

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

November 4, 2006

CENAO-REG  
NAO-08-2215  
08-V1156

## 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

St. Luke's Village LLC  
729 Thimble Shoals Blvd. Suite 6C  
Newport News, Virginia 23606

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on an approximate 116-acre site located off Brewers Neck Boulevard (Ste. Rte. 10/32) formerly known as Smithfield Downs Golf Course in Isle of Wight County, Virginia. The activities are proposed within five man-made lakes that are tributaries to Jones Creek, a tributary to the James River / Chesapeake Bay. 36.56.24 / 76.34.51 HUC Code: 02080206

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a mixed use commercial/residential development to be known as St. Luke's Village. Specifically, the proposed work in non-tidal waters of the United States (WOUS) involves one small portion of a roadway, mechanical dredging, bank stabilization, ditch alignment, and repairs to two existing out fall structures. The roadway will impact 1916 square feet (SF) of palustrine open water (POW), the bank stabilization will impact 74, 471 SF of POW, the dredging involves the mechanical excavation of 204,058 SF of POW, the ditch alignment will temporarily impact 330 SF of riverine intermittent streambed and the two existing outfall areas combined will temporarily impact 162 SF of emergent and stream systems.

No permanent impacts are proposed to vegetated wetlands: all impacts will occur to open water ponds and a man-made ditch. The applicant proposes that converting and deepening the man-made lakes into stormwater management ponds will improve water quality and provide better aquatic habitat values and functions, thus will mitigate for the loss of surface area to the POW's. In addition, the applicant is proposing that the ten foot wide wetland vegetated tiered bank stabilization will enhance and add aquatic habitat for the areas surrounding the ponds.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

**AUTHORITY:** Permits are required pursuant to 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 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 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) known resources eligible for inclusion or included in the National Register of Historic Places are in or near the permit area. The applicant has provided information concerning these sites and summarized plans for avoidance and / or relocation. 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](mailto:elirons@deq.virginia.gov).

**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 December 4, 2006.

If you have any questions about this project or the permit process, please call: Scharlene Floyd at 757-201-7367

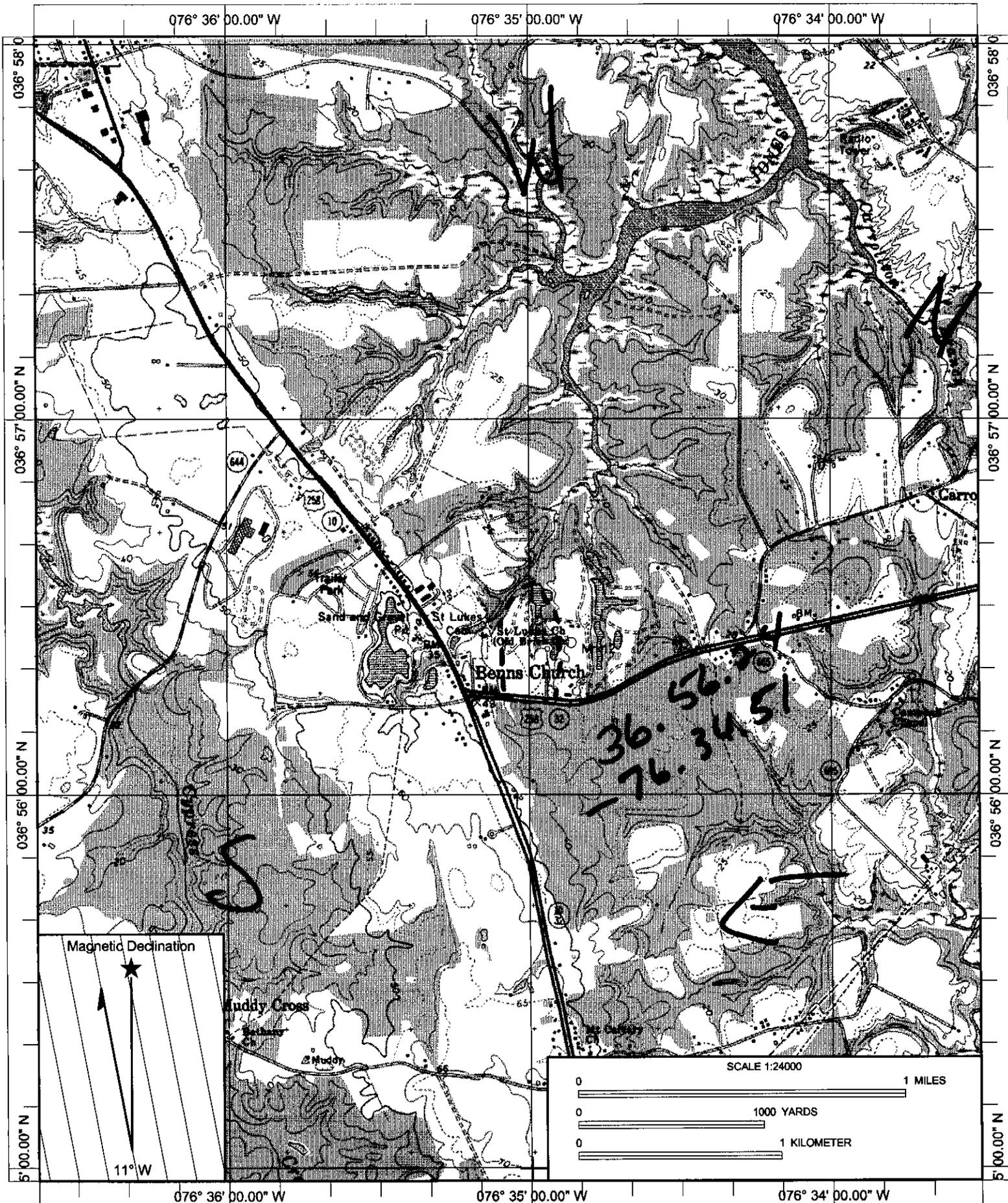
FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Nora Iseli". The signature is written in a cursive style with some loops and flourishes.

Nora Iseli  
Acting Chief, Western Virginia  
Regulatory Section

**Attachments include:**

- 1 Topographic Map w/ outlined site location
- 1 Topographic Map w/ project boundary
- Master Plan of areas to be impacted



Name: BENNS CHURCH  
 Date: 10/31/2008  
 Scale: 1 inch equals 2000 feet

Location: 036° 56' 29.66" N 076° 35' 04.30" W NAD 27  
 Caption: St. Luke's Village  
 condos

