

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 12, 2013

CENAO-WR-R NAO-2013-0034/ 13-V0121

FEDERAL PUBLIC NOTICE

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

APPLICANT

Henderson, Inc. ATTN: Josiah Goins 5806 Mooretown Road Williamsburg, Virginia 23188

<u>WATERWAY AND LOCATION OF THE PROPOSED WORK:</u> The New Market Heights Phase of the Capital Trail begins on the south side of Route 5 at approximately Long Bridge Road in Henrico County and ends after approximately 10.5 miles at Kimages Road in Charles City County, Virginia. The trail will be connecting to an existing section of the Capital Trail at Kimages Road.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a 10.5 mile long, 10-foot-wide asphalt trail with 3 feet wide graded shoulders on each side. Associated with the project are direct impacts to approximately 1.48 acres of vegetated wetlands, conversion impacts to 0.06 acres of wetlands, and permanent impacts to 712 linear feet of streams. The purpose of the project is to provide a multi-use trail to provide safe, recreational, multi-modal travel opportunities ultimately linking the City of Richmond and the City of Williamsburg.

The applicant provided the following information addressing how impacts associated with the proposed activity are to be avoided, minimized, and compensated for: An alternatives analysis was conducted by the Henderson, Inc. and Virginia Department of Transportation (VDOT) for this project, by which they evaluated avoidance and minimization of impacts to aquatic resources. Several alternatives were considered such as widening Route 5 to include a shoulder bikeway, a separate path within the petroleum pipeline corridor, a separate path in or along a short rail line near Richmond, a shared use path, etc. After extensive coordination and evaluation they concluded that a separate shared use path was the preferred alternative. The applicant further avoided and minimized impacts to wetlands by realigning several portions of the trail to avoid wetlands altogether and when not possible, crossing wetlands at the narrowest portion. A 2:1fill slope will be used where possible to minimize the footprint of impact. Timber bridges will be used for the crossing of named streams (Bailey Creek, Crewes Channel, Turkey Island Creek, and Kimages Creek). The bridges will completely span the channel at Baileys Creek and Crewes

Channel, while pilings will be required within the jurisdictional limits at Turkey Island and Kimages Creek. Bridges will be built using top-down construction methods, which will avoid temporary impacts during construction.

For unavoidable impacts to waters of the U.S. Henderson, Inc. is proposing 2.76 wetland and 734 stream credits of compensatory mitigation provided through credits purchased from an approved mitigation bank that serves the project site.

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), and a subaqueous lands permit from the Virginia Marine Resources Commission (VMRC) assuring that applicable laws and regulations pertaining to water quality are not violated. Because the project owner, VDOT, is a state agency, no permits are required from the Henrico or Charles City County local wetlands boards. Project drawings are attached.

<u>AUTHORITY:</u> 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 direct, indirect, and cumulative 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) The Federal Highway Administration (FHWA) is the lead federal agency for this project. They determined that the project qualifies for a Categorical

Exclusion (CE) which they signed October 25, 2011. No environmental impact statement will be required; (2) FHWA must determine whether any 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. A survey has been conducted for sensitive joint vetch, small whorled pogonia, and swamp pink by a USFWS-approved surveyor. The survey concluded habitat was not present for these species and no populations were found. No Corps coordination with USFWS is required; and (3) FHWA determined that the proposed activities will have no adverse effect to properties eligible for inclusion or included in the National Register of Historic Places. The Virginia Department of Historic Resources concurred with that determination on September 1, 2011. 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.

<u>COMMENT PERIOD</u>: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on March 12, 2013.

PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Ms. Chelsea Bowman at 757-201-7060 or Chelsea.B.Bowman@usace.army.mil.

FOR THE DISTRICT COMMANDER:

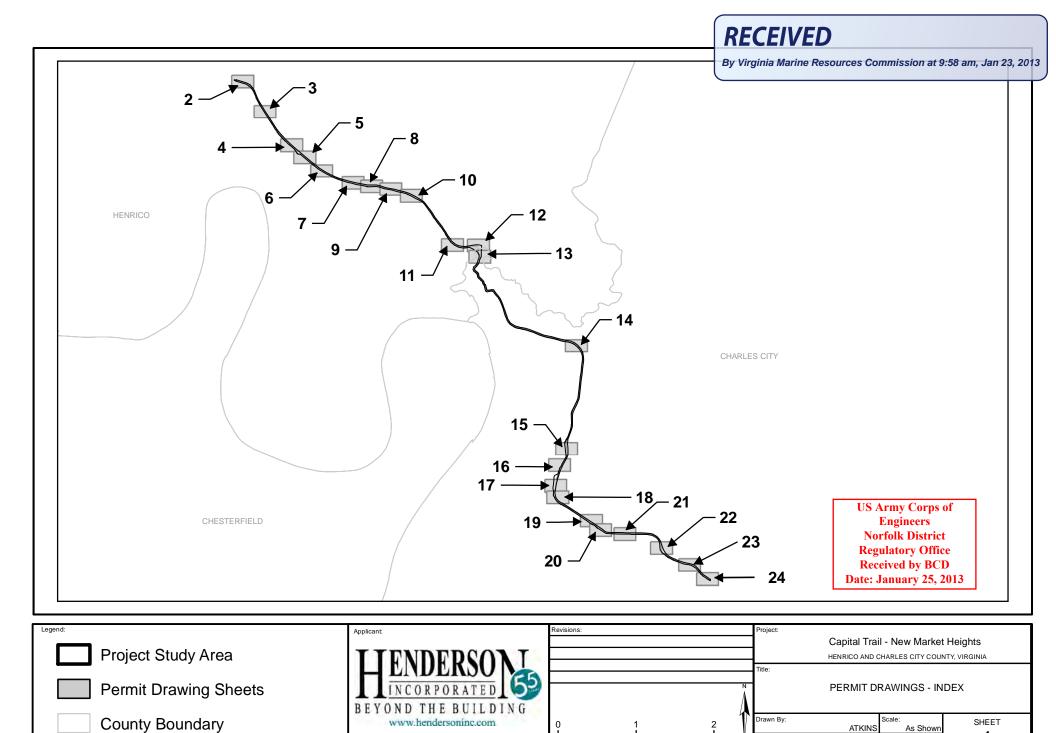
Kimberly A. Prisco-Baggett, MBA Chief, Eastern Virginia

Kimberly a. Brisco-Baggett

Regulatory Section

Attachment: Drawings

Appendix A Permit Drawings

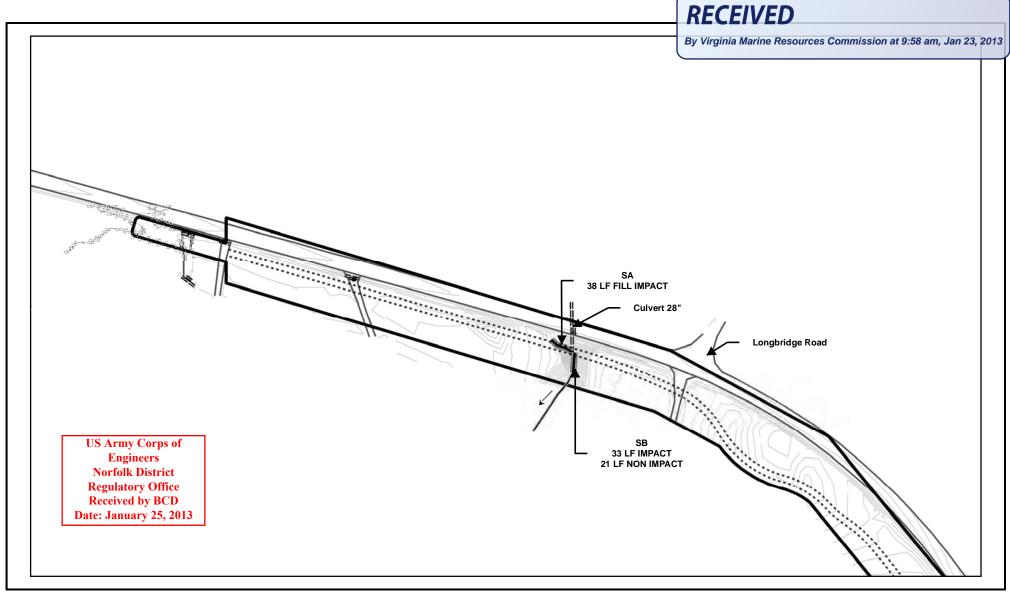


Job No.

