



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): 18-NOV-2020

ORM Number: NAO-2014-01862

Associated JDs: N/A

Review Area Location¹:

State/Territory: VA City: County/Parish/Borough: Chesterfield County

Center Coordinates of Review Area: Latitude 37.402566 Longitude -77.397462

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
JRIC 5 H	11 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Redwater Creek, a tributary of the James River.
JRIC 5 I	538 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Redwater Creek, a tributary of the James River.
JRIC 5 K	408 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Redwater Creek, a tributary of the James River.

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 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
JRIC 5 A	0.3618 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The water is an impoundment of an a(2) tributary that contributes ephemeral surface water flow via a culvert to stream K which is an a(2) waters.
JRIC 5 B2	2.0867 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The water is an impoundment of a tributary that contributes ephemeral flow to downstream a(1) waters. Water flows were identified during the site visit in the form of dam overtopping and trickle of water draining from a culvert in the dam into the wetlands on the southern side of the dam which drains into tributary I, which is an a(2) waters.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
JRIC 5 B1	1.3555 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly B2 which is an a(3) water that contributes surface water flow directly into Redwater Creek, a tributary of the James River in a typical year.
JRIC 5 C	0.2965 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts a stream that contributes surface water flow directly into Redwater Creek, a tributary of the James River in a typical year.
JRIC 5 D	0.0045 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts a stream that contributes surface water flow directly into Redwater Creek, a tributary of the James River in a typical year.
JRIC 5 E	0.0385 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts a stream that contributes surface water flow directly into Redwater Creek, a tributary of the James River in a typical year.
JRIC 5 F	0.0437 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts a stream that contributes surface water flow directly into Redwater Creek, a tributary of the James River in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
JRIC 5 G	0.0036 acres	(b)(1) Non-adjacent wetland	The wetland does not have a direct hydrologic surface connection to waters identified as a(1)-a(3) in a typical year and is topographically isolated.
JRIC 5 J	231 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
JRIC 5 L	206 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
JRIC 5 M	142 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.

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JRIC 5 N	47 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
JRIC 5 O	0.0512 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	The stormwater pond was constructed entirely within uplands.
JRIC 5 P	0.5545 acres	(b)(1) Non-adjacent wetland	The wetland does not have a direct hydrologic surface connection to waters identified as a(1)-a(3) in a typical year as the stream draining it only have ephemeral flow.
JRIC 5 Q	214 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
JRIC 5 R	0.0017 acres	(b)(1) Non-adjacent wetland	The wetland does not have a direct hydrologic surface connection to waters identified as a(1)-a(3) in a typical year and is topographically isolated.

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: Delineation Map entitled "JRIC Lot 5," dated August 3, 2020 and Corps stamped as received August 26, 2020, and data sheets titled "JRIC Lot 5," dated July 30, 2020.

This information is sufficient for purposes of this AJD.

Rationale: The information provided in the delineation confirmation request is consistent with the conditions viewed on site and Corps records for previous wetland delineation confirmations on the property.

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

Photographs: *Lidar, GoogleEarth, VBMP (IR)*.

Corps Site visit(s) conducted on: August 20, 2020.

Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-14-1862 (2015) NAO-05-3151 (2011)*.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Corpsmap*.

USFWS NWI maps: *Corpsmap*.

USGS topographic maps: *Drewry's Bluff 1:24,000*.

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.

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USACE Sources	ORM 2, Regulatory Reporting Tool.
State/Local/Tribal Sources	VDHR V-CRIS
Other Sources	FWS IPac.

- B. Typical year assessment(s):** The site visit was conducted during the dry season after recent storm events which resulted in the site being wetter than normal for the time of year. The Antecedent precipitation tool indicated that the sites 30 day rolling total was much higher at the time of the site visit than the 30-year normal range. Even with the site being wetter than normal and having recent heavy rains, only minimal water flows, if any, were viewed within the ephemeral drainages. The impoundment B2 had water levels that were above normal as indicated by the live vegetation under the water line at the time of the site visit, and large piles of debris which had recently accumulated along the dam near a recent breach where the water was overtopping the dam from recent heavy water flows. The existing outfall along the dam was located during the site visit and appears to have been installed at an elevation that is above OHW within the impounded lake, therefore, it is presumed that water typically does not discharge regularly from the impoundment into downstream areas as it would set the water level in the pond. The outfall pipe was small for the size of the impoundment and appeared to be clogged or failing at the time of the site visit as very little water was discharging from the pipe even though the upstream site of the pipe was currently underwater. Based on the conditions viewed during the site visit, water flows from the dam appear to be ephemeral, but the impoundment does convey surface water flow to a downstream jurisdictional water.
- C. Additional comments to support AJD:** N/A.

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