



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): 2-July 2021

ORM Number: NAB-2021-00135-M30

Associated JDs: N/A

Review Area Location¹:

State/Territory: MD City: Westover County/Parish/Borough: Somerset County

Center Coordinates of Review Area: Latitude 38.080067 Longitude -75.853676

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
Wetland A-PEM	2.4 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an	During the field review all three wetland parameters were observed and confirmed within the PEM

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 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.

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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		artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	wetland using the 1987 Corps Wetlands Delineation Manual and Regional Supplement. The PEM wetland is located at the northern portion of the site that was previously disturbed but is part of the overall Wetland A. A typical year assessment was conducted and is described in Section III.B. The weight of evidence approach supports the conclusion that the PEM wetland is present during a typical year and is jurisdictional.
Wetland A-PFO	103.6 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (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. The PFO wetland directly abuts an intermittent ditch directly offsite. 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 intermittent ditch and has a direct hydrological connection to an offsite unnamed tributary to Big Annemessex River.

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

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 Delineation Report, Somerset County Landfill-Adjacent Parcel, dated March 2020.*

This information is sufficient for purposes of this AJD.

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: Provided in the Wetland Delineation Report.

Corps Site visit(s) conducted on: *April 19, 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: *Online Soil Mapper, Access on February 4, 2020*

USFWS NWI maps: *NWI Online Mapper Access on February 4, 2020*

USGS topographic maps: *USGS Topo Mat Dated February 4, 2020*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Historical Files Online Database

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Maryland's Environmental Resources and Land Information Network

- B. Typical year assessment(s):** A typical year assessment was conducted using the Antecedent Precipitation Tool (APT) and results indicated that conditions were within the normal range at the time of the site visit and delineation. See attached form. In addition, a thorough review of other data sources to include the USFWS NWI maps, USDA NRCS Soil Survey, and USGS topographic maps indicate the presence of PFO/PEM wetlands during a typical year. Historic aerials obtained through Google Earth also indicate the long-term presence of PFO/PEM wetlands. This evidence supports the conclusion that all aquatic resources on the site exist in a typical year.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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