



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-2020-02433  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>: Martinsville Solar Site  
State/Territory: VA City: County/Parish/Borough: Henry County  
Center Coordinates of Review Area: Latitude 36.667276 Longitude -79.898743

**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
Stream K	775 feet	(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	Stream K on the delineation map is the Smith River, a Section 10 water.

**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
Stream K	775 feet	(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	The Smith River is a Traditional Navigable Water.

**Tributaries ((a)(2) waters):**

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream L	86 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream L is a tributary to the Smith River.

<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 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.

<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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Stream M	118 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream M is a tributary to the Smith River.
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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
Pond O	1.1513 acres	(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	Stream M is impounded to form Pond O and continues flowing through a culvert to Pond P, then to the Smith River.
Pond P	0.1386 acres	(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	Stream M is impounded to form Pond O and continues flowing through a culvert to Pond P, then to the Smith River.
Pond S	04410.2506 acres	(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	Wetlands F, Q, J, and R flow into Pond S. The water then flows through a culvert, into Wetland M, and into the Smith River.

**Adjacent wetlands ((a)(4) waters):**

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.0422 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland a abuts Stream L, a tributary to the Smith River.
Wetland B	0.0633 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B abuts Pond P.
Wetland C	0.0908 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C abuts Stream L, a tributary to the Smith River.
Wetland E	0.0205 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland E abuts Stream L, a tributary to the Smith River.
Wetland F	0.1203 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland F abuts Wetlands Q and J, which abut Pond S.
Wetland G	0.0609 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland G abuts Wetlands U and V Wetland V abuts Stream L, which flows to the Smith River.
Wetland H	0.2252 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland H abuts the Smith River.
Wetland J	0.0179 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland J abuts Pond S, which is connected to Wetland H.
Wetland Q	0.0586 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland Q abuts Wetland F, which is hydrologically connected to Wetland H.
Wetland R	0.0101 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland R abuts Wetland Q.
Wetland T	0.0033 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland T abuts Pond S.
Wetland U	0.0416 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland U abuts Wetland V.
Wetland V	0.1675 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland V is connected to Stream L.

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<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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**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
Stream I	102 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream I is an isolated ephemeral drainage channel.
Stream N	320 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream N is an ephemeral drainage to Pond O.
Wetland D	0.0197 acres	(b)(1) Non-adjacent wetland	Wetland D is not connected to any waters of the U.S.

**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: MARTINSVILLE SOLAR WETLANDS AND WATERS DELINEATION PACKAGE DECEMBER 2020.  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*.

Data sheets prepared by the consultant and reviewed by the Corps.  
Photographs: (*NA, aerial, other, aerial and other*) Title(s) and/or date(s).

Corps Site visit(s) conducted on: April 27, 2021.  
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: Environmental Inventory Map.

USFWS NWI maps: Environmental Inventory Map.

USGS topographic maps: Martinsville West Quad 2016.

**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):** The APT report shows the site visit took place during normal hydrologic conditions.

**C. Additional comments to support AJD:** *N/A*

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