

Public Notice

U.S. Army Corps of Engineers, Norfolk District

December 16, 2008

CENAO-REG
NAO-2008-3061
08-V4146

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Virginia Department of Transportation (VDOT)
Culpeper District
c/o Ms. Dianna Sheesley
457 E. Shirley Avenue
Warrenton, Virginia 20186

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located approximately one-half mile south of the intersection of Route 15/29 and Route 17, at Opal, Virginia, along wetlands and tributaries to Tinpot Run, a tributary to the Rappahannock River, in Fauquier County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct the Opal Interchange project on new alignment. The project will entail the construction of a new loop approximately one-half mile southwest of the current intersection, an overpass over Route 15/29, three service roads, the relocation of a portion of eastbound Route 17, the widening of sections of Route 15/29 and Route 17 to add turn lanes, and two stormwater basins. The purpose of the project is to reduce congestion and improve traffic flow and safety for traffic at the existing intersection.

The applicant proposes permanent impacts to 5.43 acres of forested wetlands, 0.47 acres of scrub/shrub wetlands, and 1.0 acres of emergent wetlands, for a total of 6.9 acres of permanent wetland impacts. In addition, the applicant proposes permanent impacts to 0.820 acres of an open water farm pond, and 857 linear feet of a stream channel tributary to Tinpot Run. Approximately 805 linear feet of this length of stream will be relocated using natural channel design. In addition, 60 linear feet (210 square feet) temporary stream channel impacts are proposed for construction access.

Mitigation: Efforts were made by the applicant to avoid and minimize impacts during project design. The applicant proposes to mitigate for the unavoidable wetland impacts by utilizing 12.58 acres of wetland credits at VDOT's Mountain Run Mitigation Bank, which is located in Culpeper, Virginia. The application included a debit sheet which showed that the Bank has these credits available for use. The relocation of 805 linear feet of stream channel using natural channel design and planted buffers is anticipated to be self-mitigating. All temporarily-disturbed areas will be restored to pre-existing contours, stabilized, and replanted after construction, as applicable.

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 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.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded,

or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Tinpot Run and its tributaries are tributaries to the Rappahannock River. However, they are not within an area designated as Essential Fish Habitat and therefore Expanded EFH consultation is not required.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **January 16, 2008**.

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

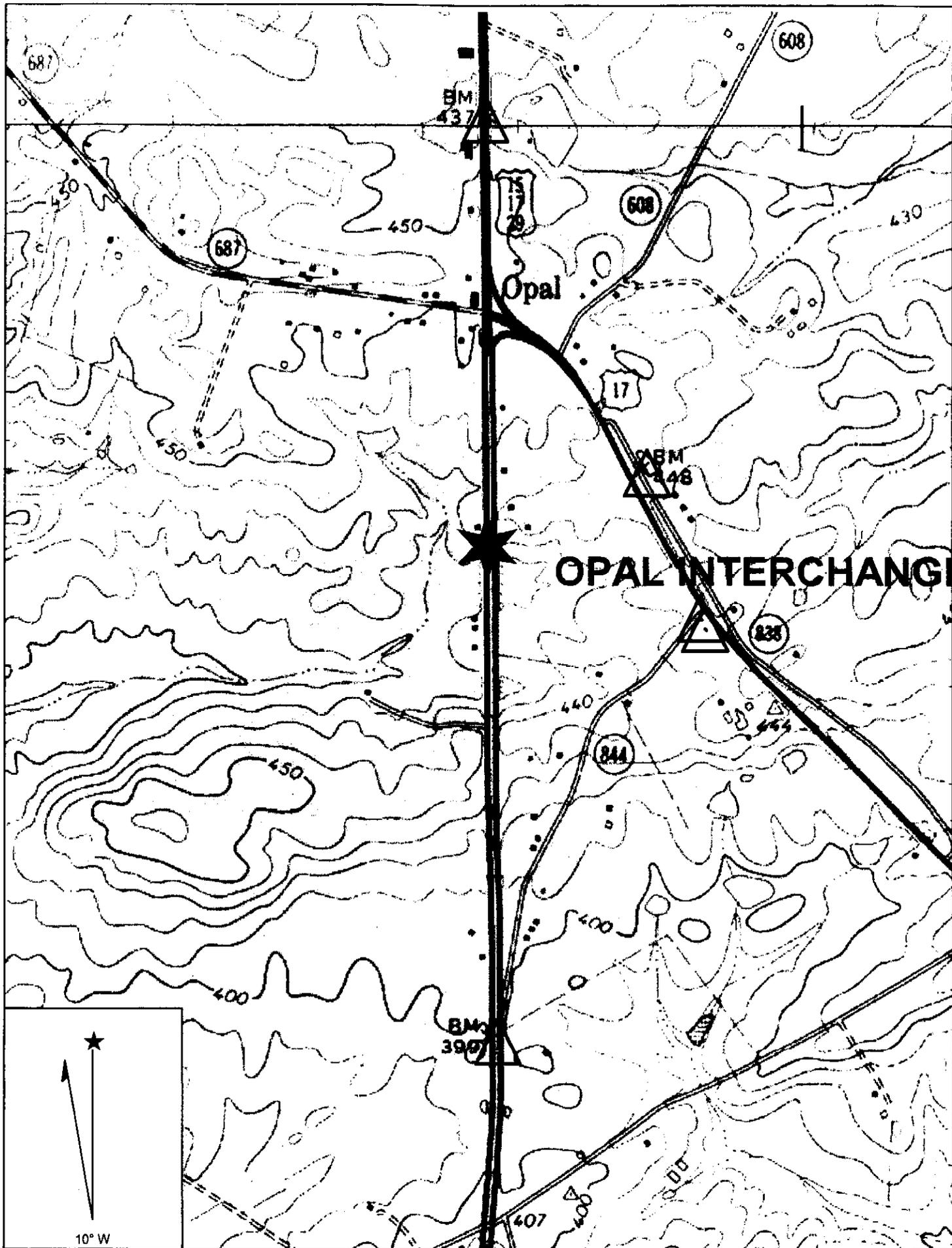
Kathy Perdue at (757) 201-7218, or email her at: Kathy.S.Perdue@usace.army.mil.

