

Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 13, 2014

CENAO-WR-R
NAO-2014-0262/ 14-V0230

FEDERAL PUBLIC NOTICE

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

APPLICANT

Virginia Electric & Power Co (Dominion)
C/O: Liz Harper
701 E. Cary Street, 12th Floor
Richmond, Virginia 23219

WATERWAY AND LOCATION OF THE PROPOSED WORK: The Yadkin Substation Expansion project is located near the Deep Creek a tributary to the Southern Branch of the Elizabeth River, at 3015 Yadkin Road in Chesapeake, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to expand the existing Yadkin Substation along the northern, western, and southern boundaries of the substation to accommodate additional transmission infrastructure and tap into existing overhead transmission lines. Grading and fill associated with the expanded footprint will result in permanent unavoidable impacts to approximately 1.28 acres of palustrine forested (PFO) wetlands, 0.32 acres of palustrine emergent (PEM) wetlands and 2,270 linear feet (LF) of jurisdictional ditch. To accommodate the quantity of stormwater runoff from the expanded substation and provide treatment, Dominion proposes to create a 1,936 linear feet of new ditch which will encompass the perimeter of the substation as well as expand some of the existing jurisdictional ditches on the property by excavating uplands adjacent to these existing ditches. Expansion of the existing jurisdictional ditches on the property will occur outside of wetlands to avoid impacts to these resources.

Dominion has avoided and minimized the impacts to wetlands on the property to the greatest extent practicable. Dominion is proposing compensatory mitigation at the standard ratio of 2:1 for impacts to PFO wetlands and 1:1 for impacts to PEM wetlands through the purchase of 2.90 credits from an the Great Dismal Swamp Restoration Bank- Lewis Farm Site, which services the project hydrologic unit code (HUC), 02080208. No mitigation has been proposed for the 2,270 linear feet of impacts to jurisdictional ditches.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to 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) after conducting the NAO ESA Project Review Process, there may be an affect to listed/proposed/candidate species and/or designated/proposed critical habitat under the Endangered Species Act of 1973 and the Official Species List and Species Conclusion Table is attached for review and comment by Fish and Wildlife Service; (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 for projects located in Tidewater, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP) and obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). The applicant's consistency certification is attached to this Public Notice and we are requesting review by DEQ-OEIR for concurrence or objection (the six-month consistency review clock begins when OEIR receives complete information to coordinate the review). It is the applicant's responsibility to submit a consistency certification to the Office of Environmental Impact

Review for concurrence or objection and proof of concurrence must be submitted to the Corps prior to final permit issuance. A template federal consistency certification can be found here:

<http://www.deq.state.va.us/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert>. For more information or to obtain a list of the enforceable policies of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: ellie.ironson@deq.virginia.gov or john.fisher@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R), Ms. Chelsea Bowman. 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on April 13, 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.

