



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): 23-NOV-2020

ORM Number: NAO-2020-01912

Associated JDs: N/A

Review Area Location<sup>1</sup>:

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

Center Coordinates of Review Area: Latitude 38.793845 Longitude -77.15932

**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
Backlick Run	6555 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	
S1 - 3, 5 - 10, 12 - 13	2115 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	
S4, 11	2095 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

<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 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.

<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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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):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-1, 23, 33, 34	0.04 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	A4WETFLOOD; PEM wetland; (a)(4) Wetland inundated by flooding from S-4, an (a)(1)-(a)(3) water, in a typical year. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2, 10, 17, 18, 21, 36 - 41, 45, 53, 54	0.953 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	A4WETFLOOD; PFO wetland; (a)(4) Wetland inundated by flooding from S-4, an (a)(1)-(a)(3) water, in a typical year. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-27, 29, 46, 47, 49, 50	0.499 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PSS wetland; (a)(4) Wetland abuts S-6 & S-7, (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3, 22, 25, 31, 32, 43, 44, 48, 51, 52	1.263 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PEM wetland; (a)(4) Wetland abuts S-1, an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4 -9, 11 -16, 20, 24, 26, 28, 30, 35	4.376 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PFO wetland; (a)(4) Wetland abuts S-1, an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-42	0.021	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	A4WETABUT; Pond; (a)(4) Wetland abuts S-9, an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

**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
SW-19	0.011 acres	(b)(1) Non-adjacent wetland	PFO wetland; (b)(1) Non-adjacent wetland; This water feature has no surface hydrological connection to an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
E-1, 2, 3, 4	0.118	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff

**III. SUPPORTING INFORMATION**

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

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**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: "Waters of the U.S. (Including Wetlands) Delineation, Backlick Run @ Bren Mar Drive – Segment 1" dated September 25, 2020. This information (*is/is not*) sufficient for purposes of this AJD. Rationale: *N/A*.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *Aerial and Other: Exhibits 7, 8, and 9 (aerial), Exhibit 11 (ground photographs)*.
- Corps Site visit(s) conducted on: *Date(s)*.
- 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: *Title(s) and/or date(s)*.
- USFWS NWI maps: *US Fish and Wildlife Service, downloaded March 2019.*
- USGS topographic maps: *Annandale, VA 1998.*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Other: Soil data
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Fairfax County Digital Data (topography)
Other Sources	FEMA (Flood map information) Panel: 51059C0295E, Effective: 09/17/2010

- B. Typical year assessment(s):** The APT tool indicated wetter than normal conditions.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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