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# 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

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Application No. 200500319

Date: May 2, 2006

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Notice No. 06-19

Closing Date: June 1, 2006

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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: Antietam Recreation Development, LLC  
9729 Garis Shop Road  
Hagerstown, MD 21740-1749

3. LOCATION: in an unnamed tributary to Potomac River, in Berkeley County, West Virginia.

4. PURPOSE AND DESCRIPTION OF WORK: Riverside South is a Planned Unit Development (PUD) located between the eastern edge of U.S. Route 11 (Williamsport Pike) and the southern edge of Interstate 81, near Marlowe in Berkeley County, West Virginia. The site is approximately 110 acres and currently comprised primarily of farmland with portions of trees. A total of 9.72 acres of forests are proposed to be cleared on the site for development activities.

The Riverside South PUD, at full build-out, is anticipated to contain approximately 29 single family dwellings, 391 townhouses, 322 back-to-back, and 330 apartments for a total of 1,072 residential units and some commercial lots. The site contains one unnamed perennial tributary to the Potomac River approximately 2,165 linear feet (LF) in length, one intermittent tributary approximately 75 LF in length, 2.10 acres of palustrine emergent wetlands, and one in-stream pond approximately 2.94 acres in size.

Impacts as a result of the above mentioned activity will temporarily impact 0.01 acre of wetlands and approximately 10 LF

of perennial stream. Permanent impacts include approximately 0.08 acre of wetlands, 2.91 acres of in-stream open water, and approximately 269 LF of perennial stream. As compensatory mitigation for the permanently impacted waters of the United States, the applicant proposes to convert 2.02 acres of emergent wetlands to forested wetlands and enhance 1,608 LF of perennial stream. This will be accomplished by reforesting the entire stream valley (3.32 acres) down-gradient of the proposed development and stabilizing the banks of 1,608 LF of perennial stream. The reforestation area will consist of a minimum of five (5) different native tree and shrub species such as Green Ash, Pin Oak, Sycamore, Spicebush, Winterberry, and Arrowwood, planted as bare root seedling stock. They will be planted at the rate of 400 trees/shrubs per acre with random approximate 11' X 11' spacing and the survival requirement will be 65% or 260 trees/shrubs per acre. Bank stabilization of 1,608 LF of perennial stream channel will consist of installing live, woody, rootable plant cuttings, i.e., live stacks, into the stream banks. Additionally, the applicant proposes to create a new 0.19 acre forested wetland adjacent to and between existing emergent wetlands and the perennial stream in the southeastern portion of the subject site. Long term protection in the form of a conservation easement will be provided for the mitigation area to protect the land in perpetuity. 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 has applied 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. 06-19