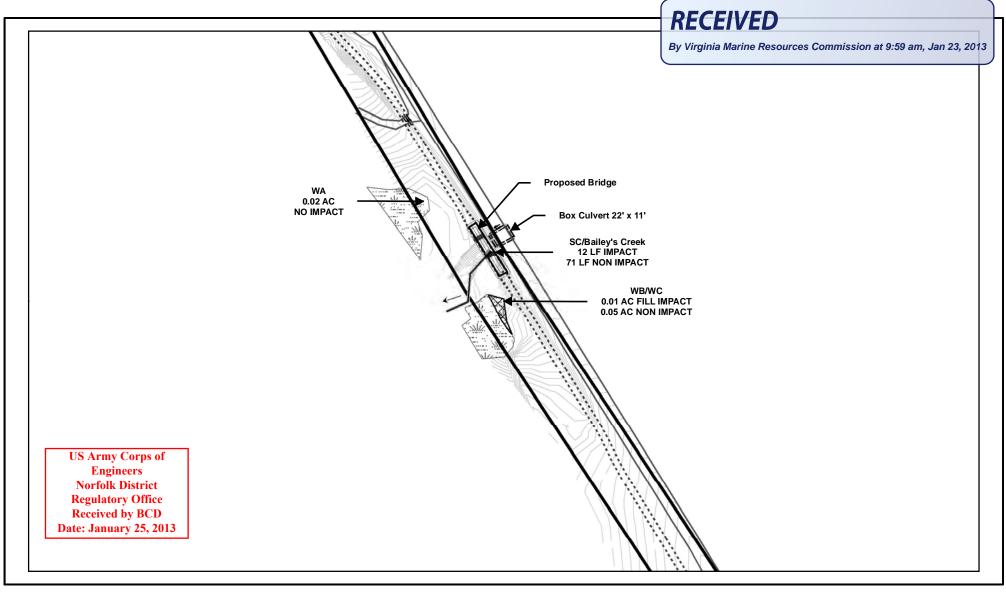
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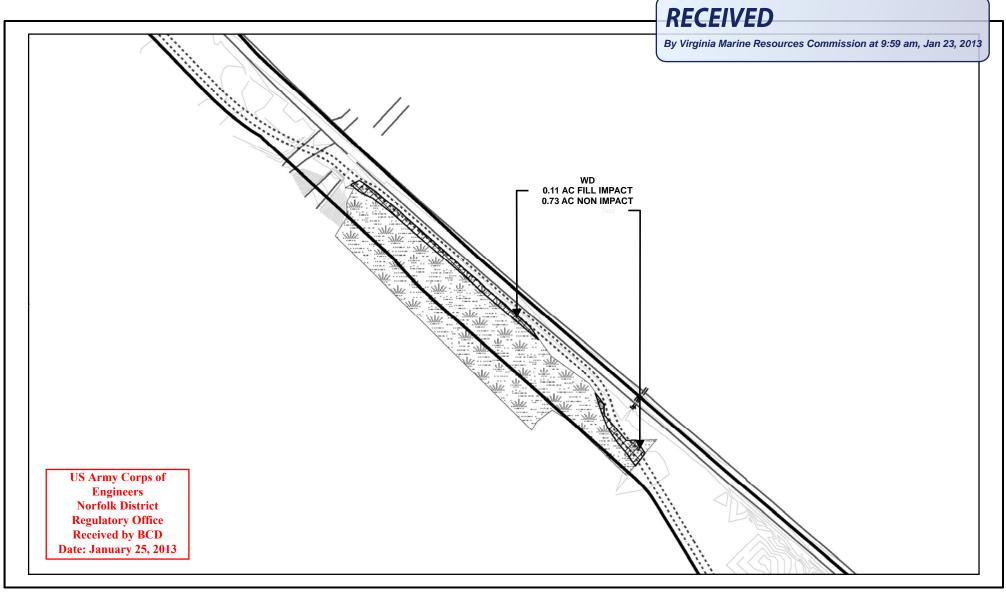
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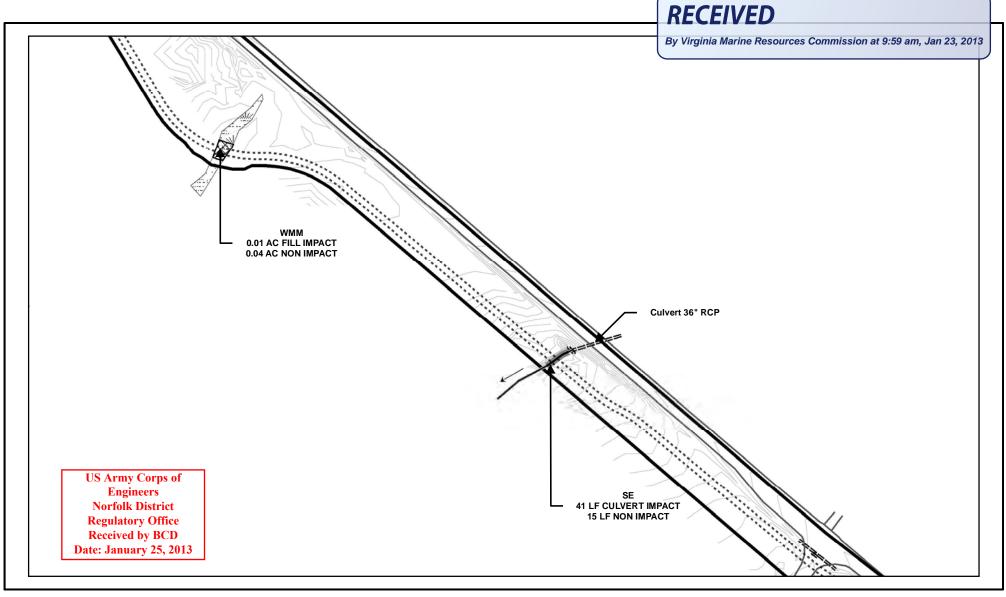