FOR THE DISTRICT COMMANDER:

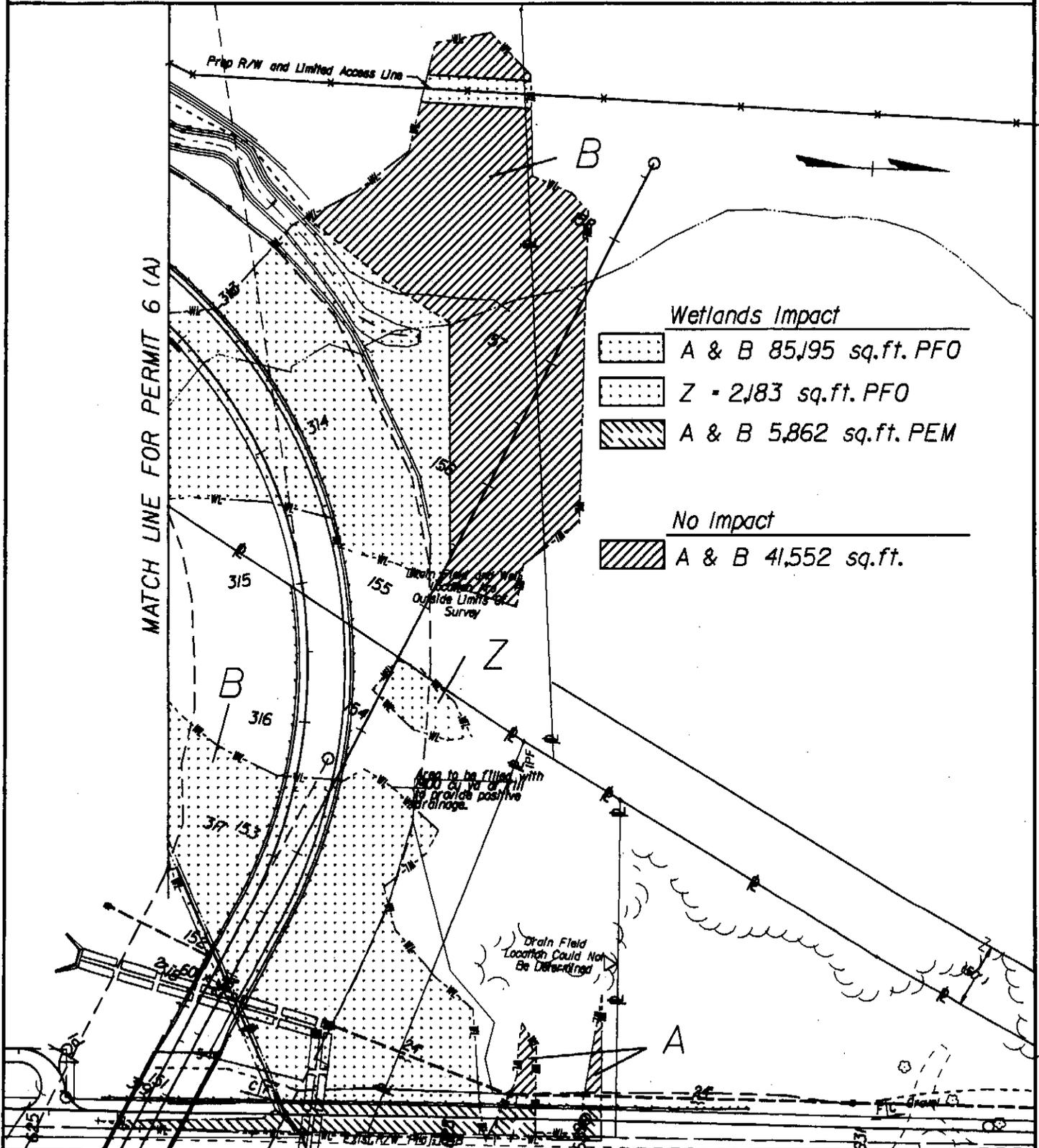


Nicholas L. Konchuba
Chief, Eastern Virginia
Regulatory Section

Attachment: Drawings



WETLANDS A, B-2, Z



Wetlands Impact	
	A & B 85,195 sq.ft. PFO
	Z - 2,183 sq.ft. PFO
	A & B 5,862 sq.ft. PEM
No Impact	
	A & B 41,552 sq.ft.

Proposed Intersection
 Improvements @ 15/29 and 17
 IN: Fauquier County
 PROJECT NO: 0015-030-117, C501
 APPLICATION BY: VIRGINIA
 DEPARTMENT OF TRANSPORTATION
 SHEET 2 OF 15 DATE: 10/10/2008

SCALE - 1" = 100'

