



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201-2930

February 26, 2021

Operations Division

Mr. Ryan McAlister
Dewberry
4601 Forbes Boulevard
Suite 300
Lanham, Maryland 20706

Dear Mr. McAlister:

This is in response to a letter dated October 2020, sent on your behalf from Bay Environmental, requesting a jurisdictional determination (JD) and verification of the delineation of waters of the United States, including jurisdictional wetlands, on the Carozza Property in Prince George's County, Maryland. Your project has been assigned the file name, NAB-2020-00425 (Carozza Property - Marlboro Pike/Woodyard Road/Pre-App/Approved JD).

We have reviewed and concur with the Wetland Evaluation Report for Carozza Property, dated October 2020 and revised December 2020 and prepared by Bay Environmental for the approximately 60-acre site. In addition, a field inspection was conducted on December 1, 2020. This inspection indicated that the delineation of waters of the United States, including jurisdictional wetlands within the "Area of Review" on the enclosed drawing dated October 2020. Those areas indicated as waters of the United States, including jurisdictional wetlands, are regulated by this office pursuant to Section 404 of the Clean Water Act. In addition, wetland Areas #A, B, C, D, G, H, I, and J have been determined not to be regulated resources under the Corps of Engineers. You should be aware, however, that these features may be considered isolated nontidal wetlands by the State of Maryland. The State of Maryland regulates isolated wetlands and any work proposed in these areas requires a permit from the Maryland Department of the Environment. Enclosed is a document that outlines the basis of our determination of jurisdiction over these areas.

This letter contains an approved jurisdictional determination (AJD) for your subject site. This AJD is valid for five (5) years from the date of this letter unless new information warrants revision of the determination before the expiration date, or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for Appeal (RFA) form. If you request to appeal this

determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Regulatory Program Manager (CENAD-PD-OR)
U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by April 27, 2021. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Please be advised that various development activities, within waters of the United States, including jurisdictional wetlands may be regulated by the Corps. Wetlands and other waters under the jurisdiction of the Maryland Department of the Environment (MDE) may also be located on the parcel. You may contact the MDE at (410) 537-3768 for information regarding jurisdiction and permitting requirements.

You are reminded that any grading or filling of waters of the United States, including jurisdictional wetlands, is subject to Department of the Army authorization. State and local authorizations may also be required to conduct activities in these locations. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including wetlands, being purchased.

In future correspondence and permit applications regarding this parcel, please include the file number located in the first paragraph of this letter.

A copy of this letter is being furnished to the MDE for informational purposes. If you have any questions concerning this matter, please contact Ms. Erica Schmidt of this office at (410) 962-6029 or Erica.Schmidt@usace.army.mil

Sincerely,

Kathy Anderson
Chief, Maryland South Section

Enclosures

To identify how we can better serve you, we need your help. Please take the time to fill out our new customer service survey at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Ryan McAlister =, Dewberry		File Number: 2020-000425	Date: Feb. 26, 2021
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Frank Plewa, Appeals Coordinator

Telephone: (717) 249-2522

U.S. Army Corps of Engineers

Regulatory Branch, Baltimore District

2 Hopkins Plaza

Baltimore, Maryland 21201

General Number: 410-962-3670

Email: nab-regulatory@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Regulatory Program Manager (CENAD-PD-OR)

U.S. Army Corps of Engineers

Fort Hamilton Military Community

301 General Lee Avenue

Brooklyn, New York 11252-6700

General Number: 347-370-4550

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



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): February 26, 2021

ORM Number: NAB-2020-00425-M30

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

State/Territory: MD City: County/Parish/Borough: Prince George's County

Center Coordinates of Review Area: Latitude 38.829308 Longitude -76.84728

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
E/F & Y/Z Line Intermittent Stream	751 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary flow occurs through more than a direct response to precipitation. This feature is noted on multiple year aerial imagery. It has been determined that this waters is a naturally occurring surface water channel that contributed surface water flow to an a(1) water 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

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 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.

