



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. LRP-2005-2264

Date: May 4, 2017

Notice No. 17-26

Closing Date: June 4, 2017

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.
2. APPLICANT: Genesis Partners, Limited Partnership
Mr. Robert Stuart
600 Marketplace Avenue, Suite 350
Bridgeport, WV 26330
3. LOCATION: The project is located between I-79, SR-131/73 and SR-279 on approximately 1,358.5 acres within the Upper West Fork River Basin near the city of Bridgeport, Harrison County, West Virginia (Approximate center: 39.3108° N, -80.2417° W).
4. PURPOSE AND DESCRIPTION OF WORK: As background information, please note that this permit action is being re-published as a new application seeking re-authorization because the current Department of the Army permit authorization for the project will expire on July 10, 2017. The development work at the project location is currently on-going and is known as Development Area "A" in the application. Additionally, compensatory mitigation work is currently underway and is known as Phase 1 along Stout's Run.

The applicant proposes to construct a master-planned development on a 1,362 acre parcel, known as Charles Pointe, which is planned to house thousands of jobs and hundreds of families with various commercial, light industrial, residential, and other developed facilities. This mixed-use development will include a variety of facilities and also include open space areas throughout that will serve as mitigation areas for aquatic resources as noted below.

The purpose of this project is to develop the parcel as a mixed-use development that includes residential, recreational, civic, and educational facilities. The current development phase seeking authorization consists of the areas known as Development Areas B and C. These areas adjoin the existing Development Area A which was previously authorized by the Corps in July 2007 (LRP-2005-2264). As proposed, the project may result in unavoidable impacts to the following:

1. Permanent impacts to 18 linear feet of perennial streams;

2. Permanent impacts to 8,112 linear feet of intermittent streams;
3. Permanent impacts to 4,714 linear feet of ephemeral stream;
4. Permanent impacts to 3.279 acres of palustrine emergent (PEM) wetlands;
5. Permanent impacts to 0.649 acre of palustrine scrub-shrub (PSS) wetlands;
6. Permanent impacts to 0.040 acre of palustrine forested (PFO) wetlands; and
7. Permanent impacts to 2.685 acres of palustrine open water (PUBHh) wetland.

The applicant proposes to mitigate for the estimated 8,691 stream debits and 9.487 wetland debits by performing permittee-responsible on-site stream and wetland mitigation along Stout's Run (Phase 2 mitigation plan). For additional details see the table below for an overview of aquatic resource impacts and mitigation. Lastly, drawings of the proposed project are attached to this public notice.

Charles Pointe Impacts Completed and Proposed				
	Impacts Completed ¹	Mitigation Completed ¹	Proposed Impacts/Debits ²	Proposed Mitigation/Credits ²
Streams	6,185 LF	7,370 LF	12,844 LF (8,691 debits)	12,869 LF (13,087 credits)
Wetlands	1.79 acres	4.65 acres	3.968 acres (9.487 debits)	11.569 acres (14.606 credits)
Ponds	0.96 acres	7.19 acres	2.685 acres (5.906 debits)	6.23 acres (6.23 credits) ³
Notes:	¹ Impacts/mitigation previously permitted by Corps in 2007 (pre-SWVM 2.1) completed as of April 2017 ² Impacts/mitigation proposed by Genesis in April 2017 permit application (using SWVM 2.1) ³ Pond mitigation previously constructed on-site			

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. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The applicant must apply directly to the WVDEP for an individual 401 WQC. 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. Please contact the below to determine if an individual 401 WQC is required for this proposed activity:

Ms. Wilma Reip, 401 Program Manager
Phone: 304-962-0499 ext. 1599
E-mail: Wilma.reip@wv.gov

6. **IMPACT ON NATURAL RESOURCES:** The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in 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). If the U.S. Fish and Wildlife Service concurs

with the may affect, not likely to adversely affect determination please respond with written concurrence. (USFWS File #2011-TA-0106).

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). Note: the project was previously reviewed by WV SHPO under file FR#04-163-HS-3.

