



**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): 1/15/2021

ORM Number: NAE-2020-02774

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 44.387896 N Longitude -73.218779 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.



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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 C (0.03 ac) Wetland D (0.14 ac) Wetland E (0.03 ac) Wetland F (0.19 ac)	0.38	acre(s)	(b)(1) Non-adjacent wetland.	<p>The four isolated features at the site consist of concave shaped scrub-shrub and forested wetlands that lack a defined inlet or outlet. The mapped soil units are Belgrade and Eldridge soils and Adams and Windsor loamy sands, moderately well drained and somewhat excessively drained respectively. Wetland hydrology is likely a result of surrounding runoff and rainfall. 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. Based on a site visit, these wetlands are not hydrologically connected to the closest known (a)(2) water, an unnamed tributary of the La Platte River, located about 820' south of the parcel (shown in Figures 1, 3 and 5). 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 are (b)(1) excluded features.</p> <p>See Section III C for additional rationale.</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: [Site plan titled "OVERALL SITE PLAN", dated "1-11-21" \(Figure 2\); Wetland Determination Data Forms prepared by Brian Tremback \(Lamoureux & Dickinson\), dated "7-10-2019".](#)

This information is sufficient for purposes of this AJD.

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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Rationale: Based on an 18 November 2020 site visit and review of the information submitted by the applicants agent the wetlands on the site were delineated using the methodology in the 1987 "Corps of Engineers Wetlands Delineation Manual" and Northcentral and Northeast Region Supplement. The limits of the wetlands shown on the plans were consistent with conditions in the field and the wetland boundary is acceptable and sufficient for preparation of an AJD.

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial and Other: See attached Figures 5 and 6
- Corps site visit(s) conducted on: 18 November 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Accessed on 7 January 2021 (Figure 3)
- USFWS NWI maps: N/A
- USGS topographic maps: 1987 Burlington 7.5 minute QUAD, 1:24,000, "VICINITY MAP"(dated "10/28/20") (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)
USDA Sources	USDA NRCS Web Soil Survey, Chittenden County, Vermont (Figure 4)
NOAA Sources	N/A.
USACE Sources	Site visit photos (Figure 6) and USACE Antecedent Precipitation Tool (Figure 7)
State/Local/Tribal Sources	Vermont Interactive Map Viewer (Figure 3)
Other Sources	Google Earth Photos (Figure 5)

B. Typical year assessment(s): On 18 November 2020 the Corps conducted a field visit to review the wetland delineation and to determine jurisdiction. During the field visit, no flowing water or standing water on the ground surface was observed on the site. The APT report for 18 November 2020 concludes that at the time of the field visit normal conditions exist during moderate drought conditions (Figure 7), which gives support that no other waters are present to classify the wetlands as a(4) waters.

C. Additional comments to support AJD: This Approved Jurisdictional Determination is based on an 18 November 2020 site visit, and review of information available on public, state and federal web sites and information provided by the applicant.

Wetlands C, D, E, and F are similar in character and size (Figure 2). The palustrine forested and scrub-shrub wetlands total about 0.38 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 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 project area. The unnamed stream is located about 820' away and approximately 20' lower in elevation. No sign of flowing water was observed within this wetland, nor does it



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appear to receive flow in a typical year from any streams. There are no hydrological connections between Wetlands C, D, E and F and Lake Champlain. Lake Champlain is the closest Traditional Navigable Water (TNW) and is about 5000' away "as the crow flies". The wetlands are clearly non-navigable, isolated and intrastate. Wetland C, D, E and F are excluded features and are not jurisdictional waters of the U.S.



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Project Manager

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228763116

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Date: 2021.01.12 06:51:04 -05'00'

Paul Minkin
NWPR AJD Team

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229481556

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Date: 2021.01.12 09:19:59 -05'00'

