



**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): 8/20/2020
 ORM Number: NAB-2020-60795 Winmark Ltd/ Fill
 Associated JDs: N/A
 Review Area Location¹: State/Territory: MD City: Odenton County/Parish/Borough: Anne Arundel
 Center Coordinates of Review Area: Latitude 39.082853 Longitude -76.689184

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 b3. Ephemeral feature				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Unnamed ephemeral tributary to Picture Spring Branch	510	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Under the NWPR, ephemeral channels are not Federally regulated.
Stormwater Management Pond	0.38	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Under the NWPR, stormwater ponds constructed in uplands are not Federally 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: [JPA dated 7 May 2020 with plans dated January 2008.](#)

This information is sufficient for purposes of this AJD.

Rationale: [JPA and plans display locations and proposed impacts to the ephemeral channel and stormwater pond.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Other: NAB-2020-60795 Photos 1 through 5.](#)
- Corps site visit(s) conducted on: [13 July 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, Anne Arundel County, MD \(MD003\), 20 August 2020](#)
- USFWS NWI maps: [USFWS National Wetlands Inventory – Surface Waters and Wetlands Mapper, 20 August 2020](#)
- USGS topographic maps: [USGS, The National Map Viewer, Topographic Maps, 20 August 2020](#)

Other data sources used to aid in this determination:

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
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Marylands Environmental Resource & Land Information Network Webpage, 13 July 2020.
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) authorization to impact 150 linear feet of ephemeral channel and 0.38 acres of a stormwater management pond during construction of a proposed health and technology campus, near 1132 Annapolis Rd, Odenton, Maryland 21113. The ephemeral channel conveys precipitation run off from upstream impervious surfaces to Picture Spring Branch, classified as a Use III waterway in Maryland. The stormwater management pond was constructed in the uplands to store and convey stormwater run off. The information provided in the application and additional documents listed above state the proposed project will impact an ephemeral channel and stormwater pond, and will not impact any wetlands or other aquatic resources. The Corps reviewed the USDA NRCS Soil Survey, USFWS NWI Map, and the USGS Topographic Maps for the proposed project area. The Corps conducted a site visit on 13 July 2020, and field evaluated the entire proposed limit of disturbance, to confirm the review area only includes an ephemeral channel and stormwater pond. The Corps observed a stormwater pond near the center portion of the site, and also observed a dry, deeply eroded, ephemeral channel along the western portion of the site. Based on field observations, information submitted by the applicant, review of NWI, USGS, and USDA Soil Survey, the Corps has determined this is an ephemeral channel which conveys water in direct result of precipitation draining from Annapolis Road, and the existing stormwater pond was constructed in the uplands. In conclusion, based on the available resource documentation and the Corps field observations during the 13 July 2020 site visit, the Corps has determined the review area includes dry land and no jurisdictional waters of the U.S.