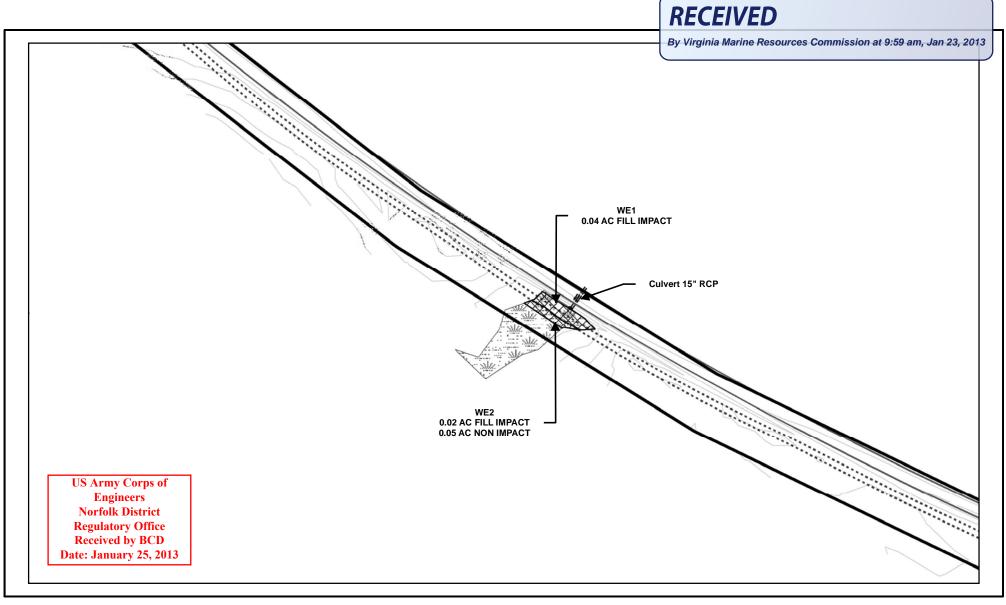




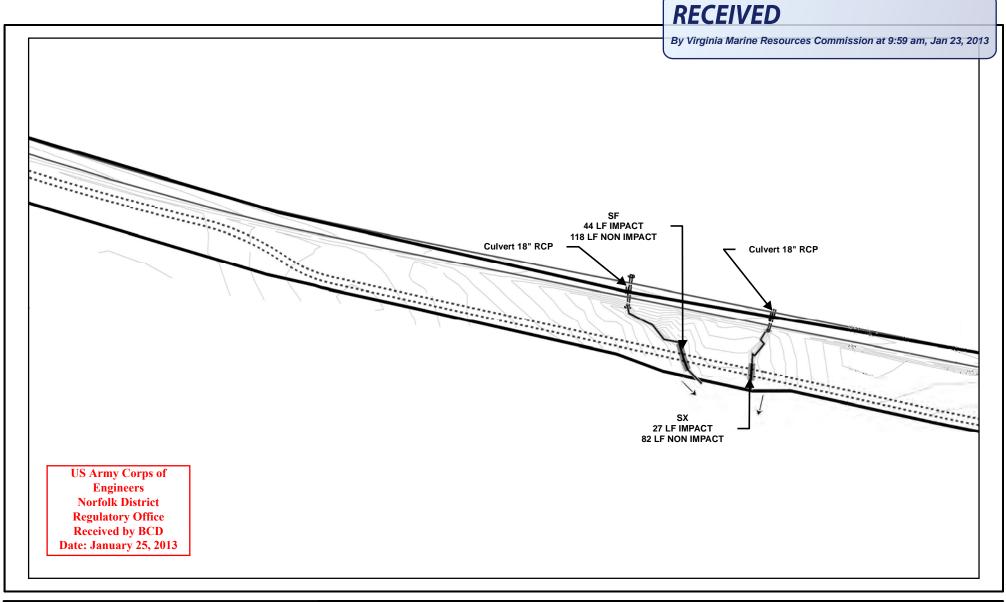




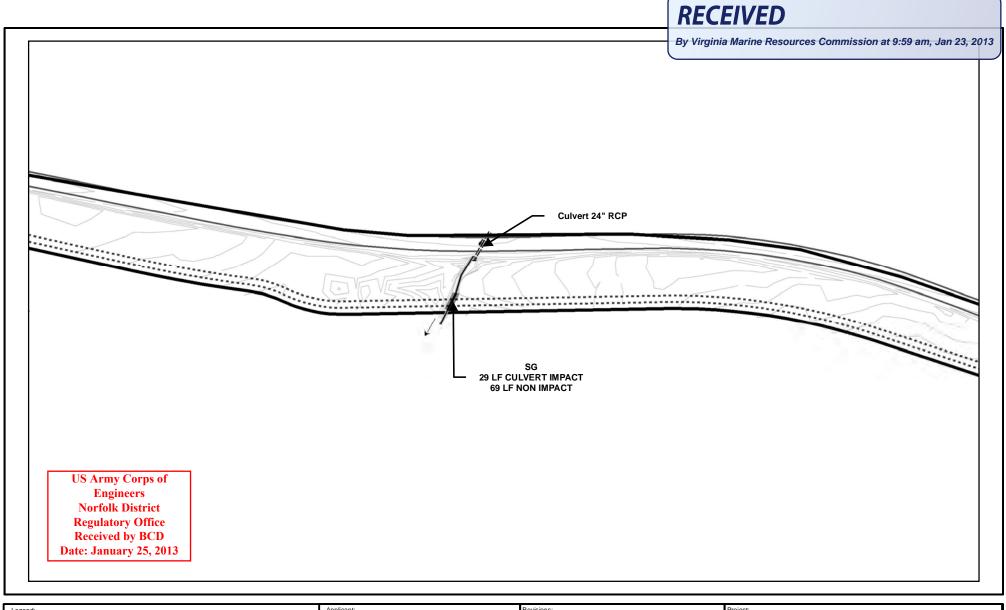




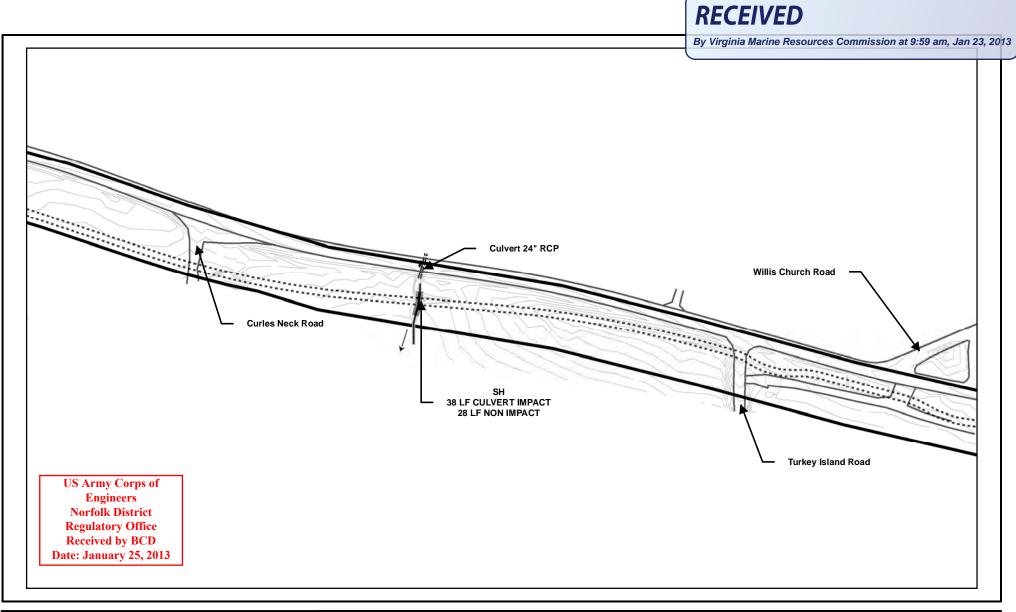




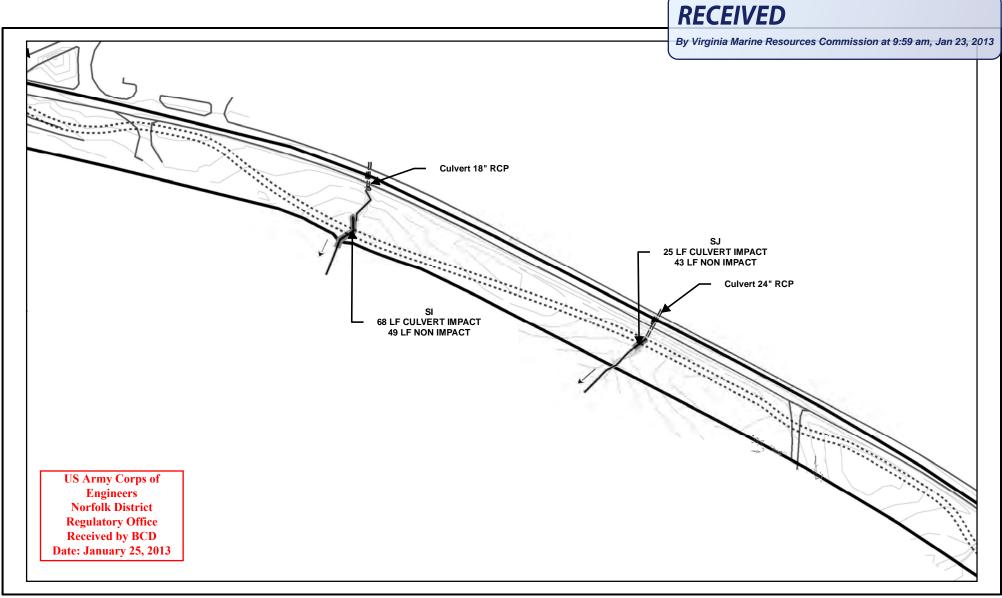




