DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 3, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAO-2016-01935
Fisherman's Island, Northampton County, VA

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Virginia County/parish/borough: City: Portsmouth
Center coordinates of site (lat/long in degree decimal format): Lat. 37.095186°, Long. -75.95861°
Universal Transverse Mercator: 18
Name of nearest waterbody: Chesapeake Bay
Name of watershed or Hydrologic Unit Code (HUC): 02080101

- [x] Check if map/diagram of review area is available upon request.
- [ ] Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- [x] Office (Desk) Determination. Date: November 3, 2016
- [x] Field Determination. Date(s): November 3, 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- [x] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: drawings
- [ ] 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: *Click here to enter text.*
- [x] U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
  - [ ] USGS NHD data.
  - [x] USGS 8 and 12 digit HUC maps.
- [ ] U.S. Geological Survey map(s). Cite scale & quad name: Fishermans Island
- [x] USDA Natural Resources Conservation Service Soil Survey. Citation: corpsmap
- [ ] National wetlands inventory map(s). Cite name:
- [ ] State/Local wetland inventory map(s): *Click here to enter text.*
- [ ] FEMA/FIRM maps: *Click here to enter text.*
- [ ] 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)
- [x] Photographs: [x] Aerial (Name & Date): corpsmap
  - [ ] or [x] Other (Name & Date): ground shots
- [ ] Previous determination(s). File no. and date of response letter:
- [ ] Applicable/supporting case law: *Click here to enter text.*
- [ ] Applicable/supporting scientific literature: *Click here to enter text.*
- [ ] Other information (please specify): *Click here to enter text.*

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: A Corps' PM evaluated the site January 20, 2017. The agent and applicant designed all impacts to be landward of the preliminary jurisdictional determination review. The PM evaluating the subsequent JPA submittal confirmed with the agent that all construction was to take place landward of the high tide line i.e. landward of both RAHB Section 10 and CWA §404 jurisdictional limits.

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[1] This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.