

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: February 11, 2020

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Kevin Murphrey, 4901 Trademark Drive, NC, 27610.

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington, Shaddow Creek/Shaddow Creek Developers LLC/New Hill NC Chatham County, SAW-2019-01410

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

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

State: NC County/parish/borough: Chatham County City:

Center coordinates of site (lat/long in degree decimal format): Lat.: 35.657928365135 ° Long.: -78.9897964215419°

Universal Transverse Mercator:

Name of nearest waterbody: Shaddox Creek

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

Office (Desk) Determination. Date: February 7, 2020

Field Determination. Date(s): October 8, 2019

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 resources in review area (acreage and linear feet, if applicable)	Type of aquatic resources (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "maybe" subject (i.e., Section 404 or Section 10/404J)
SXA	35.65607	-78.98283	1, 060 linear feet	Non-wetland waters (Intermittent stream)	Section 404
SXB	35.65800	-78.98291	15 linear feet	Non-wetland waters (Intermittent stream)	Section 404
SXD	35.65701	-78.99564	900 linear feet	Non-wetland waters (Perennial stream)	Section 404
SXE	35 .65783	-78.99426	1,600 Linear feet	Non-wetland waters (Intermittent Stream)	Section 404
SXG	35.65730000	-78.99560000	37 Linear feet	Non-wetland waters (intermittent Stream)	Section 404
SXF	35.65900000	-78.99100000	112 Linear Feet	Non-wetland waters (Intermittent Stream)	Section 404
SXC	35.65590000	-78.98350000	224 Linear Feet	Non-wetland waters (Intermittent Stream)	Section 404
WXA	35 .65567	-78.98287	1.8 Ac	Wetland	Section 404
WXB	35.65691	-78.98400	0.15Ac	Wetland	Section 404
wxc	35.65986	-78.99382	0.04 Ac	Wetland	Section 404
WXD	35.65853	-78.98771	<0.1 Ac	Wetland	Section 404
WXE	35.65834	-78.98534	0.04 Ac	Wetland	Section 404
WXF	35.65441	-78.98502	0.3Ac	Wetland	Section 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 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, which does 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 Corps 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; (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 PJD 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 Corps 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: CE Group Dated August 9, 2019

Data sheets prepared/submitted by or on behalf of the PJD requestor. Environmental Services, Inc., A Terracon Company

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: New Hill, NC. 1:24,000

Natural Resources Conservation Service Soil Survey.

Citation: NRCS Soil Survey of Chatham County, NC

National wetlands inventory map(s). Cite name: _____

State/local wetland inventory map(s): _____

FEMA/FIRM maps: _____

100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): Unnamed and Undated provided by applicant

or Other (Name & Date): _____


Previous determination(s). File no. and date of response letter: _____

Other information (please specify): October 8, 2019 Site Visit

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.

Andrew Williams Date: 2020.02.11
14:43:15 -05'00'

Signature and date of Regulatory staff member completing PJD

 7/22/19
Signature and date 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.