



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 27, 2012

CENAO-WR-R  
NAO-2012-0994

## FEDERAL PUBLIC NOTICE

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

### APPLICANT

City of Norfolk  
c/o Edwin L. Rosenberg  
508 City Hall Building  
810 Union Street, Norfolk, Virginia 23510

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Chesapeake Bay a tributary to the Atlantic Ocean, at Willoughby Spit in Norfolk, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct seven new riprap breakwater structures, relocate an existing breakwater, demolish seven timber groins, improve the existing terminal groin, and excavate sandy material to be used to construct a dune and nourish the beach from approximately 8<sup>th</sup> View Street to Lea View Avenue in Ocean View. The staging area will be adjacent to 11<sup>th</sup> View Street and the trucks will access the shoreline from this entrance. The purpose of the project is to mitigate erosion and stabilize the shoreline. Beginning at the terminal groin and moving towards the east, there are five proposed borrow areas. Approximately 6645 cubic yards of material will be removed from below mean high water (MHW) by mechanical dredging. The area below MHW is approximately 94,545 square feet (2.17 acres). For the beach nourishment, 25,520 cubic yards of sandy material will be placed in an area totaling 372,085 square feet (8.54 acres). The seven new breakwaters will range in size from 120 to 180 linear feet, and will impact approximately 11,625 square feet (0.27 acre) of subaqueous bottom. For the seven breakwaters, a total of 1,615 cubic yards of stone will be placed between MHW and mean low water (MLW), and 10,425 cubic yards of stone will be placed below MLW.

The project purpose is to mitigate shoreline erosion and stabilize the beaches. Because the excavation and fill activities are associated with large stone and beach-quality sand, turbidity issues are expected to be minor and temporary.

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 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 direct, indirect, 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 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) databases indicate that federally listed piping plover and loggerhead sea turtle may be present but our preliminary determination is that 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](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). The Chesapeake Bay contains Essential Fish Habitat (EFH) for the eggs, larvae, juvenile, and 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 (*Centropristis striata*), king mackerel (*Scomberomorus cavalla*), Spanish

mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), red drum (*Sciaenops ocellatus*), dusky shark (*Carcharhinus obscurus*), and sandbar shark (*Carcharhinus plumbeus*), as well as Habitat Areas of Particular Concern (HAPC) for sandbar shark. The habitat which this project would affect consists of shallow water with sandy bottoms and man-made rip rap structures. The proposed project is described in Proposed Work and Purpose, above. Impacts to EFH are should be temporary and minor in nature, with limited turbidity due to intertidal sand excavation and placement. 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. Our rationale for this preliminary determination is based on the expected short-term nature of the direct impacts, minimal increases in turbidity, minor changes in water temperature or salinity caused by the proposed work, and the absence of vegetated wetlands, submerged aquatic vegetation, and anadromous fish spawning habitat. 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 CENAO-WR-R, attention George Janek, 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **August 27, 2012**. You may also submit written comments to the Virginia Marine Resources Commission (VMRC), attention Justine Woodward, Habitat Management Division, 2600 Washington Avenue, Third Floor, Newport News, Virginia 23607. To ensure Corps of Engineers' consideration of your comments, please copy the Corps by letter or email on comments submitted directly to VMRC.

**PRIVACY & CONFIDENTIALITY:** Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact George Janek at 757-201-7135 or by email at [george.a.janek@usace.army.mil](mailto:george.a.janek@usace.army.mil).

FOR THE DISTRICT COMMANDER:



Kimberly A. Prisco-Baggett, MBA  
Chief, Eastern Virginia  
Regulatory Section

Attachment: Drawings