Frank J. DelGiudice
Branch Chief

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NKJ.1228916567

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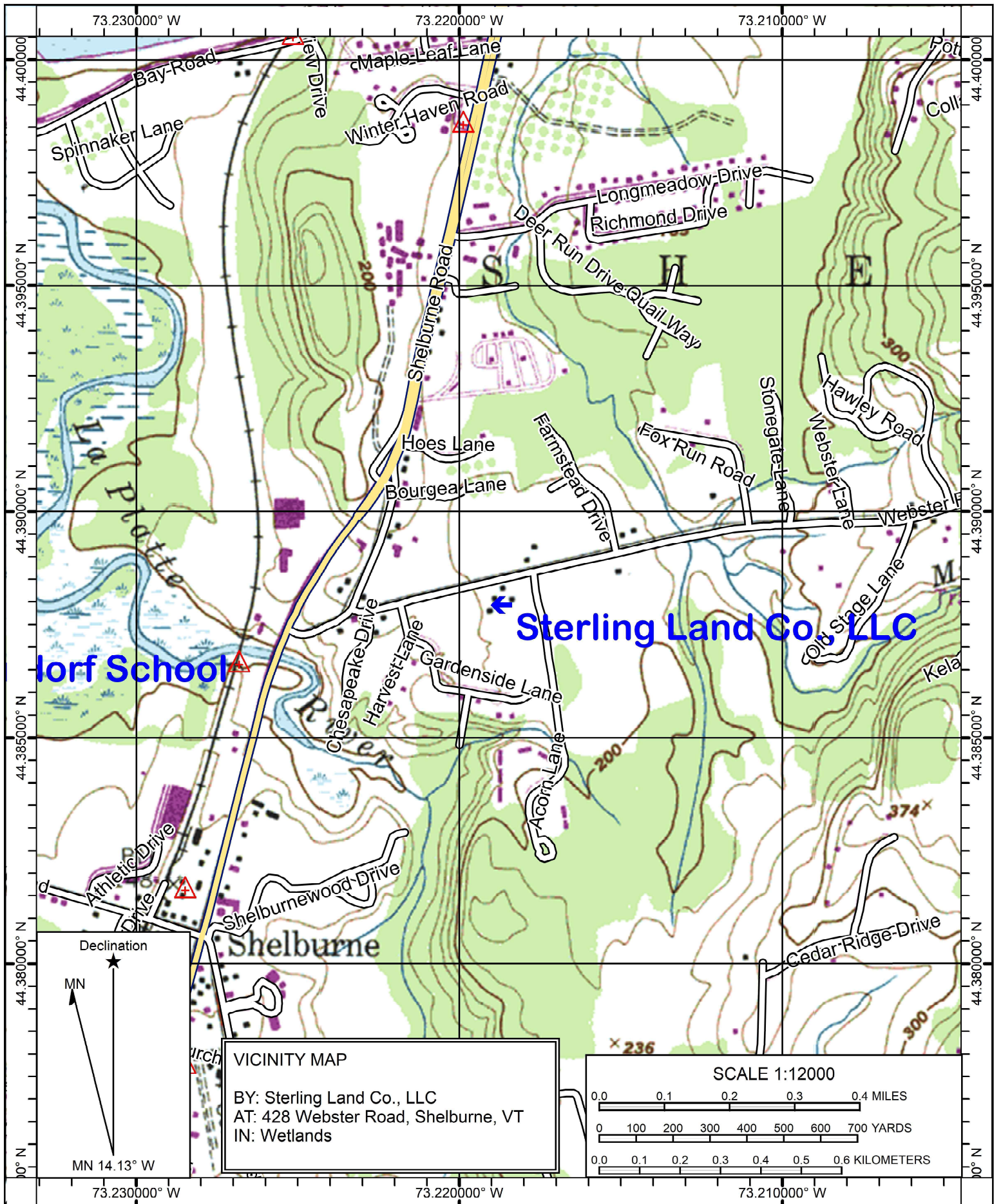
Robert J. DeSista
PATs Chief

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Tammy R. Turley
Chief Regulatory Division

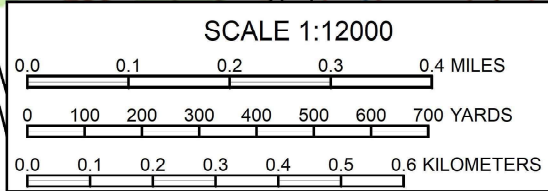
Tammy R. Turley



Shelburne School

Sterling Land Co, LLC

VICINITY MAP
 BY: Sterling Land Co., LLC
 AT: 428 Webster Road, Shelburne, VT
 IN: Wetlands



Name: BURLINGTON
 Date: 10/28/20
 Scale: 1 inch = 1,000 ft.

