



Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 5, 2006

CENAO-TS-G
06-V0058

PUBLIC NOTICE

The District Engineer has received a permit application for work described below:

APPLICANT

Rappahannock Preservation Society
Attn: Robert W. Jensen
P.O. Box 6
Topping, Virginia 23169-0006

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Hampton Roads, a tributary to the Chesapeake Bay at the mouth of the James River and north of the Monitor–Merrimac Bridge Tunnel in Newport News, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a three section oyster reef from concrete debris salvaged from the demolition of Norfolk Naval Pier 7A. The material from Pier 7A consists of approximately 1,200 reinforced concrete pier deck/pile cap segments measuring 20' X 10' X 4' and 4,350 pilings measuring 18' X 18' X 65'. Concrete from the pier demolition will be used to construct three 900 foot diameter reefs. The three reefs will cover an area approximately 2800 feet long by 1000 feet wide and area designated as reefs wide and are designated as "A" "B" and "C".

"A": Latitude 36-56-34 / Longitude 76-35-28

"B": Latitude 35-56-28 / Longitude 76-25-31

"C": Latitude 35-56-22 / Longitude 76-25-23

The water depth over the reef will vary with 10 feet being maintained above the northeastern edge of each reef section decreasing to 6 feet at southwestern edge of each reef section. Each section will be day marked with a Diamond "S" on an 18" diameter steel pole driven at the section center. The three steel poles will be 450 feet apart and in line with the diamond shaped day board reading, "Danger Reef". In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated. 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).

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 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 individual and cumulative 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.

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). Hampton Roads contains Essential Fish Habitat (EFH) for the egg, larvae, juvenile, and/or adult life stages of eleven species including; windowpane flounder (*Scophthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butterflyfish (*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 estuarine, subtidal, deep water (over 6 feet in depth). 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.

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.state.va.us.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on May 5, 2006.

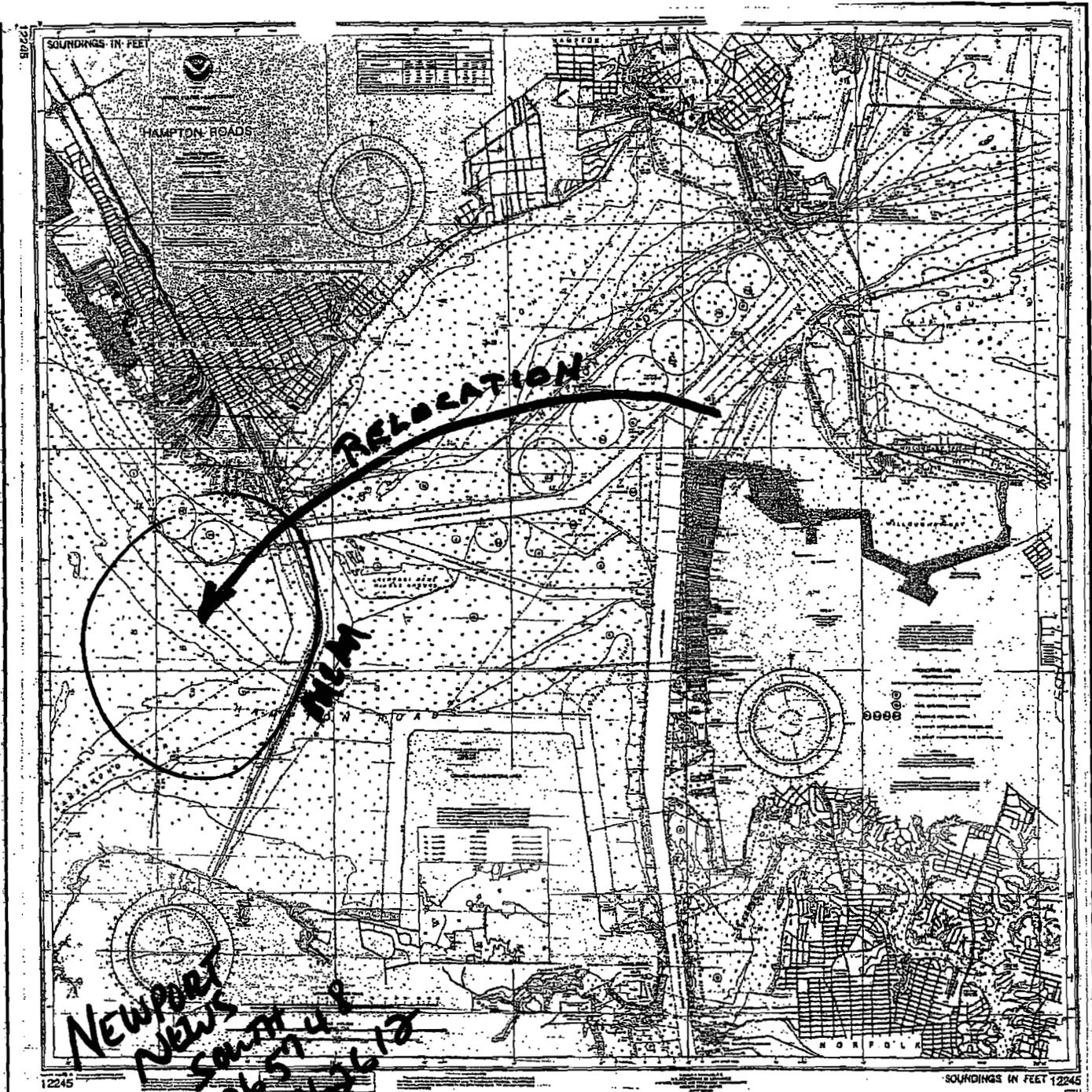
If you have any questions about this project or the permit process, call Scharlene Floyd at 757-201-7367 or you may email her at scharlene.a.floyd@nao02.usace.army.mil

