



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

February 4, 2025

PRELIMINARY JURISDICTIONAL DETERMINATION

Northern Virginia Regulatory Section
NAO-2023-00109 (York River)

Mr. Eric Rosser
15031 Fox Branch Lane
Midlothian, Virginia 23112

Dear Mr. Rosser:

This letter is in regard to the request submitted on your behalf by MSA, P.C. for a preliminary jurisdictional determination of the aquatic resources (e.g., wetlands, streams, and ponds) within an approximate 1.7-acre parcel located south of Jenkins Neck Road, and east of Clements Lane in Gloucester County, Virginia (Tax Map Parcel #53-217).

An on-site delineation of aquatic resources conducted by MSA, P.C., has identified approximately 0.97 acres of nontidal wetlands and 0.24 acres of tidal waters within the parcel boundaries. The attached map entitled "Revised Wetland Delineation Exhibit – Jurisdictional Determination – Rosser Property Parcel 53-217" prepared by MSA, P.C., dated December 3, 2024, and stamped as received by the Corps on December 3, 2024, depicts the approximate location and extent of aquatic resources identified within the defined study area. This letter is not confirming the Cowardin classifications of these aquatic resources.

These aquatic resources exhibit wetland criteria as defined in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region.

Please be aware that you may be required to obtain a Corps permit for any discharge of dredged and/or fill material, either temporary or permanent, into a water of the U.S. In addition, you may be required to obtain a Corps permit for certain activities occurring within, under, or over a navigable water of the U.S. subject to the Section 10 of the Rivers and Harbors Act. Furthermore, you may be required to obtain state and local authorizations, 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 is a preliminary jurisdictional determination and is not a legally binding determination regarding whether Corps jurisdiction applies to the aquatic resources in

question. To determine Corps' jurisdiction, you may request and obtain an approved jurisdictional determination.

This delineation of aquatic resources can be relied upon for no more than five years from the date of this letter. New information may warrant revision. Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to me either via email (keith.r.goodwin@usace.army.mil) or via standard mail to U.S. Army Corps of Engineers, Regulatory Office, and ATTN: Keith Goodwin, 803 Front Street Norfolk, Virginia 23510.

If you have any questions, please contact me at (757) 613-5431 or via email at keith.r.goodwin@usace.army.mil.

