



Public Notice

U.S. Army Corps of Engineers, Norfolk District

NOVEMBER 3, 2015

CENAO-WRR-C
NAO-2015-1163 VMRC 2015-1113

PUBLIC NOTICE

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

APPLICANT

Rinker Design Associates, P.C. LTD
9385 Discovery Boulevard, Suite 200
Manassas, Virginia 20109

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in waters and wetlands associated with the hydrologic unit code (HUC) 02080207 – Appomattox River / James River basin and Chesapeake Bay sub-basin in Colonial Heights, Virginia. Chester quadrangle 37.15.29 / -77.24.00

PROPOSED WORK AND PURPOSE: The applicant has proposed to impact 0.607 acres of wetlands and 18 linear feet of stream. In addition, the project proposes to reconstruct and realign the Temple Avenue/I-95 interchange. The project, revised since the original submittal on July 31, 2015, would involve the widening, lengthening, and realignment of the exit/entrance ramp for traffic on I-95. Changed since the original submittal is the elimination of the 10-foot wide utility access road along the north side of Temple Avenue. By eliminating this access road and the associated embankment slope, the applicant achieved an elimination to all the stream and wetland impacts along the north side of the roadway. The plan also includes to replace the intersection of the ramps with Temple Avenue with a roundabout to the west of the current intersection. The bridge over CSX/Atlantic Coastline Railroad resource would be demolished. Due to the limited access constraints required for a roundabout on Temple Avenue, a neighborhood entrance would be moved to the west and a driveway to the government complex would be eliminated. The proposed work would have the following impacts, as shown on the attached Plan Key Sheet and Sheets 1 and 2: Sheet 1 - A total of 18 linear feet (1,729 square feet) of stream and 0.607 acres of wetland will be impacted by placement of fill in order to create solid road base for the construction of the new on and off ramps. Sheet 2 - A total of 12 square feet of wetland for regrading associated with the off-ramp from I-95.

Mitigation for the unavoidable impacts to waters of the United States including wetlands include the 18 LF of stream permanently impacted by using the Unified Stream

Methodology to convert linear feet of impact into stream compensation credits, the project will require 17 stream compensation credits. The proposed mitigation also includes 1.116 acres of wetland mitigation credits, based on the following calculations:
0.507 acres of PFO wetland * 2 = 1.014 wetland mitigation credits
0.007 acres of PSS wetland * 1.5 = 0.010 wetland mitigation credits
0.092 acres of POW/PEM/PUB wetland * 1.0 = 0.092 wetland mitigation credits
For a total of 1.116 credits. These credits will be purchased from a local mitigation bank approved to serve the watershed [HUC 802080207].

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated, in addition, a permit may be required from the City of Colonial Heights / Dinwiddie County Planning / Wetlands Board and from the Virginia Marine Resources Commission.

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 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.

The Federal Highway Administration (FHWA) is funding the project and therefore has been designated by the Corps as the lead Federal agency to fulfill the collective Federal responsibilities under Section 7 of the Endangered Species Act of 1973 (PL 93-205), Section 106 of the National Historic Preservation Act of 1966 (PL 89-665), and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (PL 104-267). The FHWA has preliminarily determined that: (1) no environmental impact statement will be required; (2) the project is not likely to adversely affect any 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); 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 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.virginia.gov/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: 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-WRR-C), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on December 3, 2015.

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 Scharlene Floyd at 757-201-7367 or email her at scharlene.a.floyd@usace.army.mil

Attachments for NAO-2015-1163 VMRC 15-1113:
Aerial of proposed expansion plans
Drawings of proposed activities
Topographic Map