



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

October 5, 2021

## **NOTIFICATION OF APPROVED JURISDICTIONAL DETERMINATION**

Northern Virginia Regulatory Section  
NAO-2021-01919 (Town Run)

Matan Companies  
Attn: Mick Wrisley  
4600 Wedgewood Boulevard, Suite A  
Frederick, Virginia 21703

Dear Mr. Wrisley:

This letter is regarding your request for an approved jurisdictional determination for waters of the U.S. (including wetlands) on the property known as the Strasburg Industrial project. The approximately 77-acre project site is located south of Interstate 81, east of John Marshall Highway (US Rt. 48) and southwest of Timberlake Road (US Rt. 660) in Shenandoah County, Virginia.

On July 13, 2021, the U.S. Army Corps of Engineers (Corps) received your request for an approved jurisdictional determination for the above referenced project area. Based upon a desktop evaluation, the 33 CFR 329 definition of navigable waters of the United States, and the 33 CFR 328 definition of waters of the United States and federal regulation of navigable waters, the Corps determines:

There are waters of the U.S. within the above-described project area, which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). These waters exhibit wetland criteria as defined by the 1987 Corps of Engineers Wetland Delineation Manual, and the Eastern Mountains and Piedmont Regional Supplement. This site also contains waters with an ordinary high-water mark that are part of the tributary system to Navigable Waters of the U.S. The project area contains approximately 0.25 acres of jurisdictional wetlands and 1,090 linear feet (0.21 acres) of jurisdictional stream channel.

The delineation included herein has been conducted to identify the location, extent, and jurisdictional status of the waters within the established project area for purposes of Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA). The Corps verifies the delineation of waters of the U.S. depicted on the map titled "Waters of the US (including wetlands) Delineation Map – Strasburg Industrial," submitted on your behalf by WSSI, dated July 6, 2021 and with a final revision date of September 23, 2021 (copy attached). **Please note, we are not confirming the**

**Cowardin classifications of these waters, nor the limits/jurisdiction status of any waters mapped outside the above-described project area.**

Please be aware that you may be required to obtain a Corps permit for any permanent or temporary discharges of dredged and/or fill material into waters of the U.S. In addition, you may be required to obtain a Corps permit for certain activities occurring within, under, or over a navigable water of the U.S. subject to Section 10 of the Rivers and Harbors Act. Furthermore, you may be required to obtain state and local authorizations, including a Virginia Water Protection Permit from DEQ, a permit from the Virginia Marine Resource Commission (VMRC), and/or from your local wetlands board. Any discharges of dredge and/or fill material into waters not subject to Corps jurisdiction (i.e. excluded waters) will not require a Corps permit but may require state or local authorization as cited above.

This delineation and jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. Therefore, if you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

The Norfolk District has relied on the information and data provided by the property owner/requestor or agent to make this determination. If it is determined such information and data are materially false or materially incomplete, a new determination would be necessary.

**ADMINISTRATIVE APPEALS NOTIFICATION**

This letter constitutes an approved jurisdictional determination for the above-described project area. If you object to this determination, you may request an administrative appeal under Corps regulations (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: Ms. Naomi J. Handell, Regulatory Program Manager  
United States Army Corps of Engineers  
CENAD-PD-OR  
Fort Hamilton Military Community  
301 General Lee Avenue  
Brooklyn, NY 11252-6700

The Corps will determine whether the RFA is complete and meets the criteria for appeal under 33 CFR 331.5. The RFA must be received at the above address within 60

NAO-2021-01919 (Town Run)

days of the RFA, and by December 6, 2021. The Corps will not accept incomplete or late RFAs. You do not need to submit an RFA if you do not object to the approved jurisdictional determination.

This approved jurisdictional determination is valid for five years from the date of this notification unless new information warrants revision prior to the expiration date.

If you have any questions, please contact Anna Lawston either via telephone at (540)764-4459 or via email at [anna.r.lawston@usace.army.mil](mailto:anna.r.lawston@usace.army.mil).