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, comments can be mailed to:

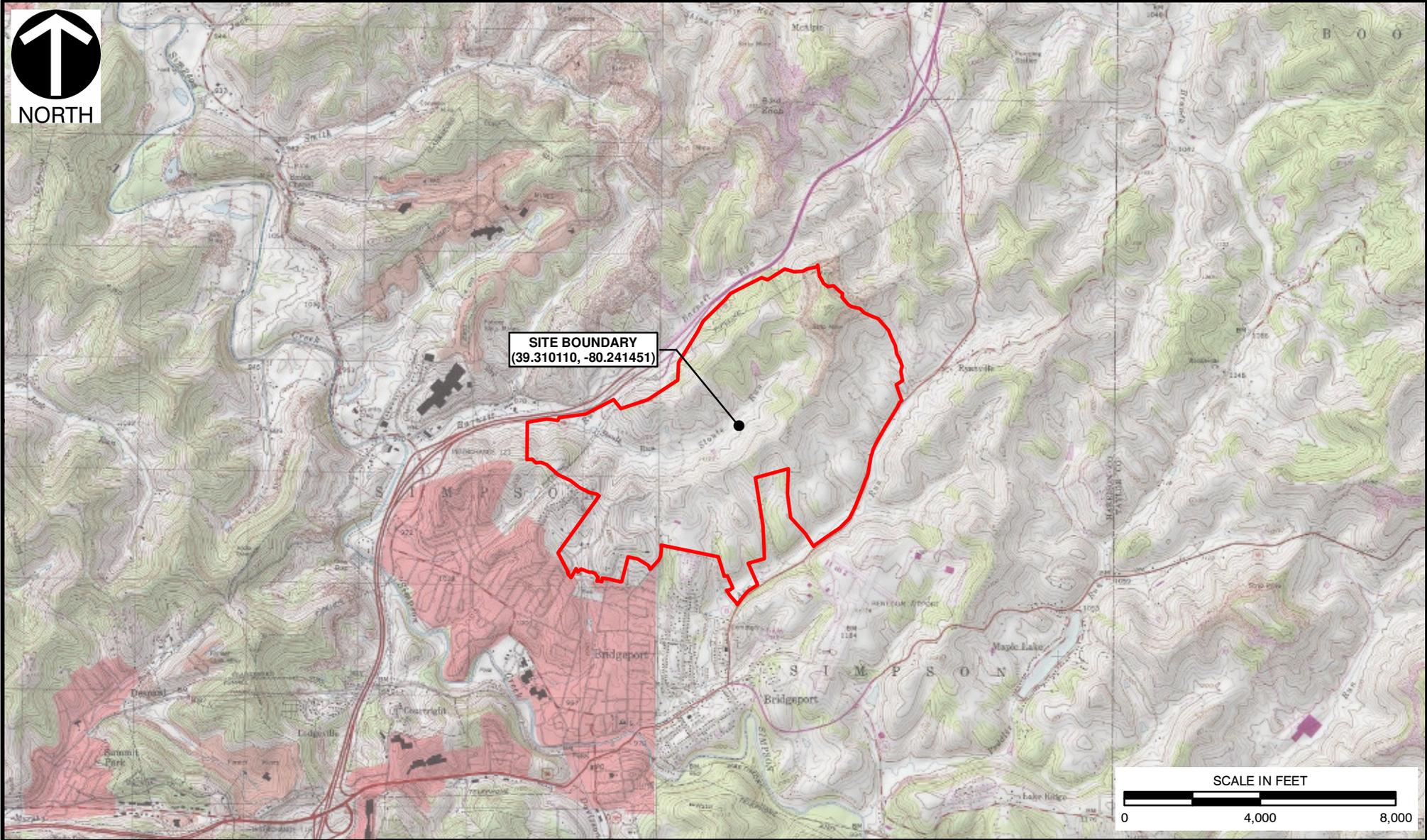
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 17-26

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 Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F 2005-2264 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jon T. Coleman
Chief, Southern Section
Regulatory Branch



LEGEND

SITE BOUNDARY

REFERENCE

1. USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:
 HTTP://GOTO.ARCGISONLINE.COM/MAPS/
 USA_TOPO_MAPS, ACCESSED 4/13/2017
 ROSEMONT AND CLARKSBURG, WEST VIRGINIA QUADS



