



**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): 8/17/2021

ORM Number: NAO-2021-01663

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: VA City: Leesburg County/Parish/Borough: Loudoun County

Center Coordinates of Review Area: Latitude 39.134444 Longitude -77.532222

**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
N/A.	N/A	N/A	N/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
Potomac River	605 linear feet	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce (CWA Section 404 ONLY).	A1TNWCOMM; this non-tidal portion of the Potomac River has an OHWM, bed and bank; the Potomac River is a listed TNW.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
S-1	30 linear feet	(a)(2) Intermittent tributary	A2TRIBINT; this intermittent tributary has an OHWM, bed and bank, and flows into SS-1 which

<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
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	flows into the Potomac River, an (a)(1) water and TNW.

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.

**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
SS-1	58 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	B3EPHEMERAL; this ephemeral stream has an OHWM, bed and bank. This is a (b)(3) Ephemeral feature which includes an ephemeral stream, swale, gully, rill, or pool.
SS-2	82 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	B3EPHEMERAL; this ephemeral stream has an OHWM, bed and bank. This is a (b)(3) Ephemeral feature which includes an ephemeral stream, swale, gully, rill, or pool.
SS-3	20 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	B3EPHEMERAL; this ephemeral stream has an OHWM, bed and bank. This is a (b)(3) Ephemeral feature which includes an ephemeral stream, swale, gully, rill, or pool.
SW-1	0.014 acre(s)	(b)(1) Non-adjacent wetland.	B1WETNONADJ; 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.

**III. SUPPORTING INFORMATION**

<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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- 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, Veterans Park at Balls Bluff, dated May 17, 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: Spring 2009 natural color photograph from Virginia Base Mapping Program \(VBMP\) \(Exhibit 6\), Spring 2017 near color infrared photograph from VBMP \(Exhibit 7\), and a March 2021 natural color photograph from Nearmap® \(Exhibit 8\); ground photographs dated April 29, 2021 \(Exhibit 10\)](#)
  - Corps site visit(s) conducted on: [Date\(s\).](#)
  - 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: [Loudoun County Digital Data, 2018 \(Exhibit 4\)](#)
  - USFWS NWI maps: [NWI data downloaded October 2020 \(Exhibit 3\)](#)
  - USGS topographic maps: [Waterford, MD VA 1984 \(Exhibit 2\)](#)

**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="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

- B. Typical year assessment(s):** [According to the APT output, conditions were normal at the time of field work.](#)
- C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)