Severn River Property

Preliminary Management Plan Development

This project, Task 51 was funded, in part, by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant #NA10NOS4190205 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended.

The views expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Department of Commerce, NOAA, or any of its subagencies.

October, 2013.

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Executive Summary

The Middle Peninsula Planning District Commission (MPPDC) works to facilitate the recognition and analysis of regional opportunities. Over the years the MPPDC has developed solid regional partnerships, including one with the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA). The MPCBPAA is a single purpose political subdivision that acts to "preserve and manage public access to the water". In the past the MPCBPAA has acquired land through grant funds or by gift, which has contributed to approximately 864 acres dedicated to preserving water access throughout the region.

Adding to the PAA's network of properties available for public access, in February 2013, the PAA was gifted 96.81 acres, valued at $1.6 million, of waterfront property located on the Severn River in Gloucester County. This property consists of twenty-one parcels, three of which have dwellings. While much of the property is pristine coastal ecosystem, including densely forested mixed hardwood and pine trees, and tidal wetlands, the three dwellings on this land present new management issues for the MPCBPAA.

The MPPDC partnered with the MPCBPAA to develop a preliminary management plan framework for the Severn River property that meets the goals of the MPCBPAA while maximizing water access, outdoor recreational, and the community needs.

A community stakeholder group consisting of Gloucester County staff, neighbors, VA Coastal Zone Management representatives, MPPDC/MPCBPAA staff, Gloucester County Crew team representatives, local businesses representing ecotourism and marine contracting, and local citizens was convened. MPPDC staff facilitated the stakeholder discussions with the strategy of working towards developing a preliminary management plan framework for the Severn River Property.

The results of the Stakeholder Meetings were definitive and clear. The stakeholders:

1) identified 5 concepts for the property: Conference Center; University Marine Science Center; True Marine Aquatic Center; Eco-Discovery Park; and Outdoor Education Center;

2) agreed that the name of the property should include Captain Sinclair in the title; and,

3) felt that an Environmental Assessment should be performed before a final Management Plan was completed.

During the development of the final Management Plan, the property will be utilized for public water access. At this time the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) Board of Directors has authorized use of the property by the Gloucester Crew team and for public waterfowl hunting.

Product #1

Lands End/ Captain Sinclair's Recreational Area Property Description

In February 2013, the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) was gifted 96.81 acres of waterfront property, with approximately 1 mile of waterfront, located on the Severn River in Gloucester County, Virginia (Figure 1). Much of the property is a pristine coastal ecosystem, including densely forested mixed hardwood and pine trees, tidal wetlands, and non-tidal wetlands. The land was most recently used as a horse farm and has fences, in poor repair, surrounding the fields. The roads are gravel and are substantial. The fields have several small ponds and are currently fallow and have begun to transition to an early successional forest.

The property was platted as the "Lands End" Subdivision in the 1960's. The gift consists of twenty-one of the subdivision's parcels with three dwellings, including the large estate house (over 7,000 sq ft) with an adjoining smaller pool house with a pool. A 2,000 sq ft brick rancher is located on the western boundary of the property, located along a water canal with a boat ramp. The there is also a detached two-bay garage with workshop, two 40x100 foot metal barns, three fenced fields, and one 400ft boat dock. The property has one septic field, several drinking water wells, and outdoor landscaping including fountains.

The canal is located at the "top" of the property, has a one-boat concrete boat ramp in need of repair, 3 feet of mean low water, and is adjacent to the brick rancher now serving as a rental property. The road to the boat ramp is grass and dirt and has a poor base. There is a large grass parking area adjacent to the ramp that appears to be made from the canal fill (it is higher than the surrounding land).

The pool is a small, recreational pool not suitable for swim teams. It is surrounded by a wood deck and is not operational, but in fair condition. It is adjacent to the pool house and the pool pumps are located in the pool house garage.

The detached two-bay garage is located near the barns and the mains house. The workshop is unheated, has electricity, and has a garage door and a house sized door. This structure could be considered a three-bay garage with no workshop.

The two barns are located across from the main house. One barn has several horse stalls and the front is open on two sides allowing easy access for large vehicles such as tractors and horse trailers. The second barn is completely enclosed, has two large garage doors, and currently houses the Gloucester Crew Team's rowing shells. The Gloucester Crew Team is actively using the site and hopes to host regattas in the near future. Both barns have aluminum roofs and siding, concrete floors, and are in good repair.

