

Public Notice

U.S. Army Corps of Engineers, Norfolk District

June 22, 2006

CENAO-TS-REG
06-V0508

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Naval Facilities Engineering Command, Mid-Atlantic
ATTN: Andrew R. Kissell
9742 Maryland Avenue, Building N-26, Room 3208
Norfolk, Virginia 23511-3095

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Southern Branch of the Elizabeth River at Berth 2 of the Norfolk Naval Shipyard in Portsmouth, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a new reinforced concrete seawall, 812 feet in length, approximately 12 feet channelward of the existing seawall. The stated purpose of the project is to provide protection and stability to the landside property behind the existing deteriorated bulkhead and to provide for safe berthing of various sized Navy vessels no larger than 800 feet in length. The proposed work will cause the filling of 0.224 acre of subaqueous river bottom. No compensatory mitigation has been proposed to offset these impacts.

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. 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 Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander 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) the project is located within the Norfolk Naval Shipyard historic district, listed on the National Register of Historic Places, yet the district is not likely to be adversely 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). A review of the National Marine Fisheries Guide to Essential Fish Habitat Designations in the Northeastern United States 10' x 10' square coordinates mapping revealed that the project location is not within an EFH designated area. The semi-anadromous yellow perch, however, has been documented in the Elizabeth River. The yellow perch requires fresh water for spawning and aquatic vegetation for bottom feeding. The proposed project consists of brackish water with depths of approximately 25 feet, which prohibits the growth of aquatic vegetation. This site would not provide habitat for the yellow perch. Our assessment of the project leads us to a preliminary determination that it will not effect EFH and therefore 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: CENAO-TS-REG, Lesley Leonard), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on July 14, 2006.

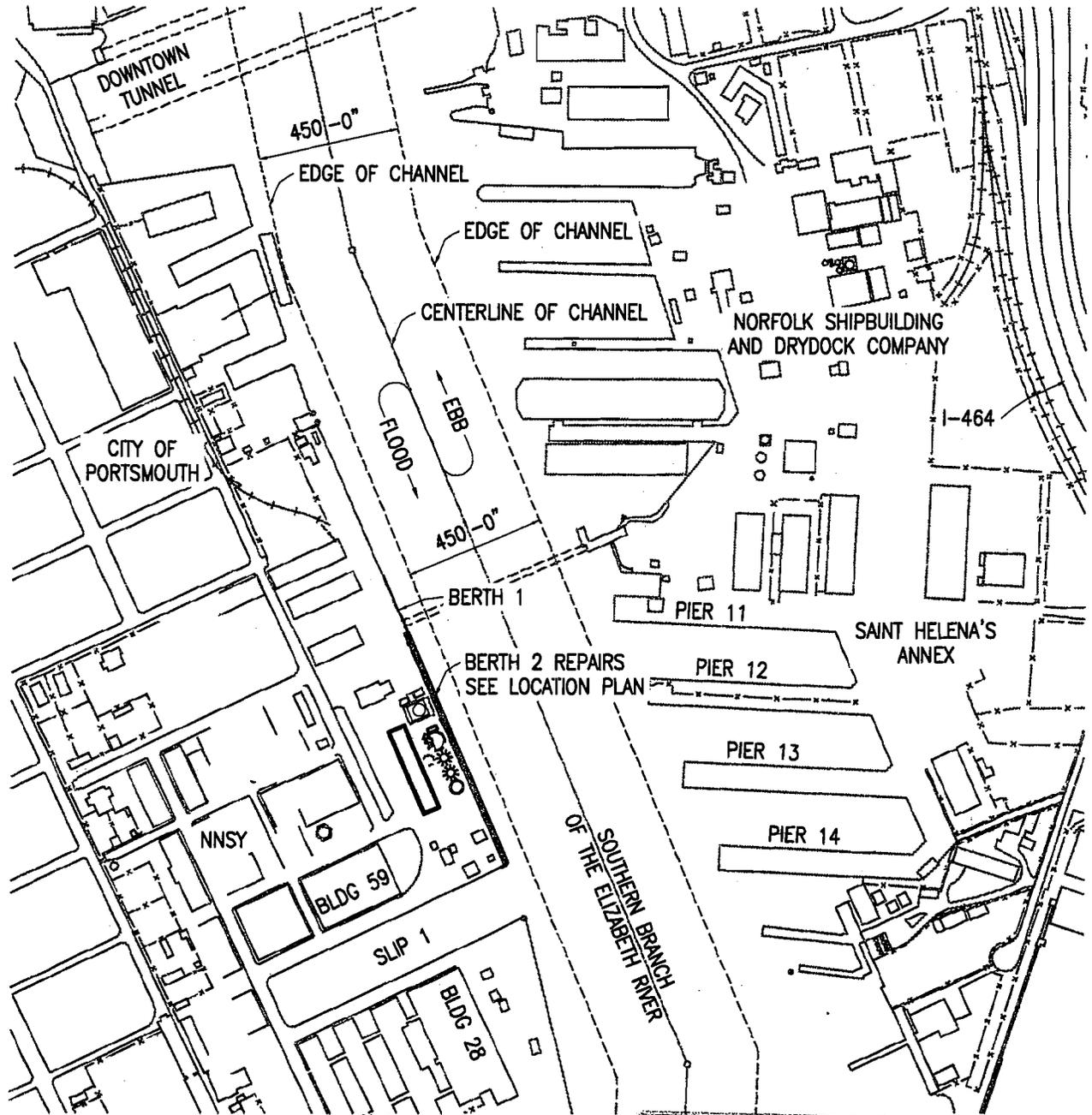
If you have any questions about this project or the permit process, please call: Lesley Leonard at (757) 201-7540

