



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

January 27, 2022

NOTIFICATION OF APPROVED JURISDICTIONAL DETERMINATION

Northern Virginia Regulatory Section
NAO-2021-02984 (Gap Run)

Micah and Alicia Mossman
9614 Possum Hollow Drive
Delaplane, VA 20144

Dear Mr. and Ms. Mossman:

This letter is in regard to your request for an approved jurisdictional determination for the waters of the U.S. (including wetlands) on the approximately 26-acre parcel of land located at 9614 Possum Allow Drive, in Fauquier County, Virginia, and hereinafter referred to as project area.

On November 22, 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 and/or Section 10 of the Rivers and Harbors Act. These waters exhibit wetland criteria as defined by the 1987 Corps of Engineers Wetland Delineation Manual, and the Eastern Mountain 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 0.082 acre of jurisdictional wetlands and 1,311 linear feet 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 entitled "Attachment I: Waters of the U.S. (Including Wetlands) Delineation Map, Prepared For: Micah and Alicia Mossman, 9614 Possum Hollow Drive, Fauquier County, Virginia", dated November 2021, and conducted by Wetlands Studies and Solutions (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. isolated 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 days

of the RFA, and by **March 29, 2022**. 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 regarding this notification, please contact Silvia Gazzera either via telephone at (804)212-6817 or via email at Silvia.b.gazzera@usace.army.mil.

Sincerely,

Silvia B. Gazzera, Ph.D.
Project Manager, Northern Virginia
Regulatory Section

Enclosure(s)

Cc: DEQ