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachments:

Topographic mapping (Newport News South)
Drawings



Note: This project is a result of over ten years planning, designing, building, and managing artificial oyster reefs in the tidal waters of the Chesapeake Bay. **Christchurch Rock**, **Steamer Rock** located in the lower Rappahannock River and **Gilmore Rock** located in the center of the fish haven off Gwen's Island have proved to be a great success in natural recruitment of the native oyster and the development of thriving benthic communities which include blue mussels, Asian mussels. The Blue Crab as well as fin fish feed at the abundant reefs

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FEB 06 2004

MARINE RESOURCES COMMISSION
Rappahannock Preservation Society
 Bay Oyster Reef Project

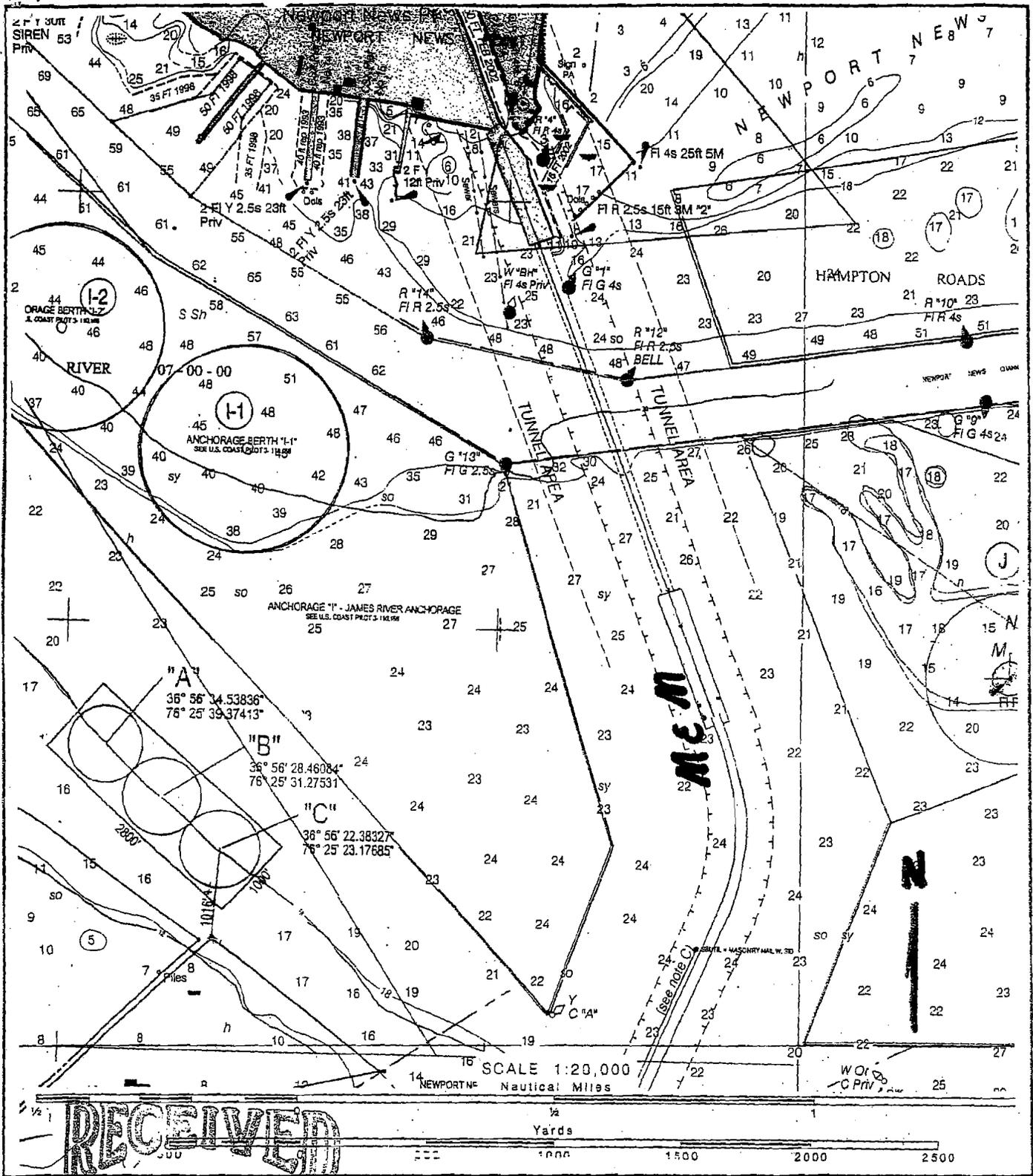
VMRC Permit #03-1649
 Sewells Point Rock
 Oyster Reef Sanctuary
 Vicinity Map
 REVISED 02/05/04 By
SITE LOCATION CHANGE
 Now
 Monitor and Merrimac Rock

