

Joint Public Notice

U.S. Army Corps of Engineers, Norfolk District

June 27, 2008

CENAO-REG
NAO-2008-01706

JOINT FEDERAL/STATE PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a prospectus to establish a compensatory wetland mitigation bank for Federal and State permits as described below:

BANK SPONSER

Mitigation Services Inc.
c/o Angler Environmental
12811 Randolph Ridge Lane
Manassas, Virginia 20109

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed mitigation bank, "Prince William Environmental Bank", is located within Prince William County, Virginia and consists of approximately ten bank sites owned by the Prince William County Park Authority. The bank sites encompass approximately 2000 acres, including 147,000 linear feet of streams and span nine different sub-watersheds of the Potomac River Watershed.

PROPOSED WORK AND PURPOSE: The bank sponsor proposes to establish, design, construct, and operate a stream and wetland compensatory mitigation bank.

The purpose of the mitigation bank is to provide off-site compensatory mitigation for projects that result in unavoidable impacts to streams and wetlands within the bank's service area. The sponsor's primary goals and objectives are to fully compensate for those authorized losses to streams, wetlands, and other aquatic resource functions in a way that best contributes to the long-term ecological health of the Potomac River Watershed. A secondary goal of the sponsor is to facilitate public education and outreach.

The Bank Sponsor will establish this Bank through the restoration, enhancement, and preservation of stream channels, as well as the re-establishment, enhancement and preservation of adjacent vegetated riparian buffers, the creation, restoration, and/or enhancement of wetlands, and the preservation and enhancement of adjacent forested wetlands and upland buffers. A copy of the prospectus is enclosed.

The sponsor has proposed for purposes of Section 404 of the Clean Water Act, that the geographic service area of this mitigation bank is HUC 02070008, 02070010 and 0207011 which includes portions of Arlington, Fairfax, Fauquier, King George, Loudon, Northumberland, Prince William, Stafford, and Westmoreland Counties, as well as the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park.

Oversight of this mitigation bank will be by a group of federal and state agency representatives. This interagency oversight group will be known as the Mitigation Bank Review Team (MBRT). The Norfolk District of the U.S. Army Corps of Engineers shall chair the MBRT.

This mitigation bank may be one of a number of practicable options available to applicants to compensate for unavoidable stream and wetland impacts associated with permits issued under the authority of Section 404 and 401 of the Clean Water Act (Public Law 95-217) in northern Virginia.

The actual approval of the use of this mitigation bank for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act and by the Department of Environmental Quality pursuant to Section 401 of the Clean Water Act and Title 62.1 of the Code of Virginia. The Corps and the Department of Environmental Quality provide no guarantee that any particular individual or general permit will be granted authorization to use this mitigation bank to compensate for unavoidable stream and wetland impacts associated with a proposed permit, even though compensatory mitigation may be available.

AUTHORITY: Permits may be 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. This Public Notice is recommended pursuant to Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Federal Register Number 228).

FEDERAL EVALUATION OF APPLICATION: 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 this proposed mitigation bank. Any comments received will be considered by the Corps of Engineers in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, water quality, conservation, economics, aesthetics, general environmental concerns, wetlands, 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, and consideration of property ownership.

Preliminary review indicates that: (1) no environmental impact statement will be required; (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 cultural or historic resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected. Additional information might change any of these findings.

STATE EVALUATION OF PROPOSAL: To comply with Section 401 of the Clean Water Act (the Act), any applicant for a Corps permit for a proposal which may result in a discharge to state waters must provide the Corps with a certification from the Virginia Department of Environmental Quality, Water Division. They must certify that water quality will be maintained in accordance with Virginia Department of Environmental Quality, Water Division Law (state law) and that the activity will comply with the applicable provisions of Sections 301, 302, 303, and 306 and 307 of the Act. A certification must set forth any effluent limitations and other limitations, conditions and/or requirements needed to assure compliance with the Act itself and with other appropriate requirements of State law. In Virginia, the 401 Water Quality Certification is issued as a Virginia Water Protection Permit.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 18139 Triangle Shopping Center, Suite 213, Dumfries, Virginia 22026 and should be received by the close of business on **July 28, 2008**.

