



Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 10, 2015

CENAO-WR-R
NAO-13-0462

FEDERAL PUBLIC NOTICE

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

APPLICANT

Commander Navy MidAtlantic Region
c/o Elizabeth Nashold
Code N-45, Regional Environmental Group
1510 Gilbert Street
Norfolk, Virginia 234511

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Felgates Creek and King Creek, tributaries to the York River and James River, at the Naval Weapons Station Yorktown, in Yorktown, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a small arms range, consisting of rifle and pistol ranges, and their associated supporting infrastructure and access roads. The project will result in a total of 1.535 acres of permanent impacts to forested wetlands, the conversion of 0.828 acres of forested wetlands to herbaceous wetlands, and impacts to 1,463 linear feet of stream. The proposed small arms range has been designed to avoid and minimize impacts to wetlands to the greatest extent practicable, while meeting the current demands for training facilities and reducing the dangers associated with firing ranges. As compensation, the applicant proposes to purchase 2.281 credits from an approved wetland mitigation bank servicing HUC 02080107 and 1.540 credits from an approved wetland mitigation bank servicing HUC 02080206. In addition, the applicant proposes to provide 1,859 linear feet of compensatory mitigation from an approved stream mitigation bank.

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 and a permit from the York County Wetlands Board. 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.

The Navy is funding the project and therefore has been designated by the Corps as the lead Federal agency to fulfill the collective Federal responsibilities under Section 7 of the Endangered Species Act of 1973 (PL 93-205), Section 106 of the National Historic Preservation Act of 1966 (PL 89-665), and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (PL 104-267). The Navy has preliminarily determined that: (1) no environmental impact statement will be required; (2) after conducting informal consultations with the US Fish and Wildlife Services, it was determined that listed/proposed/candidate species and/or designated/proposed critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended) will not be adversely affected. Based on this no adverse effect determination, no further coordination with the Fish and Wildlife Service is required; and (3) known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area will not be adversely affected. 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 was reviewed by DEQ-OEIR and their letter of concurrence is attached to his public notice. 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.irons@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 April 8, 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 Nicole Woodward at (757) 201-7122 or Nicole.l.woodward@usace.army.mil.

Attachment: Drawings
Coastal Zone Management Concurrence