Location: 44.387896° N, 73.218779° W
 Caption: <<Type caption here.>>

Figure 1

Datum: NAD27

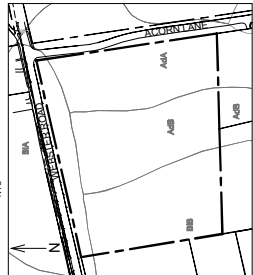
Copyright (C) 2009 MyTopo

LEGEND

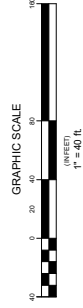
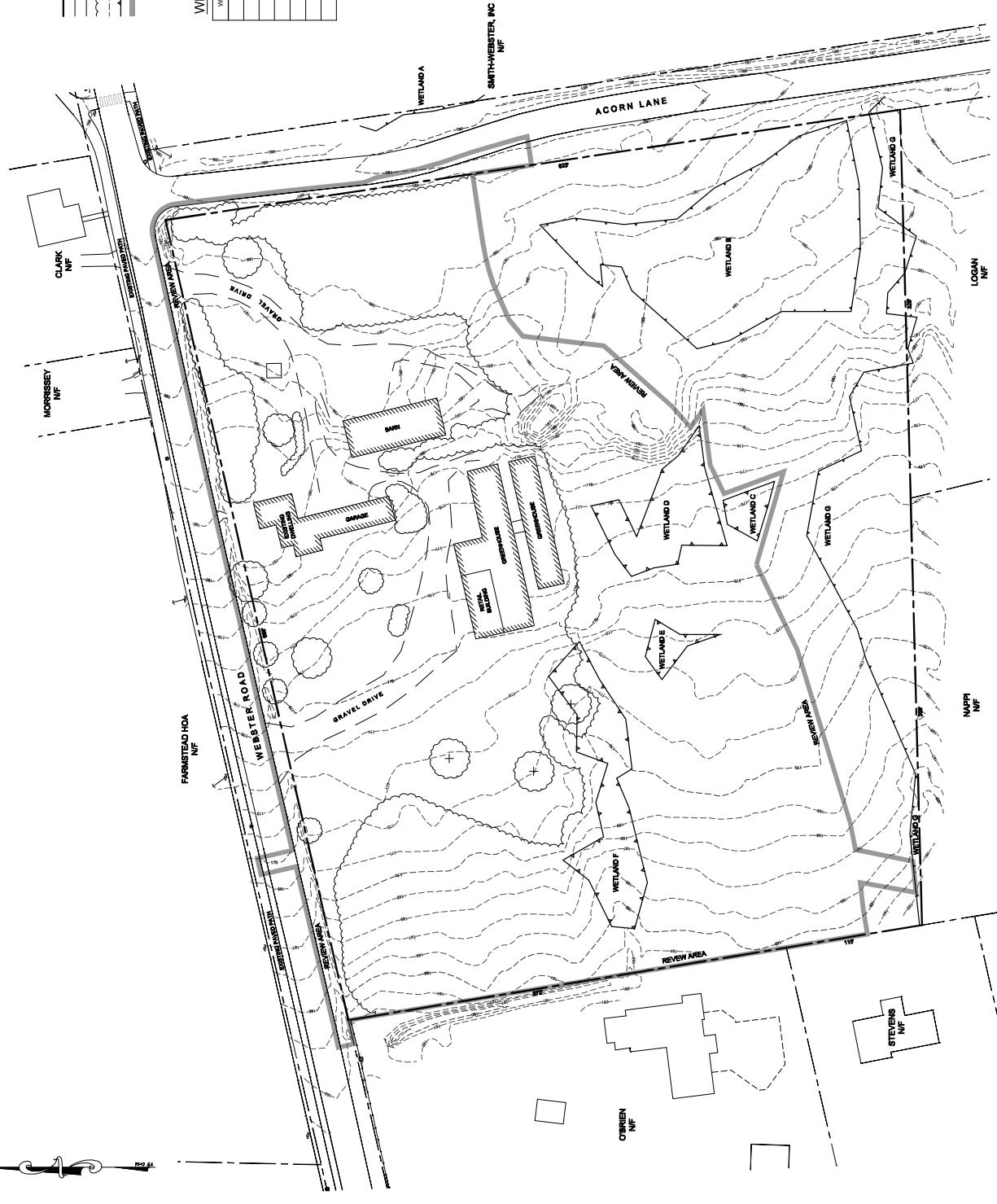
- PROJECT PROPERTY LINE
- - - - - UNALTERED PROPERTY LINE
- - - - - PROPOSED BOUNDARY
- - - - - EXISTING WETLAND
- - - - - WETLAND BOUNDARY
- - - - - EDGE OF WETLAND
- - - - - BROWNS AREA

WETLAND AREAS

WETLAND	AREA
A	41.2 ACRES
B	26,000 SQ. FT.
C	11,000 SQ. FT.
D	6,145 SQ. FT.
E	1,441 SQ. FT.
F	8,118 SQ. FT.
G	41.5 ACRES



SOIL MAP SYMBOLS:
 A: MEDIUM BROWN SOILS
 B: MEDIUM BROWN SOILS
 BA: MEDIUM BROWN SOILS
 BB: MEDIUM BROWN SOILS



NOTES:
 1. THESE PLANS TO PRESENT THE GENERAL EXISTING CONDITIONS AND THE LAND PARCEL ON THE OVERALL PARCEL.
 2. SEE OTHER PLANS FOR DESIGN AND BOUNDARY DATA.
 3. THIS DRAWING IS FOR INFORMATION AND NOT FOR CONSTRUCTION. ANY CHANGES TO THE DESIGN SHALL BE PERFORMED BY THE DESIGNER.
 4. WETLAND DELINEATION PERFORMED BY BRUNNENBERG IN JUNE 2013.