Civil & Environmental Consultants, Inc.
 600 Marketplace Avenue, Suite 200 - Bridgeport, WV 26330-9121
 Ph: 304-933-3119 • Toll: 855-488-9539 • Fax: 304-933-3327
 www.cecinc.com

GENESIS PARTNERS, LIMITED PARTNERSHIP
 CHARLES POINTE PLANNED UNIT DEVELOPMENT
 HARRISON COUNTY, WEST VIRGINIA

USGS SITE LOCATION MAP

DRAWN BY: GSK	CHECKED BY: AMK	APPROVED BY: *Hand signature on file LSZ*	FIGURE NO: 2-1
DATE: 04/13/2017	SCALE: 1" = 4,000'	PROJECT NO: 152-467.0003	



LEGEND

- PERENNIAL STREAM
- INTERMITTENT STREAM
- EPHEMERAL STREAM
- WETLAND - PFO
- WETLAND - PSS
- WETLAND - PEM
- WETLAND - POW
- DELINEATION AREA
- IDENTIFIED CULVERT
- WV SAMB STREAM
- UTILITY EASEMENT
- 10' CONTOUR

NOTES

1. THE WETLAND DELINEATION SERVICES WERE PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON 7/12/2016, 7/13/2016, 7/14/2016, 7/19/2016, 7/20/2016, 7/25/2016, 7/26/2016, 7/27/2016, 7/28/2016, 8/1/2016, 8/12/2016, 8/15/2016, 8/19/2016, 8/17/2016, 8/19/2016, 8/22/2016, 11/29/2016, 11/30/2016, AND 12/8/2016.
2. THE WETLAND DELINEATION SERVICES PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. WERE CONDUCTED IN A MANNER CONSISTENT WITH THE CRITERIA CONTAINED IN THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987 MANUAL) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND MANUAL, EASTERN MOUNTAINS AND PIEDMONT REGION, VERSION 2.0 (REGIONAL SUPPLEMENT), AND WITH THE LEVEL OF CARE AND SKILL ORDINARILY EXERCISED BY MEMBERS OF THE ENVIRONMENTAL CONSULTING PROFESSION PRACTICING CONTEMPORANEOUSLY UNDER SIMILAR CONDITIONS IN THE LOCALITY OF THE PROJECT. IT MUST BE RECOGNIZED THAT THE WETLAND DELINEATION WAS BASED ON FIELD OBSERVATIONS AND CIVIL & ENVIRONMENTAL CONSULTANTS' PROFESSIONAL INTERPRETATION OF THE CRITERIA IN THE 1987 MANUAL AND THE REGIONAL SUPPLEMENT. WETLAND DETERMINATIONS MAY CHANGE SUBSEQUENT TO CIVIL & ENVIRONMENTAL CONSULTANTS' BASED ON CHANGES TO REGULATORY CRITERIA, CHANGES TO DRAINAGE, AND OTHER HUMAN ACTIVITIES AND/OR LAND DISTURBANCES.

REFERENCES

1. ESRI WORLD IMAGERY / ARCGIS MAP SERVICE: [HTTP://GO.TO/ARCGISONLINE.COM/MAPS/WORLD_IMAGERY](http://go.to/arcgisonline.com/maps/world_imagery), ACCESSED 4/5/2017, IMAGERY DATE: 2014.
2. 10-FT CONTOURS DERIVED FROM 3 METER WV SAMB ELEVATION DATA, 2003, DOWNLOADED FROM WV GIS TECHNICAL CENTER: 5/29/2013
3. OFF-SITE STREAMS WERE DERIVED FROM WV SAMB DATA, CREATED BY WEST VIRGINIA TECHNICAL CENTER.



