WETLANDS AND WATERS

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

October 04, 2024

PRELIMINARY JURISDICTIONAL DETERMINATION

Eastern Virginia Regulatory Section
NAO-2024-00950 (Little Creek)

Isle of Write County
c/o Jamie Oliver
13048 Poor House Road
Isle of Wright County, VA 23397

Dear Jamie Oliver:

This letter is in regard to your request for a preliminary jurisdictional determination of the aquatic resources (e.g., wetlands, streams, and ponds), on an approximately 26.42 - acres located west of the intersection of West Main Street and Route 10 to the intersection of Main Street and Underwood Lane, known as Main Street/Rt 258 at Route 10 (36.977524, -76.640287), in Isle of Wright County, Virginia hereinafter referred to as project area.

The map entitled “Main Street/Us 258 At Route 10 Bypass Intersection Improvement Project”, by KIMLEY-HORN dated April 26, 2024 with revisions dated September 30, 2024 and received by the U.S. Army Corps of Engineers (Corps) on September 30, 2024 (copy enclosed) provides the locations of the aquatic resources within the project area referenced above. 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 Atlantic and Gulf Coastal Plain Regional Supplement. This site also contains aquatic resources with an ordinary high-water mark (or high tide line).

This preliminary jurisdictional determination and associated aquatic resource delineation map may be submitted with a permit application.

Please note we are providing information under 1 and 2 below based on the preliminary data you submitted to the us relative to project boundaries and plans. Consequently, these findings and recommendations are subject to change if the project scope changes, new information becomes available, or new species are added.

1. A search of the Virginia Department of Historic Resources data revealed that:

☐ No known historic properties are located on the property.

☒ Tribal consultation may be required.

☒ The following known architectural resources are located on the property:

Layer: VDHR - Architecture				
DHR ID	***Property Name***	***Address***	***Historic District***	***NR Eligibility Status***
300-0167	House, 106 Underwood Lane (Function/Location)	106 Underwood Lane	Smithfield Historic District	None
300-0177	House, 113 Underwood Lane (Function/Location)	113 Underwood Lane	Smithfield Historic District	None
300-5041	Evergreen Cemetery (Current Name), Evergreen Cemetery (Historic)	Cedar Street	Smithfield Historic District	None
300-0168	House, 123 Underwood Lane (Function/Location)	123 Underwood Lane	Smithfield Historic District	None
300-0201	Cedar Street Apartment Complex (Current Name)	545 Cedar Street	Smithfield Historic District	None
300-0087	Smithfield Historic District (NRHP Listing)	Cary Street, Cedar Street, Church Street South, Commerce Street, Jericho Road, Main Street - Alt Route 258, Route 10	Smithfield Historic District	NRHP Listing, VLR Listing
300-5050	House, 620 Quail Street (Function/Location)	620 Quail Street	None	None
300-5049	House, 612 Quail Street (Function/Location)	612 Quail Street	None	None
300-0122	Smithfield Lumber Company (Current Name)	605 Main Street West - Alt US 258	None	DHR Staff: Not Eligible
300-5048	House, 610 Quail Street (Function/Location)	610 Quail Street	None	None
300-5002	House, 630 W Main Street (Function/Location)	630 Main Street West - Alt US 258	None	None
300-0118	Charles Robinson House (Historic), House, 628 W Main Street (Function/Location)	628 Main Street West - Alt US 258	None	DHR Staff: Not Eligible
300-0119	House, 626 W Main Street (Function/Location), Samuel Robinson House (Historic)	626 Main Street West - Alt US 258	None	DHR Staff: Not Eligible
300-5047	Commercial Building, 616 Main Street (Function/Location)	616 Main Street - Alt US 258	None	None
300-0121	Filling Station, W Main Street (Function/Location)	Main Street West - Alt US 258	None	DHR Staff: Not Eligible
300-0120	Commercial/600 W Main Street (Function/Location), Pond Brothers Peanut Co., Inc. (Historic)	600 Main Street West - Alt US 258	None	DHR Staff: Not Eligible
300-0202	Church Manor Apartment Complex (Current Name)	513 Main Street	Smithfield Historic District	None
300-0398	House, 521 Main Street (Function/Location)	521 Main Street	Smithfield Historic District	None
300-0397	House, 519 Main Street (Function/Location)	519 Main Street	Smithfield Historic District	None