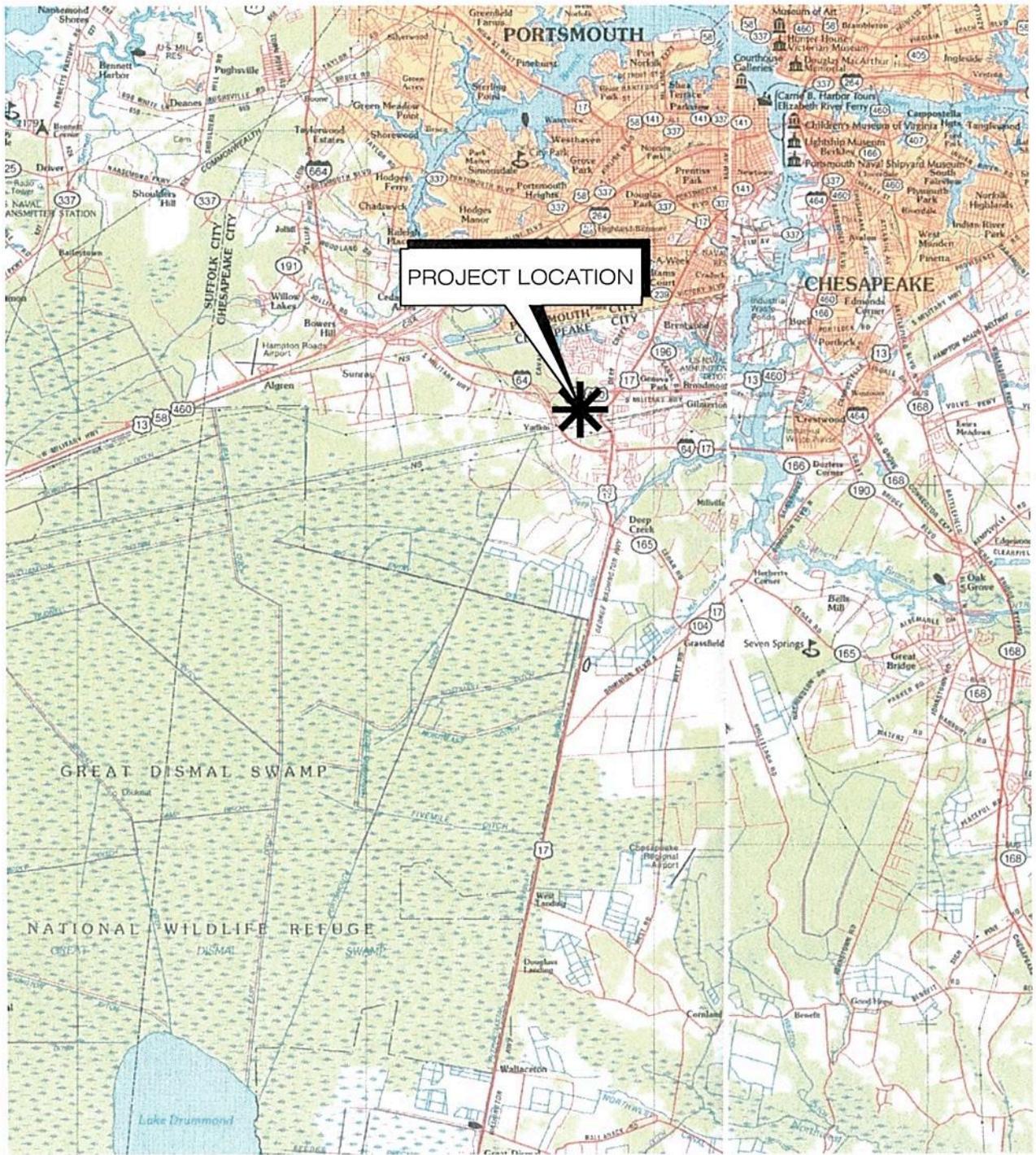
If you have any questions about this project or the permit process, contact Ms. Chelsea Bowman by phone at 757-201-7060 or via email at Chelsea.B.Bowman@usace.army.mil

FOR THE DISTRICT COMMANDER:



Peter R. Kube
Chief, Eastern Virginia
Regulatory Section

Attachment: Drawings
Coastal Zone Management Act Certification Statement
Official Species List & Species Conclusion Table



2.4 MILES 10.5 MILES CORPS 2.4 MILES INEERS

SCALE: 1 INCH = 2.4 MILES

MAR 11 2014

SOURCE: VIRGINIA ATLAS AND GAZETTEER,
DeLORME MAPPING CO., 1995.



