

Public Notice

U.S. Army Corps of Engineers, Norfolk District

October 9, 2013

CENAO-WR-R
NAO-08-3101

FEDERAL PUBLIC NOTICE

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

APPLICANT

CenterPoint Properties
ATTN: Terry Nash, Development Manager
1808 Swift Drive
Oak Brook, IL 60523

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Speights Run, a tributary to Lake Kilby and Lake Cahoon (impoundments of the Nansemond River), at 1005 Kenyon Court in Suffolk, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to modify the existing permit for the construction of an intermodal center consisting of approximately 5.8 million square feet of warehouse and distribution space, a marshalling yard, a container yard, and the extension of a 20 inch water main. The project, as authorized, will result in permanent impacts to 7.21 acres of nontidal wetlands (2.18 acres of these impacts are to non-jurisdictional isolated wetlands) and 48 linear feet of stream, and temporary impacts to 1.20 acres of nontidal wetlands and 92 linear feet of stream. The applicant requests a permit modification to include the construction of an industrial access roadway connector (the Kenyon Road Connector) between Kenyon Road and US Route 58 (Holland Road) in order to reduce commercial truck traffic on Kenyon Road within the vicinity of residential homes and education facilities. The proposed Kenyon Road Connector will result 0.61 acres of permanent impacts to nontidal wetlands and 0.25 acres of temporary impacts to nontidal wetlands. In addition, the applicant proposes the realignment of Road B which will result in a decrease of 0.16 acres of permanent impacts to nontidal wetlands and an increase of 0.05 acres of temporary impacts at this location. The proposed modification will result in a net increase of 0.45 acres of permanent impacts to nontidal wetlands and 0.30 acres of temporary impacts to nontidal impacts, resulting in a total of 7.66 acres of permanent wetland impacts associated with the project. Mitigation for these impacts will occur through the purchase of 10.73 credits at an approved mitigation bank, preservation via deed restriction of 39 acres of old growth pine wetlands, and a contribution of \$36,270 (equivalent to 62 stream credits) to the Virginia Aquatic Resources Trust Fund.

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) after conducting the NAO ESA Project Review Process, no listed/proposed/candidate species and/or designated/proposed critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended) will be affected. Based on this no effect determination, no further coordination with the Fish and Wildlife Service is required; and (3) 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 for projects located in Tidewater, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP) and obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). We have not received a certification from the applicant prior to publication of this public notice. It is the applicant's responsibility to submit a consistency certification to the Office of Environmental Impact Review for concurrence or objection and proof of concurrence must be submitted to the Corps prior to final permit issuance. A template federal consistency certification can be found here:

<http://www.deq.state.va.us/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert>. For more information or to obtain a list of the enforceable policies of the VCP,

contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: ellie.ironson@deq.virginia.gov or john.fisher@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), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on October 24, 2013.