FEB 06 2004 Agent:
 Robert W. Jensen
 Chesapeake Bay Oyster Reefs Inc
 P O Box 6, Topping, VA 23169-0006

Cherry Point Field Office
 Voice & Fax (804)-435-1361

ADDITIONAL INFO
 REVISION

06-U0058-2



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MARINE RESOURCES COMMISSION
Rappahannock Preservation Society
Bay Oyster Reef Project
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 JAN 1 6 2003
 MARINE RESOURCES

VMRC Permit #03-1649
Sewells Point Rock
Oyster Reef Sanctuary
Site Location
REVISED 02/05/04
SITE LOCATION CHANGE
Now
Monitor and Merrimac Rock

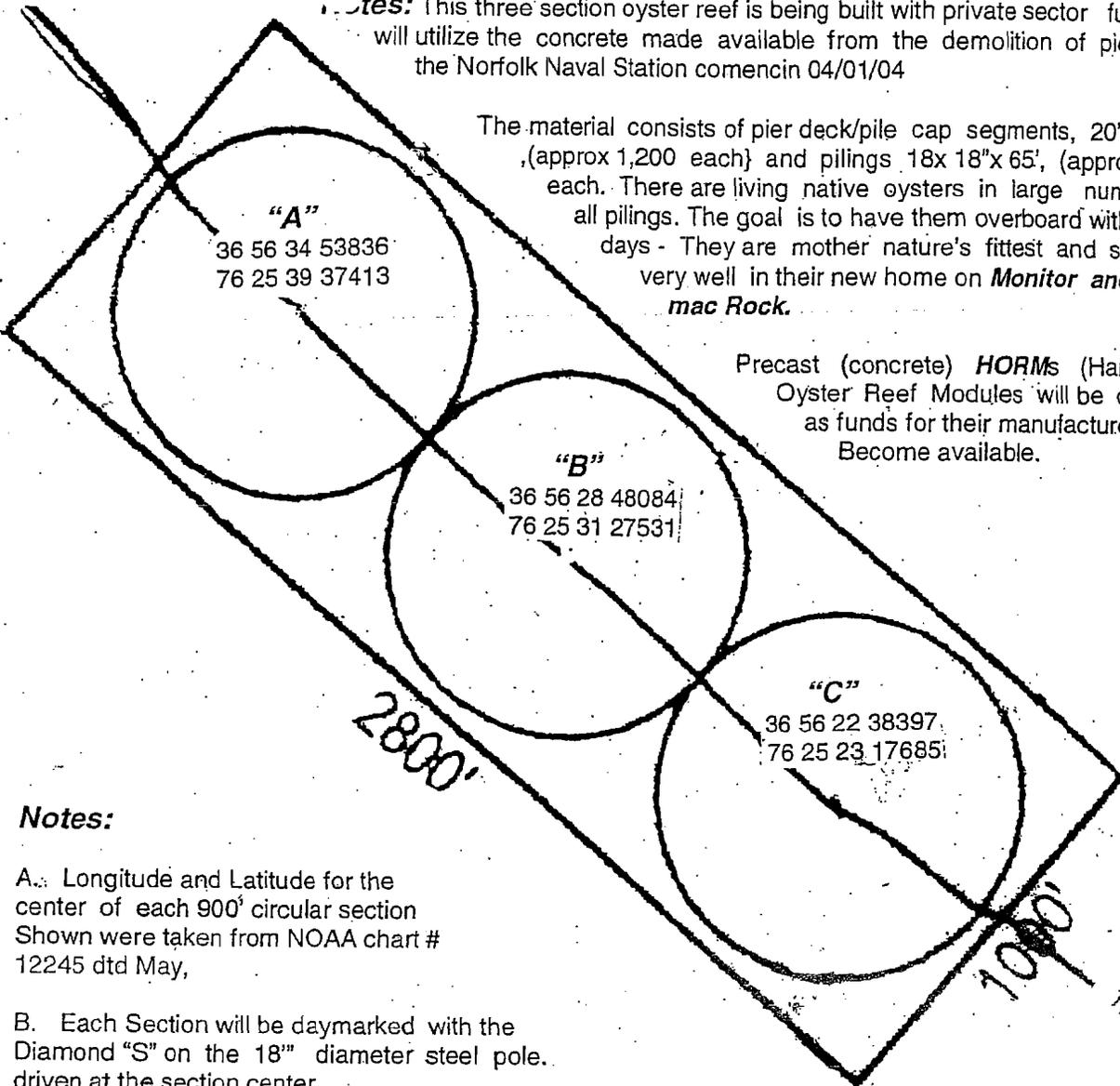
ADDITIONAL INFO
REVISION
Agent:
Robert W. Jensen
Reef Technologies Inc
P.O. Box 6, Topping, VA 23169-0006
Cherry Point Field Office
Voice & Fax (804) 435-1361

06-U0058-3

Notes: This three section oyster reef is being built with private sector funds and will utilize the concrete made available from the demolition of pier 7A at the Norfolk Naval Station comencin 04/01/04

The material consists of pier deck/pile cap segments, 20'x 10'x 4' (approx 1,200 each) and pilings 18x 18"x 65', (approx 4,350 each). There are living native oysters in large numbers on all pilings. The goal is to have them overboard within three days - They are mother nature's fittest and should do very well in their new home on *Monitor and Merrimac Rock*.

Precast (concrete) **HORMs** (Harvestable Oyster Reef Modules) will be deployed as funds for their manufacture become available.



Notes:

A. Longitude and Latitude for the center of each 900' circular section Shown were taken from NOAA chart # 12245 dtd May,

B. Each Section will be daymarked with the Diamond "S" on the 18" diameter steel pole. driven at the section center.

C. The area outside the circles but within the box is reserved for a natural grow out area.

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By _____

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REVISION

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Bay Oyster Reef Project**

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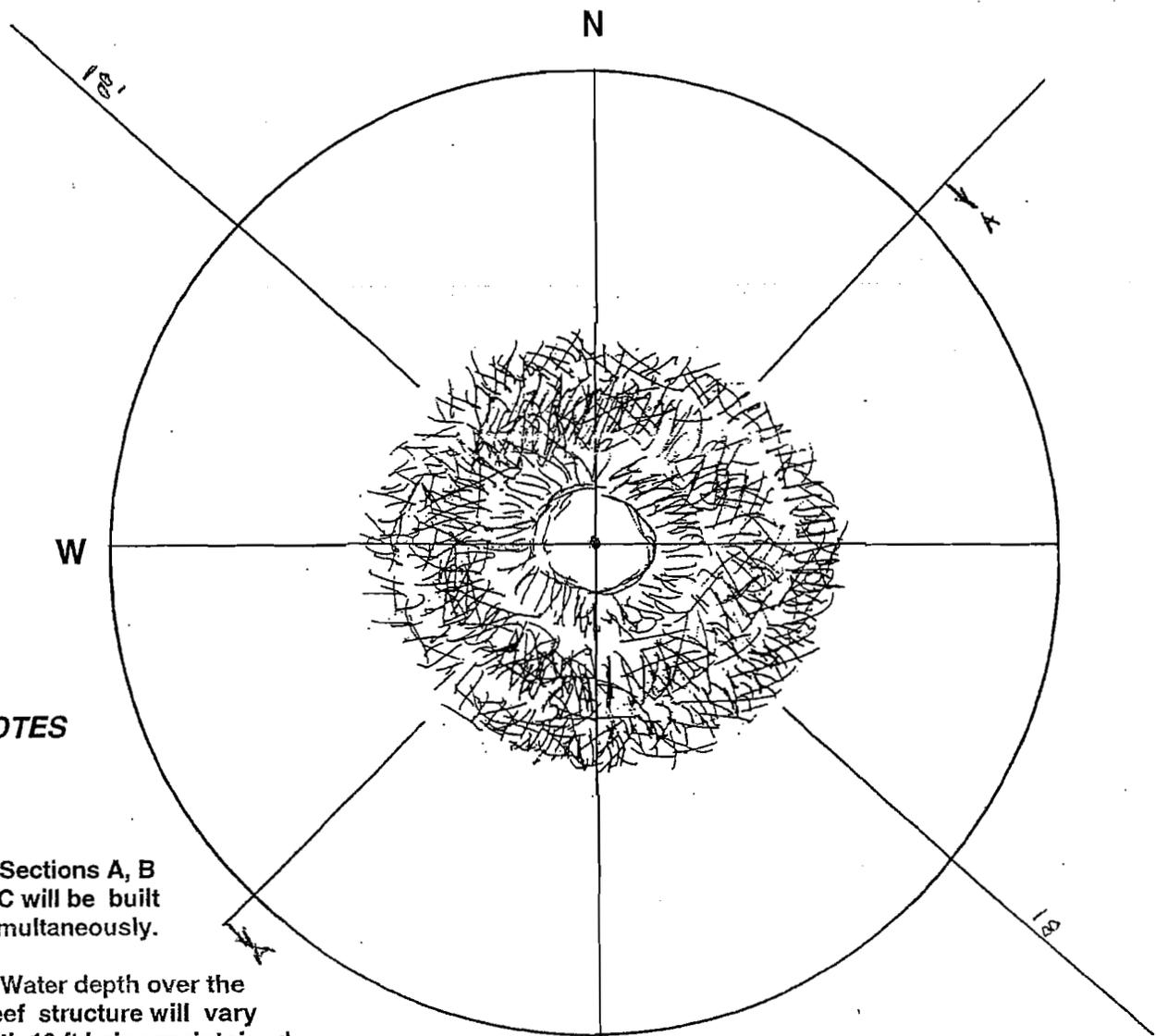
JAN 10 2005

MARINE RESOURCES COMMISSION

VMRC Permit #03-1649
Sewells Point Rock
Oyster Reef Sanctuary
Site Plan
REVISED 02/05/04
SITE LOCATION CHANGE
Now
Monitor and Merrimac Rock

Agent:
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P O Box 6, Topping, VA 23169-0006