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
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
E/F Line (E1-E12/F1-F30) Wetland	0.348 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.
Y/Z Line (Y5-Y15/Z5-Z16) Wetland	0.1987 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	It has direct hydrological connection to an (a)(2) tributary. Water flows into the (a)(2) water in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
A Line (A1-A15) Wetland	0.013 acres	(b)(1) Non-adjacent wetland	A-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
B Line (B1-B5) Wetland	0.0059 acres	(b)(1) Non-adjacent wetland	B-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
C Line (C1-C12) Wetland	0.0263 acres	(b)(1) Non-adjacent wetland	C-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
D Line (D1-D5) Wetland	0.0112 acres	(b)(1) Non-adjacent wetland	D-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
G Line (G1-G8) Wetland	0.0243 acres	(b)(1) Non-adjacent wetland	G-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
H Line (H1-H8) Wetland	0.0319 acres	(b)(1) Non-adjacent wetland	H-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
I Line (I1-I26) Wetland	0.2281 acres	(b)(1) Non-adjacent wetland	I-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.
J Line (J1-J6) Wetland	0.0073 acres	(b)(1) Non-adjacent wetland	J-Line is an isolated wetland that is separated by a manmade structure and has no direct hydrological connection.

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 Evaluation Report for Carozza Property October 2020 revised December 2020.

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: *Aerial Photographs, Google Earth*

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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- ☒ Corps Site visit(s) conducted on: *December 1, 2020*
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: *Web Soil Survey, Online mapper*
☒ USFWS NWI maps: *USFWS Online NWI Mapper*
☒ USGS topographic maps: *USGS Upper Marlboro Quad Sheet, Online Mapper*

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	MD Environmental Resource & land Info Network; LiDAR; Prince George's County Planning Department Historic Photos

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD. The Corps reviewed the APT to determine the flow characteristics of the intermittent tributary. During the consultants site visit flow was observed. The APT tool states that the initial consultant site visit was a drier than normal timeframe. During the agency site visit all tributaries were flowing. The APT states that the agency site visit date was wetter than normal but based on the previous site visits and aerial photography it was determined that these tributaries contributed more than storm flows to a downstream (a)(1) water.
- C. Additional comments to support AJD:** 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.

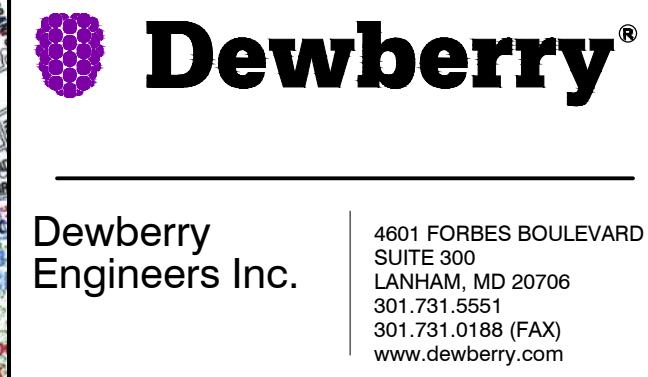
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SHEET INDEX

1.	COVER SHEET
2-8.	PLAN SHEETS




APPLICANT
NAI THE MICHAEL COMPANIES
10100 BUSINESS PARKWAY
LANHAM, MARYLAND 20706

CONTACT
C/O JEFFERY LUDWIG
301.918.2923
jludwig@naimichael.com

CAROZZA PROPERTY
WETLAND DELINEATION MAP
NRI-000-2020
PRINCE GEORGE'S COUNTY, MD
15th ELECTION DISTRICT
TAX MAP 99 GRID F1, F2 / GRID 100, A2
2007 MAP REFERENCE 207SE09 / 208SE09



SCALE: 1"=160'



A graphic scale bar with alternating black and white segments. The first segment is labeled '160'' and the second segment is labeled '3'.

PROJECT BOUNDARY
EXISTING INTERNAL BOUNDARY
EXISTING ADJACENT PROPERTY
EXISTING INTERMITTENT STREAM
EXISTING STRUCTURE
WETLAND
EXISTING TREE LINE
EXISTING EDGE OF PAVEMENT
EXISTING SIDEWALK
WETLAND DATA SAMPLE POINT

1. THE SOURCE OF THE PROPERTY BOUNDARIES ON THIS PLAN IS FROM GIS 2018 PER MNCPPC
2. THE SOURCE OF TOPOGRAPHY ON THIS PLAN IS FROM GIS 2018 PER MNCPPC.

