APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 19, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: DISTRICT: NAO, FILE NAME: Scimores Academy, NUMBER: 2015-02175

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State:Virginia County/parish/borough: Fairfax City:
Center coordinates of site (lat/long in degree decimal format): Lat. 38.937768° **N**, Long. 77.411179° **W**.
Universal Transverse Mercator: Zone 18N - 291,016m East - 4,312,635m North
Name of nearest waterbody: Long Branch -- Distance: 619.00 ft.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Potomac River
Name of watershed or Hydrologic Unit Code (HUC): 02070008

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

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

- ☐ Office (Desk) Determination. Date:
- ☒ Field Determination. Date(s): 12-22-15

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

- ☐ Waters subject to the ebb and flow of the tide.
- ☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
   - ☐ TNWs, including territorial seas
   - ☐ Wetlands adjacent to TNWs
   - ☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
   - ☐ Non-RPWs that flow directly or indirectly into TNWs
   - ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   - ☐ Impoundments of jurisdictional waters
   - ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: 235 linear feet: 2-6 width (ft) and/or 0.02 acres.
   Wetlands: 0.32 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
   Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   - ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **See Attachment I: Note #11**.

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[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: ±80, 450 **acres**
Drainage area: ±25 **acres**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **3** tributaries before entering TNW.

Project waters are **15-20** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **5-10** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: 619 feet to Frying Pan Branch to Horsepen Run to Broad Run to unnamed waterbody to Potomac River - (15.6 miles length).

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[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: 2-6 feet
Average depth: 0.25-2.00 feet
Average side slopes: **3:1 .**

Primary tributary substrate composition (check all that apply):

☒ Silts	☒ Sands	☐ Concrete
☒ Cobbles	☒ Gravel	☐ Muck
☐ Bedrock	☒ Vegetation. Type/% cover: See Exhibit 11.	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: See Exhibit 11..
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 0-7 %

(c) Flow:
Tributary provides for: **Intermittent but not seasonal flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☒ clear, natural line impressed on the bank	☒ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☒ vegetation matted down, bent, or absent	☐ sediment sorting
☒ leaf litter disturbed or washed away	☐ scour
☒ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

■ High Tide Line indicated by:	■ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: .
Identify specific pollutants, if known: .

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iv) Biological Characteristics. Channel supports (check all that apply):

☒ Riparian corridor. Characteristics (type, average width): .
☒ Wetland fringe. Characteristics: See Attachment 1.
☐ Habitat for:
  ☐ Federally Listed species. Explain findings: .
  ☐ Fish/spawn areas. Explain findings: .
  ☐ Other environmentally-sensitive species. Explain findings: .
  ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Wetland size:0.32acres
Wetland type. Explain:PFO, PEM.
Wetland quality. Explain:PEM disturbed by agricultural (horse) activities.
Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:
Flow is: **Intermittent flow**. Explain: .

Surface flow is**: Discrete**
Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:
☒ Directly abutting
☐ Not directly abutting
  ☐ Discrete wetland hydrologic connection. Explain: .
  ☐ Ecological connection. Explain: .
  ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW
Project wetlands are **15-20** river miles from TNW.
Project waters are **5-10** aerial (straight) miles from TNW.
Flow is from: **Wetland to navigable waters.**
Estimate approximate location of wetland as within the **500-year or greater** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Water quality likely impacted by agricultural activities and local development..
Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

☒ Riparian buffer. Characteristics (type, average width): .
☒ Vegetation type/percent cover. Explain: .
☐ Habitat for:
  ☐ Federally Listed species. Explain findings: .
  ☐ Fish/spawn areas. Explain findings: .
  ☐ Other environmentally-sensitive species. Explain findings: .
  ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **4**
Approximately (0.32) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
See Attachment 1			

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: See Exhibit 11.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☒ Tributary waters: **235** linear feet **2-6** width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: **.**

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **.**

☒ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: See Attachment 1.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.32** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall 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: Attachment 1.
☒ 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: 1" = 2,000'; Herndon, VA 1994.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:Fairfax County Digital Soils Data.
☒ National wetlands inventory map(s). Cite name:Digital, downloaded September 2014.
☐ State/Local wetland inventory map(s): .
☒ FEMA/FIRM maps: Panel 51059C0110E and Panel 51059C120E (effective 9/17/2010).
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): March 2013 Color Infrared Imagery (VBMP); March 2013 Natural Color Imagery (VBMP).
or ☒ Other (Name & Date): Exhibit 12: Site photographs, 16 and 17 November 2015.
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

VCS 1983 NORTH ZONE

LEGEND

- SITE BOUNDARY
- INTERMITTENT STREAM (PER WSSI'S OBSERVATIONS)
- APPROXIMATE INTERMITTENT STREAM
- JURISDICTIONAL WETLAND AREAS
- APPROXIMATE LIMITS OF NON-JURISDICTIONAL FEATURES (SUBJECT TO COE CONCURRENCE – NOTE #11)
- D6 + WETLAND FLAGGING POINT/NUMBER (pink-glo)
- DP2 ⊞ DATA SHEET LOCATION/NUMBER (orange and pink-glo)
- RCP REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- PVC POLYVINYL CHLORIDE PIPE
- HDPE HIGH DENSITY POLYETHYLENE PIPE
- ○ IRON PIPE FOUND
- △ FLY POINT (WSSI)

COWARDIN CLASSIFICATION

PEM	PALUSTRINE EMERGENT WETLAND
PFO	PALUSTRINE FORESTED WETLAND
R4	RIVERINE INTERMITTENT

1

SUMMARY OF JURISDICTIONAL AREAS WITHIN THE SCIMORES ACADEMY PROPERTY*

COWARDIN CLASSIFICATION	AREA (SQUARE FEET)	AREA (ACRE)	LINEAR FEET OF STREAMBED
R4	479	0.01	122
PEM	9,510	0.22	N/A
PFO	4,682	0.11	N/A
TOTAL	14,671	0.34	122

* These numbers are based on the surveyed locations of the delineated WOTUS boundaries within the site boundary.