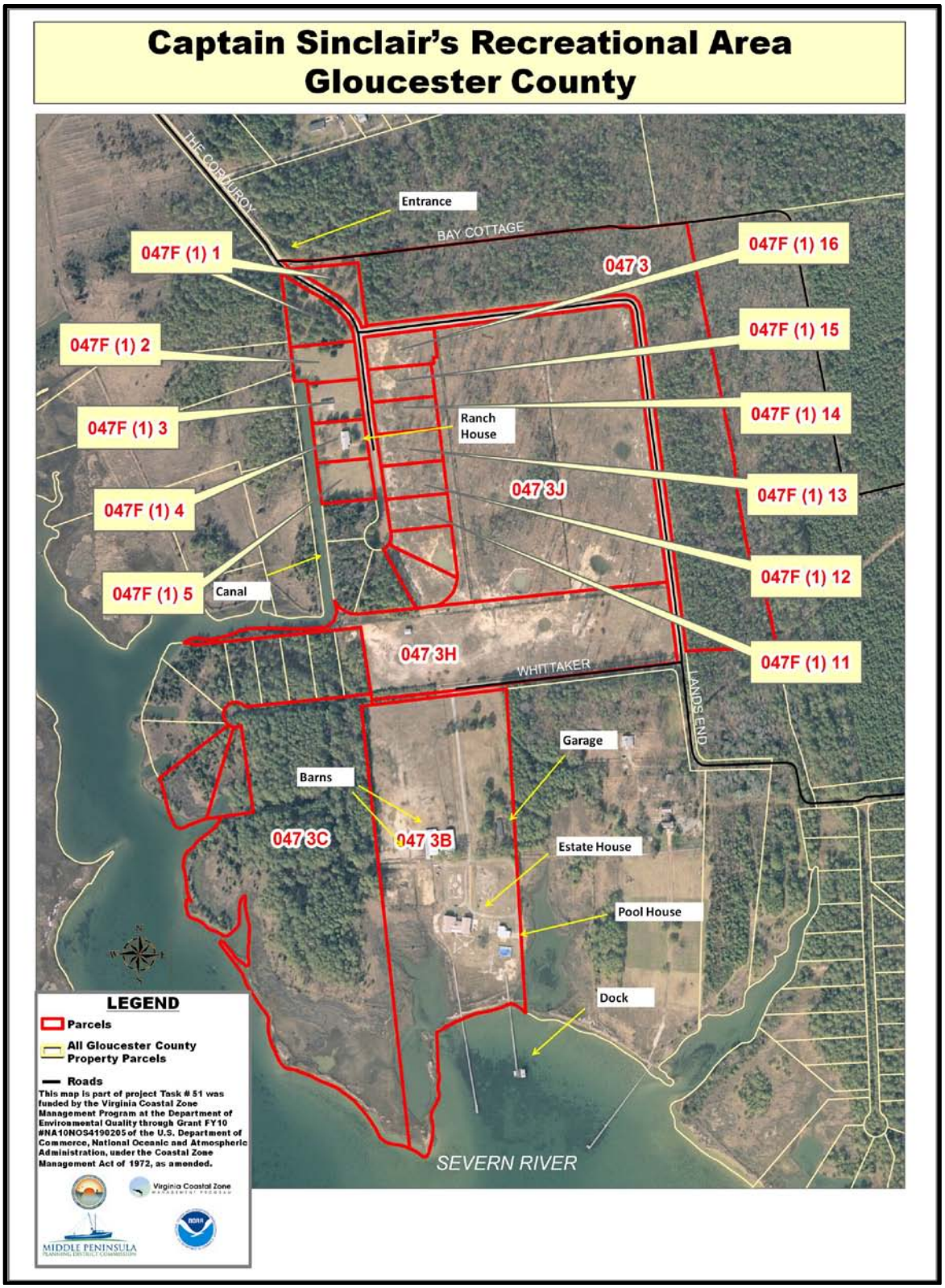
The boat dock is located directly in front of the pool house. The ~400 foot dock is made of wood, has an open boathouse with boat lift, and is in poor repair.

The subdivision has 11 very small out parcels that are not owned by the MPCBPAA. These properties can be seen in Figure 2. In this map, they are to the right and below the canal, above Tax Map Parcel #047 3C, and are outlined in yellow.

