



**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): 9/4/2020

ORM Number: NAE-2020-01624

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Maine City: Hallowell County/Parish/Borough: Kennebec

Center Coordinates of Review Area: Latitude 44.286943 Longitude -69.810673

**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
- 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
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
N/A.	N/A.	N/A.	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 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.



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**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
VP-1 VP-2 VP-3 VP-4 VP-5	0.5	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	<p>The features at the site consist of vegetated concave surfaces. A site investigation revealed that the delineated wetlands at the site have no hydrologic connection to either the perennial stream to the west of the review area nor the potentially jurisdictional wetlands to the north of the review area. A review of historic aerial photography does not indicate any evidence of hydrologic connection to currently jurisdictional features.</p> <p>Historic topographical maps (1945 and 1956) indicate that the review area is located at the site of a former gravel pit.</p> <p>The wetland features in the review area are manmade as a result of gravel mining. In accordance with the NWPR, gravel pits that have filled with water and do not meet the definition of an (a)(1) through (a)(2) water are to be excluded under (b)(8).</p> <p>Other wetland exist on the property as shown on the wetland delineation map. The review area for this AJD only covers the aquatic resources listed in this graph.</p>

**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: [AJD Request Form](#), [Topographical maps \(1956 & 1980\)](#), [MDEP Field Report.wetland delineation data sheets](#), [KMZ files](#), [delineation map](#).

This information is sufficient for purposes of this AJD.

Rationale: The information submitted to support the jurisdictional determination request indicates that the review areas were delineated in accordance with the U.S. Army Corps of Engineers delineation manual and the Northcentral and Northeast Regional Supplement. Corps staff verified the delineation during a site visit on June 17, 2020.

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Various as listed below](#).

<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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- Corps site visit(s) conducted on: [17Jun2020](#)
- 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: [Accessed 17Jun2020](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Described below](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">1945, 1956, 1980 topographical maps</a>
<a href="#">USDA Sources</a>	<a href="#">NRCS Soil Survey</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:** [The history of the site as provided by the agent is that it served as gravel pit in the 1950s with the material being used for construction of the adjacent highway. Unsuitable material associated with the highway construction was deposited back on the site. It is hypothesized that lack of grading of the depositing material resulted in the onsite wetlands included in this review area due to poor drainage. After construction of the highway, the area served as a gravel pit until approximately 2005. Timber was harvested from the site in 2017.](#)

[A site visit performed on 17Jun2020 revealed that VP-1 through VP-5 have no hydrological connection to the adjacent jurisdictional features. Only VP-1 through VP-5 are included in this approved jurisdictional determination. Other aquatic resources onsite may be jurisdictional, but are not included in this jurisdictional determination.](#)

[Soils on the property are dominated by Scantic silt loam, 0-3% slopes at the location of the features in question. Other soils occurring on the property are Hinckely gravelly sandy loam, 3-8% slopes and 8-15% slopes.](#)



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