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): 16-JUN-2021
ORM Number: NAO-2020-02449
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location[1]:
State/Territory: VA City: County/Parish/Borough: Henrico County
Center Coordinates of Review Area: Latitude 37.487078 Longitude -77.347106

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
Line A	825.88 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Fourmile Creek which drains into the James River (TNW).
Line B	495 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Fourmile Creek which drains into the James River (TNW).
Line C	509 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Fourmile Creek which drains into the James River (TNW).

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[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.

Line D	55.8 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line E	337.53 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line F	136.94 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line G	526.65 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line H	127.34 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line I	118.64 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line J	832.78 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line K	79.97 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line L	404.46 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource is a ditch that was excavated in an adjacent wetland. The ditch has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).
Line M	277.04 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This aquatic resource satisfies the definition of Tributary [(c)(12)]. It has intermittent flow that contributes to Cornelius Creek which drains into the James River (TNW).

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
Polygon A	0.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland touches a tributary that contributes flows to Fourmile Creek which

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			drains into the James River (TNW).
Polygon B	1.69 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland touches a tributary that contributes flows to Fourmile Creek which drains into the James River (TNW).
Polygon C	11.76 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland touches a tributary that contributes flows to Fourmile Creek which drains into the James River (TNW).
Polygon D	1.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	
Polygon F	0.29 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	
Polygon G	1.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland touches a tributary that contributes flows to Cornelius Creek which drains into the James River (TNW).
Polygon H	0.06 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland has a direct hydrologic surface connection through a culvert under S. Laburnum Ave. The wetland contributes flows to Cornelius Creek which drains into the James River (TNW).
Polygon I	5.25 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland touches a tributary that contributes flows to Cornelius Creek which drains into the James River (TNW).
Polygon J	5.63 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This aquatic resource satisfies the definition of an Adjacent Wetland [(c)(1)]. This wetland touches a tributary that contributes flows to Cornelius Creek which drains into the James River (TNW).

D. Excluded Waters or Features

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

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
Line N - Excluded Feature	1309.62 feet	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	This aquatic resource was constructed in uplands for the purpose of obtaining fill for the construction of civil war earth works. Following construction, the depression collected and held water developing ordinary high water marks. The resource does not contribute surface water to downstream resources.
Line O - Excluded Feature	499.86 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	This aquatic resource is a ditch that was not excavated from adjacent wetlands, was not excavated in a tributary and does not relocate a tributary. This resource also exhibited ephemeral flow.
Line P - Excluded Feature	818.7 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of	This aquatic resource is a ditch that was not excavated from adjacent wetlands, was not excavated in a tributary and does not relocate a tributary. This resource also exhibited ephemeral flow.

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		(c)(1)	
Line Q - Excluded Feature	216.29 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	This aquatic resource is a ditch that was not excavated from adjacent wetlands, was not excavated in a tributary and does not relocate a tributary. This resource also exhibited ephemeral flow.
Line R - Excluded Feature	988.48 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	This aquatic resource is a ditch that was not excavated from adjacent wetlands, was not excavated in a tributary and does not relocate a tributary. This resource also exhibited ephemeral flow.
Line S - Excluded Feature	1146.37 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	This aquatic resource is a ditch that was not excavated from adjacent wetlands, was not excavated in a tributary and does not relocate a tributary. This resource also exhibited ephemeral flow.
Polygon E - Excluded Feature	0.06 acres	(b)(1) Non-adjacent wetland	This wetland does not satisfy the definition of an Adjacent Wetland [(c)(1)]. The wetland abuts a non-jurisdictional drainage ditch and is surrounded by uplands. It does not contribute surface water flow downstream.

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: *December 4, 2020 Submittal*
This information is sufficient for purposes of this AJD.
Rationale: *NA*

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

_**X**_ Photographs: Field level photographs contained in December 4, 2020 submittal.

_**X**_ Corps Site visit(s) conducted on: *Date(s). March 30, 2021*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

_**X**_ USDA NRCS Soil Survey: Figure 4 11-11-2020

_**X**_ USFWS NWI maps: *Figure 3 11-11-2020*

_**X**_ USGS topographic maps: *Dutch Gap Figure 1 11-11-2020*

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.

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B. Typical year assessment(s): Results from the Antecedent Precipitation Tool suggest that the Corps site visit took place during normal precipitation conditions (14). However, longer term analysis of precipitation (during the winter months) and site conditions observed suggest that the conditions observed during the Corps site visit were wetter than normal.

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

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