



**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): 12/11/2020

ORM Number: NAO-2020-01010 / Albrough Boulevard

Associated JDs: N/A

Review Area Location¹: State/Territory: VA City: Colonial Beach County/Parish/Borough: Westmoreland

Center Coordinates of Review Area: Latitude 38.1850 Longitude -76.9880

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
- 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
17	420	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			This tributary is shown as Mattox Creek on the EPA My Waterway website and is also shown on the USGS topo map. Mattox Creek flows approximately 5.15 miles with a direct connection to the Potomac River, a Section 10 / (a)(1) water

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
N/A.	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
1	3.58	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which abuts Mattox Creek, an (a)(2) tributary
2	9.28	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
3	3.17	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
4	5.83	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
5	1.98	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
6	0.62	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which abuts Mattox Creek, an (a)(2) water
7	0.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
8	0.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
9	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
10	1.88	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
11	1.87	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
12	1.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PSS which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
13	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
14	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PEM which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
15	0.16	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
16	0.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PSS which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary
27	1550	linear feet	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Ditch constructed in wetlands and does not meet the flow regime of an (a)(2) water, but exhibits wetland characteristics. Part of (a)(4) wetlands 10 and 11.
35	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A PFO which is part of an (a)(4) wetland system that abuts Mattox Creek, an (a)(2) tributary

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
18	0.05	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
19	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
28	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
29	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
30	0.31	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
31	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
32	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
33	0.13	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
34	0.005	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not satisfy the NWPR definition of an adjacent wetland. It does not have a direct hydrologic surface connection to an (a)(1)-(a)(3) water in a typical year.
36	468	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Excavated in uplands

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: [Bay Environmental, 3/24/2020](#)
This information is sufficient for purposes of this AJD.
Rationale: [Revised wetland delineation map provided by agent on 12/11/2020.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: photos taken during 7/2/2020 site visit and photos in the application](#)
- Corps site visit(s) conducted on: [7/2/2020.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- 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 Wetlands and Riparian data](#)
- USGS topographic maps: [USGS Wakefield Topographic Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD Flowlines
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	State of Virginia 2017 Orthophotographs
Other Sources	LiDAR data/maps (USGS/NRCS)



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B. Typical year assessment(s): [Antecedent Precipitation Tool indicates normal conditions.](#)

C. Additional comments to support AJD: [N/A](#)