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): 14-JUN-2021
ORM Number: NAO-2020-01000
Associated JDs: N/A or ORM numbers and identifiers: N/A
Review Area Location[1]:
State/Territory: VA City: County/Parish/Borough: Fluvanna County
Center Coordinates of Review Area: Latitude 37.706589 Longitude -78.270289

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
SAM2	414 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial stream contributes surface water flow directly into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 33.5 using the NC Stream Identification Methodology which is considered perennial
SAO	37 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow directly into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 20.5 using the NC Stream Identification Methodology which is considered intermittent

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[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.

SAP1A	154 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into stream SAP2 an (a)(2) water that flows into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 22.5 using the NC Stream Identification Methodology which is considered intermittent
SAP2	164 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial stream contributes surface water flow directly into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 36 using the NC Stream Identification Methodology which is considered perennial
SAS	26 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow directly into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 24.5 using the NC Stream Identification Methodology which is considered intermittent
SAV2	537 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow directly into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 26.5 using the NC Stream Identification Methodology which is considered intermittent
SBC2	85 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into Wetland SBB an (a)(4) water which abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 21.5 using the NC Stream Identification Methodology which is considered intermittent
SG1	214 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into stream SG1A an (a)(2) water that flows into stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 19.5 using the NC Stream Identification Methodology which is considered intermittent
SG1A	207 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into Wetland WBB an (a)(4) water which abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW. The stream also rated a 23.75 using the NC Stream Identification Methodology which is considered intermittent
SG2	2321 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial stream continues off site but using additional resources such as aerial photography and topographic maps, it is evident that stream SG2 contributes surface water flow directly into the James river an (a)(1) TNW. The stream was rated using the NC Stream Identification Methodology and scored a 34.5 in the upper most portion of the stream, which is considered perennial
SI2	253 feet	(a)(2) Intermittent tributary contributes surface water flow	The intermittent stream contributes surface water flow into stream SG2 an (a)(2) water that contributes

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		directly or indirectly to an (a)(1) water in a typical year	surface flow directly to the James river an (a)(1) TNW. The stream also rated a 26 using the NC Stream Identification Methodology which is considered intermittent
SU2	154 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into stream SU3A an (a)(2) water that contributes surface flow to SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW. The stream also rated a 26.5 using the NC Stream Identification Methodology which is considered intermittent
SU3A	755 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial stream contributes surface water flow directly into stream SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW. The stream also rated a 29.75 using the NC Stream Identification Methodology which is considered perennial
SU3B	376 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial stream contributes surface water flow directly into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW. The stream also rated a 29.75 using the NC Stream Identification Methodology which is considered perennial
SW2	326 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into stream SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW. The stream also rated a 21.5 using the NC Stream Identification Methodology which is considered intermittent
SX	91 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The intermittent stream contributes surface water flow into stream SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW. The stream also rated a 21 using the NC Stream Identification Methodology which is considered intermittent

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
SY-WET	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland SY-WET abuts stream SX an (a)(2) water that contributes surface water flow into stream SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAA	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAA abuts stream SX an (a)(2) water that contributes surface water flow into stream SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAB	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAB abuts stream SU2 an (a)(2) water that contributes surface water flow into stream SU3A an

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			(a)(2) water that contributes surface flow to SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAC	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAC abuts stream SU2 an (a)(2) water that contributes surface water flow into stream SU3A an (a)(2) water that contributes surface flow to SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAH	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAH abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW.
WAQ	0.29 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAQ abuts stream SAP1A an (a)(2) water that contributes surface water flow into stream SAP2 an (a)(2) water that contributes surface flow to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAU	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAU abuts stream SAS an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAV	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAV abuts stream SAV2 an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAW	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAW abuts stream SAV2 an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAX	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAX abuts stream SAV2 an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WAY	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAY abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW.
WAZ	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WAZ abuts stream SAV2 an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WBA	0.22 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBA abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW.
WBB	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBB abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW.
WBC	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBC abuts stream SG1 an (a)(2) water that contributes surface water flow into stream SG1A an (a)(2) water that contributes surface flow to wetland WBB an (a)(3) water which abuts stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WBD	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBD abuts stream SBC2 an (a)(2) water that contributes surface water flow into stream SG1A an

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			(a)(2) water that contributes surface flow to wetland WBB an (a)(3) water which abuts stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WBE	0.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBE abuts stream SG1 an (a)(2) water that contributes surface water flow into stream SG1A an (a)(2) water that contributes surface flow to wetland WBB an (a)(3) water which abuts stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WBF	0.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBF abuts stream SG1 an (a)(2) water that contributes surface water flow into stream SG1A an (a)(2) water that contributes surface flow to wetland WBB an (a)(3) water which abuts stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WBG	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WBG abuts stream SG2 an (a)(2) water that contributes surface flow directly to the James river an (a)(1) TNW.
WK	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WK abuts stream SI2 an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WM	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WM abuts stream SI2 an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.
WV	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WZ abuts stream SU3B an (a)(2) water that contributes surface water flow into stream SG2 an (a)(2) water that flows to the James river an (a)(1) TNW
WZ	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland WZ abuts stream SU2 an (a)(2) water that contributes surface water flow into stream SU3A an (a)(2) water that contributes surface flow to SU3B an (a)(2) water, that flows off site to SG2 an (a)(2) water that flows to the James river an (a)(1) TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
SAA	95 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The water was evaluated using the North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins and scored a 17.25. In addition, the onsite observations during site visits showed the stream to lack hydrologic features consistent with an intermittent or perennial stream. The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
SAK	129 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The water was evaluated using the North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins and scored a 16.5. In addition, the onsite observations during site visits showed the stream to lack hydrologic