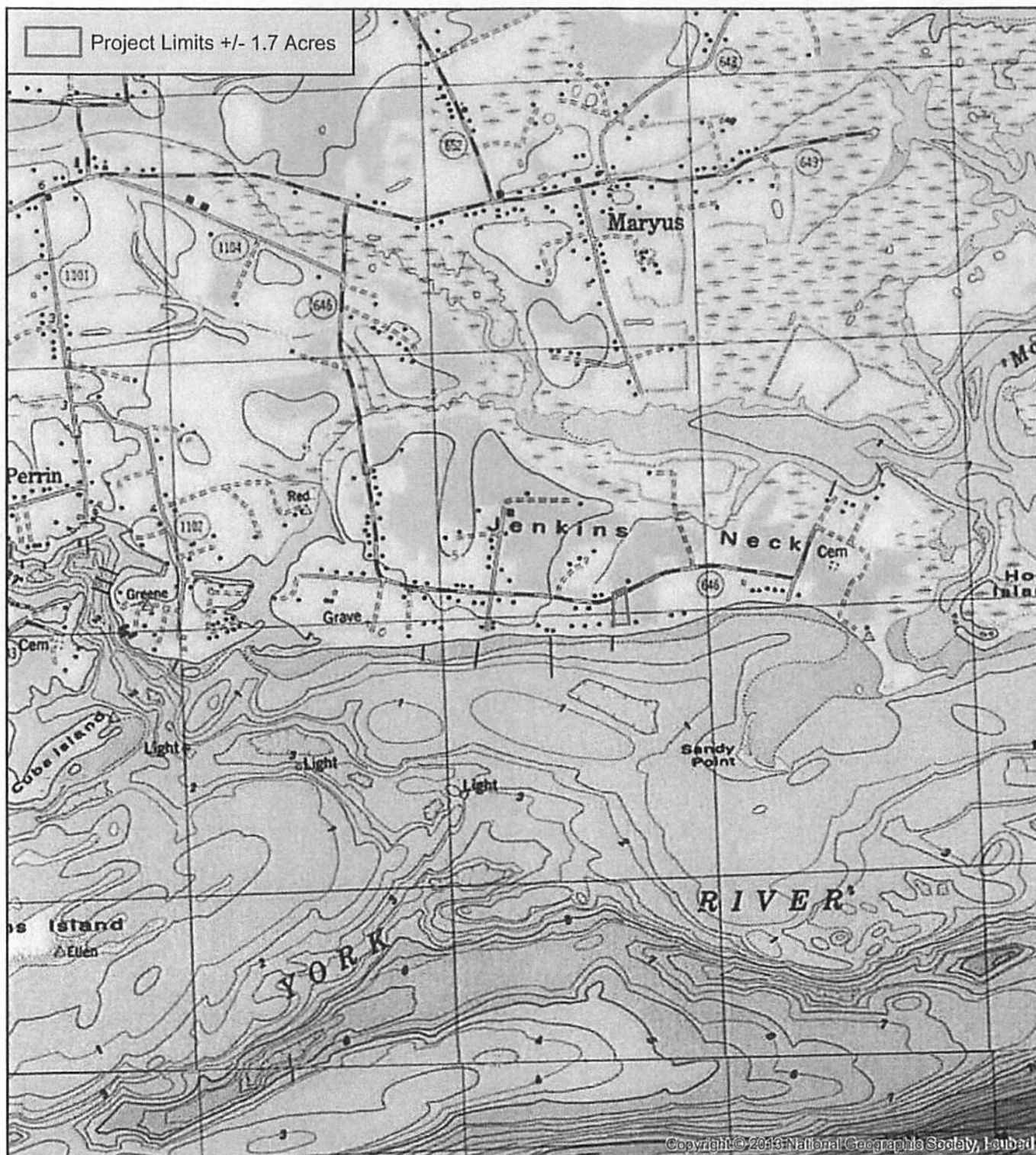
Sincerely,

A handwritten signature in black ink, appearing to read "Keith R. Goodwin", written in a cursive style.

Keith R. Goodwin
Environmental Scientist
Northern Virginia Regulatory Section

Enclosures: Delineation Exhibit
Preliminary Jurisdictional Determination Form

Cc: Virginia Department of Environmental Quality
Gloucester County
MSA, P.C.



0 1,000 2,000 4,000 6,000 Feet

Achilles, VA Quadrangle
Exact date of recent aerial unknown

USGS TOPOGRAPHIC VICINITY EXHIBIT

JOINT PERMIT APPLICATION

ROSSER PROPERTY PARCEL 53-217

JENKINS NECK ROAD, HAYES, GLOUCESTER COUNTY, VIRGINIA



ENGINEERS | SCIENTISTS | SURVEYORS








5032 ROUSE DRIVE, SUITE 200, VIRGINIA BEACH
757-490-9264 MSAONLINE.COM



MSA JOB #
24169

DATE:
1/24/2025

SCALE:
GRAPHIC

-  Project Limits +/- 1.7 Acres
-  50-Foot RPA
-  100-Foot RPA
-  Beach above MHW
-  Marine Wetlands 0.241 Acres
-  PSS Wetlands 0.971 Acres
-  Uplands 0.429 Acres total



U.S. Army Corps of Engineers
Norfolk District
Regulatory Branch
Received: December 3, 2024



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 50 100 200 300 Feet

Achilles, VA Quadrangle
Exact date of recent aerial unknown

REVISED WETLAND DELINEATION EXHIBIT

JURISDICTIONAL DETERMINATION

ROSSER PROPERTY PARCEL 53-217

JENKINS NECK ROAD, HAYES, GLOUCESTER COUNTY, VIRGINIA



MSA

ENGINEERS | SCIENTISTS | SURVEYORS

5032 ROUSE DRIVE, SUITE 200, VIRGINIA BEACH
757-490-9264 MSAONLINE.COM



MSA JOB #
24169

DATE:
12/3/2024

SCALE:
GRAPHIC

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 04-FEB-2025

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Applicant: Mr. Eric Rosser
15031 Fox Branch Lane
Midlothian, Virginia 23112

Agent: Brian Owen
MSA, P.C.
5032 Rouse Drive, Suite 200
Virginia Beach, Virginia 23462

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

NAO, Rosser Parcel, NAO-2023-00109

D. PROJECT LOCATION AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Virginia County/Parish/Borough: Gloucester County City: Hayes

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

Lat.: 37.265368° Long.: -76.401726°

Universal Transverse Mercator: 18 S 375711.36 m E 4125231.85 m N

Name of nearest waterbody: York River

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

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): August 2, 2024; December 3, 2024

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Intertidal Waters	37.264867	-76.401654	0.08 acres	Waters	Section 10/404
Nontidal Wetlands	37.265287	-76.401716	0.97 acres	Wetland	Section 404
Subtidal Waters	37.264825	-76.401636	0.16 acres	Waters	Section 10/404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 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

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM 30-JUN-2024

applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) 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) 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 USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives 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 AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, 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. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: "Revised Wetland Delineation Exhibit – Jurisdictional Determination – Rosser Property Parcel 53-217", prepared by MSA, dated December 3, 2024, and stamped as received by the Corps on December 3, 2024, depicts the approximate location and extent of aquatic resources within the defined project area.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report. Rationale:
- ☐ 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: Achilles, Virginia

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM 30-JUN-2024

- ☒ Natural Resources Conservation Service Soil Survey. Citation: USDA-NCSS Digital SSURGO and STATSGO Data
- ☒ National wetlands inventory map(s). Cite name: USFWS Digital Wetland and Riparian Data
- ☒ Aerial Photographs: 2009IR, 2013IR, 2015IR, 2017IR, 2019IR, 2021, 2023
- ☒ Other information (please specify): USGS Nationwide 3DEP Elevation Data

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



Signature of Regulatory Staff Member
Completing PJD



Signature of Person Requesting PJD
(REQUIRED, unless obtaining the
signature is impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.