DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
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): May 26, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAB-2021-60621 Trammell Crow Company/Frederick Commerce Center/Road Crossing)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Maryland County/parish/borough: Frederick City: Frederick
Center coordinates of site (lat/long in degree decimal format): Lat. 39.440176° N, Long. -77.357392° W
Universal Transverse Mercator:
Name of nearest waterbody: Addison Run
Name of watershed or Hydrologic Unit Code (HUC): 020700090606

- [x] 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):

- [x] Office (Desk) Determination. Date: June 17, 2022
- [x] Field Determination. Date(s): May 25, 2022

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):

- [x] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Eco Science Professionals, Inc., 01/18/2021
- [x] Data sheets prepared/submitted by or on behalf of the applicant/consultant - Eco Science Professionals, Inc
  - [x] Office concurs with data sheets (01/18/2021)/delineation report (01/18/2021).
  - [ ] Office does not concur with data sheets/delineation report.
- [ ] Data sheets prepared by the Corps:
- [x] U.S. Geological Survey Hydrologic Atlas:
  - [x] USGS NHD data. Baltimore County, Maryland. Corps confirmed 5/19/2022.
  - [ ] USGS 8 and 12 digit HUC maps.
- [ ] U.S. Geological Survey map(s). Cite scale & quad name:
- [x] USDA Natural Resources Conservation Service Soil Survey. Citation: Frederick County, Maryland. Corps confirmed 5/25/2022.
- [x] National wetlands inventory map(s). Cite name: Frederick County, Maryland. Corps confirmed 5/25/2022.
- [x] State/Local wetland inventory map(s): Frederick County, Maryland. Corps confirmed. 5/25/2022.
- [x] FEMA/FIRM maps: Minimal flood hazard (Zone X)
- [ ] 100-year Floodplain Elevation is:
- [x] Photographs: [x] Aerial (Name & Date): Google earth imagery 1985-2021
  - [ ] or [ ] Other (Name & Date): Triad site photos
- [ ] 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 Maryland State Programmatic Category B e(9) residential/business construction permit was processed December 3, 2021 to allow permanent impacts to approximately 35 linear feet (397 square feet) of perennial stream channel and temporarily impact approximately 85 linear feet (1,193 square feet) of perennial stream channel on Lot 1. On May 23rd, 2022 MDE (Kate Ansalvish kate.ansalvish1@maryland.gov) reported that approximately 500 linear feet of a possible ephemeral stream located on Lot 3 was scheduled to be graded, a resource that had not been reviewed by the Corps initially. On May 25, 2022 Alexis Kolarz conducted a site visit to

[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.

determine jurisdiction of the water feature. The site visit revealed a mostly dry ditch in the center of historic agricultural fields. Upland plants (*Arctium minus* FACU) and trees (*Celtis occidentalis* FACU) were growing within the bottom of the feature indicating that the feature only serves to drain runoff of the surrounding fields. Soil samples taken from the bottom of the ditch did not exhibit hydric soils (0"-2" 10YR 4/3, 2"-12" 10YR 5/4) further proving the upland drainage nature of the feature. Using aerial imagery, it seems that the ditch separated two agricultural fields and was used for drainage. No other wetlands or streams were observed within the area of interest. The feature would be considered a ditch in uplands and therefore not within the corps jurisdiction.