If you have any questions about this project or the permit process, please call: Ms. Theresita Crockett-Augustine at 703-221-9736.

FOR THE DISTRICT ENGINEER:

Keith B. Lockwood
Chief, Northern Virginia
Regulatory Section

Attachment: Prospectus

**PROSPECTUS
FOR THE PROPOSED**

**PRINCE WILLIAM ENVIRONMENTAL BANK
Prince William County, Virginia**

Sponsor Information:
Mitigation Services, Inc.
12811 Randolph Ridge Lane
Manassas, Virginia 20109

Prepared By/Authorized Agent:
Angler Environmental
12811 Randolph Ridge Lane
Manassas, Virginia 20109
(703) 393-4844

May 13, 2008

I. SUMMARY

Mitigation Services, Inc. (hereinafter, the “Sponsor”) hereby proposes to establish and sponsor the Prince William Environmental Bank (PWEB) (hereinafter, the “Bank”), to be located in Prince William County, Virginia. The proposed Bank will include multiple sites located within Prince William County and owned by the Prince William County Park Authority (PWCPA). The Sponsor has entered into an agreement with PWCPA to develop the bank on PWCPA-controlled property. The intent of the Bank is to provide compensatory stream and wetland mitigation credits designed to offset authorized unavoidable impacts within the proposed mitigation service area of the Potomac River Watershed. The Bank is proposed to serve areas within Hydrologic Unit Codes (HUC) 02070008, 02070010 and 02070011.

With this prospectus, the Sponsor proposes to include ten (10) initial Bank sites totaling approximately 2,000 acres and consisting of approximately 147,000 linear feet of streams. Currently, the estimated amount of credits generated through the preservation, enhancement, and restoration of stream resources at these sites will be between 30,000 and 40,000 credits. The ten (10) sites were selected after completion of a comprehensive evaluation of the entire County and its watersheds, to identify sites that will provide the greatest benefit to the watershed and surrounding community through their inclusion in the Bank. The Sponsor proposes to develop additional sites, not included in this prospectus, with this Bank in the future.

II. BANK OBJECTIVES

The overall goal of the Bank is to fully compensate for authorized losses to streams, wetlands, and other aquatic resource functions in a manner that best contributes to the long-term ecological health of the Potomac River Watershed. The Bank sites are located within developed (highly impervious) watersheds and thus are ‘flashy’ hydrologic systems subject to excessive storm water flows. Much of the development in Prince William County occurred prior to the modern Low Impact Development (LID) methods to control storm water runoff, and thus many of the stream systems directly receive storm water runoff.

As a result, bank erosion, incision, headcuts, sedimentation, and loss of benthic habitat are prevalent on the Bank sites. In several instances, these stream instabilities are threatening existing infrastructure. The restoration and enhancement areas of the Bank will aim to alleviate this problem both by restoring the existing stream channels to a stable form in the current flow regime, as well as by providing additional storm water controls wherever possible to help control some of the runoff before it reaches the channels. These restoration efforts will serve to dissipate the excess shear stress from the peak flows, thereby eliminating the current stream stability and habitat issues

Furthermore, the Bank will provide protection of these aquatic resources in perpetuity, preventing future impacts.

An additional goal of the Bank is to facilitate public education and outreach. Working with PWCPA enables the Sponsor to provide this unique opportunity.

III. DESCRIPTION OF BANK SITES

A. LOCATION AND CURRENT USE

The ten (10) initial Bank sites are located throughout Prince William County, Virginia (see *Project Area Map* included as Appendix A). Cumulatively, these ten (10) sites encompass approximately 2,000 acres, individually ranging from 20 acres to 650 acres. The Bank sites span nine (9) different sub-watersheds (Quantico Creek, Chopawamsic Creek, Powell's Creek, Neabsco Creek, Hoadly Run, Hooes Run, Slate Run, Flat Branch, and Catharpin Run) of the larger Potomac River Watershed.