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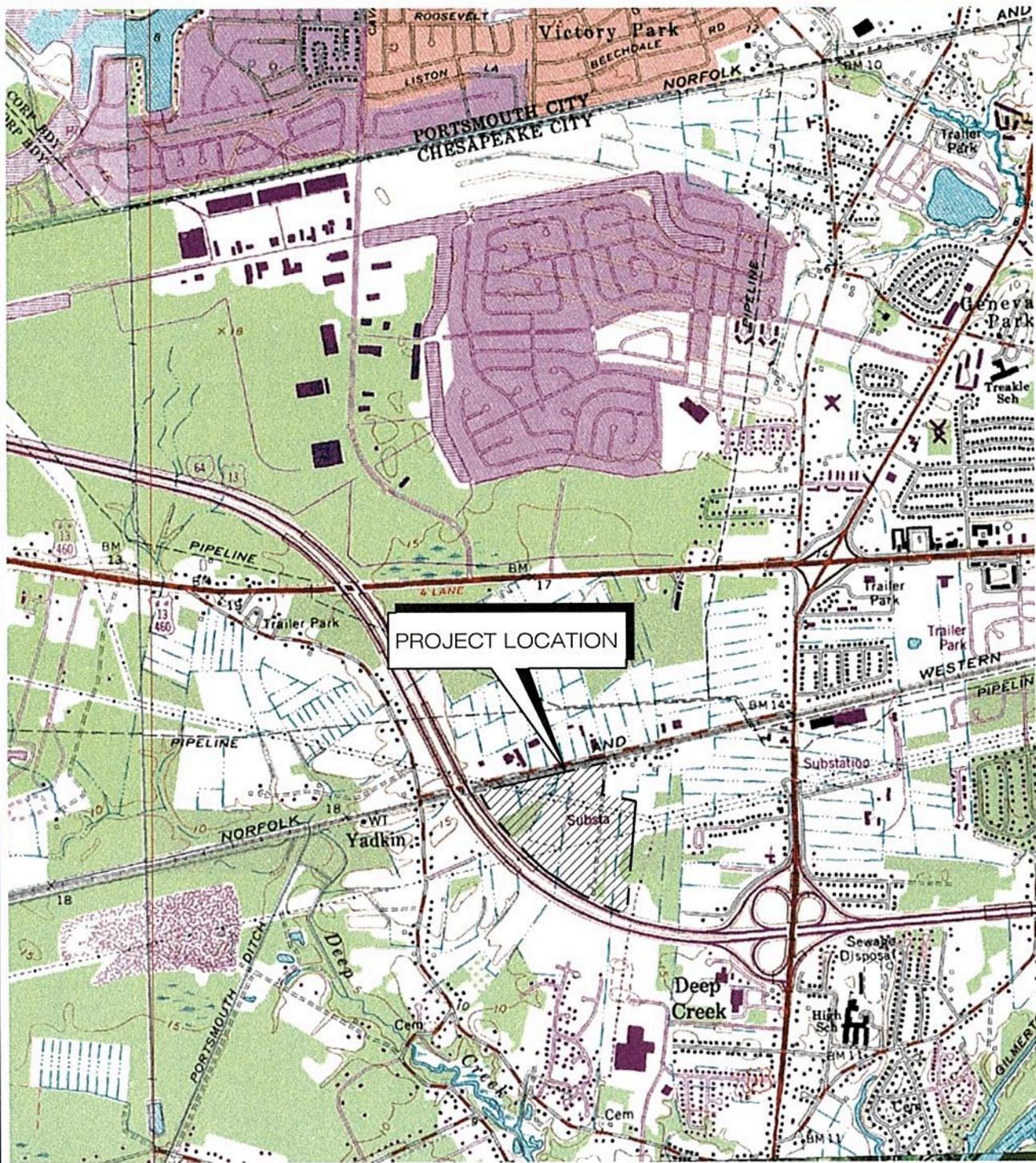


WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.

FIGURE 1
PROJECT VICINITY MAP
YADKIN SUBSTATION EXPANSION

CITY OF CHESAPEAKE, VIRGINIA

MARCH 2014



U.S. ARMY CORPS OF ENGINEERS
 SCALE: 1 INCH = 2000 FEET

LATITUDE: 36°45'48.03"N
 LONGITUDE: 76°21'24.01"W

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,
 NORFOLK SOUTH, VA QUADRANGLE



MAR 11 2014



WILLIAMSBURG
 ENVIRONMENTAL
 GROUP, INC.

