



November 22, 2022

via email: Regena.d.bronson@usace.army.mil

Ms. Regena Bronson
U.S. Army Corps of Engineers
Fredericksburg Field Office
10300 Spotsylvania Avenue, Suite 230
Fredericksburg, VA 22408

Re: Route 15 North Widening – Battlefield Parkway to Whites Ferry Road
Corps Project No. 2020-00657
DHR File No. 2022-4445

Dear Ms. Bronson,

In response to the comments provided to you by six organizations on September 19, 2022, the Loudoun County Department of Transportation and Capital Infrastructure (DTCI) consulted with Wetland Studies and Solutions, Inc. (WSSI) to provide responses to the September 19, 2022, letter. In Section I of their letter, the six organizations raise concern about the project being constructed in separate phases. The referenced Section V.6. of the 22-SPGP-LT discusses independent utility. DTCI and WSSI feel that the project does have independent utility and can be constructed without the construction of additional phases. Additionally, Section V.5. of the 22-SPGP-LT states that a linear project can be considered separate single and complete when a project crosses a single or multiple waterbodies several times at separate and distant locations, and each crossing is considered a single and complete project for the purposes of 22-SPGP-LT authorization. The terminology for single and complete projects is also outlined in 33 CFR 330.2(i)¹. As such, DTCI and WSSI feel that the proposed work associated with Phase I meets this description.

Furthermore, the six organizations request in Section II of their letter that the entire project be reviewed under an Individual Permit application with the U.S. Army Corps of Engineers (COE). While the total permanent impact quantities of all phases may exceed the allowed 1/2-acre of permanent impacts to non-tidal wetlands and Water of the U.S. (WOTUS) under the 22-SPGP-LT, Phase I of the project will result in 0.44-acre of permanent impacts to wetlands and WOTUS with a separate 0.17-acre being temporary impacts to stream channels related to the replacement of existing culverts. Thus, the Phase I portion of the project falls within the threshold for a 22-SPGP-LT from the COE and does not need to be elevated to an Individual Permit based on the proposed impacts.


¹ <https://www.ecfr.gov/current/title-33/chapter-II/part-330/section-330.2>

Additionally, as discussed above, the 22-SPGP-LT has specific language regarding single and complete projects, of which this project meets the criteria. Therefore, Phase I of the project should not be elevated to an Individual Permit and would not require an Environmental Assessment to be prepared under National Environmental Policy Act (NEPA). It is also worth noting that all wetland and stream crossings were designed to be crossed as perpendicularly as possible to reduce the impacts to the maximum extent and, therefore, are the minimum amount necessary for the project while conforming to local and state transportation regulations and should not be considered “significant”. The engineer also worked to reduce the proposed grading in wetland areas against the Virginia Department of Transportation’s (VDOT’s) recommendation to further reduce environmental impacts.

Pertaining to Section III of the letter, although the COE has indicated that the Area of Potential Effects (APE) could be confined to the locations of immediate physical impacts to streams and wetlands, Loudoun County previously sponsored a Phase I cultural resources investigation of the entire ±434 -acre Route 15 project area, located on both sides of Route 15 from the Battlefield Parkway intersection to approximately 0.37 miles north of Montessor Road. Thunderbird Archeology, a division of WSSI, conducted this study for Gordon Engineering of Chantilly, Virginia on behalf of DTCI. The scope of the Phase I cultural resources investigation included Phase IB archeological investigations of the entire proposed Limits of Disturbance (LOD) for both phases of the project, Phase I systematic metal detector survey of all portions of the LOD within battlefield resources mapped by the Virginia Department of Historic Resources (DHR) and American Battlefield Protection Program (ABPP), and Phase I architectural survey. Said Phase I cultural resources investigation report, titled *Route 15 Widening Loudoun County, Virginia Phase I Cultural Resources Investigation* and dated August 2022 has been submitted to the COE and DHR and is currently under review by the latter agency (DHR File No. 2022-4445). Additionally, the referenced Phase I cultural resources investigation report has been reviewed by the Loudoun County Planning Archaeologist and with his concurrence, preparations are underway for Phase II evaluation of two archeological sites that might be impacted by the project.

The Applicant, Loudoun County DTCI, provides these responses based on the professional opinion of WSSI. Please feel free to contact Rachel Pack rpac@wetlands.com; 703-679-5670 or Robbie Clark at rclark@wetlands.com; 703-679-5732 if you need additional information or have any questions.

Sincerely,

DocuSigned by:

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Nancy Boyd, PE
Acting Director

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