Date	Revision	By

These plans shall only be used for the purpose shown below:

- Sketch/Concept
- Preliminary
- Final
- Construction
- Record Drawing

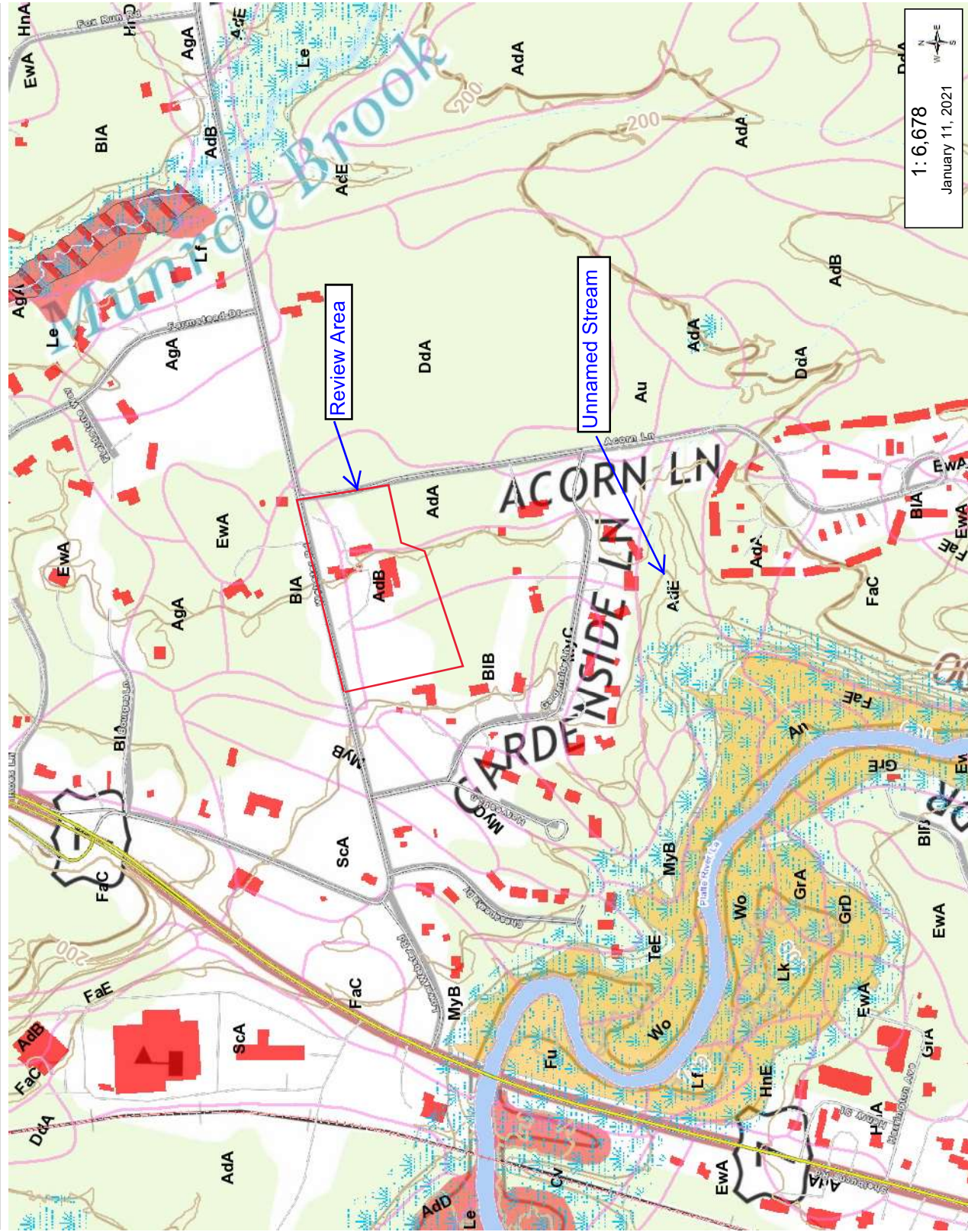
PROJECT: LANDS OF JEFFREY HADDOCK & DEBORAH PYLE
CLIENT: CHRISTOPHER HADDOCK & DEBORAH PYLE
PROJECT TYPE: PLANNED UNIT DEVELOPMENT
RESIDENTIAL
ADDRESS: WEBSTER ROAD, SHELburne, VT

PRICE NO.: 10002
SURVEY:
DESIGN:
DATE: 01-11-21
SCALE:
AS SHOWN:
DATE:
SCALE:

LaMonte & Dickinson
 Consulting Engineers, Inc.
 100 North Main Street
 Shelburne, VT 05488
 802.878.4450 www.LaMonteEng.com

1

Figure 2



1:6,678
January 11, 2021



DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. VCGI and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

LEGEND

- Airports
- Rail Lines
- Town Boundaries
- County Boundaries
- Buildings
- Village Boundaries
- Soil units
- VT Significant Wetlands Invent
- National Wetlands Inventory
- Buildings footprints
- DFIRM Floodways
- Flood Hazard Areas (Only FEI)
 - AE (1-percent annual chance flood)
 - A (1-percent annual chance floodpl.)
 - AO (1-percent annual chance zone (feet))
 - 0.2-percent annual chance flood ha
- Mineral resources
- VT State Boundary



NOTES

This map was created with the VT Interactive Map Viewer.

