



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): 15-OCT-2020  
ORM Number: NAO-2020-01571  
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: Fairfax County  
Center Coordinates of Review Area: Latitude 38.963752 Longitude -77.418363

**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
S-1	732 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Unnamed tributary of Horsepen Run; Flows to Horsepen Run --> Broad Run --> Potomac Creek --> 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 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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<b>(a)(4) Name</b>	<b>(a)(4) Size</b>	<b>(a)(4) Criteria</b>	<b>Rationale for (a)(4) Determination</b>
W-1	0.012 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-10	0.001 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-11	0.007 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Connected to S-1 (unnamed tributary of Horsepen Run) detailed above via culvert
W-12	0.026 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Connected to S-1 (unnamed tributary of Horsepen Run) detailed above via culvert
W-14	0.019 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-15	0.042 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-16	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-17	0.032 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-18	0.27 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-19	0.081 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-2	0.338 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-20	0.002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-3	0.024 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-4	0.021 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-5	0.215 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-6	0.149 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-7	0.052 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-8	0.002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above
W-9	0.019 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abuts S-1 (unnamed tributary of Horsepen Run) detailed above

**D. Excluded Waters or Features**

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

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<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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Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SW-13	0.055 acres	(b)(1) Non-adjacent wetland	Physically separated from an (a)(1)-(a)(3) water with no direct hydrologic surface connection between the wetland and the 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: *"Innovation Station – Fairfax Properties" delineation report date stamped as received by the Corps 21-AUG-2020 and subsequent additional information*
- Photographs: *On-site photographs included by consultant in delineation report referenced above; Review of aerial imagery via Google Earth*
- Corps Site visit(s) conducted on: *16-SEP-2020*
- Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2009-0025 January 9, 2009*
- 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: *Herndon 1998; Fairfax 1915; Herndon 1979*

**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

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

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