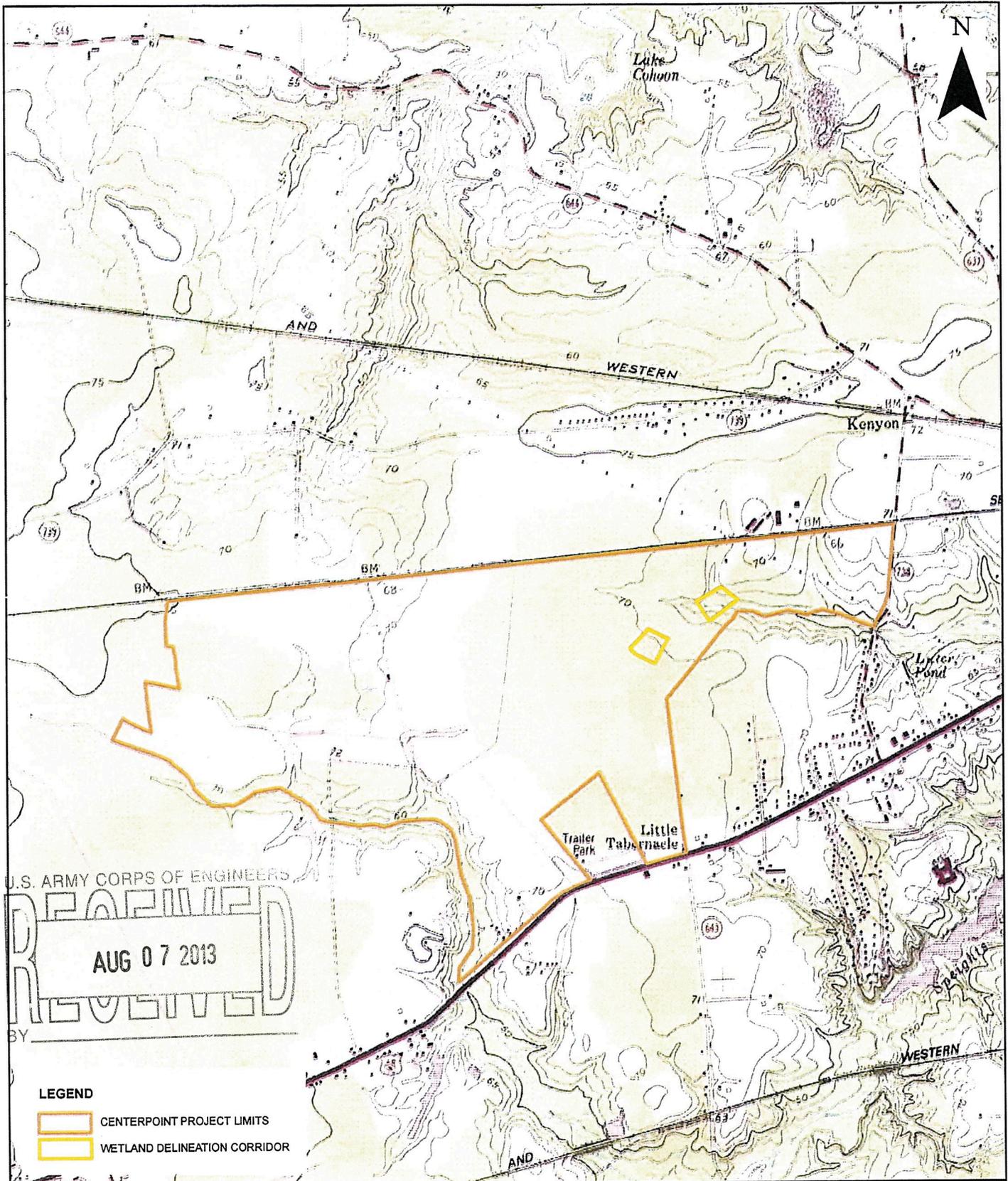
PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice 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 Nicole Woodward at (757-) 201-7122 or Nicole.l.woodward@usace.army.mil.

FOR THE DISTRICT COMMANDER:

Lynette R. Rhodes
Chief, Southern Virginia
Regulatory Section

Attachment: Drawings



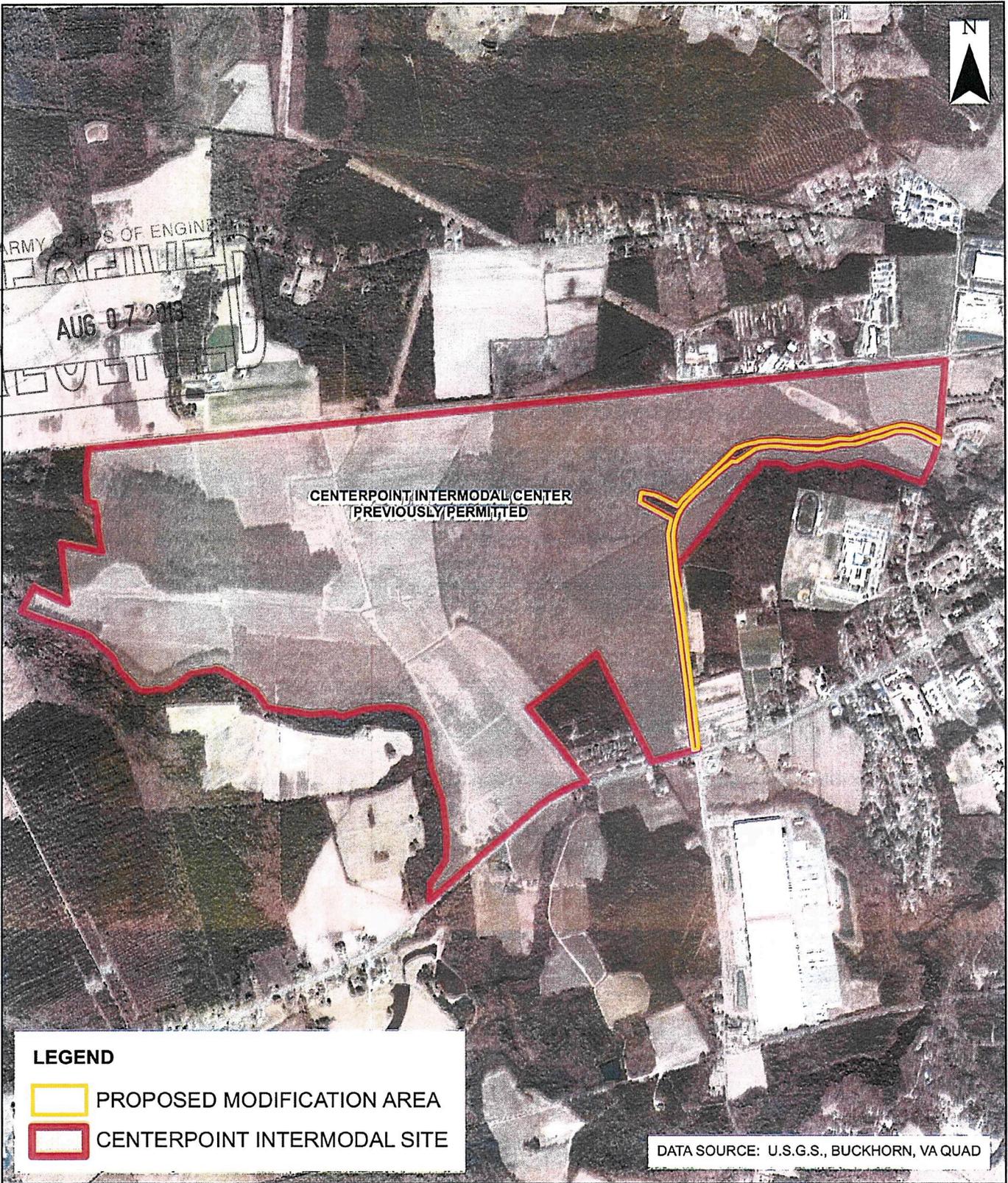
U.S. ARMY CORPS OF ENGINEERS
RECEIVED
 AUG 07 2013
 BY _____

LEGEND
 CENTERPOINT PROJECT LIMITS
 WETLAND DELINEATION CORRIDOR



PROJECT: CENTERPOINT INTERMODAL CENTER - KENYON RD CONNECTOR, SUFFOLK, VA	
CREATED BY: CRUM	SCALE: 1 INCH = 2,000 FEET
DATE: 1-14-13	KHA PROJECT NUMBER: 116071001