After the property was donated, the MPCBPAA asked the Army Corps of Engineers to assess the wetlands within the 5.40 acre site seen in Figure 2 as Tax Map Parcel #047-3A. This site is the location of the main house, two barns, dock, pool and pool house. The assessment showed considerable wetlands on the property. The assessment, known as a Preliminary Jurisdictional Determination, is included in the Appendix on page 12.

Figure 1
Regional Map

Figure 2


Captain Sinclair's Recreational Area
Gloucester County
THE CORDUROY
Entrance
BAY COTTAGE
047F (1) 1
047 3
047F (1) 16
047F (1) 2
047F (1) 15
047F (1) 3
Ranch House
047F (1) 14
047 3J
047F (1) 13
047F (1) 4
047F (1) 12
047F (1) 5
Canal
047 3H
WHITTAKER
047F (1) 11
LANDS END
Garage
Barns
047 3C
047 3B
Estate House
Pool House
Dock
SEVERN RIVER
LEGEND
Parcels
All Gloucester County Property Parcels
Roads
This map is part of project Task # 51 was funded by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant FY10 #NA10NOS4190205 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended.
Virginia Coastal Zone
MIDDLE PENINSULA

Product #2

Stakeholder Meetings and Preliminary Management Plan

Stakeholder Meetings

Two stakeholders meetings were held. The first was held on July 18, 2013 and the second on August 19, 2013. Both meetings were held at the main house on the Lands End/Captain Sinclair's Recreational Area Property. The stakeholders were identified through requesting nominations from Gloucester County administration, soliciting neighbors, requesting a Gloucester Crew team representative, and requesting nominations from the MPCBPAA Board of Directors. 11 stakeholders were invited to participate at both meetings.

Main Entrance

Water View

Meeting 1

The first meeting, held on July 18, 2013, was attended by 11 stakeholders including Gloucester County staff, neighbors, VA CZM representatives, MPPDC/MPCBPAA staff, Gloucester County Crew team representatives, Gloucester County Board Of Supervisors representatives, local businesses (representing ecotourism and marine contracting), and local citizens. The outcome of the meeting included a list of concepts with potential uses and a list of potential conflicts (Figure 1).

Figure 1

List of Concepts with Potential Uses and Conflicts from Meeting 1

Concepts and Potential Uses are shown in Outline 1. Concepts are the broader idea of what a property may be used for. Potential uses, a narrower idea of what activities could take place within each concept, are listed under each concept heading. The conflicts are in Outline 2. The conflicts represent potential future issues for the identified "concepts and potential uses" in Outline 1.

Concepts and Potential Uses – Outline 1

1) Outdoor Education
    a. Summer Camps (fall/winter/spring)
    b. Trails
    c. Facility for meetings
    d. Boy/Girl Scouts
    e. Venture Scouts
    f. VIMS Research
    g. Oyster Gardening
    h. Wet lab in pool house (other site/new building?)
2) Eco Discovery Park
    a. Private/public partnership
    b. Eco – tours
    c. Commercial tour boats
    d. Bicycle trails
        i. Road
        ii. Off – Road
        iii. Mountain Bike Park (with structures)
    e. High – Adventure area (part of conference center?)
        i. Rock wall
        ii. Trail
        iii. Rope course
    f. Eco-tourism fair
3) Conference Center
    a. Workshops
    b. Retreats
        i. Overnight
        ii. Day
    c. Events (wedding, regattas, kayaking, etc)
    d. Training location
        i. Watermen
        ii. Other
4) True Marine Aquatic Center
    a. Sailing
    b. Crew Team (Rowing Center)
    c. Swimming pool
    d. Other marine activities
5) Sell lots to raise money
6) Living Shoreline Demonstration Project with many types of living shorelines

    a. Native Plants
    b. Oyster Gardening/Reef
7) Fishing
    a. Pier
    b. Shore
8) Camping – revenue generator/public access
9) Office space (generate revenue/complement on-site activities) in existing structures
    a. Marine surveyor
    b. Contractor
    c. Watermen
10) Bed and Breakfast
11) Public Hunting
12) Blueways Trail (stop, access point)
13) Commercial Watermen access/docks/ramp
14) Transient Boat Moorings/slips
15) Public Boat ramp
    a. Canoe
    b. Kayak
    c. Power boats
16) Conservation Easement on Property