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 600 Marketplace Avenue, Suite 200 - Bridgeport, WV 26330-9121
 Ph: 304-933-3119 Toll: 855-488-9539 Fax: 304-933-3327
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**GENESIS PARTNERS, LIMITED PARTNERSHIP
 CHARLES POINTE DEVELOPMENT
 HARRISON COUNTY, WEST VIRGINIA**

DRAWN BY: **GSK** CHECKED BY: **AJJ** APPROVED BY: *[Signature]* **JDK***
 DATE: **01/23/2017** SCALE: **1" = 450'** PROJECT NO.: **152-467-0009**

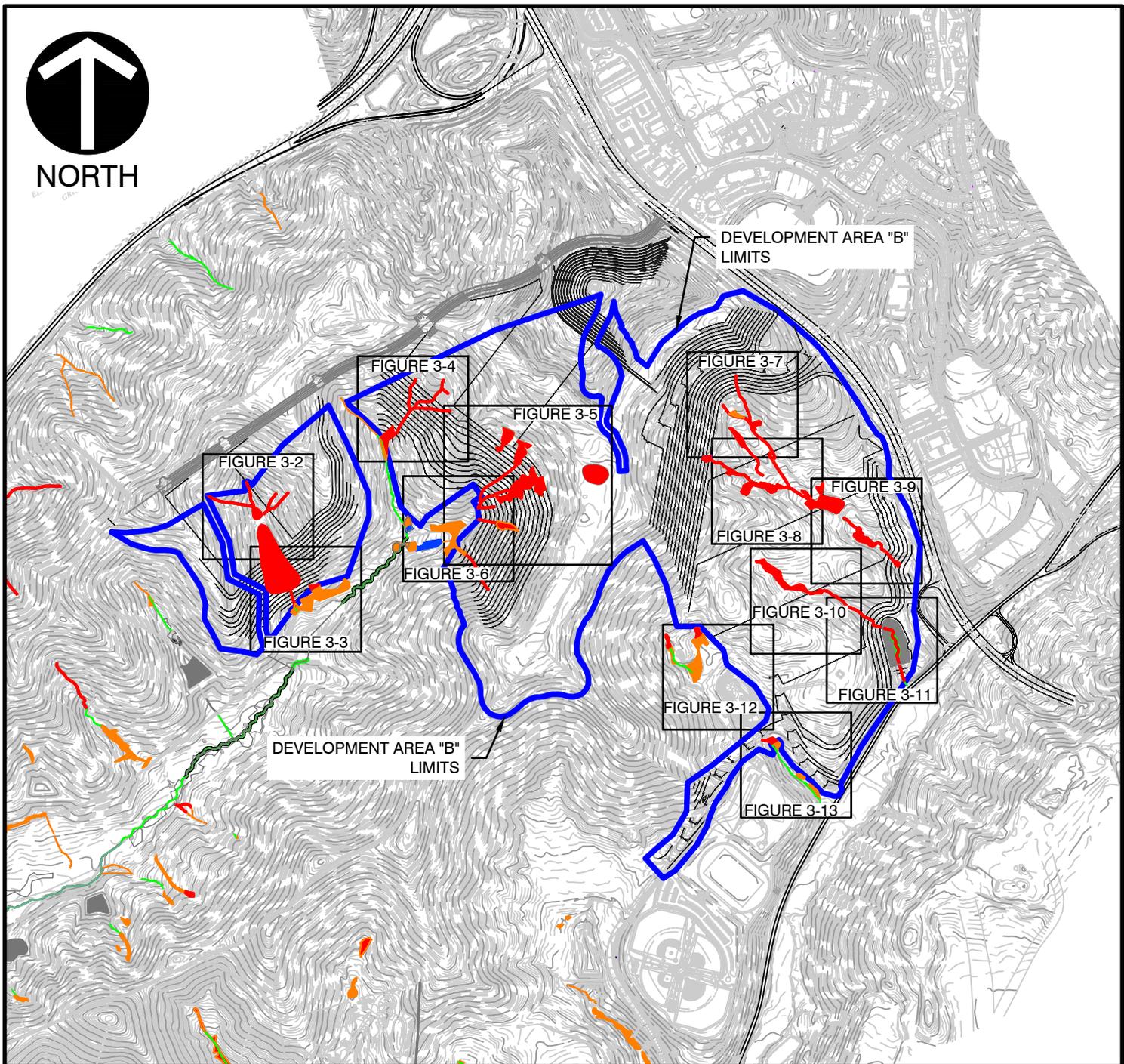
**WETLAND AND STREAM
 DELINEATION MAP**

FIGURE NO.: **4**

\\svr-bridgeport\p\2015\152-467-GIS\Map\Task_0009\WDSIR\152467_0009_FIG4_WDSIR_DELN.mxd - 4/5/2017 - 11:37:41 AM (gskuduck)



