



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): 29-APR-2021

ORM Number: NAB-2021-60193-M30

Associated JDs:

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

State/Territory: MD City: Landover County/Parish/Borough: Prince George's County  
Center Coordinates of Review Area: Latitude 38.924944 Longitude -76.867582

**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
WUS-1	102 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	During the review a continuous OHWM and clear bed and bank were 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 to the Chesapeake Bay, which is classified as a traditional navigable water (TNW). A typical year assessment was conducted

<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.



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			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.
WUS-3	216 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	During the review a continuous OHWM and clear bed and bank were 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 to the Chesapeake Bay, 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.

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
N/A	N/A	N/A	N/A

**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
WUS 2	102 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream channel exhibits OHWM but has no surface water flow in a typical year. Stream channels was wet as documented by the applicant's consultant. The consultant visited the site during wetter than normal year and after a recent storm event.
Wetland 1	0.1646 acres	(b)(1) Non-adjacent wetland	The wetland has met the three parameters but the wetland does not meet the adjacency criteria as defined in the NWPR and therefore, is geographically isolated and falls into exclusion category (b)(1). The wetland does not abut an a(1)-a(3) water; is not inundated by flooding from an a(1)-a(3) water in a typical year, and is not physically separated from an a(1)-a(3) water by a natural feature or artificial structure that would allow for a direct hydrologic connection.

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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: *Wetland Investigation Report submitted by Stantec on behalf of the applicant.*

This information *is* sufficient for purposes of this AJD.  
Rationale: *N/A*

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

Photographs: *Ground level photographs includes in Appendix 3 of Wetland Investigation Report.*

Corps Site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Wetland Investigation Report*

USFWS NWI maps: *Wetland Investigation Report*

USGS topographic maps: *Wetland Investigation Report*

**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	N/A.

**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 delineation. See attached form. Despite wetter than normal conditions.

**C. Additional comments to support AJD:** *N/A* or provide additional discussion as appropriate.

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