

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS:

NORTH ANNA POWER STATION

2006



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

September 7, 2006

Northern Virginia Regulatory Section
(Lake Anna)

Mr. Ken Roller
C/o Dominion Nuclear North Anna, LLC
5000 Dominion Blvd.
Glen Allen, VA 23060

Dear Mr. Roller:

This letter is in reference to the wetland delineation completed by Burgess & Niple for the North Anna Nuclear Power Station located in Louisa County, Virginia.

The delineation report as submitted to our office depicting wetlands and streams within the project area and shown on the site plan entitled "North Anna Power Station, Wetland Delineation"; dated January 2006 and revised August 1 2006 is hereby verified as accurate. Our basis for this includes application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of an ordinary high water mark.

Any mechanized landclearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in the wetlands and streams on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring.

If you have any questions, please call Regena Bronson at 301.475.2720.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce F. Williams". To the left of the signature is a small, stylized mark that looks like "for G".

Bruce F. Williams
Chief, Northern Virginia Regulatory Section

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS:

SITE SEPARATION



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF:

27 August 2008

Northern Virginia Regulatory Section
NAO-2008-002534 (Lake Anna)

Re: Confirmation of wetland delineation

Mr. Robert Hare
Dominion Resources Services, Inc.
5000 Dominion Boulevard
Glenn Allen, Virginia 23060

Dear Mr. Hare:

This letter is in reference to the delineation completed by EA Engineering, Science, and Technology, Inc. on the "Site Preparation" located at the Lake Anna North Anna Power Plant in Louisa County, Virginia.

The wetland delineation as flagged in the field and shown on the site plan entitled "Figure 2, Wetland Areas Delineated, Wetland A, B and C" and USACE date stamped July 25, 2008 is hereby verified as accurate. Our basis for this includes application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation and the presence of an ordinary high water mark.

Any mechanized land clearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in the wetlands on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring.

If you have any questions, please call 301.475.2720. For, and on behalf of, Keith Lockwood, Chief, Northern Virginia Regulatory Section:

Sincerely,

A handwritten signature in black ink, appearing to read "R. B.", is written over a horizontal line.

Regena Bronson
Project Manager
Northern Virginia Regulatory Section



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF: 27 August 2008

Project: Site Preparation – Lake Anna Dominion Power Plant JD
County: Louisa
Project Number: NAO-2008- 02534

Supplemental Preapplication Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

XX_ No known historic properties are located on the property.

- _The following known architectural resources are located on the property
(see attached map and listing):
- __ The following known archaeological resources are located on the property
(see attached map and listing); Cemetery

2. A search of the Virginia Department of Conservation and Recreation data revealed the following:

XX No known populations of federally listed threatened or endangered species are located on the property.

__The property is within a known concentration area for the following species:

3. We suggest the following avoidance, minimization, and compensatory mitigation measures are incorporated into any plans you prepare for the property: All road and driveway crossing should be placed perpendicular to streams. All stormwater ponds should be constructed without impacts to streams and wetlands.

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the federally-listed species in the Virginia Department of Conservation & Recreation's database. You may also want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.va.state.us

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS:

ROUTE 700 PARCELS



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF:

27 August 2008

Northern Virginia Regulatory Section
NAO-2008-002533 (Harris Creek)

Re: Confirmation of wetland delineation

Mr. Robert Hare
Dominion Resources Services, Inc.
5000 Dominion Boulevard
Glenn Allen, Virginia 23060

Dear Mr. Hare:

This letter is in reference to the delineation completed by EA Engineering, Science, and Technology, Inc. on the "Route 700 Parcels" located southwest of the North Anna Power Station in Louisa County, Virginia.

The wetland delineation as flagged in the field and shown on the site plan entitled "Figure 2, Wetland Areas Delineated, and North Anna Power Station" and USACE date stamped July 25, 2008 is hereby verified as accurate. Our basis for this includes application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation and the presence of an ordinary high water mark.

Any mechanized land clearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in the wetlands on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring.

If you have any questions, please call 301.475.2720. For, and on behalf of, Keith Lockwood, Chief, Northern Virginia Regulatory Section:

Sincerely,

A handwritten signature in black ink, appearing to read "Regena Bronson".