P:\2015\152-467\CADD\DWG\EC01\152467-EC01-SP01-1-R1-IMPACT FIGURES-DEV AREA B.dwg\3-1-OVERALL\LS:(4/12/2017 - rhaws) - LP: 4/12/2017 2:12 PM



SCALE IN FEET



REFERENCE

1. TOPOGRAPHIC INFORMATION BASED UPON DRAWINGS x120000-EnvrPlanning.dwg (CADD FILE DATED 11/17/2009) & Charles Pointe 2015.dwg (CADD FILE DATED 7/14/2015) BY OTHERS.
2. STREAM, WETLAND, AND POND IMPACTS VERIFIED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. DURING SITE VISIT IN AUGUST 2015.

* HAND SIGNATURE ON FILE



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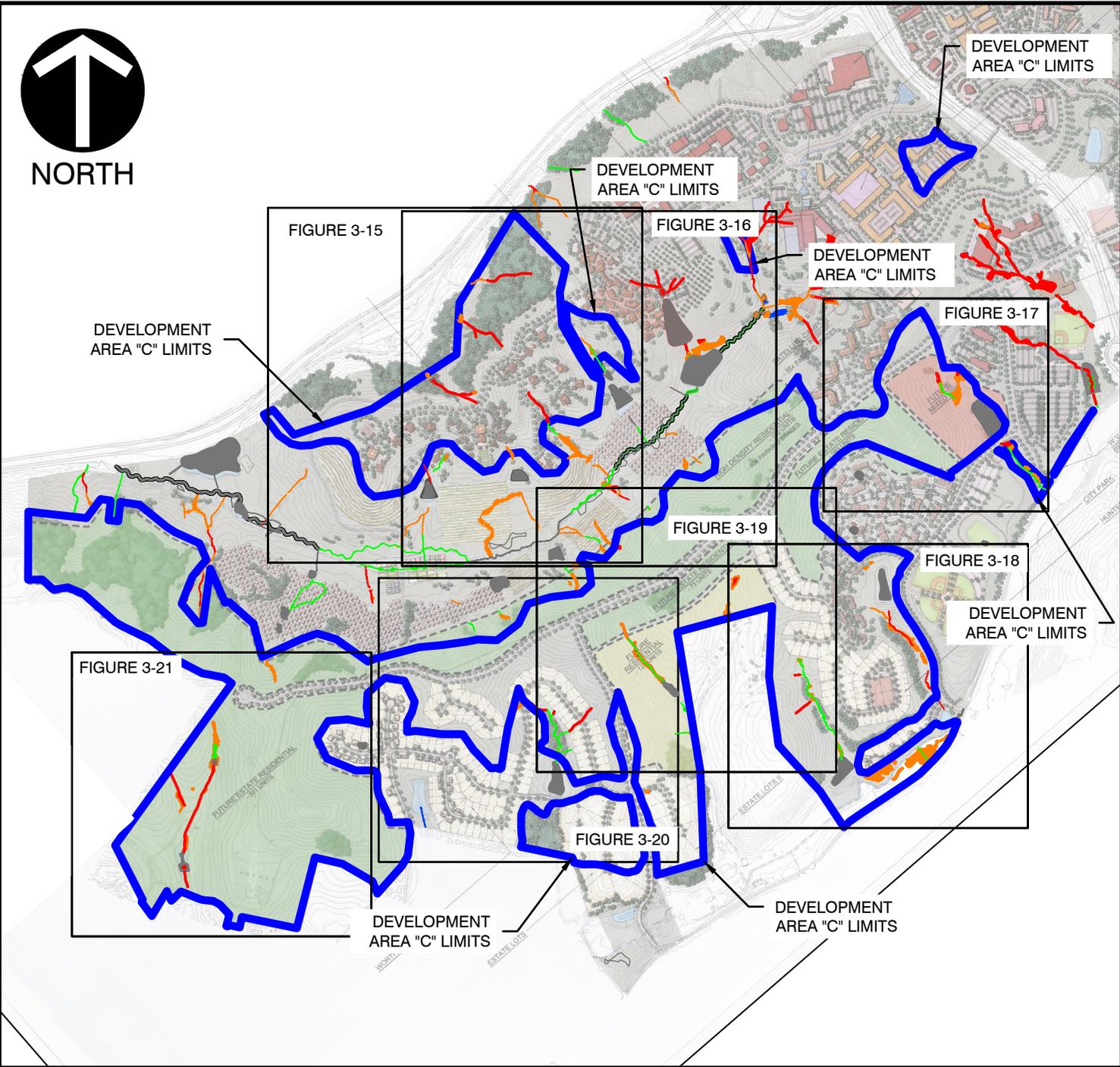
GENESIS PARTNERS, LIMITED PARTNERSHIP
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**DEVELOPMENT AREA "B" WETLANDS &
WOTUS IMPACTS - UNT TO BARNETT RUN BASIN**

