

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 2, 2006

CENAO-TS-G
05-V2914-52

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

County of Buckingham
C/o EEE Consulting, Inc.
PO Box 354
Montpelier, VA. 23192-0354

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Troublesome Creek, a tributary to the James River, at the existing Troublesome Creek Reservoir, Buckingham County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes an expansion of the existing reservoir including raising the spillway 14 inches to increase water storage capacity, a new water treatment facility, pump station replacement, new water intake and water main. The backflooding associated with the spillway modification will impact 3.04 acres of predominantly wooded wetlands, and 818 linear feet of streams.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected from the proposal, must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Our assessment of the project leads us to a preliminary determination that the project will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice however, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: Central Virginia Field Office), 444 Abby Lane, Howardsville, VA 24562, and should be received by the close of business on March 1, 2006.

If you have any questions about this project or the permit process, please call or email:
Nora Iseli (434)263-8247
nora.m.iseli@usace.army.mil

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment: Drawings



SOURCE: USGS Topographic Quadrangle, Buckingham, VA, 1986.

SCALE 1 Inch = 2,000 Feet

Adjacent Property Owners:

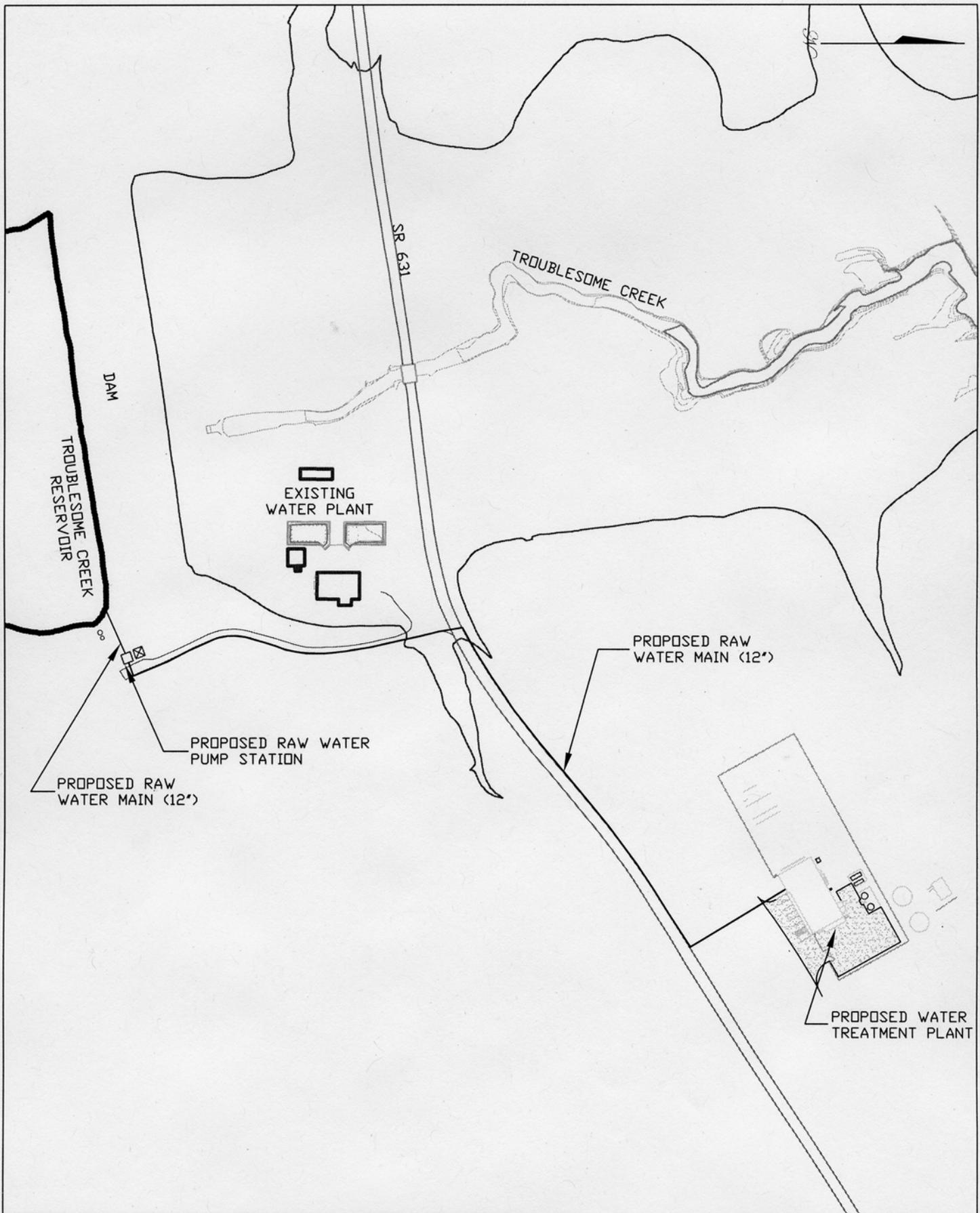
Spencer Adams
Ervin Shumaker
Charles Smith

