



**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): 7/22/2021

ORM Number: NAE-2007-02815

Associated JDs: N/A

Review Area Location¹: State/Territory: Vermont City: Hinesburg County/Parish/Borough: Chittenden

Center Coordinates of Review Area: Latitude 44.332833 N Longitude -73.113888 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.	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.	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.	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.	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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WETLAND F	0.27	acre(s)	(b)(6) Prior converted cropland.	Wetland F is within the area determined to be Prior Converted Cropland by the Natural Resource Conservation Service (NRCS). This area is still in agricultural use. See Figures 2 and 3.
WETLAND G	0.02	acre(s)	(b)(6) Prior converted cropland.	Wetland G is within the area determined to be Prior Converted Cropland by the Natural Resource Conservation Service (NRCS). This area is still in agricultural use. See Figures 2 and 3.
WETLAND H	0.25	acre(s)	(b)(6) Prior converted cropland.	Wetland H is within the area determined to be Prior Converted Cropland by the Natural Resource Conservation Service (NRCS). This area is still in agricultural use. See Figures 2 and 3.
WETLAND I & J	0.09	acre(s)	(b)(6) Prior converted cropland.	Wetland I & J is within the area determined to be Prior Converted Cropland by the Natural Resource Conservation Service (NRCS). This area is still in agricultural use. See Figures 2 and 3.
WETLAND M	0.05	acre(s)	(b)(6) Prior converted cropland.	Wetland M is within the area determined to be Prior Converted Cropland by the Natural Resource Conservation Service (NRCS). This area is still in agricultural use. See Figures 2 and 3.

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: Existing condition site plan titled "OVERALL SITE PLAN", dated "5/20/2021", last revised "6/16/21" (Figure 2).

This information is sufficient for purposes of this AJD.

Rationale: Based on review of the information submitted by the applicant's agent and confirmation by the Vermont Department of Environmental Conservation (VTDEC) personnel, the wetlands on the site were delineated using the methodology in the 1987 "Corps of Engineers Wetlands Delineation Manual" and Northcentral and Northeast Regional Supplement. The wetland boundaries were field verified and accepted by the VTDEC District Wetlands Ecologist for Chittenden County on November 25, 2020. Additionally, the Corps and the applicant's wetland consultant visited this site on October 10, 2007 to review the property and discuss permit requirements and again without the consultant on May 11, 2021 to verify

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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the site had not been abandoned from agricultural use. The Corps determined that the limits of the wetlands 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: *N/A*
- ☒ Photographs: *Aerial and Other: See Figures 4a-4d, 5a-5b*
- ☒ Corps site visit(s) conducted on: *10/10/2007 and 5/11/2021*
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- ☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- ☐ USDA NRCS Soil Survey: *N/A*
- ☐ USFWS NWI maps: *N/A*
- ☒ USGS topographic maps: *1987 Hinesburg 7.5 minute QUAD, 1:24,000, "LOCATION MAP" (dated "07/14/21") (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 Hinesburg Vermont topographical map (Figure 1)
USDA Sources	Prior Converted Cropland determination done by NRCS (Figure 3)
NOAA Sources	N/A.
USACE Sources	N/A
State/Local/Tribal Sources	N/A
Other Sources	Google Earth and Aerial Photos (Figures 4a-4d & 5a-5b)

B. Typical year assessment(s): *Not required. The entire Review Area is within Prior Converted Cropland determined by the NRCS.*

C. Additional comments to support AJD: This Approved Jurisdictional Determination (AJD) is based on review of information available on public, state, and federal websites and information provided by the applicant's engineer and wetland consultants.

Wetlands F, G, H, I&J, and M are similar in character and size (Figure 2). These palustrine emergent wetlands total about 29,928 sq. ft. (0.69 acre) in size. These five wetlands are located within an agricultural field designated as Prior Converted Cropland (PC) by the Natural Resources Conservation Service. An area is no longer considered PC for purposes of the Clean Water Act when the area is abandoned and has reverted to wetland. Abandonment occurs when PC is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. Based on aerial photos and a May 11, 2021 site visit, the Corps has determined this area is not abandoned from agricultural use. Therefore, Wetlands F, G, H, I&J, and M are excluded features under (b)(6) and are not jurisdictional waters of the U.S.