DRAWN BY:	RDB	CHECKED BY:	CRH	APPROVED BY:	MRH*	FIGURE NO.:	3-1
DATE:	APRIL 2017	DWG SCALE:	AS SHOWN	PROJECT NO.:	152-467		



P:\2015\152-467\CADD\DWG\EC01\152467-EC01-SP01-1-R1-IMPACT FIGURES-DEV AREA C.dwg\3-14 - OVERALL\LS:(4/12/2017 - rhaws) - LP: 4/12/2017 2:24 PM



SCALE IN FEET



REFERENCE

1. TOPOGRAPHIC INFORMATION BASED UPON DRAWINGS x120000-EnvrPlanning.dwg (CADD FILE DATED 11/17/2009) & Charles Pointe 2015.dwg (CADD FILE DATED 7/14/2015) BY OTHERS.
2. STREAM, WETLAND, AND POND IMPACTS VERIFIED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. DURING SITE VISIT IN AUGUST 2015.

* HAND SIGNATURE ON FILE



Civil & Environmental Consultants, Inc.

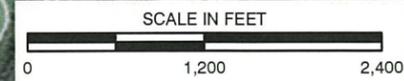
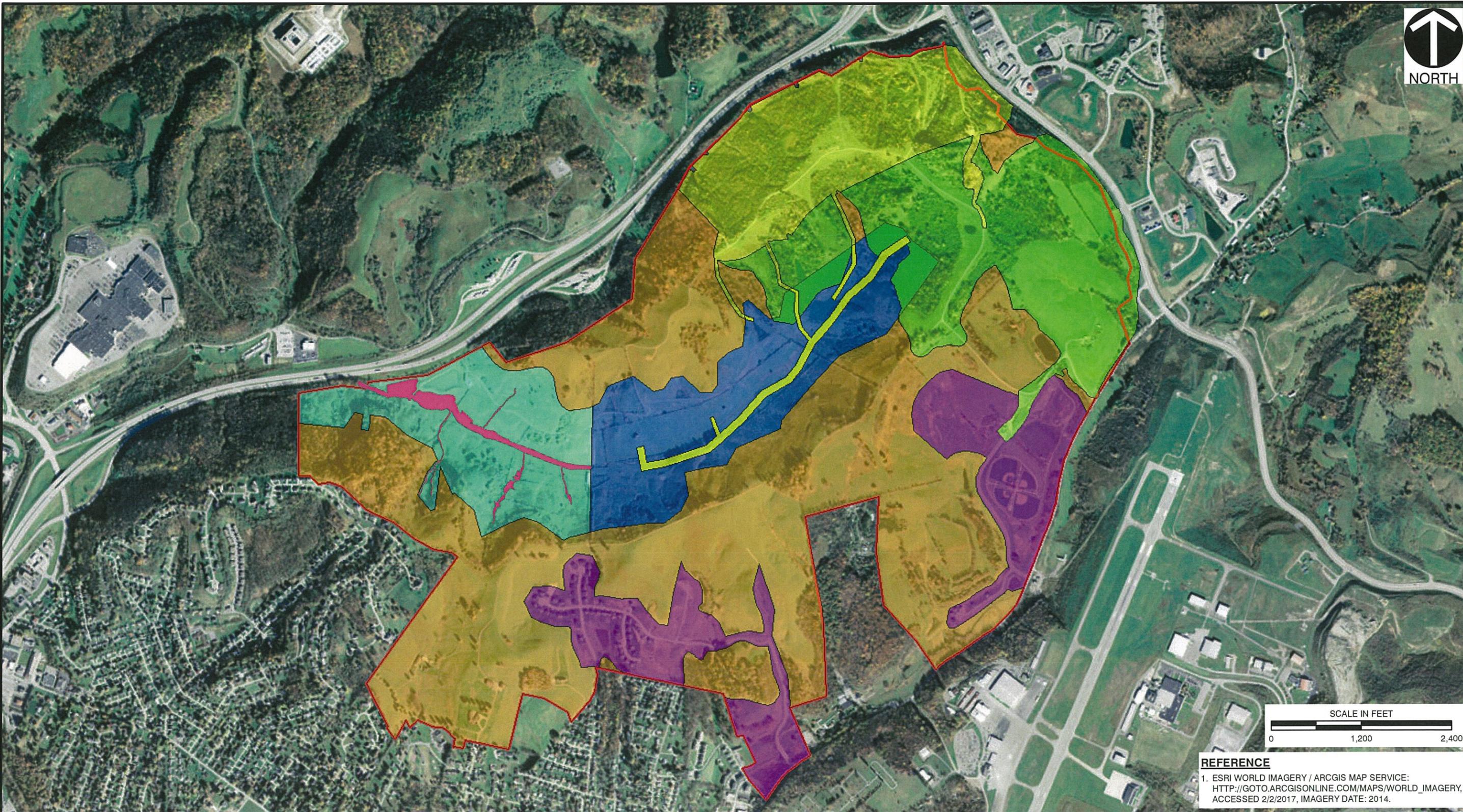
600 Marketplace Ave · Suite 200 · Bridgeport, WV 26330
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GENESIS PARTNERS, LIMITED PARTNERSHIP
 CHARLES POINT DEVELOPMENT
 HARRISON COUNTY, WEST VIRGINIA

DEVELOPMENT AREA "C" WETLANDS & WOTUS IMPACTS UNT TO BARNETT RUN BASIN

DRAWN BY:	RDB	CHECKED BY:	CRH	APPROVED BY:	MRH*	FIGURE NO.:	3-14
