



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

November 15, 2013

CENAO-WR-R  
2012-02423 (VMRC #13-V0834)

## FEDERAL PUBLIC NOTICE

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

### APPLICANT

Mr. James O. Myers, Jr.  
Whitley Manor, LLC

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located near Goose Creek, in the Bowers Hill area of Chesapeake, Virginia.

PROPOSED WORK AND PURPOSE: Notice is hereby given that Whitley Manor, LLC (Permitee) is proposing to enter into a Memorandum of Agreement (MOA) with the US Army Corps of Engineers (Norfolk District) and Virginia Department of Historic Resources under Section 106 of the National Historic Preservation Act. The proposed Whitley Manor subdivision is located within the boundary of the Sunray Agricultural Historic District (DHR ID# 131-5325) in Chesapeake, Virginia. Sunray is listed on the National Register of Historic Places, and according to the National Register nomination, the historic district "is characterized by planned rural land tracts and a village center" and trees stands, ditches, and roads that divide rectangular farm fields. The area remains largely as it was at the turn of the last century; a rural landscape dotted with isolated clusters of farm buildings centered on a simple dwelling.

The project requires a State Program General Permit (12-SPGP-01) from the Norfolk District Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 for the discharge of fill (0.85 acres non-tidal emergent) for the proposed development. Issuance of this permit constitutes a Federal undertaking, subject to Section 106 of the National Historic Preservation Act (NHPA). Procedures have been established which must be followed in order for the Corps to comply with the NHPA and other applicable historic preservation laws. In compliance with the NHPA, the Norfolk District is interested in identifying "consulting parties" with whom to coordinate the effects of the project on historic properties, and possible means of avoiding or mitigating adverse effects on such properties.

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.

**COMMENT PERIOD:** Comments on this project should be made in writing via US Mail addressed to the Norfolk District, Corps of Engineers (ATTN: Tucker Smith (CENAO-WR-R)), 803 Front Street, Norfolk, Virginia 23510-1096 or via email to [tucker.smith@usace.army.mil](mailto:tucker.smith@usace.army.mil), and should be received by the close of business 15 days from the date of this public notice.

**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 Mr. Tucker Smith either via telephone at (757) 201-7320 or via email at [tucker.smith@usace.army.mil](mailto:tucker.smith@usace.army.mil).

FOR THE DISTRICT COMMANDER:

Pete Kube  
Chief, Eastern Virginia  
Regulatory Section

Attachment: Drawings