



**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): 6/4/2021  
 ORM Number: NAO-2021-00569-rdb  
 Associated JDs: NA  
 Review Area Location<sup>1</sup>: State/Territory: VA City: Enter. County/Parish/Borough: Loudoun  
 Center Coordinates of Review Area: Latitude 38.98638889 Longitude -77.4855555

**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)<sup>2</sup>**

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	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
Broad Run	500	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Broad Run has OHWM, bed and bank, and flows into the Potomac River, an (a)(1) water and TNW.
S-1	115	linear feet	(a)(2) Intermittent tributary contributes	This intermittent tributary has an OHWM, bed and bank, and flows into Broad Run and into the Potomac River, an (a)(1) water and TNW.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
S-2	36	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary has an OHWM, bed and bank, and flows into Broad Run and into the Potomac River, an (a)(1) water and TNW.
S-3	156	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary has an OHWM, bed and bank, and flows into Broad Run and into the Potomac River, an (a)(1) water and TNW.
S-4	67	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary has an OHWM, bed and bank, and flows into Broad Run and into the Potomac River, an (a)(1) water and TNW.
S-5	23	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary has an OHWM, bed and bank, and flows into Broad Run and into the Potomac River, an (a)(1) water and TNW.
S-6	84	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This perennial tributary has an OHWM, bed and bank, and flows into Broad Run and into the Potomac River, an (a)(1) water and TNW.



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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
W-14	0.38	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The POW was constructed on-line with an (a)(2) water and contributes surface flow to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this pond were determined using the 1987 Manual and Regional Supplement.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	0.92	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.42	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3	0.002	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The PFO wetland is inundated by flooding from an (a)(2) water in a typical year. This (a)(2) water flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	0.06	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The PEM wetland is inundated by flooding from an (a)(2) water in a typical year. This (a)(2) water flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-5	0.32	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-6	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-7	0.01	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The PFO wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-8	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-9	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-10	0.003	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-11	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-12	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-13	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-15	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-16	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-17	0.0000 1	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The PFO wetland is bordering and contiguous to an (a)(2) water, which flows into Broad Run and into the Potomac River, an (a)(1) water and TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SS-1	54	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This (b)(3) ephemeral stream begins and ends in uplands and lacks hydric soils. This stream has a defined bed and bank and OHWM.
SW-1	0.11	acre(s)	(b)(1) Non-adjacent wetland.	This non-adjacent PFO wetland is not bordering or contiguous to an (a)(1)-(a)(3) water, and is not flooded in a typical year from an (a)(1)-(a)(3) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
E-1	0.03	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.	This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).
E-2	0.004	acre(s)	(b)(10) Stormwater control feature constructed or excavated in	This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were

<sup>4</sup> 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.

<sup>5</sup> 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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Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
		upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).	
E-3	0.01	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.	This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).
E-4	0.04	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.	This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).
E-5	0.01	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.	This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).
E-6	0.05	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or	This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).





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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		store stormwater runoff.	
E-7	0.05	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.
			This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).
E-8	0.03	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.
			This stormwater control feature was created in uplands and is used to convey, treat, infiltrate and store stormwater runoff. This feature receives hydrology as runoff from surrounding development. Additionally, no WOTUS were delineated in the vicinity of this feature in WSSI's 2004 delineation report and AJD (JD #06-B0205).

**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: [Attachment I: Waters of the U.S. \(Including Wetlands\) Delineation Map, Westwind Drive](#)  
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: [Aerial and Other: 1957 Black and White Imagery from the Loudoun County Office of Mapping and Geographic Information \(OMAGI\) \(Exhibit 6\), Spring 1994 Color Infrared Imagery from a U.S. Geological Survey Digital Orthophoto Quarter Quad \(Exhibit 7\), Spring 2009 Natural Color Imagery from Virginia Base Mapping Program \(VBMP\) \(Exhibit 8\), Spring 2017 Near Color Infrared Imagery from VBMP \(Exhibit 9\), and Spring 2020 Natural Color Imagery from Loudoun County OMAGI \(Exhibit 10\); study area photos from January 21-22, 2021](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [AJD \(JD #06-B0205\) issued on January 3, 2007](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Loudoun County Digital Data, 2018](#)
- USFWS NWI maps: [Downloaded October 2020](#)



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USGS topographic maps: [the Herndon, VA 1998 USGS quadrangle](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

**B. Typical year assessment(s):** [According to the APT output, conditions were normal at the time of field work.](#)

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