



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): 15-JUL-2021

ORM Number: NAO-2017-01843

Associated JDs: N/A

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

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

Center Coordinates of Review Area: Latitude 38.46167 Longitude -77.977612

**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
Mountain Run	187 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This perennial stream was delineated using the 1987 Manual and Regional supplement and has an OHWM and bed and bank. This USGS-mapped perennial stream, Mountain Run, flows into the Rappahannock River, a TNW.

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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	5.14 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This PFO wetland abuts an intermittent stream located outside the study area, which flows into Mountain Run and into the Rappahannock River, a TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This PFO wetland receives annual flooding (i.e., signs of sediment or drift deposits present) from the adjacent perennial stream (Mountain Run) which flows into the Rappahannock River, a TNW. 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
SS-1	834 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream was determined to be ephemeral due to the absence of hydric soils and it typically flows only during precipitation events.
SS-2	142 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream was determined to be ephemeral due to the absence of hydric soils and it typically flows only during precipitation events.
SS-3	68 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream was determined to be ephemeral due to the absence of hydric soils and it typically flows only during precipitation events.
SW-1	0.07 acres	(b)(1) Non-adjacent wetland	This PFO wetland lacks a direct hydrological connection to wetland and/or waters of the U.S. It was delineated using the 1987 Manual and Regional Supplement.
SW-2	0.03 acres	(b)(1) Non-adjacent wetland	This PEM wetland lacks a direct hydrological connection to wetland and/or waters of the U.S. It was delineated using the 1987 Manual and Regional Supplement.
SW-3	0.04 acres	(b)(1) Non-adjacent wetland	This PEM wetland lacks a direct hydrological connection to wetland and/or waters of the U.S. It was delineated using the 1987 Manual and Regional Supplement.

**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: Power Grid (previously McDevitt Drive Property).  
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).

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- Photographs: Aerial: Spring 2017 and Spring 2018.
- Corps Site visit(s) conducted on: November 15, 2017 with COE representative.
- Previous Jurisdictional Determinations (AJDs or PJDs): An AJD, #NAO-2017-01843 was issued on February 14, 2018.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: .
- USFWS NWI maps: May 2016.
- USGS topographic maps: Culpeper East, VA 1994.

**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):** N/A.

**C. Additional comments to support AJD:** N/A.

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