300-0396	Church, 517 Main Street (Function/Location), Main Street Baptist Church (Current Name)	517 Main Street	Smithfield Historic District	None
300-0386	Little's Super Market (Historic)	Main Street	Smithfield Historic District	None
300-0395	House, 511 Main Street (Function/Location)	511 Main Street	Smithfield Historic District	None
300-5034	Christian Home School Addition (Historic), School/Museum, 516 Main Street (Function/Location), The Schoolhouse Museum (Current Name)	516 Main Street - Alt US 258	Smithfield Historic District	DHR Evaluation Committee: Not Eligible
300-0393	Barber Shop, 509 Main Street (Function/Location)	509 Main Street	Smithfield Historic District	None
300-0390	Carwash, 415 Main Street (Function/Location)	415 Main Street	Smithfield Historic District	None
300-0389	Office Building, 409 Main Street (Function/Location)	409 Main Street	Smithfield Historic District	None
300-0394	Service Station, 426 Main Street (Function/Location)	426 Main Street	Smithfield Historic District	None
300-0392	Service Station, 424 Main Street (Function/Location)	424 Main Street	Smithfield Historic District	None
300-0391	Laundromat, 420 Main Street (Function/Location), Speed Queen Coin Laundry (Historic)	420 Main Street	Smithfield Historic District	None
300-0022	Valentine House (Historic)	400 Main Street	Smithfield Historic District	None

☒ The following known archaeological resources are located on the property:

Layer: VDHR - Archaeology				
DHR ID	***Restriction***	***Property Name***	***Time Periods***	***NR Eligibility***
44IW0403	None	None	Contact Period (1607 - 1750), Colony to Nation (1751 - 1789), Early National Period (1790 - 1829), Antebellum Period (1830 - 1860), Civil War (1861 - 1865), Reconstruction and Growth (1866 - 1916), World War I to World War II (1917 - 1945), The New Dominion (1946 - 1991), Post Cold War (1992 - Present)	None
44IW0402	None	None	Reconstruction and Growth (1866 - 1916), World War I to World War II (1917 - 1945), The New Dominion (1946 - 1991), Post Cold War (1992 - Present)	None
44IW0165	Restricted: No release	None	Early National Period (1790 - 1829), Antebellum Period (1830 - 1860), Civil War (1861 - 1865), Reconstruction and Growth (1866 - 1916), World War I to World War II (1917 - 1945), The New Dominion (1946 - 1991)	None
44IW0164	Restricted: No release	None	Reconstruction and Growth (1866 - 1916), World War I to World War II (1917 - 1945), The New Dominion (1946 - 1991), Post Cold War (1992 - Present)	None
44IW0401	None	None	Antebellum Period (1830 - 1860), Civil War (1861 - 1865), Reconstruction and Growth (1866 - 1916), World War I to World War II (1917 - 1945), The New Dominion (1946 - 1991), Post Cold War (1992 - Present)	None

☒ The following known additional historic resources are located in the vicinity of the property (potential for effects to these resources from future development):

Layer: VDHR - Architecture				
DHR ID	***Property Name***	***Address***	***Historic District***	***NR Eligibility Status***
300-5051	House, 622 Quail Street (Function/Location)	622 Quail Street	None	None
300-0087-0011	House, 103 Cary Street (Function/Location)	103 Cary Street	Smithfield Historic District	None
300-0087-0012	House, 105 Cary Street (Function/Location)	105 Cary Street	Smithfield Historic District	None
300-0087-0147	Apartment Building, 360-368 Main Street (Function/Location)	360 Main Street	Smithfield Historic District	None

2. A search of the data supplied by the U.S. Fish & Wildlife Service, the Virginia Department of Conservation and Recreation and the Virginia Department of Wildlife Resources revealed that:

☐ No known populations of threatened or endangered species are located on or within the vicinity of the subject property.

☒ The following federally-listed species may occur within the vicinity of the subject property:

Species Name (common (scientific))	***Federal Status***
Tricolored bat (Perimyotis subflavus)	Proposed Endangered

☐ The following state-listed (or other) species may occur within the vicinity of the subject property:

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 delineation and preliminary jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. Therefore, if you or your tenant are US Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the

applicability of a certified wetland determination with the local USDA service center, prior to starting work.

The Norfolk District has relied on the information and data provided by the requestor or agent to make this preliminary determination. If it is determined such information and data are materially false or materially incomplete, a new preliminary determination would be necessary.

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 the Corps, either by email Tamberlain.Jacobs@usace.army.mil or by standard mail to Attn: Tamberlain Jacobs, U.S. Army Corps of Engineers, Norfolk District, CENAO-WR-R, 803 Front Street, Norfolk, VA 23510-1011.

