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Regulatory Program



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

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

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): Feb 5 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAO-2009-02342

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Virginia

County/parish/borough: Carroll

City: Galax

Center coordinates of site (lat/long in degree decimal format): Lat. 36.7797, Long. -80.8170.

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 .

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (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: .

Office (Desk) and Field Determination. Office/Desk Dates: . Field Date(s): 25 July 2018.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD 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: "Approved Jurisdictional Determination Map for the Wildwood Commerce Park Near Galax, Virginia" dated 4-16-2018.

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

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: JURISDICTIONAL DETERMINATION FOR THE WILDWOOD COMMERCE PARK NEAR GALAX, VIRGINIA. 2 November 2017 (as revised per Corps direction).

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD 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: 0505000112.

USGS maps. Scale & quad name and date: 7.5' .

USDA NRCS Soil Survey. Citation: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> .

- USFWS National Wetlands Inventory maps. Citation:
- State/Local wetland inventory maps. Citation:
- FEMA/FIRM maps. Citation:
- Photographs: Aerial. Citation: Google Earth Pro, 29 July 2017. or Other. Citation: Consultant site photographs per AJD report on file at the Corps.
- LiDAR data/maps. Citation:
- Previous JDs. File no. and date of JD letter: NAO-2009-02342, 30 July 2018 - PJD.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

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.

- **Complete Table 1 - 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 (TNWs))

- **Complete Table 1 - Required**

- This AJD 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 Table 2 - Required**

- (a)(3): The territorial seas.

- **Complete Table 3 - Required**

- (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Table 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 Table 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 Table 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 Table 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 determination.
- (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 Table 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 determination.

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 Table 9 and 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 determination.
- 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 Table 9 and 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 determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
 - **Complete Table 10 - 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

¹ In many cases these excluded features will not be specifically identified on the AJD 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.

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 Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: .

Jurisdictional Waters of the U.S.

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
Stream C	Intermittent	Mill Creek	No	Flows into Mill Creek to Little Reed island Creek to the New River. Receives flow from Stormwater Pond 2.
Stream D	Intermittent	Mill Creek	No	Flows into Stormwater Pond 1, thence to Stream A1, then to Mill Creek, to Little Reed island Creek, to the New River. Stream D flows through Stormwater Pond 1 an excluded feature.
Stream A1	Perennial	Mill Creek	No	Flows into Mill Creek to Little Reed island Creek to the New River
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
Open Water A8	Stream A1	Water identified via ordinary high water mark and having a bordering wetland located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland A1	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland R5	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.

Open Water A7	Stream A1	Water located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland A2	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland A3/A4	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland A7	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland A8	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline.
Wetland R1	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland R4	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water and within the 100 year floodplain. Distance from the (a)(5) water was measured from the stream centerline. Mosaic of stream, wetlands and open water pockets.
Wetland C	Stream C	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water. Distance from the (a)(5) water was measured from the stream centerline. Wetland borders (a)(5) water.
Wetland R2	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water. Distance from the (a)(5) water was measured from the stream centerline. Wetland borders (a)(5) water.
Wetland A5	Stream A1	Wetland identified by the 87 manual and eastern Mountains and Piedmont Supplement located within 100 feet of an (a)(5) water. Distance from the (a)(5) water was measured from the stream centerline. Wetland borders (a)(5) water.

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
x-trib Mill creek Stream A1	Wetland B1	New River	The SPOE watershed (map attached) begins at the wetland which is located at the head of a drainage ravine. The wetland is 1160 feet from the un-named tributary C1, an (a)(5) water, as measured from an aerial photograph of the site, and is more than 20 river miles (11 aerial miles) from the nearest navigable water, the New River. There is no flood plain due to topography of the ravine. The flow path of the drainage is the wetland, the ravine, the un-named tributary to Mill Creek, Mill Creek, Little Reed Island Creek and the New River. The wetland provides limited catchment, nutrient cycling, sediment trapping and filtration functions. Due to its small size (0.012 acres) and the availability large numbers of catchments in the watershed this wetland does not appear to have a substantive effect on the (a)(5) water, or any navigable water.
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
Stormwater Pond 1	While this water occurs as an impoundment between stream D and Stream A1 it is largely excavated from uplands for the sole purpose of stormwater management, and is designed and configured with a sediment fore bay and catchment drainages. The primary purpose is sediment/runoff catchment and flow attenuation. The pond captures flow from stream D which has been modified as a stormwater conveyance, and contributes flow to stream A1.
Stormwater Pond 2	Constructed solely in uplands for stormwater management but contributes flow to stream C. The primary purpose is sediment/runoff catchment and flow attenuation.

