



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): August 10, 2021

ORM Number: NAO-2013-01921-JSH

Associated JDs: PJD October 10, 2013, AJD August 6, 2020

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 36.706263 Longitude -78.125723

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
Intermittent 10	65 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
Intermittent 11	14 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
Intermittent 12	45 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

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Intermittent 13	39 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
Intermittent 1	332 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
Intermittent 2	80 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
Intermittent 3	416 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
Intermittent 4	272 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
Intermittent 5	50 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
Intermittent 6	90 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
Intermittent 7	134 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
Intermittent 8	21 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
Intermittent 9	307 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
Perennial Stream 1	10 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
Perennial Stream 2	3011 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

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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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
PEM Wetland 1	0.2827 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
PEM Wetland 2	0.0263 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
PEM Wetland 3	0.3125 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
PEM Wetland 4	0.2253 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
PEM Wetland 5	0.0271 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
PEM Wetland 6	0.1945 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
PEM Wetland 7	0.1434 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
PFO Wetlands 1	0.4536 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
PFO Wetlands 10	0.064 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
PFO Wetlands 11	0.0042 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
PFO Wetlands 12	0.0264 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
PFO Wetlands 13	0.1611 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
PFO Wetlands 2	0.7654 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
PFO Wetlands 3	0.1882 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
PFO Wetlands 4	0.9116 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
PFO Wetlands 5	0.0071 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
PFO Wetlands 6	0.016 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
PFO Wetlands 7	0.001 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
PFO Wetlands 8	0.0131 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
PFO Wetlands 9	0.0132 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
PSS Wetland1	1.791 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
PSS Wetland2	0.3137 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
PSS Wetland3	0.4921 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

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PSS Wetland4	0.083 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
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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
Ephemeral 1	50 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 10	242 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 11	310 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 12	65 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 13	34 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 14	242 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 15	34 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 16	122 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 18	140 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 19	114 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 2	79 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 20	250 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 3	382 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 4	380 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 5	257 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events

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Ephemeral 6	328 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 7	79 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 8	50 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
Ephemeral 9	63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Channel only flows during precipitation events
POW Wetland 1	0.1141 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Stormwater basin constructed solely in uplands connected to downstream A2-A3 waters by manmade culvert

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: *Delineation Report and the drawing titled "Survey Location of Wetlands/Waters of the US Map" dated July 22, 2021 and Corps date stamped as received July 23, 2021.* This approved JD request includes portions of land from the Approved JD completed August 6, 2020

This information is sufficient for purposes of this AJD.

Rationale: The delineation report and mapping provided enough information to support the determination.

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: Google Earth aerial images 1994, 1996, 2005, 2006, 2011, 2019

___ Corps Site visit(s) conducted on:

Previous Jurisdictional Determinations: Preliminary JD October 10, 2013, Approved JD August 6, 2020 (site visit conducted)

___ Antecedent Precipitation Tool:

USDA NRCS Soil Survey: Mecklenburg County, March 17, 2021

USFWS NWI maps: National Wetland Inventory, March 17, 2021

USGS topographic maps: South Hill Quad 2019 and La Crosse Quad 2019

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.

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- C. **Typical year assessment(s):** N/A.
- D. **Additional comments to support AJD:** The site was previously cleared with stormwater ponds constructed with risers and culvert connections to A2 waters. All of the ponds except one have filled in and naturalized forming wetlands that meet the definition in the NWPR.

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