



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): 08-OCT-2020
ORM Number: NAO-2018-01140
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: Fairfax County
Center Coordinates of Review Area: Latitude 38.818968 Longitude -77.442515

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
WUS 5	1292 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The water contributes surface water flow via culverts to Upper Little Rock Run. According to NHD Flowlines, the flowline for Little Rocky Run is: Little Rocky Run → Bull Run → Occoquan River → Occoquan Reservoir → Occoquan River → Belmont Bay → Occoquan Bay → Lower Potomac River.
WUS 7	134 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The water contributes surface water flow via culverts to Upper Occoquan Polish Pond. According to NHD Flowlines, the flowline for the Upper Occoquan Polish Pond is: Upper Occoquan Polish Pond → Bull Run → Occoquan River → Occoquan Reservoir → Occoquan River → Belmont Bay → Occoquan Bay →

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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			Lower Potomac River.
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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
WET 6	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts WUS 5 described above.
WET 7	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts WUS 7 described above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WET 1	0.13 acres	(b)(1) Non-adjacent wetland	The wetland does meet the definition of an (a)(4) water.
WET 2	0.11 acres	(b)(1) Non-adjacent wetland	The wetland does meet the definition of an (a)(4) water.
WET 3	0.006 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 constructed in uplands.
WET 4	0.03 acres	(b)(1) Non-adjacent wetland	The wetland does meet the definition of an (a)(4) water.
WET 5	0.06 acres	(b)(1) Non-adjacent wetland	The wetland does meet the definition of an (a)(4) water.
WET G	43 feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	The water does not meet the definition of an (a)(2) water.
WUS 3	386 feet	(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 constructed in uplands.
WUS 4	55 feet	(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 constructed in uplands.

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 submitted to the Corps 13-Aug-2020 and subsequent additional information*

Photographs: *On-site photographs included in delineation report submitted to the Corps 13-*

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Aug-2020 and Google Earth Aerial Imagery

- Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2018-01140 PJD finalized 04-Sep-2020*
- Antecedent Precipitation Tool: *See 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: *1:24,000 & Manassas*

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	Fairfax County Stormwater Infrastructure GIS
Other Sources	LiDAR data/maps (USGS/NRCS)

- B. Typical year assessment(s):** According to the APT, the consultant's site visit was done during normal conditions.
- C. Additional comments to support AJD:** N/A

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