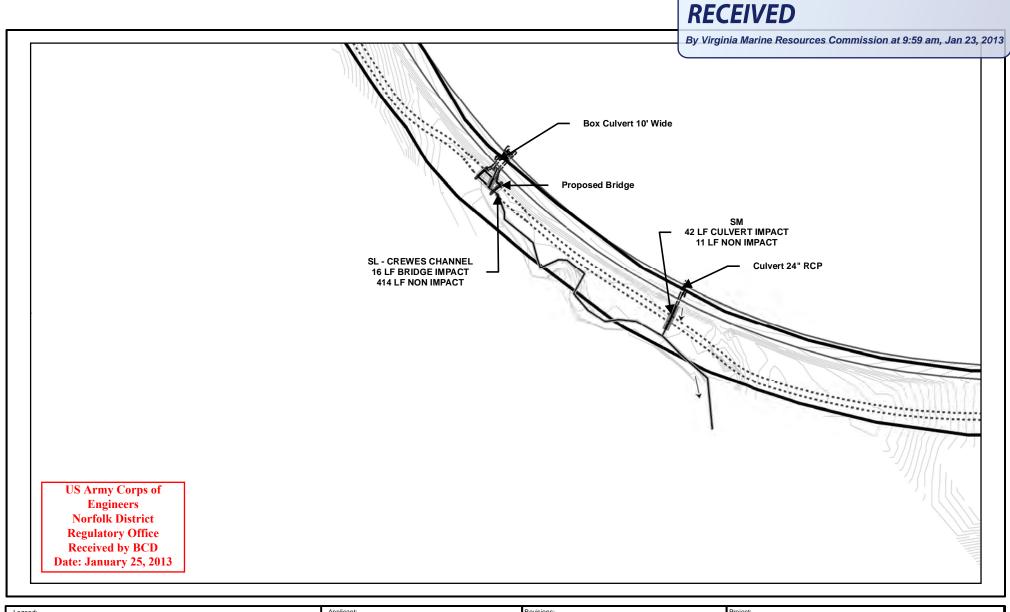






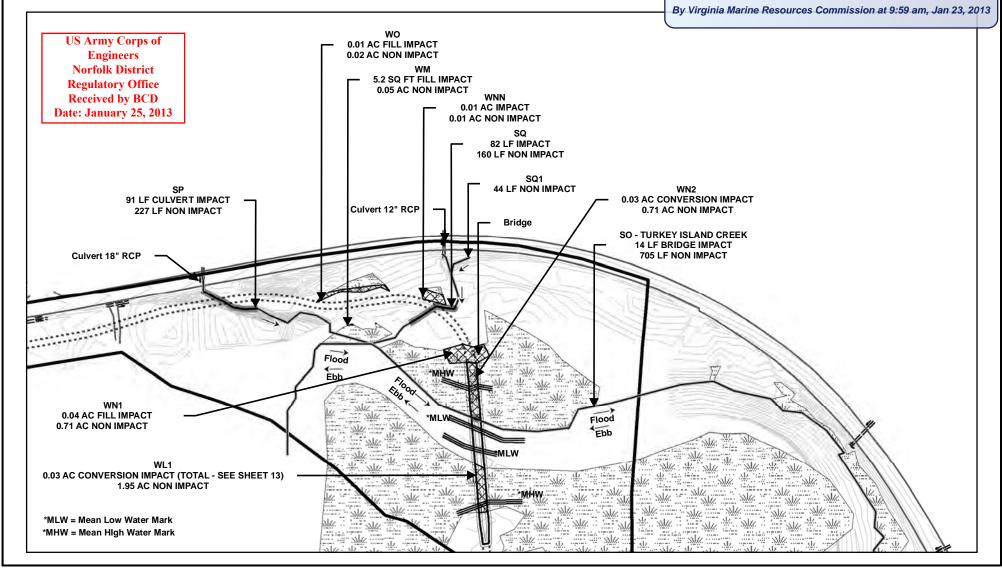




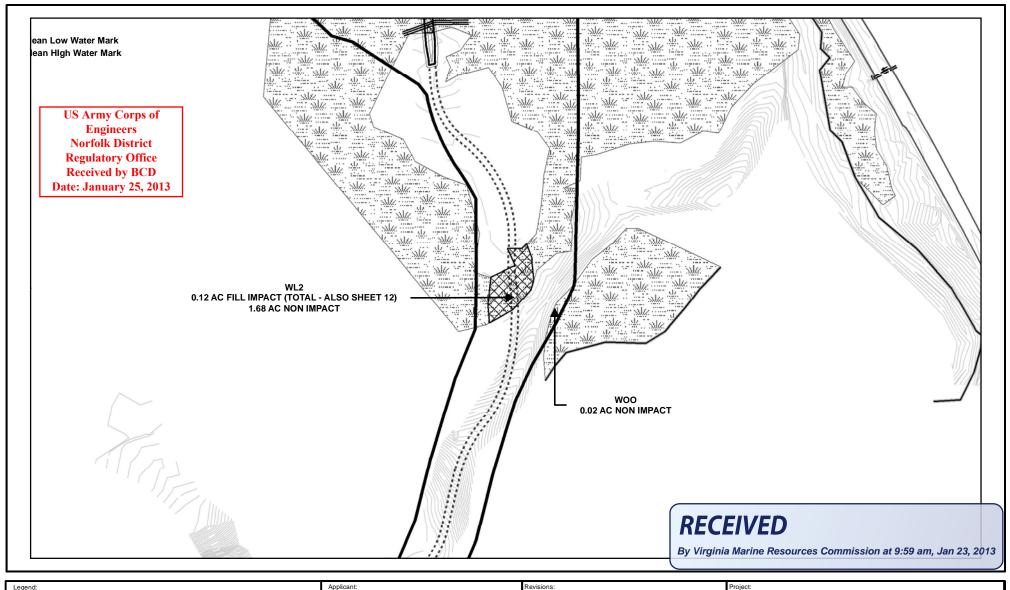




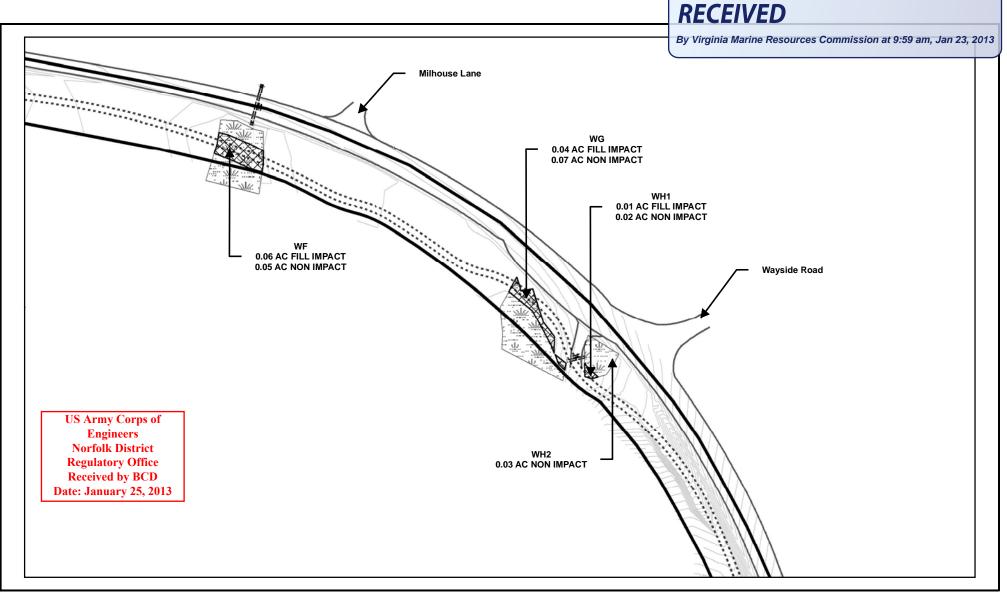




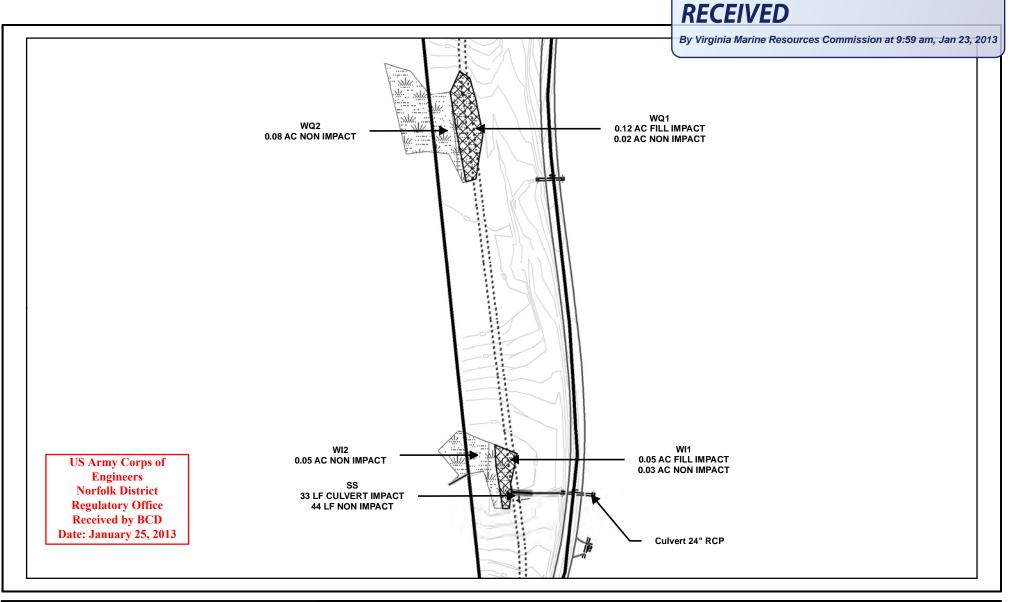