- 2.1 MAJOR CONTOUR - 10'
- 2.2 MINOR CONTOUR - 2'
3. THE WETLAND INFORMATION ON THIS PLAN IS FROM A STUDY PREPARED BY BAY ENVIRONMENTAL, INC. AND DATED OCTOBER 2020.
4. ALL WETLAND FLAG POINTS ARE BASED ON SURVEYED LOCATIONS BY DEWBERRY, OCTOBER 2020.
5. ALL ENVIRONMENTAL FEATURES, INCLUDING TOP OF BANK, STREAMS, WETLANDS, AND FLOODPLAINS SHOWN WITHIN 100 FEET OF THE SUBJECT PROPERTY BOUNDARY ARE APPROXIMATE.

NOTE
FOR LOCATION OF UTILITIES CALL
8-1-1 OR 1-800-257-7777
OR LOG ON TO
www.call811.com
<http://www.missutility.net>
48 HOURS IN ADVANCE OF ANY WORK
IN THIS VICINITY
FORMATION CONCERNING UNDERGROUND
UTILITIES WAS OBTAINED FROM AVAILABLE
RECORDS BUT THE CONTRACTOR MUST
DETERMINE THE EXACT LOCATION AND
DEPTH OF THE MAINS BY DIGGING TEST PITS
BEFORE ANY WORK. ALL UTILITY CROSSINGS WILL BE
MADE IN ADVANCE OF THE START OF EXCAVATION.

**JURISDICTIONAL DETERMINATION
VERIFICATION MAP**

NAB- 2020-00425

CORPS SIGNATURE: _____ DATE: 02/26/2020

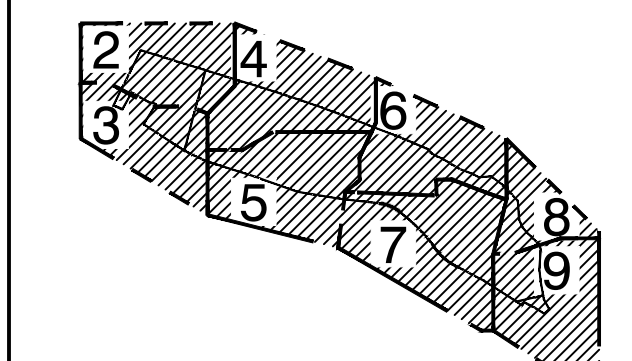
Qualified Professional Certification
This plan complies with the current requirements of Prince George's Code and the Environmental Technical Manual.

Signed: Jacob W McCarthy Date: October 22, 2020

Jacob M. McCarthy
Bay Environmental, Inc.
2661 Riva Road, Building 800, Suite A
Annapolis, Maryland 21401
Ph:(301) 627-7505 Fax:(301) 627-5571
E-mail: jmccarthy@bayenvinc.com

