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): February 5, 2021
ORM Number: NAO-2020-00824-RDB
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location[1]:
State/Territory: VA City: County/Parish/Borough: Prince William County
Center Coordinates of Review Area: Latitude 38.655 Longitude -77.240833

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
5	5.36 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Occoquan River is currently used in interstate and/or foreign commerce. It also flows to Potomac River, which is designated a Section 10 Traditionally Navigable Water (TNW). Occoquan River > Occoquan Bay > Potomac River

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
5	5.36 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Occoquan River is currently used in interstate and/or foreign commerce. It also flows to Potomac River, which is designated a Section 10 Traditionally Navigable Water (TNW). Occoquan River > Occoquan Bay > Potomac River.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
17	1.02 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature was determined to have a perennial flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
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[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.

			Their Origins" Version 4.11, Dated September 1, 2010. Stream classification have been confirmed by Prince William County through Preservation Area Site Assessment (PASA) ASP2020-00046 S02, dated June 30, 2020.
35	0.02 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature was determined to have a perennial flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010. Stream classification have been confirmed by Prince William County through Preservation Area Site Assessment (PASA) ASP2020-00046 S02, dated June 30, 2020.

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
45	0.39 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This feature is in-line with an (a)(2) upper perennial water that flows to Occoquan River > Occoquan Bay > Potomac River (a TNW).

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
1	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(1) water (Occoquan River) which flows to Occoquan Bay > Potomac River (a TNW).
10	2.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
11	0.52 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
13	0.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
19	0.69 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
2	6.33 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(1) water (Occoquan River) which flows to Occoquan Bay > Potomac River (a TNW).
20	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
21	0.38 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
22	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
23	0.54 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) intermittent water.
25	1.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) intermittent water.
26	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3)	Wetland is separated from an (a)(1)-(a)(3) water only

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		water	by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year.
27	0.86 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland is 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.
28	0.46 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland is 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.
29	0.27 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland is 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.
31	0.55 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
32	11.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
33	0.29 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
34	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
36	1.39 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) upper perennial water.
38	0.1 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature was determined to have an intermittent flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010. Stream classification have been confirmed by Prince William County through Preservation Area Site Assessment (PASA) ASP2020-00046 S02, dated June 30, 2020.
39	1.73 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(2) intermittent water.
4	0.62 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(1) water (Occoquan River) which flows to Occoquan Bay > Potomac River (a TNW).
8	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is abutting an (a)(1) water (Occoquan River) which flows to Occoquan Bay > Potomac River (a TNW).
9	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland is 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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
12	0.04 acres	(b)(1) Non-adjacent wetland	This wetland is isolated.

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14	0.03 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
15	0.59 acres	(b)(1) Non-adjacent wetland	This wetland is isolated.
16	5.78 acres	(b)(1) Non-adjacent wetland	This wetland is isolated.
18	0.01 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
24	0.01 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
3	0.03 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
30	0.03 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
37	0.05 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
40	0.2 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	The stormwater pond is isolated, artificially created in uplands, and has no connection to a (a)(1)-(a)(3) water.
41	0.71 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	The stormwater pond is artificially created in uplands, and is separated from an (a)(1)-(a)(3) water by a (b)(3) Ephemeral feature.
42	1.09 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	The stormwater pond is artificially created in uplands, and is separated from an (a)(1)-(a)(3) water by a (b)(3) Ephemeral feature.
43	1.54 acres	(b)(1) Lake/pond or impoundment that does not contribute surface	The stormwater pond is artificially created in uplands, isolated, and has no connection to a (a)(1)-(a)(3) water.

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		water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	
44	1.57 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	The stormwater pond is isolated, and has no connection to a (a)(1)-(a)(3) water.
6	0.04 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
7	0.05 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.

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.

__X__ Information submitted by, or on behalf of, the applicant/consultant: *Title(s) and date(s).* *Wetland Delineation Report Belmont Bay Prince William County, Virginia; prepared by TNT Environmental April 2020, revised November 2020.*
This information *(is/is not/is and is not)* 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).*

__X__ Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).* *Google Earth imagery, ground photographs taken between August 2019 and April 2020*

__X__ Corps Site visit(s) conducted on: *October 29, 2020*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

__X__ USDA NRCS Soil Survey: *Title(s) and/or date(s).* *Prince William County Soils, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx*

__X__ USFWS NWI maps: *Title(s) and/or date(s).* *Online Mapper, retrieved April 2020*

__X__ USGS topographic maps: *Title(s) and/or date(s).* *USGS Fort Belvoir Quadrangle, 2020*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.

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USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Assessment was conducted in December 2020. Palmer drought index identified the region as -1.99 to +1.99 (Near Normal).

C. Additional comments to support AJD: N/A

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