



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): 22-FEB-2021
ORM Number: NAO-2021-00081-RDB
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: VA City: County/Parish/Borough: Stafford County
Center Coordinates of Review Area: Latitude 38.330368 Longitude -77.497352

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
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
N/A	N/A	N/A	N/A

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetlands A	379 feet	(b)(1) Non-adjacent wetland	Wetland B is not adjacent to an (a)(1) - (a)(3) water, it may be considered excluded under the 2020 Navigable Waters Protection Rule as non-jurisdictional waters under (b)(1).
wetlands B	0.014 acres	(b)(1) Non-adjacent wetland	Wetland B is not adjacent to an (a)(1) - (a)(3) water, it may be considered excluded under the 2020 Navigable Waters Protection Rule as non-jurisdictional waters under (b)(1). A temporary sediment trap is located just downslope and south of Wetland B. A culvert outfall and riprap-lined drainage feature are located on the southern side of the Krieger Lane extension and downslope of the temporary sediment trap. A second temporary sediment trap is located in the eastern portion of the Project. Hydrology from the culvert outfall and temporary sediment traps is conveyed within a riprap-lined drainage feature before converging with an offsite stream.

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: **Rappahannock Landing II, Stafford County, Virginia Wetland Delineation and Approved Jurisdictional Determination Request dated January 4, 2021**

This information is sufficient for purposes of this AJD.

Rationale: N/A

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

Photographs: taken December 22, 2020, by O. Stelzig, BCG

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

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

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

USDA NRCS Soil Survey: USDA Stafford and King George Counties, Virginia
Soils Survey dated November 30, 2020

USFWS NWI maps: in report dated August 31, 2020

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

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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USGS Sources	Fredericksburg, VA quad 2019
ARCGIS	2019
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 depicts a wetter than normal year during the delineation data sheets .
- C. Additional comments to support AJD:** Given Wetland A is not adjacent to an (a)(1) - (a)(3) water, it may be considered excluded under the 2020 Navigable Waters Protection Rule as non-jurisdictional waters under (b)(1). Wetland B is not adjacent to an (a)(1) - (a)(3) water, it may be considered excluded under the 2020 Navigable Waters Protection Rule as non-jurisdictional waters under (b)(1). A temporary sediment trap is located just downslope and south of Wetland B. A culvert outfall and riprap-lined drainage feature are located on the southern side of the Krieger Lane extension and downslope of the temporary sediment trap. A second temporary sediment trap is in the eastern portion of the Project. Hydrology from the culvert outfall and temporary sediment traps is conveyed within a riprap-lined drainage feature before converging with an offsite stream.

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