



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): 05-FEB-2021
ORM Number: NAO-2020-02015-BCD
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: VA City: Norfolk County/Parish/Borough:
Center Coordinates of Review Area: Latitude 36.894318 Longitude -76.198936

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
W16	0.75 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 water contributes surface water directly into an a(2) at least once during a typical year.
W17	4.5 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes	This water contributes surface water directly into an a(2) at least once during a typical year.

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 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.

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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		surface water flow directly or indirectly to an (a)(1) water in a typical year	
W18	2.99 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 water contributes surface water directly into an a(2) at least once during a typical year.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W1	1.47 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	There is no physical separation between the wetland and an a(1) or a(2) water.
W19	0.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	There is no physical separation between the wetland and an a(1) or a(2) water.
W20	0.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	There is no physical separation between the wetland and an a(1) or a(2) water.
W21	0.96 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	There is no physical separation between the wetland and an a(1) or a(2) water.
W4	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	There is no physical separation between the wetland and an a(1) or a(2) water.
W5	0.41 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	There is no physical separation between the wetland and an a(1) or a(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
W10	0.26 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W11	0.14 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W12	0.26 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W13	0.07 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W14	0.04 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W15	0.97 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 water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.

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W3	1.64 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W6	0.13 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W7	0.7 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W8	0.28 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.
W9	0.07 acres	(b)(1) Non-adjacent wetland	The water feature onsite is hydrologically isolated and physically remote and does not meet the paragraph (a)(1) through (a)(4) waters definitions.

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: *ORF_AJDPACKAGE_10-27-2020.pdf, ORM NWPR Upload Sheet*

- This information is sufficient for purposes of this AJD.

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

Photographs: *Aerial and Lidar various years*

- Corps Site visit(s) conducted on: *Date(s).*

Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2014-0968, NAO-2020-0712*

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

USDA NRCS Soil Survey: *Title(s) and/or date(s).*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *Title(s) and/or date(s).*

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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):** Delineation was performed during a typical year.
- C. Additional comments to support AJD:** Approved JD for ORF. Multiple site visits over many years conducted on this site. No site visits were required for this latest request as the landscape has not changed and the delineation also has not changed.

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