Figure 3

Soil Map—Chittenden County, Vermont
(Sterling Land Co)

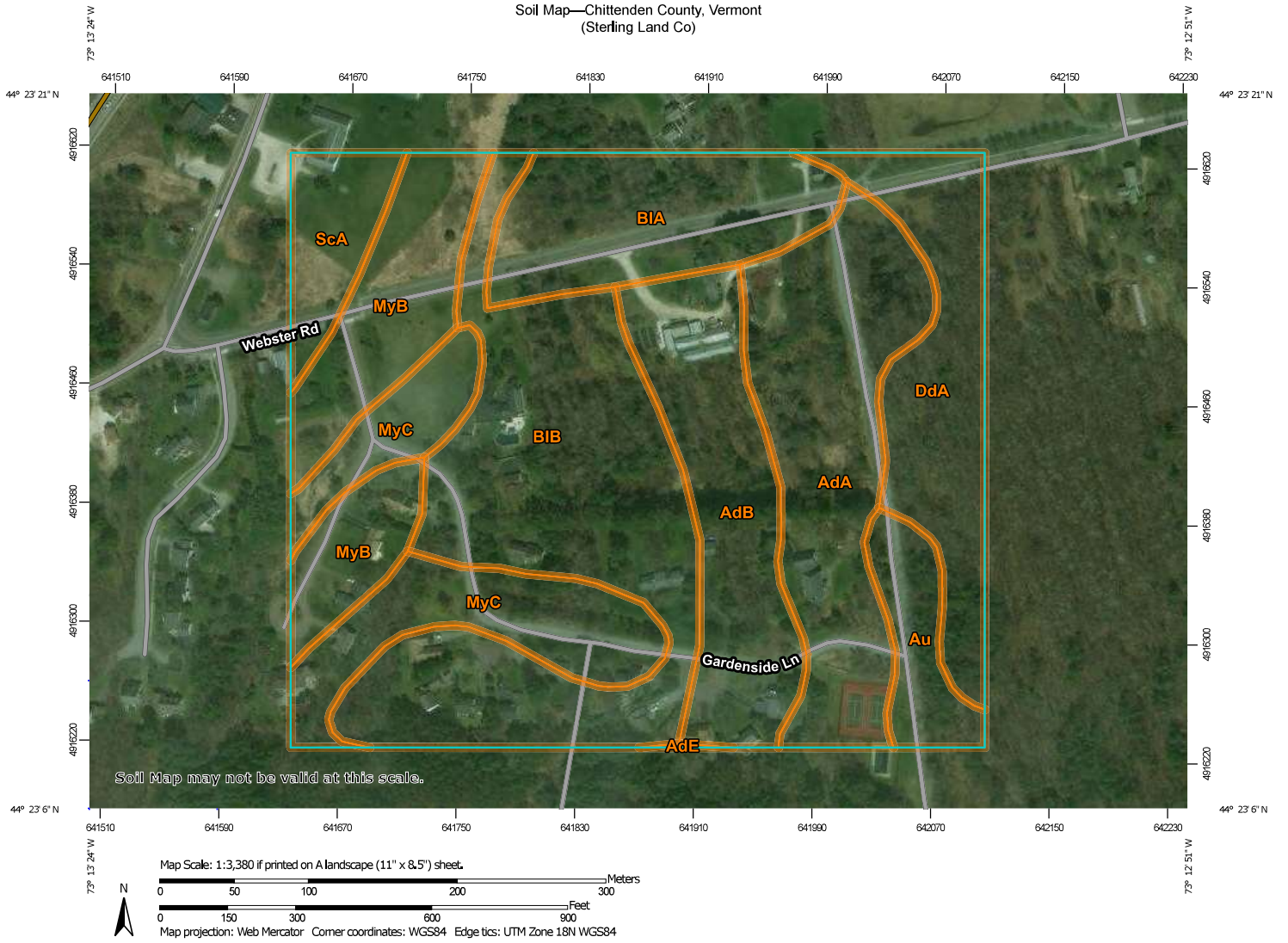


Figure 4

Soil Map—Chittenden County, Vermont
(Sterling Land Co)