Potential Conflicts – Outline 2

1) Parking – where and what is the impact
2) Name
    a. Sinclair Landing
    b. Captain Sinclair Education Center
    c. Captain Sinclair Recreation Area
3) Need an Environmental Assessment study to see what can/cannot be done on the property
    a. Wetlands impact
    b. Other environmental issues
4) Emergency Access for injuries
5) Building & Zoning (ADA, inappropriate uses, etc.)
6) Health Department (Septic, food service, etc.)
7) Noise/traffic
8) Maintenance (One time vs. recurring)
9) Expense (for property/events/staff)
10) Staffing (there is very little)
11) Potential conflicts of uses (hunting/alcohol at events)
12) Utilities/broadband
13) Existing pier (needs to be replaced)
14) Boat access from shore is average and goes over the marsh
15) Security
16) Distance to main road
17) High tide makes access road impassable
18) Need to add area to mosquito district
19) Ownership of other lots? Who are they? What are the potential conflicts?
20) Weather – flooding of property and damage

Meeting 2

The second meeting, held on August 19, 2013, was attended by 8 stakeholders representing Gloucester County staff, neighbors, VA CZM representatives, MPPDC/MPCBPAA staff, local businesses (representing ecotourism and marine contracting), Gloucester County Board of Supervisors, and local citizens.

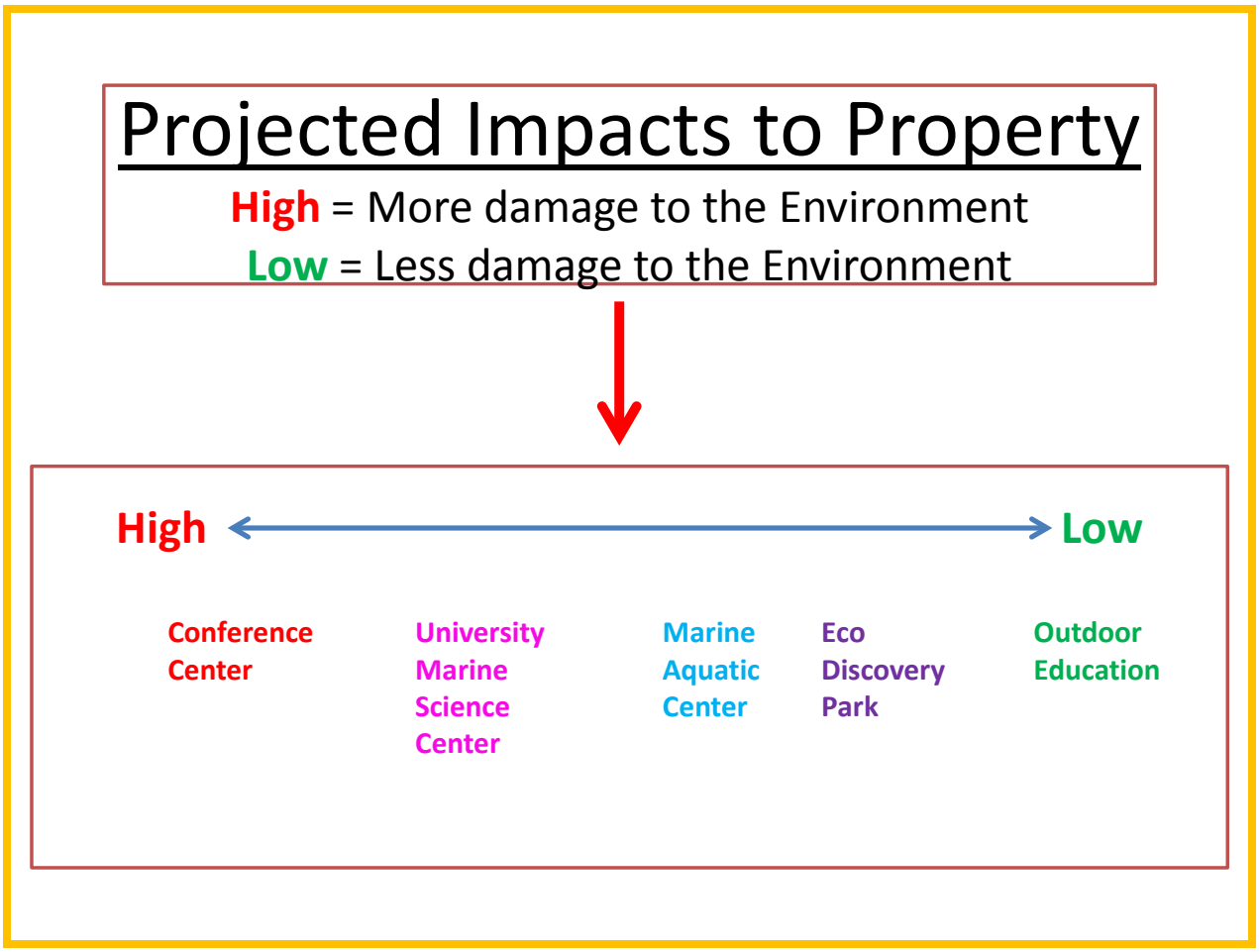
The stakeholders were tasked with projecting future change to the Severn River property based on three powerful types of land values: Social, market, and ecological. *Social use values* express the weight that people give to various arrangements of land use a setting for living their lives; this view sees land use as a facilitator of desirable activity patterns and social aspirations. *Market values* express the weight that people give to land as a commodity; this view sees land use as a real estate profit medium. *Ecological values* express the weight that people give to the natural systems on the land; this view sees land use as a potential environmental threat to be mitigated.

