



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

September 20, 2016

**APPROVED JURISDICTIONAL DETERMINATION**

Southern Virginia Regulatory Section  
NAO-2014-1096 (Oxford Run)

Mr. Lamont Myers  
Big Woods Development Company, LLC  
110 Mid-Atlantic Place  
Yorktown, Virginia 23693

Dear Mr. Myers:

This letter is in regard to your request for verification of an approved jurisdictional determination for the waters of the U.S. (including wetlands) on property known as Legacy of Poquoson, located on a 100.2-acre parcel on the south side of Victory Boulevard approximately 500 feet east of City Hall Avenue in the City of Poquoson, Virginia (available tax map parcel numbers 17-01-00-0022-A, 27-01-00-0001, 27-01-00-0002, 27-01-00-0004, 27-01-00-0005, 27-01-00-0007, 27-01-00-0008, 27-01-00-0009-A, 27-01-00-0011, 27-01-00-0012, 27-01-00-0083, 27-01-00-0084, 27-11-00-000A, 27-11-00-000B, 27-12-00-0003, 27-12-00-0004, 27-12-00-0005, 27-13-00-000A, 27-13-00-000B, 18-01-00-0121, 27-01-00-129A).

An on-site jurisdictional determination has found waters and/or wetlands regulated under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) on the property listed above approximately 28.69 acres of nontidal, adjacent wetlands; 0.36 acres of non-tidal, abutting wetlands; 0.42 acres of tidal wetlands; 792 linear feet of streams; 633.6 linear feet of tidal stream, and 1.87 acres of isolated water have been identified on the site. This letter shall serve to confirm the wetlands delineation by Environmental Services Group, as surveyed and shown on the map titled, "Exhibit-Wetlands Impact Areas, Legacy of Poquoson" dated July 6, 2016 and Corps date stamped as received July 19, 2016 (copy attached).

Our basis for this determination is the 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. The wetland is a water of the United States and is part of a tributary system to interstate waters (33 CFR 328.3(a)). These waters meet the Corps' definition of waters of the United States, are part of a tributary system to interstate waters (33 CFR 328.3 (a)) and have an ordinary high water mark (or high tide line).

Any discharge of dredged and/or fill material into these 1.87 acres of non-regulated (isolated waters/wetlands) will not require a Department of the Army permit. However, a permit may be required from the Virginia Department of Environmental Quality (DEQ) and we are notifying them by copy of this letter.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into jurisdictional waters and/or wetlands on this site will require a Department of the Army permit and may require 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 jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these jurisdictional areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

The Norfolk District has relied on the information and data provided by the applicant or agent. If such information and data subsequently prove to be materially false or materially incomplete, this verification may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

ATTN: Mr. James Haggerty, Regulatory Program Manager  
United States Army Corps of Engineers  
CENAD-PD-OR  
Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, NY 11252-6700  
Email: [james.w.haggerty@usace.army.mil](mailto:james.w.haggerty@usace.army.mil)

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by November 20, 2016. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision prior to the expiration date. Copies

of this letter have been provided to the Virginia Department of Environmental Quality, City of Poquoson Wetland Board and Environmental Services Group. If you have any questions, please contact Ms. Julie S. Hamilton either via telephone at (804) 323-3783 or via email at [julie.s.hamilton@usace.army.mil](mailto:julie.s.hamilton@usace.army.mil).

Sincerely,

Lynette R. Rhodes  
Chief, Southern Virginia Regulatory Section

Enclosure(s)