



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): August 28, 2020

ORM Number: NAO-2010-02073

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: VA City: County/Parish/Borough: New Kent County

Center Coordinates of Review Area: Latitude 37.502987 Longitude -77.1253

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Allen's Run	0.8065 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-1	0.0078 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-10	0.0041 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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S-11	0.0204 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-12	0.0622 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-13	0.0026 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-14	0.0121 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-15	0.9231 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-16	0.0228 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-17	0.0137 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-18	0.0497 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-19	0.0213 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-2	0.1766 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-20	0.0111 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-21	0.0033 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-22	0.0584 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

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S-23	0.0055 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-24	0.1113 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-25	0.0029 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-26	0.1195 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-27	0.1536 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-28	0.0119 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-3	0.0089 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-4	0.01 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-5	0.0279 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-6	0.0639 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-7	0.0198 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-8	0.0254 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
S-9	0.0102 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

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**Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):**

<b>(a)(3) Name</b>	<b>(a)(3) Size</b>	<b>(a)(3) Criteria</b>	<b>Rationale for (a)(3) Determination</b>
W-15	2.1108 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-3	0.3749 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

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

<b>(a)(4) Name</b>	<b>(a)(4) Size</b>	<b>(a)(4) Criteria</b>	<b>Rationale for (a)(4) Determination</b>
W-1	0.8652 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-10	0.048 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-11	0.0463 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-12	0.004 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-13	0.0648 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-14	0.6009 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-16	0.0131 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-17	0.0141 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-18	0.0466 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-19	0.0034 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-2	0.1266 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-20	0.0096 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

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W-21	11.0695 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-22	1.4168 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-23	2.5336 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-24	0.0189 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-25	0.1374 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-26	0.0395 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-27	0.1081 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-28	0.0011 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-29	1.1188 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-30	0.0486 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-31	0.2481 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-32	0.8302 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-33	0.7142 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-34	0.9069 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-4	0.0019 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-5	5.6351 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-6	3.3479 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-7	2.2619 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

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		water	information outlined in Section III.A. below to concur with jurisdictional status.
W-8	0.2677 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.
W-9	0.7914 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Corps used WSSI Report and other supporting information outlined in Section III.A. below to concur with jurisdictional status.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
E-1	0.1396 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Feature is a pond excavated from uplands and whose purpose is to control storm water. Storm water control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store storm water runoff are not considered to be “waters of the U.S.”
E-2	0.0388 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Feature is a pond excavated from uplands and whose purpose is to control storm water. Storm water control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store storm water runoff are not considered to be “waters of the U.S.”
E-3	0.016 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Feature is a pond excavated from uplands and whose purpose is to control storm water. Storm water control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store storm water runoff are not considered to be “waters of the U.S.”.
SW-1	0.0943 acres	(b)(1) Non-adjacent wetland	Wetland is physically isolated and lacks any surface connection to jurisdictional wetlands and/or other WOUS.
SW-2	0.0234 acres	(b)(1) Non-adjacent wetland	Wetland is physically isolated and lacks any surface connection to jurisdictional wetlands and/or other WOUS.
SW-3	0.023 acres	(b)(1) Non-adjacent wetland	Wetland is physically isolated and lacks any surface connection to jurisdictional wetlands and/or other WOUS.
SW-4	0.0441 acres	(b)(1) Non-adjacent wetland	Wetland is physically isolated and lacks any surface connection to jurisdictional wetlands and/or other WOUS.
SW-5	0.0151 acres	(b)(1) Non-adjacent wetland	Wetland is physically isolated and lacks any surface connection to jurisdictional wetlands and/or other WOUS.

**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.

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- Information submitted by, or on behalf of, the applicant/consultant: *New Kent County Airport Waters of the U.S. Delineation and Resource Protection Area Evaluation; prepared by WSSI, dated June 24, 2020 and revised July 28, 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: *(NA, aerial, other, aerial and other) WSSI Report and various years of Aerial imagery from CorpsMap and Google Earth.*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2010-02073; PJD issued Nov 10, 2010.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *CorpsMap*
- USFWS NWI maps: *CorpsMap*
- USGS topographic maps: *CorpsMap*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Quinton & Tunstall 1:24,000 Quad Maps.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	CorpsMap GIS

- B. Typical year assessment(s):** WSSI conducted field work during the timeframe of April 27, 2020 thru May 19, 2020. The WSSI reporting included the Palmer Drought Index for the month of May and the region was found to be in typical range. The report also included U.S. Drought Monitor for the state of Virginia for April 28<sup>th</sup>, May 5<sup>th</sup>, and May 19<sup>th</sup> which showed the region with no drought intensity. In addition to these resources, the Corps utilized its own Antecedent Precipitation Tool calculator. For the period of April 27 – May 19 conditions were normal with the exception of May 6<sup>th</sup> being wetter than normal. Based on this data WSSI was making observations during typical conditions.
- C. Additional comments to support AJD:** *N/A.*

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

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.