



Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200301105

Date: September 27, 2005

Notice No. 05-63

Closing Date: October 16, 2005

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: The Woods Resort
P.O. Box 5
Hedgesville, WV 25427
3. LOCATION: in wetlands adjacent to Stony Lick Run, within The Woods Resort, in Berkeley County, West Virginia
4. PURPOSE AND DESCRIPTION OF WORK: The Woods Resort is proposing to rehabilitate a former man made impoundment (Wetland 2) to be used as a back-up source of irrigation water for the resort's golf course. A majority of the project area has been disturbed due to mining and explosive testing. The former man made pond was breached resulting in approximately 1.08 acres of marginal palustrine emergent wetlands to occupy the former impoundment. Additionally, two small wetlands (Wetland 1 & 3) totalling 0.22 acre and approximately 440 linear feet (LF) of Stony Lick Run will be impacted by the proposed project. Total impacts proposed for this project are 1.3 acres of palustrine emergent wetlands and approximately 440 LF of Stony Lick Run.

The project will re-construct the breast work of the existing impoundment which will result in having the capacity to hold approximately 14.5 acre feet of water. The compensatory mitigation submitted to offset the unavoidable impacts include: (1) The Corps of Engineers along with the West Virginia Division of Natural Resources (WVDNR), U.S. Fish and Wildlife Service (USFWS), and West Virginia Department of Environmental Protection (WVDEP) has agreed to allow the applicant to replace the lost functions and values at a 1:1 ratio. (2) Four wetland replacement areas were identified and can be seen on Figure 1 enclosed. Replacement Area 1 (RA1) is to be located along the right descending bank of White's Run between Sylvan Lake and Green # 10. Replacement Area 2 (RA2) is to be located adjacent to an existing wetland along the left descending bank of White's Run between an existing impoundment and Golf Hole # 6.

Replacement Area 3 (RA3) will be constructed along the left descending bank of White's Run between Mountain Lake Road and Sylvan Lake. Replacement Area 3A (RA3A) is located at the same location but along the right descending bank of White's Run. Replacement Area 4 (RA4) will be constructed in the upland area in the headwater of the proposed impoundment, just below Wetland 1. (3) To offset the unavoidable impacts to approximately 440 LF the applicant has agreed to put the remaining portion of Stony Lick Run (approximately 2900 LF) into an approved Conservation Easement. Drawings of the proposed project are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Division of Water & Waste Management
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304
Telephone: 304-926-0495

Re: Public Notice CELRP-OP-F No. 05-63

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific,

prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

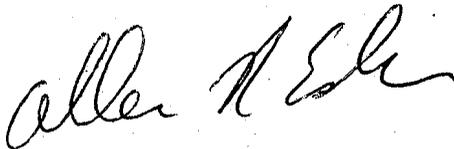
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. 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 overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

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10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Allen Edris, at the above address, by telephoning (412) 395-7158, or by e-mail at allen.r.edris@lrp02.usace.army.mil. Please refer to CELRP-OP-F 200301105 in all responses.

FOR THE DISTRICT ENGINEER:


