



**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): 6/16/2021
 ORM Number: NAO-2021-01005-rdb
 Associated JDs: NA
 Review Area Location¹: State/Territory: Virginia City: Waterford County/Parish/Borough: Loudoun County
 Center Coordinates of Review Area: Latitude 39.1750000 Longitude -77.591666

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
S-1	1,246	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
S-2	29	linear feet	(a)(2) Intermittent tributary contributes

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
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	(a)(2) water, then flows into Catoctin Creek, an (a)(2) water, which then flows into the Potomac River, an (a)(1) water.

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
W-1	.008 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into South Fork Catoctin Creek, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	.016 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This A4WETFLOOD PEM wetland is flooded in a typical year by S-1, a perennial stream, an (a)(2) water, which then flows into South Fork Catoctin Creek, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3	.002 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into South Fork Catoctin Creek, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	.001 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into South Fork Catoctin Creek, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-5	.005 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into South Fork Catoctin Creek, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
E-1	0.007	acre(s)	(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).	The erosional ditch caused by roadway runoff does not meet the definition of an (a)(1)-(a)(4) water.
E-2	0.007	acre(s)	(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).	The erosional ditch caused by roadway runoff does not meet the definition of an (a)(1)-(a)(4) water.

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: [Gidea Gardens Waters of the U.S. \(Including Wetlands\) Delineation Report, dated March 18, 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: [Aerial and Other: Aerial imagery provided includes: Spring 2009 Natural Color Imagery from Virginia Base Mapping Program \(VBMP\), Spring 2017 Near Color Infrared Imagery from VBMP, 2020 Natural Color Imagery from Loudoun County Office of Mapping and Geographic Information, and Ground-level photographs dated February 09, 2021](#)

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: [Loudoun County Digital Data Soils Map](#)

USFWS NWI maps: [Digital National Wetlands Inventory Map \(updated October 2020\)](#)

USGS topographic maps: [Waterford, MD VA 1984 USGS Quadrangle](#)

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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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): According to the Antecedent Precipitation Tool, rainfall was within the normal range at the time of delineation field work.

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