



**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): 8/9/2021
 ORM Number: NAE-2006-01523
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Vermont City: South Burlington
 County/Parish/Borough: Chittenden
 Center Coordinates of Review Area: Latitude 44.448888 N Longitude -73.154929 W

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
N/A.	N/A.	N/A.	N/A.

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 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A (0.09 ac) Wetland B (0.25 ac)	0.34	acre(s)	(b)(1) Non-adjacent wetland.	<p>The two isolated features at the site consist of concave shaped emergent wetlands. The mapped soil is Covington silty clay, 0 to 2 percent slope, poorly drained. Wetland hydrology is likely a result of surrounding runoff from adjacent upland lawns, hay fields and rainfall. Wetland A, is located in the southwest corner of the property and extends slightly over the property line into a residential lot. Wetland B, is north of wetland A, which is located within the right-of-way of an overhead utility line and separated by upland. The wetlands lack defined inlets or outlets. There are no naturally occurring surface water channels within or neighboring to the project area that contribute surface water into or out of these wetlands.</p> <p>Based on a site visit, these wetlands are not hydrologically connected to the closest known (a)(2) waters, Potash Brook, located about 1360' east of the parcel (shown in Figures 1, 3, 5 and 6). These wetlands do not directly abut an (a)(1), (2), or (3) water and there is no evidence that the wetlands are inundated by flooding from an (a)(1), (2), or (3) water in a typical year. The wetlands are not physically separated from jurisdictional waters by natural or artificial features, such as a berm, bank, dune, dike or barrier. Review of historic aerial photography does not reveal any past hydrologic connection between these wetlands and an (a)(1), (2), or (3) water.</p> <p>The features do not meet the definition of an (a)(4) water and these waters do not meet any other conditions of the (b)(2) through (b)(12) exclusions; therefore, the wetlands are (b)(1) excluded features.</p> <p>See Section III C for additional rational.</p>

III. SUPPORTING INFORMATION

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

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: [Site plan titled “Existing Wetland Plan”, dated “8/02/21” \(Figure 2\); Wetland Determination Data Forms prepared by Errol Briggs \(Gilman & Briggs Environmental\), dated “3 OCT 19”.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The site was delineated using the methodology in the 1987 Corps of Engineers Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. The wetland boundary was field verified and accepted by the Corps during a site visit on June 23, 2021. The limits of the wetland shown on the plans are consistent with conditions in the field and the wetland boundary is acceptable and sufficient for preparation of this approved jurisdictional determination \(AJD\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth Photos \(Figure 6.a.-6.d.\) & Photos provided by agent \(Figure 7.a.-7.d.\)](#)
- Corps site visit(s) conducted on: [23 June 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: [Accessed on 30 June 2021 \(Figure 4\)](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [1987 Burlington 7.5 minute QUAD, 1:34,000, “PIZZAGALLI PROPERTIES LLC” dated “06/17/21” \(Figure 1\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	1987 Burlington Vermont topographical map (Figure 1) “StreamStats” dated “08/03/21” (Figure 5)
USDA Sources	USDA NRCS Web Soil Survey, Chittenden County, Vermont (Figure 4)
NOAA Sources	N/A.
USACE Sources	Site photos (Figure 7)
State/Local/Tribal Sources	Vermont Interactive Map Viewer (Figure 3)
Other Sources	Google Earth Photos (Figure 6)

B. Typical year assessment(s): [Not required. There are no \(a\)\(1\) – \(3\) waters in close proximity to Wetland A or Wetland B.](#)

C. Additional comments to support AJD: [This Approved Jurisdictional Determination \(AJD\) is based on a 23 June 2021 site visit, and review of information available on public, state and federal web sites and information provided by the applicant.](#)

Wetlands A and B are similar in character and size (Figure 2). The palustrine emergent wetlands total about 0.34 acre. These wetlands are located in shallow depressions within the landscape and hydrology is likely from rainfall and runoff from the surrounding upland. There are no naturally



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

occurring surface water channels into or out of these wetlands. These wetlands are not hydrologically connected to the known closest jurisdictional (a)(2) water which is outside of the review area. The closest stream, Potash Brook, is located about 1,360' away and approximately 57' lower in elevation. No sign of flowing water was observed within these wetlands, nor do they appear to receive flow in a typical year from any streams. There are no hydrological connections between Wetlands A and B and the Winooski River. Winooski River is the closest Traditional Navigable Water (TNW) and is about 2 miles away "as the crow flies". The wetlands are clearly non-navigable, isolated and intrastate. Wetland A and B are (b)(1) excluded features and are not jurisdictional waters of the U.S.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Michael S. Adams _____
Project Manager

Paul Minkin _____
NWPR AJD Team

Frank J. DeGiudice _____
Branch Chief

Robert J. DeSista _____
PATs Chief

Tammy R. Turley _____
Chief Regulatory Division