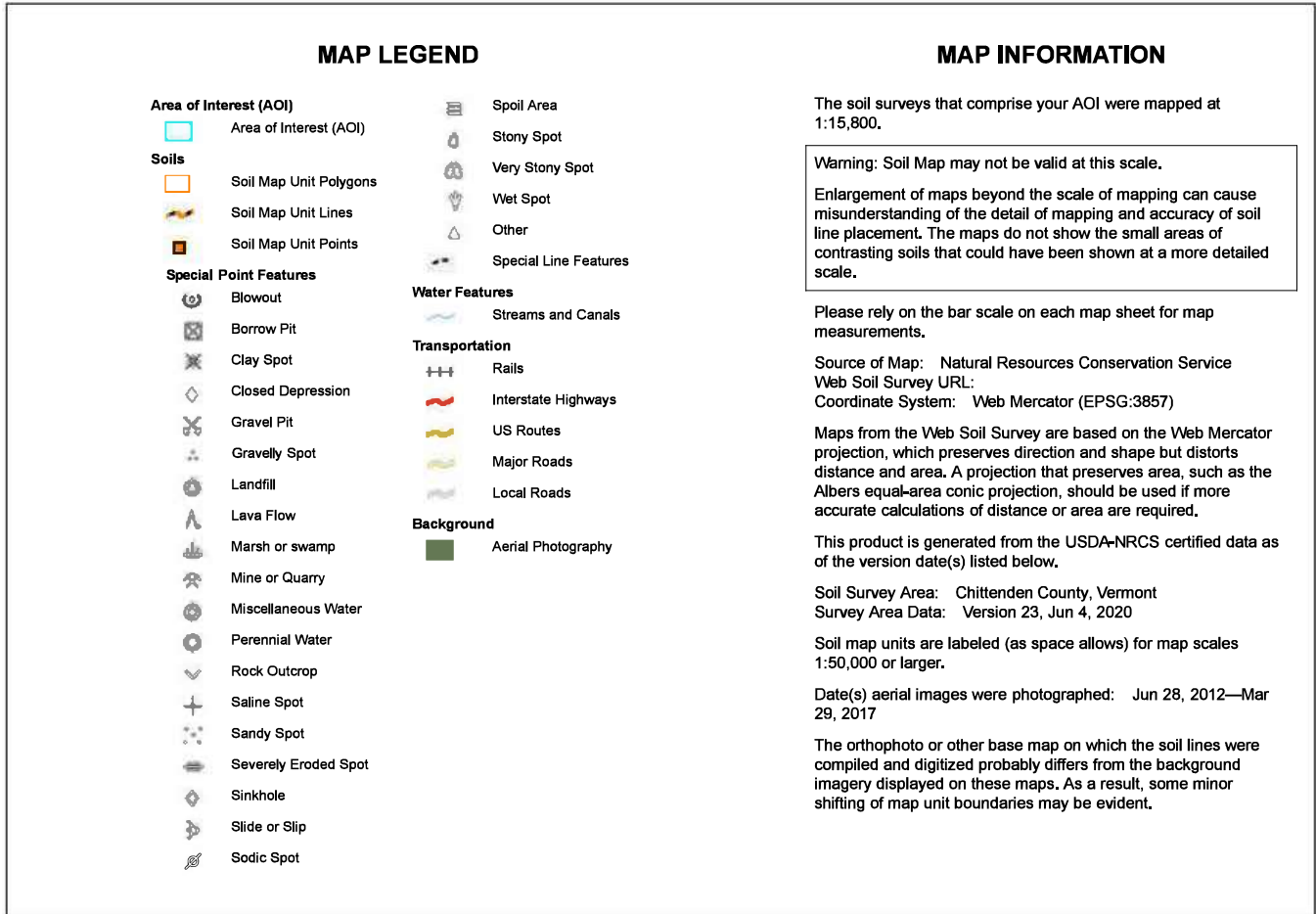
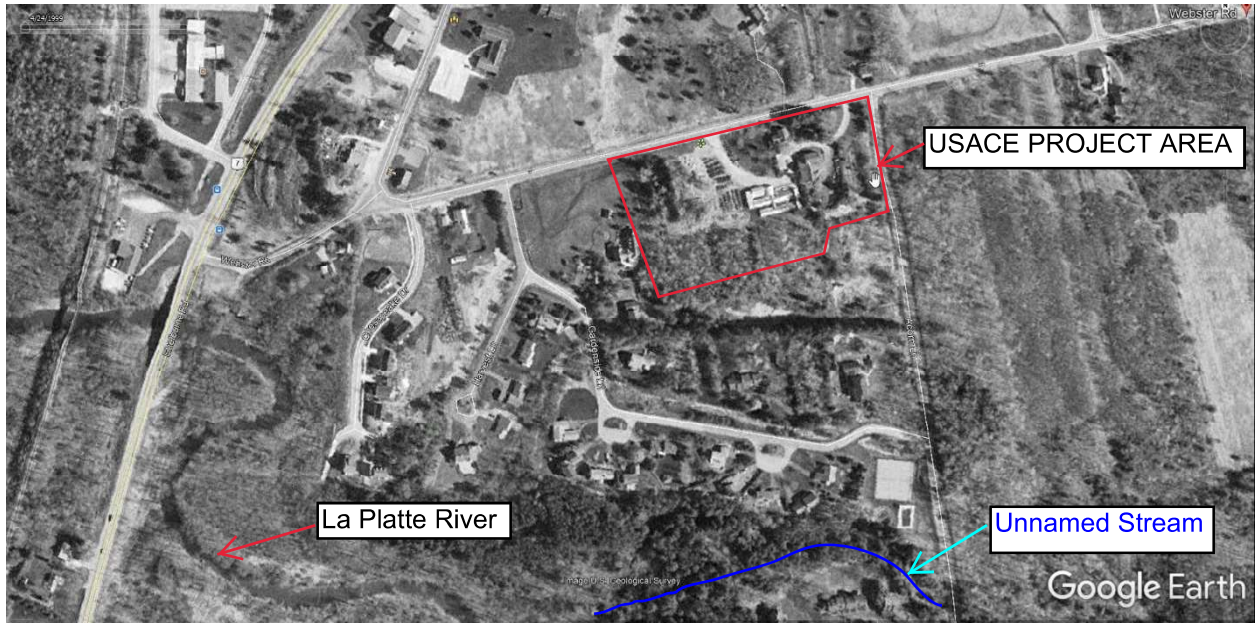