Regena Bronson
Project Manager
Northern Virginia Regulatory Section



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF: 27 August 2008

Project: Route 700 Parcels – Lake Anna Power Plant JD
County: Louisa
Project Number: NAO-2008- 02533

Supplemental Preapplication Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

- No known historic properties are located on the property.
- The following known architectural resources are located on the property
(see attached map and listing):
- The following known archaeological resources are located on the property
(see attached map and listing); Cemetery 054-5023

2. A search of the Virginia Department of Conservation and Recreation data revealed the following:

- No known populations of federally listed threatened or endangered species are located on the property.
- The property is within a known concentration area for the following species:

3. We suggest the following avoidance, minimization, and compensatory mitigation measures are incorporated into any plans you prepare for the property: All road and driveway crossing should be placed perpendicular to streams. All stormwater ponds should be constructed without impacts to streams and wetlands.

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the federally-listed species in the Virginia Department of Conservation & Recreation's database. You may also want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.va.state.us

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS:

TRANSMISSION LINE



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT CORPS OF ENGINEERS
FORT NORFOLK 803 FRONT STREET
NORFOLK VIRGINIA 23510-1096

24 September 2008

Northern Virginia Regulatory Section
NAO 2008-02731 (Lake Anna)

Mr. Robert Hare
C/o Dominion Virginia Power
5000 Dominion Boulevard
Glenn Allen, Virginia 23060

Dear Mr. Hare:

This letter is in reference to the delineation completed by EA Engineering, Science, and Technology, Inc., for the property known as the "Proposed Unit 3 500-kV Transmission Line" which extends 15 miles from Lake Anna Nuclear Power Plant (Louisa County) to the Ladysmith Substation in Caroline County, Virginia.

This letter shall serve to confirm the wetland delineation as surveyed and shown on the map titled, "Wetland Areas Observed within the Proposed Unit 3 500-kV Transmission Line Corridor, Figures 1-16", and USACE date stamped September 18, 2008.

Our basis for this determination is the application of the Corps' 1987 Wetland Delineation Manual 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).

Note: attach a "Notification of Administrative Appeal Options and Process Request for Appeal" Form to JD

Any work in these areas which is considered structure or fill under current regulation may require a Department of the Army permit and possibly authorization by state and local authorities. Your proposed work may require a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) and/or a permit from the Virginia Marine Resources Commission (VMRC). Please obtain all required permits before starting work in the delineated waters/wetland areas.

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 33.1. 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:

James Haggerty, Regulatory Appeals Review Officer
Phone: (718) 765-7150 Fax (718) 765-7210
United States Army Corps of Engineers North Atlantic Division
Building 301, General Lee Avenue
Fort Hamilton Military Community
Brooklyn, NY 11252

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 33.1.5, 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 24, 2008. 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 years from the date of this letter.

If you have any questions, please call 301.475.2720. For, and on behalf of, Keith Lockwood, Chief, Northern Virginia Regulatory Section:

Sincerely,

A handwritten signature in cursive script, appearing to read "Regena Bronson", followed by a horizontal line.

Regena Bronson
Project Manager
Northern Virginia Regulatory Section

Attached: Notification of Appeal Process (NAP) fact sheet.



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF: 24 September 2008

Project: Dominion North Anna Power Transmission Line JD
County: Louisa/Caroline
Project Number: NAO-2008- 02731

Supplemental Preapplication Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

XX_ No known historic properties are located on the property.

_The following known architectural resources are located on the property
(see attached map and listing):

