



WATERS OF THE U.S.
(INCLUDING WETLANDS) INVESTIGATION

SKYLAND TOWN CENTER
(±19 ACRES)

WASHINGTON, D.C.

Prepared For:

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WSSI Project #21806.02

January 27, 2010

ZONING COMMISSION
District of Columbia

CASE NO. 09-03
EXHIBIT NO. 76

Waters of the U.S. (Including Wetlands) Investigation

Skyland Town Center
(±19 acres)
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Introduction

Wetland Studies and Solutions, Inc. (WSSI) visited the Skyland Town Center site to investigate whether or not jurisdictional wetlands or other waters of the U.S. (i.e., streams or ponds) are present. In WSSI's opinion, no jurisdictional wetlands or other waters of the U.S. are present on the site, based on our site observations as described below.

Project Location

The site is located east of Naylor Road and north of Good Hope Road in Washington, D.C. Exhibit 1 is a vicinity map that depicts the approximate boundaries of the site and its general location.

Methodology

This wetland delineation was performed pursuant to the "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 (1987 Manual) and the October 2008 Interim Regional Supplement to the United States Army Corps of Engineers (COE) Wetland Delineation Manual: Atlantic & Gulf Coastal Plan Region. The Routine On-Site Wetland Determination Method for sites more than 5 acres was used, with multiple transects performed as depicted on Attachment I. Field work was performed by Lynn Straughan, PWD, PWS, CT, CE¹ and Beth Clements, CT on January 20 and 21, 2010.

Prior to conducting field work, relevant background information was reviewed, including site topography, the Anacostia, DC-MD 1982 and Alexandria, VA-DC-MD 1994 USGS quadrangle (Exhibit 2) and 1981 National Wetlands Inventory (Exhibit 3) maps, SSURGO Digital Data Soils Map, and the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Panel 110001C0030B Effective 11/15/1985 (Exhibit 5). A December 2008 Aerials Express natural color aerial photograph (Exhibit 6), was examined to investigate whether signatures indicative of wetlands are found on the site. To document recent land use changes on-site, a 2002 Natural Color Imagery photograph (Exhibit 7) and a May 2008 Natural Color Imagery photograph (Exhibit 8) from the District of Columbia Geographic Information System were reviewed to focus on a cleared area within the north central portion of the site.

¹ Professional Wetland Scientist #0001491, Society of Wetlands Scientists Certification Program, Inc. VA Certified Professional Wetland Delineator #3402-000029. North American Benthological Society (NABS) Certified Level 1 Taxonomist: All Taxa. Ecological Society of America, Certified Ecologist.

Samples of vegetation, soils and hydrology were taken at representative locations to determine if wetlands are present on-site. Routine Wetland Determination data forms describing representative plant communities, hydrology indicators, and soil characteristics are included as Exhibit 9. Photographs of the data point locations and other existing site conditions are included in Exhibit 10. The surveyed locations of data sites and the approximate locations of photographs are depicted on Attachment I.

Waters of the U.S. Delineation Findings

In WSSI's opinion, no jurisdictional wetlands or other waters of the U.S. (i.e., streams, ponds, etc.) are present on this site. The majority of the site consists of an existing shopping plaza and parking lot within the southern and western portions of the site. The remainder of the site consists of urban forest and open field areas.

Data Point 1 characterizes a detention basin present within the northern tip of the site boundary. Although this detention basin exhibited evidence of hydrology and is dominated by a facultative plant community, this basin does not contain hydric soil. This basin exhibited sediment deposits and water-stained leaves but did not have standing water or saturated soil at the time of the site visit. Also, although the plant community scored a 62.5% using the dominance test for hydrophytic plants, the Prevalence Index scored greater than 3.0 indicating that the overall plant community is not hydrophytic. This detention basin does not appear to have a jurisdictional connection upslope with other waters of the U.S. as the swale that conveys stormwater to this facility is not, in our opinion, a jurisdictional stream or wetland as described below. Ponds 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). Therefore, in WSSI's opinion, this detention basin is not a jurisdictional water of the U.S. (subject to the U.S. Army Corps of Engineers (COE) concurrence).

