



**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: NAO-2021-1481
 Associated JDs: NAO-2021-1481
 Review Area Location¹: State/Territory: VA City: Leesburg County/Parish/Borough: Loudoun County
 Center Coordinates of Review Area: Latitude 39.054188 Longitude -77.544447

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
1	1,636 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.
3	366 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly	The feature was determined to have a intermittent flow regime based on an evaluation using The North Carolina Division of Water Quality “Methodology for Identification of Intermittent and

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			to an (a)(1) water in a typical year.	Perennial Streams and Their Origins” Version 4.11, Dated September 1, 2010.
6	810	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 a 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.
7	1,114	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 a 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.
12	2,138	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 a 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.

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
4	0.34	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) upper perennial water.
5	0.48	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) upper perennial water.
8	0.27	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water.
9	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water.
10	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water.
11	0.23	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water.
17	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water.
18	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting an (a)(2) intermittent water.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
2	163	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.
13	662	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.
14	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is abutted by an ephemeral stream.
15	32	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.
16	0.06	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is abutted by an ephemeral stream.
19	0.12	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.	The stormwater management pond flows into an existing culvert and, per aerial imagery, appears to have been constructed out of uplands.
20	0.13	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey,	The stormwater management pond is located adjacent to a previously constructed gravel road and, per aerial imagery, appears to have been constructed out of uplands.

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
		treat, infiltrate, or store stormwater runoff.	
21	0.04	acre(s) (b)(1) Non-adjacent wetland.	Wetland is non-adjacent to a1-a4 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: [Wetland Delineation Report; Celtics Data Center; Loudoun County, VA; prepared by TNT Environmental, Inc., Dated May 10, 2021](#)

This information **Select.** 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: **Other:** [Ground photographs taken in November 2020 and May 2021](#)

Corps site visit(s) conducted on: [July 8, 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Loudoun County Soils, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx](#)

USFWS NWI maps: [Online Mapper, retrieved March 2021](#)

USGS topographic maps: [USGS Leesburg Quadrangle, The National Map 2020](#)

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): [Assessment was conducted in November 2020 and May 2021. The Palmer Drought Index identified the region as +4.00 and above \(extremely moist\) in November 2020 and -1.99 to +1.99 \(mid-range\) in May 2021.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)