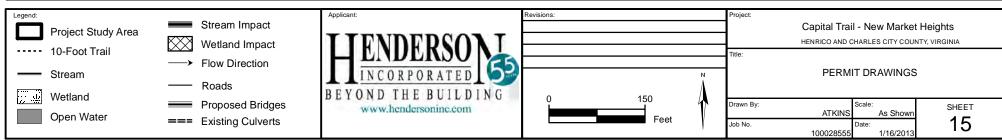


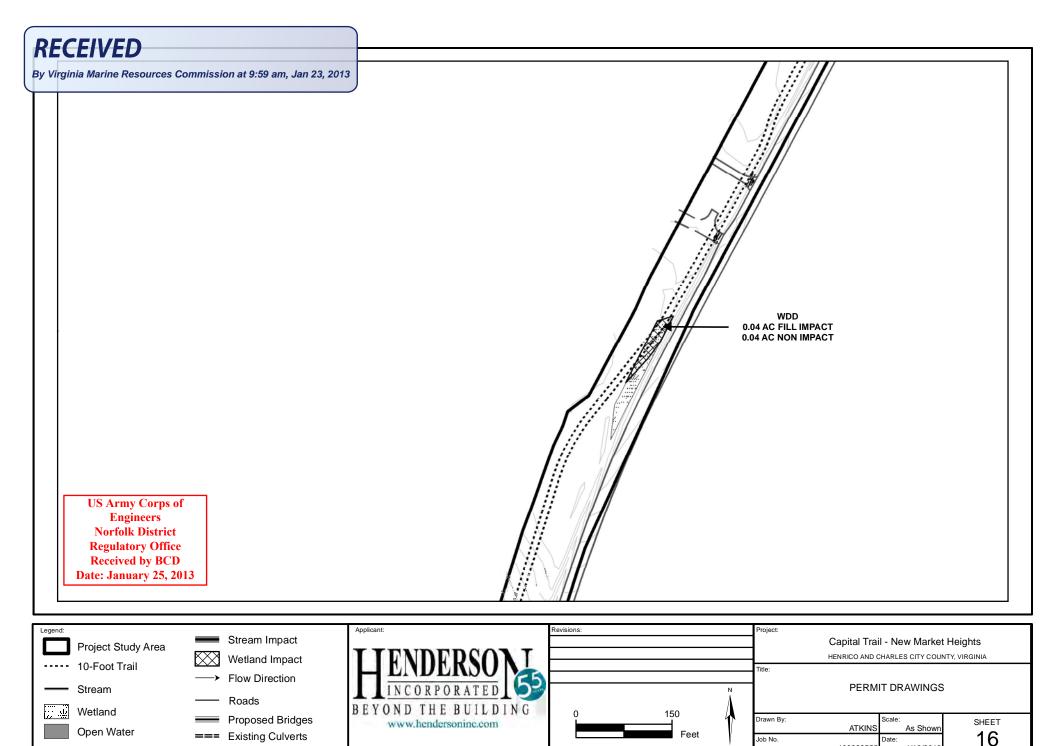






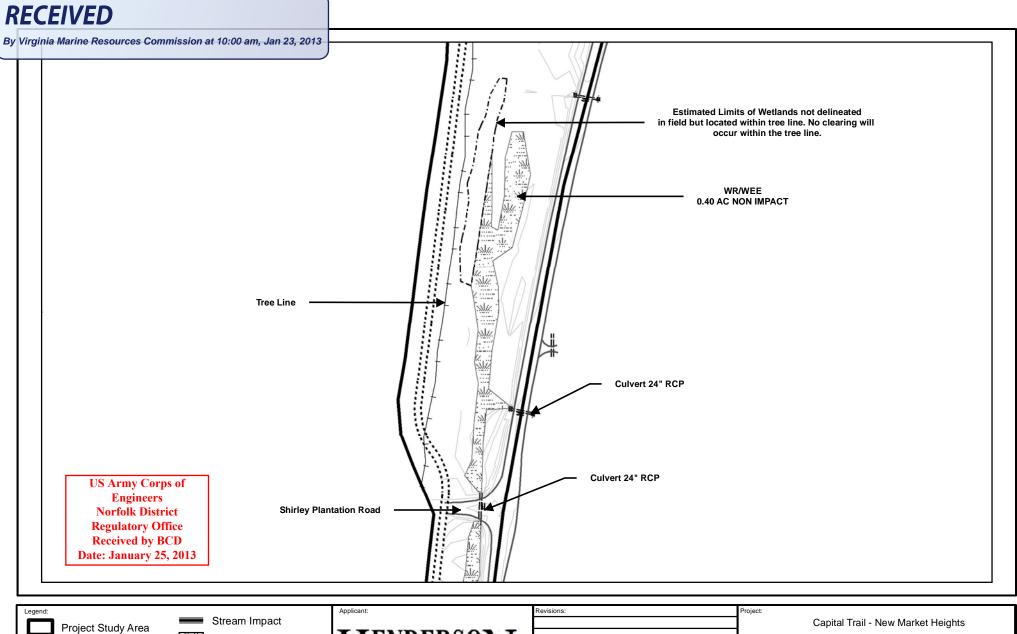


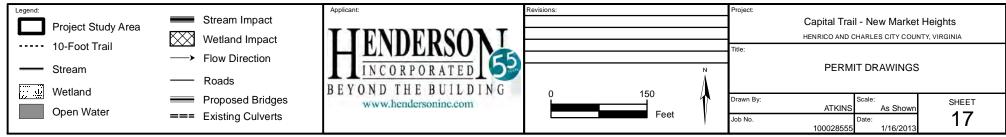


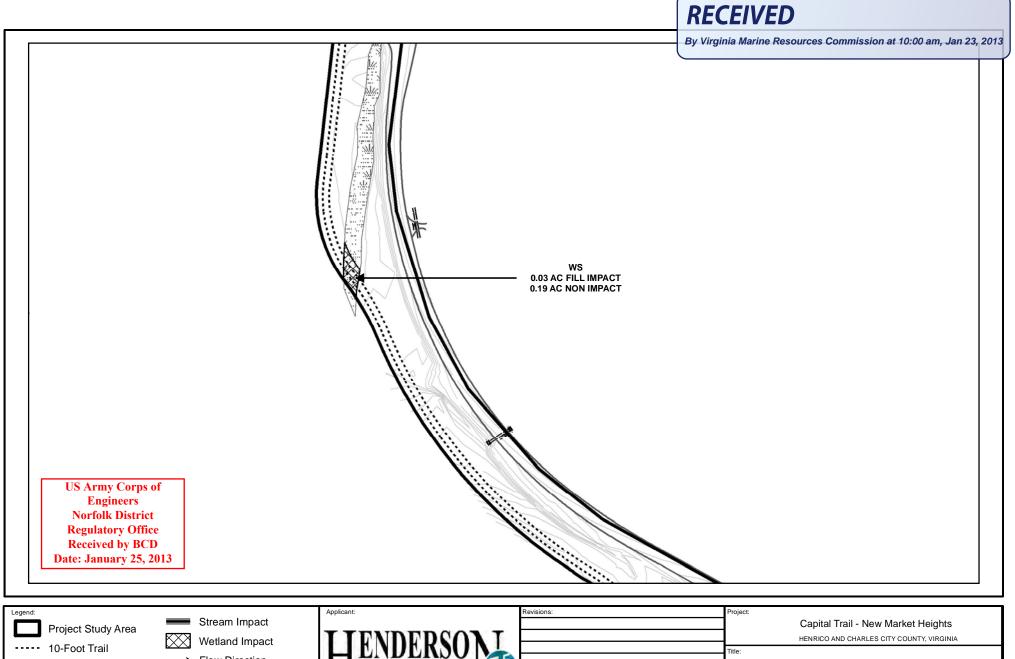


