



**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): [8/19/2021](#)  
 ORM Number: [NAO-2020-01875](#)  
 Associated JDs: [N/A](#)  
 Review Area Location<sup>1</sup>: State/Territory: [VA](#) City: [Windsor](#) County/Parish/Borough: [Isle of Wight](#)  
 Center Coordinates of Review Area: Latitude 36.808364625 Longitude -76.796396931

**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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	507	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Stream 2	10,109	linear feet	(a)(2) Perennial tributary contributes

<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 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.



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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.	

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
ZONE A- WA	18.09 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp.
ZONE A- WB	87.89 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Forested wetland which abuts Stream 2 described above.
ZONE A- WC	9.96 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp.
ZONE A- WD	0.58 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp.
ZONE A- WE	1.09 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp.
ZONE A- WF	27.59 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Forested wetland which abuts Stream 2 described above.
ZONE A- WI	7.44 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp.
ZONE A- WJ	0.06 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3)	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp.



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
		water only by a natural feature.		
ZONE B- WA	5.2	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp
ZONE C- WA	4.86	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp
ZONE C- WA	9.57	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp
ZONE E- WA	11.47	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Forested wetland which abuts to off-site wetland features, draining into Antioch Swamp
ZONE E- WB	2.07	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Antioch Swamp
MV LINE	7.84	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Forested wetland which abuts to off-site wetland features, draining into Jenkins Swamp

**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	
ZONE A- WG	2.85	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland contained entirely on-site and with no surface connection to other wetlands identified
ZONE A- WH	1.09	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland contained entirely on-site and with no surface connection to other wetlands identified
WETLAND 1	0.47	acre(s)	(b)(6) Prior converted cropland.	Aerial imagery shows area to be active farmland continuously from 1985 to present.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WETLAND 2	1.08	acre(s)	(b)(6) Prior converted cropland.	Aerial imagery shows area to be active farmland continuously from 1985 to present.
WETLAND 3	0.15	acre(s)	(b)(6) Prior converted cropland.	Aerial imagery shows area to be active farmland continuously from 1985 to present.
WETLAND 4	0.71	acre(s)	(b)(6) Prior converted cropland.	Aerial imagery shows area to be active farmland continuously from 1985 to present.
DITCH 1	772.32	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed within uplands.
DITCH 2	527.08	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed within uplands.
DITCH 3	317.49	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed within uplands.
DITCH 4	1501.63	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the	Drainage ditch constructed within uplands.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			conditions of (c)(1).	
DITCH 5	343.82	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed within uplands.
DITCH 6	1184.9 1	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed within 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: [Wetland Delineation Submittal – October 5, 2020 and revisions](#)

This information is 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: Agent submittal, Google Earth Pro, Bing, Digital Globe, ArcGIS Pro, etc. for various dates](#)

Corps site visit(s) conducted on: [18 and 29 April 2021](#)

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: [accessed via Google Earth Pro](#)

USFWS NWI maps: [accessed via Google Earth Pro](#)

USGS topographic maps: [accessed via Google Earth Pro](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">The National Map</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>



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Data Source (select)	Name and/or date and other relevant information
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	LiDAR

**B. Typical year assessment(s):** Results of the Antecedent Precipitation Tool for the time of the Corps' field review shows that the area was within a period of severe wetness, according to the PDSI rating. The three month average indicated that the site was drier than normal. Taken together, conditions on-site during the field visit can be considered representative of a typical year.

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