



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 20, 2023

Regulatory Division
File Number: NAE-2016-02202

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

This letter responds to a request submitted to the U.S. Army Corps of Engineers (USACE) for a jurisdictional determination (JD) on the presence or absence of waters of the United States (U.S.), including wetlands, located on a parcel located at 255 Kennedy Drive in South Burlington, Vermont.

[REDACTED] of this office conducted field inspections of the site on July 27, 2023 and October 6, 2023. During these inspections, the area labeled on the enclosed plans as "PFO Wetland" was reviewed for potential Federal jurisdiction. We have determined that this wetland is not a water of the United States and therefore not within the jurisdiction of USACE under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 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 [REDACTED] or the following address. [REDACTED] phone number is [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Direct questions regarding the USACE appeals process to [REDACTED]
[REDACTED]

In order for an RFA to be accepted by USACE, USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 18, 2023. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved jurisdictional determination is valid for a period of five years from the date of the letter, unless new information warrants revision of the determination before the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are 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.

Enclosed is a "Memorandum for Record" dated "10 October 2023" and supporting documentation explaining the basis for our jurisdictional determination.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey>.

If you have any questions, please contact [REDACTED]

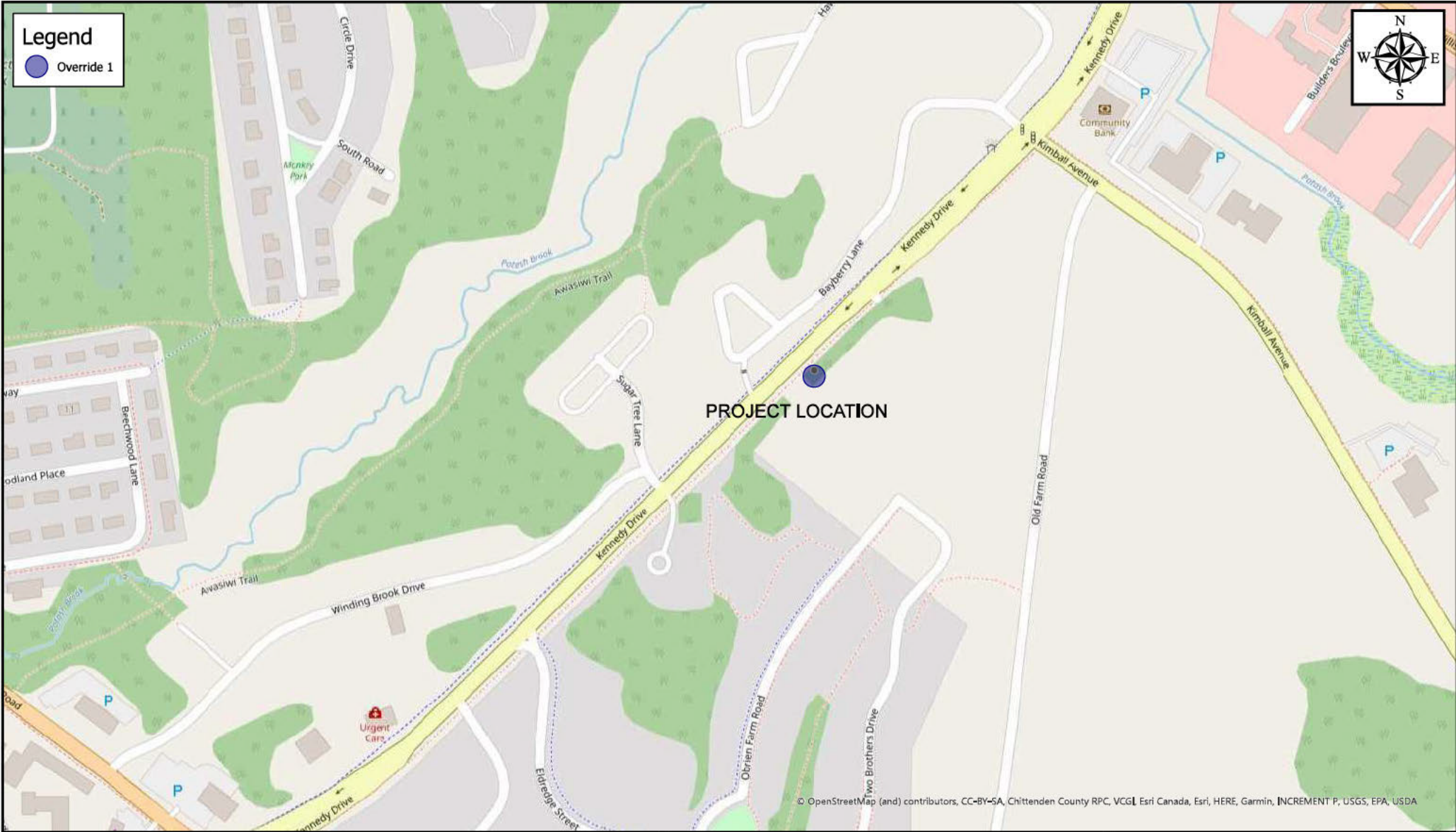
Sincerely,

[REDACTED]
Chief, Regulatory Division

Enclosures

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



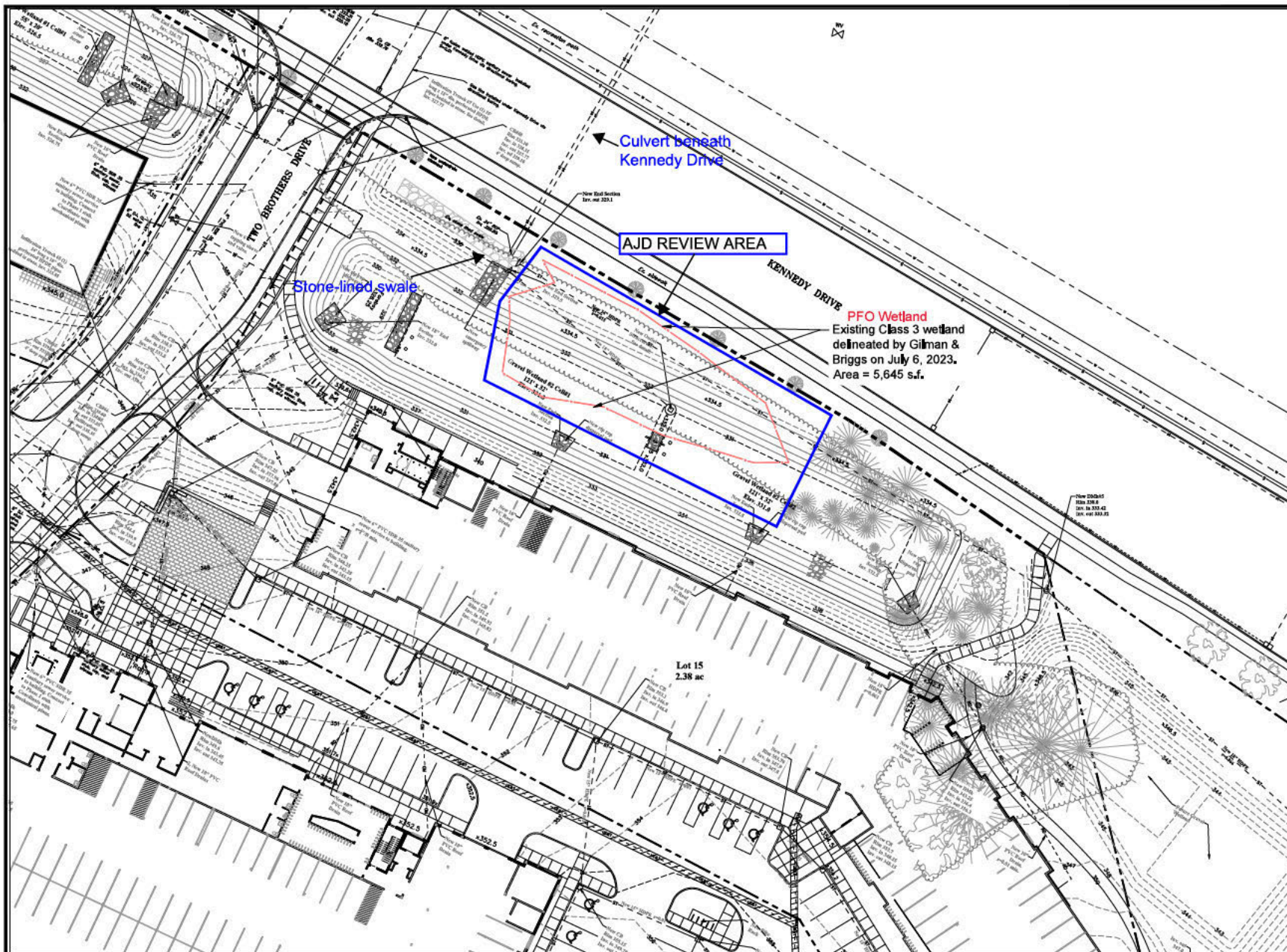
HILLSIDE @ O'BRIEN FARM



Map Center: 73,15896°W 44,458127°N

Map Created by: [Redacted]
Date: 8/22/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere



HILLSIDE @ O'BRIEN FARM

Farm Road and Kennedy Drive,
South Burlington, Vermont



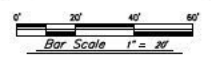
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ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION

PROPERTY INFORMATION



EASTVIEW



REV.	NO.	REVISIONS/COMMENTS	DATE

DRAWING TITLE:

SITE PLAN -
CLASS 3 WETLAND
DISTURBANCE

DATE ISSUED: 08/16/23
DRAWN BY: SWH
PROJECT NO.: 19182
DRAWING NO.:
CHECKED BY:
SCALE: 1"=20'
REV. NO.:

ACOE-1