



**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): 7/14/2021

ORM Number: NAB-2021-00128

Associated JDs: N/A

Review Area Location¹: State/Territory: MD City: Willards County/Parish/Borough: Worcester County

Center Coordinates of Review Area: Latitude 38.38426 Longitude -75.34209

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
Intermittent Stream 1	72	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Gordy's Branch is a blue line stream that was determined to exhibit at least intermittent flow during a WSSI site visit and a Corps Site visit.

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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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-1	0.135	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetlands met all three parameters and directly abuts the unnamed tributary. The soils met the A7, A9, A12, and/or F13 hydric soil indicators, the vegetation was determined hydrophytic through the dominance test, and hydrology was satisfied with surface water, high water table, saturation, water marks, water stained leaves, hydrogen sulfide odor, drainage patterns, and saturation visible on aerials.
W-2	0.108			
W-3	0.029			
W-4	0.041			
W-5	0.016			
W-6	0.012			

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

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: [Wetland Studies and Solutions \(WSSI\), Inc. dated 21 October 2020.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A.](#)
- Data sheets prepared by the Corps: [N/A.](#)
- Photographs: [Other: Ground photographs taken 21 October 2020 by Wetland Studies and Solutions \(WSSI\), Inc.](#)
- Corps site visit(s) conducted on: [30 November 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Online Web Soil Survey](#)
- USFWS NWI maps: [NWI online wetland mapper](#)
- USGS topographic maps: [N/A.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	12 digit HUC: 020801110202; Whaleyville Branch-Pocomoke River
USDA Sources	N/A.
NOAA 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
USACE Sources	N/A.
State/Local/Tribal Sources	Maryland's Environmental Resources and Land Information Network (MERLIN) online data
Other Sources	Water Resource Registry

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

C. Additional comments to support AJD: [Through a thorough online analysis and a site visit the Corps concurred with WSSI's delineation report and findings, which documented 72 linear feet of an a\(2\) intermittent tributary named Gordy's Branch and approximately 0.342 acres of a\(4\) wetlands abutting the a\(2\) stream located within the approximately 6.20 -acre "Area of Review." The Corps has determined that all the areas that fall outside of the wetland boundaries as indicated in the wetland delineation plan are uplands and excluded from jurisdictional status.](#)