WETLAND B-1

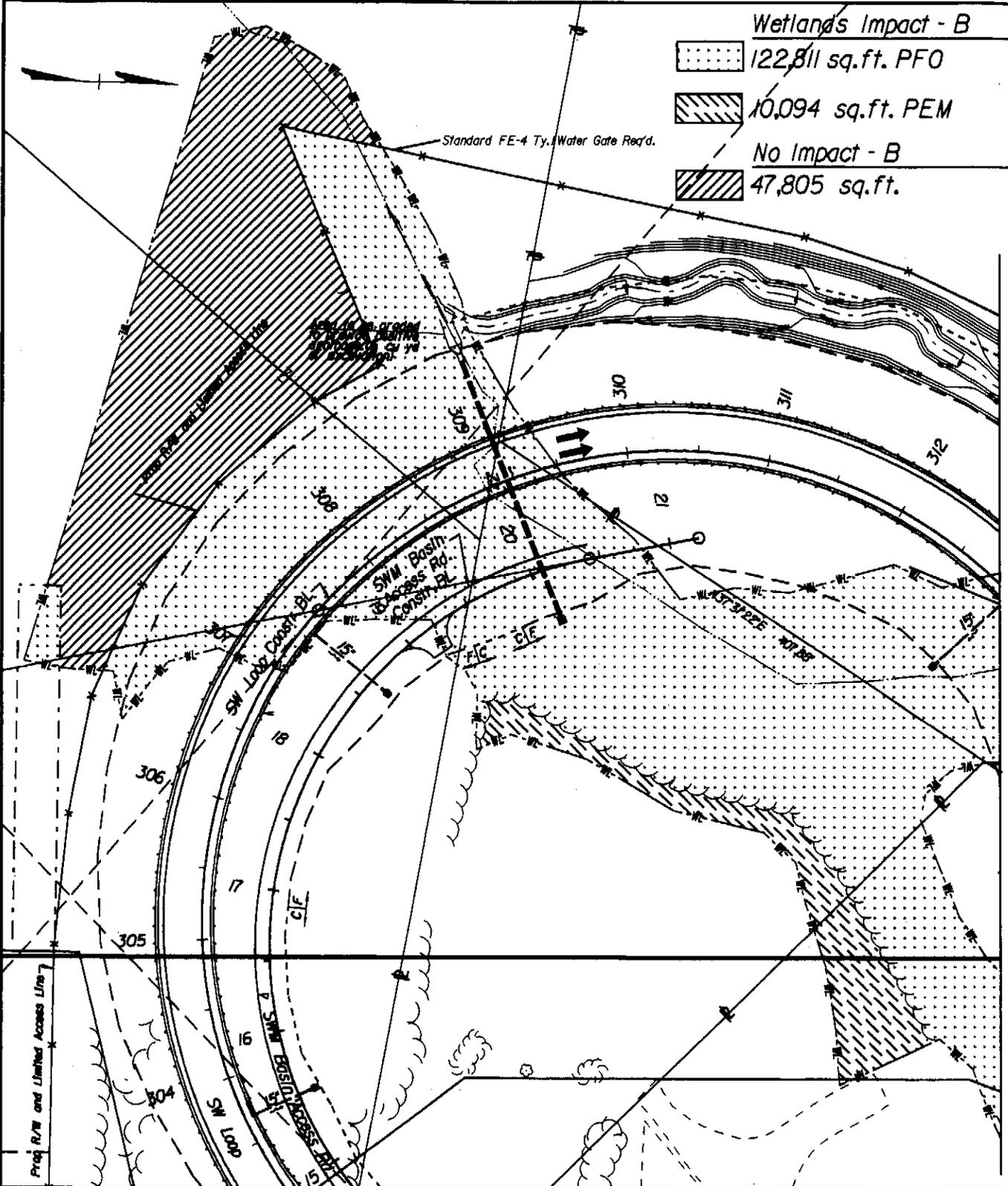
Wetlands Impact - B

 122,811 sq.ft. PFO

 10,094 sq.ft. PEM

No Impact - B

 47,805 sq.ft.



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SCALE - 1" = 100'

