



**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

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

Application No. 2006-1376

Date: April 16, 2008

Notice No. 08-21

Closing Date: May 16, 2008

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 (13 U.S.C. 1344).
2. APPLICANT: Berkeley Springs Development LLC
99 North Washington
Berkeley Springs, West Virginia 25411
3. AGENT: Potesta and Associates
7012 MacCorkle Avenue, S.E.
Charleston, West Virginia 25304
4. LOCATION: The project is located along Sir John Run and County Route 9/10 in Berkeley Springs, Morgan County West Virginia. 39° 34' 58.69"N 78° 15' 44.71"W
5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to utilize the existing Coolfont Resort, which is currently idle, and develop the facilities in to a new resort, with residential development. The planned development includes construction of a village with hotel, spa, commercial/retail space, single family homes and cottages, condominiums/townhouses and the expansion of existing Lake Siri and construction of Lake Prospect. BSD proposes to retire an outdated waste water treatment plant currently located on the Lake Siri embankment, and construct a new embankment to increase the size of the lake pool. Additionally, a temporary storm water pond will be constructed during Phase I development. This temporary pond will be removed after Phase I development area becomes adequately stabilized. Phase I of the proposed project will impact 50 feet of unnamed tributary 1 for an access road to the new waste water treatment plant, 188 feet of unnamed tributary 24 and 274 feet of unnamed tributary 19 for the construction of a temporary storm water management pond. Phase I will also include the expansion of Lake Siri, which involves impacts to approximately 213 feet for the embankment construction, approximately 200 feet of culvert for the Cold Run Valley road crossing and approximately 703 feet of inundation for the lake expansion. Total stream impacts for Phase I

are 1,628 feet, which includes stream footage that will be inundated as a result of Lake Siri expansion. There are no wetland impacts for Phase I.

Impacts to Sir Johns Run are proposed in Phase II for the construction of the dam for Lake Prospect. Additional stream impacts including the stream footage that will be inundated as a result of the Lake Prospect dam construction, total approximately 8,895 feet. Total wetland impacts for the construction of Lake Prospect in Phase II are 7.44 acres (5.18 PEM, 2.26 PFO). Drawings and tables of the proposed project are attached.

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, pre-historical, 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

