



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): April 27, 2021

ORM Number: NAB-2021-00096-M30

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: MD City: County/Parish/Borough: Prince George's County

Center Coordinates of Review Area: Latitude 38.829308 Longitude -76.84728

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
S-1	1272 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Corps conducted a site visit on March 16, 2021. During the review a continuous OHWM and clear a bed and bank was observed based on several physical characteristics such as a break in slope, a clear/natural line impressed on the bank, changes in soil characteristics, absence of vegetation in channel, and the presence of litter and debris. These findings would suggest sufficient seasonal flow, volume, and duration to be a jurisdictional water of the United States. The stream channel contributes surface water flow directly to Ritchie Branch and into the Patuxent River, which is classified as a traditional

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<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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			navigable water (TNW). A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that this water meets the tributary definition and does contribute perennial flow to a downstream TNW in a typical year.
S-2	2041 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Corps conducted a site visit on March 16, 2021. During the review a continuous OHWM and clear a bed and bank was observed based on several physical characteristics such as a break in slope, a clear/natural line impressed on the bank, changes in soil characteristics, absence of vegetation in channel, and the presence of litter and debris. These findings would suggest sufficient seasonal flow, volume, and duration to be a jurisdictional water of the United States. The stream channel contributes surface water flow through other tributaries into the Patuxent River, which is classified as a traditional navigable water (TNW). A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that this water meets the tributary definition and does contribute perennial flow to a downstream TNW in a typical year.
S-3	64 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Corps conducted a site visit on March 16, 2021. During the review a continuous OHWM and clear a bed and bank was observed based on several physical characteristics such as a break in slope, a clear/natural line impressed on the bank, changes in soil characteristics, absence of vegetation in channel, and the presence of litter and debris. These findings would suggest sufficient seasonal flow, volume, and duration to be a jurisdictional water of the United States. The stream channel contributes surface water flow through other tributaries to Ritchie Branch and into the Patuxent River, which is classified as a traditional navigable water (TNW). A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that this water meets the tributary definition and does contribute intermittent flow to a downstream TNW in a typical year.
S-4	52 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Corps conducted a site visit on March 16, 2021. During the review a continuous OHWM and clear a bed and bank was observed based on several physical characteristics such as a break in slope, a clear/natural line impressed on the bank, changes in soil characteristics, absence of vegetation in channel, and the presence of litter and debris. These findings would suggest sufficient seasonal flow, volume, and duration to be a jurisdictional water of the United States. The stream channel contributes surface water flow through other tributaries to Ritchie Branch and into the Patuxent River, which is classified

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<sup>5</sup> 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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			as a traditional navigable water (TNW). A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that this water meets the tributary definition and does contribute intermittent flow to a downstream TNW in a typical year.
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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

**Adjacent wetlands ((a)(4) waters):**

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	1.0403 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PEM wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-10	0.0185 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PEM wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-11	0.0129 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-12	0.0827 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year

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			assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-13	0.0028 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-14	0.1355 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-15	0.0055 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-16	0.0737 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PEM wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-17	0.6704 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year

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			assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-19	0.5175 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-2	0.8368 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-3	1.0204 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-4	0.1311 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PEM wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-5	0.3121 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PEM wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted

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			and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-6	0.045 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-7	0.093 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. This wetland is inundated by flooding from an a(2) tributary during a typical year. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional.
W-8	0.1655 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.
W-9	0.1166 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	During the field review all three wetland parameters were observed and confirmed within the PFO wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PFO wetland directly abuts the intermittent stream channel (a(2) water) described above. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PFO wetland is present during a typical year and is jurisdictional because it abuts the a(2) water above.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
W-18	0.0077 acres	(b)(1) Non-adjacent wetland	During the field review all three parameters were

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**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: *Flowers Industrial Waters of the U.S. Delineation dated 4 February 2021.*  
This information *is* sufficient for purposes of this AJD.
- Data sheets prepared by the Corps: *17 December 2021*
- Photographs: *Other: Aerials and ground level photos submitted with Wetland Report; Ground level photos taken during the site visit on 16 March 2021.*
- Corps Site visit(s) conducted on: *16 March 2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Submitted with the wetlands delineation report dated 4 February 2021.*
- USFWS NWI maps: *Submitted with the wetlands delineation report dated 4 February 2021.*
- USGS topographic maps: *Submitted with the wetlands delineation report dated 4 February 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	N/A.
Other Sources	iMAP-Infrared Imagery

**B. Typical year assessment(s):** A typical year assessment was conducted using the antecedent Precipitation Tool (APT) and results indicated that conditions were wetter than normal at the time of the site visit and delineation. However, a thorough review of other data sources to include the USDA NRCS Soil Survey, USGS topographic map, ground photographs, and 2017 Infrared Aerial maps indicate the presence of a two intermittent stream channels that eventually converge before reaching the northern property line during a typical

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year. In addition, the NWI, USDA Soil Survey, and Infrared Aerial maps indicate the presence of wetlands located throughout the central portion of the study area. Historic aerials obtained through Google Earth also indicate the long-term presence of stream channels on the east side of the site. This evidence supports the conclusion that both intermittent stream channels and PFO/PEM wetlands exist in a typical year.

**C. Additional comments to support AJD: N/A**

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.