

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 24 March 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAB-2021-00425 (Southerland-Lot 15/Approved JD)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Maryland County/parish/borough: Charles County City: Waldorf
 Center coordinates of site (lat/long in degree decimal format): Lat. 38.627884 °, Long. 76.980550 °
 Universal Transverse Mercator: 18
 Name of nearest waterbody: Piney Branch
 Name of watershed or Hydrologic Unit Code (HUC): 02070011 (Lower Potomac)

- Check if map/diagram of review area is available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
 Field Determination. Date(s): October 20, 2021

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: dated 14 September 2021
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report. dated 14 September 2021
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps: Antecedent Precipitation Tool using 2 data points
 U.S. Geological Survey Hydrologic Atlas:
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: USGS Topographic map, Piscataway Quadrangle (7.5 minute series)
 USDA Natural Resources Conservation Service Soil Survey. Chales County Soil Conservation Service
 National wetlands inventory map(s). Cite name: NWI Mapping Online per. U.S. Fish and Wildlife Service
 State/Local wetland inventory map(s):
 FEMA/FIRM maps:
 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): Google Earth Pro February 2008, October 2009; May 2013; November 2018 June 2020.
 or Other (Name & Date): Site visit photos dated 20 October 2021
 Previous determination(s). File no. and date of response letter:
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: A site visit was conducted with the Corps on 20 October 2021 to review aquatic resource limits delineated per. the consultant's submittals. Within the approximately 1.09-acre area of review, Corps' staff documented indicators of

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

hydrophytic vegetation and hydric soils, but no wetland hydrology indicators. While the areas identified as absent wetland hydrology indicators are within the mapped areas containing hydric soils (Lenni-Quindocqua soils, 0-2% slopes) per. NRCS Soil Series (SSURGO) and within areas mapped by NWI as wetlands, the Corps field inspection documented absence of hydrology indicators. A desktop-level review was conducted post site visit by the Corps that included review of high-resolution timelapse aerial photography early to late growing season. In addition, the Corps assessed if the site was absent hydrology indicators due to dryer seasonal conditions during the site visit and consultant's field report dates. The Anticetal Precipitation Tool (APT) calculator determined the day of the initial site visit 14 September 2021 (Wetland Delineation Report) was "wetter than usual" for the typical dry season period and the day of the Corps site visit 20 October 2021 represented "normal conditions" during the typical wet season period for this area. The geomorphic position of the site suggests it receives most inputs of water through precipitation and sheetflow. There was no observation of surface water saturation and no observation water table within 12-inches of the soil surface, demonstrating that the A2 and A3 indicators were absent. In conclusion, wetland hydrology indicators should have been present during the visit by the Corps. Because all three parameters are not met, the site was determined to be non-wetland. The areas observed by the Corps that were absent wetland hydrology indicators were not characterized as atypical areas or problematic conditions warranting Chapter 5 of the Regional Supplement to USACE 1987 Delineation Manual. Corps review of hydrological and climate data ruled out atypical and problematic conditions.