



**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): 7/12/2021

ORM Number: 2021-00362

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: VA City: Nokesville County/Parish/Borough: Fauquier County

Center Coordinates of Review Area: Latitude 38.595581 Longitude -77.713075

**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
3	317	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			The feature was determined to have an intermittent flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010
4	521	linear feet	(a)(2) Intermittent tributary contributes
			The feature was determined to have an intermittent flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010

<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 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.

<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 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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
5	359	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have a perennial flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
7	408	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have a perennial flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
1	10.27	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water
6	0.82	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) upper perennial water
8	0.35	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water

**D. Excluded Waters or Features**



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
2	564	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation using The North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins" Version 4.11, Dated September 1, 2010.
9	0.06	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is non-adjacent to an a1-a3 waters.

**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: **Title(s) and date(s)**  
This information **is** sufficient for purposes of this AJD.  
Rationale: **N/A or describe rationale for insufficiency (including partial insufficiency).**
- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: Google Earth imagery and ground photographs (See Appendix IV)**
- Corps site visit(s) conducted on: **Date(s).**
- Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s).**
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey: **Web Soil Survey:**  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> (Appendix II of the Delienation Report)
- USFWS NWI maps: **National Wetlands Inventory Wetlands Mapper:**  
<https://www.fws.gov/wetlands/data/mapper.html> (see Appendix II of the Delienation Report)
- USGS topographic maps: **The National Map: <https://apps.nationalmap.gov/viewer> (see Appendix I of the Delienation Report)**

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
Other USDA data (specify)	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**

<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.