WETLAND C

Wetland Impact

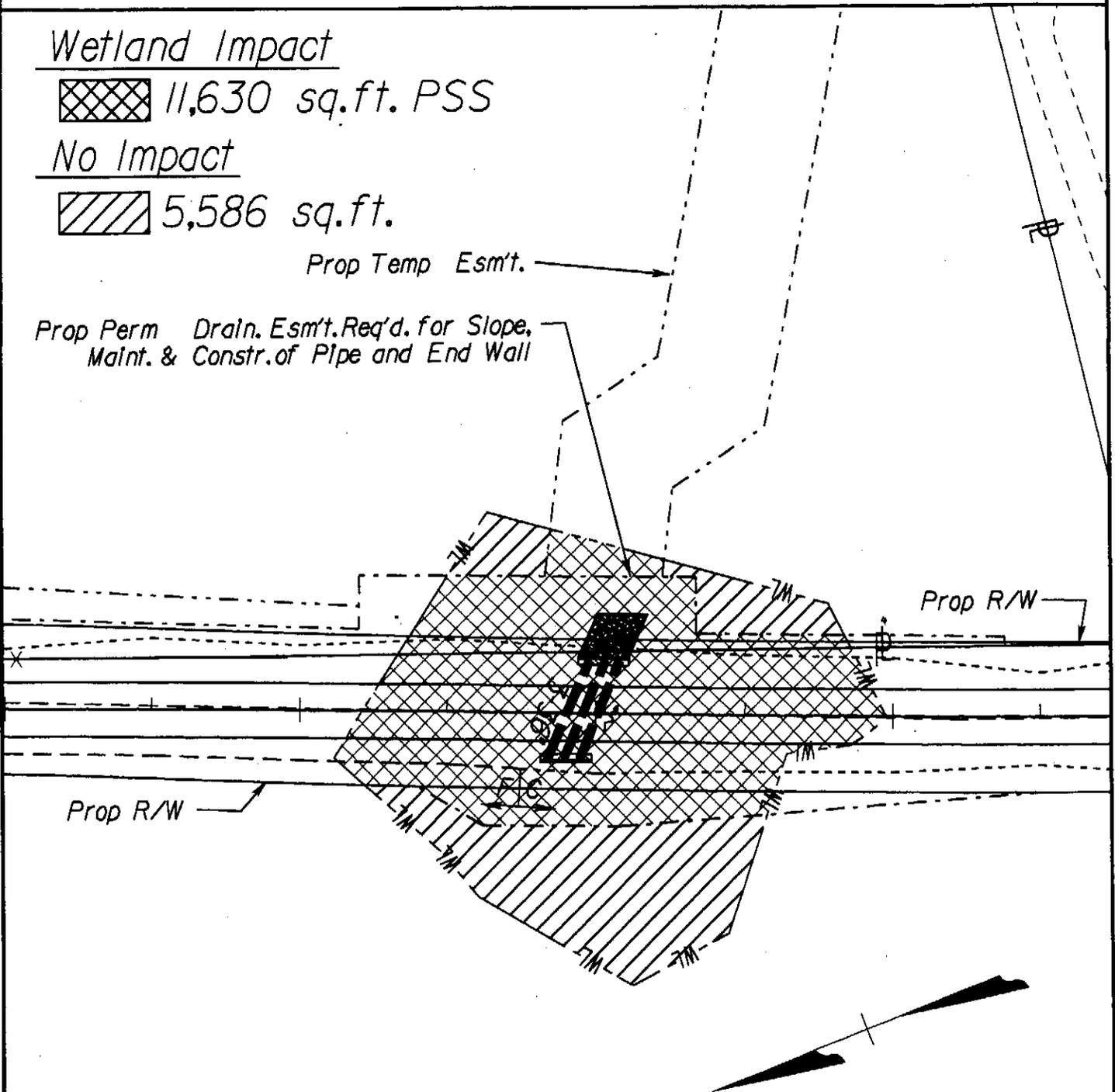
 11,630 sq.ft. PSS

No Impact

 5,586 sq.ft.

Prop Temp Esm't. 

Prop Perm Drain. Esm't. Req'd. for Slope,
Maint. & Constr. of Pipe and End Wall 

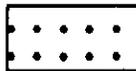


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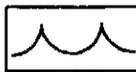
SCALE - 1" = 50'

WETLAND D

Wetland Impact

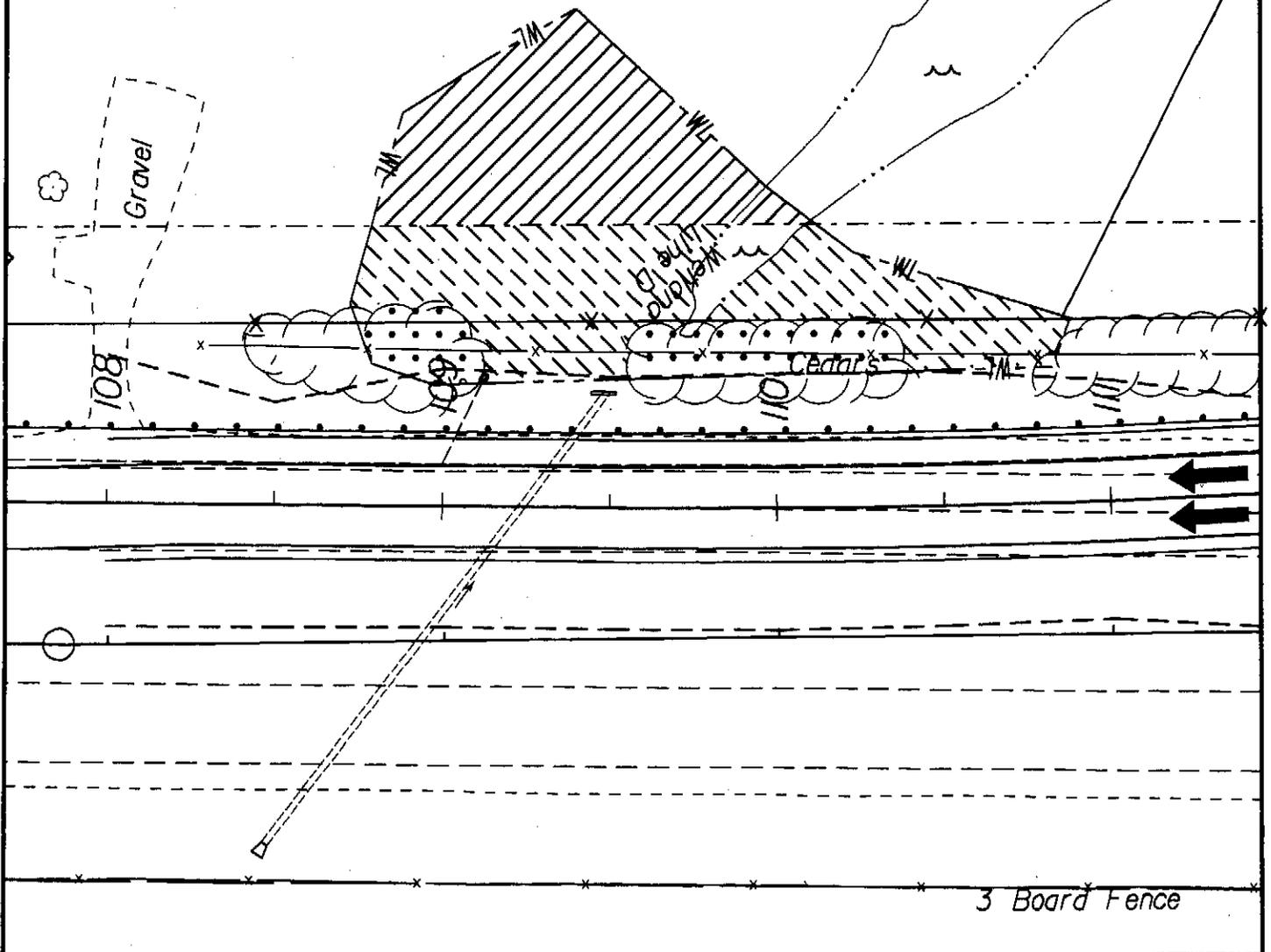
 2,087 sq.ft. PFO

 5,670 sq.ft. PEM

 459 sq.ft. O.W.