__ The following known archaeological resources are located on the property
(see attached map and listing); 44CE008

2. A search of the Virginia Department of Conservation and Recreation data revealed the following:

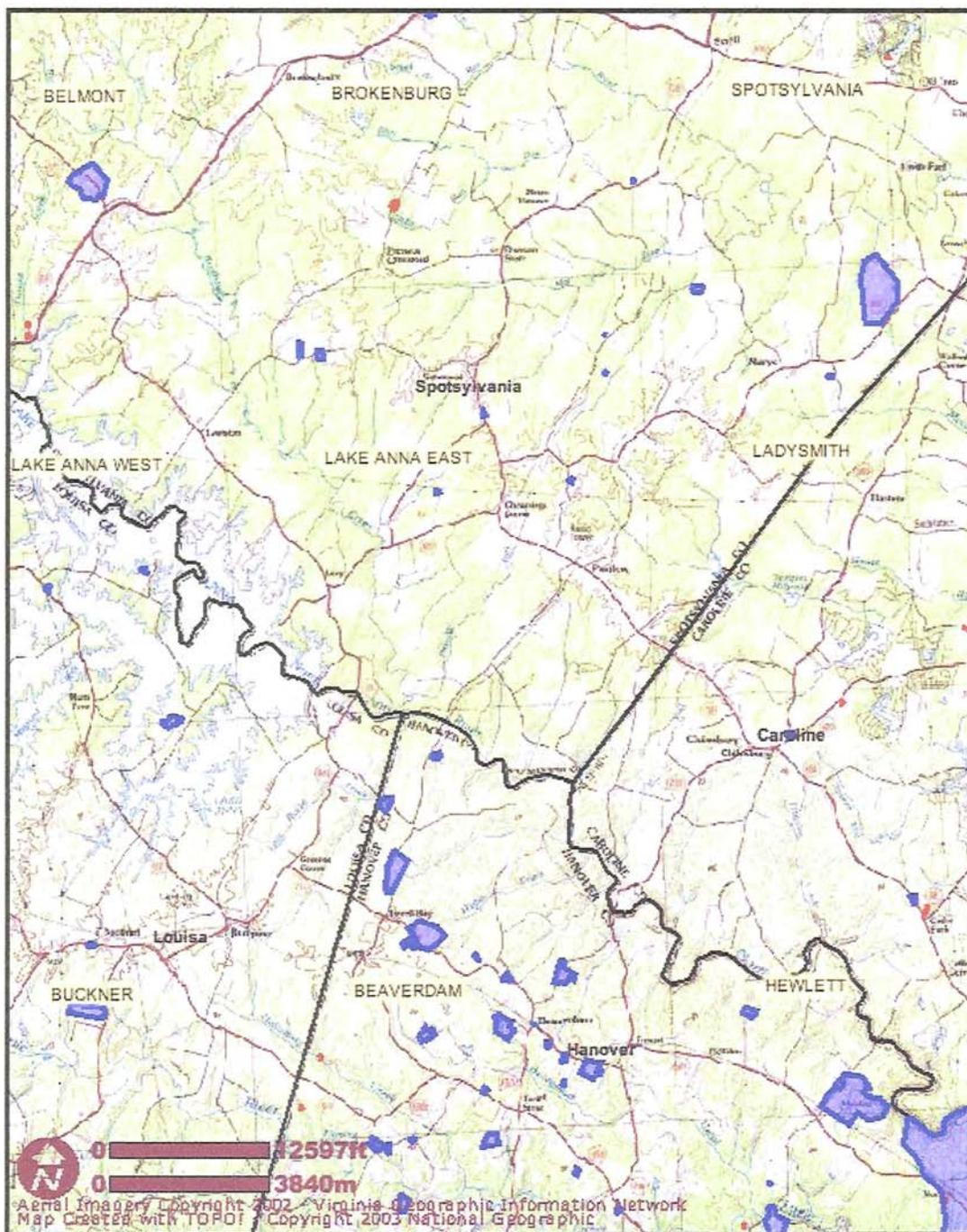
XX No known populations of federally listed threatened or endangered species are located on the property.

__The property is within a known concentration area for the following species:

3. We suggest the following avoidance, minimization, and compensatory mitigation measures are incorporated into any plans you prepare for the property: All road and driveway crossing should be placed perpendicular to streams. All stormwater ponds should be constructed without impacts to streams and wetlands.

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the federally-listed species in the Virginia Department of Conservation & Recreation's database. You may also want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.va.state.us

Virginia Department of Historic Resources Data Sharing System, 09/24/2008



Virginia Department of Historic Resources - September 22, 2008 9:43 am

Lake Anna Nuclear

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Dominion Power		File Number: NAO-2008-02731	Date: September 24, 2008
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		C
XX	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> 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. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. 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: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **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.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

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. 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Regena Bronson
Environmental Scientist
PO Box 1704
Leonardtown, Maryland 20650
301.475.2720

If you only have questions regarding the appeal process you may also contact:

United States Army Corps of Engineers
North Atlantic Division
ATTN: Michael Vissichelli, Regulatory Appeals Review Officer
Building 301, General Lee Avenue
Fort Hamilton Military Community
Brooklyn, NY 11252
(718) 765-7163

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:

Telephone number:

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS:

HEAVY HAUL ROUTE



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT CORPS OF ENGINEERS
FORT NORFOLK 803 FRONT STREET
NORFOLK VIRGINIA 23510-1096

