



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): 25-FEB-2021

ORM Number: NAO-2020-00476

Associated JDs: N/A

Review Area Location¹:

State/Territory: VA City: County/Parish/Borough: Suffolk city

Center Coordinates of Review Area: Latitude 36.818668 Longitude -76.472912

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
stream #1	340 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This stream has an OHW mark, was flowing on 6-24-2020, and flows to a tributary of Quaker Neck Creek (a section 10 water) in a typical year.
stream #2	315 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This perennial stream has an OHW mark, was flowing on 6-24-2020, and flows to a tributary of Quaker Neck Creek (a section 10 water) in a typical year.

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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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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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
wetland #1	0.25 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This emergent wetland, which has no discrete channel, directly touches the intermittent stream channel.
wetland #2	0.25 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This forested wetland is situated to either side of the intermittent stream channel and is directly connected.
wetland #3	0.15 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	This is an emergent wetland area that appears to have drained due to a riser pipe failure. This emergent wetland is still connected through an intact culvert pipe to the perennial stream which flows into the headwaters of Quaker Neck Creek.
wetland #4	0.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland is abutting the perennial tributary to Quaker Neck Creek.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
ditch #1	2000 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	Ditch 1 is part of the agricultural ditch network that drains to the SWM basin at the corner of Northgate Commerce Parkway and Nansemond Parkway. During the site visit on June 24, 2020, these ditches had been recently maintained/excavated but did not have OHW marks. None of these excluded features (ditches 1-4) appear to have been excavated in tributaries nor in an adjacent wetlands.
ditch #2	500 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	Ditch 2 is part of the agricultural ditch network that drains to the SWM basin at the corner of Northgate Commerce Parkway and Nansemond Parkway. During the site visit on June 24, 2020, these ditches had been recently maintained/excavated but did not have OHW marks.
ditch #3	50 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	Ditch 3 was a short ditch that contributed agricultural field drainage to wetland #1. Ditches 3 and 4 were maintained agricultural ditches, portions of which had been recently cleaned out.
ditch #4	200 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	Ditch 3 was a short ditch that contributed agricultural field drainage to wetland #1. Ditches 3 and 4 were maintained agricultural ditches, portions of which had been recently cleaned out. All ditches (1-4) were located at slightly higher positions within the ag fields.

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.

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- Information submitted by, or on behalf of, the applicant/consultant: *Figure 4; Wetland Delineation Map*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A; relied on consultant's data sheets.*
- Photographs: *Google Earth Pro (various dates); Soil Survey Map overlay, NWI map overlay, ground-level photos taken on January 2, 2020 and July 7, 2020. The latter photos show washed out riser and culvert pipes at the site of a former farm pond.*
- Corps Site visit(s) conducted on: *June 24, 2020*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Figure 2: Soil Survey Map*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *Bowers Hill, VA current and 1955.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	1955 Bowers Hill topo map
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):** The APT run for 6-24-2020, the date of the site visit, showed wetter than normal conditions.
- C. Additional comments to support AJD:** G. Janek checked the 1955 historic Bowers Hill quadrangle. That map supports the perennial and intermittent stream mapping near the railroad crossing, at the northwest corner of the site. A tributary of Quaker Neck Creek extends onto that portion of the site. The historic topo map shows an intermittent stream extending onto the southeast corner of the site, but that tributary no longer exists. Instead, there is a stormwater basin at the corner of the site. There are a series of recently excavated (i.e. maintained) agricultural ditches in the southern half of the site. Some of these features are no longer connected and appear to be drainage features within upland agricultural fields, in this case soybean fields.

The consultant also included an aerial photo from 1990 which showed a chain of farm ponds that no longer exists. Pond 1 encompassed the area that is now mapped as PFO and PEM wetlands.

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