



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-JUL-2021

ORM Number: NAO-2007-03713

Associated JDs: N/A

Review Area Location<sup>1</sup>:

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

Center Coordinates of Review Area: Latitude 38.947518 Longitude -77.424631

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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	176 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This perennial tributary has an OHWM, bed and bank, and flows into Horsepen Run, an (a)(2) water, which flows into Broad Run, Potomac Creek, and then the Potomac River, (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
N/A	N/A	N/A	N/A

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

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	0.002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The A4WETABUT PEM wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into Horsepen Run, an (a)(2) water outside of the study area. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.005 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The A4WETABUT PSS wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into Horsepen Run, an (a)(2) water outside of the study area. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
E-1	0.115 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	B10STORM was a stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.
SS-1	48 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream was determined to be ephemeral due to typically flows only during precipitation events.
SW-1	0.023 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PEM is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-2	0.066 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PEM is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-3	0.018 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PSS is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-4	0.022 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PFO is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-5	0.016 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PSS is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-6	0.014 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PFO is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
SW-7	0.021 acres	(b)(1) Non-adjacent wetland	This B1WETNONADJ PFO is not adjacent to any (a)(1)-(a)(3) waters. The limits of this wetland were

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			determined using the 1987 Manual and Regional Supplement.
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**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: Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation Map, May 7, 2021.  
This information is and is not sufficient for purposes of this AJD.  
Rationale: N/A.
- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and other: Fairfax County Spring 2007 natural color imagery, April 2011 natural colorimagery from Pictometry®, Spring 2017 near color infrared imagery from VirginiaBase Mapping Program (VBMP), and a March 2021 natural color imagery from Nearmap®; ground photographs from April 15, 2021 and April 19, 2021.
- Corps Site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): NAO-2007-03713, issued October 18, 2007
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Fairfax County Soils Map data, USDA 2018.
- USFWS NWI maps: Digital NWI map, downloaded October 2020.
- USGS topographic maps: Herndon, VA 1998 USGS 7.5' Quadrangle.

**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):** APT tool determined study area was experiencing normal conditions during the time of field work.

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

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