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment: Drawings

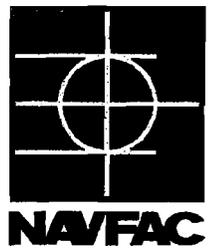
FILE NAME: P:\NNSY\Berths\Berth 2\ABZ6WR-Berth 2\Phase B - Design\JPA\Berth2-Permit-sketches.dwg LAYOUT NAME: Location Plan PLOTTED: Wednesday, February 15, 2006 - 3:05pm



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COMMISSION

LOCATION PLAN

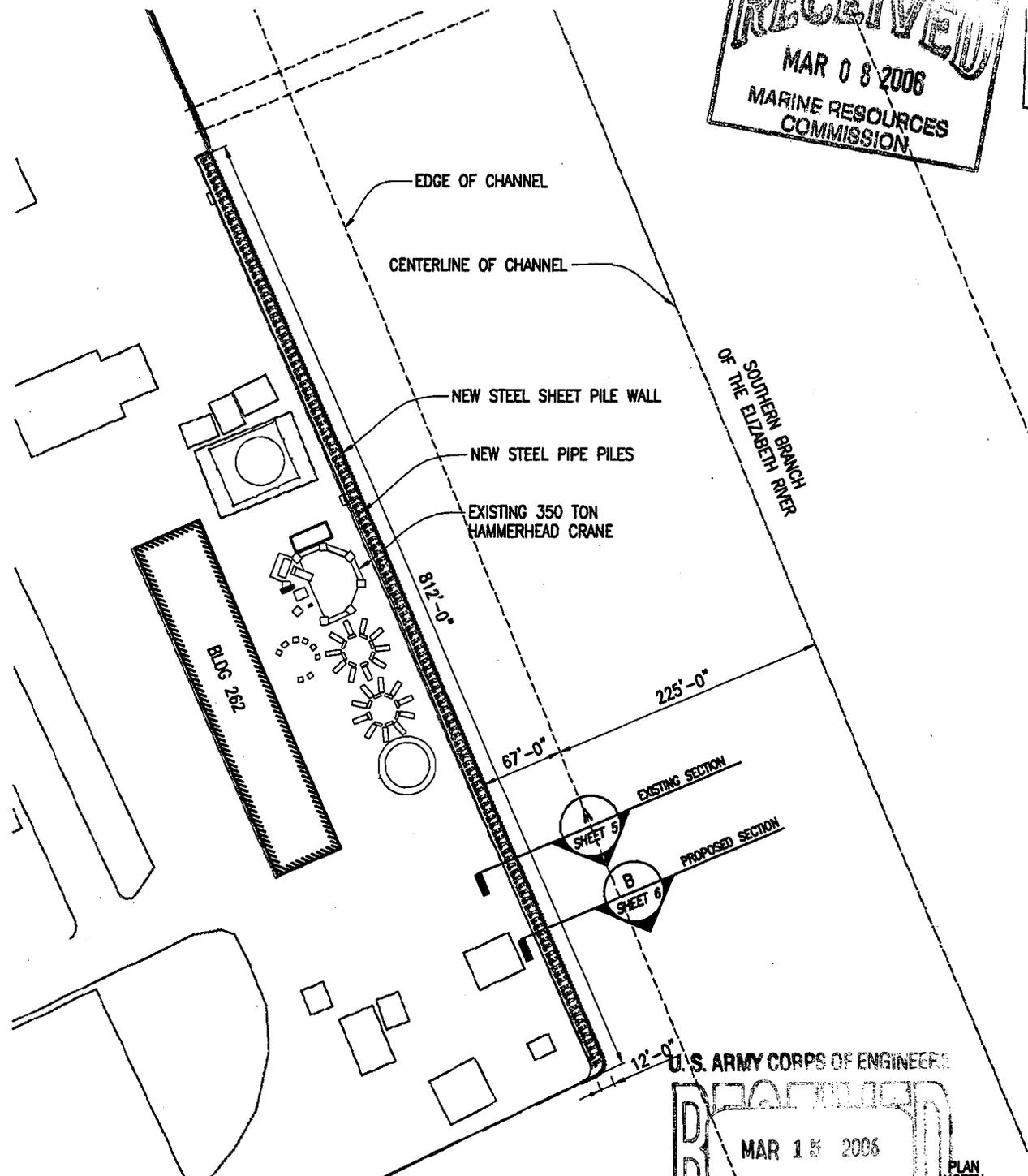
SCALE: 1" = 500'



PROPOSED REPAIRS TO BERTH 2:

WATERWAY: SOUTHERN BRANCH OF THE ELIZABETH RIVER
LOCATION: NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA