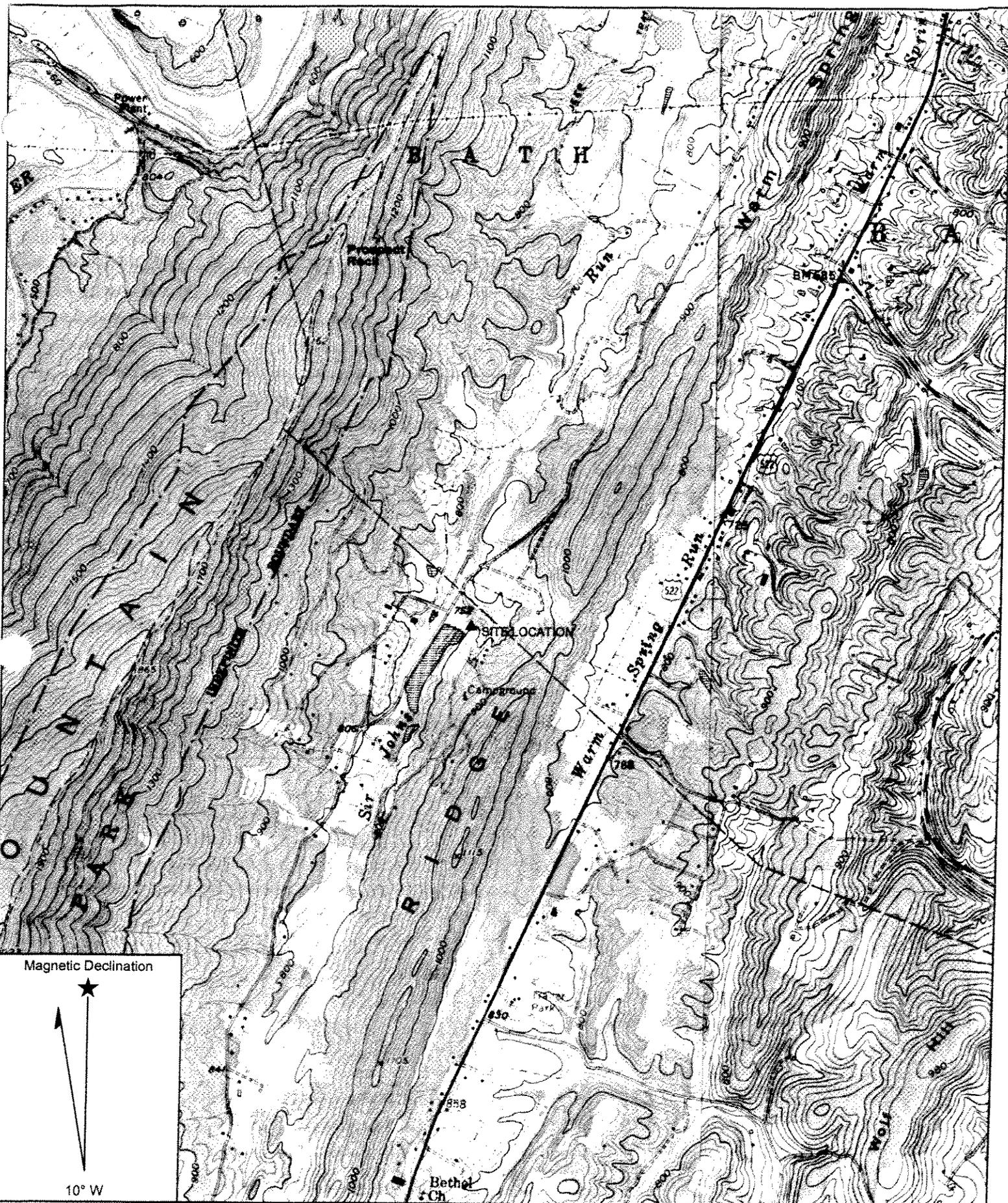
needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties 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.

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 attention: Christina Schroeder. Please refer to CELRP-OP-F 2006-1376 in all responses.

FOR THE DISTRICT ENGINEER:

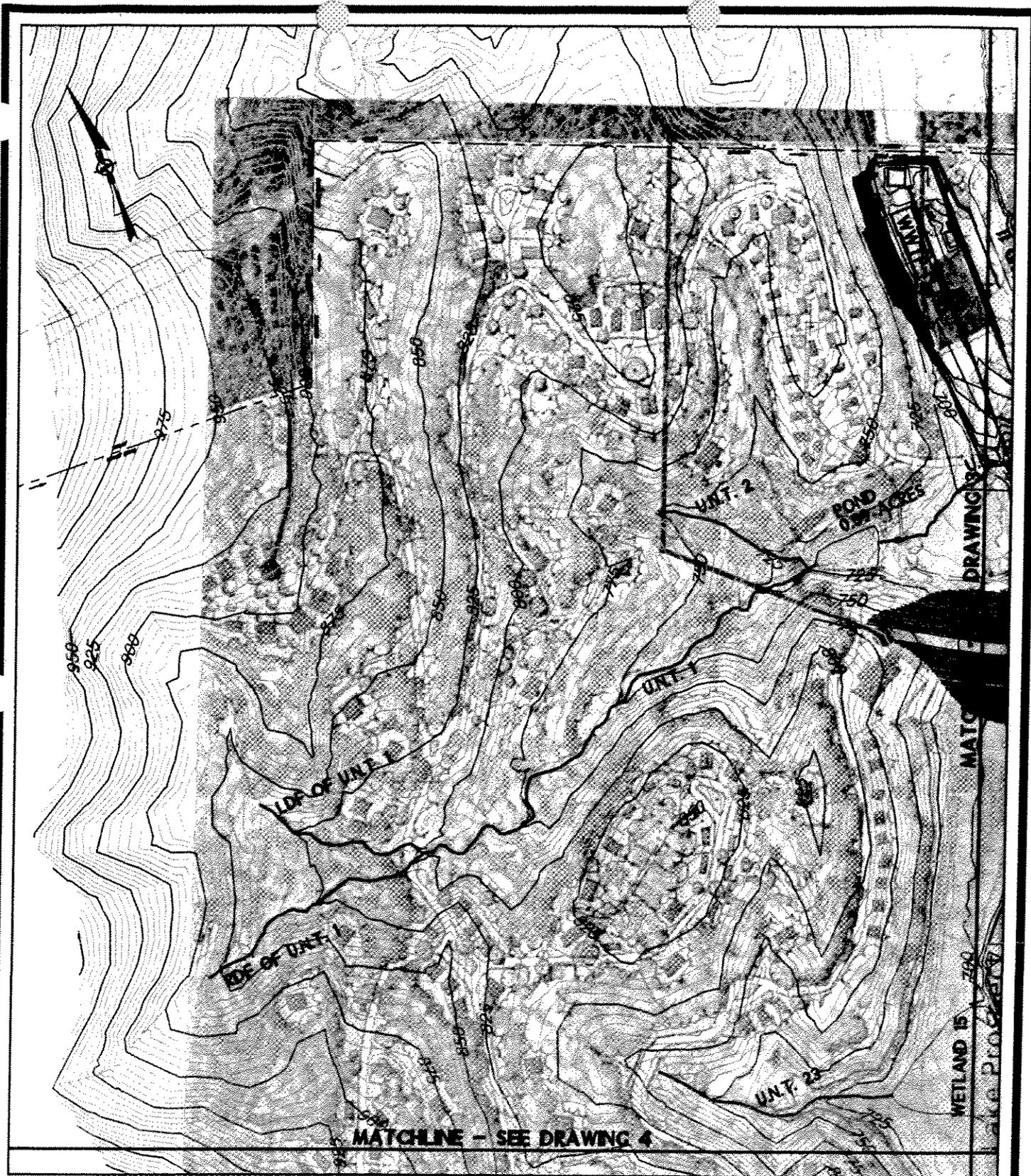


Scott A. Hans
Chief, Regulatory Branch



Name: GREAT CACAPON
 Date: 3/3/2008
 Scale: 1 inch equals 2000 feet

Location: 039° 34' 58.69" N 078° 15' 44.71" W NAD 27
 Caption: COOLFONT VILLAGE DEVELOPMENT
 MORGAN COUNTY, WV
 USACE 2006-1376

