Public Notice

U.S. Army Corps of Engineers, Norfolk District

May 15, 2013

CENAO-WR-R
NAO-2011-1384 (modified)

FEDERAL PUBLIC NOTICE

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

APPLICANT
Virginia Department of Transportation
c/o Larry C. Tomlinson
14685 Avion Parkway
Chantilly, Virginia 20151

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located near the intersection of Route 28 (Sully Road) and Route 50 (Lee Jackson Memorial Highway) in an unnamed tributary to Sand Branch and an unnamed tributary to Cain Branch, both tributaries to the Potomac River in Fairfax County, Virginia.

PROPOSED WORK AND PURPOSE: The Virginia Department of Transportation (VDOT) is requesting two modifications to its existing Letter of Permission (LOP-1) and Individual Permit that authorized the original work on this Route 50 project, which is being widened to relieve traffic congestion and improve safety. The LOP-1 was authorized on November 16, 2011, and a later Individual Permit was issued for additional wetland and stream impacts at the Cub Run crossing on September 27, 2012.

The first permit modification being requested is located at the Sand Branch crossing and involves the piping of approximately 36 linear feet of relocated jurisdictional ditch to accommodate a larger entrance off of Route 50 for a private property owner. This ditch relocation as originally authorized was self-mitigating, but this 36 linear feet of piping means that 23 stream credits will be purchased from the Locust Shade Mitigation Bank.

The second permit modification being proposed is for new impacts to jurisdictional waters of the U.S. near the Route 50/Route 28 interchange, at an area being called the Lee Road spur. This is shown on the map as crossing 5 and is an unnamed tributary to Cain Branch. This proposed permit modification is being proposed for safety reasons, to reduce the number of accidents that occur as vehicles merge onto westbound Route 50 from the southbound Route 28 off ramp and make immediate left turns. This proposed change will impact 197 square feet (0.005 acres) of palustrine emergent wetlands and 176 linear feet of intermittent stream. VDOT is proposing to mitigate the wetland impacts through 197 square feet (0.005 acres) of wetland credits obtained from the Keaton Farm – NVREB mitigation site and 113 stream credits from the Locust Shade Mitigation Bank.

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 and a permit from the WHAT Wetlands Board. 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: (l) 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.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R), c/o George Janek, 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on May 29, 2013.

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 George Janek at (757) 201-7135 or by email at george.a.janek@usace.army.mil.

FOR THE DISTRICT COMMANDER:

for Kimberly A. Prisco-Baggett, MBA
Chief, Eastern Virginia
Regulatory Section

Attachments: Drawings
U.S. FWS species information