



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

February 3, 2022

**PRELIMINARY JURISDICTIONAL DETERMINATION**

Northern Virginia Regulatory Section  
NAO-2021-02514 (tributary to Turkey Run)

D.R. Horton  
Attn: Priya Tiwari  
181 Harry S Truman Parkway Suite 250  
Annapolis, MD 21401

Dear Ms. Tiwari:

This letter is regarding your request for a preliminary jurisdictional determination for waters of the U.S. (including wetlands) on property known as the Academy Hill project. The approximately 5.5-acre project site is in the Town of Warrenton, Virginia.

The map titled "Wetland and Waters Map – Academy Hill", submitted on your behalf by TNT with a date of May 17, 2021 (copy enclosed) provides the locations of waters and wetlands on the property listed above. The basis for this delineation includes application of the Corps' 1987 Wetland Delineation Manual (*and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Mountainous and Piedmont Regions*) and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. **This letter confirms waters, including wetlands, located only within the study boundaries, is not confirming the Cowardin classifications of these aquatic resources and does not authorize any work in these areas.**

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. Additional review may be required during the permit review process.**

Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to Anna Lawston, either via email (anna.r.lawston@usace.army.mil) or via standard mail to US Army Corps of Engineers, Warrenton Field Office, PO Box 578, Amissville, Virginia 20106 within 30 days of receipt and keep one for your records. **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. This preliminary jurisdictional determination and associated wetland delineation map may be submitted with a permit application.**

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.

