

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

June 2, 2006

CENAO-TS-REG  
06-V0837

## PUBLIC NOTICE

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

### APPLICANT

United States Navy, Norfolk Naval Shipyard  
Regional Environmental Group  
1510 Gilbert Street, Norfolk, Virginia

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Southern Branch of the Elizabeth River, on Pier 3 and Berth number 25, at the Norfolk Naval Shipyard, in Portsmouth, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to impact 0.21 acres of open water and subaqueous bottom habitat to extend an existing 1,040 linear foot pier 9 feet channel ward. The purpose is to upgrade the facility due to its age and deterioration and to accommodate larger naval vessels in need of repair. Norfolk Naval Shipyard is the primary maintenance and repair location for the North Atlantic Fleet.

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 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. The naval base is listed as eligible for inclusion or included in the National Register of Historic Places. Coordination with the Department of Historic Resources has been initiated. 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](mailto: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 Navy initiated coordination for threatened or endangered species with the Department of Conservation and Recreation. The semi-anadromous yellow perch has been confirmed in the Elizabeth River. The yellow perch is documented to require freshwater for spawning and aquatic vegetation for bottom feeding. The proposed project location consists of brackish water and the water depth of approximately 47 feet prohibits the growth of aquatic vegetation. This location would not provide habitat for the yellow perch. Our assessment of the project leads us to a preliminary determination that it will have no 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: CENAO-TS-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on July 2, 2006.

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

Cara Sydnor at 757.201.7580.

FOR THE DISTRICT COMMANDER:

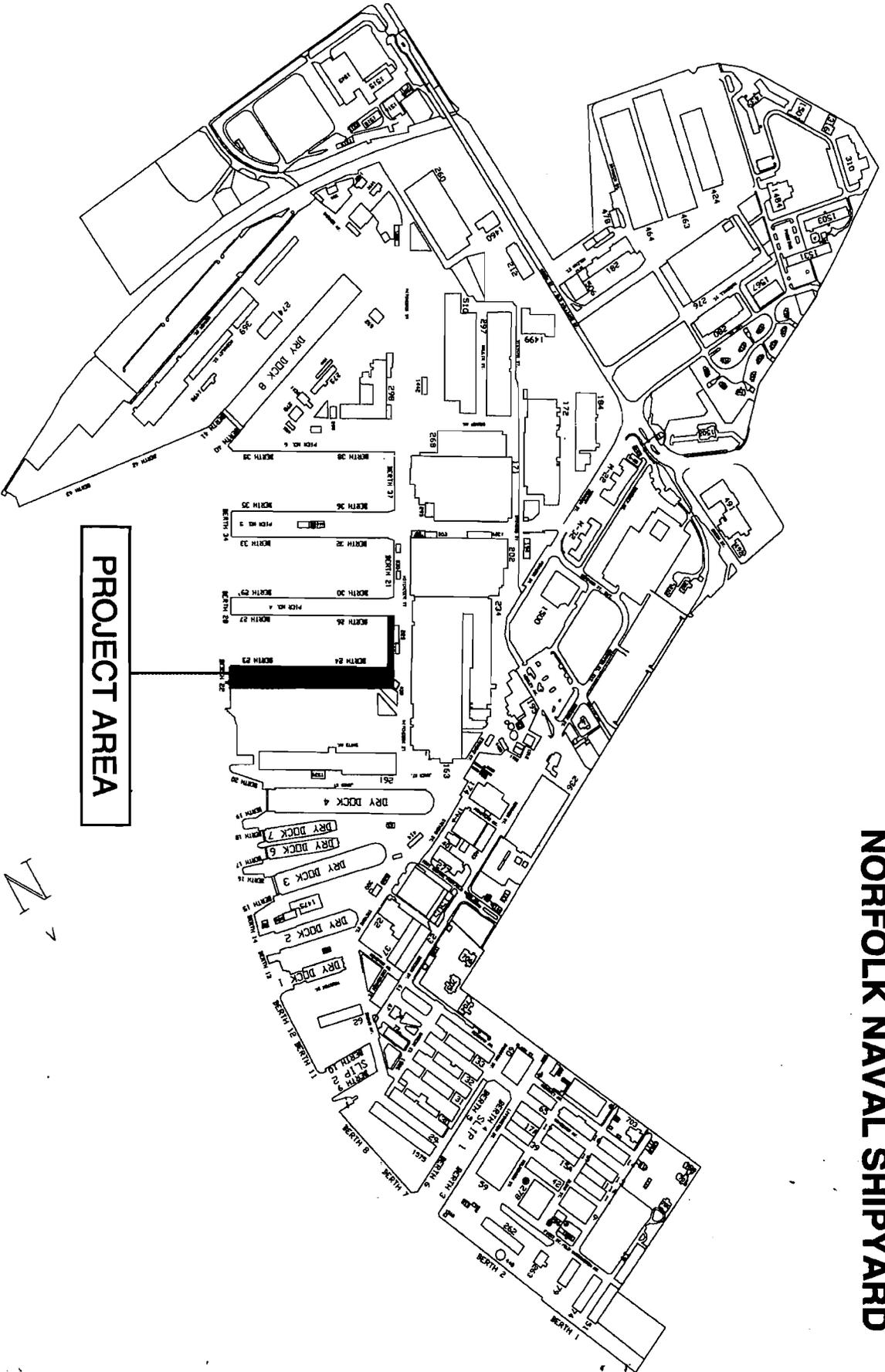
Michael A. Schwinn  
Chief, Western Virginia  
Regulatory Section

