

NAVIGABLE WATERS PROTECTION RULE

APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)

Prepared by USACE Norfolk District

16 June 2020

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NWPR APPROVED JD FORM

- INTRODUCTION (SETTING THE STAGE)
- APPROVED JD FORM WALK THROUGH



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NWPR APPROVED JD FORM: INTRODUCTION

- Setting the stage:
 - Approved JDs are used to make a definitive determination that a feature is, or is not jurisdictional (10 only, 404 only, 10/404, 10/excluded under 404, or excluded under 404).
 - Information used to support an approved JD should be accurate and reliable (RGL 16-01 Q&A, Q 07).
 - The approved JD form should be used to document all approved JDs and serves as the basis of jurisdiction that is required by regulation (33 CFR 331.2, RGL 16-01, Q 08).



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NWPR APPROVED JD FORM: INTRODUCTION

- The NWPR approved JD Form is designed to document the jurisdictional status of ALL waters within a review area on a single form.



Legend

- Overall JD Review Area

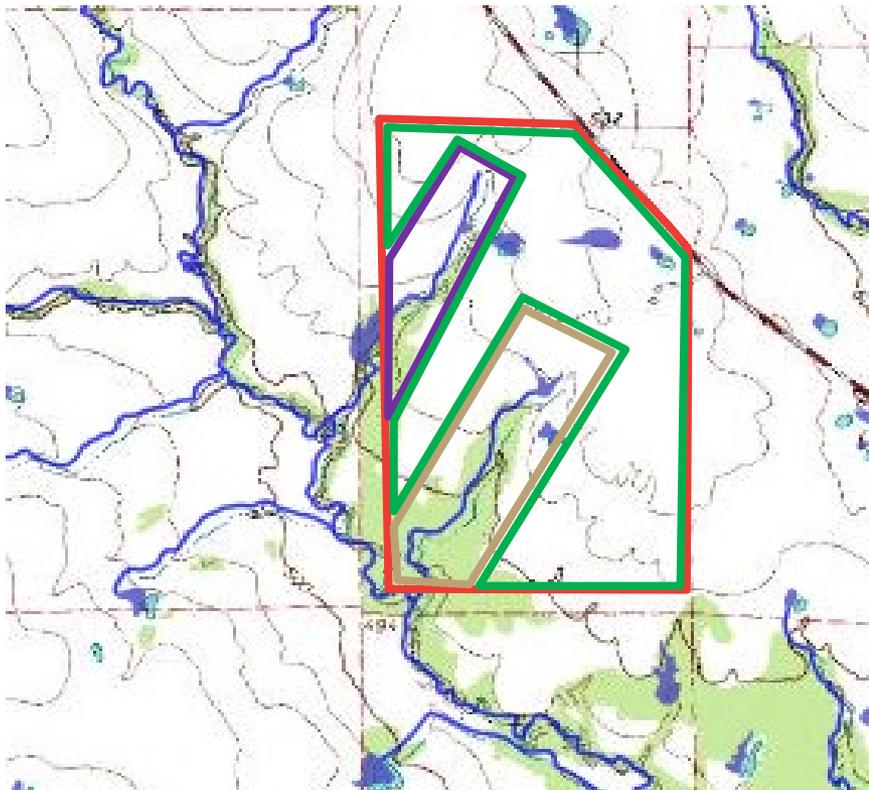


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NWPR APPROVED JD FORM: INTRODUCTION

- There may be circumstances where waters in a review area are documented on multiple approved JD forms...



Legend

- Overall JD Review Area
- AJD 1 Review Area
- AJD 2 Review Area
- AJD 3 Review Area