If you have any questions, please contact the office either by telephone at (757) 585-8928 or by email at Tamberlain.Jacobs @usace.army.mil**.**

Sincerely,

Pete Kube
Chief, Eastern Virginia
Regulatory Section

Enclosure(s):
Appeals Form
Delineation Map Preliminary
Jurisdictional Determination Form

cc: Agent
Department of Environmental Quality (DEQ)
Virginia Marine Resources Commission (VMRC)
Isle of Write Wetland Board

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Isle of Wight County c/o Jamie Oliver	File Number: NAO-2024-00950	Date: October 04, 2024

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
	APPROVED JURISDICTIONAL DETERMINATION	E
x	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable
You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial
You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

- RECONSIDERATION: You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable
You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Tamberlain Jacobs Regulatory Project Manager (CENAO-WRR-E) U.S. Army Corps of Engineers; Norfolk District 803 Front Street Norfolk, Virginia 23510 Telephone number: 757-585-8928 Tamberlain.Jacobs@usace.army.mil	Mr. Andrew Dangler Regulatory Appeals Review Officer U.S. Army Corps of Engineers North Atlantic Division – Fort Hamilton 301 John Warren Avenue – First Floor Brooklyn, New York 11252-6700 Mobile: (518) 487-0215

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

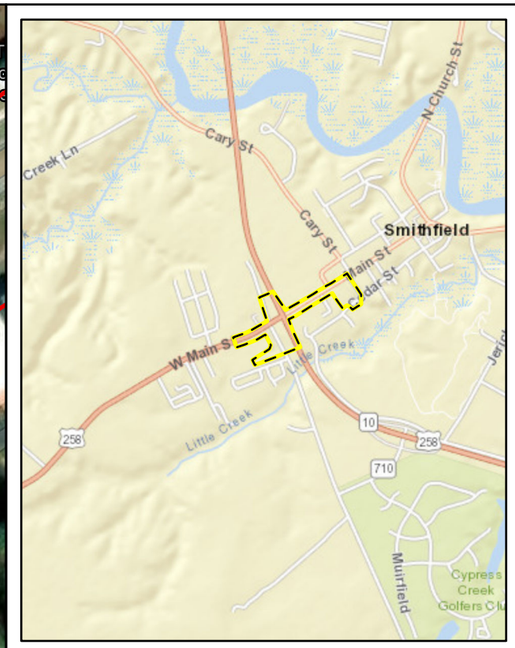
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:





PROJECT AREA

DATA POINT
- UPLAND
- WETLAND

WETLANDS & WOUS - NOT USACE CONFIRMED
- PFO
- STREAM

NOTES:
1) NOT USACE CONFIRMED
2) FIELD WORK COMPLETED ON DECEMBER 7, 2023 AND JANUARY 17, 2024
3) MAP REVISED TO INCLUDE WETLAND I 09-30-2024

0 150 300 FT

1 IN =150 FT

MAIN STREET/US 258 AT ROUTE 10 BYPASS INTERSECTION IMPROVEMENT PROJECT ISLE OF WIGHT COUNTY, VA

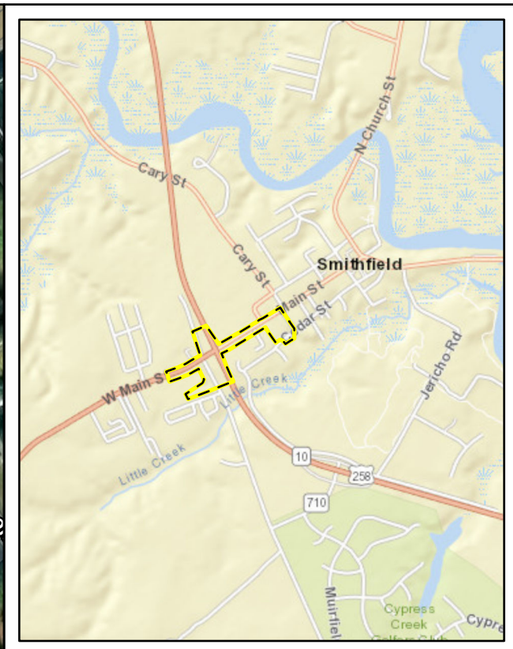
PRELIMINARY WETLANDS AND WOUS DELINEATION

Kimley»Horn

DATE:
04-26-2024
REVISED
09-30-2024

FIGURE:
7.0





PROJECT AREA

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MAIN STREET/US 258 AT ROUTE 10 BYPASS INTERSECTION IMPROVEMENT PROJECT
ISLE OF WIGHT COUNTY, VA

PRELIMINARY WETLANDS AND WOUS DELINEATION

Kimley»Horn

N

DATE:
04-26-2024
REVISED
09-30-2024

FIGURE:
7.1

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

October 16, 2024

Mr. Jamie Oliver
Isle of Wight County
13048 Poor House Road
Windsor, Virginia 23487

SENT VIA E-MAIL: joliver@isleofwightus.net
RECEIPT CONFIRMATION REQUESTED

Re: Virginia State Surface Waters Determination No. SSWD-000079
Main Street and Route 10 Bypass Intersection Improvements, Isle of Wight County, Virginia

Dear Mr. Oliver:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulations 9VAC25-210-45 and 9VAC25-210-10 of the Virginia Administrative Code, the Virginia Department of Environmental Quality (DEQ or department) has enclosed the above referenced Preliminary Virginia State Surface Waters Determination for the Main Street and Route 10 Bypass Intersection Improvements project in Isle of Wight County, Virginia. This SSWD supersedes the SSWD issued on April 30, 2024.

