

APPROVED JURISDICTIONAL DETERMINATION FORM
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): 08 May 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAO, Centerville Pike Project, NAO-2016-01897

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Virginia County/parish/borough: N/A City: Chesapeake
Center coordinates of site (lat/long in degree decimal format): Lat. 36.679600°North , Long. -76.176500°West
Universal Transverse Mercator: N/A
Name of nearest waterbody: Pocaty River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Western Branch of the Nansemond River, although there are no onsite jurisdictional aquatic resources.

Name of watershed or Hydrologic Unit Code (HUC): 03010205

Check if map/diagram of review area and/or potential jurisdictional areas is/are 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):

Office (Desk) Determination. Date: 08 May 2017

Field Determination. Date(s): 13 Dec 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. *[Required]*

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: There are no Section 10 waters within the immediate project boundaries.

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. *[Required]*

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

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

Wetlands: N/A acres.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).

c. Limits (boundaries) of jurisdiction based on: **Not Applicable**

Elevation of established OHWM (if known): N/A

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: The only potential jurisdictional waters within the project limits are existing agricultural ditches. Per review of USGS quad mapping, there are no indications that any of the onsite ditches were former natural waterways or drainages, or that the onsite ditches intercept/reroute directly from former natural waterways (i.e., all are completely manmade). Lastly, neither the consultant nor I thought the observed OHWM field indicators, in addition to all the background information, were compelling enough to consider the onsite ditches to be waters of the U.S. because these same indicators can be found in more ephemeral water conveyances.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

Other: (explain, if not covered above): Onsite waters are manmade ditches that did not exhibit field indicators of OHWM.

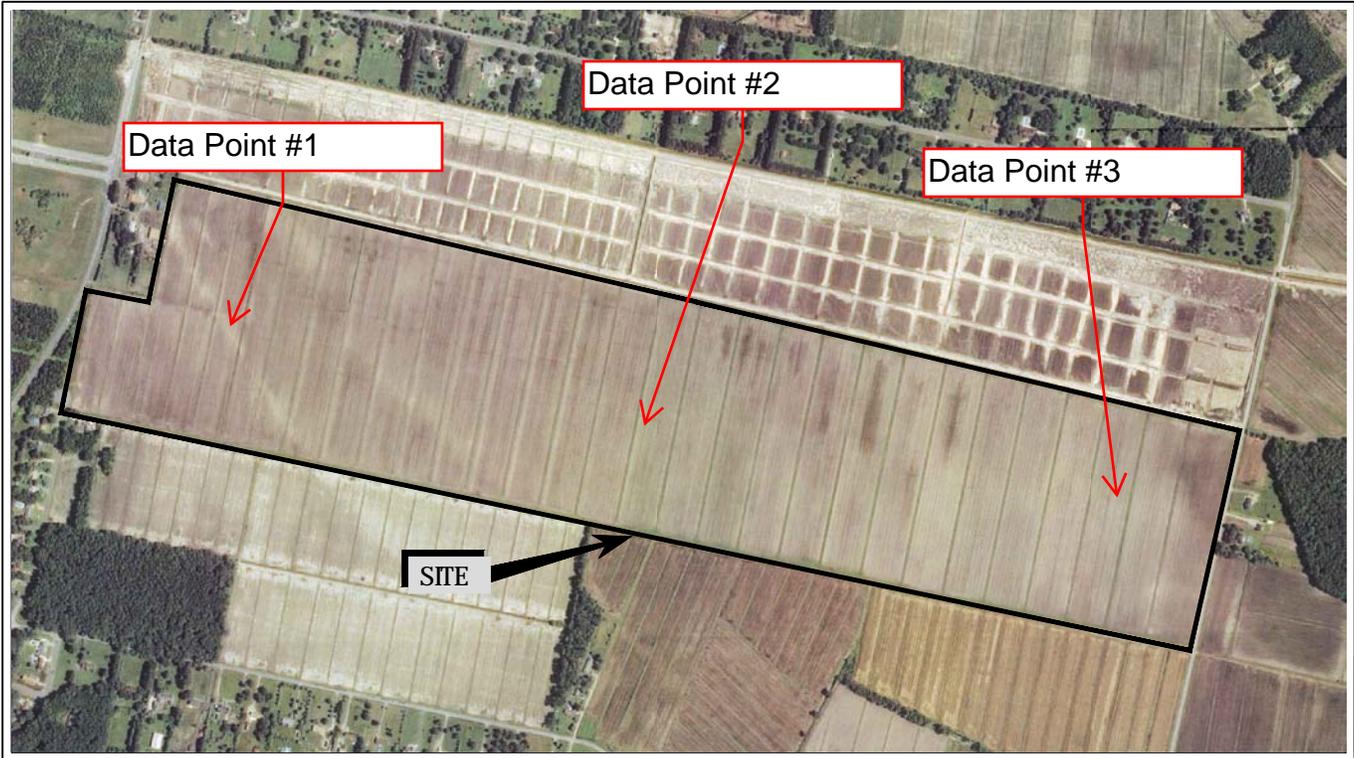
SECTION IV: DATA SOURCES.

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):

- 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 the revised data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- 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: Fentress USGS quad
- USDA Natural Resources Conservation Service Soil Survey. Citation: SSURGO data
- National wetlands inventory map(s). Cite name: Fentress USGS quad – no wetlands mapped within project area
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): various Google Earth, GIS, Bing, Digital Globe aerials
- or Other (Name & Date): various dates
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): 2013 Chesapeake LiDAR data, The Corps of Engineers Wetlands Delineation Manual (1987), the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region, Version 2.0 (2010), RGL 05-05 on OHWM Identification, Epi-Collect app data collection of OHWM field indicators for a representative ditch section.

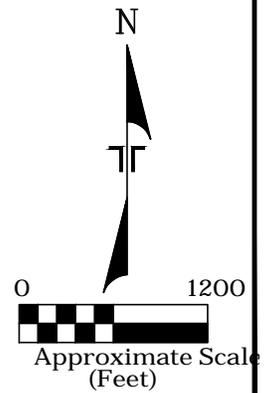
B. ADDITIONAL COMMENTS TO SUPPORT JD: Fairly straight-forward field conditions, the most problematic issue was how to treat the agricultural ditches. During the field visit I concentrated on areas corresponding to the most questionable aerial signatures within the fields, but nothing questionable was found during the field visit.

³ Supporting documentation is presented in Section III.F.



2012 AERIAL PHOTOGRAPH

US Army Corps of Engineers
 Norfolk District Regulatory Branch
 Received by DAK
 Date: 06 March 2017



* SITE BOUNDARIES ARE APPROXIMATE

Project Mngr: JWB	Project No. 49157747A	 Consulting Engineers and Scientists 2105 Newpoint Place, Ste. 600 Lawrenceville, GA 30043 (770) 623-0755 (770) 623-9628	AERIAL PHOTOGRAPH WETLANDS DELINEATION CENTERVILLE PIKE SOLAR PROJECT EAST OF HIGHWAY 604 CHESAPEAKE, NORFOLK COUNTY, VIRGINIA	EXHIBIT
Drawn By: SEG	Scale: AS SHOWN			
Checked By: MRF/JWB	File No. WD49157747A-2012			
Approved By: JWB	Date: FEBRUARY 2017			2012