



Public Notice

U.S. Army Corps of Engineers, Norfolk District

MARCH 24, 2014

CENAO-WR-R
NAO-2003-3339

PUBLIC NOTICE

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

APPLICANT

Fort Eustis, Third Port
705 Washington Blvd
Fort Eustis, VA 23604

WATERWAY AND LOCATION OF THE PROPOSED WORK: Fort Eustis is authorized to maintenance dredge the Skiffes Creek approach channel and Third Port harbor, with placement of the dredged material at various upland sites. This public notice is to evaluate the applicant's request for an additional authorization to use ocean disposal for the dredged material.

PROPOSED WORK AND PURPOSE: The applicant proposes to transport and place approximately 250,000 cubic yards of dredged material from the Fort Eustis approach channel and harbor to the Norfolk Ocean Disposal Site (NODS). The NODS is located in the Atlantic Ocean approximately 17 miles east of Cape Henry. The center point coordinate of the NODS is latitude 36°59'00" North and longitude 75°39'00" West. The site is circular with a radius of 4 nautical miles and has an area of approximately 50 square nautical miles. The NODS has been formerly designated for the placement of suitable dredged materials in 40 Code of Federal Regulations (CFR) Part 228.1 by the EPA Administrator pursuant to section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA).

AUTHORITY: A Section 103 permit for ocean transport and placement is required in accordance with part 227 of the Marine Protection, Research, and Sanctuaries Act (MPRSA).

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on the suitability of the dredged materials for placement at the Norfolk Ocean Disposal Placement Site (NODS).

Applications and authorizations for Dredged Material Permits under Section 103 of the Act for the transportation of dredged material for the purpose of dumping it in ocean waters will be evaluated by the U.S. Army Corps of Engineers in accordance with the criteria set forth in part 227 and processed in accordance with 33 CFR 209.120 with special attention to § 209.120(g)(17) (Discharge of Dredged or Fill Material in Navigable

Waters or Dumping of Dredged Material in Ocean Waters) and 33 CFR 209.145, now renumbered as 33 CFR 320 to 324, and 33 CFR 335 for Civil Works projects.

This public notice satisfies the requirements of Section 225.2 of the MPRSA. Dredged materials proposed for transport for the purpose of discharge in open waters must be evaluated and permitted by the U.S. Army Corps of Engineers in accordance with part 227 of MPRSA and processed in accordance with 33 CFR 320-324.

The NODS has previously been used by the U.S. Navy in August 1993. Approximately 51,000 cubic yards of dredged material from the Naval Supply Center Cheatham Annex and 475,000 cubic yards of dredged material from the Naval Weapons Station Yorktown were placed at the site. The Mid-Town Tunnel Project commenced dredged material placement operations at NODS in October of 2013 and is expected to place approximately 2 million cubic yards at the site over an estimated 18-month period. Effects from the authorized discharges that have been made in the placement area have been minimal and consistent with the discharge alluvium.

Sediments proposed for maintenance dredging to provide safe navigation for vessels utilizing the channel consists primarily of alluvium material. Grain size of the dredged material is predominantly silt and clay material with a small fraction of embedded sands. The dredged material proposed for placement at NODS does not meet the testing exclusionary criteria set forth under 40 CFR 227.13(b). Subsequent dredged material testing detected the presence of ammonia as nitrogen, metals, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), chlorinated pesticides, and dioxins/furans at the site. Dredged material was tested for liquid phase, suspended particulate phase, and solid phases using criteria and procedures developed by the Administrator of the U.S. Environmental Protection Agency (EPA) in accordance with 40 CFR 227.13(c) and 227.32. Evaluation of the liquid phase has determined the material complies with the Limiting Permissible Concentration (LPC) and is in compliance with 40 CFR 227.13(c)(2) and 227.27(a)(1). Evaluation of the liquid and suspended particulate phase has determined the material complies with the LPC and is in compliance with 40 CFR 22.13(c)(3) and 227.27(b). Evaluation of the solid phase has determined the material complies with the LPC and is in compliance with 40 CFR 227.13(c)(3) and 227.27(b). Accordingly, the proposed dredged material from the Skiffe's Creek Channel meets the Ocean Disposal Criteria (40 CFR 227).

The National Marine Fisheries Service (NMFS) provided a biological opinion dated October 16, 2012 (F/NER/2012/01586) regarding use of the NODS.

“Because any effects to whales are extremely unlikely to occur, all effects to whales are discountable. As such, we have determined that the proposed action is not likely to adversely affect right, humpback or fin whales. These species will not be considered further in this Opinion.”

“For purposes of this consultation, we consider that sediment that is suitable for ocean disposal would not be toxic to marine life and would not be likely to cause adverse effects to sea turtles, Atlantic sturgeon or their prey. Because the material to be disposed will be tested to ensure it is not acutely toxic and will not increase the risk of bioaccumulation of toxins or contaminants in any marine

species, effects to sea turtles and Atlantic sturgeon will be insignificant and discountable.”

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R (Evans)), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on April 25, 2014.

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 John Evans at john.d.evans@usace.army.mil or call 757-201-7794.

FOR THE DISTRICT COMMANDER:

John Evans
Western Virginia Regulatory Section