



Reply to  
Attention of

**DEPARTMENT OF THE ARMY**  
**US ARMY CORPS OF ENGINEERS**  
**NORFOLK DISTRICT**  
**FORT NORFOLK**  
**803 FRONT STREET**  
**NORFOLK VA 23510-1096**

October 7, 2013

Northern Virginia Regulatory Section  
NAO-2013-01888 (Braddock Road at Pleasant Valley Road)

Virginia Department of Transportation  
4975 Alliance Drive  
Fairfax, Virginia 22030  
Attn: Mr. Bryan Campbell

Dear Mr. Campbell:

This letter is in regard to your request for a preliminary jurisdictional determination for waters of the U.S. (including wetlands), on property known as Braddock Road at Pleasant Valley Road, located on an approximately 15.7 acre parcel within the area known as Schneider's Crossroads, approximately three (3) miles west of Chantilly in western Fairfax County, Virginia.

The map entitled "Braddock Road at Pleasant Valley Road Intersection Improvements Project", by Virginia Department of Transportation dated September 2013 (on file at the Corps) provides the location of waters and/or wetlands on the property listed above. The basis for this delineation 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.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into waters and/or wetlands on this site may require a Department of the Army permit and 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 preliminary jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This is a preliminary jurisdictional determination and is therefore not a legally binding determination regarding whether Corps jurisdiction applies to the waters or wetlands in question. Accordingly, you may either consent to jurisdiction as set out in this preliminary jurisdictional determination and the attachments hereto if you agree with the

determination, or you may request and obtain an approved jurisdictional determination. "This preliminary jurisdictional determination and associated wetland delineation map may be submitted with a permit application."

Enclosed are two copies of the "Preliminary Jurisdictional Determination Form". Please review the document, sign both copies, return one copy to the Corps at the Northern Virginia Field Office at 18139 Triangle Plaza, Suite 213, Dumfries, Virginia 22026 within 30 days of receipt and keep one for your records. This delineation of waters and/or wetlands 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 Ms. Theresita Crockett-Augustine at (703) 221-9736 or [theresita.m.crockett-augustine@usace.army.mil](mailto:theresita.m.crockett-augustine@usace.army.mil).

Sincerely,

A handwritten signature in blue ink that reads "Theresita Crockett-Augustine". The signature is fluid and cursive, with the first name being the most prominent.

FOR Anna R. Lawston  
Acting Chief, Northern Virginia  
Regulatory Section

Enclosures: Preliminary Jurisdictional Determination Form; Wetland/Waters Delineation Map; Supplemental Preapplication Information

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Virginia Department of Transportation		File Number: NAO-2013-01888	Date: October 7, 2013
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
	APPROVED JURISDICTIONAL DETERMINATION		D
X	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://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) 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:

**United States Army Corps of Engineers  
Norfolk District CENAO-WR**

Northern Virginia Field Office  
ATTN: Theresita Crockett Augustine  
18139 Triangle Plaza, Suite 213  
Dumfries, Virginia 22026  
Phone: (703) 221-9736

Email: theresita.m.crockett-augustine@usace.army.mil

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

Mr. Michael Vissichelli  
Regulatory Appeals Review Officer  
U.S. Army Corps of Engineers  
CENAD-PD-OR  
Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, NY 11252-6700  
347-370-4663

**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:

# PRELIMINARY JURISDICTIONAL DETERMINATION FORM

## BACKGROUND INFORMATION:

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** Monday, October 7, 2013

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**  
Virginia Department of Transportation  
4975 Alliance Drive  
Fairfax, Virginia 22030  
Attn: Bryan Campbell

**C. DISTRICT OFFICE: Norfolk District (CENAO-REG)**

**FILE NAME:** Virginia Department of Transportation

**FILE NUMBER:** NAO-2013-01888

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

State: **VIRGINIA** County/parish/borough: Fairfax City:

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

Latitude: 38.881 ° N Longitude: 77.485 ° W

Universal Transverse Mercator:

Name of nearest waterbody: Elclick Run

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

Non-wetland waters: 115 linear feet; width (ft); and/or acres.

Cowardin Class: Riverine

Stream Flow: R3/R4

Wetlands: 5.47 acres

Cowardin Class: Palustrine (PFO, PSS, PEM)

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

Tidal:

Non-Tidal:

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

Office (Desk) Determination. Date:

Field Determination. Date(s): September 24, 2013

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.
  
