



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): 10-FEB-21

ORM Number: NAO-2009-01622

Associated JDs: N/A

Review Area Location¹:

State/Territory: VA City: Franklin County/Parish/Borough: Southampton County

Center Coordinates of Review Area: Latitude 36.663289 Longitude -76.985262

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
PFO wetland	0.45 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	

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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
perimeter ditch	147 feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	
roadside ditches	268 feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	
stormwater pond	0.08 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	

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: *Preliminary Wetland Delineation, Kingdom Impact, 10/14/20; Request for PJD dated 10/16/20.*

This information is sufficient for purposes of this AJD.

Rationale: *The agent provided a revised sketch which shows non-jurisdictional features.*

Data sheets prepared by the Corps: *N/A.*

Photographs: *Aerial photography, figure 1, dated 10/5/2020; NWI and NHD, dated 10/5/2020. Also, ground-level photos were provided in Attachment E, Photo Log. These included photos of soils, hydrology indicators, and stormwater feature.*

Corps Site visit(s) conducted on: *PM visited this site about 5-6 years ago.*

Previous Jurisdictional Determinations (AJDs or PJDs): *Same project number. PM G. Janek accompanied the consultant on-site but the original consultant didn't follow up with a map or survey which showed the wetland limits.*

Antecedent Precipitation Tool: *This was not run because it was not needed for this AJD.*

USDA NRCS Soil Survey: *NRCS Soils overlay on aerial; Figure 4; dated 10/5/2020.*

USFWS NWI maps: *NWI and NHD, figure 3, referenced above.*

USGS topographic maps: *USGS Topography map, figure 2, dated 10/5/2020. The topo map is the Franklin Topographic Quadrangle.*

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Other data sources used to aid in this determination:

Data Source (select)	N/A; data sources provided in PJD (with revised map) were sufficient.
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: The only other relevant fact is that G. Janek considered using the NWPR exclusion b(5) which is for ditches that are not waters identified in paragraph (a)(1) or (2) which are territorial seas or tributaries, and those portions of ditches constructed in waters identified as adjacent waters. Neither the roadside ditches or the perimeter ditch were constructed in adjacent wetlands so Janek used exclusion (b)(1).

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