SEAL

KEY PLAN



SCALE
AS-SHOWN

No.	DATE	BY	Description

REVISIONS

DRAWN BY	ALD
APPROVED BY	RCM
CHECKED BY	DJS
DATE	OCTOBER 2020

TITLE

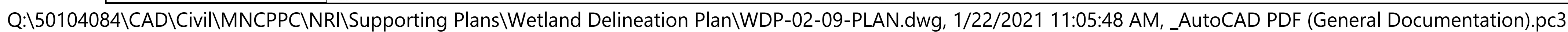
WETLAND
DELINEATION
MAP

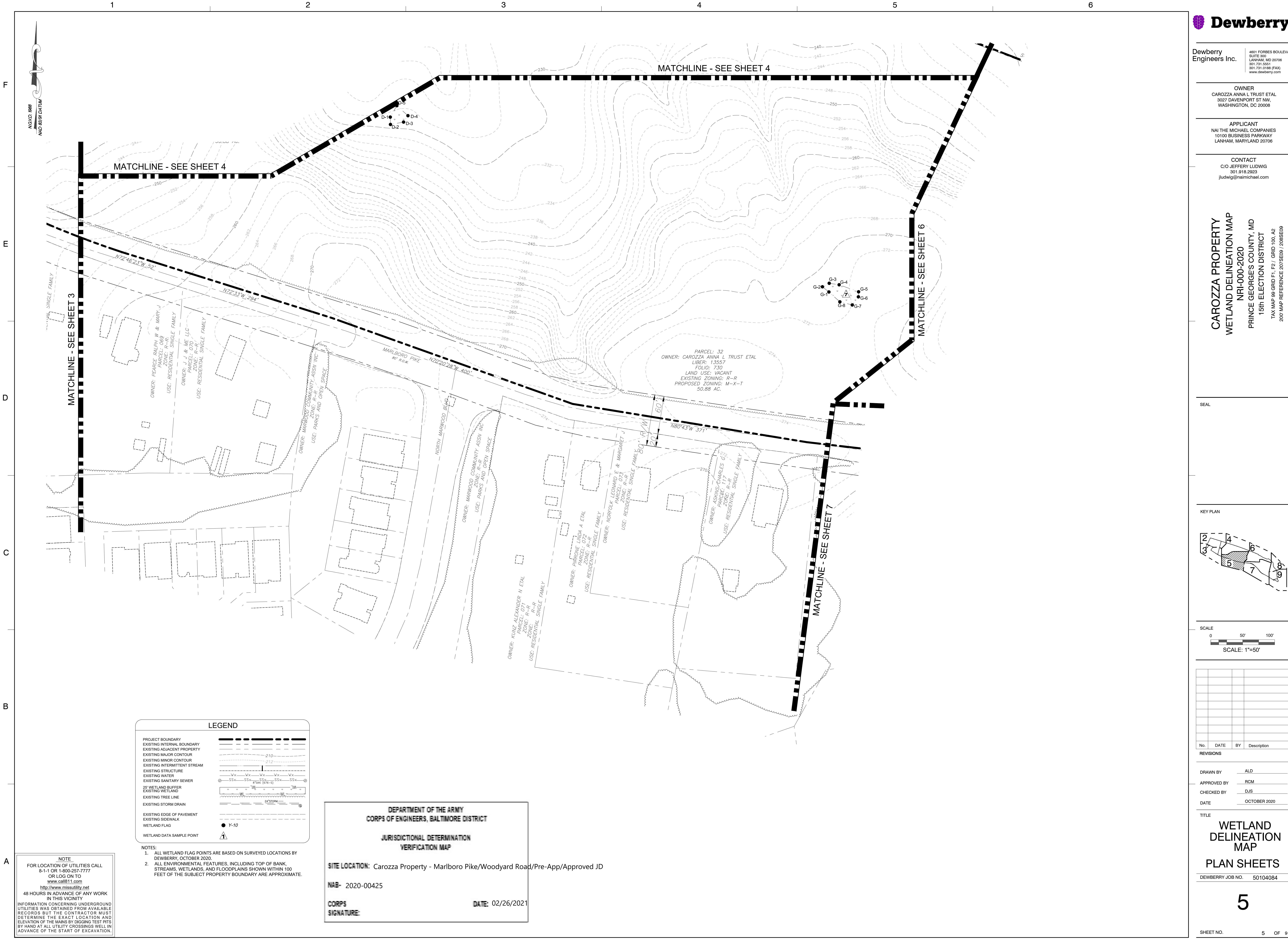
COVER SHEET

DEWBERRY JOB NO. 50104084

1

SHEET NO. 1 OF 9





Dewberry
Engineers Inc.

4601 FORBES BOULEVARD
SUITE 300
LANHAM, MD 20706
301.731.5551
301.731.0168 (FAX)
www.dewberry.com

OWNER
CAROZZA ANNA L TRUST ETAL
3027 DAVENPORT ST NW,
WASHINGTON, DC 20008

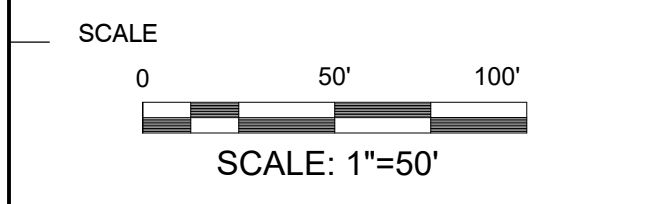
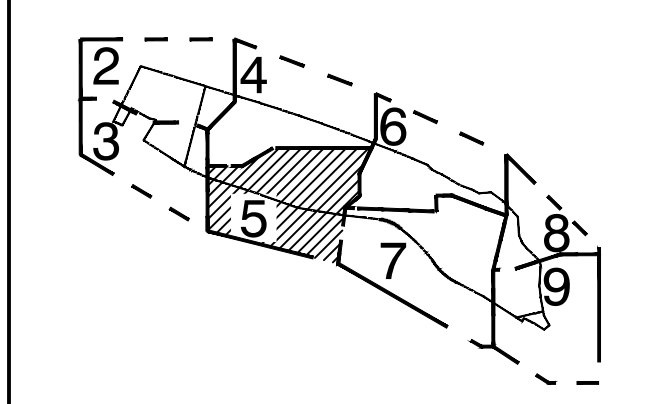
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C/O JEFFERY LUDWIG
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jludwig@naimichael.com