Reply to
Attention of: 29 June 2009

Northern Virginia Regulatory Section
(NAO-2009-01581, Mattaponi River)

Mr. Robert Hare
C/o Dominion Virginia Power
5000 Dominion Boulevard
Glenn Allen, Virginia 23060

Dear Mr. Hare:

This letter is in reference to your request for a Corps of Engineers preliminary jurisdictional determination on the "Heavy Haul Route" for the North Anna Power Station Unit 3. The proposed route is from Walkerton, Virginia to Louisa, Virginia and crosses the following counties: King William, Hanover, Caroline and Louisa.

The map entitled "Locations of Interest Along Heavy Haul Route, Sheets 1 through 28", and dated June 2009 submitted by EA Engineering, Science and Technology provides the approximate location of the wetland and streams. Our basis for this includes application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of an ordinary high water mark.

However, since this is a preliminary jurisdictional determination, this is not a legally binding determination regarding whether jurisdiction applies to the waters or wetlands in question.

Any mechanized landclearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in the [wetlands and/or streams and/or ditches and/or ponds] on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring.

This preliminary jurisdictional determination is valid for a period of five years from the date of this letter. If you have any questions, please call 540-786-0080. For, and on behalf of, Nicholas L. Konchuba, Chief, Northern Virginia Regulatory Section:

Sincerely,

A handwritten signature in black ink, appearing to read "R. B.", with a long horizontal flourish extending to the right.

Regina Bronson
Project Manager
Northern Virginia Regulatory Section

Enclosure



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF:

29 June 2009

Project: Dominion North Anna Power Station, Heavy Haul Route JD
County: King William, Hanover, Caroline and Louisa
Project Number: NAO-2009- 01581

Supplemental Preapplication Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

No known historic properties are located on the property.

The impact areas will be required to be defined to determine if eligible historical properties are within the route from Walkerton, VA to Mineral, VA.

The following known architectural resources are located on the property (see attached map and listing):

The following known archaeological resources are located on the property (see attached map and listing):

2. A search of the Virginia Department of Conservation and Recreation data revealed the following:

No known populations of federally listed threatened or endangered species are located on the property.

The property is within a known concentration area for the following species: swamp pink (Helonias bullata), small whorled pogonia (Isotria medeoloides), sensitive joint vetch (Aeschynomene virginica, and dwarf wedge mussel (Alasmidonta heterodon)

3. We suggest the following avoidance, minimization, and compensatory mitigation measures are incorporated into any plans you prepare for the property: All road and driveway crossing should be placed perpendicular to streams. All stormwater ponds should be constructed without impacts to streams and wetlands.

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the federally-listed species in the Virginia Department of Conservation & Recreation's database. You may also want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.va.state.us

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): June 29, 2009 and July 20, 2009

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
EA Engineering, Science, and Technology, c/o Charles Leasure

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Norfolk District,
Fredericksburg Field Office, NAO-2009-01581 and NAO-2009-01725

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: VA County/parish/borough: Louisa, King William, Caroline, Hanover, Spotsylvania and Orange Counties. City:

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

Lat. 38.0609627 N, Long. 77.8019904 W

Universal Transverse Mercator:

Name of nearest waterbody: Lake Anna/North Anna River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: Approx. 1140-linear feet

Cowardin Class: R4 and R3

Stream Flow: N/A

Wetlands: Approx. 8.86 acres

Cowardin Class: PEM and PSS

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: .41 acres of tidal wetlands identified adjacent to Mattaponi River

Non-Tidal:

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

Office (Desk) Determination. Date: June 29, 2009 and July 20, 2009

Field Determination. Date(s): June 26, 2009

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

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 applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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 Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant’s acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should 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: EA Engineering, Science and Technology
- 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:
- 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: .
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): .
- or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Other information (please specify): EA Engineering, Science and Technology reports received June 26, 2009 and July 13, 2009.