APPLICANT: NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
PURPOSE: BULKHEAD REPAIRS
DATE: 15 FEBRUARY 2006

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PROPOSED SITE PLAN

SCALE: 1" = 100'

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PROPOSED REPAIRS TO BERTH 2:

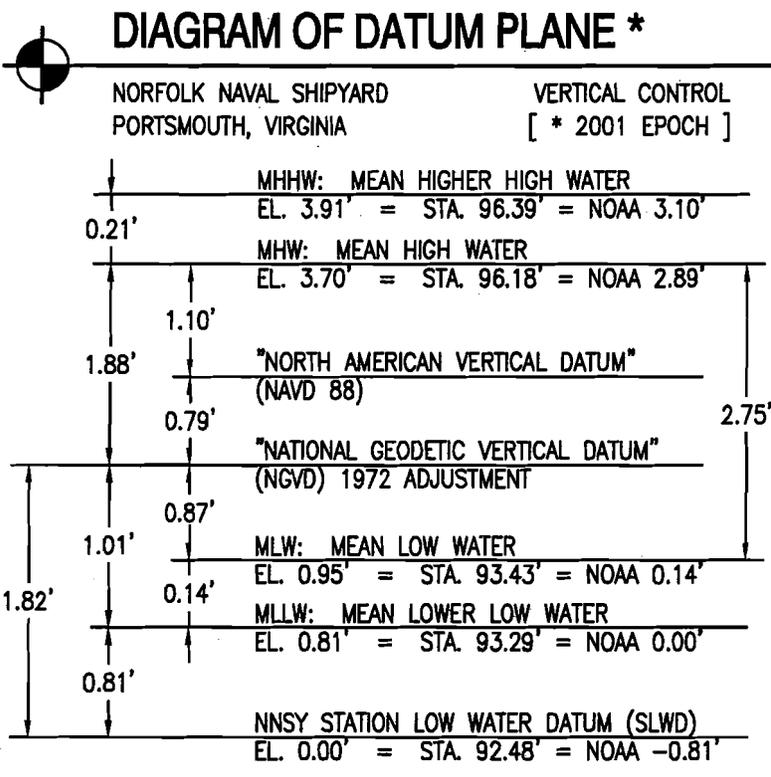
WATERWAY:	SOUTHERN BRANCH OF THE ELIZABETH RIVER
LOCATION:	NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA
APPLICANT:	NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
PURPOSE:	BULKHEAD REPAIRS
DATE:	15 FEBRUARY 2006