Sincerely,

Anna R. Lawston  
Environmental Scientist  
Northern Virginia Regulatory Section

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

Applicant: Matan Companies		File Number: 2021-01919	Date: 10/05/2021
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	
xx	APPROVED JURISDICTIONAL DETERMINATION	D	
	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/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.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:

**The Amissville Field Office**

**Anna Lawston**

**PO Box 489**

**Amissville, VA 20106**

**(540) 764-4459**

**([anna.r.lawston@usace.army.mil](mailto:anna.r.lawston@usace.army.mil)).**

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

Ms. Naomi J. Handell

Regulatory Program Manager (CENAD-PD-OR)

U.S. Army Corps of Engineers

Fort Hamilton Military Community

301 General Lee Avenue

Brooklyn, New York 11252-6700

Telephone number: (917) 789-4841

[Naomi.J.Handell@usace.army.mil](mailto:Naomi.J.Handell@usace.army.mil)


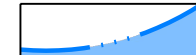
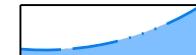


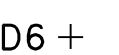
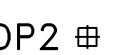




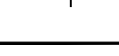
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

# LEGEND

-  STUDY AREA BOUNDARY
-  INTERMITTENT STREAM (PER WSSI'S OBSERVATIONS)
-  APPROXIMATE LIMITS OF INTERMITTENT STREAM (PER WSSI OBSERVATIONS - NOT SURVEYED) NOTE #11
-  PALUSTRINE EMERGENT WETLAND AREAS
-  #1 STUDY AREA PHOTOGRAPHS
-  D6 + WETLAND FLAGGING POINT/NUMBER (pink-glo)
-  DP2 # DATA POINT LOCATION/NUMBER (orange and pink-glo) (SURVEYED)
-  ● REBAR FOUND
-  ○ IRON PIPE FOUND
-  △ FLY POINT (WSSI)
-  CMP CORRUGATED METAL PIPE
-  ⊕ CONCRETE MOUND FOUND

