



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-JUL-2021

ORM Number: NAO-1994-01430

Associated JDs: N/A

Review Area Location¹:

State/Territory: VA City: County/Parish/Borough: Newport News city

Center Coordinates of Review Area: Latitude 37.15833 Longitude -76.50833

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: The site had been monitored in recent years with a well study being conducted to review the drainage effects of the adjacent stormwater pond as a condition of the permit for the development. The well study indicated that surface hydrology was no longer present within the review area. A site visit was conducted during the growing season on March 3, 2021 after the area had received a considerable amount of rain and no surface indicators of hydrology were present. The conditions viewed during the site visit and data sheets provided by the agent indicate that the property no longer contains wetlands.
- 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

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: *“Huntington Point Condominium Project,” date stamped as received by the Corps on May 7, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *The data sheets provided by the agent are consistent with the condition viewed on the property at the time of the site visit and support the well study information previously provided for the property.*

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

Photographs: *GoogleEarth, VBMP, DigitalGlobe*

Corps Site visit(s) conducted on: *March 3, 2021*

Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-1994-01430/94-R5313 (1994).*

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

USDA NRCS Soil Survey: Regulatory Reporting Tool.

USFWS NWI maps: Regulatory Reporting Tool.

USGS topographic maps: *Yorktown 1:24,000.*

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	Regulatory Reporting Tool.
State/Local/Tribal Sources	Newport News Web GIS.
Other Sources	N/A.

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- B. Typical year assessment(s):** The Corps APT tool was reviewed, and it indicated that the condition of the area during the March 3, 2021 site visit were considered to be wetter than normal. Known wetland areas on surrounding parcels were also reviewed and surface hydrology was present within those areas. Therefore, it appears that the adjacent stormwater pond has had a drainage effect on the previously document wetland as it no longer meets a hydrology indicator, even during wetter than normal conditions, so it is assumed that it would continue to no longer meet the definition of a wetland during normal conditions in a typical year.
- C. Additional comments to support AJD:** Well data was provided by the agent that does not meet the Corps standards for well studies, however, this data was considered in combination with other available information and site visit to support the decision that the area in review no longer meets the hydrology indicator to be considered a wetland.

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