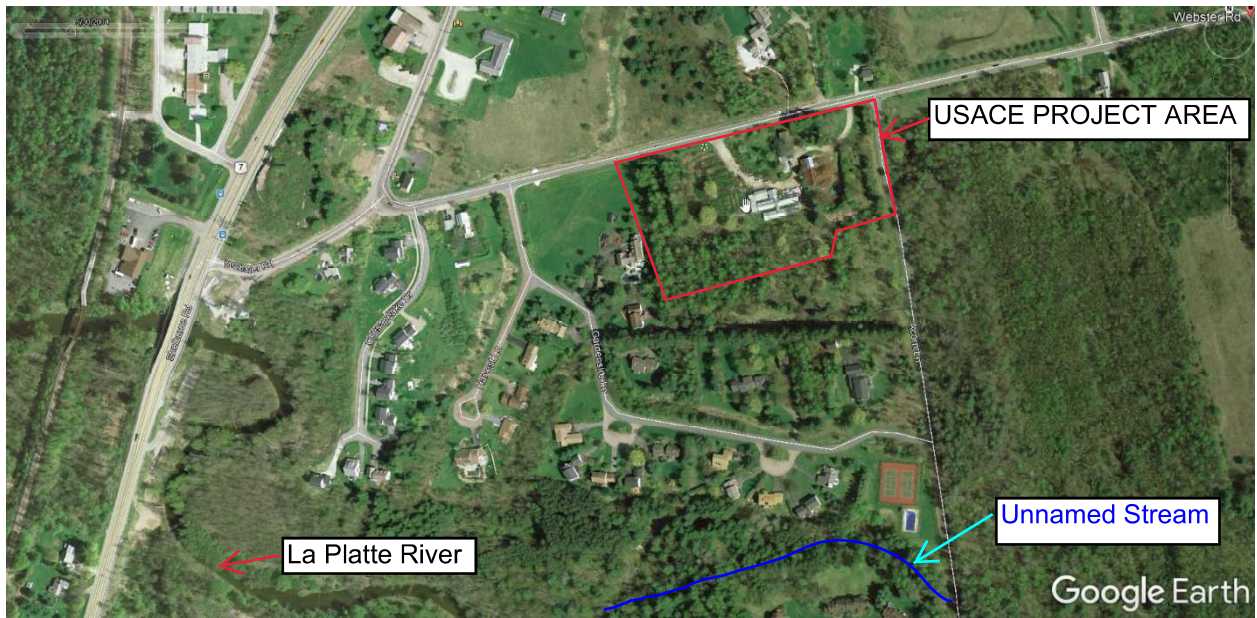
Figure 4, cont.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AdA	Adams and Windsor loamy sands, 0 to 5 percent slopes	7.2	15.4%
AdB	Adams and Windsor loamy sands, 5 to 12 percent slopes	5.3	11.5%
AdE	Adams and Windsor loamy sands, 30 to 60 percent slopes	0.0	0.0%
Au	Au Gres fine sandy loam	1.7	3.7%
BIA	Belgrade and Eldridge soils, 0 to 3 percent slopes	4.5	9.8%
BIB	Belgrade and Eldridge soils, 3 to 8 percent slopes	11.3	24.4%
DdA	Duane and Deerfield soils, 0 to 5 percent slopes	4.7	10.2%
MyB	Munson and Raynham silt loams, 2 to 6 percent slopes	4.9	10.6%
MyC	Munson and Raynham silt loams, 6 to 12 percent slopes	4.9	10.7%
ScA	Scantic silt loam, 0 to 2 percent slopes	1.8	3.8%
Totals for Area of Interest		46.4	100.0%