The outcome of the meeting, built on the information from the first meeting, was twofold:

First Outcome

The list of concepts was refined into the following categories: Conference Center; University Marine Science Center; True Marine Aquatic Center; Eco-Discovery Park; and Outdoor Education Center. The stakeholders focused on exploring the Ecological Values of each concept. Thus, the concepts were further refined into a sliding scale graphic (Figure 2) illustrating the intensity of each in relation to their potential impact on the natural environment. This impact is based on an estimated ecological impact from the amount of construction/land disturbance needed for each type of project. High impact assumes a higher amount of land disturbance, resulting in less natural area remaining on the property. Low impact assumes a lesser amount of land disturbance, resulting in a greater amount of natural area remaining on the property.

Figure 2



These assumptions are based on stakeholder comments and may change depending on actual plans for the site. Each of these concepts has different implications for the property, the county, the users, and the region. For instance, one of the factors affecting the future use for the property will be economic – the property must generate revenue and carry its own costs. Another example is the danger of sea level rise eroding and flooding the property, especially during coastal storms. The nor'easter in October 2013 flooded the access roads and came dangerously close to flooding the poolhouse and main house. These threats could be mitigated through strengthening the natural ecosystems (living shorelines), which would have the added benefit of benefitting the fish and wildlife that use the marshes.

Potential uses under each concept also have some overlap and substantial future thought and planning will need to be done to refine these ideas. However, since this is a preliminary discussion, it is necessary to expand on each of the concepts and uses for the property and their associated conflicts.

Potential Concepts

A) **Conference Center**. This concept would involve a medium to major natural area impact to the property depending on the extent of the facility and its associated construction footprint. Uses such as weddings, trainings, retreats, workshops, concerts, trade shows, revivals, etc., fall into this category. A Conference Center would involve a main building to house events, substantial parking for cars and trucks, extensive restroom facilities with an enhanced septic system, and road improvements. There is the potential need for overnight facilities, improved water access, and kitchen facilities.

B) **University Marine Science Center**. This concept would involve a medium to major natural area impact to the property depending on the extent of the facility and its associated construction footprint. Uses such as college and graduate research, classroom study, wetlab research, meetings, college and graduate level outdoor education, etc., fall into this category. A University Marine Science Center would involve a classroom facility, research facilities, wetlab facilities, restroom facilities with an enhanced septic system, parking, and improved access to the waterfront, including piers and boat launching facilities. There is the potential need for overnight facilities, improved water access, and kitchen facilities.

C) **True Marine Aquatic Center**. This concept would involve a medium natural area impact to the property depending on the extent of the facility and its associated construction footprint. Uses such as sailing, rowing (crew teams), kayaking and other water dependent activities supporting water dependent camps, regattas, races, etc., would fall into this category. A True Marine Aquatic Center would require a reconfiguration of the waterfront to provide better access. *It is of note that one other idea came out of the Stakeholder meetings that would cause a major disturbance of natural areas and a major economic impact to the community falls in this category. The development of a world class rowing facility, complete with a 2000 meter course, boat house, grandstands, parking, finishing tower, road improvements, and other associated facilities. This idea represents classical "thinking outside the box" strategizing.

