



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 17, 2021

ORM Number: NAO-2021-00913

Associated JDs: N/A or ORM numbers and identifiers N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 37.468978 Longitude -77.368888

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
Cornelius Creek	5820 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource has numerous OHWMs, a bed and bank, and contributes flow to the James River (TNW)
S-1	26661 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource has numerous OHWMs, a bed and bank, and contributes flow to Cornelius Creek.
S-2	568 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource has numerous OHWMs, a bed and bank, and contributes flow to Cornelius Creek.

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 independent 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.

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.



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S-3	722 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource has numerous OHWMs, a bed and bank, and contributes flow to Cornelius Creek.
S-4	1155 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource has numerous OHWMs, a bed and bank, and contributes flow to Cornelius Creek.

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
W-1	0.531 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-2	22.781 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland satisfies the definition of and adjacent wetland because it directly touches Cornelius Creek.
W-3	2.89 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland satisfies the definition of and adjacent wetland because it directly touches Cornelius Creek.
W-4	0.961 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland satisfies the definition of and adjacent wetland because it directly touches S-1.
W-5	1.804 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland satisfies the definition of and adjacent wetland because it directly touches S-1.
W-6	0.079 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland satisfies the definition of and adjacent wetland because it directly touches S-1.
W-7	0.114 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland satisfies the definition of and adjacent wetland because it directly touches S-3.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
E-1	0.205 acres	(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)	This aquatic resource does not satisfy the definition of a tributary because it was excavated from uplands and does not have intermittent or perennial flow.

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: Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation October 29, 2020
This information is sufficient for purposes of this AJD.

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Rationale: *N/A*

- ___ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *(NA, aerial, other, aerial and other)* Included in report
- Corps Site visit(s) conducted on: June 17, 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: Included in report
- USFWS NWI maps: Included in report
- USGS topographic maps: Included in report

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):** *N/A*
- C. Additional comments to support AJD:** *N/A*

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