



Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-WR-R
NAO-2009-2238

November 19, 2015

FEDERAL PUBLIC NOTICE

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

APPLICANT

Public Works

City of Suffolk

ATTN: Sherry Earley, PE

P.O. Box 1858

Suffolk, VA 23434

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on existing Route 58 (Holland Road) between the Southwest Suffolk By-Pass (Rt. 13/32) and 0.7 miles west of the intersection of Rt. 58 and Manning Bridge Road (Rt. 643), in tributaries to Speights Run Lake, a tributary to the Nansemond River, in the City of Suffolk, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to widen the existing four-lane facility with a depressed median to a six-lane urban facility with a raised 28-foot wide median, with a five-foot wide concrete sidewalk on the south side of the road and a 10-foot wide multi-use path on the north side of the road. The median would accommodate dual left turn lanes while leaving a four-foot wide raised median at median breaks. Also proposed are intersection improvements and four stormwater management (SWM) ponds. A 30-foot wide utility easement, a permanent drainage easement and temporary construction easements would be located on both sides of the road. Signal, signage, intersection and drainage improvements would be made along the project corridor as well. The applicant's purpose is to increase traffic capacity, correct safety hazards, enhance pedestrian and bicycle access, and enhance Rt. 58 as a hurricane evacuation route.

The applicant indicates that the proposed work will result in permanent impacts to 1.517 acres of palustrine forested wetlands, 0.154 acres of palustrine emergent wetlands, and temporary impacts to 0.335 acres of forested wetlands. The work will permanently impact 183 linear feet of stream, including 116 linear feet of impacts from stormwater management facilities. Permanent impacts are proposed to 562 linear feet of jurisdictional ditches, and 32 linear feet of ditches will be temporarily impacted.

To avoid and minimize impacts to aquatic resources, the application states that most of the impacts will result from widening of the existing roadway and the associated extension of existing culverts and are thus unavoidable. Where practicable, stormwater

management facility outfalls have been terminated above the limits of jurisdictional wetlands and streams. To compensate for unavoidable impacts to wetlands, the applicant proposes to purchase credits from an approved wetland mitigation bank at a 2:1 ratio for forested wetlands and a 1:1 ratio for emergent wetlands. To compensate for stream impacts, the applicant proposes to make a contribution to the Virginia Aquatic Resources Trust Fund, based on the application of the Unified Stream Methodology. Compensation is not proposed for impacts to 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: The Federal Highway Administration (FHWA) is the lead Federal agency for this project. (l) FHWA signed an Environmental Assessment on January 16, 2014 and a Finding of No Significant Impact on February 9, 2015; no

environmental impact statement will be required; (2) After accessing the U.S. Fish and Wildlife Service database for Information, Planning, and Conservation System (IPaC), in which one species (the Northern long-eared bat, *Myotis septentrionalis*) listed under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884, as amended) was identified in the vicinity of the project, FHWA determined that the proposed project may have an effect to federally listed species. FHWA will continue coordination with USFWS regarding potential effects of the proposed work to this species; and (3) FHWA and VDOT consulted with the Virginia Department of Historic Resources (VDHR) and the State Historic Preservation Officer (SHPO) and determined that the proposed work will have an adverse effect to two historic properties eligible for the National Register of Historic Places located within the FHWA Area of Potential Effect: the March Farm House and the MacCleary House. FHWA, the SHPO, VDOT and the City of Suffolk executed a Memorandum of Agreement in July 2013 to address those effects. 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 December 21, 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, you may contact Alice Allen-Grimes at alice.w.allen-grimes@usace.army.mil or 757-201-7219.

Attachment: Drawings