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

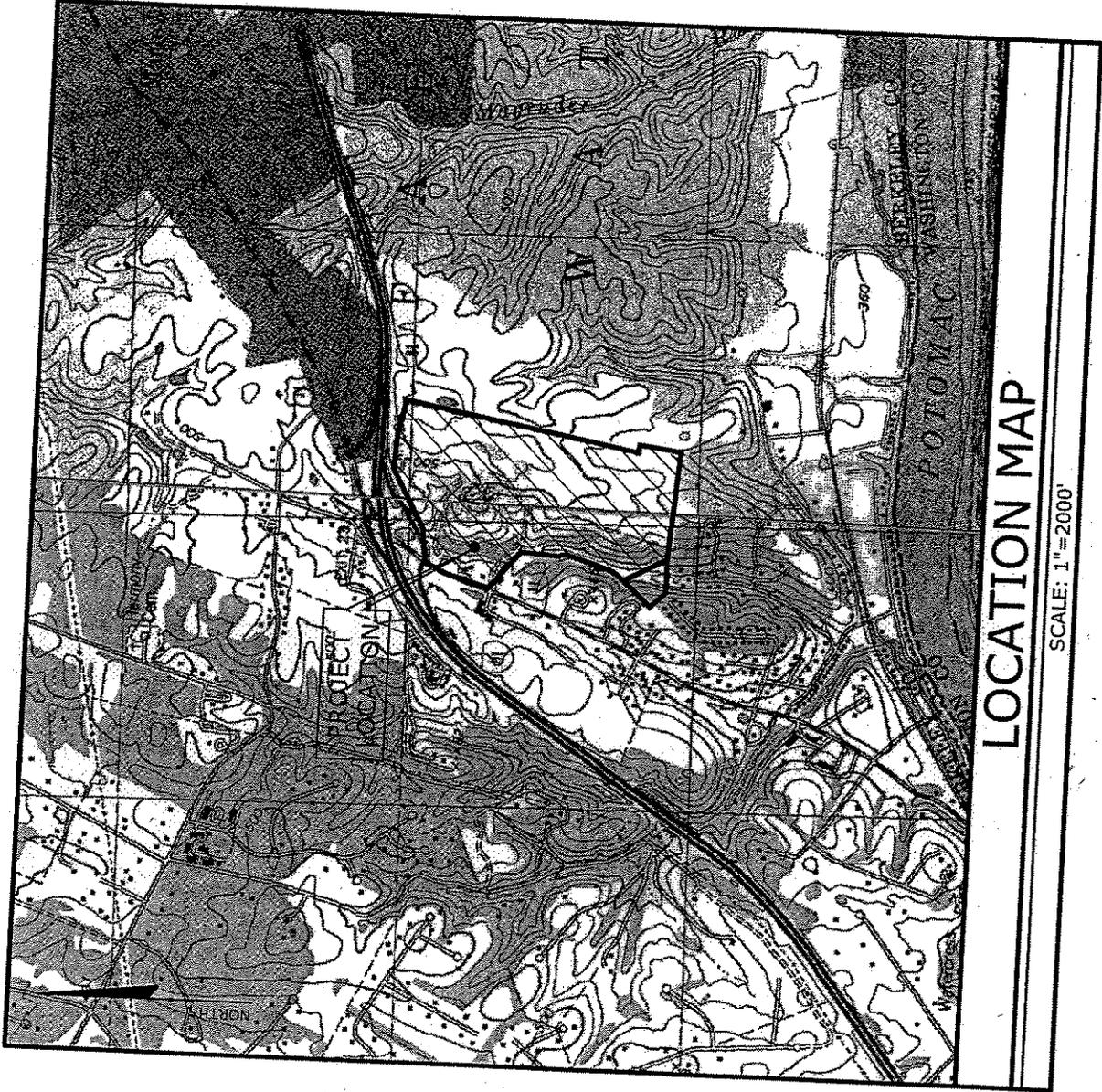
quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public 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).

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.edris@usace.army.mil. Please refer to CELRP-OP-F 200500319 in all responses.

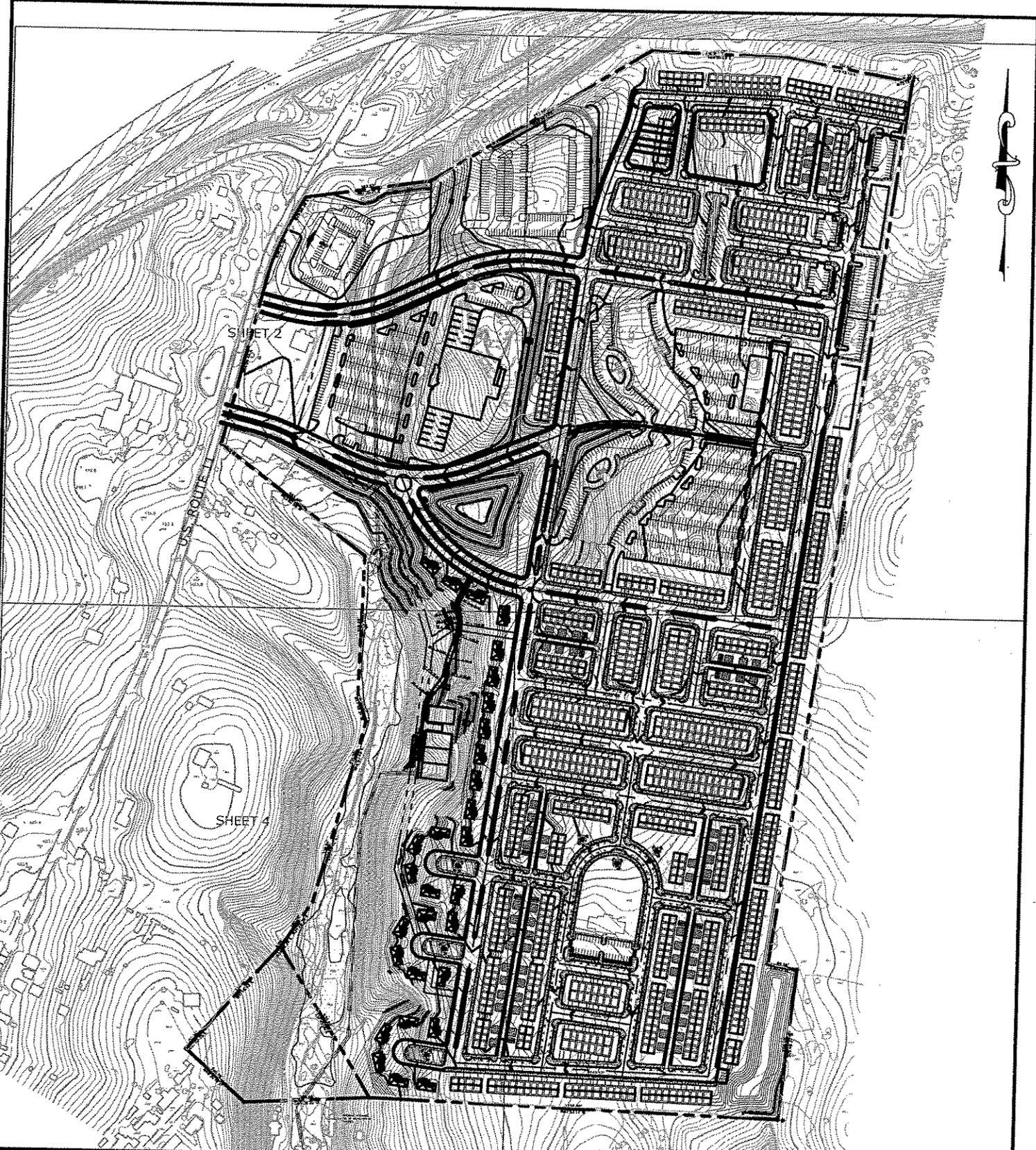
FOR THE DISTRICT ENGINEER:

/signed/

Michael J. Cummings, Jr.  
Chief, Regulatory Branch



HEDGESVILLE, WV  
USGS QUADRANGLE MAP



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# RIVERSIDE SOUTH

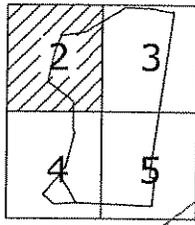
## SUBDIVISION AND LAND DEVELOPMENT PLAN

FALLING WATERS, BERKLEY COUTY,  
WEST VIRGINIA

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>OVERALL<br/>SITE LOCATION MAP</b> |                       |
| Designed By: JRM                     | Date: 2-22-06         |
| Surveyed By:                         | CAD File: siteloc.dwg |
| Drawn By: MJJ                        |                       |
| Checked By: DWP                      |                       |
| Approved By: DWP                     | Sheet No.             |
| Scale: 1"=400'                       | <b>1</b>              |
| Project No: 05031                    |                       |

XRefs: xgrading.2006.02.02.dwg XR-05031\_10.dwg  
Images: WWTP\_OUTFALL\_1.tif WWTP\_OUTFALL\_2.tif

**KEY MAP**



MATCH TO SHEET 3

MATCH TO SHEET 4



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SUBDIVISION AND LAND DEVELOPMENT PLAN