D) **Eco-Discovery Park**. This concept would involve a medium to low natural area impact to the property depending on the extent of the facility and its associated construction footprint. Uses such as kayak tours, tour boats, bird watching groups, off road bicycling, high adventure groups (rock walls, rope courses, etc.), public hunting, waterfowl hunting, fishing, eco-tourism fairs, etc. would fall into this category. The concept involves a structured public-private partnership between the MPCBPAA and eco-friendly businesses and would have the potential to highlight the eco-friendly businesses in the community. An Eco-Discovery Park would require infrastructure improvements to the property such as more defined parking, camping sites, piers, upgraded boat ramp (s), rope courses, rock walls, mountain bike trails, and upgraded restroom facilities.

E) **Outdoor Education Center**. This concept would involve a low natural area impact to the property depending on the extent of the facility and its associated construction footprint. Uses such as summer day camps, scout activities, school trips, oyster gardening projects, k-12 research projects, etc., would fall into this category. An Outdoor Education Center would minimize any development of the property, focusing instead on improving and using existing structures and building trails and educational kiosks.

Potential Conflicts

A) **Parking**. Much of the property appears to be tidal or non-tidal wetlands. Developing parking will have a natural area impact and will require permitting and remediation costs.
B) **Access**. The road leading to the property floods and becomes impassable during times of minor tidal flooding such as occurred during the high tides the week of October 6-14, 2013. The implications here are many: access for the public; costs to raise the road; access for emergency services, etc. Emergency responders need to be included in future discussions.
C) **Expenses**. Each of the uses mentioned above require a facility that is maintained and staffed. The MPCBPAA has a very limited budget, making it imperative that the property be able to generate revenue to support all activities. The cost to make any improvements also needs to be addressed.
D) **Septic**. The septic system on the property is limited. An assessment of septic needs should be completed before a final management plan is adopted.
E) **Zoning**. The county zoning for any potential uses will need to be addressed. It should be noted that uses consistent with a public park are permissible.

Second Outcome

The stakeholders came up with 5 concepts (figure 2) and many associated uses for the property. Due to the focus on Ecological Values, they all agreed that there was not enough information about the environmental resources and natural areas of the property to narrow down the list any further. However, the stakeholder group agreed on two items:

One, the name of the property should not be "Lands End", but should be changed to include "Captain Sinclair" in the name. Captain John Sinclair was the original owner of the Severn River property. His manor, which is still in private hands and adjoins the property, was built in 1796. Captain John Sinclair is a local legend with a remarkable and, sometimes, mysterious background;

Two, the stakeholders felt an Environmental Assessment of the property should be completed before any final decision is made on the use of the property and the development of a final management plan. The Environmental Assessment would define the environmentally sensitive areas of the property and provide guidance on what the impacts to the property would be for the potential projects. The impacts would include a report on: wetlands delineation and locations; endangered and threatened species; elevation; flooding; septic options and issues; and any other environmental issues that affect the development of the property. This information will allow the stakeholders to more clearly understand the implications of the various concepts developed in the initial meetings by permitting the stakeholders to: more clearly understand the type of project that can be built; the potential cost needed to develop the property, both financially and environmentally; and the potential for revenue generation from each project.

Another result from the meetings was an offer by Virginia Sea Grant to issue an RFP to its University partners for the development of a "waterfront property reuse and community development plan and implementation strategy" for the property. This RFP was issued in October, 2013 and is scheduled to be awarded in early 2014. This offer was well received by the stakeholders and gratefully accepted by the MPCBPAA.

Preliminary Management Plan Framework

Building on the results of the stakeholder meetings, a preliminary management framework for the final management plan has been established. The framework depicts a waterfront property that has many environmentally sensitive areas, several structures, almost a mile of waterfront, several wooded areas, and many open fields. The property appears to lend itself to many potential concepts and their associated uses. The stakeholders identified 5 concepts: Conference Center; University Marine Science Center; True Marine Aquatic Center; Eco-Discovery Park; and Outdoor Education Center.

The results of the Stakeholder Meetings were clear. The stakeholders felt that the development of a final Management Plan should not be completed until an Environmental Assessment is performed. The Environmental Assessment should include, but not be limited to, wetlands delineation and locations, and information on: endangered and threatened species; elevation of land and structures; floodplain; septic options and issues; assessment of growing risks from coastal storms, sea level rise, flooding, erosion and associated threats and any other environmental issues that would affect future decisions. Further, the use of the property must meet the mission of the MPCBPAA to provide water access for the public and must generate revenue and carry its own costs.