*Figure 2
Site Location and Topography*

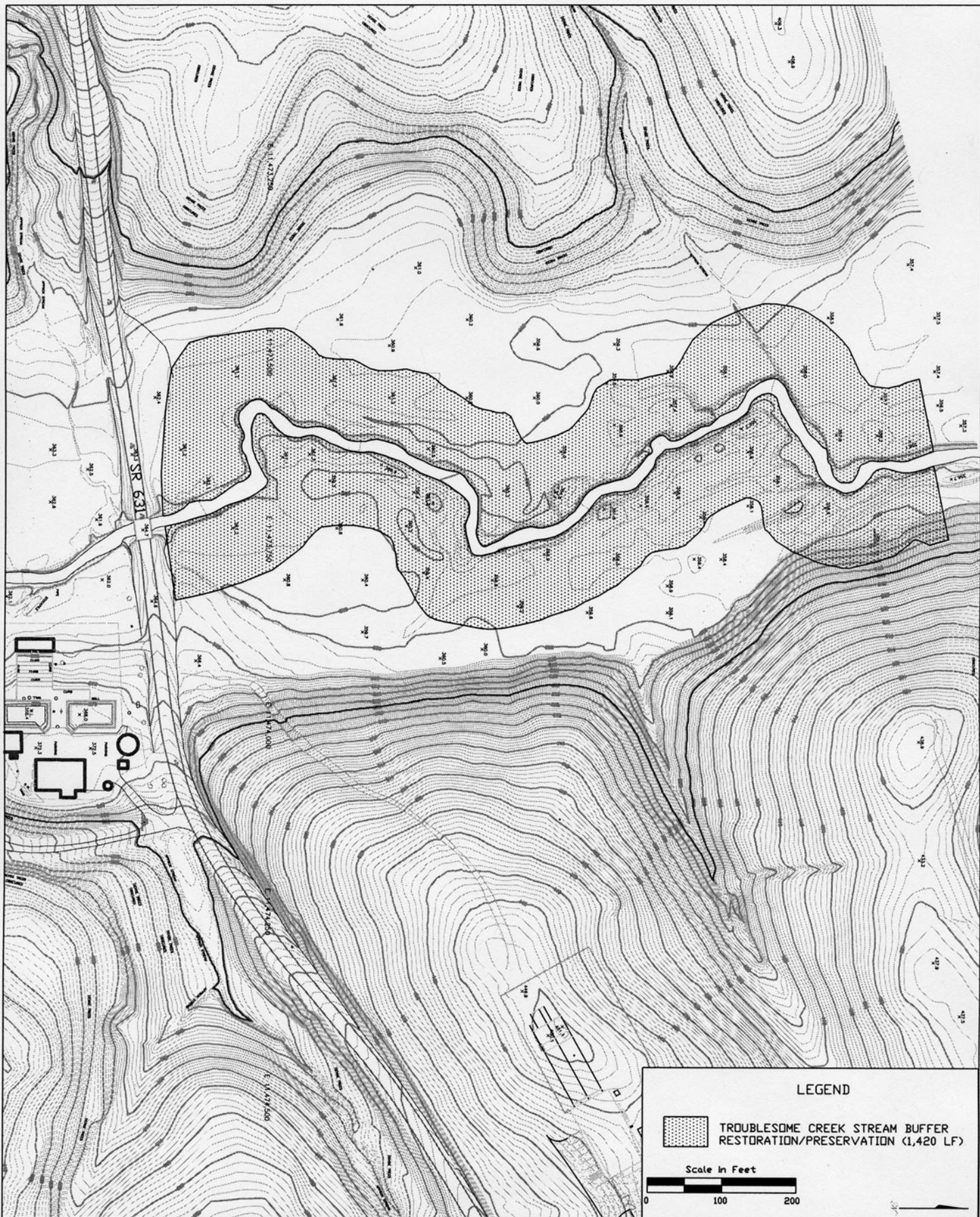
Troublesome Creek Reservoir
Buckingham County, Virginia

Proposed Water System Improvements

Applicant: Buckingham County
Figure 2 of 12



<p>Adjacent Property Owners:</p> <p>Spencer Adams Ervin Shumaker Charles Smith</p>	<p>FIGURE 3 Proposed Water System Improvements Troublesome Creek Reservoir Buckingham County, Virginia</p>	<p>Proposed Water System Improvements</p> <p>Applicant: Buckingham County Figure 3 of 12</p>
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Adjacent Property Owners:

Spencer Adams
 Ervin Shumaker
 Charles Smith

FIGURE 12
 STREAM BUFFER
 RESTORATION/PRESERVATION
 Troublesome Creek Reservoir
 Buckingham County, Virginia

Proposed Water System Improvements

Applicant: Buckingham County
 Figure 12 of 12