



Public Notice

U.S. Army Corps of Engineers, Norfolk District

December 12, 2014

CENAO-WR-RN
NAO-2005-4618

FEDERAL PUBLIC NOTICE

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

APPLICANT

MREC Shenandoah VA LLC and
MREC Shenandoah Investments LLC
Attn: Mr. Hobie Mitchel
2553 Dulles View Drive, Suite 400
Herndon, VA 20171

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on approximately 926 acres around Lake Frederick in Frederick County and Clarke County, Virginia. The work will occur in tributaries to Crooked Run-Molly Camel Run.

PROPOSED WORK AND PURPOSE: The project consists of the discharge of fill material into waters of the United States associated with the development of the subject tract. The project is called Shenandoah. About 2546 linear feet of stream beds and 0.21 acre palustrine emergent wetlands (PEM) in various phases of the project have been authorized by General Permits since March 2001 and construction is ongoing. Due to detailed engineering design and construction plans, individual permit authorization is necessary to complete the work on the remaining sections. An additional 0.01 acre PEM and 503 linear feet of stream beds will be permanently impacted by the project. Also, 0.05 acre palustrine forested wetlands (PFO) will be permanently converted to PEM and 326 linear feet of stream beds will be temporarily impacted. Compensatory mitigation has been provided on-site and by credit purchase for past authorizations. Additional compensation will be provided by the purchase of wetland and stream credits.

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. A vicinity map and plan view are attached. This public notice and the drawings can also be viewed at www.nao.usace.army.mil.

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 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 was prepared; (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 within the permit area. The permit area consists of the impact areas and adjacent uplands. Additional information might change any of these findings.

PRIVACY AND 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.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the U.S. Army Corps of Engineers-Norfolk District, Northern Virginia Field Office, 18139 Triangle Plaza, Suite 213, Dumfries, VA 22026, and should be received by the close of business on January 12, 2015.

If you have any questions about this project or the permit process, please contact Mr. Ron Stouffer at 703-221-6967 or ron.h.stouffer@usace.army.mil.

FOR THE DISTRICT COMMANDER:

Tucker Smith
Chief, Northern Virginia
Regulatory Section

Enclosures