for Michael J. Cummings, Jr.
Chief, Regulatory Branch

CTL-WV PROJECT NO. 04510012WV

BY: DLY DATE: 4/26/04

SCALE: 1" = 1600' Approximately



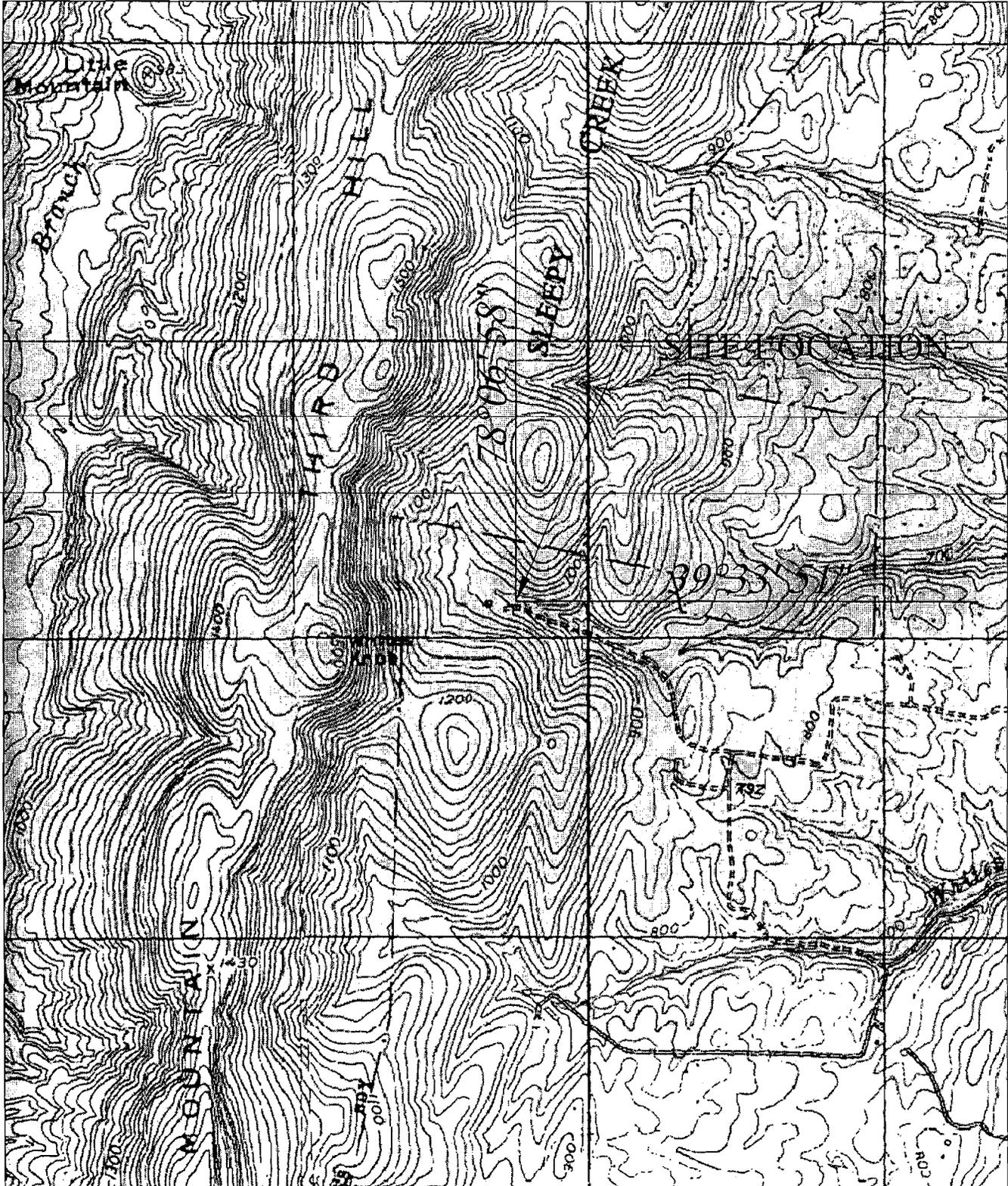
CTL ENGINEERING OF WEST VIRGINIA, INC.

