



**U.S. Army Corps
Of Engineers**
Norfolk District

CENAO-REG
05-V2818-01

Date: February 15, 2006

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Norfolk International Terminals
7737 Hampton Boulevard
Norfolk, Virginia 23505

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on the East side of the Elizabeth River a tributary to the Chesapeake Bay, between Tanners and Sewells Point in Norfolk Virginia.

PROPOSED WORK AND PURPOSE: The applicant is proposing to hydraulically dredge of 664,000 cubic yards of material from an area adjacent to NIT to a depth of -54 feet MLLW including 2 feet of overdepth. In addition, the applicant proposes to maintenance dredge 122,000 cubic yards of material from a previously authorized area to a depth of -54 feet MLLW including 2 feet of overdepth. All dredged material will be disposed of at Craney Island Dredged Material Management Area. The applicant is proposing to install a bulkhead 1000 linear feet in length parallel to the shore line and fill approximately 1.06 acres of subtidal area 0.24 acre of nonvegetated intertidal area. The applicant proposes to mitigate for this subtidal impacts by making a contribution to the Virginia Oyster Heritage Foundation and for intertidal area by making a contribution to the Virginia Wetland Restoration Trust Fund. Channelward of the bulkhead, the applicant is proposing to construct 112 feet wide by 1000 feet long marginal wharf. The purpose of this project is to increase ship berthing capacity at the facility.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the City of Norfolk Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: 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. The decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected from the proposal, must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general

environmental concerns, wetlands, cultural values, 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, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

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 need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (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. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

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). The Elizabeth River (Norfolk Harbor Reach) and Hampton Roads Waterway/Sewells Point Split contains Essential Fish Habitat (EFH) for the egg, larval, juvenile, and/or adult life stages of 11 species including windowpane flounder (*Scophthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*) black sea bass (*Centropristus striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), red drum (*Sciaenops ocellatus*), dusky shark (*Charcharinus obscurus*), and sandbar shark (*Charcharinus plumbeus*). The habitat, which this project would affect, consists of subaqueous bottom. The proposed project is described in Proposed Work and Purpose, above. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

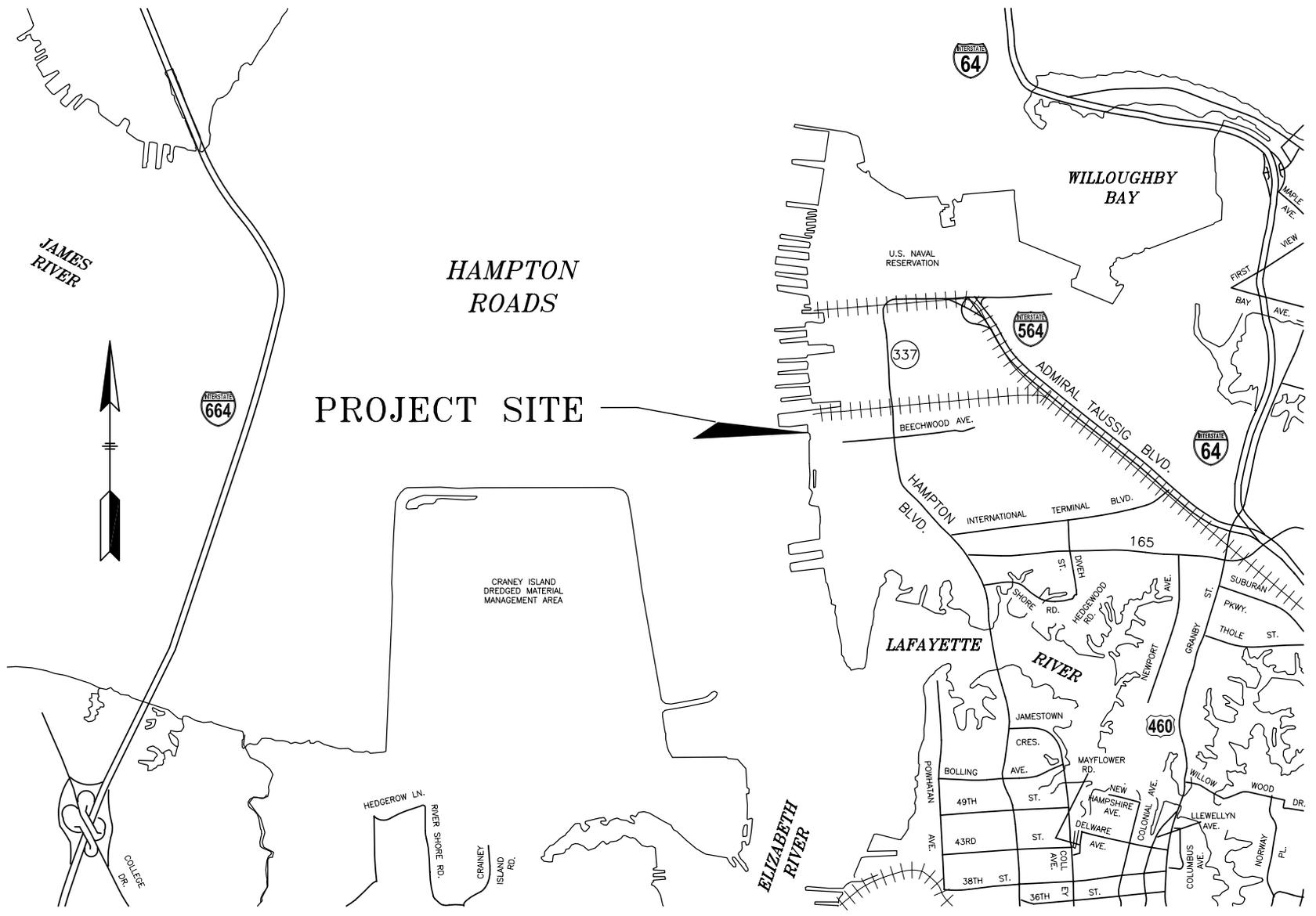
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: RICK HENDERSON), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on March 15, 2006.