CAROZZA PROPERTY
WETLAND DELINEATION MAP
NRI-000-2020
PRINCE GEORGES COUNTY, MD
15th ELECTION DISTRICT
TAX MAP '96 GRID F1 F2 / GRID 100, A2
200' MAP REFERENCE 2075609 / 2085609

SEAL

KEY PLAN



No.	DATE	BY	Description
REVISIONS			

DRAWN BY: ALD
APPROVED BY: RCM
CHECKED BY: DJS
DATE: OCTOBER 2020

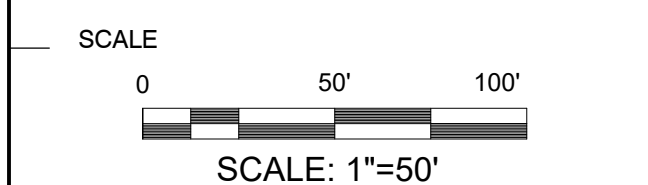
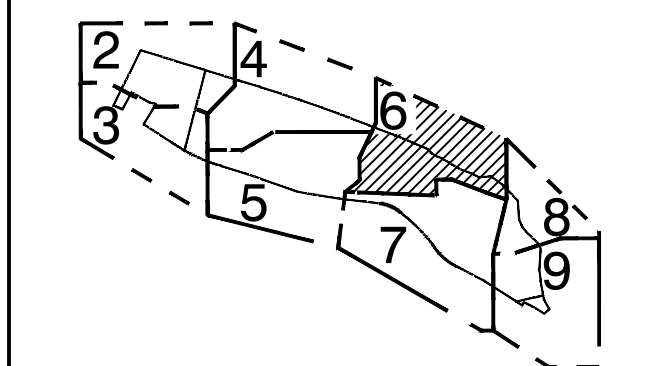
TITLE
**WETLAND
DELINEATION
MAP**
PLAN SHEETS
DEWBERRY JOB NO. 50104084

APPLICANT
NAI THE MICHAEL COMPANIES
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LANHAM, MARYLAND 20706

CAROZZA PROPERTY
WETLAND DELINEATION MAP
NRI-000-2020
PRINCE GEORGE'S COUNTY, MD
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TAX MAP 98 GRID F1, F2 / GRID 100, A2
2007 MAP REFERENCE 207SEW / 208SE09