No Impact

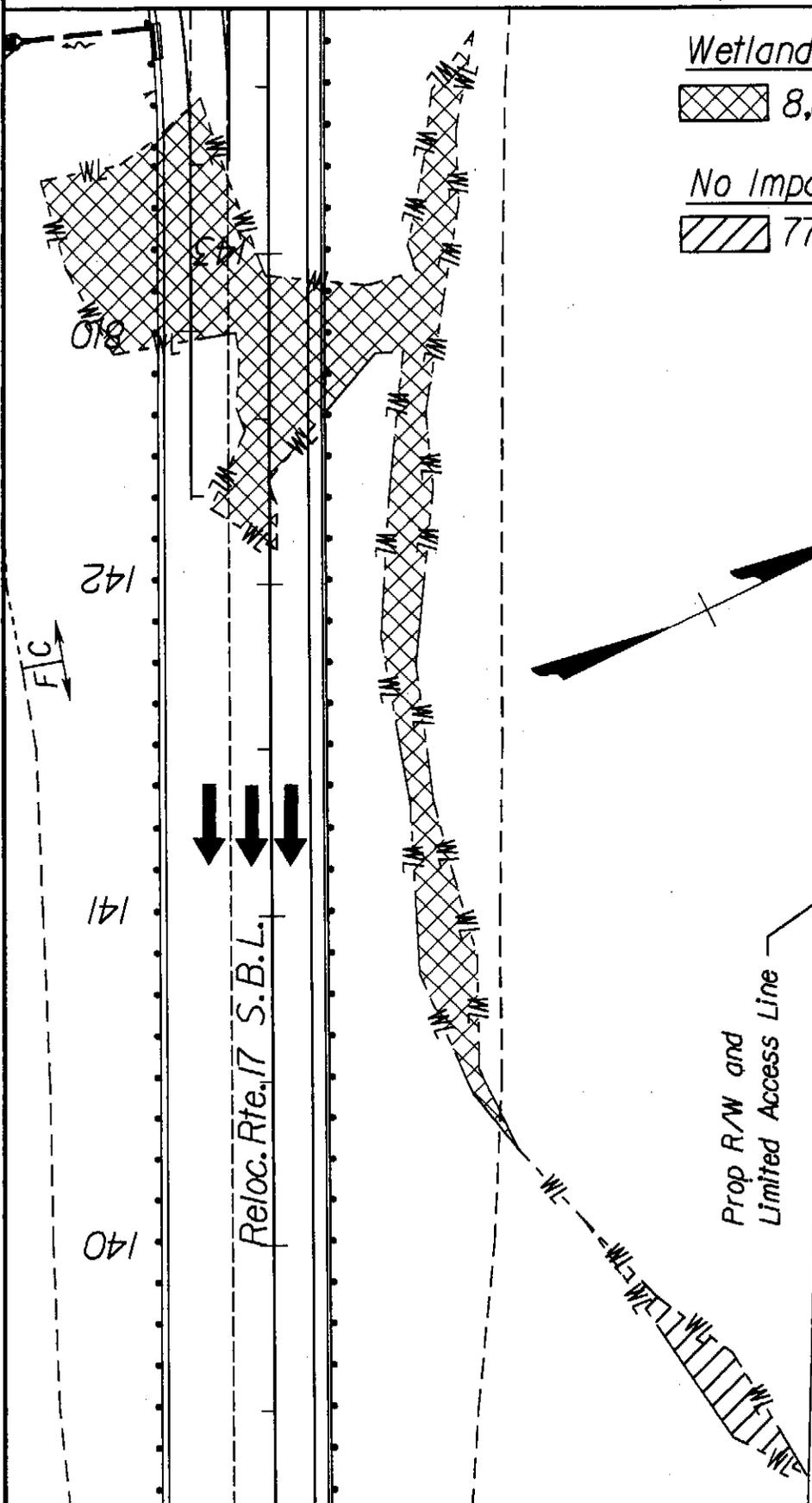
 4,964 sq.ft.



SCALE - 1" = 50'

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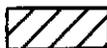
WETLAND G



Wetland Impact

 8,893 sq.ft. PSS

No Impact

 772 sq.ft.