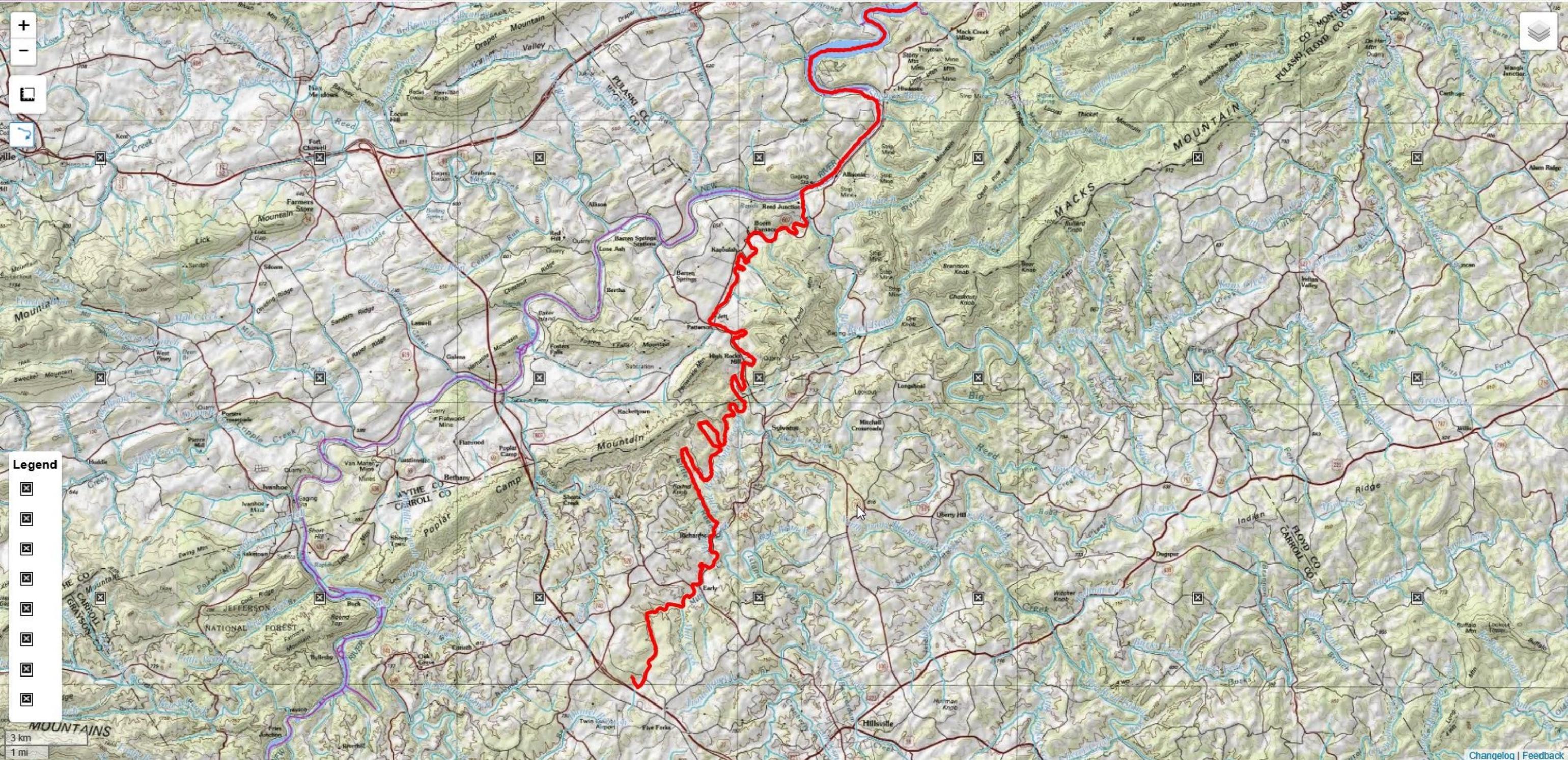
Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

