



**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): [7/30/2021](#)
 ORM Number: NAO-2007-04237
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [VA](#) City: [Suffolk](#) County/Parish/Borough: [N/A](#)
 Center Coordinates of Review Area: Latitude [36.892306°](#) Longitude [-76.422173°](#)

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 |
|----------------------------------|--|--|--|
| Waters of the US | ~44 acre(s) | RHA Tidal water is subject to the ebb and flow of the tide | Tidal wetlands and waters comprised of approximately: Streeter Creek – 7.6 acres Unnamed tributaries - 2.9 acres Wetlands – 33.5 acres |

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 |
| Waters of the US | ~44 acre(s) | (a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of | Tidal wetlands and waters comprised of approximately: Streeter Creek – 7.6 acres Unnamed tributaries – 2.9 acres Wetlands – 33.5 acres |

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 or 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 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.



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| Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³ | | | |
|---|-------------|----------------------------------|------------------------------------|
| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination |
| | | the tide (CWA Section 404 ONLY). | |

| 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. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|--|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| Excluded Waters 1 | 0.28 acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | Keven Arrance (Hazen and Sawyer) provided additional information documenting existing conditions, that all 3 wetland factors are met, and that the feature was constructed for stormwater management. |
| Excluded Waters 2 | 0.14 acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | Keven Arrance (Hazen and Sawyer) provided additional information documenting existing conditions, that all 3 wetland factors are met, and that the feature was constructed for stormwater management. |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|------------------------|---|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination | |
| Excluded Waters 5 | 0.38 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | Keven Arrance (Hazen and Sawyer) provided additional information documenting existing conditions, that all 3 wetland factors are met, and that the feature was constructed for stormwater management. |
| Excluded Waters 6 | 0.29 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | Keven Arrance (Hazen and Sawyer) provided additional information documenting existing conditions, that all 3 wetland factors are met, and that the feature was constructed for stormwater management. |

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: [PJD package dated 31 March 2021 and follow-up WOTUS and PF documentation sent 20 July 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: [Aerial: Google Earth Pro, Bing, Digital Globe, ArcGIS Pro - various dates](#)
- Corps site visit(s) conducted on: [13 July 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NAO-2007-04237](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [accessed via Google Earth Pro](#)
- USFWS NWI maps: [accessed via Google Earth Pro](#)
- USGS topographic maps: [accessed via Google Earth Pro](#)

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--|---|
| USGS/WBD/NHD data/maps | The National Map website |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |



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| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | LiDAR |

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A