



**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): 5/10/2021  
 ORM Number: NAO-2021-00859  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Enter. City: Enter. County/Parish/Borough: Louisa  
 Center Coordinates of Review Area: Latitude 37.93388 Longitude -78.116389

**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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Venable Creek	716	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 has an OHWM, bed and bank, and flows into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water.
S-1	30	linear feet	(a)(2) Intermittent tributary contributes	This intermittent tributary has an OHWM, bed and bank, and flows into S-2, an (a)(2) water, which flows into Venable Creek, an (a)(2) water, and then

<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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water.
S-2	121	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 has an OHWM, bed and bank, and flows into Venable Creek, an (a)(2) water, and then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water.
S-3	216	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 has an OHWM, bed and bank, and flows into S-2, an (a)(2) water, which flows into Venable Creek, an (a)(2) water, and then into Byrd Creek, an (a)(2) water, which then flows into the James 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	0.013	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to Venable Creek, an (a)(2) water, which then flows into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.005	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to Venable Creek, an (a)(2) water, which then flows into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3	0.138	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous to S-1 and S-2, an (a)(2) water, which then flows into Venable Creek, an (a)(2) water, and then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. 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-4	0.003	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous S-1 and S-2, an (a)(2) water, which then flows to Venable Creek, an (a)(2) water, and then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-5	0.002	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous S-2, an (a)(2) water, which then flows to Venable Creek, an (a)(2) water, and then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-6	0.129	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous S-2, an (a)(2) water, which then flows to Venable Creek, an (a)(2) water, and then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-7	0.176	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PEM wetland is bordering and contiguous S-2, an (a)(2) water, which then flows to Venable Creek, an (a)(2) water, which then flows then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) water. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-8	0.030	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The A4WETABUT PFO wetland is bordering and contiguous S-3, an (a)(2) water, which then flows to S-2, an (a)(2) water, which then flows to Venable Creek, an (a)(2) water, which then flows then into Byrd Creek, an (a)(2) water, which then flows into the James River, an (a)(1) 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
E-1	0.057	acre(s)	(b)(10) Stormwater control feature	The B10STORM (PEM wetland) was constructed or excavated in uplands to convey, treat, infiltrate, or store stormwater runoff.

<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
			constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
E-2	189	linear feet	(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 (ephemeral stream) was constructed or excavated in uplands to convey and infiltrate stormwater runoff. An adjacent building appears to be contributing water to this feature – a buried pipe was observed at the origin of the feature.
SW-1	0.009	acre(s)	(b)(1) Non-adjacent wetland.	These wetlands are not abutting (a)(1), (a)(2), or (a)(3) waters, are not inundated by flooding from these waters during a typical year, and do not have direct hydrologic surface connections with these waters during a typical year.
SW-2	0.004	acre(s)	(b)(1) Non-adjacent wetland.	These wetlands are not abutting (a)(1), (a)(2), or (a)(3) waters, are not inundated by flooding from these waters during a typical year, and do not have direct hydrologic surface connections with these waters during a typical year.
SW-3	0.018	acre(s)	(b)(1) Non-adjacent wetland.	These wetlands are not abutting (a)(1), (a)(2), or (a)(3) waters, are not inundated by flooding from these waters during a typical year, and do not have direct hydrologic surface connections with these waters during a typical year.  A ~3' wide artificial berm separates SW-3 from W-7

**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, Ferncliff Place, Dated March 2021](#)

This information is 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\(s\).](#)



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- Photographs: **Aerial and Other:** Spring 2002 Natural Color Imagery from Virginia Base Mapping Protram (VBMP), Spring 2009 Natural Color Imagery from VBMP, Spring 2018 Near Color Infrared Imagery from VBMP, Spring 2018 Natural Color Imagery from VBMP, and site photographs from January 28, 2021.
- 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 Louisa County Digital Data**
- USFWS NWI maps: **Digital NWI Map, downloaded October 2020**
- USGS topographic maps: **Fernclyff, VA 1991**

**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 within normal conditions at the time of delineation field work.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.