Data Points 2 and 4 characterize a swale within the eastern and southeastern portion of the site. This swale does not exhibit an ordinary high water mark or a defined bed and bank and this swale does not meet the three parameters of a jurisdictional wetland. Based on these data points, it is WSSI's opinion that this swale is not a jurisdictional feature (subject to COE concurrence).

A swale with segments of an ordinary high water mark is present between the site boundary and residences along Fort Baker Drive. These segments are located downslope of Data Point 2 and upslope of the detention basin described by Data Point 1. These segments of defined channel are not flagged as they are off-site and do not connect to other waters of the U.S.

Data Point 3 characterizes a wet depression within an open area in the north central portion of the site. Large concrete debris piles are present throughout the open field area. As depicted in Exhibits 7 and 8, human activities such as grading, debris stockpiling, and machinery

use have disturbed the area described by Data Point 3. Approximately eight inches of standing water was present within the depression. After several attempts, only a 12 inch soil profile was able to be extracted. This suggests a restrictive layer at approximately 12 inches may be perching the surface water. This data point location does not exhibit field indicators of hydric soils. However, since the fieldwork for this delineation was conducted in January and not during the growing season, significant rain and snow melt may have filled this depression. This data point would need to be revisited during the growing season to determine if the water persists and is frequently ponded for a long duration or very long duration; thereby, meeting the criteria of a hydric soil.

Because this wet depression is not depicted in the 2002 aerial photograph (Exhibit 7), it is WSSI's opinion this depression was created by human activities in an upland; therefore, this feature would not be a jurisdictional water of the U.S. Pursuant to the commentary for 33 CFR Section 328.3, in the "Final Rule for Regulatory Programs of the Corps of Engineers" (Fed. Reg. Vol. 51, No. 219, pg. 41217), water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand or gravel are not generally regulated as waters of the U.S. unless and until the construction is abandoned and the resulting water body meets the definition of waters of the U.S. The COE may determine, on a case-by-case basis that such features are jurisdictional waters of the U.S. WSSI will confirm with the COE that this feature is not a jurisdictional wetland at the time of the COE site visit.

Summary

In WSSI's opinion, no jurisdictional wetlands or other waters of the U.S. are present within the site, based on our site observations, as described above and depicted on Attachment I. We recommend forwarding this report to the U.S. Army Corps of Engineers (COE) for a jurisdictional determination (JD) verifying that no jurisdictional boundaries are present within the site.

Limitations

This study is based on examination of the vegetation, soils and hydrology and available reference documents. Field indicators can change with variations in hydrology and other factors. Therefore, our conclusions may vary significantly from future observation by others. This report assesses the potential for wetlands at the site at the time of our review and does not address conditions at a given time in the future.

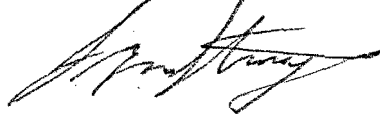
Our review and report have been prepared in accordance with generally accepted guidelines for the conduct of a survey for potential wetlands. We make no other warranties, either expressed or implied, and our report is not a recommendation to buy, sell or develop the property.

We offer no opinion and do not purport to opine on the possible application of various building codes, zoning ordinances, other land use or platting regulations, environmental or health laws and other similar statutes, laws, ordinances, code and regulations affecting the possible use and occupancy of the Property for the purpose for which it is being used, except as specifically provided above.

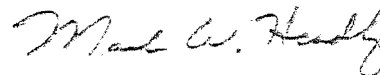
The foregoing opinions are based on applicable laws, ordinances, and regulations in effect as of the date hereof and should not be construed to be an opinion as to the matters set out herein should such laws, ordinances or regulations be modified, repealed or amended.

This report does not constitute a jurisdictional determination of waters of the U.S. since such determinations must be verified by the U.S. Army Corps of Engineers or the Natural Resources Conservation Service (as applicable), and are subject to review by the U.S. Environmental Protection Agency. This report does not constitute a stream characterization determination.

WETLAND STUDIES AND SOLUTIONS, INC.



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² U.S. Army Corps of Engineers Wetland Delineator Certification #WDCP94MD0310114B. Professional Wetland Scientist #000462, Society of Wetlands Scientists Certification Program, Inc. VA Certified Professional Wetland Delineator #3402-000031, LEED® Accredited Professional, 2009.