



®

Regulatory Program



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APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): September 15, 2015

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAO 2015-01497-rdb

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Virginia County/parish/borough: Stafford City: Stafford

Center coordinates of site (lat/long in degree decimal format): Lat. 38.412, Long. -77.40789.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled The Courthouse Area Elevated Water Storage Tank Dated September 8, 2015.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date: September 15, 2015.

Office (Desk) and Field Determination. Office/Desk Date(s): Field Date(s): .

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: The Courthouse Area Elevated Water Storage Tank Dated September 8, 2015. .

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.. Title/Date: The Courthouse Area Elevated Water Storage Tank Dated September 8, 2015. .

Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: . Revised Title/Date: .

Data sheets prepared by the Corps. Title/Date: .

Corps navigable waters study. Title/Date: .

CorpsMap ORM map layers. Title/Date: .

USGS Hydrologic Atlas. Title/Date: .

USGS, NHD, or WBD data/maps. Title/Date: .

USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

USGS maps. Scale & quad name and date: Stafford Scale 1"=2000'.

USDA NRCS Soil Survey. Citation: Exhibit 4 Stafford and King George County, VA .

USFWS National Wetlands Inventory maps. Citation: Exhibit 3 in report.

State/Local wetland inventory maps. Citation: .

FEMA/FIRM maps. Citation: Panel 5101540141E Dated 2/4/2005, Exhibit 6.

Photographs: Aerial. Citation: . or Other. Citation: .

LiDAR data/maps. Citation: .

Previous determinations. File no. and date of jurisdictional determination letter: .

Applicable/supporting case law: .

Applicable/supporting scientific literature: .

Other information (please specify): RPA Map Stafford, VA Exhibit 5.

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab "Aquatic Resources" – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, **DO NOT USE THIS FORM TO MAKE THE DETERMINATION.** The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

- (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).
- **Complete Spreadsheet Tab "(a)(1)" - Required**
- This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.
- (a)(2): All interstate waters, including interstate wetlands.
- **Complete Spreadsheet Tab "(a)(2)" - Required**
- (a)(3): The territorial seas.
- **Complete Spreadsheet Tab "(a)(3)" - Required**
- (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.
- **Complete Spreadsheet Tab "(a)(4)" - Required**
- (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab "(a)(5)" - Required**
- (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.
- **Complete Spreadsheet Tab "(a)(6)" - Required**
- Bordering/Contiguous.
Neighboring:
- (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.
- (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.
- (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.
- (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab "(a)(7)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab "(a)(8)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

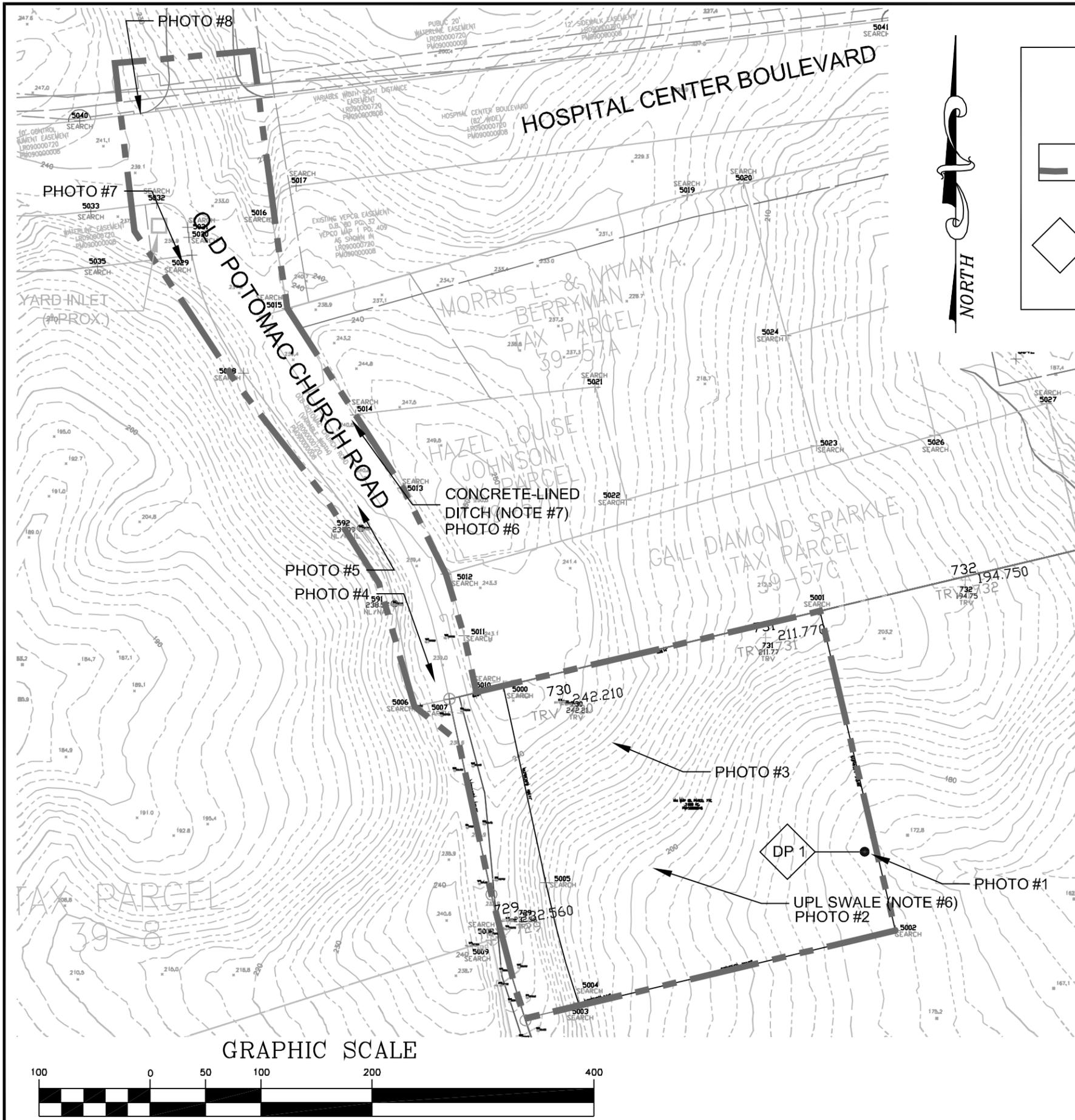
Check all that apply.

