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): 20-JAN-2021
ORM Number: NAO-2020-02108
Associated JDs: N/A
Review Area Location[1]:
State/Territory: VA City: Midlothian County/Parish/Borough: Chesterfield County
Center Coordinates of Review Area: Latitude 37.448531 Longitude -77.624443

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
A R4SB	364 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Falling Creek, a tributary of the James River which is an (a)(1) water.
C R4SB	537 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Falling Creek, a tributary of the James River which is an (a)(1) water.
D R4SB	104 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Falling Creek, a tributary of the James River which is an (a)(1) water.

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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.

Q R4SB	548 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Falling Creek, a tributary of the James River which is an (a)(1) water, via a network of culverts on adjacent properties which discharge into a tributary of Falling Creek.
Y R4SB	600 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Falling Creek, a tributary of the James River which is an (a)(1) water.
Z R3UB2	4015 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream contributes surface water flow directly into Falling Creek, a tributary of the James River which is an (a)(1) water.

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
B Pond	3.63 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	The water is an impoundment of an a(2) tributary that contributes ephemeral surface water flow via a culvert to stream A which is an a(2) waters.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
A PFO	3.72 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts stream Z, an (a)(2) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
A PSS	6.91 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts stream Z, an (a)(2) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
C PEM	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts impoundment B, an (a)(3) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
C PFO	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts impoundment B, an (a)(3) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
D PFO	0.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts impoundment B, an (a)(3) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
E PFO	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts impoundment B, an (a)(3) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
Q PFO	0.24 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts stream Q, an (a)(2) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
Y PFO	2.22 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3)	The wetland directly abuts stream Y, an (a)(2) water,

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		water	that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
Z PEM	7.21 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts stream Z, an (a)(2) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
Z PFO	2.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts stream Z, an (a)(2) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, in a typical year.
Z PSS	1.36 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts stream Z, an (a)(2) water, that contributes surface water flow directly into Falling Creek, a tributary of the James River, 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
A R6	130 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded Regulation.
C R6	218 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded Regulation.
Y R6	155 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded Regulation.
Z R6	92 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded Regulation.

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: Townes Site Engineering. This information is sufficient for purposes of this AJD.
Rationale: *The extent of wetlands and waters appear to be topographically defined when comparing the map provided by the consultant with topographic maps and lidar imagery. The datasheets and photographs provided depict wetland and upland conditions found on the property and appear consistent with available information about the site.*

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

_X_ Photographs: GoogleEarth, VBMP (IR).

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

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

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

_X_ USDA NRCS Soil Survey: *Corpsmap.*

_X_ USFWS NWI maps: *Corpsmap.*

_X_ USGS topographic maps: Chesterfield 1:24,000.

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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	NHD.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corpsmap and Regulatory Reporting Tool.
State/Local/Tribal Sources	Chesterfield GIS.
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool was used to determine rainfall trends prior to the consultants site visit to collect data on the property. The result indicates that while the site visit was conducted during the dry season, that due to extremely high rainfall events in the preceding weeks the area was considered above normal for rainfall. The presence of water flowing within the tributaries during the dry season would indicate that hydrology is typically present during the wet seasons and contributing flow in a typical year.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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