



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): 09-JUN-2021
ORM Number: NAO-2020-00823-NLA
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: VA City: County/Parish/Borough: Brunswick County
Center Coordinates of Review Area: Latitude 36.841631 Longitude -77.903409

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
Intermittent Stream 1	55 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The unnamed intermittent tributary contributes flow to Roses Creek, an (a)(2) waterway.
Intermittent Stream 2	212 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The unnamed intermittent tributary contributes flow to Roses Creek, an (a)(2) waterway.
Intermittent Stream 3	133 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The unnamed intermittent tributary contributes flow to Roses Creek, an (a)(2) waterway.

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 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.

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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Perennial Stream 1	2944 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Roses Creek is a perennial tributary with direct surface flow to the Meherrin River which drains to the Chowan River, which is an (a)(1) navigable waterway.
Perennial Stream 2	1485 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The unnamed perennial tributary contributes flow to Roses Creek, an (a)(2) waterway.

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
PFO Wetlands 1	8.7331 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts Roses Creek, an (a)(2) water, that contributes surface water flow directly into the Meherrin River, a tributary of the Chowan River, in a typical year.
PFO Wetlands 2	1.2533 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts Roses Creek, an (a)(2) water, that contributes surface water flow directly into the Meherrin River, a tributary of the Chowan River, in a typical year.
PFO Wetlands 3	0.0771 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts Roses Creek, an (a)(2) water, that contributes surface water flow directly into the Meherrin River, a tributary of the Chowan River, in a typical year.
PFO Wetlands 4	10.3991 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts Roses Creek, an (a)(2) water, that contributes surface water flow directly into the Meherrin River, a tributary of the Chowan River, in a typical year.
PFO Wetlands 5	0.0167 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts an unnamed (a)(2) tributary to Roses Creek, that contributes surface water flow directly into the Meherrin River, a tributary of the Chowan River, in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stream 1	201 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded by Regulation.
Ephemeral stream 2	214 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded by Regulation.
Ephemeral Stream 3	87 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded by Regulation.
Ephemeral	345 feet	(b)(3) Ephemeral feature, including	The stream has ephemeral flow and therefore is

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Stream 4		an ephemeral stream, swale, gully, rill, or pool	excluded by Regulation.
Ephemeral Stream 5	147 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has ephemeral flow and therefore is excluded by Regulation.
PFO Wetlands 6	0.0685 acres	(b)(1) Non-adjacent wetland	The wetland directly abuts a stream with ephemeral flow and therefore is excluded by Regulation.
POW Wetlands 1	0.0463 acres	(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 sediment catch basin was constructed within uplands above the upper limits of the ephemeral tributary.
POW Wetlands 2	0.1349 acres	(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 sediment catch basin was constructed within uplands above the upper limits of the ephemeral tributary.
POW Wetlands 3	0.1033 acres	(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 sediment catch basin was constructed within uplands above the upper limits of the ephemeral tributary.

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: "SURVEY LOCATION OF WETLANDS/WATERS OF THE US MAP," dated May 12, 2021 and Corps date stamped as received May 14, 2021.

This information is sufficient for purposes of this AJD.

Rationale: The extent of wetlands and waters appear to be topographically defined when comparing the map provided by the consultant with topographic maps and lidar imagery. The datasheets and photographs provided by the consultant depict wetland and upland conditions that are found on the property, and appear consistent with the available information about the site.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: Photo Log: 549-01-001 Route 1 Sediment Traps, Alberta, VA .

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: *Title(s) and/or date(s)*.

USFWS NWI maps: Regulatory Reporting Tool.

USGS topographic maps: Alberta 1:24,000.

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Regulatory Reporting Tool, Lidar
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Regulatory Reporting Tool
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The APT tool indicated that hydrologic conditions were within the normal range at the time that the consultant collected data in the field, therefore, the conditions viewed during the wetland delineation are considered to be indicative of the normal circumstances for the site.
- C. Additional comments to support AJD:** N/A.

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