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

 17 March 2010

 Signature and date of
 Regulatory Project Manager
 (REQUIRED)

 Signature and date of
 person requesting preliminary JD
 (REQUIRED, unless obtaining
 the signature is impracticable)

ATTACHMENT E-1

JURISDICTIONAL DETERMINATIONS:

LAKE ANNA SHORELINE



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT CORPS OF ENGINEERS
FORT NORFOLK 803 FRONT STREET
NORFOLK VIRGINIA 23510-1096

Reply to
Attention of: 20 July 2009

Northern Virginia Regulatory Section
(NAO-2009-01725 (Lake Anna))

Mr. Robert Hare
C/o Dominion Virginia Power
5000 Dominion Boulevard
Glenn Allen, Virginia 23060

Dear Mr. Hare:

This letter is in reference to your request for a Corps of Engineers preliminary jurisdictional determination for the approximate 272-shoreline miles of Lake Anna in Louisa County, Virginia.

The study submitted by EA Engineering, Science, and Technology and dated July 2009 provides the approximate location of the wetland and streams for the shoreline of Lake Anna. The report includes an analysis used to identify wetlands at or below the 2% slope within the shoreline of Lake Anna. A June 26, 2009 site visit was conducted to evaluate five representative coves and the potential wetland impacts required to raise the lake level 3 inches. During the site visit we observed slopes of 10, 5, 3 and 2%, and agreed that the 2% slopes were representative of shoreline wetlands. Our basis for this includes application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of an ordinary high water mark.

However, since this is a preliminary jurisdictional determination, this is not a legally binding determination regarding whether jurisdiction applies to the waters or wetlands in question.

Any mechanized landclearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in the [wetlands and/or streams and/or ditches and/or ponds] on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring.

This preliminary jurisdictional determination is valid for a period of five years from the date of this letter. If you have any questions, please call 757-201-7652. For, and on behalf of, Nicholas L. Konchuba, Chief, Northern Virginia Regulatory Section:

Sincerely,

A handwritten signature in black ink, appearing to read "R. B.", with a long horizontal flourish extending to the right.

Regena Bronson
Project Manager
Northern Virginia Regulatory Section



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF: 16 July 2009

Project: Lake Anna & WHTF Shoreline Wetland Delineation Report JD
County: Louisa, Orange and Spotsylvania
Project Number: NAO-2009- 01725

Supplemental Preapplication Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

No known historic properties are located on the property.

The impacts areas will be required to be defined and to be determined if any eligible historical properties are within the lake shoreline of Lake Anna

The following known architectural resources are located on the property (see attached map and listing):

The following known archaeological resources are located on the property (see attached map and listing):

2. A search of the Virginia Department of Conservation and Recreation data revealed the following:

No known populations of federally listed threatened or endangered species are located on the property.

The property is within a known concentration area for the following species: swamp pink (*Helonias bullata*), small whorled pogonia (*Isotria medeoloides*), sensitive joint vetch (*Aeschynomene virginica*, and dwarf wedge mussel (*Alasmidonta heterodon*)

3. We suggest the following avoidance, minimization, and compensatory mitigation measures are incorporated into any plans you prepare for the property: All road and driveway crossing should be placed perpendicular to streams. All stormwater ponds should be constructed without impacts to streams and wetlands.

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the federally-listed species in the Virginia Department of Conservation & Recreation's database. You may also want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.va.state.us

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): June 29, 2009 and July 20, 2009

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
EA Engineering, Science, and Technology, c/o Charles Leasure

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Norfolk District,
Fredericksburg Field Office, NAO-2009-01581 and NAO-2009-01725

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: VA County/parish/borough: Louisa, King William, Caroline, Hanover, Spotsylvania and Orange Counties. City:

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

Lat. 38.0609627 N, Long. 77.8019904 W

Universal Transverse Mercator:

Name of nearest waterbody: Lake Anna/North Anna River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: Approx. 1140-linear feet

Cowardin Class: R4 and R3

Stream Flow: N/A

Wetlands: Approx. 8.86 acres

Cowardin Class: PEM and PSS

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: .41 acres of tidal wetlands identified adjacent to Mattaponi River

Non-Tidal:

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

Office (Desk) Determination. Date: June 29, 2009 and July 20, 2009

Field Determination. Date(s): June 26, 2009

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

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 applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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 Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant’s acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should 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: EA Engineering, Science and Technology
- 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:
- 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: .
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): .
- or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Other information (please specify): EA Engineering, Science and Technology reports received June 26, 2009 and July 13, 2009.

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

 17 March 2010

 Signature and date of
 Regulatory Project Manager
 (REQUIRED)

 Signature and date of
 person requesting preliminary JD
 (REQUIRED, unless obtaining
 the signature is impracticable)