The Bank sites are all under the ownership of PWCPA and used for active and passive recreation. PWCPA is charged with providing leisure and recreational services to its citizens. This includes activities such as the development of grass and/or turf playing fields, and the construction of roads, buildings, parking areas swimming pools, playgrounds, as well as all other infrastructure required for the recreational activities. If not included in the Bank, the aquatic resources at many of the sites may be impacted to provide these amenities. With the implementation of the Bank, however, the stream corridors and wetland areas will be protected from these activities and all other future development.

B. FEASIBILITY AND BASELINE DATA

Prior to preparation of this document and the decision to pursue development of the Bank on these sites, the Sponsor conducted an initial feasibility study of all of the parcels owned by PWPCA to gather baseline data and to assess the sites' potential to support mitigation. This initial study included watershed/surrounding land use analysis, review of the master plan for each site, size of the parcels, length of existing streams on the parcels, potential to form contiguous mitigation corridors based on adjacent parcels, existing topography and land cover. Based on the study results, the Sponsor selected fourteen (14) sites for further field verification. Of these fourteen (14) sites, the Sponsor identified ten (10) optimal sites to be included in the prospectus for the Bank. Representative photographs of each of the sites are included as Appendix B.

Feasibility assessments, including stream assessments and field verification of aerial photography associated with land cover and utilities, were completed to determine the suitability of each of the ten (10) sites for stream and wetland mitigation. The evaluation indicates that the ten (10) selected sites have significant potential to provide mitigation. The Sponsor will provide all relevant data, analyses, modeling, reference information, and engineering calculations to the Mitigation Banking Review Team (MBRT) as part of the Bank approval process.

During the preliminary field investigations, very few wetland resources were observed within the stream mitigation areas. Prior to submitting subsequent banking documents, the Sponsor will prepare and submit a *Water of the U.S.* delineation to the U.S. Army Corps of Engineers for review and approval.

Based on a review of the Virginia Department of Historic Resources (VDHR) Data Sharing System (DSS) website, there are no known archeological resources that would be affected by development of this Bank.

A review of the Virginia Department of Game and Inland Fisheries' (DGIF) Fish and Wildlife Information Online Service revealed that several Federal and State Threatened and Endangered Species (T&E) have been identified in Prince William County. The species identified include Dwarf Wedgemussel (*Alasmidonta heterodon*), Brook Floater (*Alasmidonta varicosa*), Upland Sandpiper (*Bartramia longicauda*), Loggerhead Shrike (*Lanius ludovicianus*) and Bald Eagle (*Haliaeetus leucocephalus*). Prince William County also has known populations of Small Whorled Pogonia (*Isotria medeoloides*). As appropriate, the Sponsor will conduct T&E surveys as part of the Bank development process. In addition, the Sponsor will evaluate opportunities to enhance/restore suitable habitat for the above listed species as part of the mitigation work.

IV. MITIGATION METHODS

Stream mitigation credits will be established through the restoration, enhancement, and preservation of stream channels, as well as the re-establishment, enhancement and preservation of adjacent vegetated riparian buffers. Wetland mitigation credit will be established through the creation, restoration, and/or enhancement of wetlands, as well as the preservation and enhancement of adjacent forested wetlands and upland buffers. The Sponsor has entered into an agreement with PWCPA to develop a mitigation bank on PWCPA owned property, and will be responsible for the monitoring and maintenance of the mitigation areas to ensure the success of the sites.

Stream restoration and enhancement will be based on a natural channel design process. The pattern, profile, and dimension of the channels will be modified, as necessary, to allow the stream to transport sediment in an efficient manner and remain stable (neither aggrading nor degrading). Designs will be based on the geomorphic characteristics of a stable reference condition. Techniques to accomplish this goal include cross-section and pattern alterations, bank stabilization and bioengineering techniques, grade control and in-stream structures, streambank plantings, and the establishment and/or preservation of forested riparian buffers. More traditional engineering techniques (e.g. hardened materials) will be used only when site constraints require that these materials be used in order to protect existing infrastructure, ensure the stability of the systems, and maintain the integrity of the watershed. The Unified Stream Methodology (USM) (January 2007 or most recent version) will be used to calculate the stream compensation credits generated at each of the Bank sites.