## COWARDIN CLASSIFICATION

- R4 RIVERINE INTERMITTENT
- PEM PALUSTRINE EMERGENT WETLAND

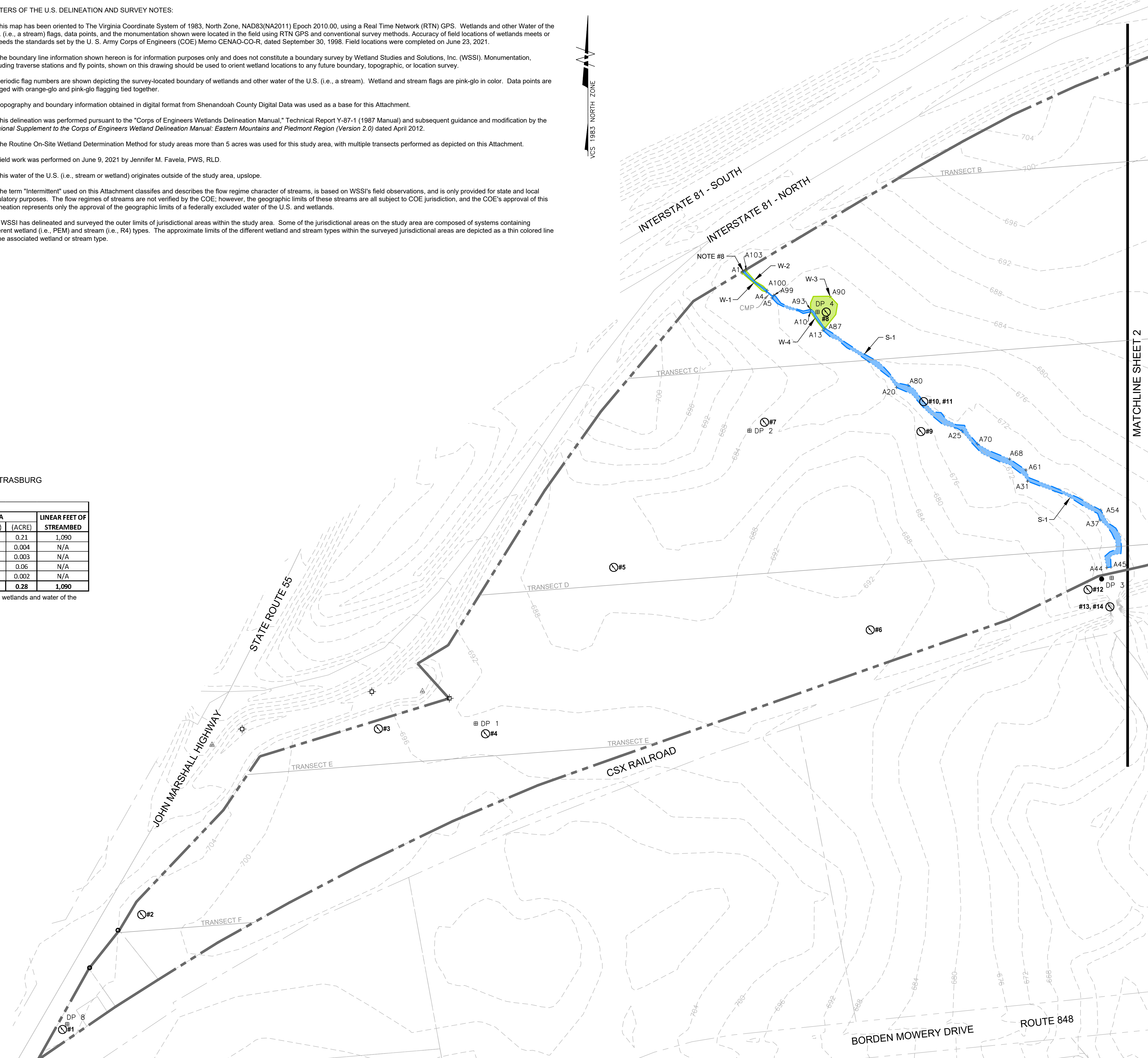
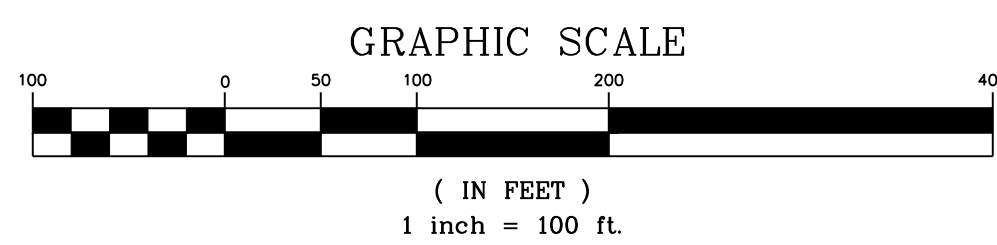
### WATERS OF THE U.S. DELINEATION AND SURVEY NOTES:

1. This map has been oriented to The Virginia Coordinate System of 1983, North Zone, NAD83(NA2011) Epoch 2010.00, using a Real Time Network (RTN) GPS. Wetlands and other Water of the U.S. (i.e., a stream) flags, data points, and the monumentation shown were located in the field using RTN GPS and conventional survey methods. Accuracy of field locations of wetlands meets or exceeds the standards set by the U. S. Army Corps of Engineers (COE) Memo CENAO-CO-R, dated September 30, 1998. Field locations were completed on June 23, 2021.
2. The boundary line information shown herein is for information purposes only and does not constitute a boundary survey by Wetland Studies and Solutions, Inc. (WSSI). 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.
3. Periodic flag numbers are shown depicting the survey-located boundary of wetlands and other water of the U.S. (i.e., a stream). Wetland and stream flags are pink-glo in color. Data points are flagged with orange-glo and pink-glo flagging tied together.
4. Topography and boundary information obtained in digital format from Shenandoah County Digital Data was used as a base for this Attachment.
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 Wetlands Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0)* dated April 2012.
6. The Routine On-Site Wetland Determination Method for study areas more than 5 acres was used for this study area, with multiple transects performed as depicted on this Attachment.
7. Field work was performed on June 9, 2021 by Jennifer M. Favela, PWS, RLD.
8. This water of the U.S. (i.e., stream or wetland) originates outside of the study area, upslope.
9. The term "Intermittent" used on this Attachment classifies and describes 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 a federally excluded water of the U.S. and wetlands.
10. WSSI has delineated and surveyed the outer limits of jurisdictional areas within the study area. Some of the jurisdictional areas on the study area are composed of systems containing different wetland (i.e., 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 colored line of the associated wetland or stream type.

