



**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): 5/3/2021

ORM Number: NAO-2021-0304

Associated JDs: na

Review Area Location<sup>1</sup>: State/Territory: VA City: Enter. County/Parish/Borough: Loudoun

Center Coordinates of Review Area: Latitude 38.92611111 Longitude - 77.51527778

**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
N/A.	N/A.	N/A.	N/A.

**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
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.

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	0.008 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an unnamed tributary to Ellick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a

<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 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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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.188 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3	0.091 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	0.003 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-5	0.064 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-6	0.007 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The PFO wetland is adjacent to an (a)(4), and is flooded in a typical year by adjacent (a)(4) waters. Adjacent (a)(4) waters are bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-7	0.015 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-8	0.059 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project 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-9	0.025	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PSS wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-10	0.075	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PEM wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-11	0.032	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-12	0.011	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The PFO wetland is bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project site. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-13	0.014	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The PFO wetland is adjacent to an (a)(4), and is flooded in a typical year by adjacent (a)(4) waters. Adjacent (a)(4) waters are bordering and contiguous to an unnamed tributary to Elklick Run, which flows into Cub Run, Bull Run, and the Occoquan River, a TNW, outside the project 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SW-1	0.16	acre(s)	(b)(1) Non-adjacent wetland.	SW-1 is a non-adjacent PEM wetland that lacks a direct hydrologic connection to other Waters of the U.S.
SW-2	0.04	acre(s)	(b)(1) Non-adjacent wetland.	SW-2 is a non-adjacent PEM wetland that lacks a direct hydrologic connection to other Waters of the U.S.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SW-3	0.01	acre(s)	(b)(1) Non-adjacent wetland.	SW-3 is a non-adjacent PEM wetland that lacks a direct hydrologic connection to other Waters of the U.S.
SW-4	0.01	acre(s)	(b)(1) Non-adjacent wetland.	SW-4 is a non-adjacent PEM wetland that lacks a direct hydrologic connection to other Waters of the U.S.
SW-5	0.004	acre(s)	(b)(1) Non-adjacent wetland.	SW-5 is a non-adjacent PEM wetland that lacks a direct hydrologic connection to other Waters of the U.S.
SW-6	0.01	acre(s)	(b)(1) Non-adjacent wetland.	SW-6 is a non-adjacent PSS wetland that lacks a direct hydrologic connection to other Waters of the U.S.
SW-7	0.003	acre(s)	(b)(1) Non-adjacent wetland.	SW-7 is a non-adjacent PFO wetland that lacks a direct hydrologic connection to other Waters of the U.S.
SW-8	0.0004	acre(s)	(b)(1) Non-adjacent wetland.	SW-8 is a non-adjacent PEM wetland that lacks a direct hydrologic connection to other 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: [Attachment I: Waters of the U.S. \(Including Wetlands\) Delineation Map, January 28, 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: 1957 Black and White Imagery from the Loudoun County Office of Mapping and Geographic Information \(Exhibit 6\), Spring 2017 Near Color Infrared Imagery from Virginia Base Mapping Program \(Exhibit 7\), and Spring 2020 Natural Color Imagery from the Loudoun County Office of Mapping and Geographic Information \(Exhibit 8\); site photographs from January 5-6, 2020 \(Exhibit 10\)](#)

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, 2018](#)

USFWS NWI maps: [USFWS NWI, downloaded October 2020](#)

USGS topographic maps: [Arcola, VA 1990 USGS quadrangle](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** According to the APT output, conditions were wetter than normal at the time of the 1/5/21-1/6/21 field work. Conditions were normal during the 3/11/21 field work.

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