



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-WR-R

March 8, 2013

## Coastal Zone Management Act and the Norfolk District Regulatory Program

Prior to final issuance of any Corps individual permit, the applicant must obtain a Virginia Department of Environmental Quality (DEQ) Coastal Zone Management Act (CZMA) federal consistency concurrence (for activities affecting the Coastal Zone) and a DEQ 401 certification. Proof of these approvals must be provided to the Corps before issuance of any Corps individual permit. A permit will not be granted until the required certifications have been obtained or waived.

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 uses and resources (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP).

If the applicant is not a federal agency and the application involves an activity affecting the coastal zone, the applicant shall provide a certification that the proposed activity complies with and will be conducted in a manner that is consistent with the approved state CZM Program. A template federal consistency certification can be found here:

<http://www.deq.state.va.us/Programs/EnvironmentallImpactReview/FederalConsistencyReviews.aspx#cert>

If the Corps receives a completed certification statement from the applicant prior to posting the public notice, the District Engineer will forward a copy of the public notice (which will include the applicant's consistency certification) to the DEQ Office of Environmental Impact Review (OEIR) and request its concurrence or objection. However, the six-month review clock begins when DEQ-OEIR receives complete information to coordinate the consistency review with state agencies administering the enforceable policies of the VCP.

If a consistency certification is not received prior to the Corps posting the public notice, it is the applicant's responsibility to submit their certification to the DEQ Office of Environmental Impact Review.

The District Engineer shall not issue a permit until the state concurs with the consistency certification. If the state agency fails to concur or object to a certification statement within six months of the state agency's receipt of the consistency certification, state agency concurrence with the certification shall be conclusively presumed.

For more information on specific CZMA requirements, you may contact the DEQ Office of Environmental Impact Review at (804) 698-4330 or e-mail: [ellie.irons@deq.virginia.gov](mailto:ellie.irons@deq.virginia.gov) or [john.fisher@deq.virginia.gov](mailto:john.fisher@deq.virginia.gov).

FOR THE DISTRICT COMMANDER:

William T. Walker  
Chief, Regulatory Branch