SUMMARY OF JURISDICTIONAL RESOURCES WITHIN THE STRASBURG INDUSTRIAL STUDY AREA\*

AQUATIC RESOURCE	COWARDIN CLASSIFICATION	AREA		LINEAR FEET OF STREAMBED
		(SQUARE FEET)	(ACRE)	
S-1	R4	9,214	0.21	1,090
W-1	PEM	154	0.004	N/A
W-2	PEM	136	0.003	N/A
W-3	PEM	2,579	0.06	N/A
W-4	PEM	81	0.002	N/A
<b>TOTAL JURISDICTIONAL WOTUS ON STUDY AREA</b>		<b>12,164</b>	<b>0.28</b>	<b>1,090</b>


\* These numbers are based on the surveyed and approximate locations of the delineated wetlands and water of the U.S. boundaries within the study area boundary.



# ATTACHMENT I: WATERS OF THE U.S. (INCLUDING WETLANDS) DELINEATION MAP

Prepared For: Matan Companies

Strasburg Industrial  
Shenandoah County, Virginia  
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Gainesville, Virginia 20155  
Phone: 703-679-5600 • Fax: 703-679-5601  
www.wetlands.com

REVISIONS			
No.	Date	Description	App. By
1	09/23/21	Revised to reflect changes to the WOTUS rule	JMF
			BNR