FIGURE 1
TOPOGRAPHIC VICINITY



LEGEND

- PROPOSED MODIFICATION AREA
- CENTERPOINT INTERMODAL SITE

DATA SOURCE: U.S.G.S., BUCKHORN, VA QUAD

FIGURE 2: AERIAL PHOTOGRAPH

PURPOSE: LINEAR TRANSPORTATION
 APP BY: CENTERPOINT PROPERTIES
 APO: SEE ESD
 WATERBODY: SPEIGHTS RUN
 HUC: 02080208

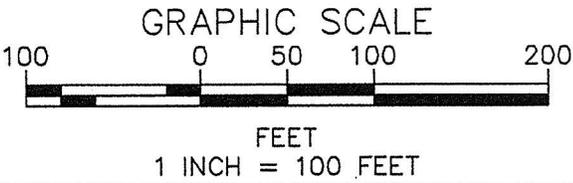
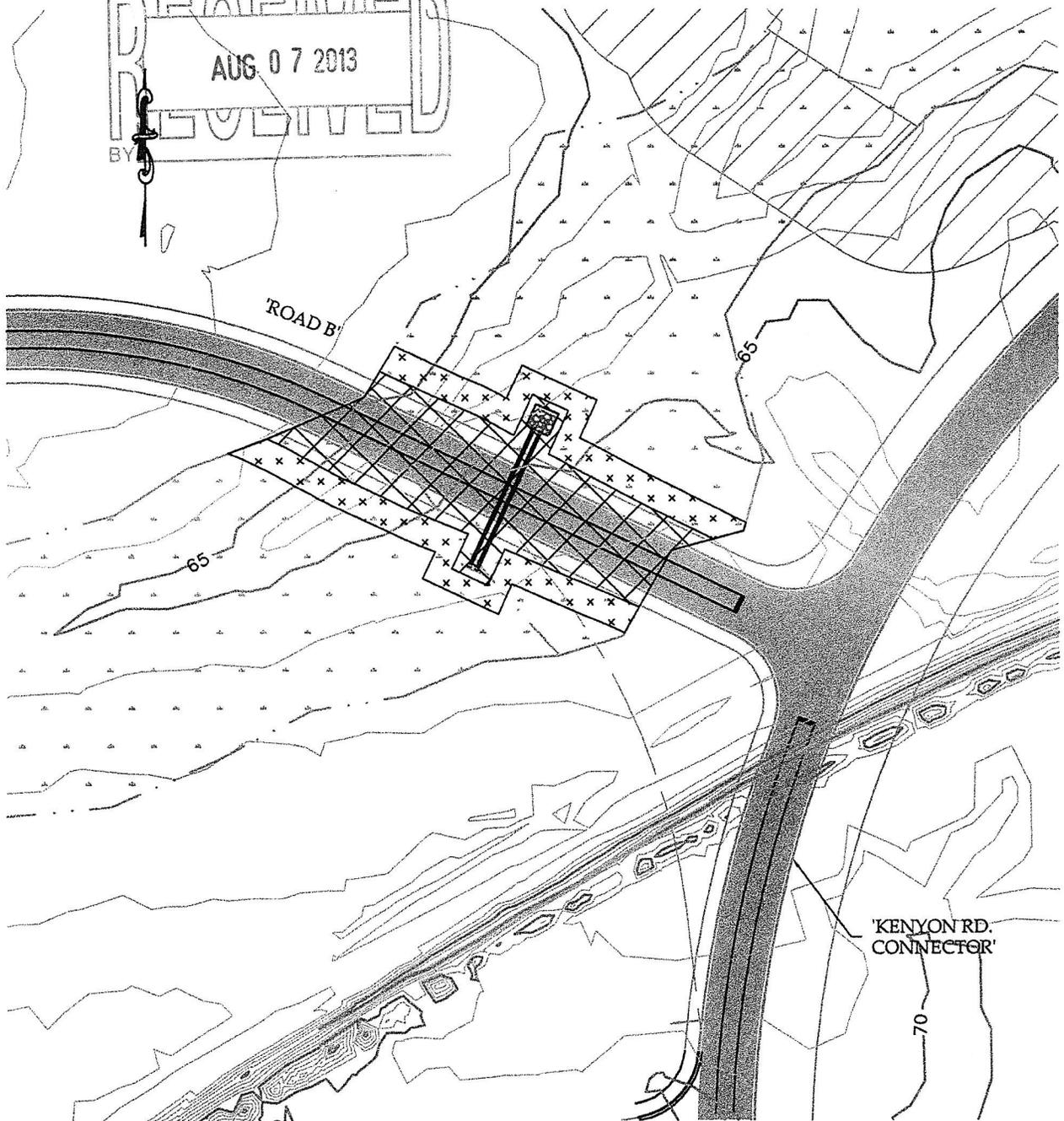
**JOINT PERMIT APPLICATION
 CENTERPOINT INTERMODAL CENTER
 KENYON ROAD CONNECTOR**



