



**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): 8/31/2021
 ORM Number: NAO-2021-01168
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
 Review Area Location¹: State/Territory: VA City: Enter. County/Parish/Borough: Loudoun
 Center Coordinates of Review Area: Latitude 38.934444 Longitude -77.526111

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
N/A.	N/A.	N/A.	N/A.

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
N/A.	N/A.	N/A.	N/A.

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.



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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
SW-1	0.00	acre(s)	(b)(1) Non-adjacent wetland.	This palustrine forested wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-2	0.01	acre(s)	(b)(1) Non-adjacent wetland.	This palustrine emergent (PEM) wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-3	0.03	acre(s)	(b)(1) Non-adjacent wetland.	This PEM wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-4	0.04	acre(s)	(b)(1) Non-adjacent wetland.	This PEM wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-5	0.01	acre(s)	(b)(1) Non-adjacent wetland.	This PEM wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-6	0.00	acre(s)	(b)(1) Non-adjacent wetland.	This PEM wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-7	0.00	acre(s)	(b)(1) Non-adjacent wetland.	This PEM wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
SW-8	0.08	acre(s)	(b)(1) Non-adjacent wetland.	This PFO wetland was delineated using the 1987 Manual and Regional Supplement. It lacks a direct hydrological connected to jurisdictional wetlands or waters of the U.S.
E-1	0.08	acre(s)	(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	This ditch was previously excavated in uplands to drain excess runoff from rainfall events and watering activities related to the active sod farm which is actively maintained by the property owners.

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
E-2	0.00	acre(s)	<p>(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).</p> <p>This ditch was previously excavated in uplands to drain excess runoff from rainfall events and watering activities related to the active sod farm which is actively maintained by the property owners.</p>

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: [Attachment I: Waters of the U.S. \(Including Wetlands\) Delineation Map, Diaz/Greenworks](#)
This information is sufficient for purposes of this AJD.
Rationale: [NA](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Spring 1937 Black and White Imagery from Loudoun County Office of Mapping and Geographic Information \(OMAGI\), 1957 Black and White Imagery from Loudoun OMAGI, Spring 1994 Color Infrared Imagery from U.S. Geological Survey Digital Orthophoto Quarter Quad, Spring 2009 Natural Color Imagery from Virginia Base Mapping Program \(VBMP\), Spring 2017 Near Color Infrared Imagery from VBMP, and Spring 2020 Natural Color Imagery from Loudoun OMAGI. Study area photographs from February 17 and 21, 2021.](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [AJD \(#NAO-2020-00587\) issued May 27, 2020 and AJD \(#NAO-2018-00824\) issued June 11, 2018.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Loudoun County Digital Data, 2018](#)
- USFWS NWI maps: [Downloaded October 2020](#)
- USGS topographic maps: [Arcola, VA 1990](#)

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.



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- B. Typical year assessment(s):** According to the APT output, field conditions on February 17, 2021 were normal and on February 21, 2021 were wetter than normal at the time of field work.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.