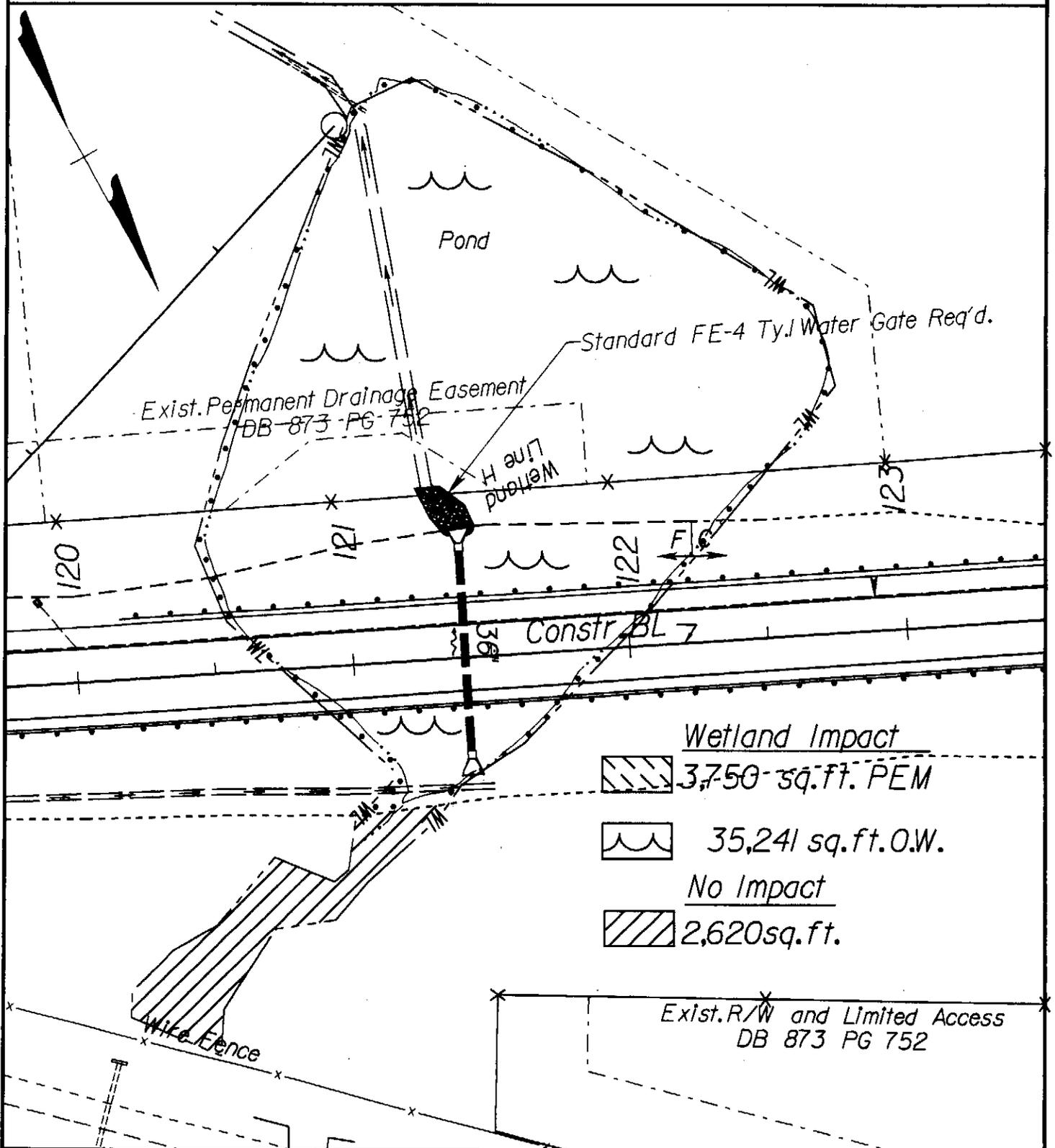
Prop R/W and
Limited Access Line

Proposed Intersection
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APPLICATION BY: VIRGINIA
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SHEET 6 OF 15 DATE: 10/10/2008

SCALE - 1" = 50'

WETLAND H



- Wetland Impact
-  3,750 sq.ft. PEM
 -  35,241 sq.ft. O.W.
- No Impact
-  2,620sq.ft.

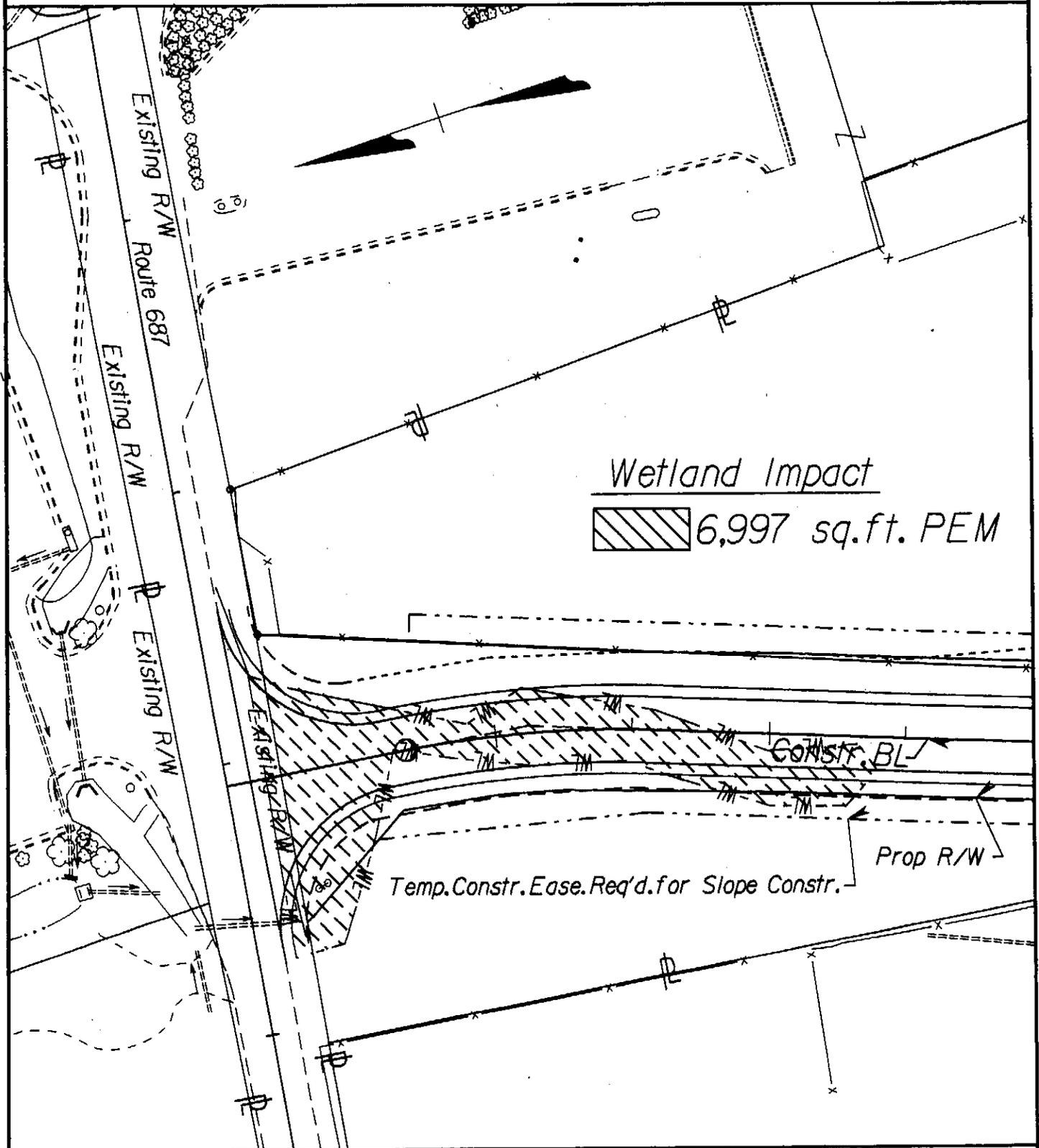
Exist. R/W and Limited Access
DB 873 PG 752

