



**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): 2/22/2021

ORM Number: 2013-01893

Associated JDs: 2013-01893

Review Area Location<sup>1</sup>: State/Territory: Virginia City: Enter. County/Parish/Borough: Loudoun County

Center Coordinates of Review Area: Latitude 38.989722 Longitude -77.559722

**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
S-1	1,277 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A2TRIBINT; S-1 has OHWM and bed and bank and flows into Beaverdam Creek which flows into Goose Creek, an (a)(1) water
S-2	77 linear feet	(a)(2) Intermittent tributary contributes	A2TRIBINT; S-2 has OHWM and bed and bank and flows into S-1 which flows into Beaverdam Reservoir and into Goose Creek, an (a)(1) water

<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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(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
S-3	304	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A2TRIBINT; S-3 has OHWM and bed and bank and flows into S-1 which flows into Beaverdam Creek and into Goose Creek, an (a)(1) water
S-4	13	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A2TRIBINT; S-4 has OHWM and bed and bank and flows into S-1 which flows into Beaverdam Creek and into Goose Creek, an (a)(1) water
S-5	52	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A2TRIBINT; S-5 has OHWM and bed and bank and flows into S-4 which flows into S-1, Beaverdam Creek and into Goose Creek, an (a)(1) water
S-6	130	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A2TRIBINT; S-6 has OHWM and bed and bank and flows into S-4 which flows into S-1, Beaverdam Creek and into Goose Creek, an (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
N/A.	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
W-1	0.01	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3)	A4WETNATSEP; PFO wetland separated from S-1, an (a)(2) water only by a natural feature. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
		water only by a natural feature.	
W-2	0.001 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3	0.14 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	0.02 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PEM wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-5	0.11 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-6	0.04 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PEM wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-7	0.03 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PEM wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-8	0.03 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-3, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-9	0.20 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-3 and S-1, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-10	0.03 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PEM wetland abuts S-3 and S-1, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-11	0.36 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	A4WETNATSEP; PFO wetland separated from S-1, an (a)(2) water only by a natural feature. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-12	0.0004 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-13	0.003 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-1, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-14	0.02 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PSS wetland abuts S-4 and S-5, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-15	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PEM wetland abuts S-4 and S-5, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-16	0.34	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-4 through S-6, (a)(2) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-17	0.004	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A4WETABUT; PFO wetland abuts S-6, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-19	0.03	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	A4WETNATSEP; PEM wetland separated from S-1, an (a)(2) water only by a natural feature. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-20	0.01	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	A4WETNATSEP; PEM wetland separated from S-1, an (a)(2) water only by a natural feature. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-21	0.04	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	A4WETNATSEP; PFO wetland separated from S-1, an (a)(2) water only by a natural feature. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

**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
SW-18	0.01	acre(s)	(b)(1) Non-adjacent wetland.	B1WETNONADJ; PSS wetland does not abut nor is adjacent to an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
E-1	0.003	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	B5DITCH; roadside ditch

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		conditions of (c)(1).	

**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: [Arcola Farms, Waters of the U.S. \(Including Wetlands\) Delineation Report, dated January 20 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: Exhibit 6 – Spring 2009 natural color aerial; Exhibit 7 – Spring 2017 near color infrared aerial; Exhibit 8 – Spring 2020 natural color aerial; Exhibit 10 – Groundlevel photographs dated January 2021](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [JD# NAO-2013-1893, issued January 8, 2015](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [Exhibit 3 – downloaded October 2020](#)

USGS topographic maps: [Exhibit 2 - Arcola, VA 1990](#)

**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 results, wetter than normal conditions were present at time of delineation.](#)

**C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)