**Kimley-Horn
 and Associates, Inc.**

CITY: SUFFOLK
 STATE: VIRGINIA
 SCALE: 1 IN = 1,750 FT
 DATE: 1/31/13
 SHEET: 2 OF 5

RECEIVED
 AUG 07 2013
 BY



LEGEND:

	PFO WETLAND	
	100' CBPA BUFFER	
	PERMANENT IMPACT	20,164 S.F. (0.46 AC.)
	TEMPORARY IMPACT	12,253 S.F. (0.28 AC.)

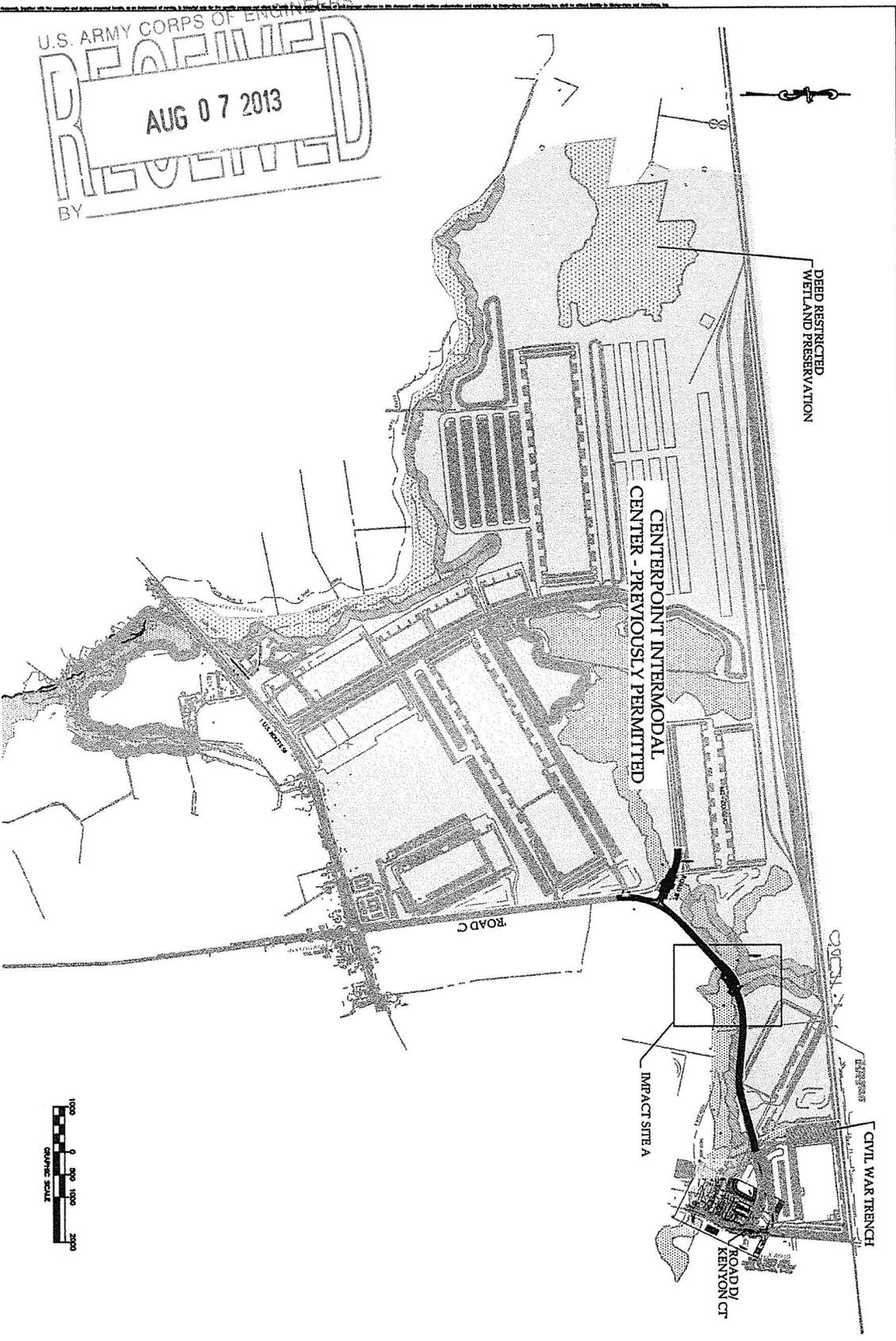
Purpose: Linear Transportation
 App by: CenterPoint Properties
 APO: See ESD
 Waterbody: Speights Run
 HUC: 02080208