WATERS OF THE U.S. DELINEATION AND RESOURCE PROTECTION AREA (RPA) EVALUATION AND SURVEY NOTES:

1. This map has been oriented to The Virginia Coordinate System of 1983, North Zone, using real time DGPS. Wetlands and other Waters of the U.S. (i.e. streams) flags, data points, and the monumentation shown were located in the field using conventional survey methods. Accuracy of field locations of wetlands meets or exceeds the standards set by the U. S. Army Corps of Engineers Memo CENAO-CO-R, dated September 30, 1998. Field locations were completed on November 17, 2015.

2. The base map, including boundary, topography, and physical improvements was provided to Wetland Studies and Solutions, Inc. (WSSI) on November 17, 2015 by Walter L. Phillips, LLC., and is used with their permission.

3. Monumentation, including traverse stations and fly points, shown on this drawing should be used to orient wetland locations to any future boundary, topographic, or location survey.

4. Periodic flag numbers are shown depicting the survey-located boundary of wetlands and other waters of the U.S. (i.e., streams). Waters of the U.S. flags are pink-glo in color. Data points are flagged with orange-glo and pink-glo flagging tied together.

5. This delineation was performed pursuant to the "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 (1987 Manual) and subsequent guidance and modification by the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0)* dated April 2012.

6. The Routine On-Site Wetland Determination Method for sites more than 5 acres was used for this site, with multiple transects performed as depicted on this Attachment.

7. Field work was performed on November 16 and 17, 2015 by Neil Gutherman, WPIT, Brandon Blackburn, and Benita Voran.

8. This water of the U.S. (i.e., stream) continues off-site, upslope.

9. This water of the U.S (i.e. stream) continues off-site, downslope.

10. While the swale labeled "UPL SWALE (NOTE #10)" possesses short segments of a defined channel with evidence of flow (i.e., drift lines of debris), it lacks hydric soils and a continuous ordinary high water mark and terminates in uplands, thereby lacking a jurisdictional connection with waters of the U.S. Therefore, in WSSI's opinion, this swale is not a jurisdictional water of the U.S. (subject to COE concurrence).

11. Impoundments, such as the one in the central portion of the site, that were created by excavating and/or diking dry land to collect and retain water for stock watering (i.e., farm ponds created in an upland field), settling basins or irrigation are not generally considered waters of the U.S. per the commentary for 33 CFR Section 328.3 in the "Final Rule for the Regulatory Programs of the Corps of Engineers" (Fed. Reg. Vol. 51, No. 219, Pg. 41217). However, either the COE or the EPA may determine on a case-by-case basis that such features are jurisdictional waters of the U.S. At the time of the jurisdictional determination site visit, WSSI will request the COE to concur that this settling basin is not a jurisdictional water of the U.S.

12. Stream evaluation methods developed by the North Carolina Division of Water Quality (NCDWQ) and the Fairfax County Department of Public Works and Environmental Services (DPWES) were used in the field to distinguish between ephemeral and intermittent streams (based on the NCDWQ method) and between intermittent and perennial streams (based on both methods). These methods were used to characterize representative reaches of the streams on-site and within 100 feet of the site.

13. The term "Intermittent" is used on this Attachment to classify and describe the flow regime character of streams, is based on WSSI's field observations, and is only provided for state and local regulatory purposes. The flow regimes of streams are not verified by the COE; however, the geographic limits of these streams are all subject to COE jurisdiction, and the COE's approval of this delineation represents only the approval of the geographic limits of waters of the U.S.

14. No perennial water bodies or other Resource Protection Area (RPA) core components were identified on or within 100 feet of the site; therefore, no RPA is present on-site as is depicted on this Attachment.

15. The entirety of the site is designated as a Resource Management Area (RMA), as are all areas of the County not included as an RPA.

16. WSSI has delineated and surveyed the outer limits of jurisdictional areas within the project site. Many of the jurisdictional areas on the site are composed of systems containing different wetland (i.e., PFO and PEM) and stream (i.e., R4) types. The approximate limits of the different wetland and stream types within the surveyed jurisdictional areas are depicted as a thin black line of the associated line type.

1

REVISION NOTES:

1. At the time of the COE site visit on December 22, 2015, the COE determined that the intermittent stream (R4) delineated with the B flagging series (from Flags B-1 to B-7) in the southern portion of the site is a palustrine emergent wetland (PEM).

The Summary of Jurisdictional Areas Table and Notes have been revised to reflect this change.

2. The COE concurred that the features labeled as "Non-Jurisdictional Feature" and "UPL SWALE" were non-jurisdictional.

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ATTACHMENT I:
WATERS OF THE U.S. (INCLUDING WETLANDS) DELINEATION AND RESOURCE PRTOECTION AREA EVALUATION MAP

Prepared For: Scimores Corporation

Scimores Academy
Fairfax County, Virginia

REVISIONS

No.	Date	Description	Rev. By	App. By
1	12/28/15	Revised per COE site visit comments	NG	BNR

DATE: December 1, 2015 | SCALE: 1" = 50' | C.I.: 2'

Horizontal Datum: VCS NAD 83

Vertical Datum: NGVD 1929

Boundary and Topo Source: Walter L. Phillips, LLC

Design	Draft	Approved
JDF	NG	BNR

Sheet # 1 of 1

Computer File Name:
L:\22000s\22040\22039\01\CADD\01-ESVR 2015-12-01_delineation map.dwg