3. 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:  
Virginia Department of Transportation

- 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: (National Geodetic 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):

**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.**



\_\_\_\_\_  
 Signature  
 Regulatory Project Manager  
 (REQUIRED)

2013-10-07

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of person requesting  
 Preliminary JD  
 (REQUIRED, unless obtaining the signature is impracticable)

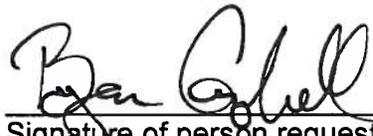
\_\_\_\_\_  
 Date

- 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: (National Geodetic 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):

**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.**

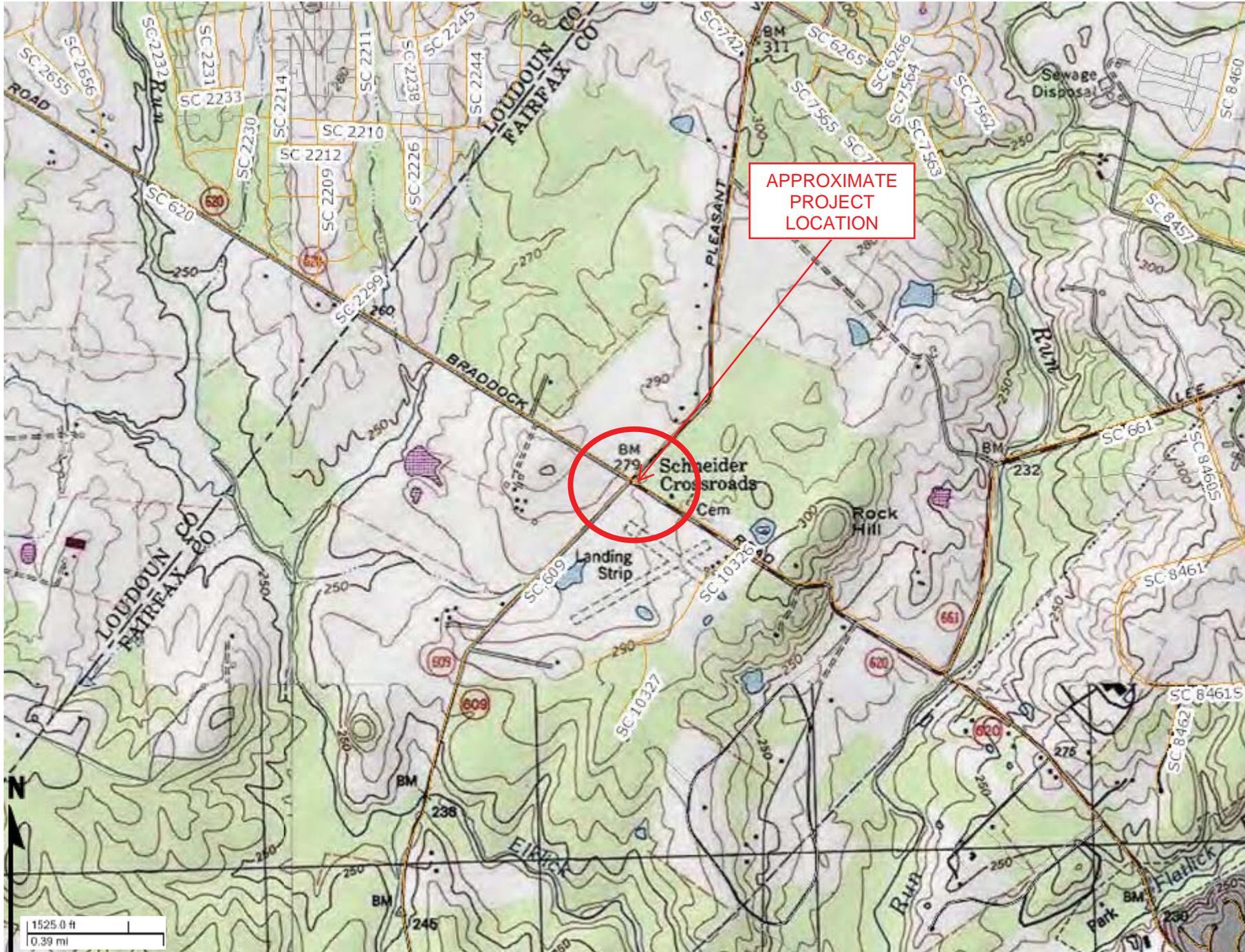
  
 \_\_\_\_\_  
 Signature  
 Regulatory Project Manager  
 (REQUIRED)