SHEET 3 OF 6

REVISION: 19 APR 2004

FILE NAME: P:\MINSY\Berths\Berth 2\Phase B -- Design\JPA\Berth2-Permit-sketches.dwg LAYOUT NAME: Proposed Site Plan PLOTTED: Wednesday, February 15, 2006 -- 3:06pm

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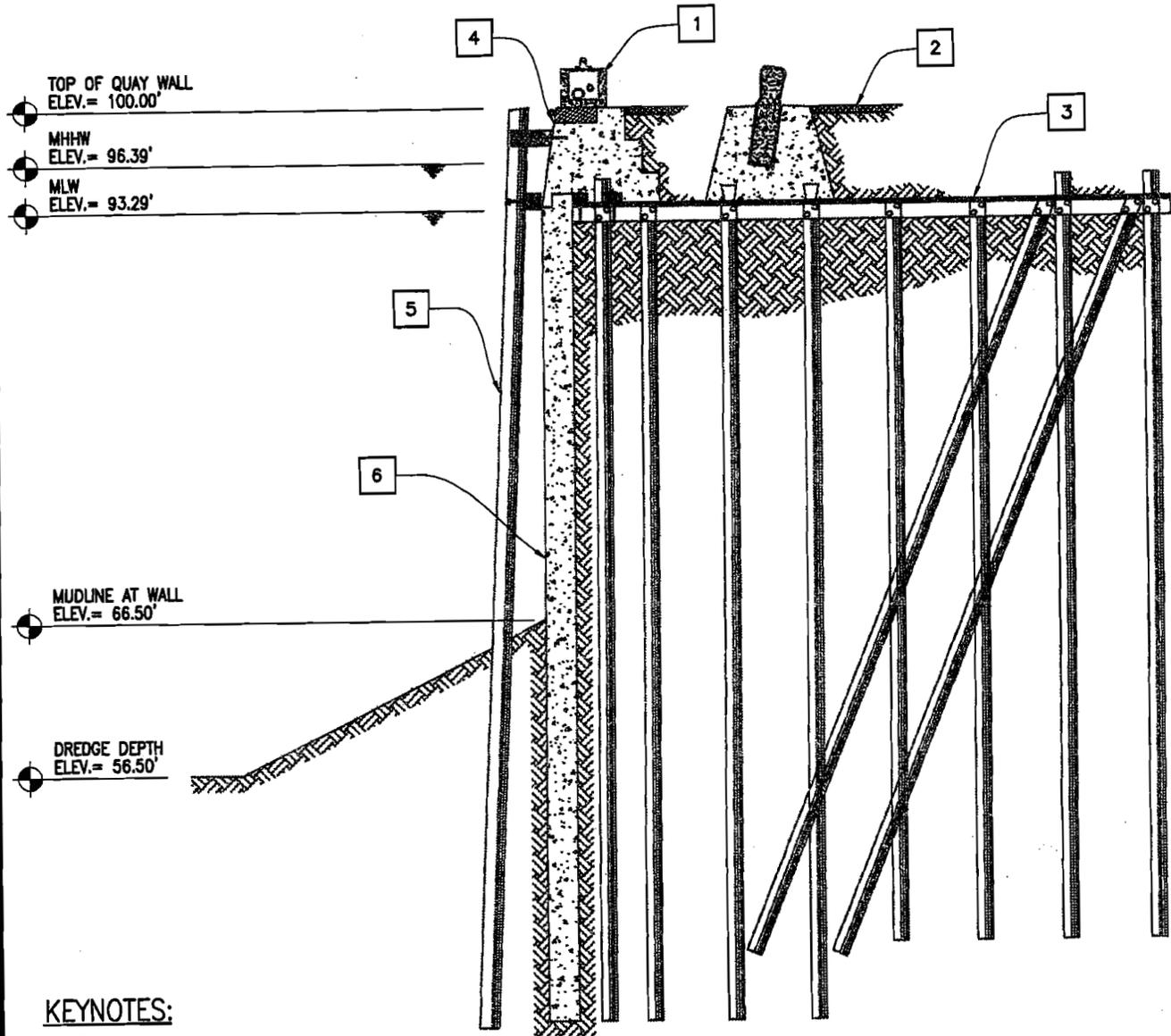
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BY _____



