplands. The applicant provided an aerial image from 1982 displaying sand mining activity near the pond. The Corps reviewed the MERLIN Webpage, USDA NRCS Soil Survey, USFWS NWI Map, and the USGS Topographic Maps for the Corps area of review. The Corps conducted a site visit on 22 October 2020, and field evaluated the pond area to confirm the review area only includes an artificial pond. The Corps observed a pond near the center portion of the site, with no inlet or outlet. Based on field observations, information submitted by the applicant, review of MERLIN, NWI, USGS, and USDA Soil Survey, the Corps has determined this is an artificial pond constructed in the uplands. In conclusion, based on the available resource documentation and the Corps field observations during the 22 October 2020 site visit, the Corps has determined the review area includes dry land and no jurisdictional waters of the U.S.