Table of All Waters

Waters_Name	State	Cowardin Code	Hgm Code	Meas Type	Amt	Units	Waters_Type	Latitude	Longitude	Local Waterway
2019 Open Water A7	VA	POW-PALUSTRINE, OPEN WATER	Depressional	AREA	0.006	ACRES	A6N1OHWM	36.78356	-80.8143	Mill Creek
2019 Open Water A8	VA	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.005	ACRES	A6BOHWM	36.78373	-80.81504	Mill Creek
2019 Stormwater Pond 1	VA	POW-PALUSTRINE, OPEN WATER	Depressional	AREA	3	ACRES	EXCLDB6	36.78478	-80.82036	Mill Creek
2019 Stormwater Pond 2	VA	POW-PALUSTRINE, OPEN WATER	Depressional	AREA	1.8	ACRES	EXCLDB6	36.77944	-80.8222	Mill Creek
2019 Stream C	VA	R4-RIVERINE, INTERMIT	Riverine	LINEAR	196	FEET	A5	36.77897	-80.8222	Mill Creek
2019 Stream D	VA	R4SB-RIVERINE, INTERMIT, STREAMBED	Mineral Soil Flats	LINEAR	1199	FEET	A5	36.7867	-80.8221	Mill Creek
2019 Wetland A1	VA	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.183	ACRES	A6BWB	36.78472	-80.8192	Mill Creek
2019 Wetland A2	VA	PSS-PALUSTRINE, SCRUB-SHRUB	Depressional	AREA	0.018	ACRES	A6N1WB	36.78436	-80.81799	Mill Creek
2019 Wetland A3/A4	VA	PFO-PALUSTRINE, FORESTED	Depressional	AREA	0.154	ACRES	A6N1WB	36.78389	-80.81504	Mill Creek

Waters_Name	State	Cowardin Code	Hgm Code	Meas Type	Amt	Units	Waters_Type	Latitude	Longitude	Local Waterway
2019 Wetland A5	VA	PFO-PALUSTRINE, FORESTED	Depressional	AREA	0.07	ACRES	A6N1WB	36.7841	-80.81235	Mill Creek
2019 Wetland A7	VA	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.002	ACRES	A6N1WB	36.78358	-80.8144	Mill Creek
2019 Wetland A8	VA	PEM-PALUSTRINE, EMERGENT	Mineral Soil Flats	AREA	0.002	ACRES	A6N1WB	36.78371	-80.81506	Mill Creek
2019 Wetland B1	VA	PFO-PALUSTRINE, FORESTED	Depressional	AREA	0.012	ACRES	A8HWB	36.7792	-80.81699	Mill Creek
2019 Wetland C	VA	PFO-PALUSTRINE, FORESTED	Depressional	AREA	0.003	ACRES	A6N1WB	36.77929	-80.82276	Mill Creek
2019 Wetland R1	VA	PEM-PALUSTRINE, EMERGENT	Mineral Soil Flats	AREA	0.044	ACRES	A6N1WB	36.78372	-80.81305	Mill Creek
2019 Wetland R2	VA	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.044	ACRES	A6N1WB	36.78366	-80.81378	Mill Creek
2019 Wetland R4	VA	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.037	ACRES	A6N1WB	36.78443	-80.8187	Mill Creek
2019 Wetland R5	VA	PFO-PALUSTRINE, FORESTED	Depressional	LINEA R	3037	FEET	A6BWB	36.78402	-80.81242	Mill Creek
2019-Stream A1	VA	R3-RIVERINE, UPPER PERENNIAL	Riverine	LINEA R	2918	FEET	A5	36.78417	-80.81499	Mill Creek



Legend

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