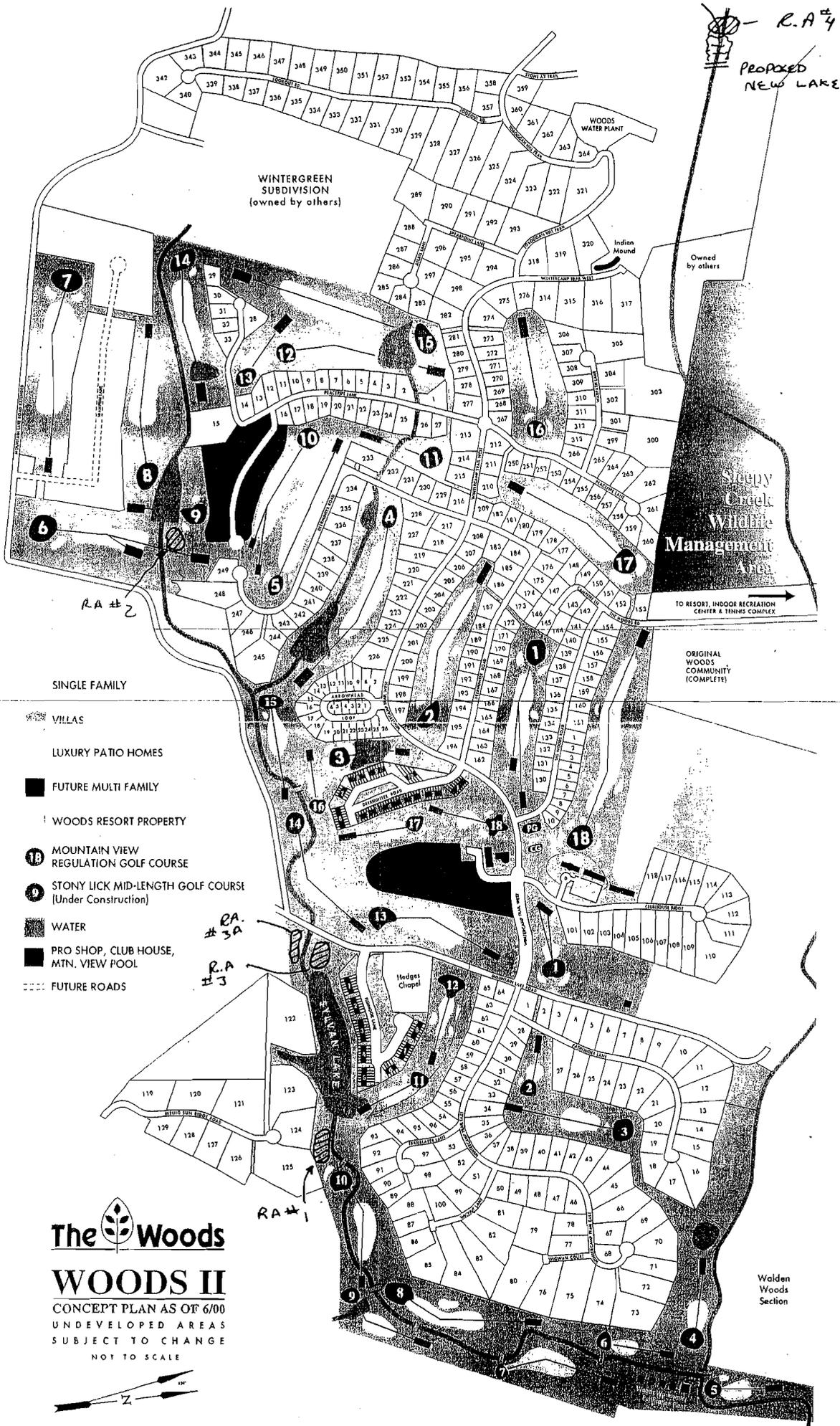
733 Fairmont Road, Morgantown, WV 26505

Phone: 304/292-1135 • Fax: 304/296-9302

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BIG POOL 7.5" QUADRANGLE





- SINGLE FAMILY
- VILLAS
- LUXURY PATIO HOMES
- FUTURE MULTI FAMILY
- WOODS RESORT PROPERTY
- MOUNTAIN VIEW REGULATION GOLF COURSE
- STONY LICK MID-LENGTH GOLF COURSE (Under Construction)
- WATER
- PRO SHOP, CLUB HOUSE, MTN. VIEW POOL
- FUTURE ROADS