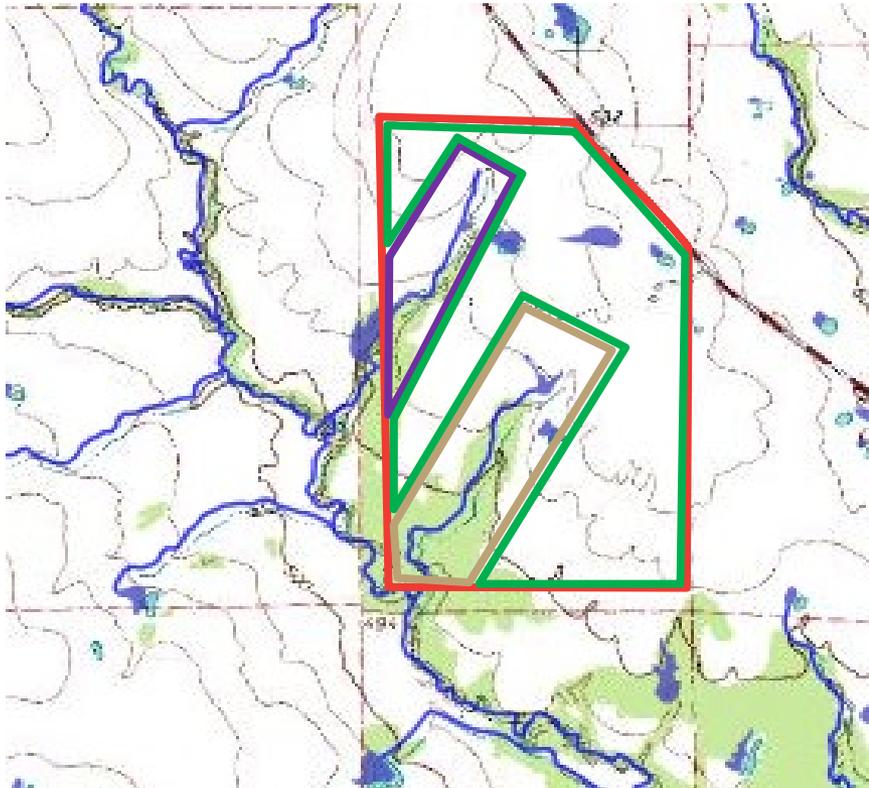


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NWPR APPROVED JD FORM: INTRODUCTION

- ...or a combination of approved JD and preliminary JD forms.



Legend

- Overall JD Review Area
- AJD 1 Review Area
- AJD 2 Review Area
- PJD 1 Review Area



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NWPR APPROVED JD FORM

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NWPR APPROVED JD FORM: WALK THROUGH - OVERVIEW

- The approved JD Form and the associated user manual are for interim use.



**INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM
USER MANUAL – NAVIGABLE WATERS PROTECTION RULE**

This user manual provides detailed instructions to the Corps for how to complete the interim



**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): [Select](#).

ORM Number: [\(e.g. HQS-2020-00001-MSW\)](#).

Associated JDs: [N/A or ORM numbers and identifiers \(e.g. HQS-2020-00001-MSW-MITSITE\)](#).

Review Area Location¹: State/Territory: [Enter](#). City: [Enter](#). County/Parish/Borough: [Enter](#).



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NWPR APPROVED JD FORM: WALK THROUGH - OVERVIEW

- Three sections:
 - Section I (Administrative Information): provides administrative and location information.
 - Section II (Findings): provides a summary of the presence of jurisdictional and/or non-jurisdictional waters within the review area along with a presentation of data, actual analysis, and conclusions of the jurisdictional status of each specific water within the review area.
 - Section III (Supporting Information): provides a list of all resources used to support the approved JD, additional analysis of certain data sources, and any additional discussion needed to support the approved JD.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION I



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [Select](#).

ORM Number: (e.g. [HQS-2020-00001-MSW](#)).

Associated JDs: [N/A or ORM numbers and identifiers \(e.g. HQS-2020-00001-MSW-MITSITE\)](#)

Review Area Location¹: State: [Enter](#). City: [Enter](#). County/Parish/Borough: [Enter](#).

Center Coordinates of Review Area: Latitude [Decimal Degrees](#). Longitude [Decimal Degrees](#).

- This is the date the approved JD is finalized by a person with authority to do so.
- This date should match:
 - The ORM end date for the approved JD.
 - The date on the approved JD transmittal letter.
 - The date on the Appeal Form.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION I



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NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [Select](#)

→ ORM Number: [\(e.g. HQS-2020-00001-MSW\)](#).

Associated JDs: [N/A or ORM numbers and identifiers \(e.g. HQS-2020-00001-MSW-MITSITE\)](#)

Review Area Location¹: State: [Enter](#). City: [Enter](#). County/Parish/Borough: [Enter](#).

Center Coordinates of Review Area: Latitude [Decimal Degrees](#). Longitude [Decimal Degrees](#).

- This is number that ORM assigns to the action when it is created.
 - Districts may add an optional identifier (such as project manager initials or field office identifier) at their discretion.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION I



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I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [Select](#).

ORM Number: [\(e.g. HQS-2020-00001-MSW\)](#)

→ Associated JDs: [N/A or ORM numbers and identifiers \(e.g. HQS-2020-00001-MSW-MITSITE\)](#)

Review Area Location¹: State: [Enter](#). City: [Enter](#). County/Parish/Borough: [Enter](#).

Center Coordinates of Review Area: Latitude [Decimal Degrees](#). Longitude [Decimal Degrees](#).

- This will typically be left as “N/A” since you will generally use one approved JD form to document all aquatic resources within the review area.
- Where more than one form (whether approved or preliminary) is used to document a review area, list them all here.
 - EX: HQS-2020-00001-MSW-MITSITE; or HQS-2020-00001-MSW-JD01, HQS-2020-00001-MSW-JD02, etc.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION I



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I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [Select](#).

