



Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 16, 2018

CENAO-WRR
NAO-2008-01387

FEDERAL PUBLIC NOTICE

The District Engineer received a prospectus to add the Barrs Property to the existing Bailey Mitigation Bank by modifying the Bailey Mitigation Bank Mitigation Banking Instrument (MBI) as described below:

BANK SPONSOR

Bailey Mitigation LLC
c/o Falling Springs LLC
6243 River Road, Suite 7
Richmond, Virginia 23229

WATERWAY AND LOCATION OF THE PROPOSED WORK: The Bailey Mitigation Bank Barrs Property (Bank/Bank Site) is located on approximately 300 acres of mixed agriculture and forest land in the Chickahominy River Drainage Basin in Charles City County, Virginia.

PROPOSED WORK AND PURPOSE: The Sponsor proposes to modify the Bailey Mitigation Bank MBI to include the Barrs Property. The purpose of the Bank/Bank Site is to provide off-site compensatory mitigation for projects that result in unavoidable impacts to wetlands and streams and other waters of the United States in the Chickahominy River Drainage Basin.

The Sponsor plans to preserve 6,850 linear feet of the Chickahominy River, 3,355 linear feet of an unnamed tributary to the Chickahominy River, 4,742 linear feet of Collins Run, 2,696 linear feet of a braided channel associated with Collins Run, 203 acres of riparian buffer, and 48 acres of Palustrine Forested Wetlands (PFO) on the Barrs Property. These stream preservation credits are to be paired with stream restoration/enhancement credits from the site approved with the Bailey Mitigation Bank MBI.

The Sponsor proposes, for purposes of Section 404 of the Clean Water Act, that the geographic service area (GSA) of the Bailey Bank/Bank Site would include the National Watershed Boundary Dataset Hydrologic Unit Codes 02080205, 02080207, 02080206, and 02080208. This proposed GSA would include portions of the Cities of Richmond, Hopewell, Williamsburg, Newport News, and Louisa, Fluvanna, Goochland, Hanover, Buckingham, Cumberland, Powhatan, Amelia, Prince Edward Appomattox, Nottoway, Dinwiddie, Chesterfield, Richmond, Henrico, Petersburg, Colonial Height, Hopewell, Charles City, New Kent, James City, Prince George, Williamsburg, York, Surry, Newport News, Hampton, Isle of Wight, and Suffolk Counties.

Oversight of the Bank/Bank Site would be by an existing group of federal and state agency representatives. This interagency oversight group is known as the Interagency Review Team (IRT). The Norfolk District of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality chair the IRT.

The Bank/Bank Site may be one of a number of practicable options available to applicants to compensate for unavoidable wetland impacts associated with permits issued under the authority of Section 404 and 401 of the Clean Water Act (Public Law 95-217) in Virginia.

The actual approval of the use of this Bank/Bank Site for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act and/or by the Department of Environmental Quality pursuant to Section 401 of the Clean Water Act and Title 62.1 of the Code of Virginia. The Corps and the Department of Environmental Quality provide no guarantee that any particular individual or general permit will be granted authorization to use this Bank/Bank Site to compensate for unavoidable wetland or stream impacts associated with a proposed permit. Authorization by the Virginia Marine Resources Commission may also be required for its use for specific projects.

AUTHORITY: Issuance of a public notice regarding proposed Banks/Bank Sites is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 325 and 332).

FEDERAL EVALUATION OF PROPOSAL: 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 this proposed Bank Site. **This is not an application for work in waters of the United States.** The Corps of Engineers in evaluating this proposal will consider any comments received. Comments are used to assess impacts on endangered species, historic properties, water quality, conservation, economics, aesthetics, general environmental concerns, wetlands, 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, and consideration of property ownership.

Preliminary review indicates that: (1) no environmental impact statement would be required; (2) after conducting the NAO ESA Project Review Process, no listed/proposed/candidate species and/or designated/proposed critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended) will be affected. Based on this no effect determination, no further coordination with the Fish and Wildlife Service is required (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.

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). None of the waters on the Bank Site are

considered Essential Fish Habitat (EFH). There are no habitats which this project should affect since the modification to the Bailey Mitigation Bank MBI is for the addition of a preservation only site. Our assessment of the project leads us to a preliminary determination that the addition of the Bank Site to the Bailey Mitigation Bank t will have no substantial adverse effect on EFH 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-WRR), 803 Front Street, Norfolk, Virginia 23510-1096, Dan Bacon and should be received by the close of business on May, 18, 2018. The Prospectus and Drawings can be viewed at <https://ribits.usace.army.mil/>.

If you have any questions about this mitigation site, please contact:
Dan Bacon, 757-201-7060, danny.r.bacon@usace.army.mil.