



**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): 5/5/2021

ORM Number: NAO-2020-01573-rdb

Associated JDs: JD included (#2007-949) issued March 13, 2007 and (#NAO-2020-01573) issued October 15, 2020

Review Area Location¹: State/Territory: Virginia City: Sterling County/Parish/Borough: Loudoun

Center Coordinates of Review Area: Latitude 38.96639 Longitude -77.4244

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
N/A.	N/A.	N/A.	N/A.
S-1	1,308	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 to Horsepen Run has an OHWM, bed and bank, and flows into Broad Run, an (a)(2) water, which then flows into the Potomac River, an (a)(1) water.

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
S-2	1,333	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 to Horsepen Run has an OHWM, bed and bank, and flows into S-1, an (a)(2) water, then into Broad Run, an (a)(2) water, which then flows into the Potomac River, an (a)(1) water.
S-5	53	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 to Horsepen Run has an OHWM, bed and bank, and flows into S-1, an (a)(2) water, then into Broad Run, an (a)(2) water, which then flows into the Potomac River, an (a)(1) water.
S-6	134	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 to Horsepen Run has an OHWM, bed and bank, and flows into S-5, an (a)(2) water, which flows into S-1, an (a)(2) water, then into Broad Run, 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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-1	0.021	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.010	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. 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-3	0.019	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 Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	0.397	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 Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-6	0.576	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 Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-7	0.011	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The A4WETFLOOD PFO wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-8	0.015	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 Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-9	0.091	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-1, a perennial stream, an (a)(2) water, which flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-10	0.060	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-2, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-11	0.089	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-2, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-12	0.006	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-5, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-13	0.018	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PSS wetland is bordering and contiguous to S-5, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-14	0.020	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-5, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-15	0.038	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-2, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-16	0.036	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous to S-2, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.



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(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-17	0.002	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-2, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-18	0.006	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	The A4WETNATSEP PEM wetland is flooded in a typical year by S-2, a intermittent stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-19	0.004	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-2, a perennial stream, an (a)(2) water, which flows into S-1, an (a)(2) water, then flows into Broad Run, an (a)(2) water, then flows into the Potomac River, an (a)(1) water outside of the site. 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
SS-3	203	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The B3EPHEMERAL stream has bed and bank, but lacks hydric soils, indicating this stream only had surface water flowing or pooling in direct response to precipitation. The limits of this wetlands was determined using the 1987 Manual and Regional Supplement.
SS-4	24	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The B3EPHEMERAL stream has bed and bank, but lacks hydric soils, indicating this stream only had surface water flowing or pooling in direct response to precipitation. The limits of this wetlands was determined using the 1987 Manual and Regional Supplement.
SW-5	0.01	acre(s)	(b)(1) Non-adjacent wetland.	The B1WETNONADJ PFO wetland does not abut nor adjacent to an (a)(1)-(a)(3) wetland. The limits of this wetland was determined using the 1987 Manual and Regional Supplement.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SW-20	0.015	acre(s)	(b)(1) Non-adjacent wetland.	The B1WETNONADJ PFO wetland does not abut nor adjacent to an (a)(1)-(a)(3) wetland. The limits of this wetland was determined using the 1987 Manual and Regional Supplement.
SW-21	0.130	acre(s)	(b)(1) Non-adjacent wetland.	The B1WETNONADJ PEM wetland does not abut nor adjacent to an (a)(1)-(a)(3) wetland. The limits of this wetland was determined using the 1987 Manual and Regional Supplement.
SW-22	0.007	acre(s)	(b)(1) Non-adjacent wetland.	The B1WETNONADJ PFO wetland does not abut nor adjacent to an (a)(1)-(a)(3) wetland. The limits of this wetland was determined using the 1987 Manual and Regional Supplement.
E-1	0.078	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.	The B10STORM feature was excavated in upland to convey, treat, infiltrate, or store stormwater runoff.
E-2	0.020	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 B5DITCH feature is not an (a)(1) or (a)(2) water, and no portions of the ditch appear to be constructed in an (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: [Attachment I: Waters of the U.S. \(Including Wetlands\) Delineation, Innovation Station – Loudoun Properties, dated February 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:** Spring 2009 Natural Color Photograph from Virginia Base Mapping Program (VBMP), Spring 2017 Near Color Infrared Imagery from VBMP, Spring 2019 Natural Color Photograph from Loudoun County Office of Mapping & Geographic Information (OMAGI), and Spring 2020 Natural Color Imagery from OMAGI; study area photographs from January 19, 21, and 22, 2021.



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- 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: [Soils Map from Loudoun County Digital Data](#)
- USFWS NWI maps: [Digital NWI Map, downloaded October 2020](#)
- USGS topographic maps: [Herndon, VA 1998](#)

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 Antecedent Precipitation Tool, rainfall was wetter than normal at the time of delineation field work.](#)

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