FIGURE 2
 PROJECT LOCATION MAP
 YADKIN SUBSTATION EXPANSION

CITY OF CHESAPEAKE, VIRGINIA

MARCH 2014

JURISDICTIONAL AREA IMPACTS MAP

YADKIN SUBSTATION EXPANSION

CITY OF CHESAPEAKE, VIRGINIA

WILLIAMSBURG ENVIRONMENTAL GROUP INC.
 5209 Center Street
 Williamsburg, Virginia 23188
 (757) 220-0909

WEG

1011 Boulder Springs Drive, Suite 225
 Piedmont, Virginia 23225
 (804) 267-3474

150 Riverside Parkway, Suite 301
 Fredericksburg, Virginia 22408
 (540) 785-9544

Environmental Consultants

DATE: BASE MAP PROVIDED BY:

REVISIONS SHEET:

DRAWN BY: MAC
 CHECKED BY: CFC

DATE: 1/17/2014
 SCALE: 1" = 200 FEET
 SHEET: JOB# 5025



LEGEND:

- APPROXIMATE WETLAND LIMITS
- APPROXIMATE JURISDICTIONAL DITCH LIMITS
- PROPOSED WETLAND IMPACTS
- PROPOSED JURISDICTIONAL DITCH IMPACTS
- EXISTING FENCE
- PROPOSED FENCE
- PROPOSED DITCH

SITE DATA:

PROJECT AREA	57.56 ACRES ±
JURISDICTIONAL AREAS:	
WETLANDS	21.19 ACRES ±
JURISDICTIONAL DITCH	1.03 ACRES ± (8,398 L.F. ±)
JURISDICTIONAL AREA IMPACTS:	
WETLANDS	1.61 ACRES ±
JURISDICTIONAL DITCH	0.30 ACRES ± (2,270 L.F. ±)

NOTE: THE LIMITS OF WATERS OF THE U.S., INCLUDING WETLANDS, HAVE BEEN CONFIRMED BY THE U.S. ARMY CORPS OF ENGINEERS ON 02/21/14, CONFIRMATION # NAO-2014-00262

LEVEL OF IMPACTS:
P = PERMANENT
TYPES OF IMPACTS:
G = GRADING

U.S. ARMY CORPS OF ENGINEERS

REVIEWED

MAR 11 2014

BY

CONTOUR INTERVAL = 2 FEET

0 100 200

PERMANENT IMPACTS TABLE:

	WETLAND (ACRES)			TOTAL	JURISDICTIONAL DITCH (LF)
	PEM	PFO	PSS		
PG1	0.00	0.00	0.00	0.00	817
PG2	0.00	0.00	0.00	0.00	823
PG3	0.32	1.29	0.00	1.61	630
TOTAL	0.32	1.29	0.00	1.61	2270



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 SHORT LANE
GLOUCESTER, VA 23061
PHONE: (804)693-6694 FAX: (804)693-9032
URL: www.fws.gov/northeast/virginiafield/

Consultation Tracking Number: 05E2VA00-2014-SLI-1351

March 13, 2014

Project Name: Yadkin Substation Expansion NAO-2014-0262

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Yadkin Substation Expansion NAO-2014-0262

Official Species List

Provided by:

Virginia Ecological Services Field Office
6669 SHORT LANE
GLOUCESTER, VA 23061
(804) 693-6694
<http://www.fws.gov/northeast/virginiafield/>

Consultation Tracking Number: 05E2VA00-2014-SLI-1351

Project Type: Power Generation

Project Description: To expand the existing power substation.



United States Department of Interior
Fish and Wildlife Service

Project name: Yadkin Substation Expansion NAO-2014-0262

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-76.352989 36.765175, -76.3532036 36.7638342, -76.3522165 36.7634921, -76.353592 36.7594695, -76.3567248 36.7611886, -76.3581839 36.7625982, -76.3593834 36.7642123, -76.352989 36.765175)))

Project Counties: Chesapeake, VA



United States Department of Interior
Fish and Wildlife Service

Project name: Yadkin Substation Expansion NAO-2014-0262

Endangered Species Act Species List

There are a total of 1 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed on the **Has Critical Habitat** lines may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

northern long-eared Bat (*Myotis septentrionalis*)

Listing Status: Proposed Endangered



United States Department of Interior
Fish and Wildlife Service

Project name: Yadkin Substation Expansion NAO-2014-0262

Critical habitats that lie within your project area

There are no critical habitats within your project area.

