



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-NOV-2020  
ORM Number: NAO-2018-00393  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: VA City: County/Parish/Borough: Loudoun County  
Center Coordinates of Review Area: Latitude 39.018852 Longitude -77.39489

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Stream	980 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent tributary is connected via culvert to UT of Sugarland Run; Sugarland Run flowline: Sugarland Run → Old Sugarland Run → Upper Potomac River

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):

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 3	0.0612 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland abuts the intermittent tributary described above.
Wetland 4	0.026 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland abuts the intermittent tributary described above.
Wetland 5	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland abuts the intermittent tributary described above.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Pond	1.85 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	The pond does not satisfy the NWPR definition of a jurisdictional LPI. It does not contribute surface water flow to a downstream (a)(1)-(a)(3) water in a typical year.
Wetland 1	0.92 acres	(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.
Wetland 2	0.046 acres	(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.
Wetland 6	0.004 acres	(b)(1) Non-adjacent wetland	The wetland abuts the pond described above. 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.
Wetland 7	0.458 acres	(b)(1) Non-adjacent wetland	The wetland abuts the pond described above. 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.

**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 report titled "Montebello Farm" revised April 29, 2020 and subsequent additional information*
- Photographs: *Google Earth Pro aerials; On-site photographs provided by consultant*
- Corps Site visit(s) conducted on: *Site visit conducted 05-Apr-2018 during review of previous JD issued 17-Apr-2018; site visit conducted 04-Jun-2020 during review of previous JD issued 03-Aug-2020*
- Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2018-00393; previous JD issued 17-Apr-2018; previous JD issued 03-Aug-2020*

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- Antecedent Precipitation Tool: *Refer to Section III.B below*
- USDA NRCS Soil Survey: *USDA-NCSS Digital SSURGO and STATSGO data*
- USFWS NWI maps: *USFWS Digital Wetlands and Riparian data*
- USGS topographic maps: *Seneca 1908; Seneca 1944; Sterling 1952; Sterling 1968; Sterling 1994*

**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	Loudoun County GIS Layers
Other Sources	LiDAR data/maps (USGS/NRCS)

- B. Typical year assessment(s):** According to the APT, the consultant’s data points were taken during drier than normal conditions of the wet season.
- C. Additional comments to support AJD:** N/A

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