ORM Number: (e.g. [HQS-2020-00001-MSW](#)).

Associated JDs: [N/A or ORM numbers and identifiers \(e.g. HQS-2020-00001-MSW-MITSITE\)](#)

Review Area Location¹: State: [Enter](#). City: [Enter](#). County/Parish/Borough: [Enter](#).

Center Coordinates of Review Area: Latitude [Decimal Degrees](#). Longitude [Decimal Degrees](#).

- This is where the location of the review area is documented.
 - All the information entered will represent that which is found at the center of the review area.

NWPR APPROVED JD FORM

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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.A.

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 excluded waters or water features within the review area (complete table in Section II.D).

- Only check this box when the entire site is comprised of dry land.



- i.e. there are no waters of any kind within the entire review area.
- This box serves the same purpose as the *Rapanos* “dry land” approved JD form.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.A.

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 excluded waters or water features within the review area (complete table in Section II.D).

- If there are any waters in the review area, whether jurisdictional or non-jurisdictional:
 - Select one or more of the other boxes within Section II.A.
 - Complete the corresponding tables in Section(s) II.B., C., and/or D. of the approved JD form.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.A.

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 excluded waters or water features within the review area (complete table in Section II.D).

- Check this box when there are waters subject to the Rivers and Harbors Act (i.e., 33 CFR 329) within the review area.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.A.

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 excluded waters or water features within the review area (complete table in Section II.D).

- Check this box when there are waters of the United States (i.e. Clean Water Act) within the review area.

404



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.A.

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 excluded waters or water features within the review area (complete table in Section II.D).

- Check this box when there are waters that are excluded from CWA jurisdiction within the review area.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.B.

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. <input type="text" value="N/A"/> <div style="border: 1px solid blue; padding: 2px; margin-top: 2px;"> acre(s) linear feet N/A. </div>	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. <input type="text" value="N/A"/> <div style="border: 1px solid blue; padding: 2px; margin-top: 2px;"> acre(s) linear feet N/A. </div>	N/A.	N/A.

- For all waters listed in all tables in Sections II.B., II.C., and II.D:
 - Enter the unique name for the water on all appropriate tables in Section II.B., II.C., and/or II.D.
 - Enter the size in the column and select the appropriate unit of measure from the drop-down list.

NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.B.

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.	N/A.

- Complete this table when there is a water subject to the Rivers and Harbors Act (i.e., 33 CFR 329) within the review area.
- Waters subject to RHA, or navigable waters, are waters that are:
 - Subject to the ebb and flow of the tide and/or
 - Are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.B.

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.	N/A.
N/A.				RHA Tidal water is subject to the ebb and flow of the tide RHA Non-tidal water is on the district's Section 10 waters list

- Complete the table and support your “story” consistent with the criterion selected in the rationale column.
- Do not use the approved JD form to complete a new navigability determination.
- Most navigable waters will also be TNWs. Also complete Section II.C. for the same water (when appropriate).
- Some navigable waters will be excluded from CWA jurisdiction. Also complete Section II.D. for the same water (when appropriate).

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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.	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.	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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.	N/A.

- The territorial seas, and
- Waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.	N/A.

→ (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.

(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce (404 ONLY).

(a)(1) Territorial Seas.

(a)(1) A federal court has determined the water is navigable in fact under federal law.

N/A.

- Complete the table and support your “story” consistent with the criterion selected in the rationale column.
- Where the TNW is also subject to RHA, select the first choice and support that in the rationale column.

NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.	N/A.

(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.

(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce (404 ONLY).

(a)(1) Territorial Seas.

(a)(1) A federal court has determined the water is navigable in fact under federal law.

N/A.

- 404 only TNWs:
 - Refer to the previously completed stand-alone TNW determination, or
 - Provide a case-specific TNW determination as part of the approved JD.
- Document a case-specific TNW determination in either Section III.C. of the approved JD Form, or as an attachment to the Form.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.	N/A.

(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.

(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce (404 ONLY).

(a)(1) Territorial Seas.

(a)(1) A federal court has determined the water is navigable in fact under federal law.

N/A.

- Territorial Seas.
- A federal court has determined the water is navigable in fact under federal law.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.

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



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

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.	N/A.

- Tributaries:
 - Naturally occurring surface water channel.
 - Contributes surface water flow directly or indirectly to a paragraph (a)(1) water in a typical year.
 - Is perennial or intermittent and flows as such in a typical year.
 - Includes a ditch that either relocates a tributary, is constructed in a tributary, or is constructed in an adjacent wetland as long as the ditch satisfies the flow conditions of the tributary definition.



NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

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.	N/A.