1999 Google Earth Photo



2004 Google Earth Photo

Figure 5



2018 Google Earth Photo

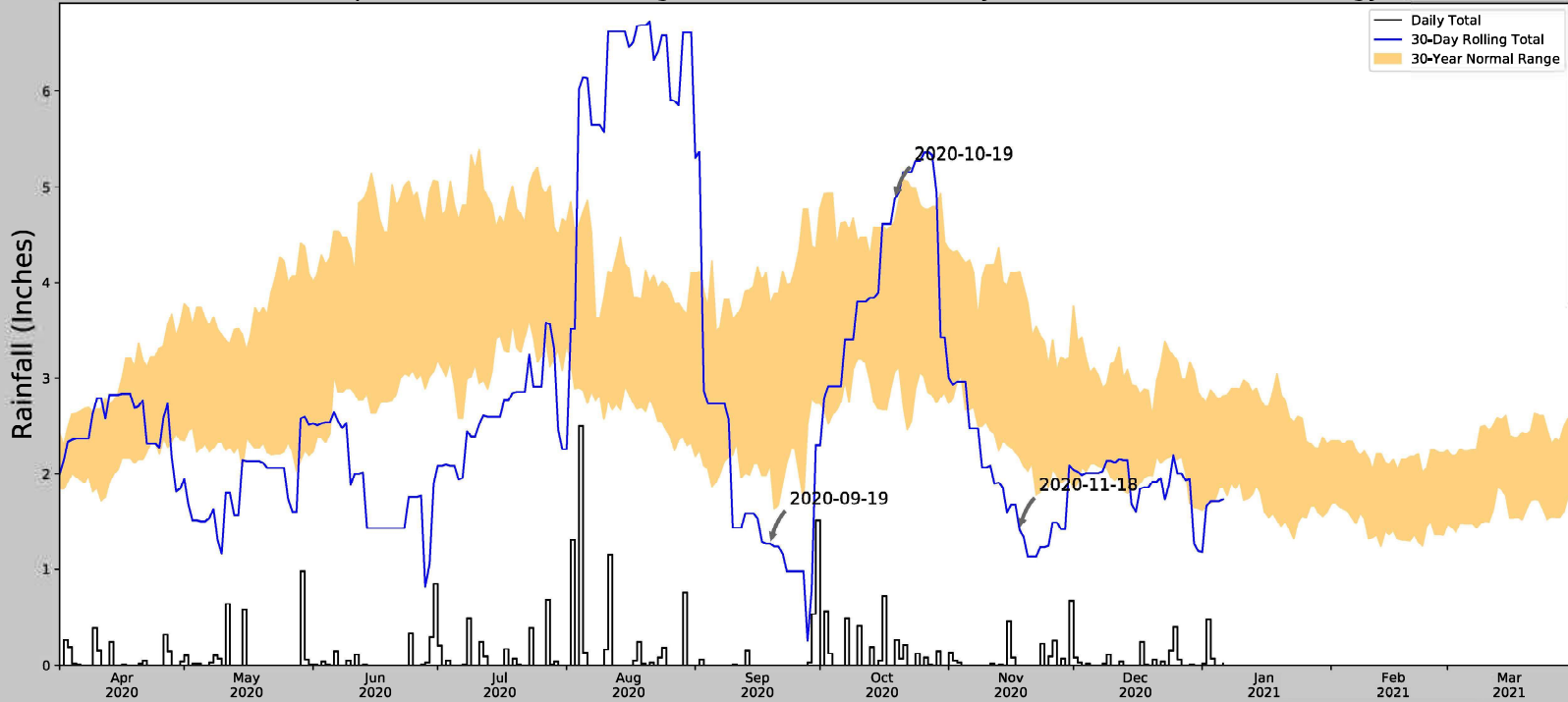


Photograph taken 18 November 2020. Facing south looking into Wetland C from the Project Area boundary line.



Photograph taken 18 November 2020. Facing east towards Wetland F from the edge of wetland.

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	44,387896, -73,218779
Observation Date	2020-11-18
Elevation (ft)	173.81
Drought Index (PDSI)	Moderate drought
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2020-11-18	2.17874	4.111811	1.413386	Dry	1	3	3
2020-10-19	3.072441	4.632284	4.870079	Wet	3	2	6
2020-09-19	2.090158	3.769291	1.271654	Dry	1	1	1
Result							Normal Conditions - 10

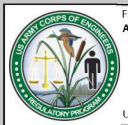


Figure and tables made by the Antecedent Precipitation Tool Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
BURLINGTON INTL AP	44,4683, -73,15	330,053	6,51	156,243	3,947	11353	90

Figure 7