

Public Notice

U.S. Army Corps of Engineers, Norfolk District

January 24, 2008

CENAO-REG
07-V0987/NAO2008-00199

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

Mr. Peter L. Rotelli, Lowe's Companies, Incorporated
6407 Forest Grove Drive
Fredericksburg, Virginia 22407

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed work is planned on a site containing approximately 20 acres of land located in the northwest quadrant of the intersection of United States Route 1 and State Route 657 in the Town of Ashland, Virginia. The site drains to Stony Run, a tributary to the Chickahominy River within the James River basin.

PROPOSED WORK AND PURPOSE: The project purpose is to provide commerce by constructing a Lowes and associated infrastructure. The applicant proposes to discharge fill in and to adversely impact 3.20 acres of palustrine forested wetlands and 493 linear feet of ditch for the purposes of constructing a building, parking, access and related drainage and erosion control structures. The applicant plans to mitigate the individual and cumulative adverse impacts by purchasing 6.4 wetland credits (2:1 compensation for 3.20 acre of forested wetland loss) from the Chickahominy Environmental Bank located in Charles City County. Approximately 1.1 acres of wetlands located along the western property line, adjacent to Slash Cottage will be avoided.

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 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 (1) 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) 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. 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.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 February 25, 2008.

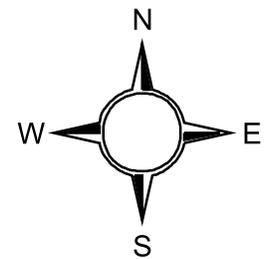
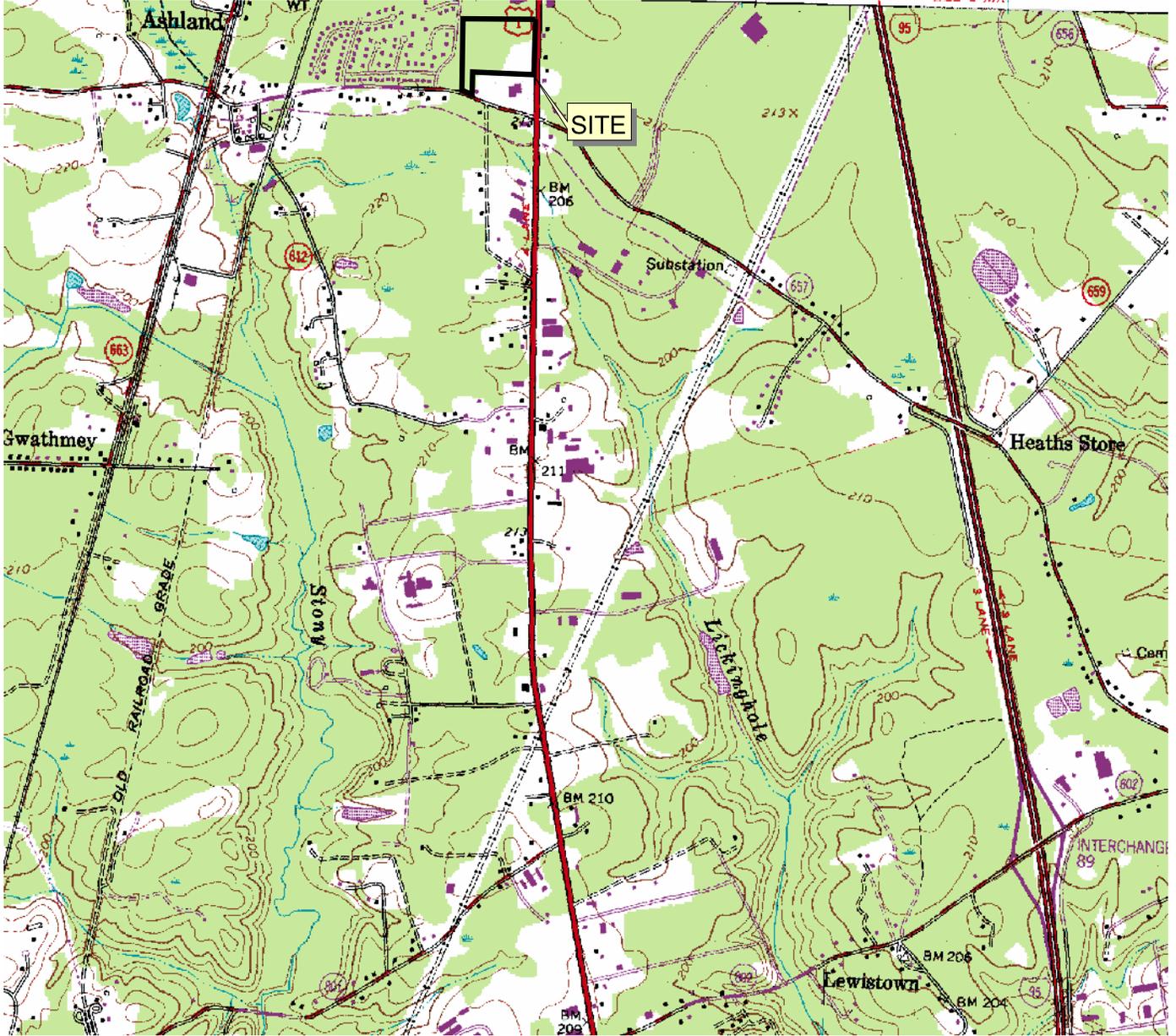
If you have any questions about this project or the permit process, please call:

Elaine Holley at (804) 323-3780

FOR THE DISTRICT ENGINEER:


Lynette R. Rhodes
Chief, Southern Virginia
Regulatory Section

Attachment: Drawings



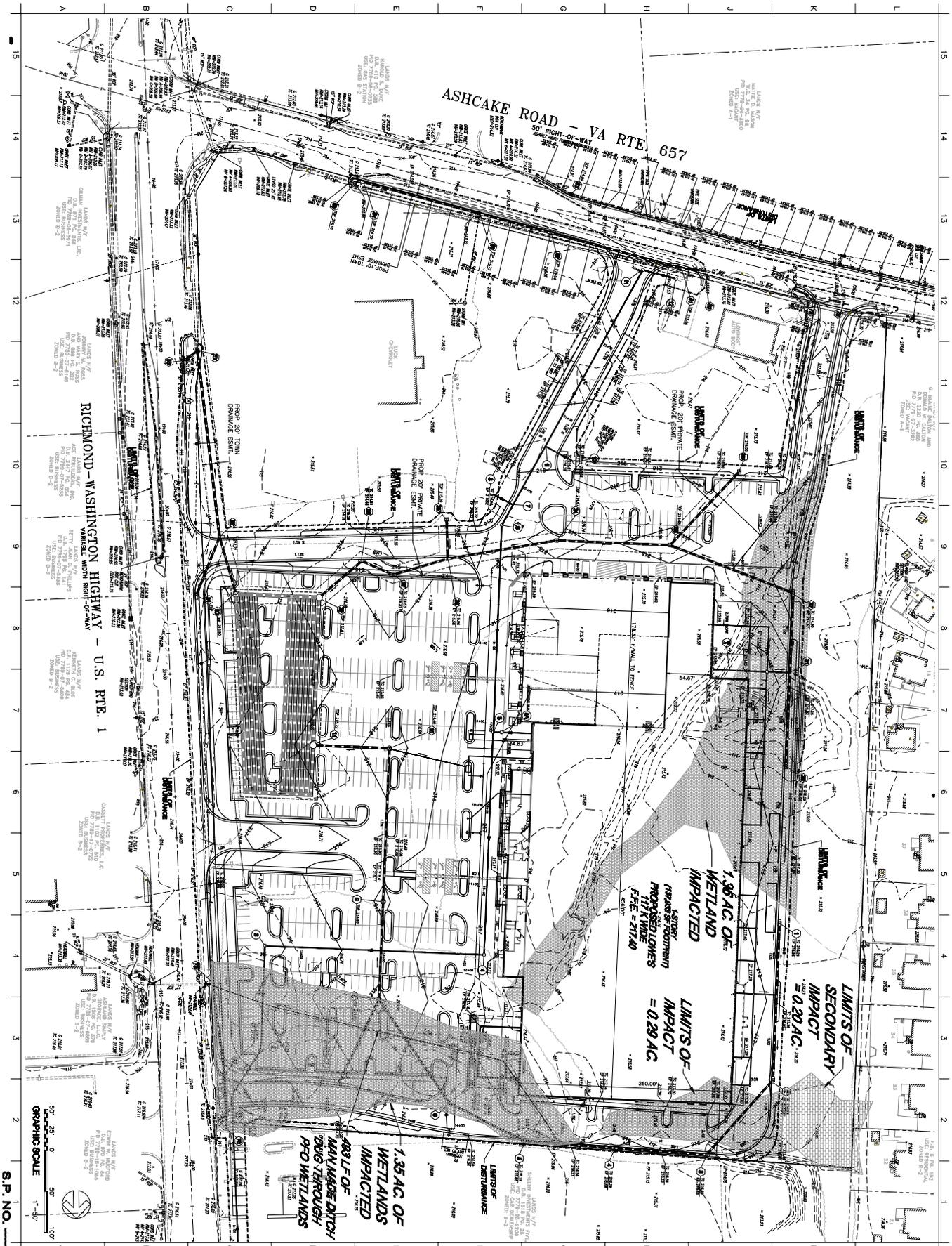
Source: USGS, 19961211, Yellow Tavern - 24k DRG: USGS, Reston, VA.

Scale: 1"=2000'
 Bay #: 06-011-02
 Date: 5/23/07
 Drawn By: AJL

 Approximate Site Boundary

Figure 1: Topographical Vicinity Map
 Lowe's of Ashland Wetland Permit
 Hanover County, Virginia





S.P. NO. _____

GRAPHIC SCALE
1" = 40'

DATE:	NOVEMBER 27, 2007
JOB NO.:	13615-06
CD NO.:	13615C2-01
DRAWING TITLE:	GRADING PLAN
DESIGNER:	R. GRAY
DRAWN BY:	T. RICHARDS
CHECKED BY:	R. GRAY
REVISIONS:	
DATE:	
BY:	
REASON:	



MCKINNEY AND COMPANY
INCORPORATED
1000 W. MAIN STREET
ASHLAND, VA 22801
TEL: 540-221-1111
WWW.MCKINNEYANDCOMPANY.COM

CONSULTING ENGINEER

MAINTENANCE OFFICE

PROJECT NO. 13615-06

DATE: NOVEMBER 27, 2007

BY: R. GRAY