- The review area is comprised entirely of dry land.

- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
 - **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**
 - Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
 - **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**
 - Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
 - **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**
 - (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
 - (b)(2): Prior converted cropland.
 - (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
 - (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
 - (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
 - (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
 - (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
 - (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
 - (b)(4)(iv): Small ornamental waters created in dry land.¹
 - (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
 - (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
 - (b)(4)(vii): Puddles.¹
 - (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
 - (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
 - (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
 - **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD: An erosional swale is present in the southern portion of the study area. This swale lacks hydric soils, a defined bed and bank, and any evidence of flow. This swale terminates in drylands. Thus, this swale is the result of a historic rain (or other discharge) event that took place prior to the reforestation of the study area, and that it does not constitute a jurisdictional water of the U.S. The concrete-lined ditch along the east side of Old Potomac Church Road is not a jurisdictional wetland or other water of the U.S. This ditch appears to have been created in uplands for the purpose of stormwater drainage. Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary are not considered waters of the U.S., per Section 328.3(b)(3)(i) of Chapter 33 of the Code of Federal Regulations.

¹ In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.



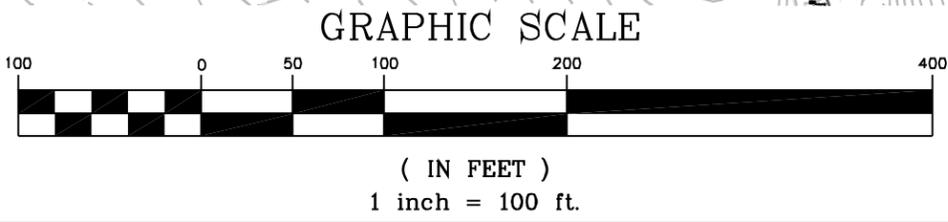
LEGEND

STUDY AREA BOUNDARY

DATA POINT LOCATION/NUMBER (orange and pink-glo) (NOT SURVEYED)

WATERS OF THE U.S. INVESTIGATION AND SURVEY NOTES:

1. Topo/study area information provided in digital format by The Engineering Groupe was used as a base for this Attachment .
2. The approximate location of data points and photographs are depicted on this drawing. Data points are flagged with orange-glo and pink-glo flagging tied together.
3. This wetland investigation was performed pursuant to the "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 (1987 Manual) and subsequent guidance and modification by the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0)* dated November 2010.
4. The Routine On-Site Wetland Determination Method for sites less than 5 acres was used.
5. Field work was performed on August 24, 2015 by Benjamin N. Rosner, PWS, PWD, CE, CT.
6. The swale labeled "UPL SWALE (NOTE #6)" lacks an ordinary high water mark and there was no evidence of flow during our field work. Hydric soil is also absent, and the swale terminates in drylands. Therefore, in WSSI's opinion, this swale is not a jurisdictional water of the U.S. (subject to COE concurrence).
7. In WSSI's opinion, the concrete-lined ditch along the east side of Old Potomac Church Road is not a jurisdictional wetland or other water of the U.S. (subject to COE concurrence). This ditch appears to have been created in uplands for the purpose of stormwater drainage. Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary are not considered waters of the U.S., per Section 328.3(b)(3)(i) of Chapter 33 of the Code of Federal Regulations.
8. Based on WSSI's field work, RPA is not present within the study area, which confirms the Stafford County RPA Map. This study area is designated as a Resource Management Area (RMA), as are all areas of the County not included as an RPA.



REVISIONS		App. By	Rev. By
No.	Description		

SCALE: 1" = 100' C.L. 2'