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			features consistent with an intermittent or perennial stream. The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
SAM1	121 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The water was evaluated using the North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins and scored a 16.5. In addition, the onsite observations during site visits showed the stream to lack hydrologic features consistent with an intermittent or perennial stream. The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
SAR	91 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The water was evaluated using the North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins and scored an 18. The evaluation was conducted on 10/8/2020 and at that time the APT was indicating the site was in wetter than normal conditions during the wet season. In addition, the onsite observations during site visits showed the stream to lack hydrologic features consistent with an intermittent or perennial stream. The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
SI1	270 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The water was evaluated using the North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins and scored a 17.5. The evaluation was conducted on 10/9/2020 and at that time the APT was indicating the site was in wetter than normal conditions during the wet season. In addition, the onsite observations during site visits showed the stream to lack hydrologic features consistent with an intermittent or perennial stream. The stream has ephemeral flow and does not convey surface water flow to a downstream jurisdictional water in a typical year, therefore, it is not jurisdictional.
SL	198 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The water was evaluated using the North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins and scored an 18. The evaluation was conducted on 01/23/2020 and at that time the APT was indicating the site was in normal conditions during the wet season, however the PDSI was indicating a mild drought. The onsite observations during site visit on 09/18/2020 showed the stream to lack hydrologic features consistent with an intermittent or perennial stream and according to the APT the site at that time was wetter than normal and the PDSI was classified as moderate wetness. The stream has ephemeral flow and does not convey surface water flow to a downstream

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			jurisdictional water in a typical year, therefore, it is not jurisdictional.
WAF	0.09 acres	(b)(1) Non-adjacent wetland	Wetland WAF does not abut an (a)(1) - (a)(3) water and is not physically separated from an (a)(1) - (a)(3) by a natural berm, bank, dune, or similar natural feature. It also does not appear to be flooded by an (a)(1) - (a)(3) water in a typical year. Data point SAE-UPL documents this exclusion
WAJ	0.07 acres	(b)(1) Non-adjacent wetland	Wetland WAJ does not abut an (a)(1) - (a)(3) water and is not physically separated from an (a)(1) - (a)(3) by a natural berm, bank, dune, or similar natural feature. It also does not appear to be flooded by an (a)(1) - (a)(3) water in a typical year. Data point WAJ-UPL documents this exclusion
WAL	0.01 acres	(b)(1) Non-adjacent wetland	Wetland WAL abuts Stream SAK, a feature meeting the (b)(3) exclusion criteria, therefore wetland does not have a direct hydrologic surface connection to waters identified as (a)(1)-(a)(3) in a typical year and is topographically isolated.
WAN	0.09 acres	(b)(1) Non-adjacent wetland	Wetland WAN abuts Stream SAM1, a feature meeting the (b)(3) exclusion criteria, therefore wetland does not have a direct hydrologic surface connection to waters identified as a(1)-a(3) in a typical year and is topographically isolated.
WAT	0.03 acres	(b)(1) Non-adjacent wetland	Wetland WAT abuts Stream SAR, a feature meeting the (b)(3) exclusion criteria, therefore wetland does not have a direct hydrologic surface connection to waters identified as a(1)-a(3) in a typical year and is topographically isolated.

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.

_X_ Information submitted by, or on behalf of, the applicant/consultant: *Data collected by AECOM submitted by Virginia Electric and Power Company, January 2021*
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).*

_X_ Photographs: *COE GIS, Google Earth, Retrieved April 2021, site photos provided by AECOM*

_X_ Corps Site visit(s) conducted on: September 18, 2020

_X_ Previous Jurisdictional Determinations (AJDs or PJDs): *NAO-2020-01000 PJD issued on June 9, 2020*

_X_ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

_X_ USDA NRCS Soil Survey: *Title(s) and/or date(s). NRCS Web Soils Survey, Retrieved May 2021*

[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.

_X_ USFWS NWI maps: *COE GIS, May 2021*
___ USGS topographic maps: *COE GIS, May 2021*

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): The APT was used to determine if the site was evaluated during a typical year. At the time the data was collected by the applicant's agent the site was in a wetter than normal condition. The APT data was retrieved for the dates of September 23, 2020 and October 9, 2020, which are the first and last dates of the data forms submitted to the Corps by the applicant. The September 23, 2020 data was taken in the dry season and the October 9, 2020 data was taken in the wet season. At the time of the Corps site visit on September 18, 2020 the site was also in a wetter than normal condition. The APT was also retrieved for the date of January 23, 2020 to coincide with the date that some of the NC Stream determination forms were originally conducted during the PJD process. At that time the site was in normal conditions, however the Palmer Drought index indicated a mild drought. Since the site was also evaluated during a wetter than normal time during the dry season it is the Corps opinion that the site was evaluated during normal circumstances.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

[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.