

Public Notice

U.S. Army Corps of Engineers, Norfolk District

October 28, 2008
CENAO-REG
NAO-2008-1387

FEDERAL PUBLIC NOTICE

The District Engineer has received a prospectus to establish a compensatory wetland and stream mitigation bank for Federal and state permits as described below:

BANK SPONSOR

Bill Bailey
5060 Mt. Stirling Farm Road
Providence Forge, Virginia 23140

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed mitigation bank site is located on approximately 48 acres of agricultural land with an adjacent riparian woodland (of a property of approximately 172 acres total). The site is located at Mount Stirling near Providence Forge in Charles City County, Virginia. The proposed bank site drains Collins Run, a tributary of the Chickahominy River.

PROPOSED WORK AND PURPOSE: The bank sponsor proposes to establish, design, construct, and operate a compensatory wetland/stream mitigation bank to be known as Bailey Mitigation Bank. The purpose of the mitigation bank is to provide off-site compensatory mitigation for projects that result in unavoidable impacts to wetlands and other waters of the United States in portions of the James River Drainage basin. The goal of the bank is to create, protect, and preserve in perpetuity approximately 48 +/- acres of land containing wetlands and waters of the U.S. associated with the Chickahominy watershed and adjacent to an existing protected area in an effort to improve water quality to Collins Run and the Chickahominy River and provide continuity and a corridor for flora and fauna in an area in which development is encroaching and poses an imminent threat to natural resources.

The Bank Sponsor plans to establish this Bank by grading to lower the elevation by 1-2 feet and planting trees on approximately 15.5 acres of agricultural field. Also proposed is the restoration of approximately 2,347 linear feet of an unnamed tributary to Collins Run with forested buffers. In addition, 3,592 feet of Collins Run and 0.56 acres of abutting forested wetlands will be preserved. The proposed bank will therefore include created, restored, and enhanced areas and preserved wetlands and streams, all of which will be protected by a restrictive covenant.

The sponsor has proposed, for purposes of Section 404 of the Clean Water Act, that the geographic service area of this mitigation bank would include the USGS Hydrologic Unit Codes 02080205, 02080206, and 02080207. This proposed service area would include portions of the Cities of Suffolk, Newport News, and Suffolk, and Isle of Wight, Surry, York, James City, Prince George, New Kent, Charles City, Goochland, Dinwiddie, Amelia, Nottoway, Prince Edward,

Appomattox, Cumberland, Powhatan, Chesterfield, Buckingham, Fluvanna, Henrico, and Hanover Counties.

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 Interagency Review Team (IRT). The Norfolk District of the U.S. Army Corps of Engineers shall chair the IRT.

This mitigation bank may be one of a number of practicable options available to applicants to compensate for unavoidable wetland impacts associated with permits issued under the authority of Section 404 and 401 of the Clean Water Act (Public Law 95-217) in southern 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/or 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 wetland impacts associated with a proposed permit, even though compensatory mitigation may be available. Authorization by the Virginia Marine Resources Commission may also be required for its use for specific projects.

AUTHORITY: Issuance of a public notice regarding proposed mitigation banks is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 325 and 332).

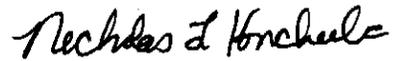
FEDERAL EVALUATION OF PROPOSAL: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate this proposed mitigation bank. An application has not been received for work in waters of the United States. The Corps of Engineers in evaluating this proposal will consider any comments received. 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) conduct of work will/will not affect species listed as threatened or endangered under the Endangered Species Act of 1973 (PL 93-205); and (3) the project may have an effect on properties listed in the National Register of Historic Places. Archaeological and architectural sites have been documented in the vicinity of the proposed bank, including Mount Stirling, the property on which construction of the bank is proposed. Coordination with the Virginia Department of Historic Resources in accordance with Section 106 of the National Historic Preservation Act will be conducted to ascertain the potential effects to historic properties. Additional information might change any of these preliminary findings.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on November 28, 2008. Copies will be forwarded to the DEQ.

If you have any questions about this project or the permit process, please contact:
Alice Allen-Grimes (757) 201-7219 or alice.w.allen-grimes@usace.army.mil

FOR THE DISTRICT ENGINEER:



Nicholas L. Konchuba
Chief, Eastern Virginia
Regulatory Section

Attachment: Map

