



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): September 11, 2020

ORM Number: NAO-2019-01395-JSH

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 37.4119 Longitude -77.403

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
W	2801 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Naturally occurring surface water that contributes flow to an A1 water in a typical year
X	209 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Naturally occurring surface water that contributes flow to an A1 water in a typical year

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
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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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
F	0.939 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
G	0.3146 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
H	0.2803 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
I	0.0554 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
L	0.181 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
M	0.3352 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
Q	0.994 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
R	0.4986 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
S	0.0404 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
T	0.025 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year
U	0.0111 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
A	0.4295 acres	(b)(1) Non-adjacent wetland	Wetlands located within a pond constructed on waters but is no longer connected to any downstream jurisdictional waters by natural or man-made conveyance
B	0.2673 acres	(b)(1) Non-adjacent wetland	Wetlands located within a pond constructed on waters but is no longer connected to any downstream jurisdictional waters by natural or man-made conveyance
C	3.067 acres	(b)(1) Non-adjacent wetland	Wetlands located within a pond constructed on waters but is no longer connected to any downstream jurisdictional waters by natural or man-made conveyance
D	19.3709 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Constructed pond on waters but is no longer connected to any downstream jurisdictional waters by natural or man-made conveyance
E	0.0202 acres	(b)(1) Non-adjacent wetland	Wetland does not abut any jurisdictional A1- A3 waters
J	0.1474 acres	(b)(1) Non-adjacent wetland	Wetland does not abut any jurisdictional A1- A3 waters
K	0.0661 acres	(b)(1) Non-adjacent wetland	Wetland does not abut any jurisdictional A1- A3 waters

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N	0.0097 acres	(b)(1) Non-adjacent wetland	Wetland does not abut any jurisdictional A1- A3 waters
O	0.0346 acres	(b)(1) Non-adjacent wetland	Wetland does not abut any jurisdictional A1- A3 waters
P	0.0029 acres	(b)(1) Non-adjacent wetland	Wetland does not abut any jurisdictional A1- A3 waters
V	322 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	Intermittent stream that flows into a pond constructed on waters but the pond no longer contributes flow to any downstream jurisdictional waters
Y	0.0098 acres	(b)(1) Non-adjacent wetland	Wetlands located within a pond constructed on waters but is no longer connected to any downstream jurisdictional waters by natural or man-made conveyance

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: Drawings titled "Willis Road Development Site" dated July 1, 2020, revised August 31, 2020 along with data forms. This information is sufficient for purposes of this AJD.
 Rationale: This site is the site of an abandoned mining operation with one large basin and several abandoned pits that have formed into wetlands. Data sheets were provided in areas between jurisdictional waters.
- ___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- ___ Photographs: Applicant provided images: 1937, 1949, 1959, 1965, 1968, 1972, 1974, 1980, 1984, 1991, 1994, 2000, 2006, 2009, 2012, 2016
- Corps Site visit(s) conducted on: June 30, 2020
- ___ Previous Jurisdictional Determinations (AJDs or PJDs): none
- ___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Chesterfield County Soil Survey 1976*
- ___ USFWS NWI maps: *Title(s) and/or date(s).*
- ___ USGS topographic maps: *Title(s) and/or date(s).*

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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Photos – 1994, 2018

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- B. **Typical year assessment(s):** There was no evidence in the field that indicated Pond D flows over the man-made berm into Kingsland Creek nor wetlands east of Pond D. There was no evidence in the field that Kingsland Creek flooded into Pond D.
- C. **Additional comments to support AJD:** A site visit was conducted to review the large POW pond. There is a man-made berm approximately 15 ft tall surrounding the pond. The berm located closest to the James River appears to have a surface water path based on aerial photographs, but the site visit confirmed there is no connection between the pond and wetlands to the east of the pond. The berm also is tall enough that Kingsland Creek does not flood the pond in a typical year.

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