Species Conclusions Table

Project Name: Yadkin Substation Expansion 14-V0320

Date: March 13, 2014

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Northern long-eared Bat (Myotis septentrionalis)	Potential habitat present and no current survey conducted	May adversely affect	Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible. During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.	Suitable habitat for the Northern long-eared bat may be present. Because the project involves permanent removal of forested habitat, the project may adversely affect the NLEB by reducing amount of habitat available for roosting, foraging, or travel.
Eagles (Haliaeetus leucocephalus)				
Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required		Project location is not within 660' of a nest or within an eagle concentration area.
Eagle Concentration Areas				
Critical Habitat				
Other (other species not listed above or required coordination for NOAA, DCR, & VDGIF)				

Species Conclusions Table

<p>Canebrake Rattlesnake <i>Crotalus horridus</i></p>	<p>Suitable habitat present</p>	<p>May adversely affect</p>	<p>Canebrake rattlesnakes prefer mature hardwood forests, mixed hardwood-pine forests, cane thickets, and in the ridges and glades of swampy areas. Areas with numerous logs, significant leaf litter and humus also provide suitable habitat. This species overwinters in the bases of hollow trees and stumps, and in the underground tunnels resulting from stump and root decomposition. This species has also been known to occupy disturbed areas, such as farm fields and cut-overs.</p>	
<p>Dismal Swamp southeastern shrew</p>	<p>Suitable habitat may be present</p>	<p>Mat adversely affect</p>	<p>This species is found in habitats of Great Dismal Swamp that are not permanently flooded. Highest densities occur in areas with ground litter and moist organic soils in early to mid-successional forest, old clearcuts, and areas with thick undergrowth, particularly canebrake thickets. Low densities have been noted in mature forests, though these may be important during periods of drought or fire. Habitats used by this subspecies do not appear to be discrete units, but seem to consist of a diversity of regenerative stages of vegetative growth. Nests may be placed under logs or hollow stumps.</p>	

COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY CERTIFICATION

This document provides the Commonwealth of Virginia with Dominion Virginia Power's Consistency Certification and the necessary data and information under CZMA §307(c)(3)(A) and 15 C.F.R. Part 930, subpart D, for the Yadkin Substation Expansion Project.

CERTIFICATION STATEMENT

Dominion Virginia Power certifies that the proposed activity complies with the enforceable policies of Virginia's Coastal Zone Management Program (VCP) and will be conducted in a manner consistent with the VCP.

NECESSARY DATA AND INFORMATION

Please see the Pre-Construction Notification (PCN) for a full project description, including existing conditions, and associated project graphics. Although the project is located in Tidewater Virginia, there are no tidal wetlands or waters within the project area. Furthermore, the proposed activity and use are consistent with city zoning (M1-light industrial) and surrounding land use, including the current use of the parcel, and are not competing with coastal uses.

Enforceable Policies Comprising Virginia's Coastal Resources Management Program

1. ***Fisheries Management.*** The program stresses the conservation and enhancement of finfish and shellfish resources and the promotion of commercial and recreational fisheries to maximize food production and recreational opportunities. This program is administered by the Virginia Marine Resources Commission (VMRC) (Virginia Code §28.2-200 through §28.2-713) and the Department of Game and Inland Fisheries (DGIF) (Virginia Code §29.1-100 through §29.1-570). This program also includes the State Tributyltin (TBT) Regulatory Program, which monitors boating activities and boat painting activities to ensure compliance with TBT regulations promulgated pursuant to Virginia Pesticide Use and Application Act amendments. The program is administered by the VMRC, DGIF and Virginia Department of Agriculture and Consumer Services (VDACS) under Virginia Code §3.1-249.59- §3.1-249.62.

The proposed project is not expected to have any impact on fisheries management resources as none are present within the project area. The project also does not involve the use of boats or require boat painting.

