



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): 7-DEC-2020

ORM Number: NAO-2020-00921

Associated JDs: NAO-2018-00145, NAO-2017-01148

Review Area Location¹: The 97-acre project area for this request includes the following parcels:

0600000000940, 0600000000950, 0600000000960, 0600000000970, 0600000000980, 0600000000990, 0600000001000, 0600000001010, 0600000001020, 0600000001030, 0600000001040, 0600000001050, 0600000001500, 0600000001510, 0600000001530, 0600000001540, 0600000001560, 0600000000930, 0600000000900, 0600000001520, 0600000000870, 0600000000880, 0600000000890, 0600000000910, 0600000000920. These parcels surround the unpaved portion of Draughton Rd which is also included in the project area.

State/Territory: VA City: City of Chesapeake County/Parish/Borough:

Center Coordinates of Review Area: Latitude 36.683404 Longitude -76.243396

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
D-10	Unconfirmed	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Attached MFR

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 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.

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.



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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
N/A	N/A	N/A	N/A

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	4.97 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Attached MFR
W-6	~0.9 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Attached MFR

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
D-1	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-2	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-3	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-4	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-5	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-6	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-7	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR

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**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
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		(c)(1)	
D-8	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
D-9	Unconfirmed	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See Attached MFR
W-2	~15.9 acres	(b)(1) Non-adjacent wetland	See Attached MFR
W-3	~20.6 acres	(b)(1) Non-adjacent wetland	See Attached MFR
W-4	~0.9 acres	(b)(1) Non-adjacent wetland	See Attached MFR
W-5	~0.4 acres	(b)(1) Non-adjacent wetland	See Attached MFR
W-7	~2.6 acres	(b)(1) Non-adjacent wetland	See Attached MFR
W-8	~2.3 acres	(b)(1) Non-adjacent wetland	See Attached MFR

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:

1. Re: Great Bridge Estates Letter and enclosures (May 27, 2020).
2. August 26, 2020 Letter with response to Corps comments made during August 28, 2020 site visit.
3. September 15, 2020 Letter with additional response to Corps comments made during August 28, 2020 and maps.

This information is sufficient for purposes of this AJD.

___ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: See attached MFR

Corps Site visit(s) conducted on: August 28, 2020, September 23, 2020

Previous Jurisdictional Determinations (AJDs or PJDs): NAO-2017-01148 (December 20, 2019), NAO-2018-00145 (May 2, 2018)

___ Antecedent Precipitation Tool:

USDA NRCS Soil Survey: Figure 8. in attached MFR.

___ USFWS NWI maps:

USGS topographic maps: Figure 23. in attached MFR.

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.

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State/Local/Tribal Sources	N/A.
Other Sources	See attached MFR

- B. Typical year assessment(s):** Typical year assessments were not necessary for this determination.
- C. Additional comments to support AJD:** See attached Memorandum for the Record (MFR).

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