FALLING WATERS, BERKLEY COUTY,

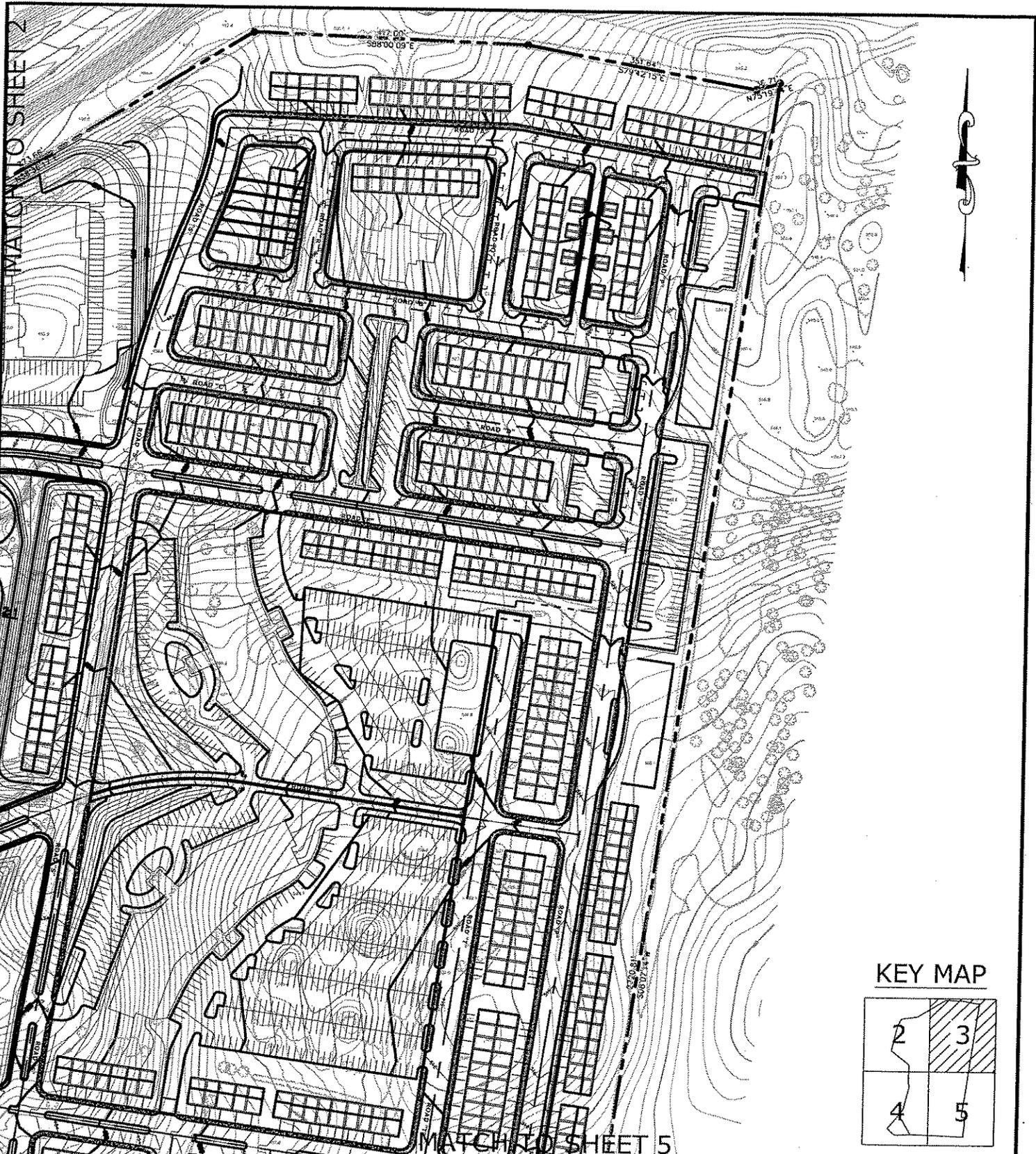
## WEST VIRGINIA

**SITE LOCATION MAP**  
SHEET 2 OF 5

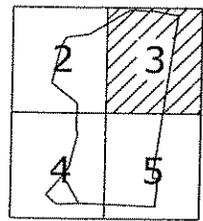
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| Drawn By:    | MJJ     |           |             |
| Checked By:  | DWP     |           |             |
| Approved By: | DWP     | Sheet No. | 2           |
| Scale:       | 1"=200' |           |             |
| Project No:  | 05031   |           |             |

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Images: WWTP OUTFALL\_1.LIF WWTP OUTFALL\_2.LIF



