



**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): 8/16/2021
 ORM Number: NAO-2021-01578
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
 Review Area Location¹: State/Territory: VA City: Enter. County/Parish/Borough: Spotsylvania
 Center Coordinates of Review Area: Latitude 38.223889 Longitude 77.5075

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
S-1	353 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This perennial stream was delineated using the 1987 Manual and Regional supplement and has an OHWM and bed and bank. This stream flows into Massaponax Creek into the Rappahannock River which then flows into the Potomac River, a TNW.
S-2	104 linear feet	(a)(2) Intermittent tributary contributes	This intermittent stream was delineated using the 1987 Manual and Regional supplement and has an OHWM and bed and bank. This stream flows into

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
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	into a perennial stream into Massaponax Creek into the Rappahannock River which then flows into the Potomac River, a 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
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	0.00 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This PFO wetland receives annual flooding (i.e., signs of sediment or drift deposits present) from the adjacent wetland/perennial stream which flows into Massaponax Creek to the Rappahannock River which then flows into the Potomac River, a TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-2	0.00 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This PFO wetland receives annual flooding (i.e., signs of sediment or drift deposits present) from the adjacent wetland/perennial stream which flows into Massaponax Creek to the Rappahannock River which then flows into the Potomac River, a TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-3	0.26 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This PFO wetland directly abuts a perennial stream, which flows into Massaponax Creek to the Rappahannock River which then flows into the Potomac River, a TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.
W-4	0.69 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This PSS wetland directly abuts a perennial stream, which flows into Massaponax Creek to the Rappahannock River which then flows into the Potomac River, a TNW. The limits of this wetland were determined using the 1987 Manual and Regional Supplement.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SW-1	0.01 acre(s)	(b)(1) Non-adjacent wetland.	This PEM wetland lacks a direct hydrological connection to wetland and waters of the U.S. It was delineated using the 1987 Manual and Regional Supplement.

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 and Resource Protection Area Map, Discount Tire Massaponax](#)
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 Imagery from Virginia Base Mapping Program, Spring 2017 Near Color Infrared Imagery from Virginia Base Mapping Program, and March 2021 Natural Color Imagery from Nearmap®. Site photographs from March 4, 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: [Spotsylvania County Digital Data, U.S. Department of Agriculture](#)
- USFWS NWI maps: [Uploaded October 2020](#)
- USGS topographic maps: [Spotsylvania, VA 1997](#)

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 the APT, field conditions were normal at the time of field work.](#)

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

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.