Additionally, credits may also be derived through the development of areas to control storm water runoff to onsite streams to be restored, enhanced, or preserved. These techniques will follow the philosophy of Low Impact Design methods and be incorporated into overall designs for the sites.

V. OPERATION OF THE BANK

The Sponsor will prepare and submit a Mitigation Banking Instrument (MBI) to establish the Bank. The MBI, as well as the development and operation of the Bank, will be in accordance with all applicable Federal, Commonwealth of Virginia, and local statutes, regulations, and guidance.

In addition, the Sponsor will submit a detailed Site Development Plan (SDP) that will present clear goals and objectives for each Bank site. The SDP will contain details for

each of the Bank sites based on site specific data and modeling, including detailed soil and geotechnical information, groundwater and rainfall data, existing wetland and stream channel assessments, stream geomorphological surveys, and a detailed water budget analyses as applicable. Stream and wetland mitigation credit will be determined using an assessment method approved by the MBRT.

A. GEOGRAPHIC SERVICE AREA

The Bank sites are located in Prince William County in the middle and lower Potomac Hydrologic Unit Codes (HUC) 02070010 and 02070011. The service area for the Bank will incorporate HUC's 02070008, 02070010, and 02070011, which includes portions of Arlington, Fairfax, Fauquier, King George, Loudoun, Northumberland, Prince William, Stafford, and Westmoreland Counties, as well as the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park.

The proposed service area of the Bank is consistent with the current and proposed Commonwealth of Virginia statutes and regulations governing mitigation banks, including VWPP regulations (Code of Virginia § 33.1-223.2:1 and 9 VAC 25-210-10 et seq.). A *Service Area Map* for the Bank is provided as Appendix C.

B. PERMITS

Development of the Bank, including all construction activities, will be performed in a manner that will avoid and minimize both temporary and permanent adverse effects on the environment to the greatest extent practicable. Impacts to small areas of existing, degraded stream channels and wetlands may be required for the implementation of simple water control features, hydrologic barriers, and/or stream channel restoration activities. The Sponsor, as part of the Bank approval process, will obtain any necessary Clean Water Act (CWA) and/or VWPPP permits, as well as all applicable local permits.

C. LONG TERM MONITORING AND MAINTENANCE

The Sponsor controls all of the currently proposed Bank sites and will be responsible for a monitoring and maintenance period following construction of the mitigation areas to ensure success of the mitigation plan.

Following construction activities, the Sponsor will implement a monitoring plan to ensure that the hydrology, vegetation, and stability success criteria are being met. The monitoring plan will be detailed in the SDP for each Bank site, and will be in accordance with Section II.E. of the Federal Banking Guidance. Determinations regarding specific performance criteria, other long-term monitoring and/or management activities, the operational life of the Bank, potential remedial actions and financial assurances will be similarly developed and contained in the MBI and SDP for each Bank site.

A restrictive covenant, or other equivalent instrument, will be recorded on the Bank sites in the County land records prior to the sale of any credits from the Bank, to assure preservation of these lands in perpetuity. At the end of the active monitoring period, the Sponsor shall transfer all interest in the Bank, at no cost, to PWCPA.

