



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): 08-MAR-2021

ORM Number: NAO-2020-01910

Associated JDs: N/A

Review Area Location¹:

Marine Hydraulics International (MHI) undeveloped parcel, approximate 0.85 acre at 1215 Warrington Avenue (Site is south of the terminus of Orapax Street), (portion of tax map parcel #1428315350).

State/Territory: VA City: Norfolk

Center Coordinates of Review Area: Latitude 36.863627 Longitude -76.311145

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
Elizabeth River	0.1 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Port of Hampton Roads

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
Elizabeth River	0.1 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	High Tide Line with shelving visible in WSSI photos received 030421, natural linear deposits present at 1.5x M.T.R. in photos with wrack line present on the beach above these features MHW survey located

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

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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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
Tidal Wetland	0.002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Tidal Wetland vegetation and tidal saturation of substrate to -6" with water in pit at -10", High Tide Line within/above Delineated Wetlands, root zone regularly saturated

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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:
 - Map and JD request by Waterway Surveys and Engineering, Ltd. titled, "Wetland Delineation" October 10, 2020 and Corps date stamped as received October 12, 2020.
 - This information is sufficient for purposes of this AJD.
 - Rationale: Visual evidence of tidal fluctuation in the wetland delineated as A,B, and C.
- Data sheets prepared by the Corps:
- Photographs: Aerial, JD submittal and supporting photos received 030421 from WSSI.
- Corps Site visit
- Previous Jurisdictional Determinations
- Antecedent Precipitation Tool
- USDA NRCS Soil Survey: Norfolk.
- USFWS NWI maps: Norfolk.
- USGS topographic maps: South Norfolk.

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): N/A

- C. Additional comments to support AJD:** The parcel has collected natural sand along with fill/concrete over time (both intensely developed adjacent parcels(IDP) are bulkheaded), the small riparian area is undeveloped but, does contain what appeared to be a very old bulkhead. There are two culverts connecting to a single outfall that will likely receive an upgrade for drainage of adjacent industrial lots in the future. We have been informed that a pier install will likely be proposed to gain access to the water and that plans to bulkhead have been modified.

The high tide line which encompasses spring high tides was determined, in the absence of actual data, by a dark line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore (shelving noted in WSSI photos of the beach), Survey conducted by Waterway Survey appears to show the 1.5x Mean Tidal Range at or slightly above this sand shelf providing further support regularly receipt of tidal water, herbaceous vegetation was sparse channelward of the higher wrack line of boards and medium sized debris after which a dense stand was noted.

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