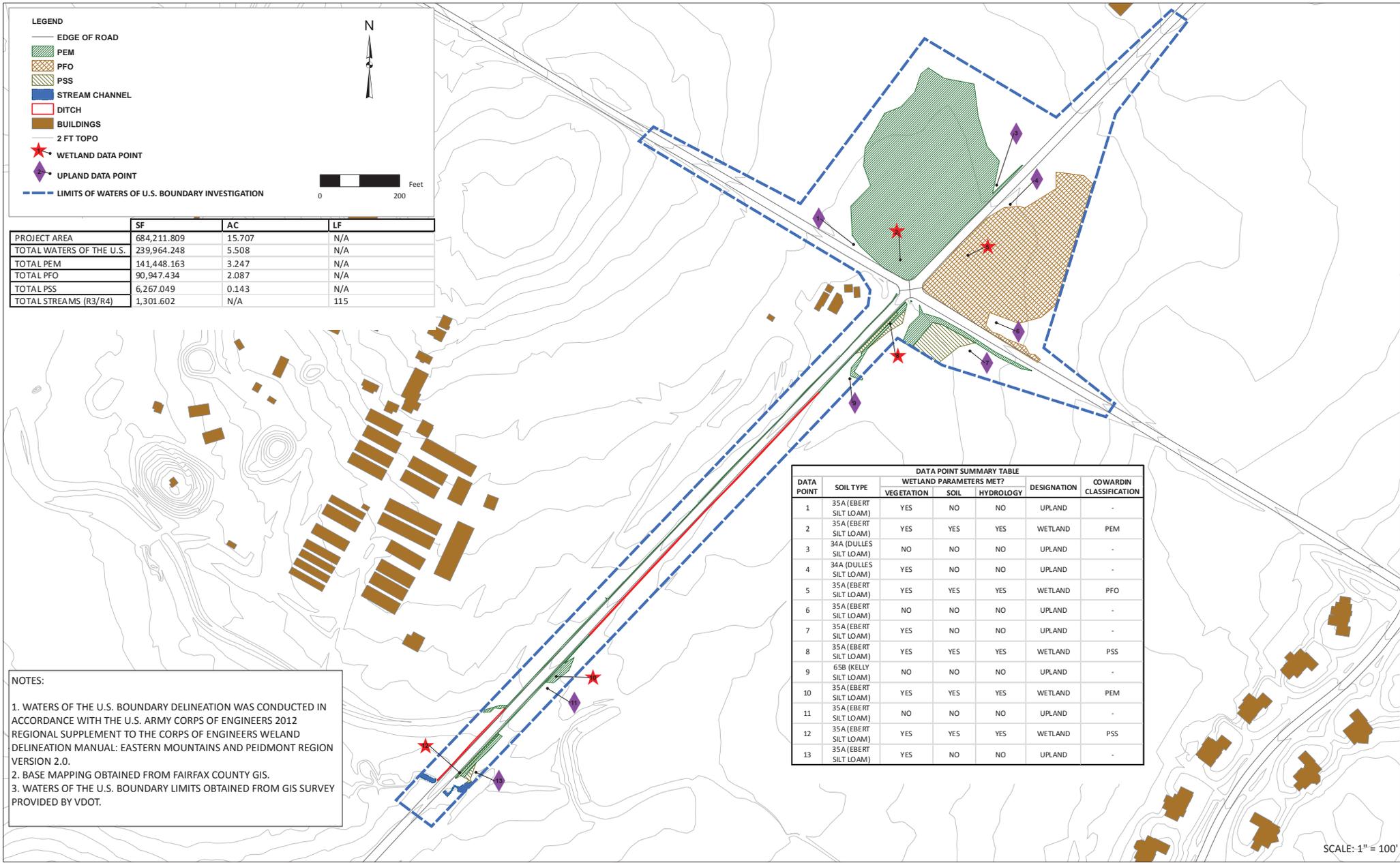
2013-10-07  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature of person requesting  
 Preliminary JD  
 (REQUIRED, unless obtaining the signature is impracticable)

10/7/13  
 \_\_\_\_\_  
 Date

# Location Map - Braddock Road at Pleasant Valley Road Intersection Improve





**LEGEND**

- EDGE OF ROAD
- PEM
- PFO
- PSS
- STREAM CHANNEL
- DITCH
- BUILDINGS
- 2 FT TOPO
- ★ WETLAND DATA POINT
- ◆ UPLAND DATA POINT
- LIMITS OF WATERS OF U.S. BOUNDARY INVESTIGATION