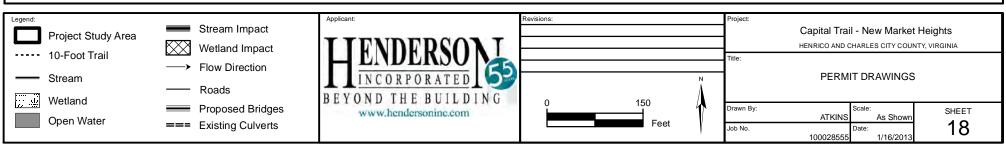
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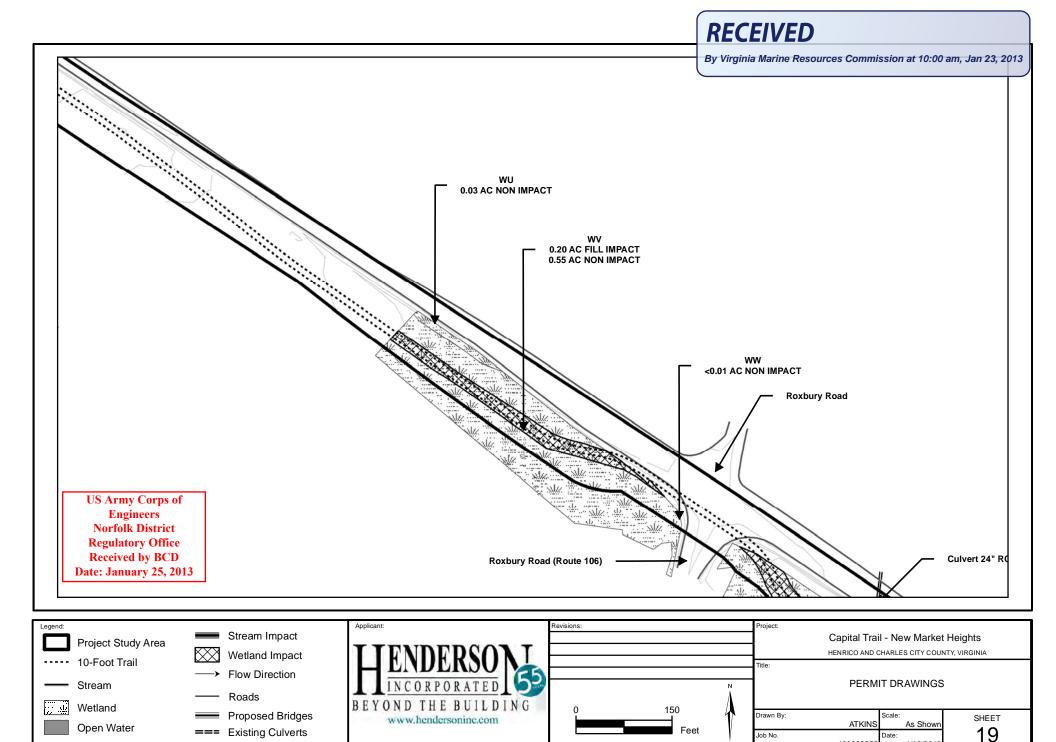
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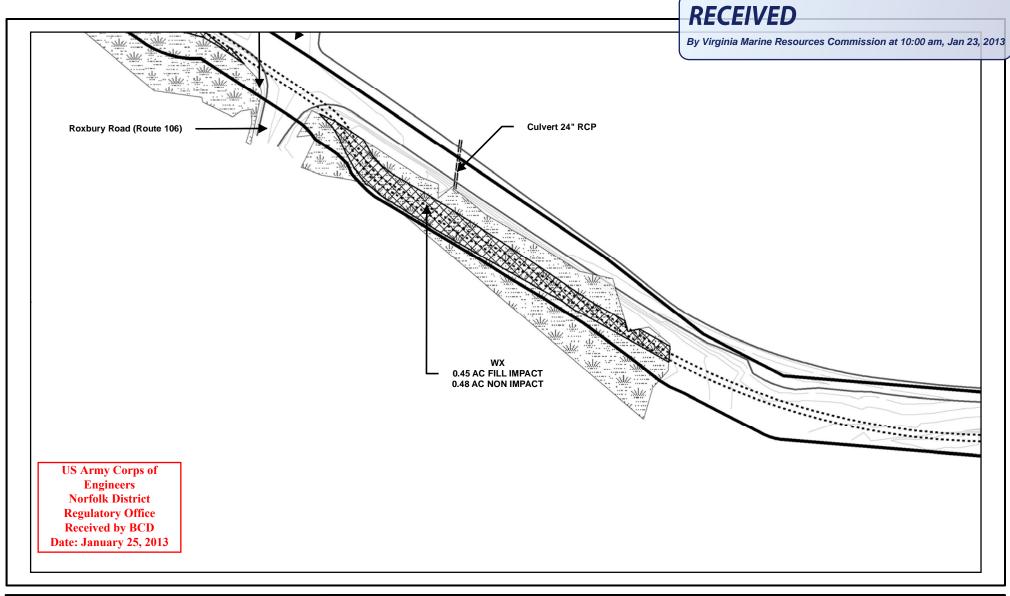




