



**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): [4/13/2021](#)

ORM Number: [NAB-2020-61396](#)

Associated JDs: [N/A](#)

Review Area Location¹: State/Territory: [MD](#) City: [Abingdon](#) County/Parish/Borough: [Harford County](#)

Center Coordinates of Review Area: Latitude [39.47277](#) Longitude [-76.29358](#)

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	
Unnamed ephemeral feature	170	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Under the NWPR, ephemeral features 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 August 23, 2020 with [plans](#).

This information is sufficient for purposes of this AJD.

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

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: [Other: NAB-2020-61396.20210330.Site_Visit.pdf](#)
- Corps site visit(s) conducted on: [March 30 and April 5, 2021](#)
- 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, Harford County, Maryland \(MD600\)](#), March 30, 2021
- USFWS NWI maps: [USFWS National Wetlands Inventory – Surface Waters and Wetlands Mapper, March 30, 2021](#)
- USGS topographic maps: [USGS, The National Map Viewer, Topographic Maps, March 30, 2021](#)

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.
State/Local/Tribal Sources	Maryland Environmental Resource & Land Information Network Webpage, March 30, 2021
Other Sources	N/A.

B. Typical year assessment(s): A typical year assessment was conducted using the Antecedent Precipitation Tool (APT). The APT was run for the date of the first Corps site visit, March 30, 2021, with the location set using the site latitude and longitude (39.47277, -76.29358). The APT produced a result demonstrating the site visit occurred during a period of normal precipitation conditions.

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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C. Additional comments to support AJD: The Corps received a request for a Department of the Army (DA) authorization to impact 170 linear feet of ephemeral channel for residential site development, near 3216 and 3218 Fieldcrest Way, Abingdon, Maryland 21009. The ephemeral channel conveys precipitation run off from upstream impervious surfaces to a Natural Resource District buffer area. The information provided in the application and additional documents listed above state the proposed project will impact an ephemeral channel 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 two site visits on March 30 and April 5, 2021, and field evaluated the entire proposed limit of disturbance, to confirm the review area only includes an ephemeral channel. The Corps observed an ephemeral channel along the southern 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 Abingdon Road. In conclusion, based on the available resource documentation and the Corps field observations during the March 30 and April 5, 2021 site visits, the Corps has determined the review area includes dry land and no jurisdictional waters of the U.S.