If you have any questions about this project or the permit process, please call:

Rick Henderson via telephone at (757) 201-7653 or via email at:
Richard.E.Henderson@nao02.usace.army.mil

FOR THE DISTRICT ENGINEER:

Bruce F. Williams
Acting Chief, Southern Virginia
Regulatory Section



**HAMPTON
ROADS**

PROJECT SITE


440 WORLD TRADE CENTER
NORFOLK, VIRGINIA, 23510
757-628-8222

NIT NORTH WHARF EXTENSION
FIGURE 1A - SITE LOCATION

PROPOSED CONSTRUCTION
 IN: NORFOLK HARBOR
 CITY: NORFOLK STATE: VIRGINIA
 APPLICATION BY: VIRGINIA PORT AUTHORITY

SCALE: NOT TO SCALE
 SHEET 1 OF 10
 DATE: NOVEMBER 7, 2005

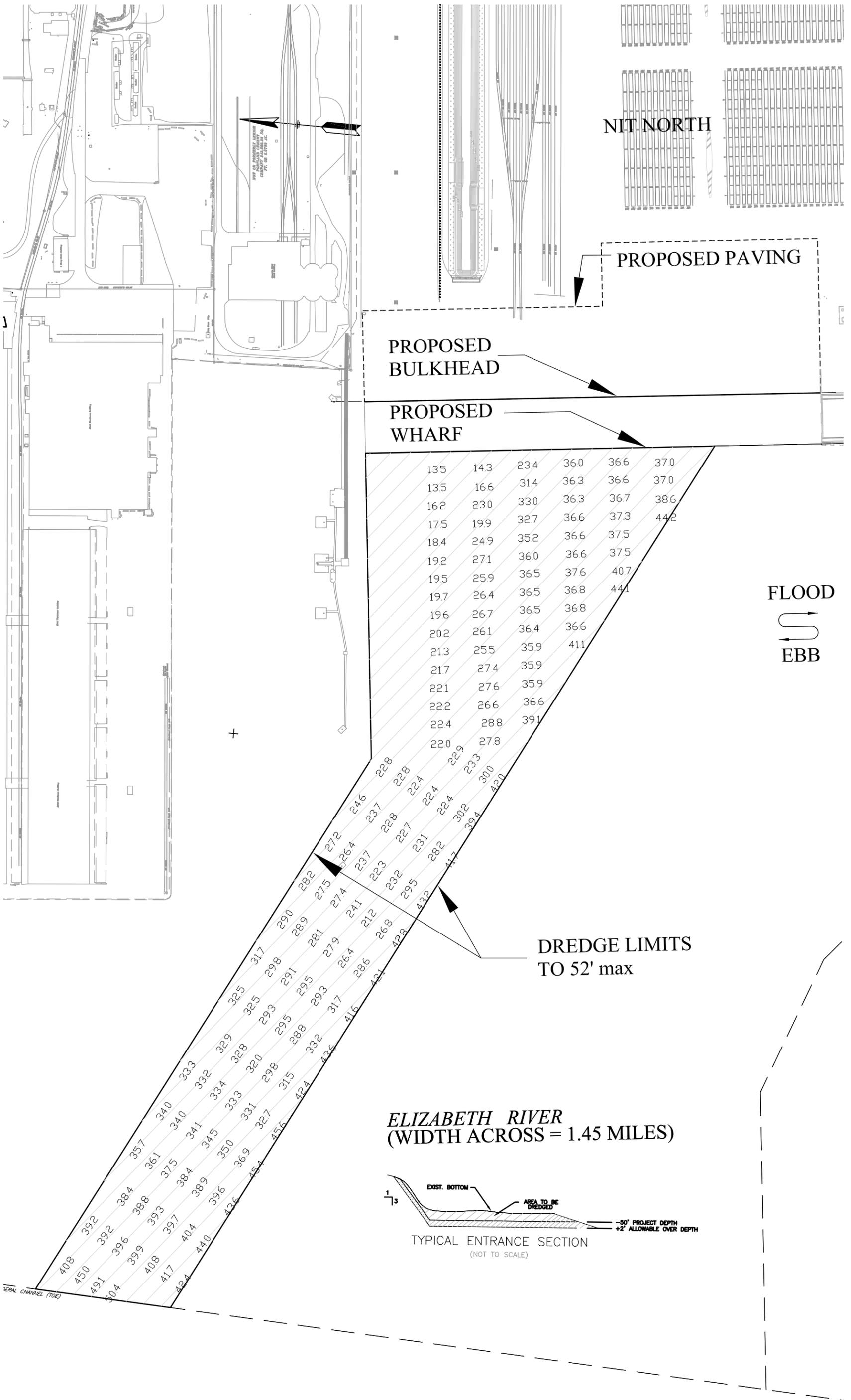


FIGURE 5-1 DREDGING PARAMETERS

440 WORLD TRADE CENTER
 NORFOLK, VIRGINIA, 23510
 757-628-8222

PROPOSED CONSTRUCTION
 NIT NORTH WHARF
 CITY: NORFOLK
 APPLICATION BY: VIRGINIA PORT AUTHORITY
 STATE: VIRGINIA

SCALE: 1" = 200'
 SHEET 9 OF 10
 DATE: NOVEMBER 7, 2005