During the development of the final Management Plan, the property will be utilized for public water access. At this time the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) Board of Directors has authorized use of the property by the Gloucester Crew team and for public waterfowl hunting.

Appendix

Army Corps of Engineers
Preliminary Jurisdictional Determination
Of
Property Number 0473B
(Main House and Barn Site)

DEPARTMENT OF THE ARMY
NORFOLK DISTRICT CORPS OF ENGINEERS
FORT NORFOLK 803 FRONT STREET
NORFOLK VIRGINIA 23510-1096

REPLY TO
ATTENTION OF

May 22, 2013

PRELIMINARY JURISDICTIONAL DETERMINATION

Northern Virginia Regulatory Section
NAO-2013-0558 (Severn River)

Lewis L. Lawrence
Middle Peninsula Chesapeake Bay Public Access Authority
P.O. Box 286
Saluda, Virginia 23149

Dear Mr. Lawrence:

This letter is in regard to your request for a preliminary jurisdictional determination for waters of the U.S. (including wetlands) on an approximate 5.40 acre portion of a parcel of land located at 9524 Whittaker Drive in Gloucester County, Virginia (Portion of Tax Map Parcel #47-3A).

The attached map entitled "NAO-2013-00558 – Preliminary Jurisdictional Determination Map – Middle Peninsula Chesapeake Bay Public Access Authority", prepared by the Corps and dated May 20, 2013 provides the approximate location of waters and wetlands within the study area listed above. The basis for this delineation includes application of the Corps' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps preliminary jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This is a preliminary jurisdictional determination and is therefore not a legally binding determination regarding whether Corps jurisdiction applies to the waters or wetlands in question. Accordingly, you may either consent to jurisdiction as set out in this preliminary jurisdictional determination and the attachments hereto if you agree with the determination, or you may request and obtain an approved jurisdictional determination. This preliminary jurisdictional determination and associated wetland delineation map may be submitted with a permit application.

Enclosed are two copies of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to Mr. Keith Goodwin, of my staff, either via

email (keith.r.goodwin@usace.army.mil) or via standard mail to US Army Corps of Engineers, Regulatory Branch, and ATTN: Keith Goodwin, 803 Front Street Norfolk, Virginia 23510 within 30 days of receipt and keep one for your records. This delineation of waters and wetlands is valid for a period of five years from the date of this letter unless new information warrants revision prior to the expiration date.

If you have any questions, please contact Keith R. Goodwin at (757) 201-7327 or via email at keith.r.goodwin@usace.army.mil.