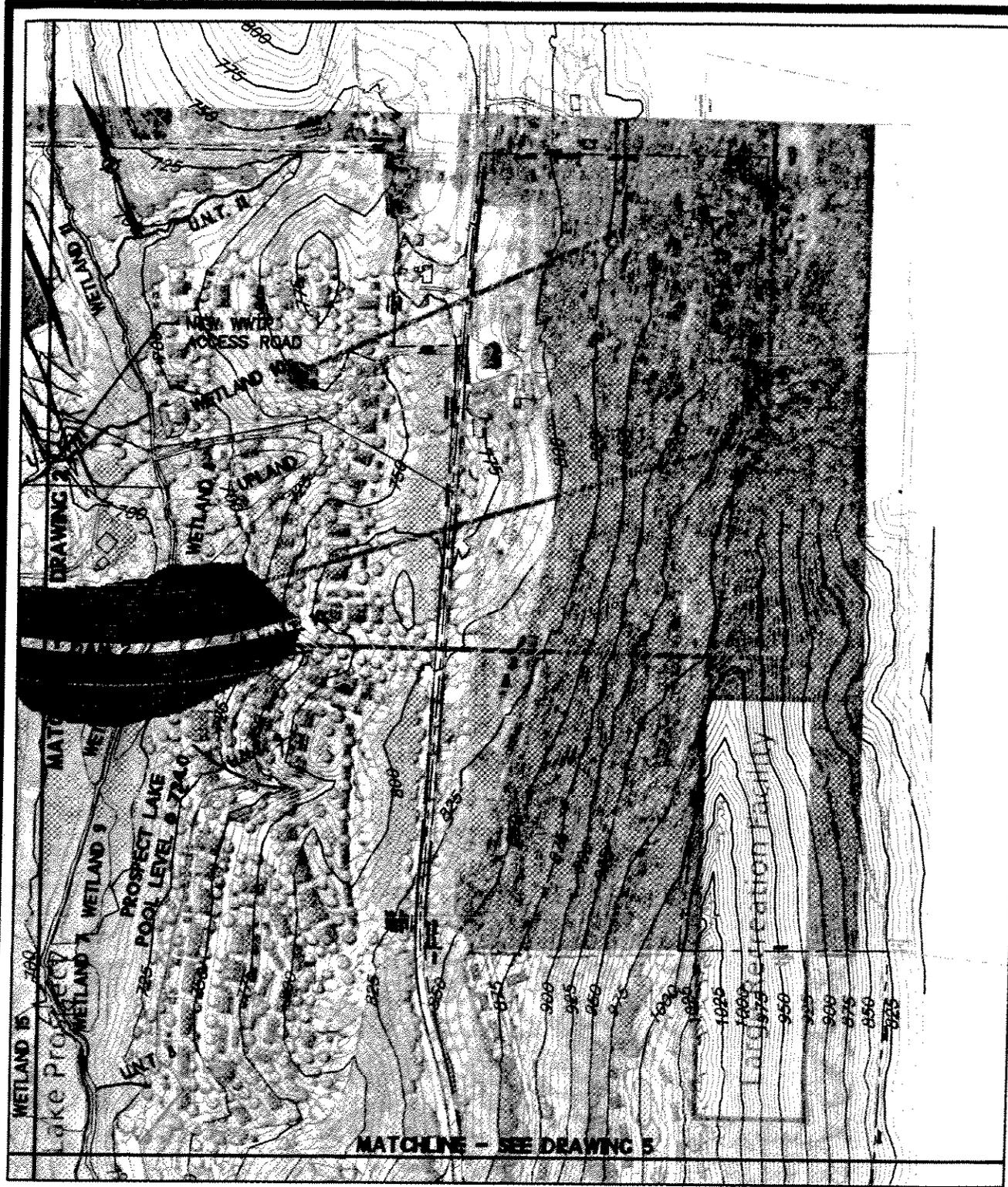


POTESTA
Potesta & Associates, Inc.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
 7012 MacCorkle Ave. SE, Charleston, WV 25304
 TEL: (304) 342-1400 FAX: (304) 343-9031
 E-Mail Address: potesta@potesta.com