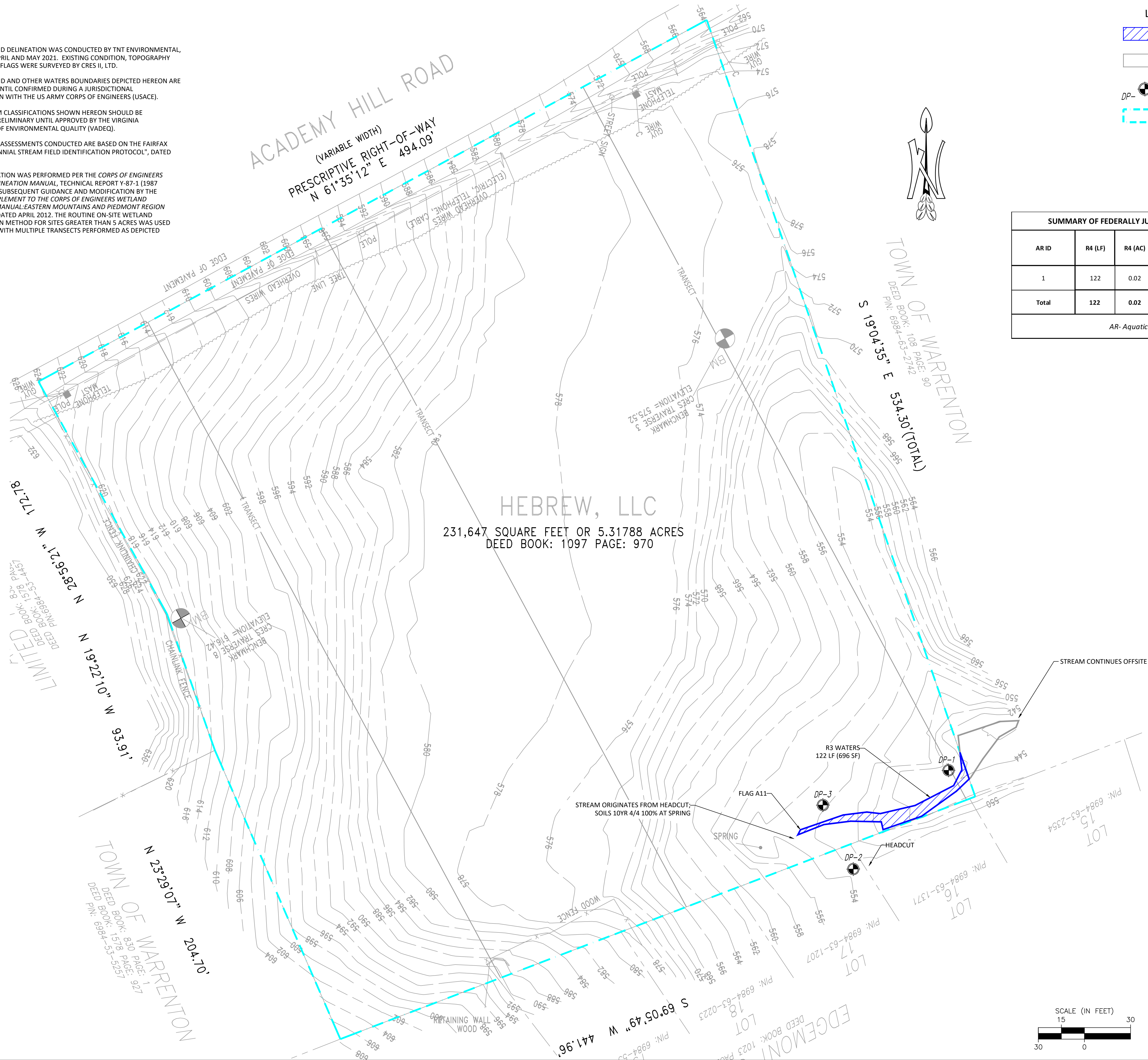
Sincerely,



2022.02.03

12:01:33 -05'00'

Anna R. Lawston  
Environmental Scientist  
Northern Virginia Regulatory Section



SUMMARY OF FEDERALLY JURISDICTIONAL WATERS (INCLUDING WETLANDS)			
AR ID	R4 (LF)	R4 (AC)	JURISDICTIONAL DETERMINATION RATIONALE
			RATIONALE FOR DETERMINATION
1	122	0.02	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year
Total	122	0.02	
AR- Aquatic Resource; R4- Intermittent Stream			



4455 Brookfield Corporate Drive, Suite 100  
 Chantilly, VA 20151  
 PH: 703-466-5123 [WWW.TNTENVIRONMENTALINC.COM](http://WWW.TNTENVIRONMENTALINC.COM)  
**ENVIRONMENTAL**

ACADEMY HILL

FAUQUIER COUNTY

# SURVEYED WETLANDS & WATERS MAP

[illegible]

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM  
NAO-2021-02514 Academy Hill

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:** 03FEB2022

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

D.R. Horton  
Attn: Priya Tiwari  
181 Harry S Truman Parkway Suite 250  
Annapolis, MD 21401

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

NAO, Academy Hill, NAO-2021-02514

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: VA County: Town of Warrenton City:  
Center coordinates of site (lat/long in degree decimal format):  
Lat.: 38.713264 Long.: -77.788613  
Universal Transverse Mercator: 18  
Name of nearest waterbody: tributaries to Colt Run

**E. REVIEW PERFORMED FOR SITE EVALUATION:**

- X Office (Desk) Determination. Site visit done via virtual tools  
Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO  
REGULATORY JURISDICTION.

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- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

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an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

- 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 AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) 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) 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) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (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 PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives 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 AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, 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. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:


- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
map titled "Wetland and Waters Map – Academy Hill", submitted on your behalf by TNT with a date of May 17, 2021
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
- ☒ 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: \_\_\_\_\_.

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NAO-2021-02514 Academy Hill

- ☐ USGS NHD data.  
☐ USGS 8 and 12 digit HUC maps.  
☒ U.S. Geological Survey map(s). Cite scale & quad name:  
☒ Natural Resources Conservation Service Soil Survey.  
☒ National wetlands inventory map(s).

**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.**

 2022.02.03  
12:00:11 -05'00'

\_\_\_\_\_  
Signature and date of Regulatory staff  
member completing PJD

\_\_\_\_\_  
Signature and date of person requesting  
PJD (REQUIRED, unless obtaining the  
signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.