DATE:	APRIL 2017	DWG SCALE:	AS SHOWN	PROJECT NO.:	152-467		

\\svr-bridgeport\gis\bridgeport\projects\2015\152-467\GIS\Maps\Task_0003\AGENCY_LETTERS\152467_0003_FIG2_DNR_SITE_DEVELOPMENT.mxd - 2/2/2017 - 4:28:00 PM (gkruckuck)



REFERENCE
 1. ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
[HTTP://GTO.ARCGISONLINE.COM/MAPS/WORLD_IMAGERY](http://gto.arcgis.com/maps/world_imagery),
 ACCESSED 2/2/2017, IMAGERY DATE: 2014.

LEGEND	
	EXISTING DEVELOPMENT (156 ACRES)
	DEVELOPMENT AREA A (160 ACRES)
	DEVELOPMENT AREA B (213 ACRES)
	DEVELOPMENT AREA C (608 ACRES)
	SITE BOUNDARY (1,362 ACRES)
	MITIGATION CONSERVATION AREA PHASE I (118 ACRES)
	MITIGATION CONSERVATION AREA PHASE II (152 ACRES)
	DEVELOPMENT AREA A WITHIN CONSERVATION AREA (14 ACRES)
	DEVELOPMENT AREA B WITHIN CONSERVATION AREA (17 ACRES)
	MITIGATION PHASE I GRADING BOUNDARY (10.9 ACRES)


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 HARRISON COUNTY, WEST VIRGINIA

DRAWN BY: GSK	CHECKED BY: AMK	APPROVED BY: *Hand signature on file LSZ*	FIGURE NO: 2
DATE: 02/02/2017	SCALE: 1" = 1,200'	PROJECT NO: 152-467.0009	

SITE DEVELOPMENT MAP