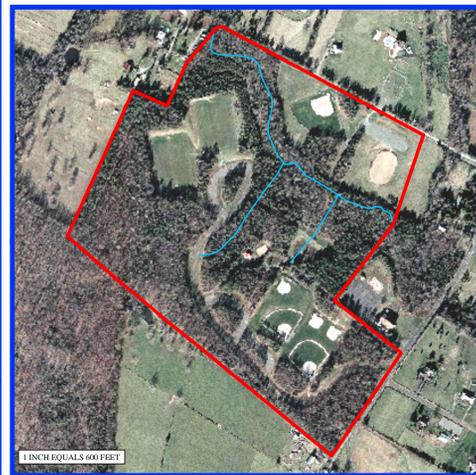
VI. PLANNED PRE-APPLICATION PROCESS

The sponsor plans to meet with the MBRT prior to the submission of a MBI for the Bank and SDP for each site to discuss plans for the Bank. This document will serve as the basis for discussion. The Sponsor also welcomes the opportunity to meet with other interested parties to discuss the plans for the Bank.

Appendix A
Project Area Map



JAMES S. LONG REGIONAL PARK
233 AC
TOTAL STREAM LENGTH = +/- 21,318 LF

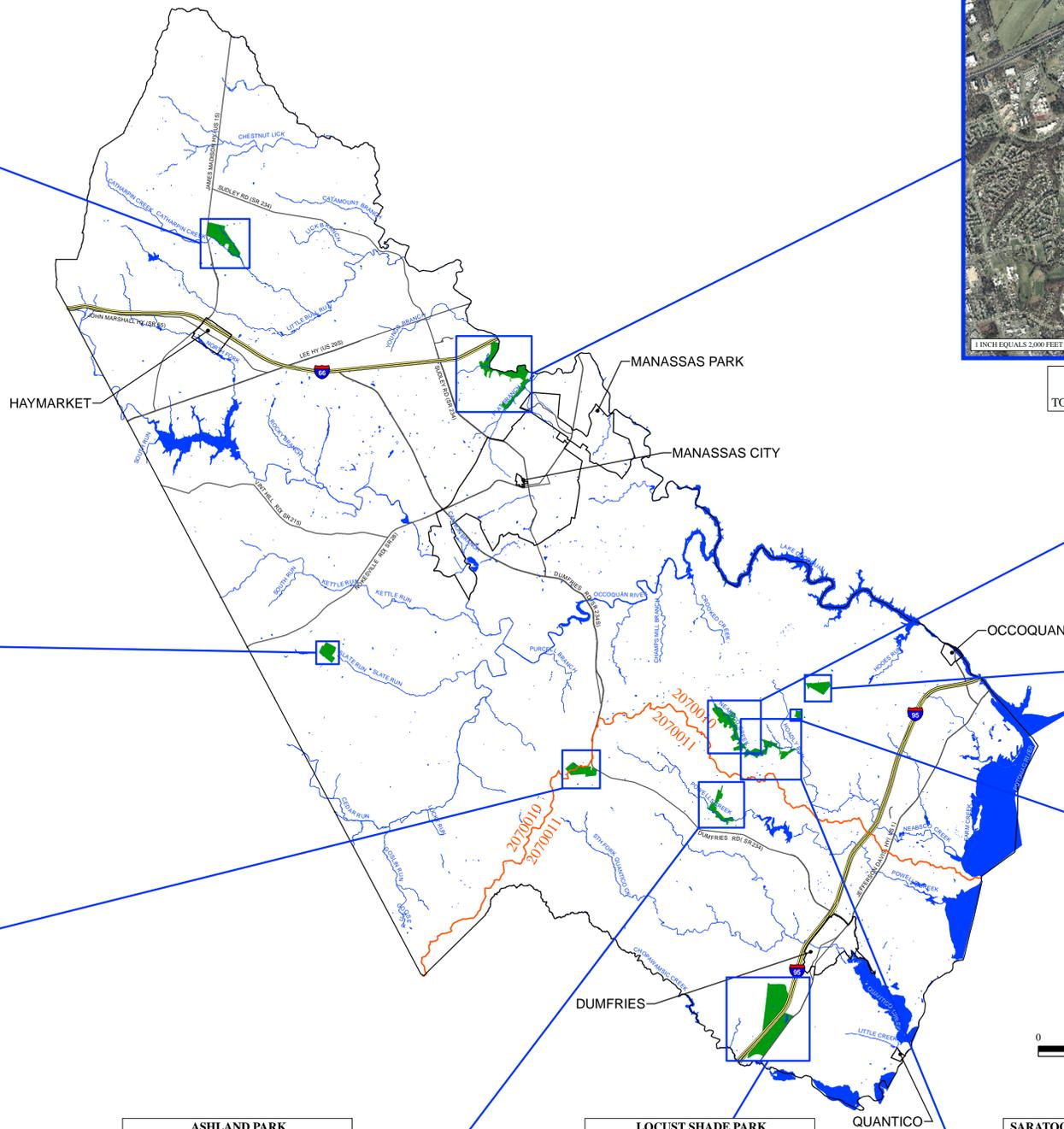


NOKESVILLE PARK
97.8 AC
TOTAL STREAM LENGTH = +/- 3,723 LF



GEORGE HELLWIG MEMORIAL PARK
130.4 AC
TOTAL STREAM LENGTH = +/- 5,666 LF

NOTES
1. PLANIMETRIC INFORMATION OBTAINED FROM PRINCE WILLIAM COUNTY (PWC) GIS DEPARTMENT.
2. PARK BOUNDARIES ARE BASED ON PWC GIS PARCEL LAYER AND BOUNDARY INFORMATION PROVIDED BY PWC PARK AUTHORITY.
3. AERIAL IMAGERY OBTAINED FROM AERIALS EXPRESS, 2006.
4. STREAM MITIGATION REACHES ARE BASED ON PWC GIS STREAM LAYER, AS WELL AS THE RESULTS OF PRELIMINARY FIELD INVESTIGATIONS, AND REPRESENT POTENTIAL MITIGATION AREAS. DURING SUBSEQUENT EVALUATIONS REACHES MAY BE ADDED OR EXCLUDED DEPENDING ON THEIR SUITABILITY FOR MITIGATION.



