



**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): 8/28/2020

ORM Number: NAO-2020-01086

Associated JDs: None

Review Area Location¹: State/Territory: Virginia City: Gloucester County/Parish/Borough: Gloucester

Center Coordinates of Review Area: Latitude 37.430066 Longitude -76.489802

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
OW-01	0.4 acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an	Ordinary high water mark present; impoundment of Cow Creek (perennial stream)

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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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
		(a)(1) water in a typical year.	

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
PFO-01	0.05 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Abutting Cow Creek Pond; meets three parameters of wetlands.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
PFO-02	0.30 acre(s)	(b)(1) Non-adjacent wetland.	Wetland only connected to downstream wetlands/waters by non-channelized overland sheet flow.

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 Delineation Boxwood Lane Site Tax Map #26-57, prepared by Roth Environmental and dated June 9, 2020 and stamped as received by the Corps on August 27, 2020 provides the approximate location and extent of the aquatic resources identified onsite. The map entitled “Plot Plan of Tax Map 26 Parcel 57”, prepared by Alistair J. Ramsay L.S., P.C., dated May 27, 2020 and stamped by the Corps on June 23, 2020, provides the survey located limits of the aquatic resources onsite.

This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: Received on June 23, 2020
- Photographs: Select. Title(s) and/or date(s).
- Corps site visit(s) conducted on: July 9, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: USDA-NCSS Digital SSURGO and STATSGO Data
- USFWS NWI maps: USFWS Digital Wetland and Riparian Data
- USGS topographic maps: Ware Neck, Virginia

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

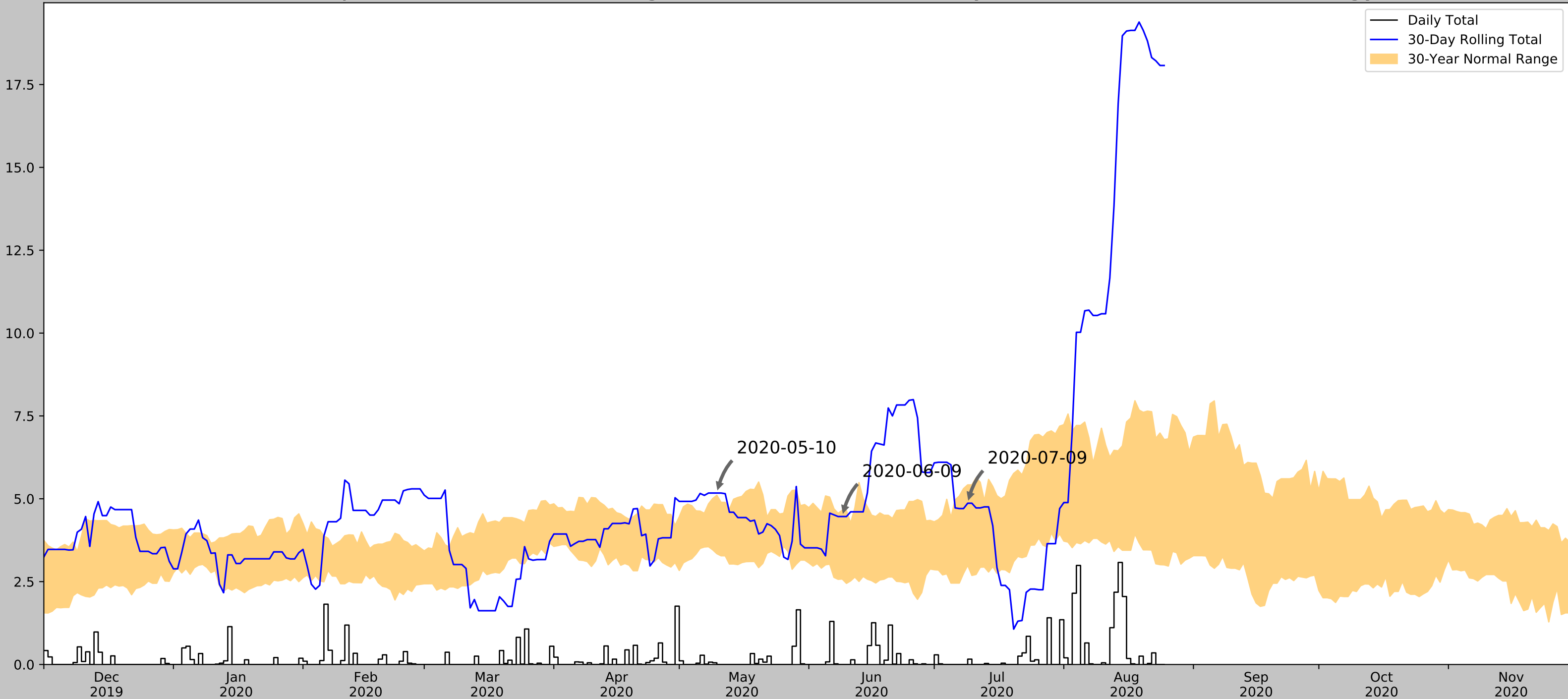
B. Typical year assessment(s): Antecedent Precipitation Tool results attached.

C. Additional comments to support AJD:

N/A

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

Rainfall (Inches)



— Daily Total
 — 30-Day Rolling Total
 30-Year Normal Range

Coordinates	37.430066, -76.489802
Observation Date	2020-07-09
Elevation (ft)	67.57
Drought Index (PDSI)	Incipient wetness
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2020-07-09	2.991339	5.419685	4.866142	Normal	2	3	6
2020-06-09	2.579134	4.655906	4.464567	Normal	2	2	4
2020-05-10	3.343307	5.105118	5.173229	Wet	3	1	3
Result							Normal Conditions - 13




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)
WILLIAMSBURG 2 N	37.3017, -76.7039	69.882	14.727	2.312	6.661	11344	90
N	37.4339, -76.4414	3.937	2.669	63.633	1.371	4	0
MATHEWS 4 SE	37.4031, -76.2689	4.921	12.265	62.649	6.287	3	0
W PT 2 NW	37.5658, -76.8	20.013	19.419	47.557	9.662	1	0