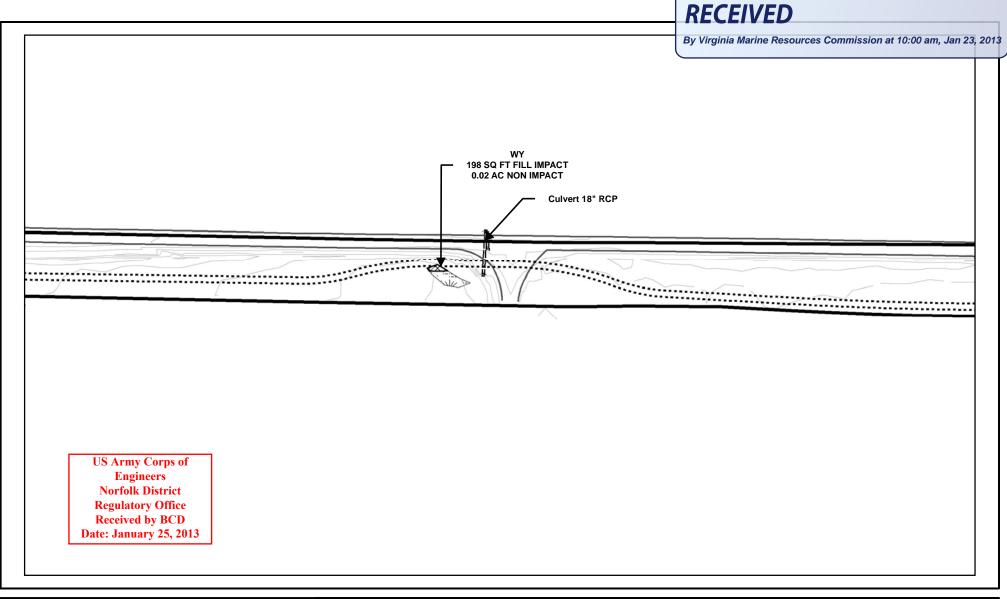


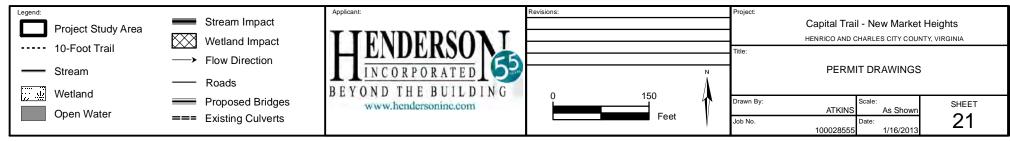
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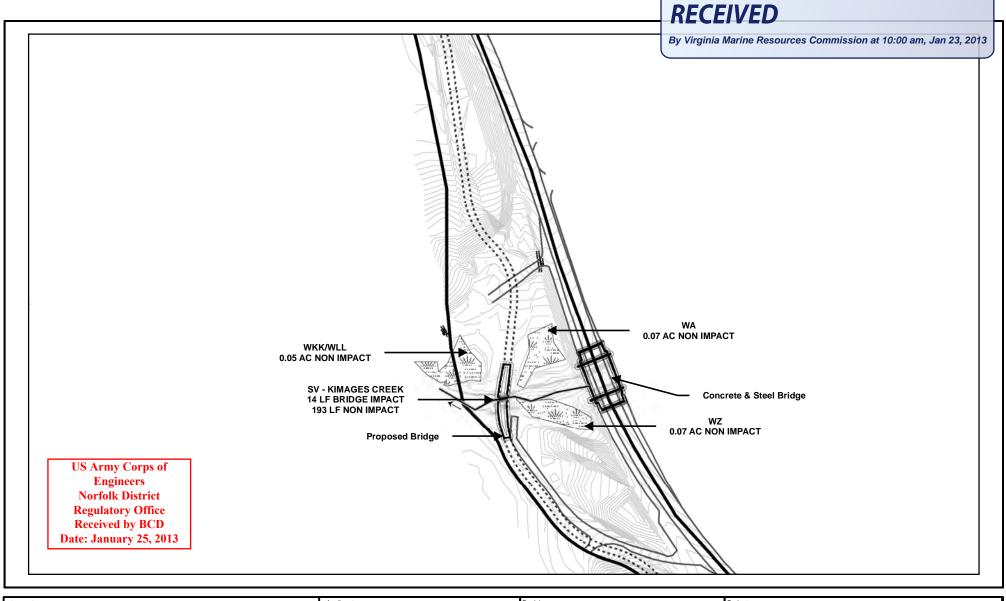
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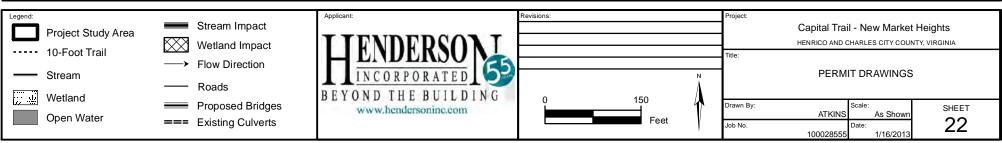


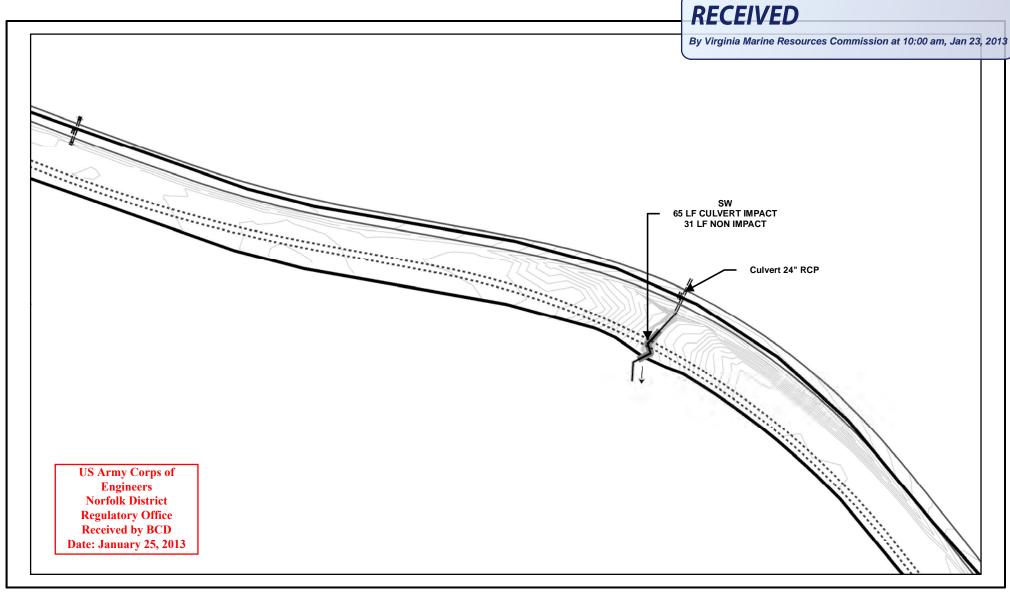




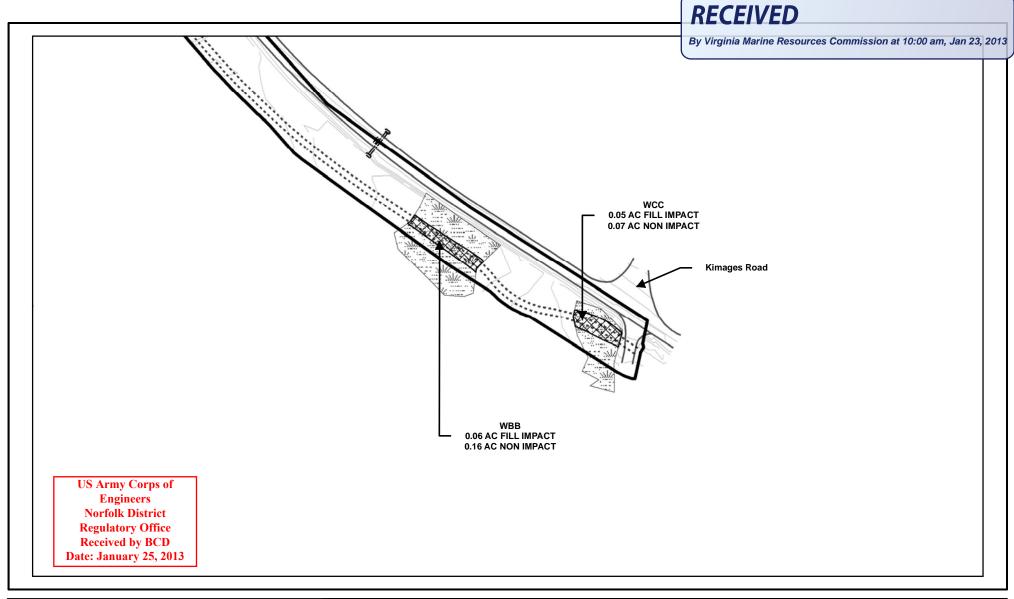




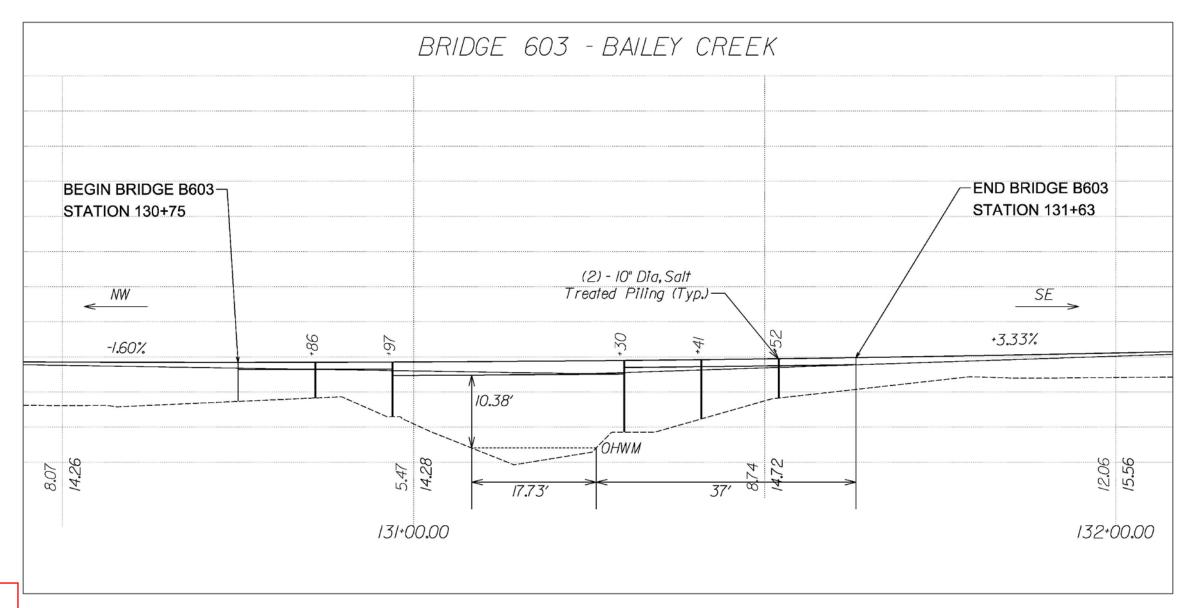












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Received by BCD
Date: January 25, 2013



