



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): 11-SEP-2020

ORM Number: NAO-2014-01862

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 37.402566 Longitude -77.397462

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
N/A	N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
PFO A 2020	0.0675 acres	(b)(1) Non-adjacent wetland	The wetland does not abut an (a)(1)-(a)(3) water, and it does not contribute surface water flow directly or indirectly to an (a)(1) water and it is not inundated by flooding from and (a)(1)-(a)(3) water in a typical year. There is a man-made berm and evidence of additional prior disturbance located to the south of wetland C which has severed the historic flow of surface waters off the property to the south.
PFO B 2020	3.2803 acres	(b)(1) Non-adjacent wetland	The wetland does not abut an (a)(1)-(a)(3) water, and it does not contribute surface water flow directly or indirectly to an (a)(1) water and it is not inundated by flooding from and (a)(1)-(a)(3) water in a typical year. There is a man-made berm and evidence of additional prior disturbance located to the south of wetland C which has severed the historic ephemeral flow of surface waters off the property to the south.
PFO C 2020	0.9873 acres	(b)(1) Non-adjacent wetland	The wetland does not abut an (a)(1)-(a)(3) water, and it does not contribute surface water flow directly or indirectly to an (a)(1) water and it is not inundated by flooding from and (a)(1)-(a)(3) water in a typical year. There is a man-made berm and evidence of additional prior disturbance located to the south of wetland C which has severed the historic ephemeral flow of surface waters off the property to the south.

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: *“JRIC LOT 8,” dated July 8, 2020 and Corps date stamped as received August 4, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The map accurately reflects the wetlands as flagged in the field.*

Data sheets prepared by the Corps: *“JRIC Lot 8” dated June 7, 2020.*

Photographs: *Lidar, GoogleEarth, VMBP (IR).*

Corps Site visit(s) conducted on: *July 22, 2020.*

Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-14-1862 (November 22, 2011 and July 27, 2015).*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Corpsmap.*

USFWS NWI maps: *Corpsmap.*

USGS topographic maps: *Drewrys Bluff 1:24,000.*

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corpsmap
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool was used for the typical year assessment and it indicated that while the site visit was conducted during the Dry Season that the area was wetter than normal which supports that decision that there is no surface connections present between the wetlands and (a)(1) waters that would provide a contribution of flow during a normal year.
- C. Additional comments to support AJD:** It was determined that the wetlands on site have expanded since the prior wetland delineation confirmations on the parcel, however, no new connections to downstream waters were identified during the most recent site visit, therefore, they continue to not be waters regulated by the Corps.

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