Proposed Intersection
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SHEET 7 OF 15 DATE: 10/10/2008

SCALE - 1" = 50'

WETLAND L

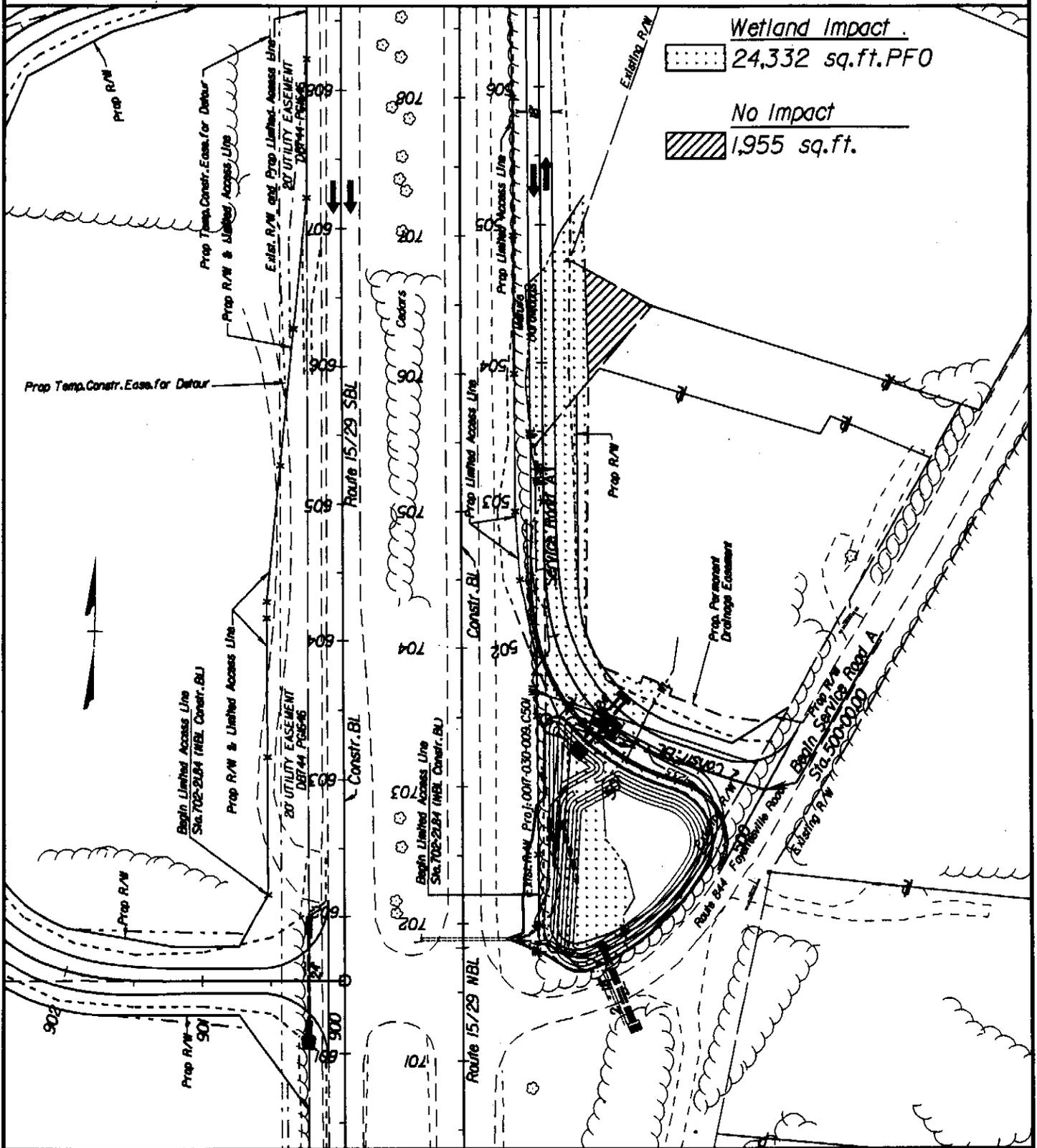


Wetland Impact
6,997 sq.ft. PEM

SCALE - 1" = 50'

