



**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-2021-00834
 Associated JDs: N/A
 Review Area Location¹: State/Territory: VA City: Virginia Beach County/Parish/Borough: N/A
 Center Coordinates of Review Area: Latitude 36.787580° Longitude -75.992658°

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
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
Jurisdictional Ditch	206.22 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	manmade ditch constructed in adjacent wetland

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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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
26	0.04	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Part of James and Malbon Swamps
27	10.39	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Part of James and Malbon Swamps
1	0.16	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and abutting PFO wetlands associated with James and Malbon Swamps
2	3.14	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and abutting PFO wetlands associated with James and Malbon Swamps
25	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and abutting PFO wetlands associated with James and Malbon Swamps
28	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and abutting PFO wetlands associated with James and Malbon Swamps

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
3	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
4	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
5	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
6	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
7	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland

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	
8	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
9	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
10	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
11	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
12	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
13	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
14	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
15	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
16	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
17	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
18	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
19	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
20	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
21	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
22	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
23	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
24	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
29	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	wetland is depressional and surrounded by upland
SWM pond	0.47	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.	location was upland prior to construction of stormwater pond



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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: [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: Google Earth Pro, Bing, Digital Globe, ArcGIS Pro; various dates](#)
- Corps site visit(s) conducted on: [05 May 2021, 09 June 2021](#)
- 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: [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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	LiDAR
State/Local/Tribal Sources	N/A.
Other Sources	City of Virginia Beach pictometry

B. Typical year assessment(s): [Ran APT for date the consultant did fieldwork and datasheets, as well as for the dates of our field review.](#)

C. Additional comments to support AJD: [N/A](#)