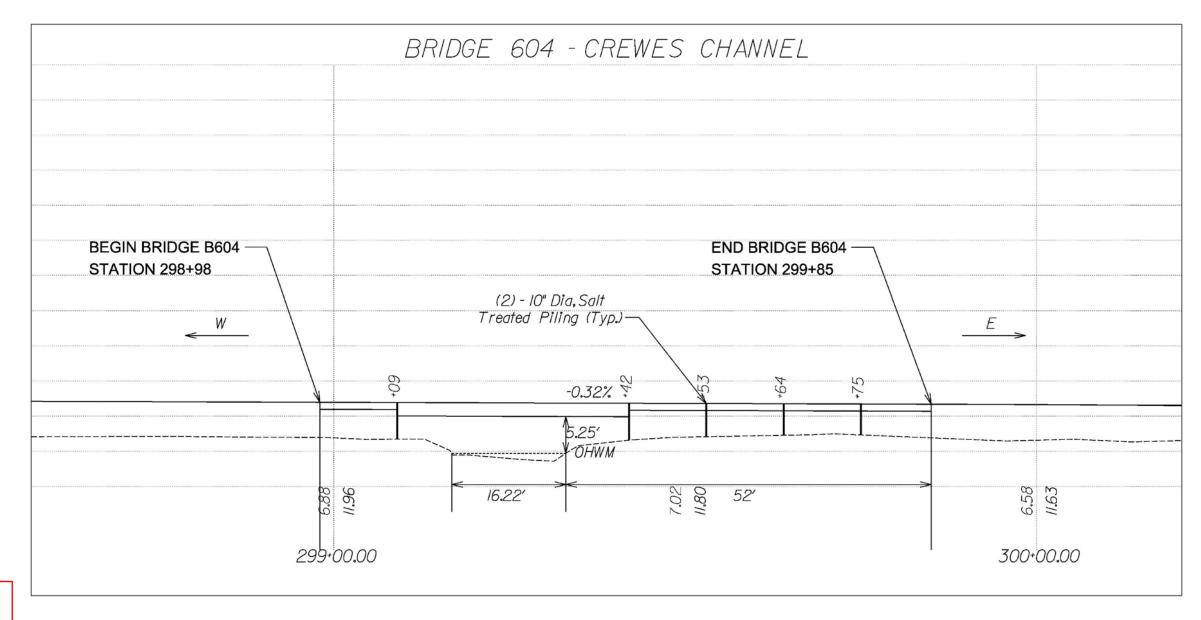


Capital Trail - Newmarket Phase

Charles City and Henrico Counties, Virginia

FIGURE:

Bridge 603: Bailey Creek Cross-Section



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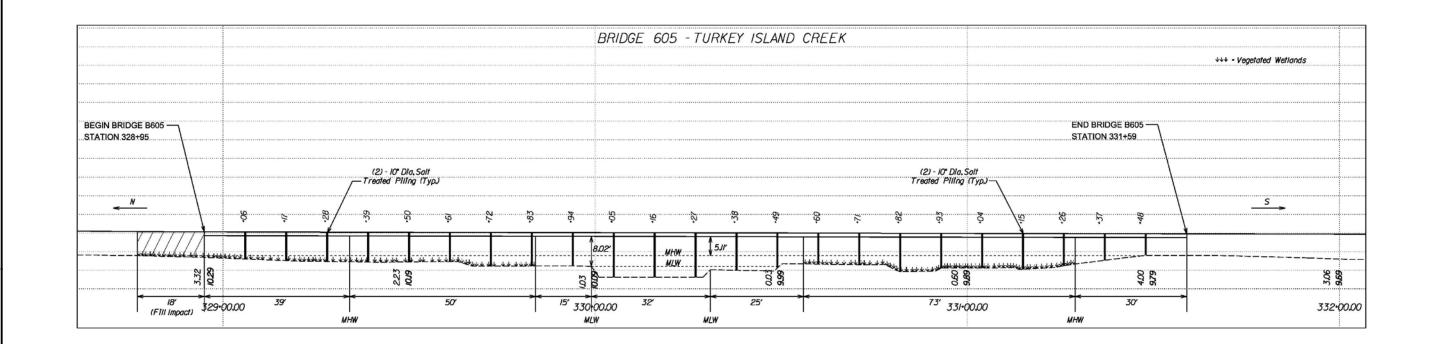


Capital Trail - Newmarket Phase

Charles City and Henrico Counties, Virginia

FIGURE:

Bridge 604: Crewes Channel Cross-Section



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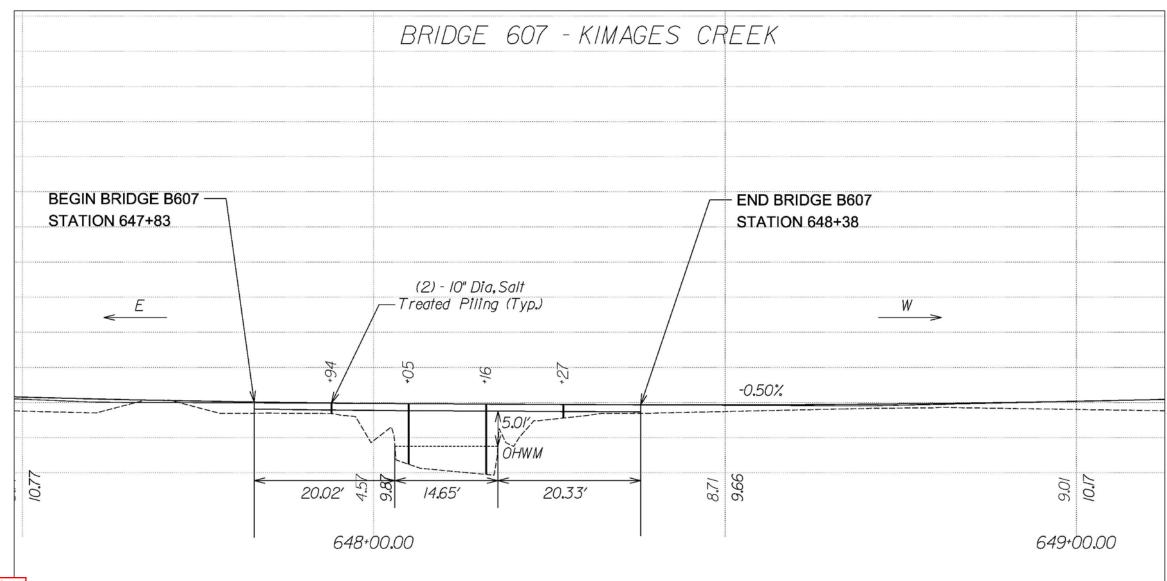


Capital Trail - Newmarket Phase

Charles City and Henrico Counties, Virginia

FIGURE:

Bridge 605: Turkey Island Creek Cross-Section By Virginia Marine Resources Commission at 10:00 am, Jan 23, 2013



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Capital Trail - Newmarket Phase

Charles City and Henrico Counties, Virginia

FIGURE:

Bridge 607: Kimages Creek Cross-Section