Project
**COOLFONT VILLAGE DEVELOPMENT
 CONCEPTUAL LAYOUT
 MORGAN COUNTY, WV**

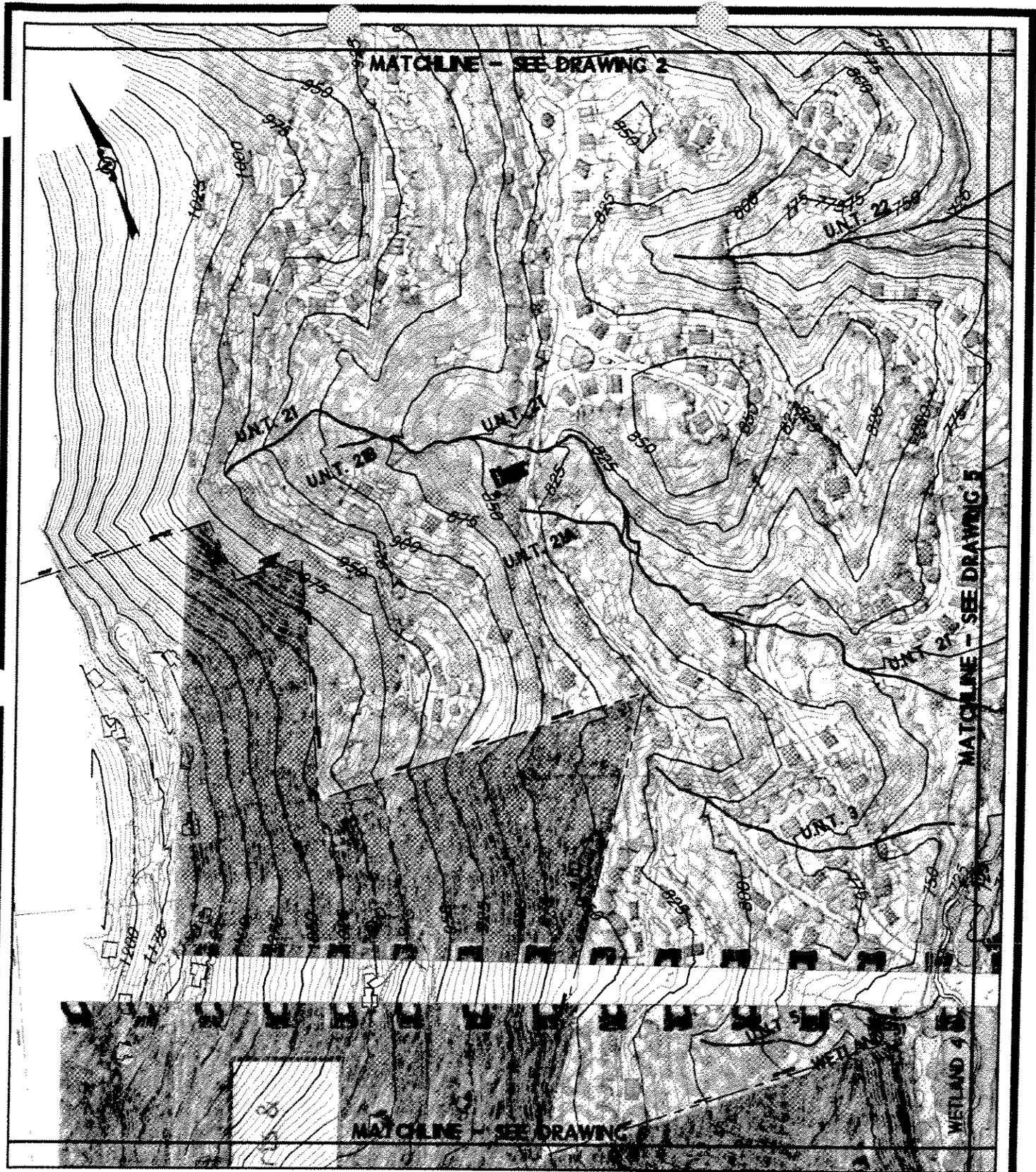
Scale 1" = 400'	Dwg. No.
Date JANUARY 2008	2

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 PLOTTING Time: Feb 29, 2008 - 8:51am
 PLOTTER: BYM/ARJ ofc/us: 11-27MAP1.jpg



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Project COOLFON VILLAGE DEVELOPMENT CONCEPTUAL LAYOUT MORGAN COUNTY, WV	
Scale 1" = 400'	Dwg. No. 3
Date JANUARY 2008	



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**COOLFONT VILLAGE DEVELOPMENT
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 MORGAN COUNTY, WV**

