



Reply to
Attention of

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

August 16, 2013

APPROVED JURISDICTIONAL DETERMINATION

Northern Virginia Regulatory Section
(Hubbard Run)
NAO-2013-1351

Wetland Studies and Solutions, Inc.
Attn: Jennifer D, Feese, PWS
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155

Dear Ms. Feese:

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 the 89-acre property known as the "Sammis Properties" located at the intersection of Airpark Road, Fleetwood Heights Road, and Beverly Ford Road and is bounded to the south by James Madison Highway (U.S. Route 15) at Elkwood in Culpeper County, Virginia. The site has a tax map parcel #34 8, #34 8A, #34 14, #34 14F, #34 14G..

An on-site jurisdictional determination has found waters and/or wetlands regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) on the property listed above. Nontidal, headwater wetlands have been identified on the site. This letter shall serve to confirm the wetlands delineation by Wetland Studies and Solutions, Inc., on file with the Corps entitled "WATERS OF THE U.S. (INCLUDING WETLANDS) DELINEATION MAP – PREPARED FOR: LEE SAMMIS ASSOCIATES – CULPEPER WILLIAM COUNTY, VA." and dated June 4, 2013.

Our basis for this determination is the application of the Corps' 1987 Wetland Delineation Manual (and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region, 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).

Discharges of dredged or fill material, including those associated with mechanized landclearing, into jurisdictional waters and/or wetlands 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 and/or wetlands 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.

In advance of a joint permit application for this project, we request that evidence that discharges of dredged or fill material into waters of the United States are avoided or minimized to the maximum extent practicable at the project site. Impacts to jurisdictional wetlands and/or waters that exceed 1-acre will require an off-site alternatives analysis. The off-site alternatives analysis would include other potential parcels that could accommodate the landfill expansion, the factors included in your evaluation (relative wetland impacts/costs), and why you dismissed them in favor of the proposed site that is adjacent to the existing landfill. Financial analysis forms are included (enclosure). Please complete the forms for our review. *We strongly recommend that wetland and stream impacts associated with any future development project are minimized to less than 1-acre of wetlands and less than 2,000-linear feet of streams.*

In addition to the above, our preliminary findings are that the proposed substation project may adversely affect the Brandy Station Battlefield Historic District (023-5049, 023-0053, and 023-5055) a property that may be eligible on the National Register of Historic Places (enclosure). Therefore, if a permit application was submitted by the proponent of this project, we could not permit filling activities in waters of the United States, including wetlands, until the requirements of Section 106 of the National Historic Preservation Act have been satisfied.

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:

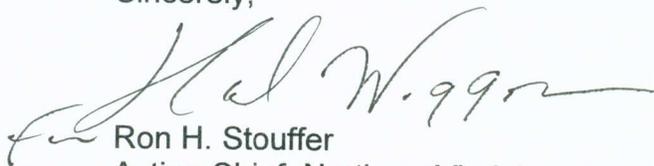
ATTN: Michael Vissichelli, Regulatory Appeals Review Officer
United States Army Corps of Engineers
North Atlantic Division
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252

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 Hal Wiggins at (540) 548-2517 or harold.j.wiggins@usace.army.mil. Copies of this verification letter have been provided to the Virginia Department of Environmental Quality, Lee Sammis Associates, Hornbaker Group, and Culpeper County Government.

Sincerely,

A handwritten signature in black ink that reads "Hal Wiggins". The signature is written in a cursive style with a long horizontal flourish at the end.

Ron H. Stouffer
Acting Chief, Northern Virginia
Regulatory Section

Enclosures