2. ***Subaqueous Lands Management.*** The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by DEQ's Water Division. The program is administered by the VMRC (Virginia Code §28.2-1200 through §28.2-1213).

There are no state-owned subaqueous lands within or adjacent to the project area; therefore, there will be no impacts to these resources.

3. ***Wetlands Management.*** The purpose of the wetlands management program is to preserve tidal wetlands, prevent their despoliation, and accommodate economic development in a

Ambient Air Quality Standards. This program is administered by the State Air Pollution Control Board (Virginia Code §10.1-1300 through 10.1-1320).

The project is located within a partially developed industrial corridor. Air emissions will consist of engine exhaust from equipment operation for construction of the project, as well as additional vehicular traffic to and from the site. However, no significant increase in emissions from vehicular traffic relative to the surrounding area and current traffic volume is expected.

9. **Coastal Lands Management.** A state-local cooperative program administered by the DCR's Division of Stormwater Management – Local Implementation (previously the Division of Chesapeake Bay Local Assistance) and 88 localities in Tidewater, Virginia established pursuant to the Chesapeake Bay Preservation Act; Virginia Code § 10.1-2100 through § 10.1-2114 and Chesapeake Bay Preservation Area Designation and Management Regulations, Virginia Administrative Code 9 VAC10-20-10 et seq. the Department of Environmental Quality (DEQ) (Virginia Code §62.1-44.15:67 et seq.).

There are no Chesapeake Bay Preservation Areas within the project area.

Advisory Policies of Virginia's Coastal Resources Management Program

Advisory Policies for Geographic Areas of Particular Concern

Although not required for the purposes of consistency, in accordance with 15 C.F.R. §930.39 (c), the federal agency should consider the advisory policies (recommendations) of the VCP as well.

- **Coastal Natural Resource Areas.** These areas are vital to estuarine and marine ecosystems and/or are of great importance to areas immediately inland of the shoreline. Such areas receive special attention from the Commonwealth because of their conservation, recreational, ecological, and aesthetic values. These areas are worthy of special consideration in any planning or resources management process and include the following resources: a) Wetlands; b) Aquatic Spawning, Nursery, and Feeding Grounds; c) Coastal Primary Sand Dunes; d) Barrier Islands; e) Significant Wildlife Habitat Areas; f) Public Recreation Areas; g) Sand and Gravel Resources; and h) Underwater Historic Sites.

There are no aquatic spawning, nursery and feeding grounds; coastal primary sand dunes; barrier islands; public recreation areas; sand and gravel resources; or underwater historic sites which would be impacted by the project. There are also no significant wildlife habitat areas within the project limits; however, the Great Dismal Swamp National Wildlife Refuge (GDSNWR) is adjacent to the project area in Chesapeake and Suffolk. The GDWNWR is used for some limited hunting, fishing bird watching and hiking. As the GDSNWR is adjacent to the project and the proposed work is consistent with the existing landuse, no impact to any significant wildlife habitat area is expected.

Non-tidal wetlands are present within and adjacent to the project area. The proposed project will result in unavoidable permanent impacts to approximately 1.29 acres of palustrine forested (PFO) wetlands, 0.32 acres of palustrine emergent (PEM) wetland and 2,270 linear feet (LF) of jurisdictional ditch. Permanent wetland impacts will be mitigated for at the standard acceptable ratio of 2:1 for PFO and 1:1 for PEM. Dominion is proposing to purchase approximately 2.90 credits from the Great Dismal Swamp Restoration Bank- Lewis Farm Bank Site, which services the project Hydrologic Unit Code (HUC).

commencement of State agency review, it shall notify Dominion Virginia Power and the federal agency of the status of the matter and the basis for further delay. The State's concurrence, objection, or notification of review status shall be sent to:

Ms. Liz Harper
Dominion Virginia Power
701 East Cary Street, 12th Floor
Richmond, VA 23219

Ms. Chelsea Bowman
U.S. Army Corps of Engineers
Norfolk District Office
803 Front Street
Norfolk, VA 23501