The Woods
WOODS II
 CONCEPT PLAN AS OF 6/00
 UNDEVELOPED AREAS
 SUBJECT TO CHANGE
 NOT TO SCALE

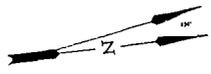


FIGURE 1

Existing Conditions

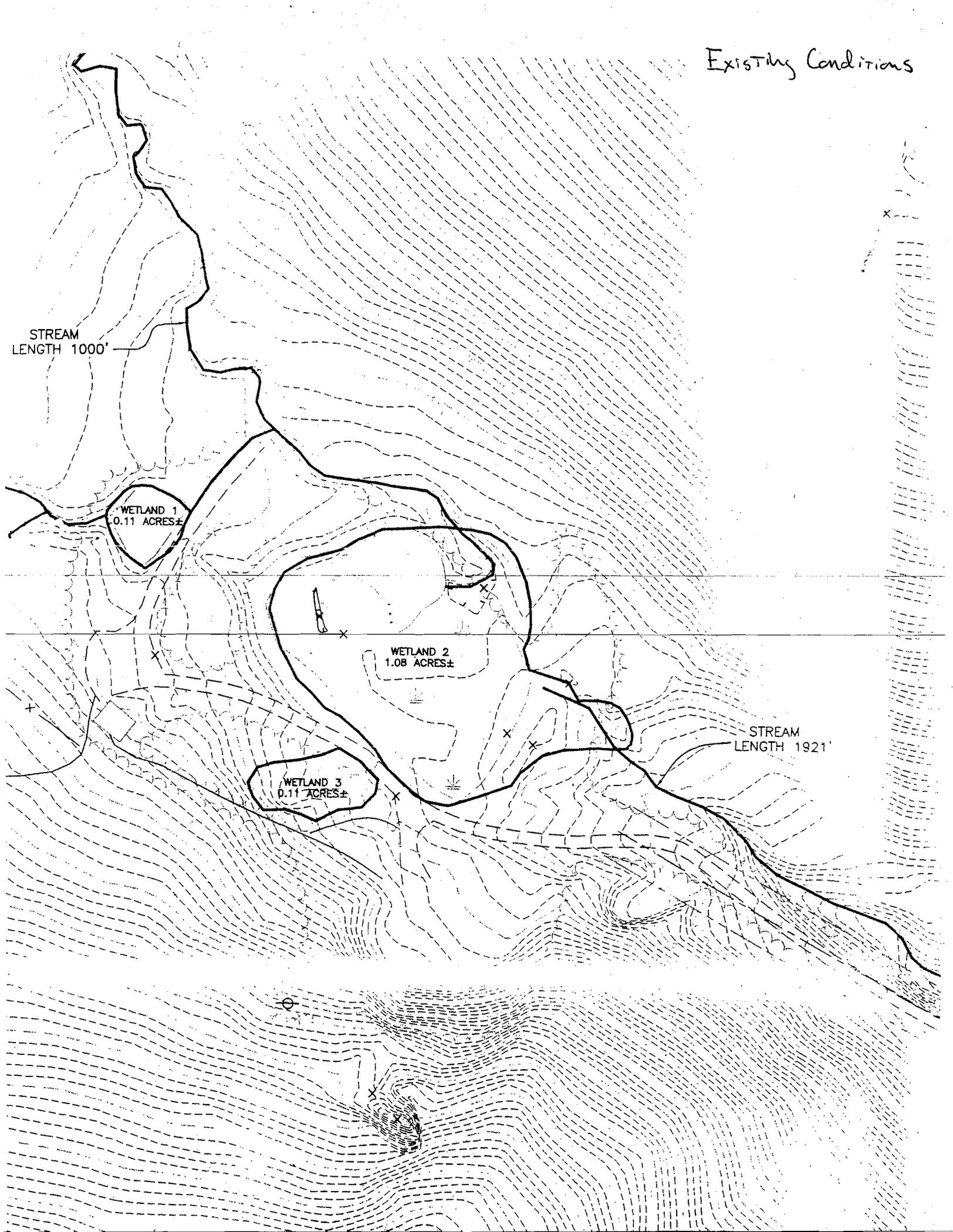
STREAM
LENGTH 1000'

WETLAND 1
0.11 ACRES±

WETLAND 2
1.08 ACRES±

WETLAND 3
0.11 ACRES±

STREAM
LENGTH 1921'



Proposed Conditions



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CTL-WV PROJECT NO. 04510012WV

BY: KDD DATE: 8/26/05

PAGE NO. 1 OF 1

SCALE: N.T.S