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WETLAND M



Wetland Impact
 [Dotted Pattern] 24,332 sq.ft. PFO

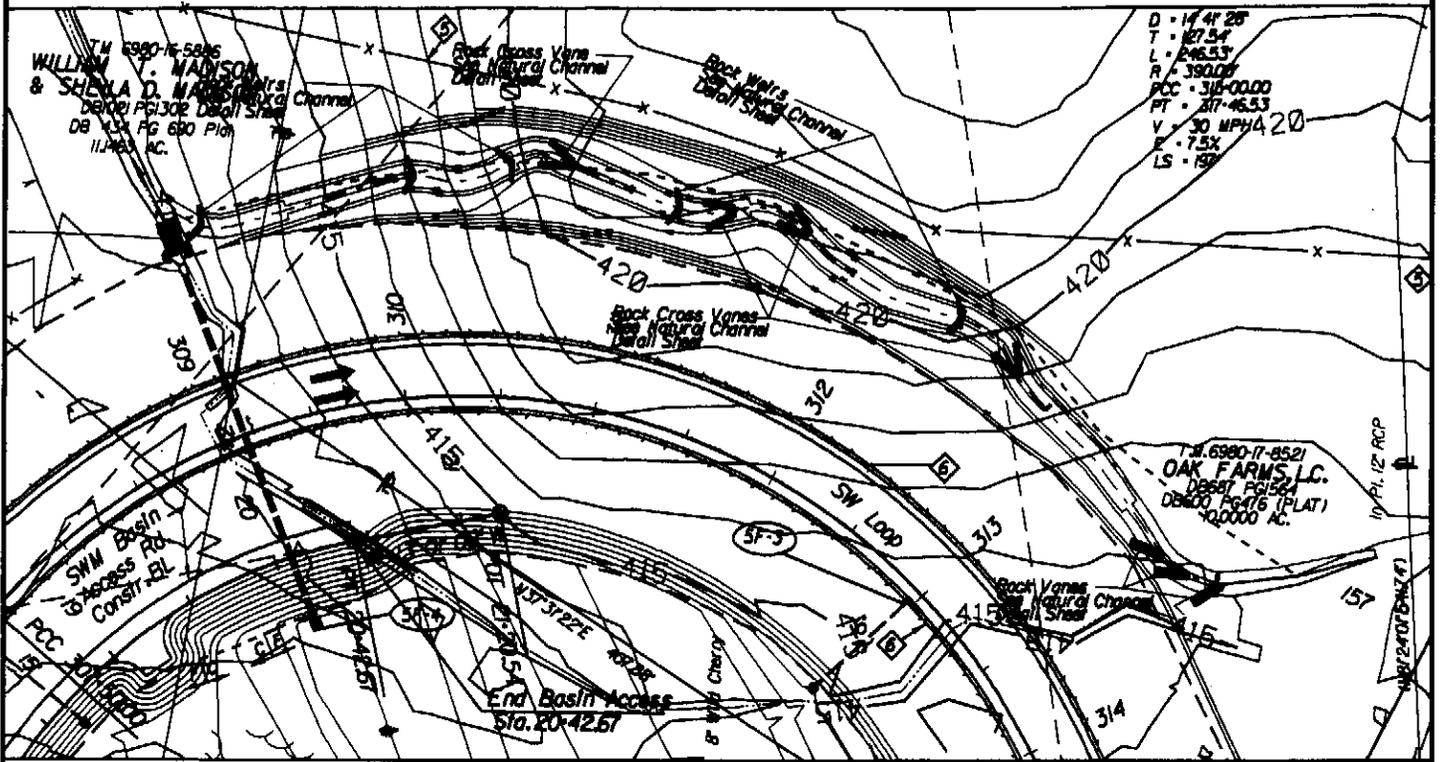
No Impact
 [Hatched Pattern] 1,955 sq.ft.

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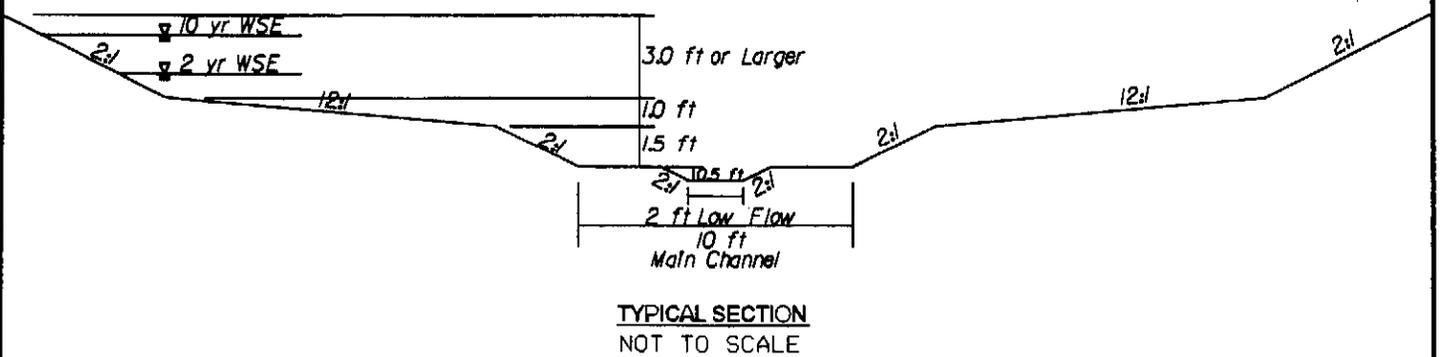
SCALE • 1" = 100'

EPHEMERAL STREAM RELOCATION



805 L.F. EPHEMERAL STREAM

SCALE
0 50' 100'



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SCALE - 1" = 100'