FIGURE 3 DETAIL OF REVISED IMPACT SITE 7
 JOINT PERMIT APPLICATION
 CENTERPOINT INTERMODAL CENTER
 KENYON ROAD CONNECTOR



City: Suffolk
 State: Virginia
 Scale: 1 in equals 100 ft
 Date: 8/6/2013
 Sheet: 4 of 5

Drawing name: K:\VAB_CML\116071001 - CenterPoint Intermodal\Cadd\Exhibits\Exhibit-KenyonConnector\atlantis_op110N2cont.dwg EX-1 (3) Jul 01, 2013 10:38am by raeam.madigan

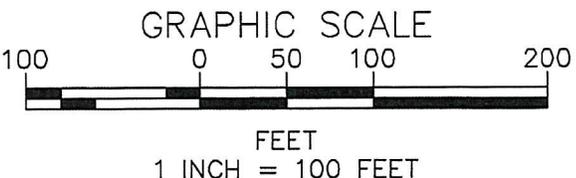
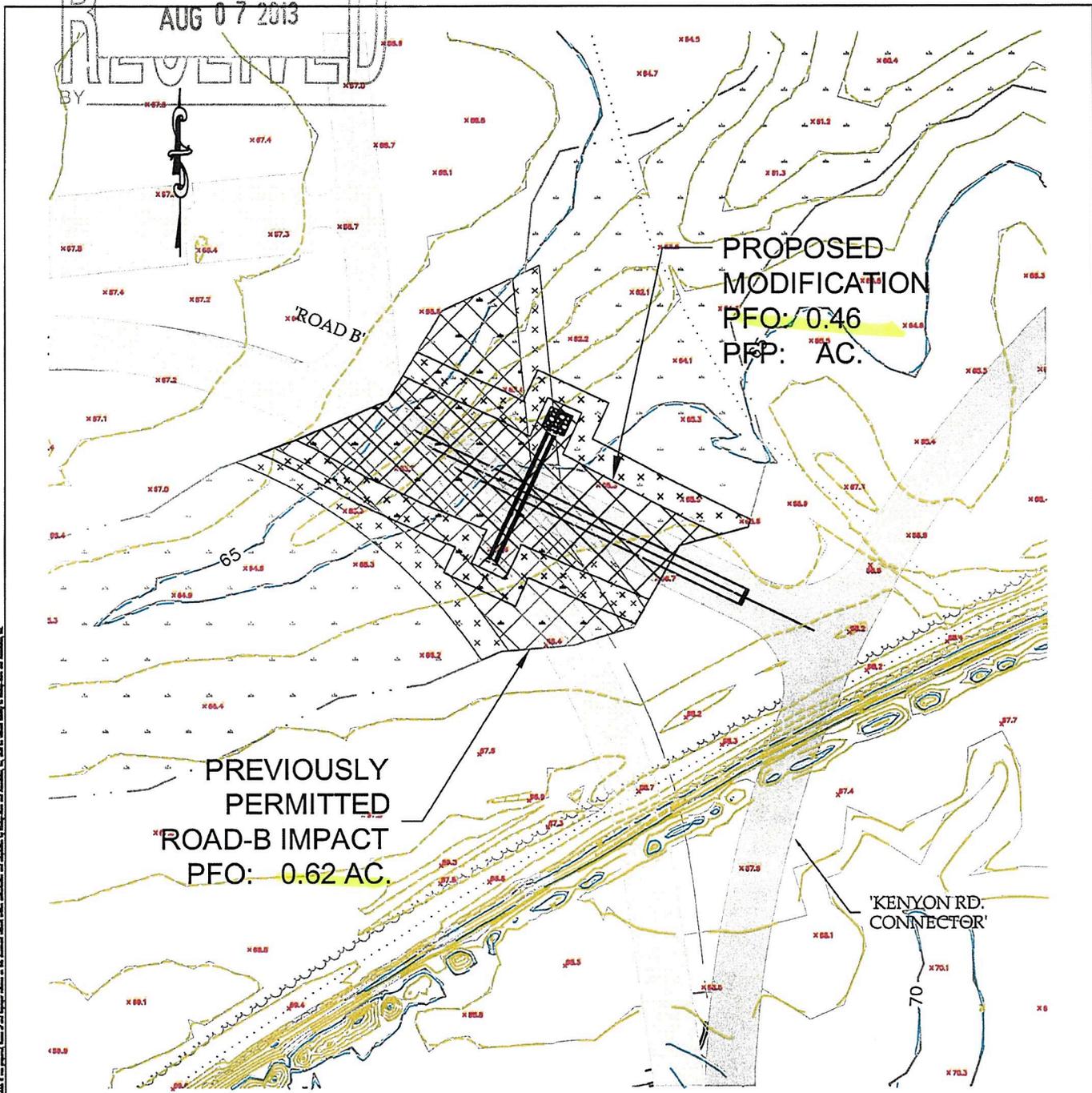