**KEY MAP**



MATCH TO SHEET 5

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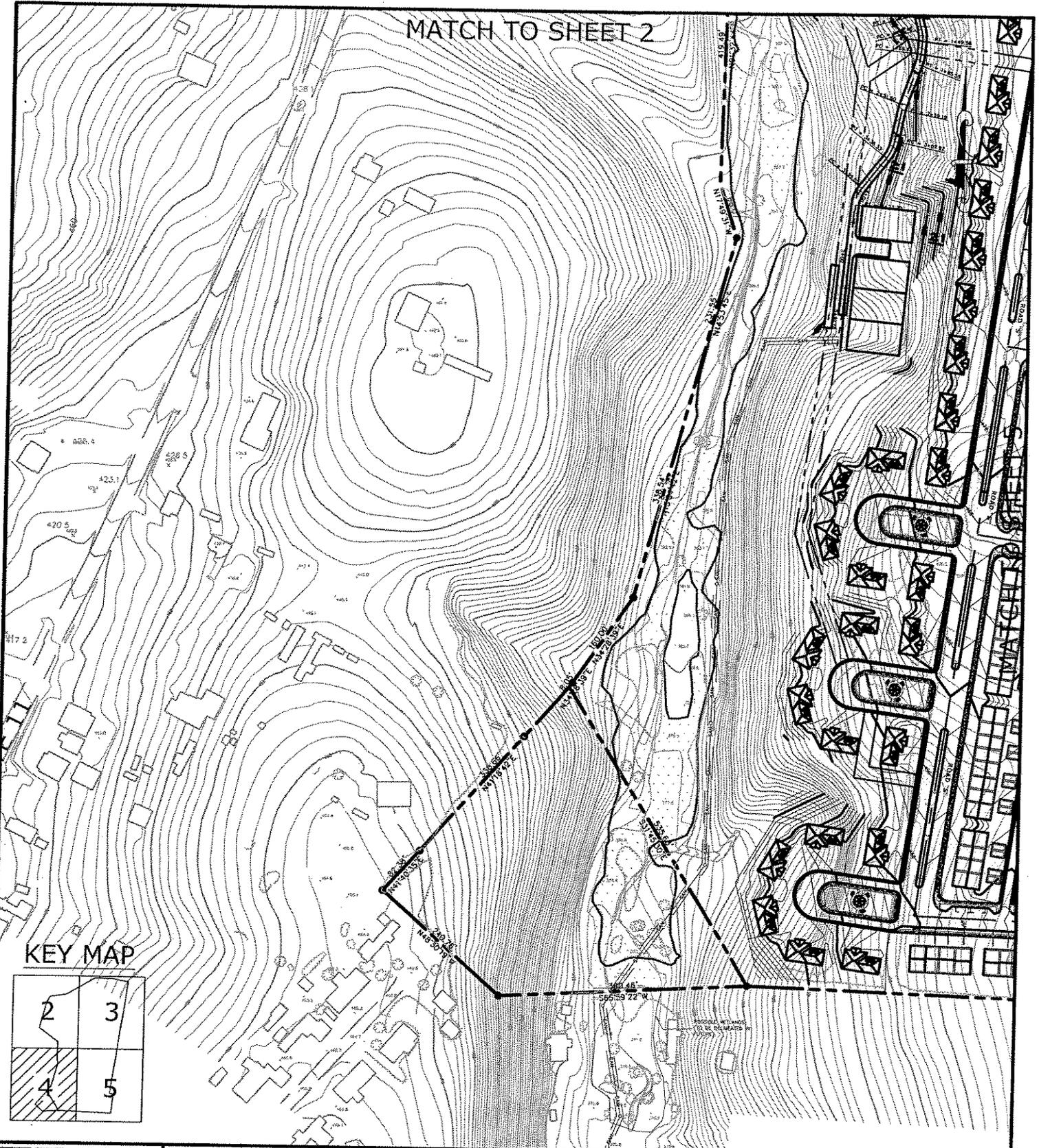
**RIVERSIDE SOUTH**  
SUBDIVISION AND LAND DEVELOPMENT PLAN

FALLING WATERS, BERKLEY COUTY,  
**WEST VIRGINIA**

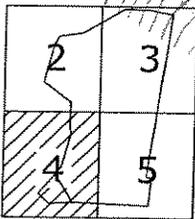
**SITE LOCATION MAP**  
SHEET 3 OF 5

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| Designed By: | JRM     | Date:     | 2-22-06     |
| Surveyed By: |         | CAD File: | siteloc.dwg |
| Drawn By:    | MJJ     | Sheet No. | <b>3</b>    |
| Checked By:  | DWP     |           |             |
| Approved By: | DWP     |           |             |
| Scale:       | 1"=200' |           |             |
| Project No:  | 05031   |           |             |