BEN LOMOND REG PARK
323.5 AC
TOTAL STREAM LENGTH = +/- 28,315 LF



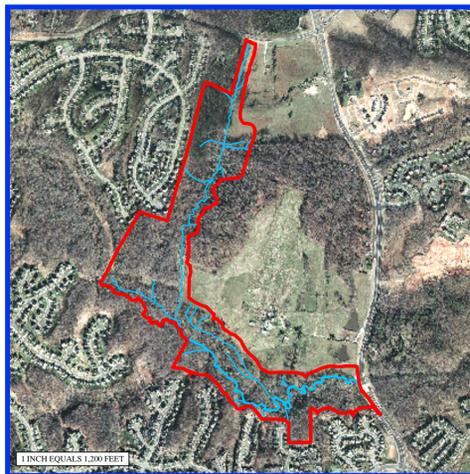
ANDREW LEITCH PARK
219.1 AC
TOTAL STREAM LENGTH = +/- 20,459 LF



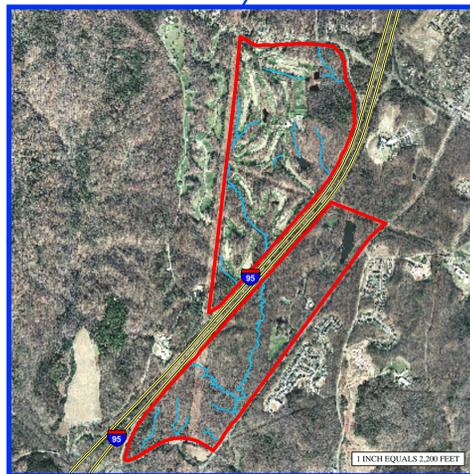
CHINN AQUATICS AND FITNESS CENTER
91.7 AC
TOTAL STREAM LENGTH = +/- 4,714 LF



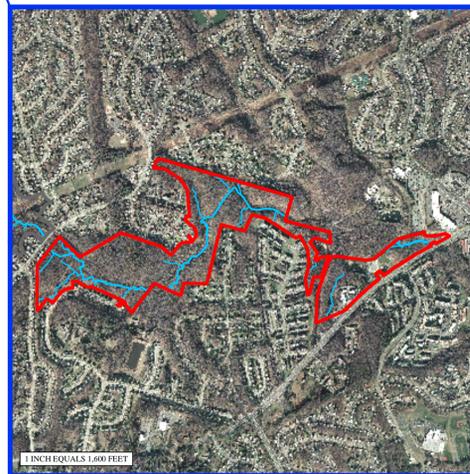
JOHN D. JENKINS PARK
21.5 AC
TOTAL STREAM LENGTH = +/- 1,735 LF



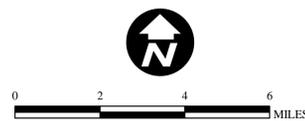
ASHLAND PARK
110.5 AC
TOTAL STREAM LENGTH = +/- 20,071 LF



LOCUST SHADE PARK
646.4 AC
TOTAL STREAM LENGTH = +/- 26,300 LF



SARATOGA HUNT PARK / GREENWOOD FARM PARK
133.9 AC
TOTAL STREAM LENGTH = +/- 15,965 LF



LEGEND

- ▭ MITIGATION BANK SITES
- ▬ STREAM MITIGATION REACH



PROJECT: PRINCE WILLIAM ENVIRONMENTAL BANK
APPLICANT: MITIGATION SERVICES, INC.

PROJECT AREA MAP
PRINCE WILLIAM COUNTY, VIRGINIA

CORPORATE | 1281 IRANDOLPH RIDGE LANE, MANASSAS, VIRGINIA 20109
P: 703.393.4844 | F: 703.393.2934
RICHMOND | 106 NORTH THOMPSON STREET, RICHMOND, VIRGINIA 23221
P: 804.353.6017 | F: 804.353.6018

PROJECT MANAGER:	BE
DRAWN:	MM
JOB NUMBER:	8049
DESIGN FILE:	8049 - Project Area Map - 24 x 36
DATE:	05/08/08
REVISIONS:	NONE

Appendix B

Representative Photographs



Photograph 1: Ashland Park - Proposed preservation area along Powell's Creek.



Photograph 2: Andrew Leitch Regional Park - Proposed restoration reach along an unnamed tributary to Neabsco Creek



Photograph 3: Ben Lomond Regional Park – Proposed restoration reach along unnamed tributary to Bull Run.



Photograph 4: Chinn Aquatics & Fitness Center – Proposed restoration reach along an unnamed tributary to Hooes Run.



Photograph 5: George Hellwig Memorial Park – Proposed restoration reach along an unnamed tributary to Quantico Creek.



Photograph 6: James S. Long Regional Park – Proposed enhancement/preservation area along Catharpin Creek.



Photograph 7: John D. Jenkins Park – Proposed restoration reach along an unnamed tributary to Neabsco Creek.



Photograph 8: Locust Shade Park – Proposed restoration reach along an unnamed tributary to Chopawamsic Creek.



Photograph 9: Nokesville Park – Proposed restoration reach along Slate Run.



Photograph 10: Saratoga Hunt Park/Greenwood Farm Park – Proposed restoration reach along Neabsco Creek.