Sincerely,

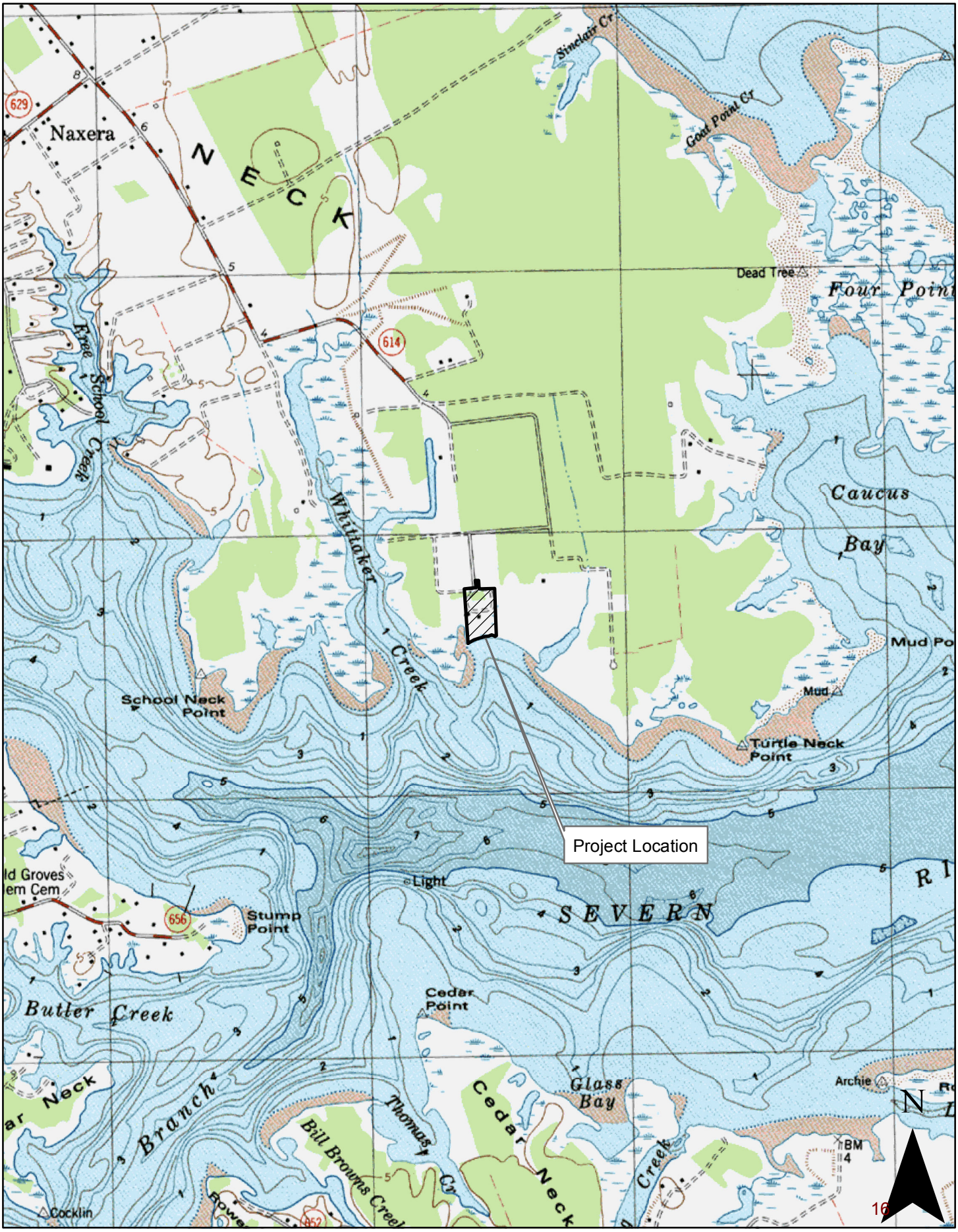
For: Jeanne Richardson
Acting Chief, Northern Virginia
Regulatory Section

Enclosures:
Preliminary Jurisdictional Determination Map
Preliminary Jurisdictional Determination Form

Copies Furnished:
Virginia Department of Environmental Quality
Gloucester County

NAO-2013-00558 - Project Location Map
Middle Peninsula Chesapeake Bay Public Access Authority

May 20, 2013



1 inch = 2,000 feet

NAO-2013-00558 - Preliminary Jurisdictional Determination Map
Middle Peninsula Chesapeake Bay Public Access Authority

May 20, 2013

1 inch = 125 feet

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION:

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 22, 2012

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Lewis L. Lawrence
Middle Peninsula Chesapeake Bay Public Access Authority
P.O. Box 286
Saluda, Virginia 23149

C. DISTRICT OFFICE: Norfolk District (CENAO-REG)

FILE NAME: Middle Peninsula Chesapeake Bay Public Access Authority

FILE NUMBER: NAO-2013-0558

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: **VIRGINIA** County/parish/borough: Gloucester City:

Center coordinates of site (lat/long in degree decimal format):

Latitude: 37.325058 ° N Longitude: -76.427758° W

Universal Transverse Mercator:

Name of nearest waterbody: Severn River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet; width (ft); and/or 0.411 acres.

Cowardin Class: Estuarine Intertidal & Subtidal

Stream Flow: Tidal

Wetlands: 2.10 acres

Cowardin Class: Estuarine Intertidal & Palustrine emergent

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: Severn River

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): April 11, 2013

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

3. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply) - checked items should be included in case file and, where checked and requested, appropriately reference sources below.

☐ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☒ Data sheets prepared by the Corps: Field collected April 11, 2013

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: Achilles, Virginia

☐ USDA Natural Resources Conservation Service Soil Survey.

Citation:

☒ National wetlands inventory map(s). Cite name: Achilles, Virginia

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation: (National Geodetic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date):

or ☐ Other (Name & Date):

☐ Previous determination(s):

File no. and date of response letter:

☒ Other information (please specify): Preliminary Jurisdictional Determination Map May 20, 2013

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

GOODWIN.KEITH.R.1009403562

Digitally signed by GOODWIN.KEITH.R.1009403562
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=GOODWIN.KEITH.R.1009403562
Date: 2013.05.22 12:53:43 -04'00'

Signature
Regulatory Project Manager
(REQUIRED)

Signature of person requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

5/22/2013

Date

Date