Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 22, 2008

CENAO-REG
2007-03767; 07-V2151

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT
Third Avenue Developers, LLC
Attn: Mr. Mark Kukoski
4901 Dickens Road, Suite 101
Richmond, Virginia 23230

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project site is approximately 162 acres and located on the south line of Route 673, northwest of Route 614 in Goochland County, Virginia. The site drains into Rocketts Creek, which drains into Big Lickinghole Creek, a tributary to the James River, a navigable water of the U.S.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a single-family residential development consisting of 247 lots. The applicant proposes to discharge fill material in 0.23 acre of forested wetlands and 237 linear feet of stream channel for the construction of roads, associated erosion and sediment controls and one residential lot. The wetland impacts are minimal and the project will likely qualify for the Norfolk District's State Program General Permit. A log house constructed approximately 1839 is located within the project limits. The house has been determined eligible for listing on the National Register of Historic Places. The applicant has indicated that the house will be relocated to a different site. The Corps has determined that the proposed undertaking will have an adverse effect on the log house.

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 pursuant to 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 individual 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 Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that (l) no environmental impact statement will be required; (2) no Federally listed species pursuant to the Endangered Species Act of 1973 (PL 93-205) are known to occur on the site; and (3) The log house on site has been determined eligible for listing in the National Register of Historic Places and will be adversely affected by the proposal. 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.state.va.us.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: Richmond Field Office), 9100 Arboretum Parkway, Suite 235, Richmond, Virginia 23236, and should be received by the close of business on August 22, 2008.

If you have any questions about this project or the permit process, please contact:

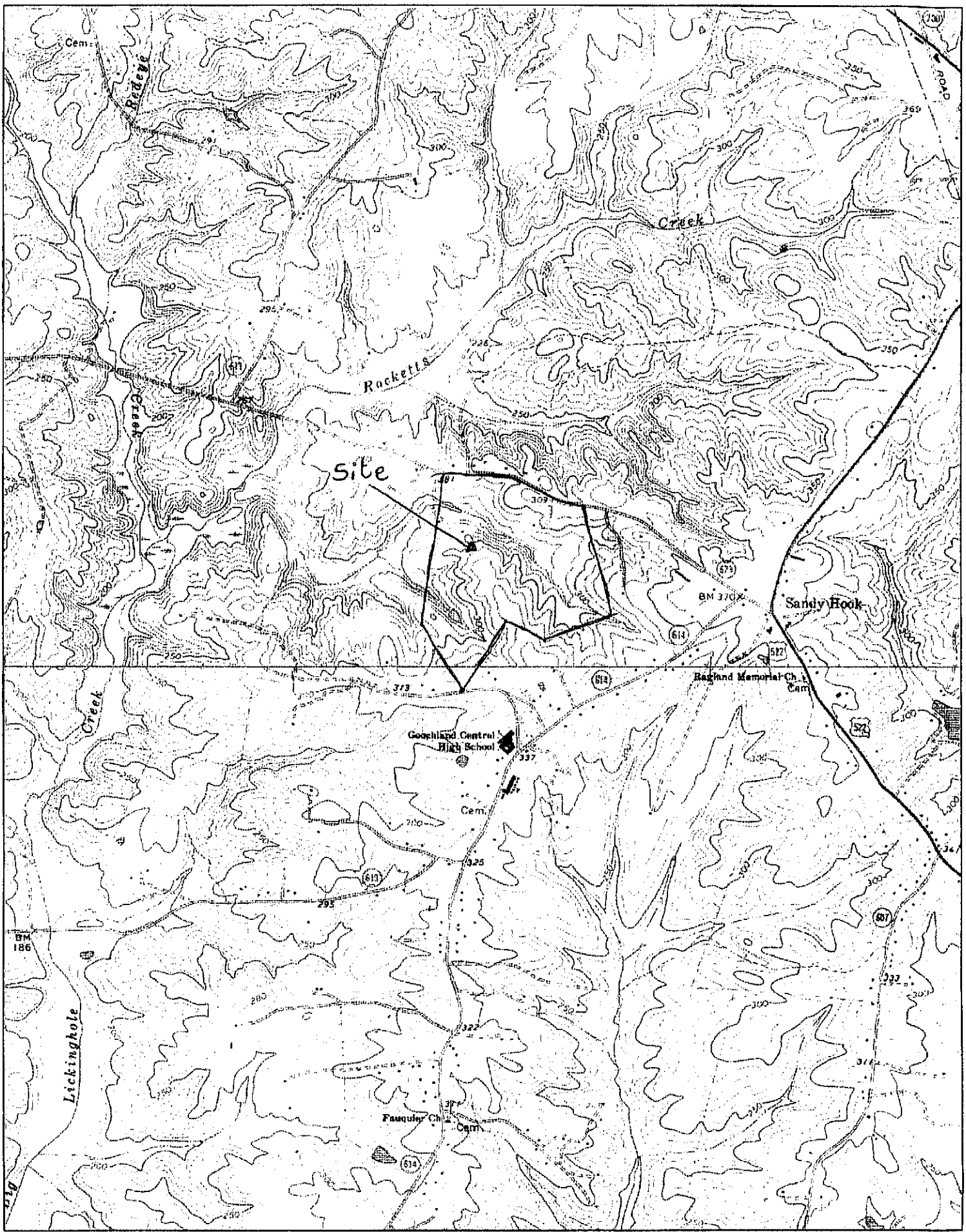
Dr. Silvia Gazzera at (804) 323-3780
silvia.b.gazzera@usace.army.mil

FOR THE DISTRICT ENGINEER:

Lynette R. Rhodes

Lynette R. Rhodes
Chief, Southern Virginia
Regulatory Section

Attachment: Drawings



Copyright (C) 1997, Maptech, Inc.