



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): 29-SEP-2020  
ORM Number: NAO-2017-02158  
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: Loudoun County  
Center Coordinates of Review Area: Latitude 39.090882 Longitude -77.723655

**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                                                                                                  |
|-------------|-------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Reach 1A    | 1160 feet   | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Unnamed tributary of North Fork Goose Creek; North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |
| Reach 1B    | 735 feet    | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Unnamed tributary of North Fork Goose Creek; North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |
| Reach 1H    | 110 feet    | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year    | North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River                                              |

<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 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.

<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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|          |           |                                                                                                                          |                                                                                                                                     |
|----------|-----------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Reach 2A | 1365 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Unnamed tributary of North Fork Goose Creek; North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |
| Reach 2B | 240 feet  | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Unnamed tributary of North Fork Goose Creek; North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |
| Reach 2F | 295 feet  | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year    | North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River                                              |
| Reach 3A | 875 feet  | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Unnamed tributary of North Fork Goose Creek; North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |
| Reach 3C | 240 feet  | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year    | North Fork Goose Creek flows into Goose Creek which flows into the Upper 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):**

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria                             | Rationale for (a)(4) Determination                                                                                                                      |
|-------------|-------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reach 1C    | 0.018 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Abuts Reach 1A (an unnamed tributary of North Fork Goose Creek); North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |
| Reach 1D    | 0.028 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Abuts Reach 1B (an unnamed tributary of North Fork Goose Creek); North Fork Goose Creek flows into Goose Creek which flows into the Upper Potomac River |

**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 |
|----------------|----------------|--------------------------------------------------------------------------------------|---------------------------------------|
| Reach 1E       | 260 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Ephemeral stream                      |
| Reach 1F       | 385 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Ephemeral stream                      |
| Reach 1G       | 160 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Ephemeral stream                      |
| Reach 2C       | 260 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Ephemeral stream                      |

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<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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| Reach 2D | 280 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Ephemeral stream |
| Reach 2E | 440 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Ephemeral stream |

**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: *“Wetlands Investigation for the Burstein/Hunt Ridge Subdivision Site” as revised and date stamped as received by the Corps 21AUG2020*
- Photographs: *On-site photographs included by consultant in report referenced above and Google Earth Pro Imagery*
- Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2017-02158 PJD finalized February 22, 2018*
- 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 & Lincoln*

**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 | N/A.                                            |
| Other Sources              | LiDAR data/maps (USGS/NRCS)                     |

- B. Typical year assessment(s):** On-site pictures were taken during normal conditions according to the APT.
- C. Additional comments to support AJD:** N/A

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