



Public Notice

U.S. Army Corps of Engineers, Norfolk District

01 July 2015

CENAO-WR-R
NAO-2006-05076 (VDOT U000-121-V11)

FEDERAL PUBLIC NOTICE

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

APPLICANT

City of Newport News
Attn.: Mr. Everett Skipper
Director of Engineering
Engineering, 8th Floor
2400 Washington Avenue
Newport News, VA 23607

WATERWAY AND LOCATION OF THE PROPOSED WORK: The Atkinson Boulevard and Bridge project is located in unnamed, natural and manmade tributaries to Stony Run, which itself is tributary to the Warwick River in Newport News, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct an approximately 1.2-mile, four-lane divided roadway and bridge over the CSX railroad and Interstate 64 (I-64) with sidewalks and shared-use paths for bicycle and pedestrian access. The project would provide a new east-west transportation link between Jefferson Avenue (Route 143) and Warwick Boulevard (Route 60). A single stormwater management basin is proposed to be constructed approximately 250 feet north of the Denbigh Compost Drop off facility and 650 feet south of Woodhaven Road to offset Jefferson Avenue's needs. The application indicates that the work will permanently impact cumulatively 8.9 acres of non-tidal wetlands, including emergent (1.05 acres), scrub-shrub (0.03 acres) and forested wetlands (7.8 acres); and temporarily impact cumulatively 1.3 acres of non-tidal wetlands (emergent (0.4 acres), scrub-shrub (0.01 acres) and forested (0.86 acres)). Additionally, 0.93 acres of non-tidal forested wetlands would be converted to emergent wetlands. The work as proposed will also impact 246 linear feet of non-tidal perennial stream and 17 linear feet of jurisdictional ditch; and temporarily impact 396 linear feet of jurisdictional ditch. Approximately 986 linear feet of jurisdictional ditch will be relocated and the applicant proposes that these impacts will be self-mitigated. The stated purpose of the project is to improve transportation mobility and capacity, which in turn would improve access and reduce congestion. Atkinson Boulevard would provide an additional east-west connector that the applicant indicates would reduce cross city travel time, reduce delays on Denbigh

Boulevard, and reduce intersection delays. The City's Comprehensive Plan calls for building east-west connectors between Warwick Boulevard and Jefferson Avenue every two to three miles and includes the proposed Atkinson Boulevard and Bridge Project.

The applicant states that by using a single bridge design rather than a two bridge design the wetland impacts associated with Alternative B were reduced by 2.16 acres. Additionally, the project is designed to further minimize permanent and temporary wetland impacts by: utilizing piers to support the bridge, 2:1 embankment slopes where feasible, Mechanically Stabilized Earth (MSE) vertical walls, reducing the median width, minimizing tree root grubbing, managing offsite untreated stormwater to offset project stormwater management needs, and allowing pre-disturbance cover-types (e.g., trees) to become re-established in some wetland areas post-construction.

To compensate for impacts, the applicant proposes to purchase mitigation bank credits from a bank which includes the project site in its geographic service area. The applicant proposes to use a replacement ratio of 2:1 for forested wetlands, 1.5:1 for scrub-shrub wetlands, 1:1 for emergent wetlands & wetland conversions, and stream credits based on the Uniform Stream Methodology. Based on that, the applicant projects a need for 17.7 acres of wetland credit and 214 stream credits. The applicant proposes that the jurisdictional ditch relocation is self-mitigating and is not proposing any mitigation for jurisdictional ditch impacts. To restore wetlands that would be temporarily impacted by the project, the applicant proposes to take strict measures to minimize ground disturbance (e.g., no grubbing of tree roots, work on pilings where feasible) to restore these areas to preconstruction contours, and to not actively maintain these areas post-construction (i.e., allow volunteer species to re-vegetate these areas).

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: [NOTE: The Federal Highway Administration (FHWA) is the lead Federal agency for this project] (1) an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) were approved by FHWA for the project on February 16, 2010. A re-evaluation of the EA was completed by FHWA on January 23, 2015 to assess potential changes to the location and design of the project; no environmental impact statement will be required; (2) After accessing the U.S. Fish and Wildlife Service (USFWS) database for Information, Planning, and Conservation System (IPaC), the project site lies within the range of the Northern Long-eared Bat (*Myotis septentrionalis*) a federally listed Threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended). The FHWA will have to coordinate with the USFWS to determine whether the proposed project will have an effect on any federally listed species; and (3) FHWA coordinated with the Virginia Department of Historic Resources (VDHR) and FHWA determined that no historic property eligible for inclusion or included in the National Register of Historic Places is in or near the permit area. 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). We have not received a certification from the applicant prior to publication of this public notice. 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.virginia.gov/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: bettina.sullivan@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), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on 31 July 2015.

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. David Knepper at (757) 201-7488 or david.a.knepper@usace.army.mil.

Attachment: Drawings & excerpts from the JPA