

# Arlington National Cemetery Millennium Project Final Environmental Assessment



**Lead Agency:**  
Arlington National Cemetery  
**Cooperating Agency:**  
U.S. National Park Service

June 2013



US Army Corps  
of Engineers®  
Norfolk District

**APPENDIX H:**  
**Wetland Delineation**





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

REPLY TO  
ATTENTION OF

28 November 2011

**PRELIMINARY JURISDICTIONAL DETERMINATION**

Northern Virginia Regulatory Section  
NAO-2011-02220 (Tributary to Boundary Channel)

Colonel Victoria M. Bruzese, MIL USA ANC  
C/o Laurie Neitzke, Project Manager  
USACE Norfolk District  
CENAO-PM-JS  
803 Front Street  
Norfolk, Virginia 23510

Dear Ms. Neitzke.:

This letter is in regard to your request for a preliminary jurisdictional determination for waters of the U.S. (including wetlands) on the property known as the Arlington National Cemetery Millennium Site located in Arlington, Fairfax County, Virginia.

The maps entitled "Figure A-6: Wetland and Waters of US at Millennium Site Arlington National Cemetery," dated November 2, 2011 (*enclosed and on file at the Corps*) are hereby verified as accurate. Our basis for this determination is the application of the Corps' 1987 Wetland Delineation Manual, *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain 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.

The Norfolk District has relied on the information and data provided by the applicant or agent. If such information and data subsequently prove to be materially false or materially incomplete, this verification may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

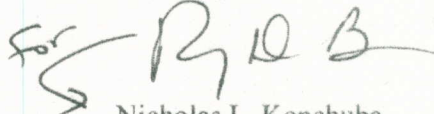
Discharges of dredged or fill material, including those associated with mechanized landclearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department 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.

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.

Should you have any questions, you may call (540) 548-2838 or email [regena.d.bronson@usace.army.mil](mailto:regena.d.bronson@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "N. L. Konchuba", with a stylized flourish at the end.

Nicholas L. Konchuba  
Chief, Northern Virginia  
Regulatory Section

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

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

### BACKGROUND INFORMATION:

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** Monday, November 28, 2011

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

Colonel Victoria M. Bruzese, MIL USA ANC  
C/o Laurie Neitzke, Project Manager, USACE Norfolk District, CENAO-PM-JS  
803 Front Street, Norfolk, VA 23510

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

**FILE NAME:** Arlington National Cemetery Millennium Project

**FILE NUMBER:** NAO 2011-02220

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

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

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

Latitude: 38.88339 ° N Longitude: -77.07578 ° W

Universal Transverse Mercator:

Name of nearest waterbody: Trib to Boundary Channel to Potomac River

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

Non-wetland waters: 2754 linear feet; width (ft); and/or acres.

Cowardin Class: R3 and R4

Stream Flow: streams flow to Arlington Storm water >Boundary Channel> Potomac River

Wetlands: 0.19 acres

Cowardin Class: PFO

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): November 2, 2011



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:  
Laurie Neitzke, Project Manager, USACE Norfolk District, CENAO-PM-JS  
803 Front Street  
Norfolk, Virginia 23510

- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☒ Office concurs with data sheets/delineation report. 8/7/2009
- ☐ 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): August 2009 by Baltimore USACE  
File no. and date of response letter:
- ☒ Other information (please specify): Site visit November 2, 2001 to review streams

**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.**

Regena Bronson

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

2011-11-28

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date





DEPARTMENT OF THE ARMY  
NORFOLK DISTRICT CORPS OF ENGINEERS  
FORT NORFOLK 803 FRONT STREET  
NORFOLK, VIRGINIA 23510-1096

REPLY TO

ATTENTION OF: 28 November 2011

**Supplemental Preapplication Information**

**Name and project:**

NAO-2011-02220 (Tributary to Boundary Channel)

