



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): 15-DEC-2020

ORM Number: NAO-2020-01434

Associated JDs: NA

Review Area Location¹: The 73.4-acre project area is bisected by N Normandy Drive. The northern portion can be accessed from N Normandy Drive and the southern portion can be accessed through the main AMPAC facility gates. The project area includes parcels 2820 (South of N Normandy, Ampac Chemicals) and 2821 (North of N Normandy, Phlow).

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

Center Coordinates of Review Area: Latitude 37.198162 Longitude -77.35164

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
M	361 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	M has a bed and bank and OHWM. The surface water flows north through a culvert under N Normandy Drive and drains directly into the Blackwater Swamp. Blackwater Swamp drains into Blackwater River an (a)(1) water.

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

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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(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
A	0.0524 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A is part of the Blackwater Swamp which drains into Blackwater River an (a)(1) water.
G - PEM	0.5238 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	G is separated from (a)(2) water M by N Normandy Drive (artificial structure). There is a culvert that allows for a direct surface hydrologic connection between these waters. Water was observed flowing during the site visit and the culvert was stained from water flowing through.
G - PFO	1.4484 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	G is separated from (a)(2) water M by N Normandy Drive (artificial structure). There is a culvert that allows for a direct surface hydrologic connection between these waters.
H	0.0036 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	H is part of the Blackwater Swamp which drains into Blackwater River an (a)(1) water.
I	5.3839 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	I directly abuts (a)(2) water M.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
B	0.0121 acres	(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)	Ditch B lacks intermittent or perennial flow as exhibited by the lack of movement of multiple years of leaves and pine needles in the ditch bottom.
C	0.047 acres	(b)(1) Non-adjacent wetland	C does not abut an (a)(1)-(a)(3) and is not separated by a natural or artificial barrier from downstream waters.
D - PEM	0.1969 acres	(b)(1) Non-adjacent wetland	D does not abut an (a)(1)-(a)(3) and is not separated by a natural or artificial barrier from downstream waters. D may be connected to downstream waters via ephemeral surface water connections.
D - PFO	0.2425 acres	(b)(1) Non-adjacent wetland	D does not abut an (a)(1)-(a)(3) and is not separated by a natural or artificial barrier from downstream waters. D may be connected to downstream waters via ephemeral surface water connections.
E	0.0708 acres	(b)(1) Non-adjacent wetland	E does not abut an (a)(1)-(a)(3) and is not separated by a natural or artificial barrier from downstream waters.
F	2.1031 acres	(b)(1) Non-adjacent wetland	F does not abut an (a)(1)-(a)(3) and is not separated by a natural or artificial barrier from downstream waters. There is a large drainage ditch north of F outside of the project area. There is no surface hydrologic connection to this large drainage ditch.
J	0.0097 acres	(b)(1) Non-adjacent wetland	J does not abut an (a)(1)-(a)(3) and is not separated by

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			a natural or artificial barrier from downstream waters. It appears that J was accidentally constructed.
K	0.051 acres	(b)(1) Non-adjacent wetland	K is separated from downstream waters by an artificial structure that does not allow for a direct hydrologic surface connection.
L	0.0008 acres	(b)(1) Non-adjacent wetland	L is separated from downstream waters by an artificial structure that does not allow for a direct hydrologic surface connection.
N	0.0429 acres	(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)	N lacks intermittent or perennial flow as exhibited by the lack of movement of multiple years of leaves and pine needles in the ditch bottom.
O	0.3703 acres	(b)(1) Non-adjacent wetland	O is separated from downstream waters by an artificial structure that does not allow for a direct hydrologic surface connection.
P	0.0711 acres	(b)(1) Non-adjacent wetland	P is separated from downstream waters by an artificial structure that does not allow for a direct hydrologic surface connection.
Q	0.0089 acres	(b)(1) Non-adjacent wetland	is separated from downstream waters by an artificial structure that does not allow for a direct hydrologic surface connection.
R	0.0508 acres	(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)	R is a drainage ditch within an abandoned parking lot. It lacks intermittent or perennial flow as exhibited by the lack of surface water observed following multiple large rain events.

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: Data sheets, narrative, and exhibits.

This information is sufficient for purposes of this AJD.

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

Photographs: Photo log submitted by agent.

Corps Site visit(s) conducted on: September 30, 2020

Previous Jurisdictional Determinations (AJDs or PJDs): NA

Antecedent Precipitation Tool: NA

USDA NRCS Soil Survey: Figure 3. Environmental Inventory Map (6/18/20)

USFWS NWI maps: Figure 3. Environmental Inventory Map (6/18/20)

USGS topographic maps: Prince George Quadrangle

Other data sources used to aid in this determination:

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

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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): N/A

C. Additional comments to support AJD: Aquatic resources L, K, R, P, Q, O were separated from downstream waters on the north by a road and an abandoned parking lot. A culvert likely once existed under the road but was not observed during the field visit. These aquatic resources are separated from the south and east by a road. The boundaries of these features were observed and they were not abutting any culverts or drainage ditches that provided a direct surface water connection to downstream waters.

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