



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 19, 2012

CENAO-WR-R  
NAO-2006-6951 (VMRC 12-1031)

## FEDERAL PUBLIC NOTICE

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

### APPLICANT

Green Mountain Coffee Roasters  
33 Coffee Lane  
Waterbury, VT 05676

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located within the Shirley T. Holland Intermodal Park. Forested wetlands on the site drain to an intermittent tributary of Eley Swamp a tributary to Lake Cohoon and Lake Meade that connects to the tidal Nansmond River. The project site is just over two miles from Windsor, in Isle of Wight County, Virginia.

PROPOSED WORK AND PURPOSE: Green Mountain Coffee Roasters (GMCR) proposes to utilize an existing 329,000 square foot warehouse to manufacture coffee related products. GMCR expects that future operations will require a connected second 329,000 square foot building and third 250,000 square foot building with supporting infrastructure. GMCR has proposed to fill 4.83 acres of forested wetlands for the new buildings and infrastructure. There is an increase from previous authorized fill of 2.87 acres due to the identification of additional wetland area on the north portion of the project site.

GMCR has stated in their permit application that the facility requires at a minimum the two 329,000 square foot warehouse structures. GMCR evaluated the use of a single 250,000 square foot new warehouse that they could construct without wetland fill, but determined that such a single facility and infrastructure would not be practicable for their manufacturing business plan and expected sales growth. Previous permit decisions on for this site have determined that wetland impacts of this order are typical in the development of a large industrial development facility in the coastal plain due to wetlands that are likely to be present in the landscape. Therefore, GMCR does not believe that any other site would have substantially less adverse environmental impact; that no other site has the necessary in-place road, rail, electrical, water and similar infrastructure; and that there is no other practicable alternative for the proposed facility. GMCR has proposed to provide compensatory mitigation by the purchase of bank credits.

Previously, Isle of Wight County requested a wetland delineation in 2001 for the total 400 acre site, a former loblolly pine tree plantation on mostly well drained soils. Also, in 2001, the Corps

issued a permit to the Isle of Wight Board of Supervisors to fill 2.36 acres of forested wetlands for a 1.8 million square foot distribution center on 160 acres of the site, avoiding four wetland acres and providing compensatory mitigation at a 2:1 ratio for the unavoidable wetland loss.

The current warehouse was constructed in 2005. Johnson Development Associates (JDA) acquired the site in 2006 and new permits (NAO-2006-6951/06-V2430) to fill 3.02 acres for the phased construction of an industrial distribution complex. The time limit for the Corps authorized work ended October 11, 2010 and there was no request for a time extension. JDA was to provide compensatory mitigation by the purchase of 6.04 mitigation bank credits.

The Corps has also issued a permit (NAO-2006-7096/06-V1857) in 2007 to the Isle of Wight Industrial Development Authority to fill 0.37 acres of forested wetlands at the Shirley T. Holland Intermodal Park for an entrance road. The road has been completed and compensatory mitigation required the purchase of 0.74 credits from a local mitigation bank. We considered that the cumulative wetland area impacts were 3.57 acres in making the permit decision.

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) 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. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov).

**COMMENT PERIOD:** Comments on this project should be made by email or in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R (Evans)), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on August 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 John Evans at [john.d.evans@usace.army.mil](mailto:john.d.evans@usace.army.mil) or 757-201-7794.

FOR THE DISTRICT COMMANDER:

Peter R. Kube  
Chief, Western Virginia Regulatory Section

Attachment: Drawings