

Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG
2008-1927

June 27, 2008

PUBLIC NOTICE

The District Commander has received a permit application for work described below:

APPLICANT

Cavalier Park Investment Group
448 Viking Drive, Suite 220
Va Beach, VA 23452

LOCATION AND WATERWAY OF THE PROPOSED WORK: The proposed project is located north of Military Highway, east of Cavalier Boulevard, and south of Camelot Subdivision in the Cavalier Industrial Park in Chesapeake, Virginia. It is located within the watershed of the Southern Branch of the Elizabeth River via Saint Julian Creek.

PROPOSED WORK AND PURPOSE: The proposed project involves the construction of Cavalier Commerce Center, a commercial and industrial development on a +/- 38 acre portion of a ~93 acre site. The proposed project will consist of a 310,000 square foot industrial warehouse with associated parking areas, three storm-water management ponds, two manufacturing and four commercial out parcels of less than three acres each. A roadway to provide access to Military Highway is also proposed.

The project proposal would impact a total of 10.3 acres of non-tidal forested wetlands, 0.2 acres of palustrine emergent wetlands, and 1.3 acres of open water areas for a total of 11.8 acres of impacts to aquatic resources. On site compensatory mitigation involves the restoration of 10.6 acres of wetlands and preservation of 33 acres of wetlands. Additional mitigation measures off site are being explored.

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. A project location drawing is attached.

AUTHORITY: Permits are required pursuant to Sections 301, 401, and 404 of the Clean Water Act (33 USC §§ 1311, 1341, & 1344) 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).

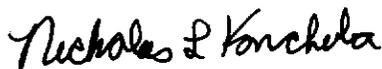
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

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 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, 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.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to Mr. Greg Culpepper, Norfolk District Corps of Engineers (ATTN: CENAO-REG-07), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **July 20, 2008.**

Please call Mr. Greg Culpepper at 757-201-7655 with any questions about this proposal.

FOR THE DISTRICT COMMANDER:


Nicholas L. Konchuba
Chief, Eastern Virginia
Regulatory Section

Attachment: Location Map



Address **Military Hwy S**
Chesapeake, VA

