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): 8/10/2021
ORM Number: NAO-2016-01851
Associated JDs: #NAO-2016-1851, expiring November 8, 2021 (central portion of study area); #05-R1016, expired April 7, 2010 (west end of study area)
Review Area Location[1]: State/Territory: VA City: Aldie County/Parish/Borough: Loudoun
Center Coordinates of Review Area: Latitude 38.910556 Longitude -77.546944

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.	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	90	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary to Foley Branch has an OHWM, bed and bank, and flows into Foley Branch, an (a)(2) water, which flows into Bull Run and into the Occoquan River, an (a)(1) water.
S-2	125	linear feet	(a)(2) Intermittent tributary	This intermittent tributary to Foley Branch has an OHWM, bed and bank, and flows into S-1, an (a)(2)

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	water, which flows into Foley Branch, Bull Run, and into the Occoquan River, an (a)(1) water.
S-3	78	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary to Foley Branch has an OHWM, bed and bank, and flows into S-2, an (a)(2) water, which then flows into S-1 and into Foley Branch, Bull Run, and the Occoquan 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.	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.	The PSS wetland is bordering and contiguous to an (a)(2) water (outside study area), which flows into Foley Branch, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement
W-2	0.005	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement
W-3	0.005	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	0.025	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-5	0.011	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to S-1 and S-2, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement
W-6	0.043	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to S-2, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-7	0.006	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to S-2 and S-3, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
SW-1	0.065	acre(s)	(b)(1) Non-adjacent wetland.	This non-adjacent pond is not bordering or contiguous to an (a)(1)-(a)(3) water, and is not flooded in a typical year from an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-2	0.007	acre(s)	(b)(1) Non-adjacent wetland.	This non-adjacent PEM wetland is not bordering or contiguous to an (a)(1)-(a)(3) water, and is not flooded in a typical year from an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement
SW-3	0.037	acre(s)	(b)(1) Non-adjacent wetland.	This non-adjacent PSS wetland is not bordering or contiguous to an (a)(1)-(a)(3) water, and is not flooded in a typical year from an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement
SW-4	0.006	acre(s)	(b)(1) Non-adjacent wetland.	This non-adjacent PEM is not bordering or contiguous to an (a)(1)-(a)(3) water, and is not flooded in a typical year from an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement
E-1	0.422	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.	This stormwater control feature was constructed or excavated in uplands.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
E-2	0.027	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.	This stormwater control feature was constructed or excavated in uplands.
E-3	0.026	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.	This stormwater control feature was constructed or excavated in uplands.
E-4	0.045	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.	This stormwater control feature was constructed or excavated in uplands.

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: Braddock Road Widening: Gum Spring to Royal Hunter, dated April 5, 2021

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: Fall 2002 natural color photograph (Exhibit 6), Spring 2009 natural color photograph (Exhibit 7), Spring 2017 near color infrared photograph (Exhibit 8), Spring 2018 natural color photograph (Exhibit 9), and Spring 2020 natural color photograph (Exhibit 10); Ground photographs dated March 9, 2021.

☐ Corps site visit(s) conducted on: Date(s).
☒ Previous Jurisdictional Determinations (AJDs or PJDs): #NAO-2016-1851, expiring November 8, 2021 (central portion of study area); #05-R1016, expired April 7, 2010 (west end of study area)
☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
☒ USDA NRCS Soil Survey: Soils Map from Loudoun County Digital Data, 2018 (Exhibit 4)
☒ USFWS NWI maps: Digital NWI Map, downloaded October 2020 (Exhibit 3)
☒ USGS topographic maps: Arcola, VA 1990 (Exhibit 2)

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	N/A.

B. Typical year assessment(s): According to the APT output, conditions were normal at the time of field work on March 9, 2021.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.