



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): 17-MAY-2021

ORM Number: NAO-2019-00039

Associated JDs: N/A

Review Area Location¹:

State/Territory: VA City: County/Parish/Borough: Fairfax County

Center Coordinates of Review Area: Latitude 38.904888 Longitude -77.453259

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
WUS 1 (Cain Branch)	1165 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Cain Branch has an OHWM, bed and bank, and flows into Pimmit Run which then flows into the Potomac River, TNW
WUS 2 R4	33 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This intermittent stream has an OHWM, bed and bank, and flows into Little Pimmit run to Pimmit Run which then flows into the Potomac 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
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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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Feature 1 - PFO	0.21 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This PFO wetland directly abuts Cain Branch, an (a)(2) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
Feature 2 - PEM	0.31 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This PEM wetland directly abuts an (a)(2) water. 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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Eph1	0.01 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Rain-dependent stream that only flow after a rain/storm event.
Feature 3 - PEM	0.2 acres	(b)(1) Non-adjacent wetland	PEM wetland that does not abut an (a)(1)-(a)(3) water.
Feature 4 - PEM	0.18 acres	(b)(1) Non-adjacent wetland	PEM wetland that does not abut an (a)(1)-(a)(3) water.
Feature 7 - PFO	0.04 acres	(b)(1) Non-adjacent wetland	PFO wetland that does not abut an (a)(1)-(a)(3) water.
Feature 8 - PEM	0.03 acres	(b)(1) Non-adjacent wetland	PEM wetland that does not abut an (a)(1)-(a)(3) water.
Pond 1	3.59 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond was constructed or excavated in an upland.

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: Title(s) and date(s).
This information is and is not sufficient for purposes of this AJD.
Rationale: N/A.
- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: 12/7/2018; Photographs: 3/12/2021 and 11/21/2018.
- Corps Site visit(s) conducted on: Date:1/23/2019
- Previous Jurisdictional Determinations (AJDs or PJDs): NAO-2019-00039/(02/28/2019).
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: 12/7/2018.
- USFWS NWI maps: 12/7/2018.
- USGS topographic maps: 12/7/2018.

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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	Lidar:12/7/2018

- B. Typical year assessment(s):** Based on the APT tool results, this area is experiencing normal conditions.
- C. Additional comments to support AJD:** Revised JD to include an additional study area.

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