Scale 1" = 400'
 Date JANUARY 2008

Dwg. No.
4



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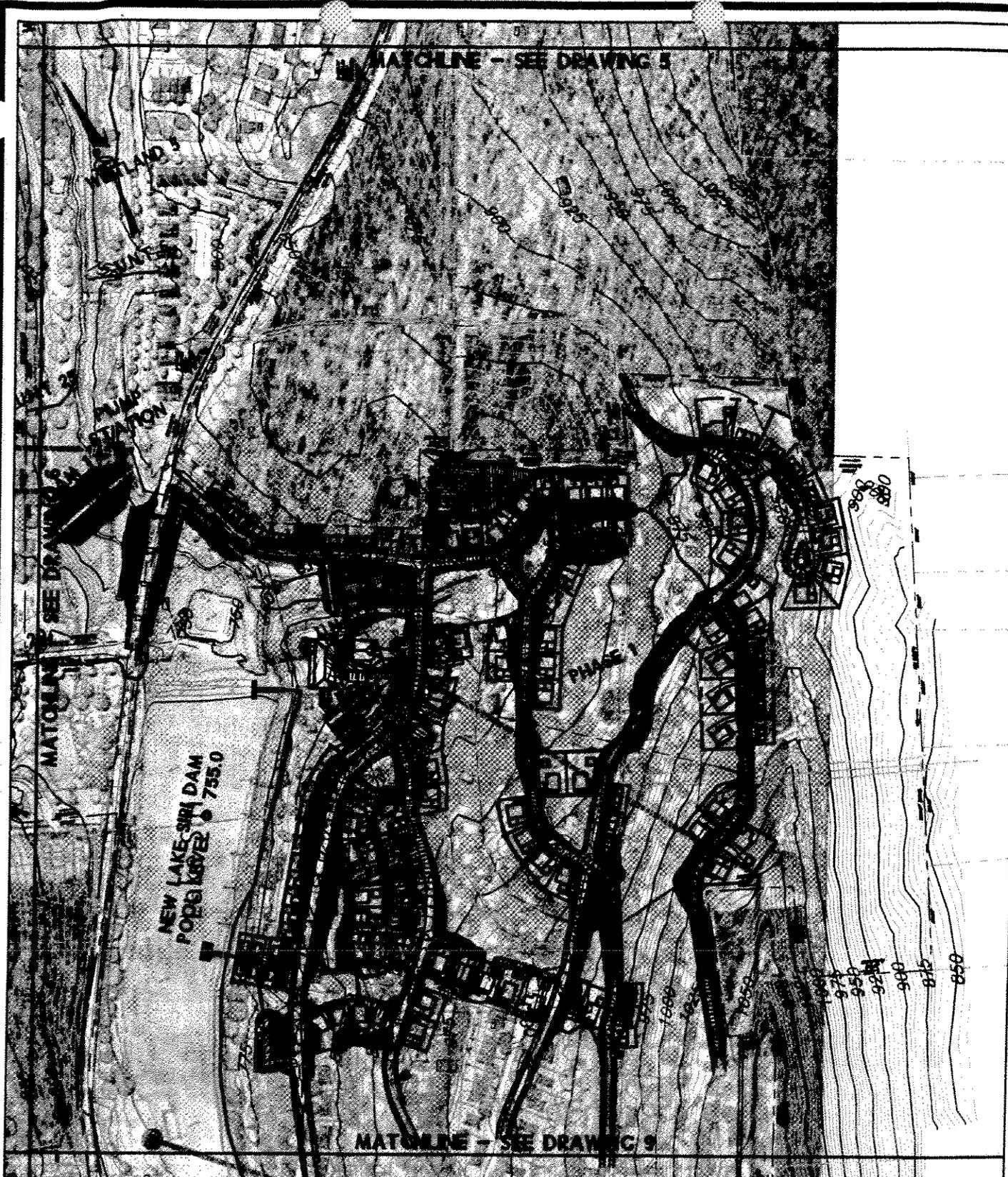
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 MORGAN COUNTY, WV**

Scale 1" = 400'

Dwg. No.

