



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): 06-NOV-2020

ORM Number: NAO-2020-01742

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 38.920924 Longitude -77.508347

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
S-1	1146 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flowline: Flows into Elklick Run → Cub Run → Bull Run → Occoquan River → Occoquan Bay → Potomac River
S-2	66 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flowline: Flows into Elklick Run → Cub Run → Bull Run → Occoquan River → Occoquan Bay → Potomac River
S-3	176 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flowline: Flows into Elklick Run → Cub Run → Bull Run → Occoquan River → Occoquan Bay → Potomac 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
W-14	0.008 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	Flowline: Flows into Ellick Run → Cub Run → Bull Run → Occoquan River → Occoquan Bay → Potomac River

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	0.014 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-10	0.0002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-11	0.008 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-12	0.001 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-13	0.007 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts W-14 described above
W-2	0.021 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-3	0.048 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-4	0.065 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-3 described above
W-5	0.011 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-6	0.001 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-7	0.019 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-8	0.001 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above
W-9	0.001 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 described above

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
E-1	0.003 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	Riprap stormwater control feature constructed in upland
SW-15	0.007 acres	(b)(1) Non-adjacent wetland	Does not meet the definition of an adjacent wetland; no connection to (a)(1)-(a)(3) water
SW-16	0.002 acres	(b)(1) Non-adjacent wetland	Does not meet the definition of an adjacent wetland; no

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SW-17	0.03 acres	(b)(1) Non-adjacent wetland	connection to (a)(1)-(a)(3) water Does not meet the definition of an adjacent wetland; no connection to (a)(1)-(a)(3) water
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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 "South Riding LP" date stamped as received by the Corps 21-Sep-2020 and subsequent additional information*
- Photographs: *Google Earth Pro; on-site photographs provided by consultant*
- 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: *Arcola, VA 1990*

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
Other Sources	LiDAR data/maps (USGS/NRCS)

B. Typical year assessment(s): According to the APT, the consultant's data points were taken during wetter than normal conditions during the dry season.

C. Additional comments to support AJD: N/A

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