- Time-dependent data sources:
 - Point-in-time data sources: represent the conditions at a specific location on a specific date.
 - Period-of-time data sources: represent the conditions at a specific location over a period of time.
- Document all typical year assessments in Section III.B. of the approved JD Form.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

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.	N/A.

(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
 (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
 N/A.

- Tell your “story:”
 - Identify the nearest (a)(1) water.
 - Document the flow path to the (a)(1) water.
 - Select the appropriate criterion and support the flow regime of the subject water.
 - Identify any known non-jurisdictional features along the flow path.
 - Address the ditch requirements of the tributary definition where a ditch is all or part of the tributary reach.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.	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.	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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.



NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

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.

- Lakes and ponds, and impoundments of jurisdictional waters:
 - Standing bodies of open water.
 - Contributes surface water flow directly or indirectly to a paragraph (a)(1) water in a typical year.
 - Also jurisdictional if it is inundated by flooding from an (a)(1) through (3) water in a typical year.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

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.

(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.
(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
N/A.

- Tell your “story:”
 - Identify the nearest (a)(1) water and document the flow path to the (a)(1) water (Identify any known non-jurisdictional features along the flow path); or
 - Document that the subject water is inundated by flooding from an (a)(1) through (3) water in a typical year.
 - Document that the subject water is an impoundment of a jurisdictional water.
 - Use Section III.C. to support that a water is an (a)(1) through (3) water when it lies outside the review area.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

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.

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



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

- Adjacent wetlands:
 - Abut (touch at least at one point or side of an (a)(1) through (3) water);
 - Inundated by flooding from an (a)(1) through (3) water in a typical year;
 - Physically separated from an (a)(1) through (3) water only by a natural feature; or
 - Physically separated from an (a)(1) through (3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1) through (3) water in a typical year.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.C.

C. Clean Water Act Section 404

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

(a)(4) Wetland abuts an (a)(1)-(a)(3) water.

(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.

(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.

(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.
N/A.

- Tell your “story:”
 - Use Section III.B. for typical year assessments.
 - Use Section III.C. to document the jurisdictional status of the (a)(1) through (3) water located outside the review to which the wetland is adjacent.
 - Reference the discussion in the approved JD form of the (a)(1) through (3) water in the review area to which the wetland is adjacent.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.D.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

- Exclusions:
 - Paragraph (b) codifies 12 exclusions.
 - Four administrative sub-categories of the (b)(1) exclusion.
 - Evaluate a water using the (b)(2) through (12) exclusions first.
 - If a water meets multiple (b)(2) through (12) exclusions, document the exclusion that best describes the water.
 - Exclude a water using (b)(1) that doesn't meet any of the conditions of (b)(2) through (12) and is not an (a)(1) through (4) water.
 - Where a water meets at least one (b)(2) through (12) exclusion, also assess whether the water meets the (b)(1) exclusion when a requestor specifically asks.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION II.D.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

- Tell your “story:”
 - Identify all excluded waters within the review area.
 - Select the applicable exclusion from the drop down list and support that exclusion in the rationale column.
 - Do not need to document features such as groundwater, rills, or sheet flow.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION III.A.

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: **Title(s) and date(s)**
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: **Select. Title(s) and/or date(s).**
- 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: **Title(s) and/or date(s).**
- USFWS NWI maps: **Title(s) and/or date(s).**
- USGS topographic maps: **Title(s) and/or date(s).**

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.

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NWPR APPROVED JD FORM: WALK THROUGH – SECTION III.B.

III. SUPPORTING INFORMATION

→ **B. Typical year assessment(s):** *N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.*

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

- Typical year assessment(s):
 - Point-in-time data sources.
 - Period-of-time data sources.
 - Incorporate the conclusions of these assessments in the rationale column of the applicable subject water.



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NWPR APPROVED JD FORM: WALK THROUGH – SECTION III.C.

III. SUPPORTING INFORMATION

B. Typical year assessment(s): *N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.*

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

- Additional information to support the approved JD:
 - Document a case-specific TNW determination.
 - Document the jurisdictional status of waters outside the review area.
 - Information related to complex site conditions.
 - Extra space for lengthy discussions in the rationale columns to avoid formatting issues in the tables.



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QUESTIONS FROM THE FIELD

- Headquarters is developing Q&A documents to answer questions from the field.
- Written questions should be submitted to Matthew.S.Wilson@usace.army.mil by June 30, 2020. Please include “NWPR Q&A” in the subject line.
- Topics for questions include, but are not limited to:
 - Ditches
 - Tributaries
 - Flow Regimes
 - Downstream flow contribution
 - Adjacency
 - Lakes and ponds, and Impoundments
 - Inundation by flooding
 - Typical year
 - Exclusions
 - Compliance/enforcement
 - Compensatory mitigation
 - Uplands



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