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Michael S. Adams
Project Manager

**MICHAEL S.
ADAMS**

Digitally signed by
MICHAEL S. ADAMS
Date: 2021.07.19
09:03:29 -04'00'

Paul Minkin
NWPR AJD Team

Paul Minkin

Digitally signed by Paul
Minkin
Date: 2021.07.19 10:41:55
-04'00'

Frank J. DelGiudice
Branch Chief

**Frank J Del
Giudice**

Digitally signed by
Frank J Del Giudice
Date: 2021.07.19
13:07:24 -04'00'

Robert J. DeSista
PATs Chief

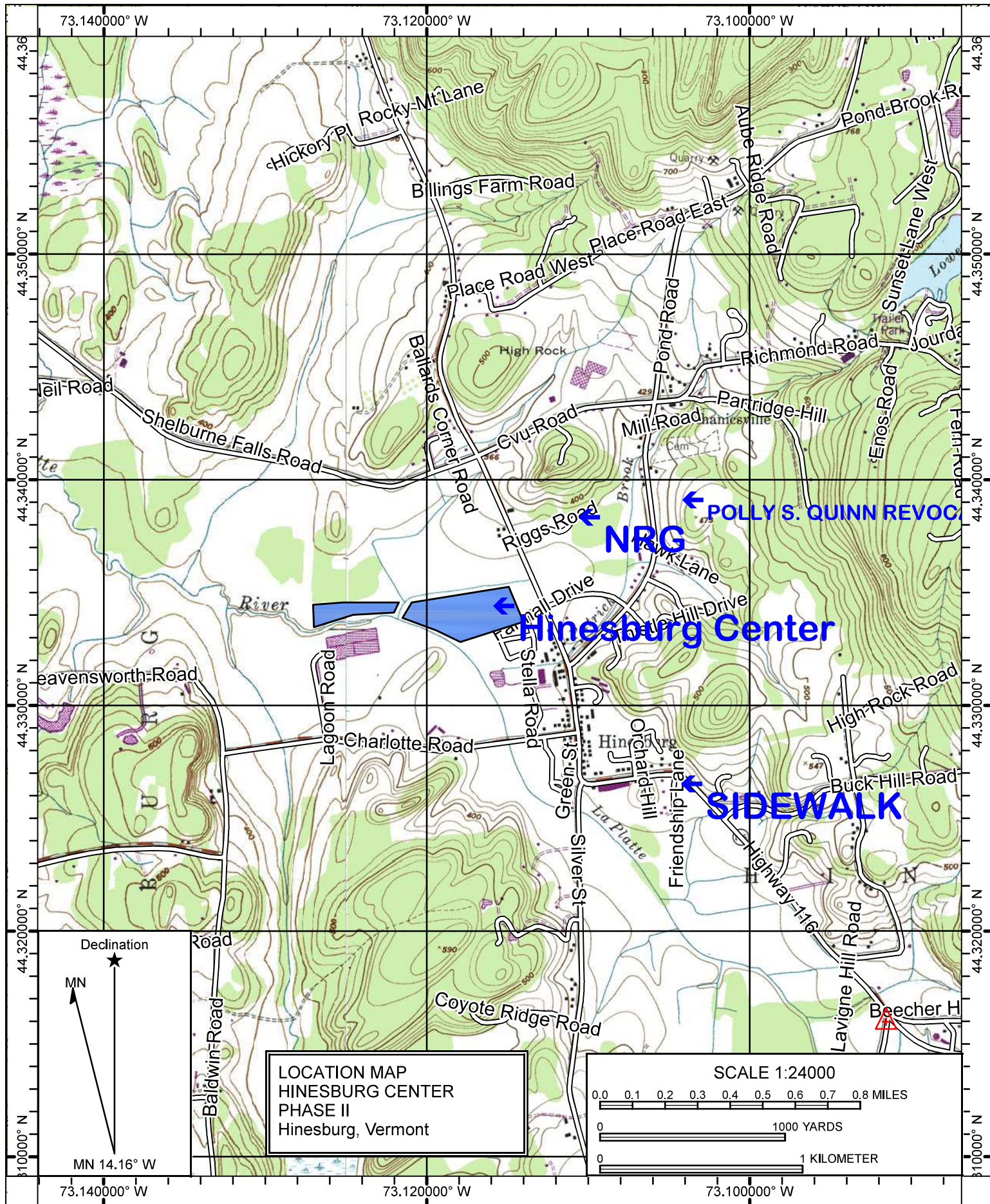
Robert J DeSista

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DeSista
Date: 2021.07.19 17:14:47 -04'00'