The map entitled *Preliminary Wetlands and WOUS Delineation, Main Street/US 258 at Route 10 Bypass Intersection Improvement Project*; Figures 7.0 and 7.1, dated April 26, 2024 and revised September 30, 2024 (copy enclosed) provides a preliminary determination of the presence of state surface waters and/or wetlands, as reviewed by DEQ, on the above listed property. The basis for this delineation includes application of the State Water Control Law, VWP Regulation, the Corps' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Regional Supplement, the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation, and/or the presence of an ordinary high-water mark.

☒ This approval includes the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

☐ This approval does NOT include the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

Activities that discharge fill to, dredge, drain or otherwise cause significant alteration or degradation of state surface waters, including wetlands, on this site may require a VWP Permit.

Activities that discharge fill to, dredge, drain or otherwise cause significant alteration or degradation of state surface waters, including wetlands, on this site may require a VWP Permit. You may also be required to obtain other federal, state, and/or local authorizations from a United States Army Corps of Engineers (USACE) District Office, the Virginia Marine Resource Commission (VMRC), and/or a local wetlands board. This state surface waters determination is valid for 5 years from the date of issuance in absence of a permit decision, or when a permit decision applies the determination is valid for the life of the VWP general permit coverage or individual permit, unless new information or changes to the project occur that warrant revision of the determination before the expiration date.

Please contact me at sheri.kattan@deq.virginia.gov, 757-705-9404, or the address below if you have any questions.

Respectfully,

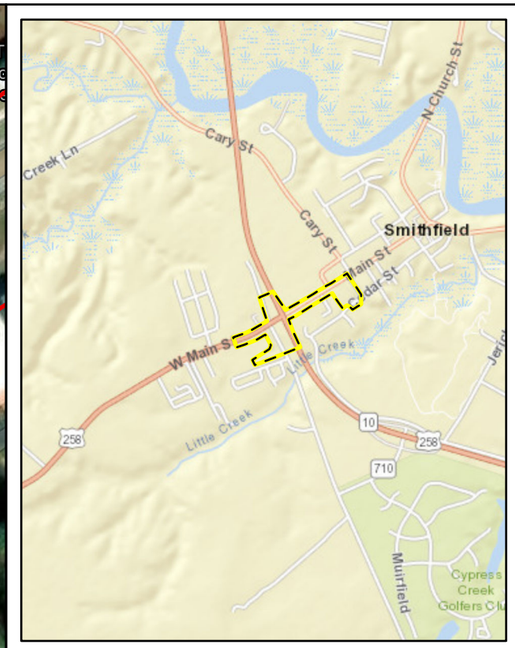


Sheri Kattan, VWP Permit Writer
Virginia Department of Environmental Quality
(757) 705-9404
Sheri.kattan@deq.virginia.gov
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, Virginia 23462
(757) 518-2000

Enclosures: Delineation Map

cc: Anna Gardner, Kimley-Horn and Associates, Inc.
Caroline Odell, Kimley-Horn and Associates, Inc.
Tamberlain Jacobs, U.S. Army Corps of Engineers
Beth Howell, Virginia Marine Resources Commission





PROJECT AREA

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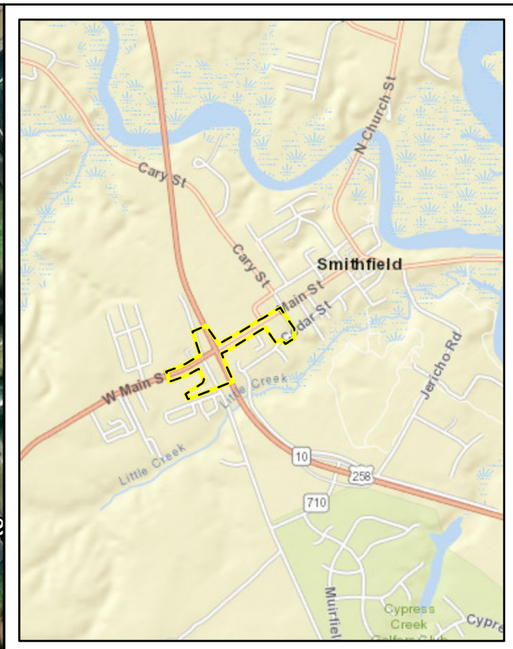
PRELIMINARY WETLANDS AND WOUS DELINEATION

Kimley»Horn

DATE:
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FIGURE:
7.0





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ISLE OF WIGHT COUNTY, VA

PRELIMINARY WETLANDS AND WOUS DELINEATION

Kimley»Horn

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FIGURE:
7.1