PROPOSED REPAIRS TO BERTH 2:

WATERWAY:	SOUTHERN BRANCH OF THE ELIZABETH RIVER
LOCATION:	NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA
APPLICANT:	NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
PURPOSE:	BULKHEAD REPAIRS
DATE:	15 FEBRUARY 2006

FILE NAME: P:\NNSY\Berths\Berth 2\ABZ@WR-Berth 2\Phase B - Design\JPA\Berth2-Permit-sketches.dwg LAYOUT NAME: Existing Section PLOTTED: Wednesday, February 15, 2006 - 3:07pm



KEYNOTES:

- 1 UTILITY TUNNEL
- 2 BITUMINOUS CONCRETE SURFACE
- 3 TIMBER RELIEVING PLATFORM SUPPORTED BY TIMBER PILES
- 4 QUAY WALL
- 5 TIMBER FENDER SYSTEM TO BE REMOVED
- 6 CONCRETE SHEET PILE BULKHEAD, DETERIORATED

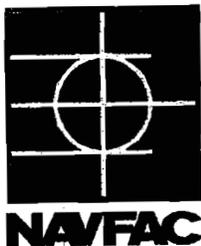
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EXISTING SECTION

SCALE: 3/32" = 1'-0"

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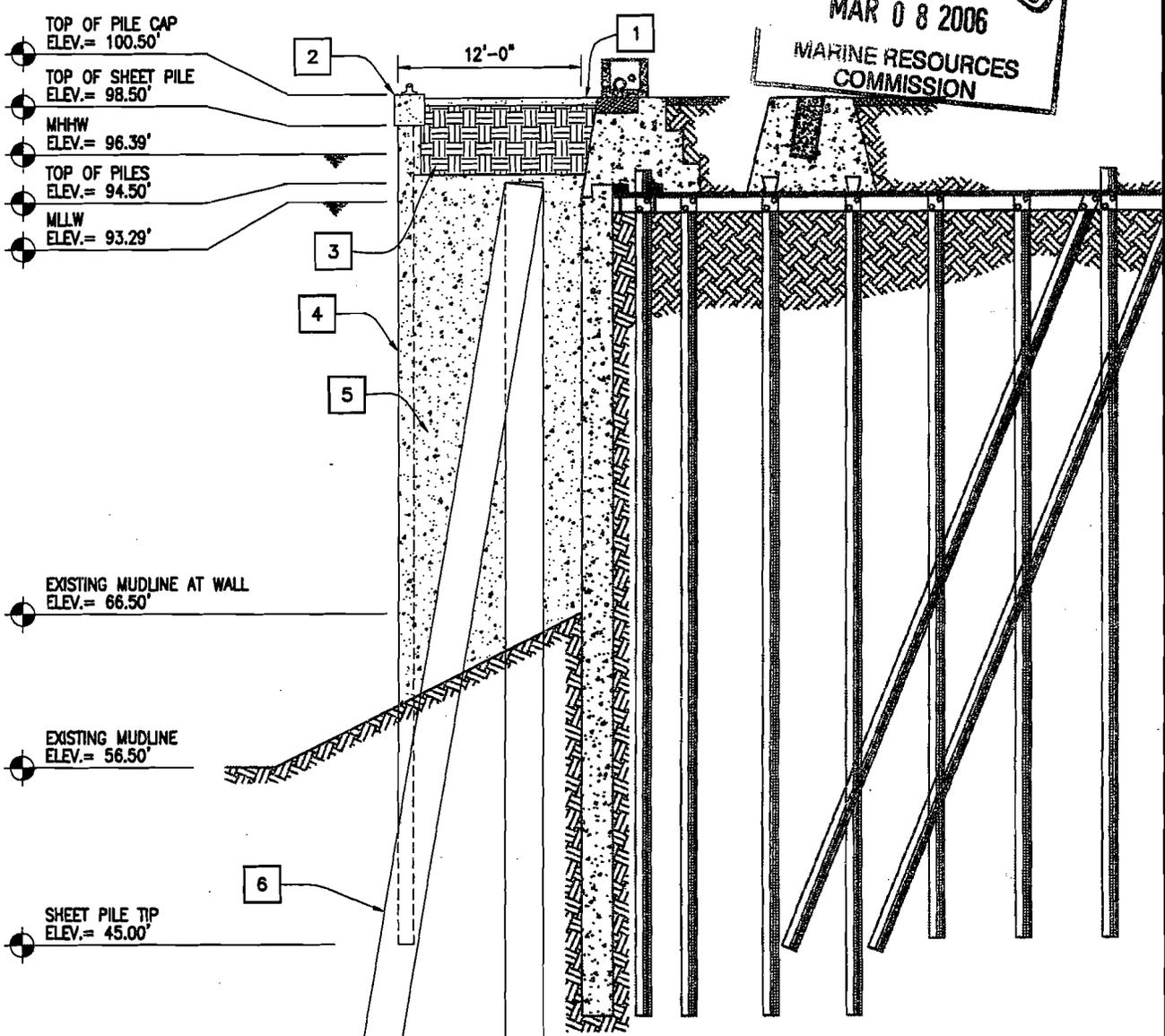