Tammy R. Turley
Chief Regulatory Division

**TURLEY.TAMMY.R.
1229735124**

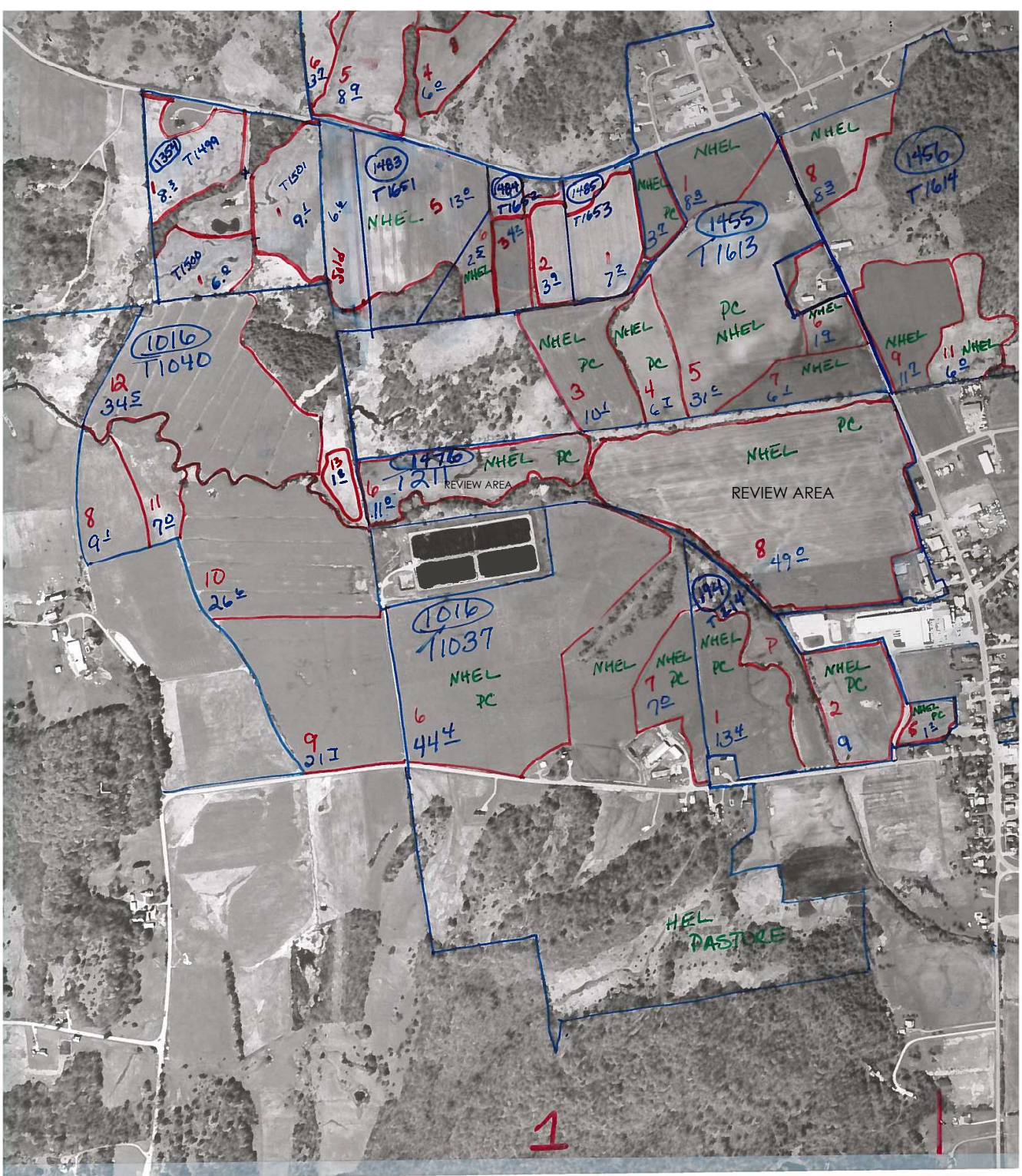
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Name: HINESBURG
 Date: 07/14/21
 Scale: 1 inch = 2,000 ft.

Location: 44.334404° N, 73.115501° W
 FILE NO. : NAE-2007-02815

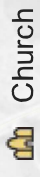
Figure 1



Food Security Act Determinations made on Farm #1476 provided by USDA NRCS.

Figure 3

Legend



Church



Hinesburg



Hinesburg Fire Dept



Hinesburg Police Dept

Riggs Rd

REVIEW AREA

REVIEW AREA

Farmall Dr

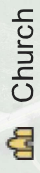
Stella Rd

Lagoon Rd



Figure 4a

Legend



Church



Hinesburg



Hinesburg Fire Dept



Hinesburg Police Dept

REVIEW AREA

REVIEW AREA

Farmall Dr

Stella Rd

Lagoon Rd

Figure 4b

1000 ft

Legend

- Hinesburg Fire Dept
- Hinesburg Police Dept

REVIEW AREA

REVIEW AREA

Farmall Dr

116

Lagoon Rd

Charlotte Rd

Stella Rd

Hinesburg Hi



Figure 4c

Legend

- Church
- Hinesburg
- Hinesburg Fire Dept
- Hinesburg Police Dept



Figure 4d



Picture of existing field provided by the property owner

Figure 5a



Picture of existing field provided by the property owner