



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

December 11, 2012

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NAO-2010-0423/2012-1671

## FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

### APPLICANT

Danville Pittsylvania Regional Industrial Facility Authority  
Danville Public Works  
998 South Boston Road  
Danville, Virginia 24541

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in McGuff Creek and Trotters Creek (and their unnamed tributaries) both are tributaries to the Dan River a tributary to the Roanoke River, along State Route 863 (Berry Hill Road) approximately four miles southwest of the intersection of U.S. Route 58 and State Route 863 in Pittsylvania County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct Phase I of an industrial park to be known as the "Berry Hill Mega Park". The applicant proposes to fill waters of the U.S. for the purpose of providing pre-developed infrastructure, transportation, and pad site improvements of a size necessary to attract an industrial use capable of providing a transformational, substantial positive economic impact to the Danville/Pittsylvania County area. Proposed permanent impacts will occur to 15,600 linear feet of ephemeral stream channel, 20,179 linear feet of intermittent stream channel, 356 linear feet of perennial stream channel for a total of 36,135 linear feet of stream channel, 15.89 acres of forested wetlands, 2.47 acres of scrub shrub wetlands, 2.02 acres of emergent wetlands for a total of 20.38 acres of wetlands, and 0.69 acres of open water.

The applicant incorporated onsite avoidance and minimization efforts to avoid and minimize impacts. Those efforts include:

- 1) Proposed grading has been revised to minimize stream and wetland impacts while still providing sufficient footprint areas for future construction.
- 2) Utility crossings have been minimized by crossing streams and wetlands in the shortest possible direction.
- 3) Utility impacts have been combined with lot grading where feasible to avoid additional impacts.
- 4) Sewer lines running parallel and adjacent to wetlands and streams have been moved to upland areas.

The applicant proposes to compensate for permanent stream channel impacts with permittee responsible compensation. Wetland compensation is proposed at a 2:1 ratio for forested wetlands, a 1.5:1 ratio for scrub shrub wetlands, and 1:1 ratio for emergent wetlands and open water. The stream compensation is proposed to provide approximately 35,300 Unified Stream Methodology stream credits. The compensation proposed by the applicant will include:

- 1) Onsite enhancement of 3, 534 linear feet of stream channel
- 2) Onsite preservation of 58, 826 linear feet of stream channel
- 3) Creation of onsite rain gardens
- 4) Credit for a previous dam removal (Brantley Dam) and a proposed dam removal (White Mill Dam) on the Dan River
- 5) Onsite creation of 37.69 acres of wetlands

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 direct, indirect, 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 Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander 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) known properties

eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, and may likely be affected by the proposal. Additional information might change any of these findings.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers, West Central Field Office (ATTN: Jeanne Richardson), PO Box 3160, Lynchburg, Virginia 24503, and should be received by the close of business on January 10, 2012.

PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Jeanne Richardson at 434.384.0182 or [jeanne.c.richardson@usace.army.mil](mailto:jeanne.c.richardson@usace.army.mil).

FOR THE DISTRICT COMMANDER:

*Jeanne C. Richardson*

for Peter R. Kube  
Chief, Western Virginia  
Regulatory Section

Attachment: USGS Topographic Map with Project Location, Drawings, Conceptual Mitigation Plan