	SF	AC	LF
PROJECT AREA	684,211.809	15.707	N/A
TOTAL WATERS OF THE U.S.	239,964.248	5.508	N/A
TOTAL PEM	141,448.163	3.247	N/A
TOTAL PFO	90,947.434	2.087	N/A
TOTAL PSS	6,267.049	0.143	N/A
TOTAL STREAMS (R3/R4)	1,301.602	N/A	115

DATA POINT	SOIL TYPE	WETLAND PARAMETERS MET?			DESIGNATION	COWARDIN CLASSIFICATION
		VEGETATION	SOIL	HYDROLOGY		
1	35A (EBERT SILT LOAM)	YES	NO	NO	UPLAND	-
2	35A (EBERT SILT LOAM)	YES	YES	YES	WETLAND	PEM
3	34A (DULLES SILT LOAM)	NO	NO	NO	UPLAND	-
4	34A (DULLES SILT LOAM)	YES	NO	NO	UPLAND	-
5	35A (EBERT SILT LOAM)	YES	YES	YES	WETLAND	PFO
6	35A (EBERT SILT LOAM)	NO	NO	NO	UPLAND	-
7	35A (EBERT SILT LOAM)	YES	NO	NO	UPLAND	-
8	35A (EBERT SILT LOAM)	YES	YES	YES	WETLAND	PSS
9	65B (KELLY SILT LOAM)	NO	NO	NO	UPLAND	-
10	35A (EBERT SILT LOAM)	YES	YES	YES	WETLAND	PEM
11	35A (EBERT SILT LOAM)	NO	NO	NO	UPLAND	-
12	35A (EBERT SILT LOAM)	YES	YES	YES	WETLAND	PSS
13	35A (EBERT SILT LOAM)	YES	NO	NO	UPLAND	-

**NOTES:**

1. WATERS OF THE U.S. BOUNDARY DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WELAND DELINEATION MANUAL: EASTERN MOUNTAINS AND PEIDMONT REGION VERSION 2.0.
2. BASE MAPPING OBTAINED FROM FAIRFAX COUNTY GIS.
3. WATERS OF THE U.S. BOUNDARY LIMITS OBTAINED FROM GIS SURVEY PROVIDED BY VDOT.

SCALE: 1" = 100'

TITLE: WATERS OF THE US BOUNDARY DELINEATION  
 PROJECT: BRADDOCK RD AND PLEASANT VALLEY RD INTERSECTION IMPROVEMENT PROJECT  
 VDOT PROJECT #0620-029-017, C501, P101, R201 (UPC 103318)  
 APPLICANT: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)



Reply to  
Attention of

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VIRGINIA 23510-109

OCTOBER 7, 2013

**Supplemental Preapplication Information**

Project Number: NAO-2013-01888 (Braddock Road at Pleasant Valley Road)  
Applicant: Virginia Department of Transportation  
Project Location: Fairfax County

1. A search of the Virginia Department of Historic Resources data revealed the following:
  - No known historic properties are located on the property.
  - The following known architectural resources are located on the property:  
44FX1222
  - The following known archaeological resources are located on the property:
  - The following known historic resources are located in the vicinity of the property (potential for effects to these resources from future development):

**NOTE:**

- 1) *The information above is for planning purposes only. In most cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA).*
  - 2) *Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*
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 Game and Inland Fisheries revealed the following:

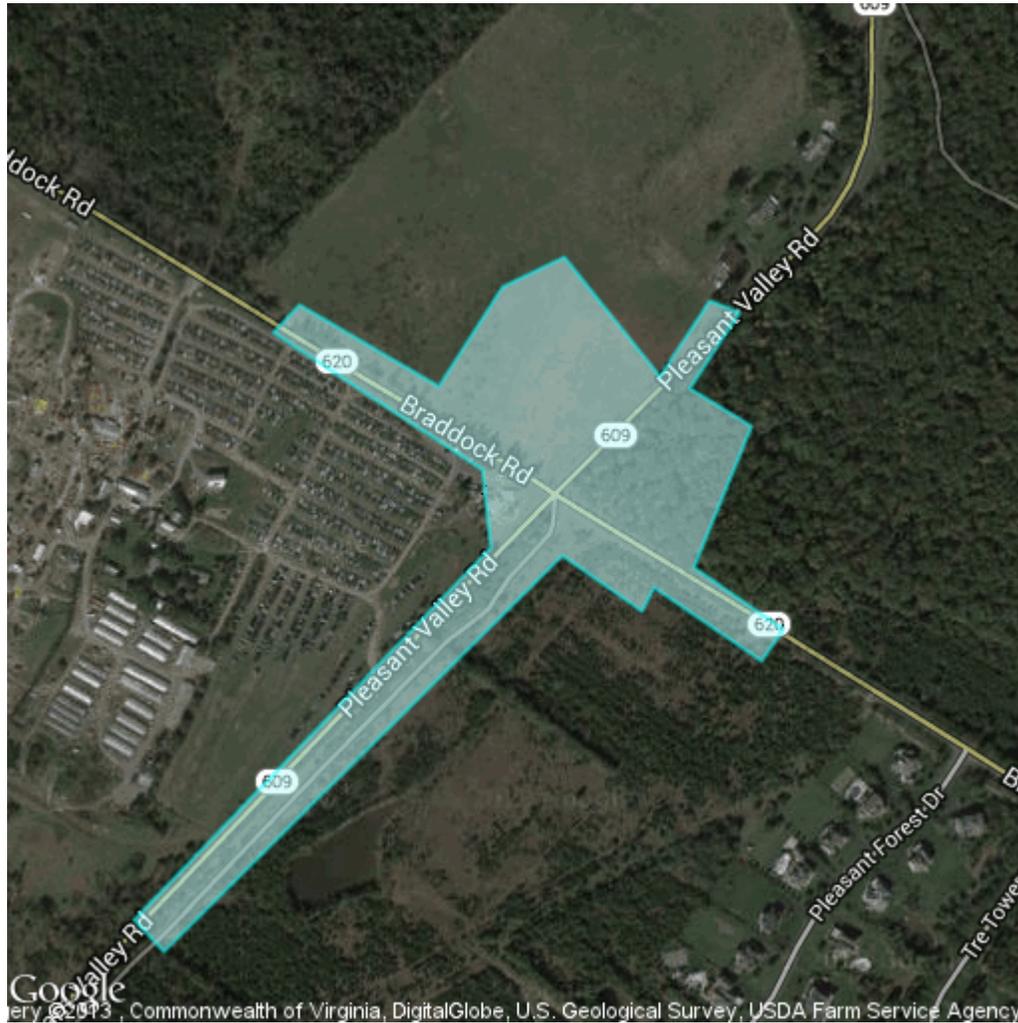
- No known populations of threatened or endangered species are located on or within the vicinity of the subject property.
- The following federally-listed species may occur within the vicinity of the subject property:
- The following state-listed (or other) species may occur within the vicinity of the subject property:

***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.***

**Regulatory GIS Report**

Report Date: 07-OCT-13

Center Coordinate: 38.881525, -77.485969



**CCB Bald Eagle Nest (2010)**

none

**CCB Bald Eagle Nest (2010) - 660' Buffer**

none

**NAO Dredged Material Placement Area**

none

**NAO Federal Navigation Channel**

none

**NAO Federal Navigation Channel Setback**

none

**NAO Flood Risk Management Project Location**

none

**NAO Reference Well Site**

none

**NMFS Essential Fish Habitat**

none

**NRCS Wetlands Determination (WETS) Station**

none

**USFWS Critical Habitat**

none

**VDCR Endangered Species**

<b>NHR ID</b>	<b>Site Description</b>	<b>Legal Status</b>	<b>Type</b>	<b>Site Name</b>
S_2197	A flat, partly wet site in the northern Virginia Triassic Basin supporting a globally rare forested wetland and two state-rare plants.	NL	Conservation Site	ROCK HILL

1 - 1

**VDGIF Anadromous Fish Use Waters**

none

**VDGIF TE Waters**

none

**VDGIF Cold Water Stream Survey (CWSS) - Trout Streams**

none

**VDGIF Colonial Water Birds**

none

**VDGIF Bald Eagle Concentration Area**

none

**VDGIF Federal & State Listed Species**

none

**VDHR Archaeological Resources**

DHR ID	Resource Name	Eligibility	Eligibility Date	Temporal	Comments
44FX1222	null		-	20th Century	

1 - 1

**VDHR Architectural Resources**

none

**VIMS SAV Beds (2010)**

none

**VIMS SAV Beds (2011)**

none

**VIMS SAV Beds (2012)**

no data found

release 1.0