



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-2020-02338-ARL

Associated JDs: N/A

Review Area Location¹:

State/Territory: VA City: County/Parish/Borough: Fauquier County

Center Coordinates of Review Area: Latitude 38.641138 Longitude -77.635599

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
S-1	261 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	A2TRIBPER; S-1 has an OHWM, bed and bank and flows into Cedar Run, into Broad Run which flows into the Occoquan River, an (a)(1) water.
S-2	223 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	A2TRIBPER; S-2 has an OHWM, bed and bank and flows into Cedar Run, into Broad Run which flows into the Occoquan River, an (a)(1) 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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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
W-1	6.9 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PEM wetland abuts S-1 & S-2, (a)(2) waters
W-2	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PEM wetland abuts S-1, an (a)(2) water
W-3	0.111 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PFO wetland abuts S-2, an (a)(2) water
W-4	0.138 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT: PEM wetland abuts S-1, an (a)(2) water
W-5	1.241 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A4WETABUT; PEM wetland abuts S-1, an (a)(2) water
W-7	0.455 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	A3LPFLOW; POW excavated in wetlands, flows into PEM, into S-1, and (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
SW-6	0.001 acres	(b)(1) Non-adjacent wetland	PEM feature that has no direct connection to WOUS. The only connect is surface flow.

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: map titled, "Waters of the US (Including Wetlands) Delineation – Kalvyn Smith", with a final date of November 24, 2020
This information (is) sufficient for purposes of this AJD.
- Data sheets prepared by the consultant WSSI
- Photographs: *site specific*
- Corps Site visit(s) conducted on: online review completed.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A

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- Antecedent Precipitation Tool:
 USDA NRCS Soil Survey: Kalvyn Smith
 USFWS NWI maps: Kalvyn Smith.
 USGS topographic maps: Kalvyn Smith

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

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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