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Project	
COOLFONT VILLAGE DEVELOPMENT CONCEPTUAL LAYOUT MORGAN COUNTY, WV	
Scale 1" = 400'	Dwg. No.
Date JANUARY 2008	7



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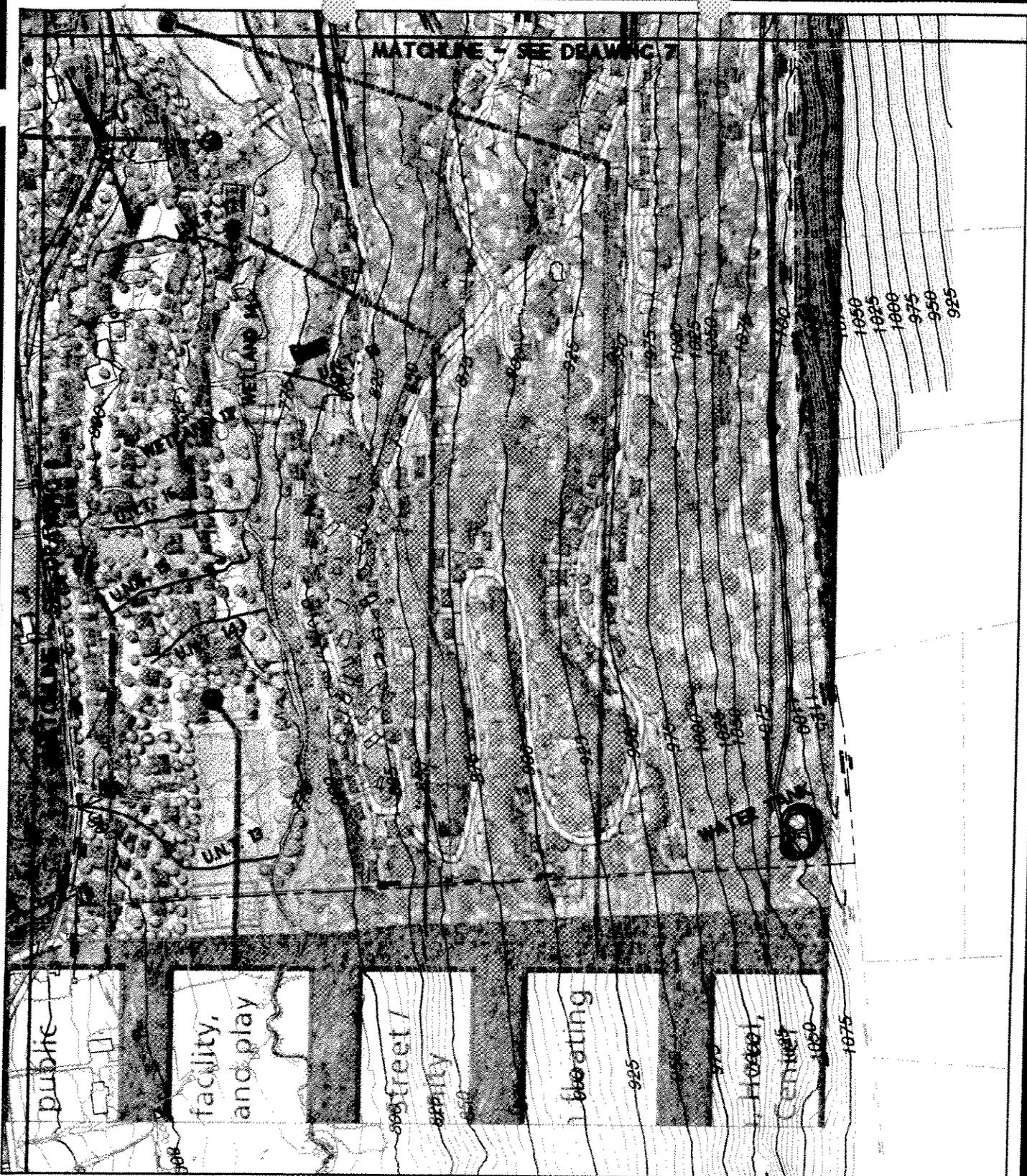
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MATCHLINE - SEE DRAWING 7