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Voice & Fax (804)-435-1361

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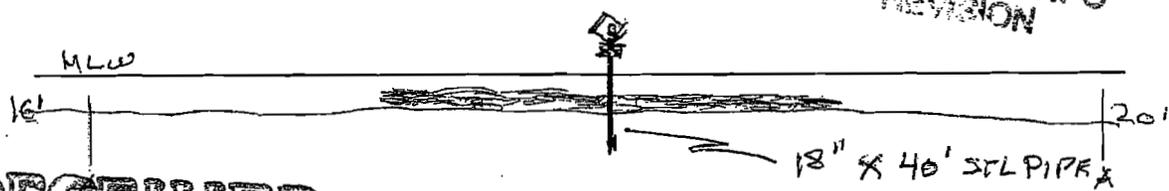


NOTES

1. Sections A, B & C will be built Simultaneously.

2. Water depth over the reef structure will vary with 10 ft being maintained above the structure the Northeasterly edge of each reef section decreasing to 6ft at Southwesterly edge of each reef section.

ADDITIONAL INFO REVISION



NO SCALE

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 Society
 Bay Oyster Reef Project

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VMRC Permit #03-1649
 Sewells Point Rock
 Oyster Reef Sanctuary
 Laydown Plan (Phase One)
 REVISED 02/05/04
 SITE LOCATION CHANGE
 Now
 Monitor and Merrimac Rock

Agent:
 Robert W. Jensen
 Reef Technologies Inc
 P O Box 6, Topping, VA 23169-0006
 Cherry Point Field Office
 Voice & Fax (804)-435-1361

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