PROPOSED REPAIRS TO BERTH 2:

WATERWAY:
 LOCATION:
 APPLICANT:
 PURPOSE:
 DATE:

SOUTHERN BRANCH OF THE ELIZABETH RIVER
 NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA
 NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
 BULKHEAD REPAIRS
 15 FEBRUARY 2006

RECEIVED
 MAR 15 2006
 REPAIRS

FILE NAME: P:\NNS\Berths\Berth 2\ABZ6WR--Berth 2\Phase B - Design\JPA\Berth2--Permit-sketches.dwg LAYOUT NAME: Proposed Section PLOTTED: Wednesday, February 15, 2006 - 3:08pm

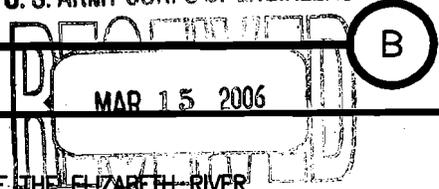


- KEYNOTES:**
- 1 6" CONCRETE SLAB
 - 2 CONCRETE CAP & FASCIA WITH 42" MOORING CLEAT
 - 3 SELECT FILL UNDER NEW SLAB
 - 4 55' STEEL SHEET PILE WALL
 - 5 REINFORCED CONCRETE
 - 6 STEEL PIPE PILES

PROPOSED SECTION

SCALE: 3/32" = 1'-0"

U. S. ARMY CORPS OF ENGINEERS



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