SEAL

KEY PLAN



No.	DATE	BY	Description

REVISIONS

DRAWN BY	ALD
APPROVED BY	RCM
CHECKED BY	DJS
DATE	OCTOBER 2020

TITLE

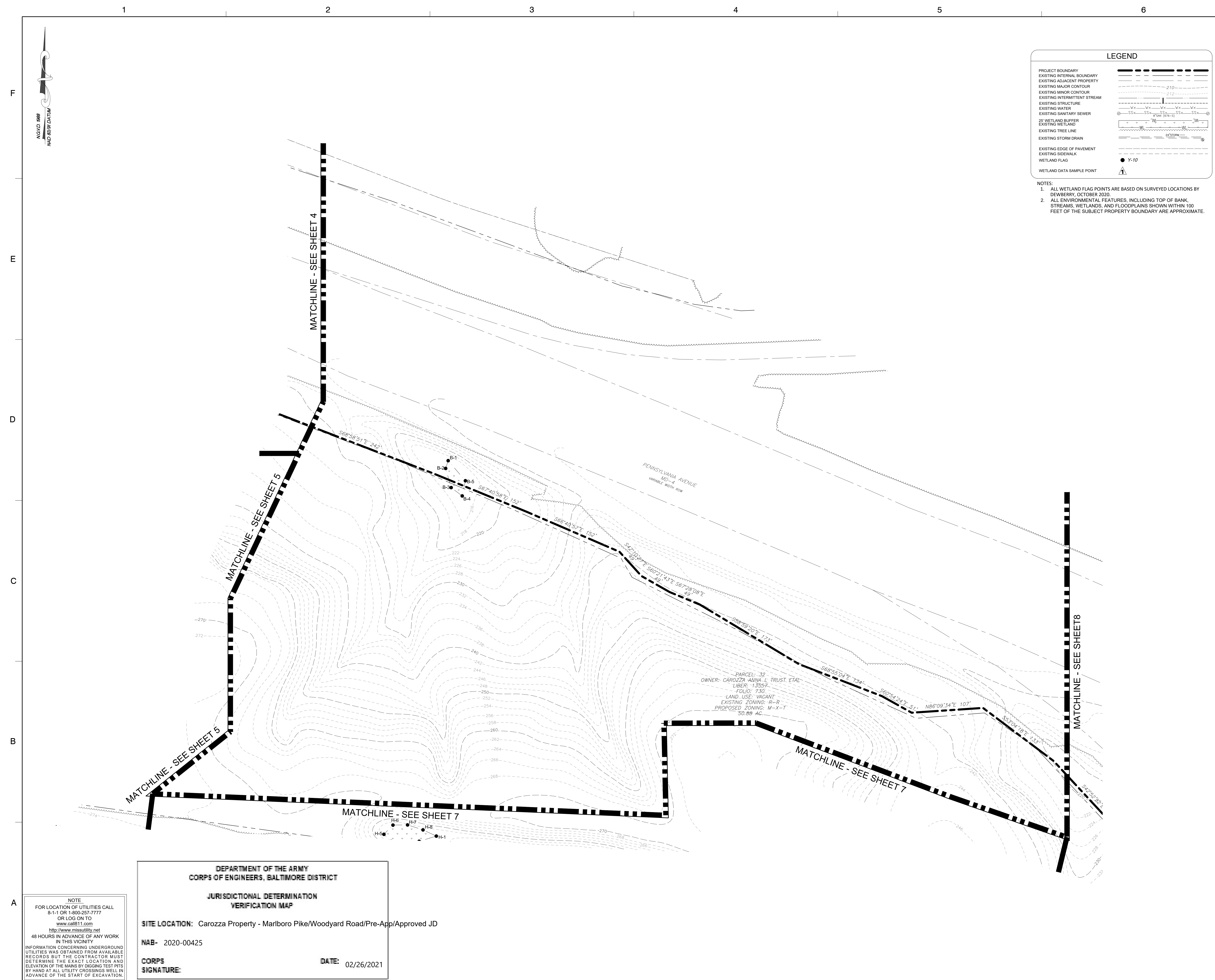
WETLAND
DELINEATION
MAP

PLAN SHEETS

DEWBERRY JOB NO. 50104084

6

SHEET NO. 6 OF 9





OWNER
CAROZZA ANNA L TRUST ETAL
3027 DAVENPORT ST NW,
WASHINGTON, DC 20008

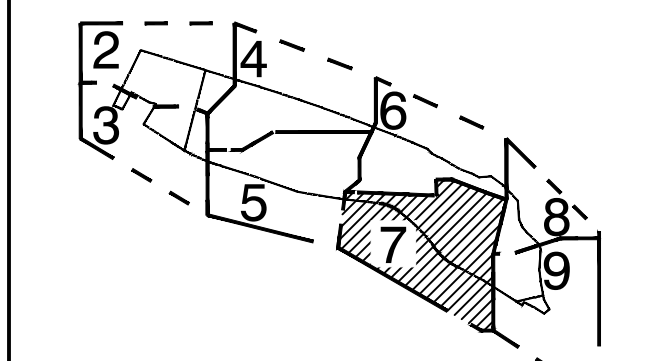
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10100 BUSINESS PARKWAY
LANHAM, MARYLAND 20706

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CAROZZA PROPERTY
WETLAND DELINEATION MAP
NRI-000-2020
PRINCE GEORGE'S COUNTY, MD
15th ELECTION DISTRICT
TAX MAP 99 GRID F1, F2 / GRID 100, A2
2007 MAP REFERENCE 207SE09 / 208SE09

SEAL

KEY PLAN



SCALE

0 50' 100'

SCALE: 1"=50'

No.	DATE	BY	Description

REVISIONS

DRAWN BY	ALD
APPROVED BY	RCM
CHECKED BY	DJS
DATE	OCTOBER 2020

TITLE	
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WETLAND
DELINEATION
MAP
PLAN SHEETS

DEWBERRY JOB NO. 50104084

7

SHEET NO. 7 OF 9

