



**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): 9/3/2020

ORM Number: NAO-2020-01638

Associated JDs: N/A

Review Area Location¹: State/Territory: Virginia City: Enter. County/Parish/Borough: Fairfax County

Center Coordinates of Review Area: Latitude 38.992500 Longitude -77.286111

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
- 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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S-1	273	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-1 has OHWM and bed and bank. It flows into Captain Hickory Run which flows into Difficult Run which flows into the Potomac River, an (a)(1) water.
S-2	59	linear feet	(a)(2) Perennial tributary contributes	S-2 has OHWM and bed and bank. It flows into S-1 (off site) which flows into Captain Hickory Run which

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 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.

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 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	flows into Difficult Run which flows into the Potomac River, an (a)(1) water.

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
W-1	0.001 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	PFO wetland shares boundary with S-1, an (a)(2) water and is inundated by flooding from an (a)(2) water
W-2	0.002 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	PFO wetland shares boundary with S-1, an (a)(2) water and is inundated by flooding from an (a)(2) water
W-3	0.010 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	PFO wetland shares boundary with S-1, an (a)(2) water and is inundated by flooding from an (a)(2) water

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SW-1	0.011 acre(s)	(b)(1) Non-adjacent wetland.	PEM wetland; B1WETNONADJ; SW-1 does not abut nor is adjacent to an (a)(1)-(a)(3) wetland. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
E-1	0.017 acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	B10STORM; stormwater control feature constructed or excavated in upland to convey, treat, infiltrate, or store stormwater runoff

III. SUPPORTING INFORMATION

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

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: [815 Walker Road, Waters of the U.S. \(Including Wetlands\) Delineation and Resource Protection Area Evaluation dated August 26, 2020](#)

This information **Select.** sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Exhibit 7 – Spring 1994 color infrared imagery; Exhibit 8 – Spring 2017 near color infrared imagery; Exhibit 9 – February 2020 natural color imagery; Exhibit 13 – Groundlevel photographs dated August 8 & 25, 2020](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Exhibit 4 – Fairfax County digital data, 2018](#)

USFWS NWI maps: [Exhibit 3 – Digital National Wetlands Inventory Map, March 2019](#)

USGS topographic maps: [Exhibit 2 – USGS 7.5' Quadrangle map, Vienna, MD, VA, 1998](#)

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	Corps Map
State/Local/Tribal Sources	Fairfax County SW Map
Other Sources	N/A.

B. Typical year assessment(s): [Normal Conditions/Typical Year](#)

C. Additional comments to support AJD: [N/A](#)