



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

May 21, 2012

Enforcement and Compliance Section
(NAO-2006-6814, West Neck)

Mr. Radhakrishna Renukunta
c/o: Brian Owen, MSA, P.C.
5033 Rouse Drive
Virginia Beach, VA 23462-3708

Dear Mr. Renukunta:

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 Village Center at Holland Creek Day Care, located on a 19.95 acres east of Holland Road, in Virginia Beach, Virginia (tax map parcel #'s: 1495-41-7336, 1495-51-9518, and 1495-51-2696).

An on-site jurisdictional determination has found waters of the US regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) on the property listed above. A Perennial waters (shown as "Waters of the US" on the attached figure) and isolated wetlands (shown as "Delineated Wetlands" on the attached figure) have been accurately identified and mapped on this site. This letter shall serve to confirm the map entitled "Village Center @ Holland Creek, Revised Wetland Delineation Exhibit", by Brian Owen of MSA dated January 31, 2012 and Corps date stamped as received April 27, 2012 (*copy enclosed*).

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

Any discharge of dredged and/or fill material into the non-regulated (isolated 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 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 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.



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:

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

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 DATE (60 days). 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 unless new information warrants revision prior to the expiration date. If you have any questions, please contact Mr. Brian Denson at 757-201-7792 or brian.c.denson@usace.army.mil (preferred).

Sincerely,

For Rick E. Henderson
Chief, Enforcement and Compliance Section

Enclosures: *Wetland/Waters Delineation Map; Appeal Form; Supplemental Preapplication Information*

Copies Furnished:

Virginia Department of Environmental Quality



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)

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

No known populations of federally listed threatened or endangered species are located within one minute latitude/longitude of the property.

The following species are known to be within one minute latitude/longitude of the property or

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: Utilize all upland areas prior to planning work in delineated wetland/waters requiring a permit.