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Date JANUARY 2008	9

Coolfont Summary Table, April 4, 2008

Proposed Impact	Stream Type	Impact (Linear Feet)	Lat	Long	Project Phase	Impact Type	Reason for Impact
UNT 1	Perennial	50	39.6006532	-78.2558194	1	Culvert	WWTP Access Road
UNT 4	Intermittent	80	39.5894010	-78.2610620	2	Inundate	Lake Prospect inundation
UNT 5	Perennial	100	39.5887530	-78.2635270	2	Inundate	Lake Prospect inundation
UNT 7	Ephemeral	100	39.5917250	-78.2588410	2	Inundate	Lake Prospect inundation
UNT 8	Ephemeral	165	39.5959210	-78.2572640	2	Inundate	Lake Prospect inundation
UNT 9	Ephemeral	200	39.5982190	-78.2553760	2	Inundate	Lake Prospect inundation
UNT 10*	Ephemeral	150	39.5987200	-78.2543540	2	Embankment	Lake Prospect impoundment
UNT 19	Perennial	274	39.5825867	-78.2639923	1	Embankment/Inundate	Temporary stormwater pond
UNT 21	Perennial	300	39.5905840	-78.2611950	2	Inundate	Lake Prospect inundation
UNT 22	Ephemeral	1000	39.5945913	-78.2585740	2	Inundate	Lake Prospect inundation
UNT 23	Intermittent	350	39.5963880	-78.2588850	2	Inundate	Lake Prospect inundation
UNT 24	Ephemeral	188	39.5828285	-78.2639257	1	Embankment/Inundate	Temporary stormwater pond
Sir Johns Run	Perennial	200	39.5834330	-78.2646142	1	Culvert	Cold Run Valley Rd Crossing
Sir Johns Run	Perennial	213	39.5841065	-78.2653249	1	Embankment	Lake Siri Expansion
Sir Johns Run	Perennial	510	39.5990643	-78.2552863	2	Embankment	Lake Prospect
Sir Johns Run	Perennial	5,940	39.5911064	-78.2594399	2	Inundate	Lake Prospect inundation
Sir Johns Run	Perennial	703	39.5825030	-78.2643480	1	Inundate	Lake Siri Expansion
Total SJR		7566.00					
	Total	10523.00					
	Total Ephemeral	1188.00					
	Total Intermittent	430.00					
	Total Perennial	8905.00					

* Designates tributary (UNT 10) that does not connect with SJR. No hydrological connection/isolated waters.

Coolfont Summary Table, April 4, 2008

Wetland ID	Type	Approximate Area (Acres)	Impact Area (Acres)	Lat	Long	Project Phase	Impact Type	Reason for Impact
1	PFO	0.23	0.23	39.5893046	-78.2627920	2	Inundate	Lake Prospect inundation
2	PFO	0.32	0.27	39.5899970	-78.2612819	2	Inundate	Lake Prospect inundation
4	PFO	0.79	0.79	39.5884241	-78.2634138	2	Inundate	Lake Prospect inundation
5	PEM	0.02	0.02	39.5861972	-78.2640802	2	Inundate	Lake Prospect inundation
6	PEM	0.57	0.57	39.5929506	-78.2590392	2	Inundate	Lake Prospect inundation
7	PFO	0.12	0.12	39.5964735	-78.2574853	2	Inundate	Lake Prospect inundation
8	PEM	3.06	1.26	39.5998070	-78.2539312	2	Embankment/Inundate	Impoundment for Lake Prospect
9	PEM	1.18	1.18	39.5973717	-78.2569078	2	Inundate	Lake Prospect inundation
12	PEM	1.30	1.30	39.5990297	-78.2561526	2	Embankment/ Inundate	Impoundment for Lake Prospect
15	PFO	0.85	0.85	39.5962663	-78.2581739	2	Inundate	Lake Prospect inundation
15	PEM	0.85	0.85					
Total			7.44					
Total PEM			5.18					
Total PFO			2.26					