Purpose: Linear Transportation
 App by: CenterPoint Properties
 APO: See ESD
 Waterbody: Speights Run
 HUC: 02080208

**FIGURE 1 OVERALL MASTER PLAN
 ADDITIONAL INFORMATION**
 CENTERPOINT INTERMODAL CENTER
 KENYON ROAD CONNECTOR
 **Kimley-Horn
 and Associates, Inc.**

City: Suffolk
 State: Virginia
 Scale: 1"=1000'
 Date: 7/1/2013
 Sheet: 1 of 3

RECEIVED
AUG 07 2013
BY



LEGEND:

	PFO WETLAND	
	100' CBPA BUFFER	
	PERMANENT IMPACT	16,526 S.F. (0.38 AC.)
	TEMPORARY IMPACT	11,913 S.F. (0.27 AC.)

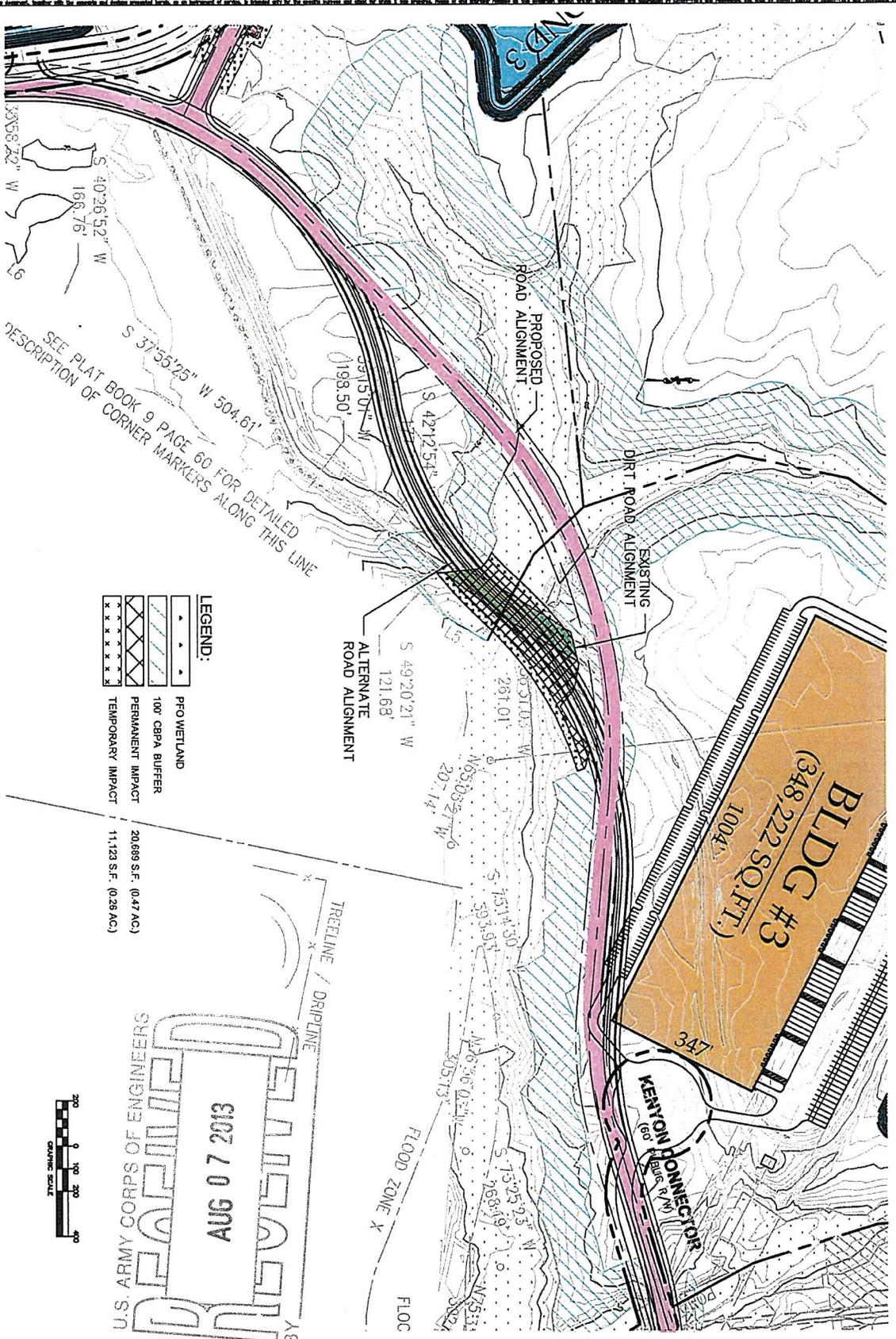
Purpose: Linear Transportation
App by: CenterPoint Properties
APO: See ESD
Waterbody: Speights Run
HUC: 02080208

ADDITIONAL INFORMATION COMPANION OF ROAD B IMPACTS
JOINT PERMIT APPLICATION
CENTERPOINT INTERMODAL CENTER
KENYON ROAD CONNECTOR



City: Suffolk
State: Virginia
Scale: 1 in equals 100 ft
Date: 8/6/2013