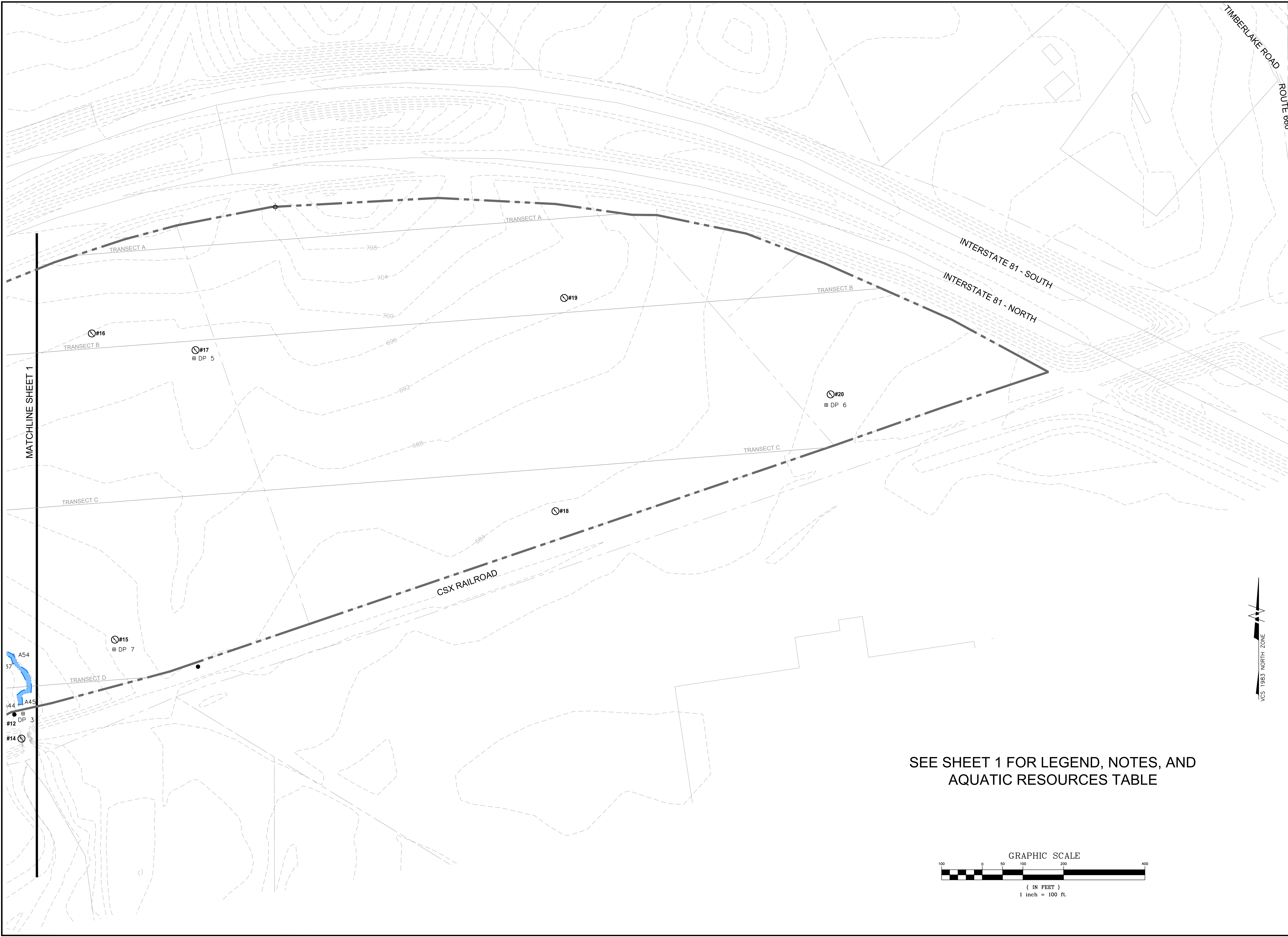
DATE: July 6, 2021      SCALE: 1" = 100'      C.I.: 4'

Design	Draft	Approved
JMF	JMF	BNR

Sheet #  
1 of 2

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Vertical Datum: NAVD 88  
Boundary and Topo Source: Shenandoah County Digital Data

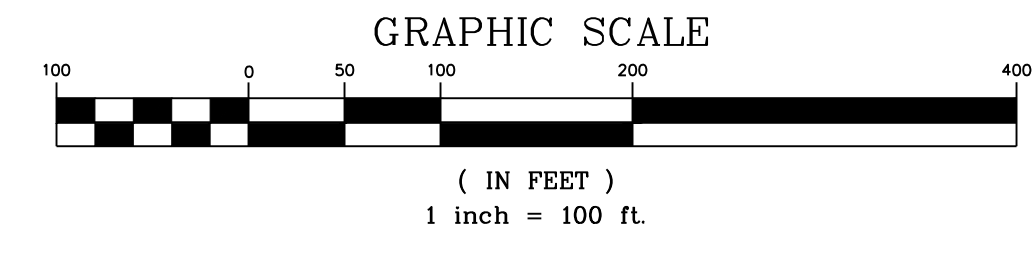
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MATCHLINE SHEET 1



SEE SHEET 1 FOR LEGEND, NOTES, AND  
AQUATIC RESOURCES TABLE



**ATTACHMENT I:  
WATERS OF THE U.S. (INCLUDING WETLANDS)  
DELINEATION MAP**

Prepared For: Matan Companies

**Strasburg Industrial**  
Shenandoah County, Virginia  
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No.	Date	Description	REVISIONS		App. By	Rev. By	App. BNR
			1	09/23/21			
		Revised to reflect changes to the WOTUS rule	JMF	BNR			

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Horizontal Datum: VCS NAD 83

Vertical Datum: NAVD 88

Boundary and Topo Source: Shenandoah County Digital Data

Design	Draft	Approved
JMF	JMF	BNR

Sheet #  
**2 of 2**

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