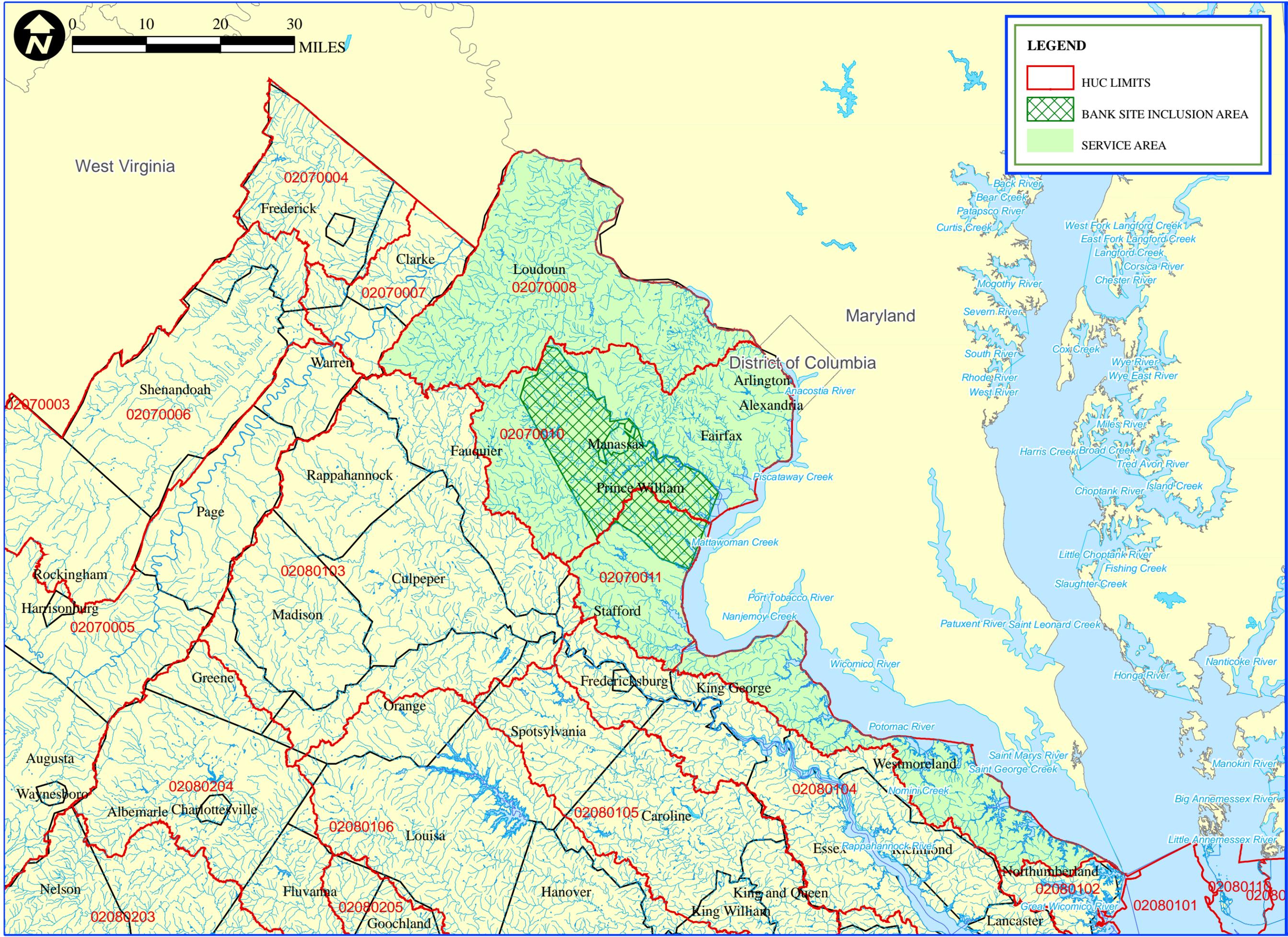
Appendix C

Service Area Map



LEGEND

- HUC LIMITS
- BANK SITE INCLUSION AREA
- SERVICE AREA



ANGLER Environmental

Aquatic Resource Specialists

12811 Ramothlin Ridge Ln.
Manassas, Va. 20109
ph: (703) 393-4844
fax: (703) 393-2934

106 North Thompson St.
Richmond, Va. 23221
ph: (804) 353-6017
fax: (804) 353-6018

PROJECT: PRINCE WILLIAM ENVIRONMENTAL BANK

APPLICANT: MITIGATION SERVICES, INC.

SERVICE AREA MAP

PROJECT MANAGER:	BE
DRAWN:	MM
JOB NUMBER:	8049
DESIGN FILE:	8049 - Service Area - Map - 11 x 17
Date:	05/08/08
REVISIONS:	NONE