Sheet: 2 of 3

Drawing name: K:\VAB_Civil\116071001 - CenterPoint Intermodal\Cadd\Exhibits\Exhibit-KenyonConnector_Wetlands_QP10N2.dwg Layout1 Jul 01, 2013 10:35am by: raedem.madigan

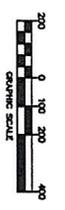


SEE PLAT BOOK 9 PAGE 60 FOR DETAILED DESCRIPTION OF CORNER MARKERS ALONG THIS LINE

LEGEND:

	PRO WETLAND
	100' CBPA BUFFER
	PERMANENT IMPACT
	TEMPORARY IMPACT

20,688 S.F. (0.47 AC)
11,123 S.F. (0.26 AC)



PREPARED
AUG 7 0 2013
U.S. ARMY CORPS OF ENGINEERS

Purpose: Linear Transportation.
App by: CenterPoint Properties
APO: See ESD
Waterbody: Speights Run
HUC: 02080208

ALTERNATE ALIGNMENT OVER EXISTING ROAD
ADDITIONAL INFORMATION
CENTERPOINT INTERMODAL CENTER-PREVIOUSLY PERMITTED
KENYON ROAD CONNECTOR
Kimley-Horn and Associates, Inc.

City: Suffolk
State: Virginia
Scale: 1"=200'
Date: 7/1/2013
Sheet: 3 of 3