



Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 20, 2017

CENAO-WR-R
NAO-2014-02045

FEDERAL PUBLIC NOTICE

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

APPLICANT

Mr. Rodney Hathaway
County Administrator New Kent County
12007 Courthouse Circle
New Kent, Virginia 23124

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on the Pamunkey River a tributary to the York River and the Chesapeake Bay, at Northbury Farm to the intersection of Quaker Road and Norfolk Southern Railroad, New Kent County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a water intake on the Pamunkey River with a seven mile pipeline to a new water treatment plant for the purpose of providing a reliable public water supply for New Kent County to satisfy projected water demands for the next 50 years and avert reliance on groundwater withdrawals. The proposed water withdrawal, pipeline and water treatment plan will permanently convert 0.177 acres of palustrine forested wetlands (PFO) to palustrine emergent wetlands (PEM), 0.018 acres of palustrine scrub shrub wetlands (PSS) to PEM, as well as permanent impacts to 215 linear feet of stream channel and 0.017 acres of subaqueous bottom. The project will temporarily impact 0.19 acres of PFO, 0.018 acres of PSS, 0.07 acres of PEM, 265 linear feet of stream channel, and 0.405 acres of subaqueous bottom. The applicant demonstrated avoidance and minimization by directional drilling under all large wetland and stream systems and locating the water treatment plant outside of waters of the United States. Impacts will be compensated for by purchasing 263 stream credits (USM), 0.177 wetland credits for conversion of PFO to PEM (a 1:1 ratio), and 0.018 wetland credits for conversion of PSS to PEM (a 1:1 ratio) for a total of 0.195 wetland credits and 263 stream credits to be purchased at the New Kent Environmental Bank.

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 and a permit from the New Kent County Wetlands Board. 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 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) no environmental impact statement will be required; (2) after conducting the NAO ESA Project Review Process, there may be an effect to listed/proposed/candidate species and/or designated/proposed critical habitat under the Endangered Species Act of 1973 and the Official Species List and Species Conclusion Table is attached for review and comment by Fish and Wildlife Service; and (3) the following known property (44NK0289) is 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 for projects located in Tidewater, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP) and

obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). We have not received a certification from the applicant prior to publication of this public notice. It is the applicant's responsibility to submit a consistency certification to the Office of Environmental Impact Review for concurrence or objection and proof of concurrence must be submitted to the Corps prior to final permit issuance. A template federal consistency certification can be found here: <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert> . For more information or to obtain a list of the enforceable policies of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: bettina.sullivan@deq.virginia.gov or john.fisher@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be in writing and can be sent by either email to julie.s.hamilton@usace.army.mil, or by regular mail, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R), 803 Front Street, Norfolk, Virginia 23510-1011, and should be received by the close of business on August 21, 2017.

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. Julie S. Hamilton at (804) 323-3783 or julie.s.hamilton@usace.army.mil.

Attachment: Drawings