MATCH TO SHEET 2



**KEY MAP**



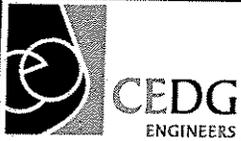
**RIVERSIDE SOUTH**

SUBDIVISION AND LAND DEVELOPMENT PLAN

FALLING WATERS, BERKLEY COU, Y,

WEST VIRGINIA

SITE LOCATION MAP  
SHEET 4 OF 5



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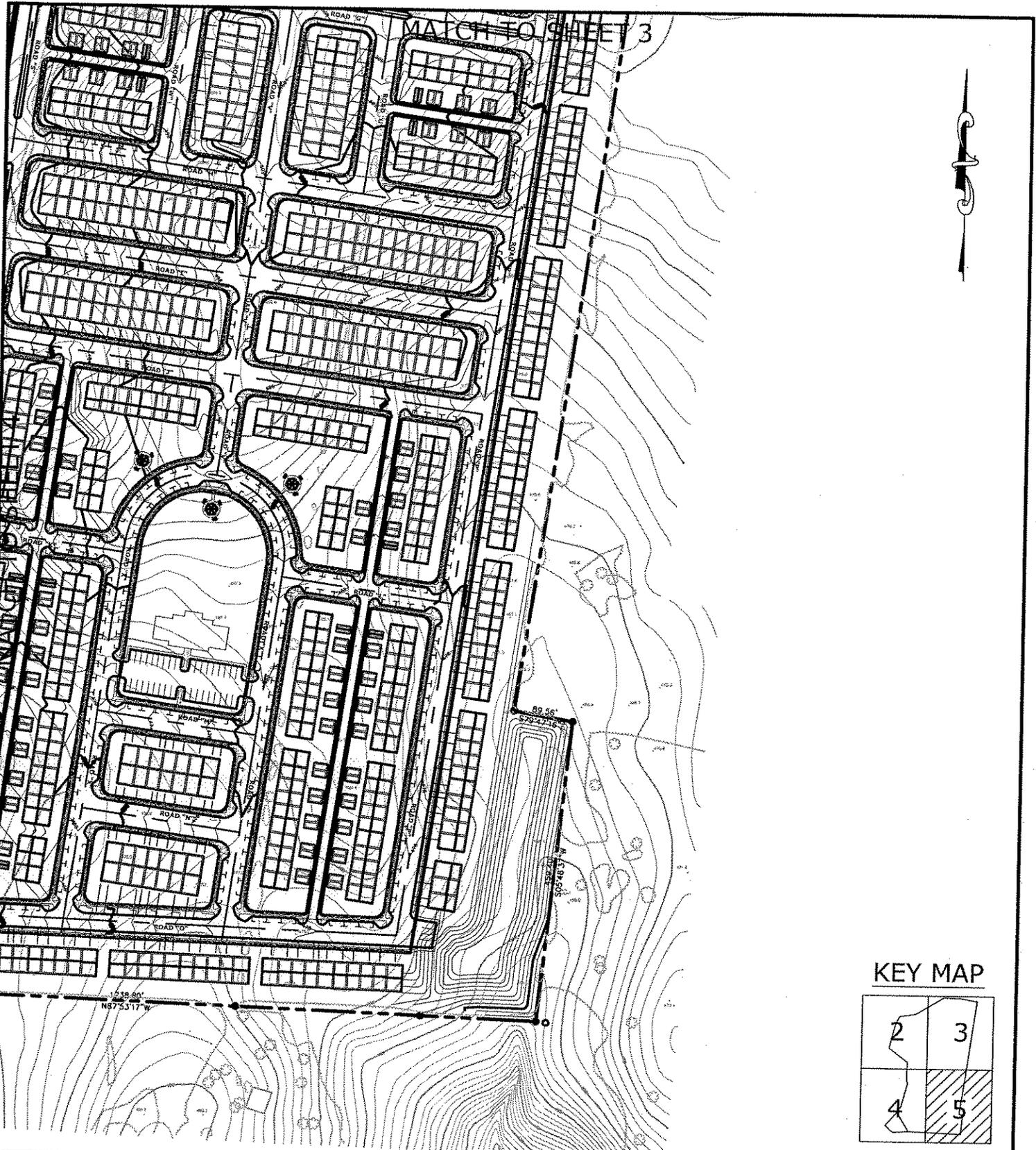
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 Project No: 05031

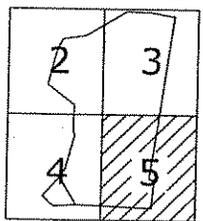
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**4**



**KEY MAP**



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**RIVERSIDE SOUTH**  
SUBDIVISION AND LAND DEVELOPMENT PLAN

FALLING WATERS, BERKLEY COU, Y,  
**WEST VIRGINIA**

**SITE LOCATION MAP**  
SHEET 5 OF 5

Designed By: JRM  
 Surveyed By: JRM  
 Drawn By: MJJ  
 Checked By: DWP  
 Approved By: DWP  
 Scale: 1"=200'  
 Project No: 05031

Date: 2-22-06  
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