



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): 03-FEB-2021

ORM Number: NAO-2001-01676

Associated JDs: N/A

Review Area Location<sup>1</sup>:

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

Center Coordinates of Review Area: Latitude 37.69278 Longitude -77.44528

**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
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
Stream A	1090 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent tributary contributes flow to Lickinghole Creek, which is a tributary of the Chickahominy River, and a(1) water.
Stream B	560 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent tributary contributes flow to Lickinghole Creek, which is a tributary of the Chickahominy River, and 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
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<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 and 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 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.

<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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N/A	N/A	N/A	N/A
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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
Stormwater Pond	0.15 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	The stormwater pond was constructed within uplands above the upper limit of the intermittent tributary.

**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: “Atlee Properties at Sliding Ridge Place- Wetland Delineation Map” and dated October 30, 2020, was conducted by Virginia Wetland Consulting LC and received by the Corps on January 28, 2021.

This information is sufficient for purposes of this AJD.

Rationale: Based on review of available information, the package submitted by the agent appears to accurately depict the conditions on the property.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: “Resource Protection Area Delineation,” dated December 16, 2020 and Corps date stamped as received January 28, 2021.

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: Corpsmap.

USFWS NWI maps: Corpsmap.

USGS topographic maps: Corpsmap.

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Lidar
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corpsmap, Regulatory Reporting Tool
State/Local/Tribal Sources	N/A.
Other Sources	GoogleEarth

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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- B. Typical year assessment(s):** The ATP tool was run to assess hydrologic conditions at the project location, and it indicated that the site visit was conducted during the wet season and conditions were considered to be wetter than normal. The consultant indicated that he had visited the property numerous times during the year and had viewed water within the tributaries each time. Given the erosion and incision of the stream beds seen along the tributaries, it is evident that water does flow normally at high rates over an extended period of time, therefore, it is presumed that hydrology is present on the property and contributing to downstream waters during a normal year.
- C. Additional comments to support AJD:** The consultant provided stream assessment forms to describe the tributaries. Stream A contains an intermittent flow. Stream B did not meet the criteria on the assessment form to be categorized as an intermittent tributary with by only 0.5 with an 18.5 rating (19 needed to be considered intermittent), however, after discussions with the consultant who has viewed the stream flowing during various times of the year, it is believed that this lower rating was due to the poor condition of the stream which is heavily incised and surrounded by previously impacted areas with development. In addition, photographs of the stream and its current incised condition indicate that the stream is likely receiving groundwater, therefore, it is our determination that the stream does have intermittent flow.

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