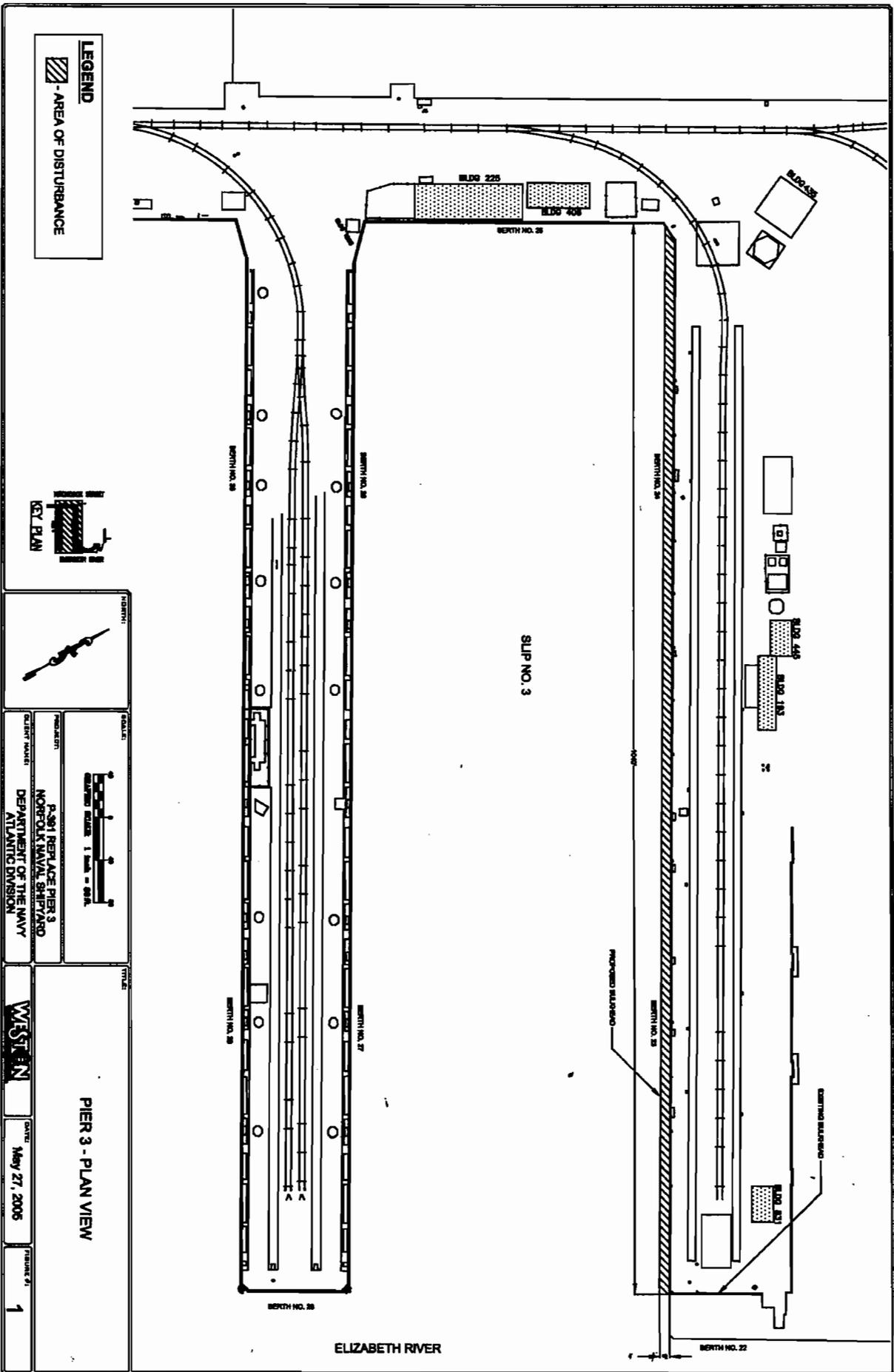
Attachments:

1. Location Map
2. Project Area
3. Project Drawings

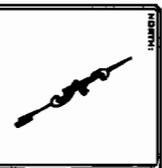


# NORFOLK NAVAL SHIPYARD





**LEGEND**  
 [Hatched Box] - AREA OF DISTURBANCE



**PROJ. TITLE:**  
 R-301 REPAIR PIER 3  
 NORFOLK NAVAL SHIPYARD  
 DEPARTMENT OF THE NAVY  
 ATLANTIC DIVISION

**PROJ. NO.:**  
 1

**SCALE:**  
 1" = 50'

**PIER 3 - PLAN VIEW**

**WESTERN**

**DATE:** May 27, 2005

**REVISION:** 1

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ELIZABETH RIVER