Colonel Victoria M. Bruzese, MIL USA ANC  
C/o Laurie Neitzke, Project Manager  
USACE Norfolk District  
CENAO-PM-JS  
803 Front Street  
Norfolk, Virginia 23510

**County: Fairfax**

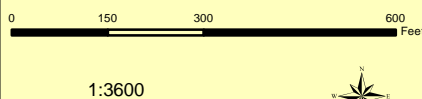
1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:
  - ☐ No known historic properties are located on the property. (see attached letter)
  - ☒ The following known architectural resources are located on the property: Arlington National Cemetery and Fort Meyer Districts
  - ☒ The following known archaeological resources are located on the property: Arlington House
  - ☐ The following known historic districts are in the vicinity of the property.
2. A search of the Virginia Department of Conservation and Recreation's data revealed the following:
  - ☒ No known populations of federally listed threatened or endangered species are located within one minute latitude/longitude of the property. )
  - ☐ The following species are known to be within one minute latitude/longitude of the property or
  - ☐ The property is within a known concentration area for the following species:
3. We suggest the following avoidance, minimization, and compensatory mitigation measures be incorporated into any plans you prepare for the 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. Lastly, the Corps only consulted the Virginia Department of Conservation & Recreation's database. You may want to consult the Virginia Department of Game and Inland Fisheries' database at [www.dgif.va.state.us](http://www.dgif.va.state.us)





**Figure A-6: Wetlands and Waters of US  
at Millennium Site  
Arlington National Cemetery**



Survey Performed:  
2 November 2011

Source:  
Arlington National  
Cemetery 2011  
3 Inch Imagery

Projection: Virginia State Plane  
North Zone - NAD 83 U.S. Survey Feet

Prepared by: Walter Kloth  
Geospatial Services Section

Map File: MillenniumS\_Wetlands.mxd  
Map Date: 15 November 2011



US Army Corps  
of Engineers  
Norfolk District





MEMORANDUM FOR THE RECORD

December 12, 2012

Northern Virginia Regulatory Section  
(Unnamed tributary to Claiborne Run)  
NAO-2011-02220

On December 10, 2012 a site visit was performed at address a possible vernal pool overlook on the 2011 delineaion. The vernal pool was to be located near the abandoned brick footbridges to the Old Warehouse Area as per the report titled "**FINAL ARLINGTON NATIONAL CEMETERY MILLENIUM SITE CONSTRAINTS SUMMARY**" dated December 2005. The report was conducted by USACE Baltimore District.

Site meeting included:  
Trisha Beasely of DEQ  
Greg Hegge USACE Norfolk  
Regena Bronson USACE Norfolk  
Kelly Wilson ANC Horticulturist  
Ben Rosner and Mike Rolband WSSI  
Dan Jacobs Engineering

All walked upstream from the maintenac area and found no evidence of a vernal pool. The possible location of the vernal pool was highly disturbed by years of debris dumping from the ANC grounds. At this time no wetland area was noticeble. If a vernal pool or wetlands was to be found it would possible be isolated

CONCLUSIONS AND RECOMMENDATIONS: During the site visit on December 12, 2012 there was no evidence of a vernal pool existing within the location of the 2005 report or any where else along the stream.

12/12/12  
DATE

  
\_\_\_\_\_  
Regena Bronson  
ENVIRONMENTAL SCIENTIST



## MEMORANDUM FOR THE RECORD

February 26, 2013

Northern Virginia Regulatory Section  
(Unnamed tributary to Claiborne Run)  
NAO-2011-02220

On February 25, 2013 a site visit was performed by the Corps to investigate a “spring” or “seep” within the area marked as AH15 on the plan dated February 22, 2013 (attached). The Corps concurs that ground water is discharging from the upper reaches of the intermittent stream 11 and not further upslope as depicted on the attached plan. Furthermore, Ben Rosner from Wetland Studies and Solutions has verified the discharge of water to be a natural spring. The spring 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.







February 27, 2013

DATE

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Regena Bronson  
ENVIRONMENTAL SCIENTIST



