



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

September 16, 2015

CENAO-WR-R  
NAO-2006-05982

## FEDERAL PUBLIC NOTICE

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

### APPLICANT

City of Virginia Beach  
Ms. Jessica Thompson  
Department of Public Works  
Municipal Building 2, 2405 Courthouse Drive  
City of Virginia Beach, Virginia 23456

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in wetlands that drain to West Neck Creek, along Princess Anne Road south of the intersection with General Booth Boulevard in Virginia Beach, Virginia.

PROPOSED WORK AND PURPOSE: The City of Virginia Beach proposes the widening of a segment of Princess Anne Road (Phase VII) from General Booth Boulevard to Sandbridge Road/Upton Drive from a 2-lane road to a 4-lane road with median and shared multi-use paths on both sides of the road. The roadway improvements will extend further east along Sandbridge Road for approximately 0.5 miles where the road widening will merge into the existing 2-lane road. The work will impact approximately 1.51 acres to palustrine forested wetlands for the roadway and 0.22 acres of palustrine emergent (excavated ditch) wetlands for a stormwater BMP and outfall structure. The purpose of the project is to widen Princess Anne Road to 4 lanes to alleviate traffic congestion and improve traffic safety in the Nimmo/Hills Corner region of Virginia Beach. The City conducted an alternatives analysis and three primary alternative designs for the Princess Anne Road segment labeled as Alternatives 1, 2, and Hybrid 1 were carried forward for further analysis. The City's preferred alternative, Hybrid 1, largely follows the current road outline, thus seeking to minimize impacts to wetlands. Hybrid 1 best meets the goals and objectives of the City's transportation plan with the least impact to the environment. The City proposes to mitigate for the impacts by purchasing credits at an approved mitigation bank within the watershed.

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. 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, we have determined there may be an effect 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 are attached for review and comment by Fish and Wildlife Service; and (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). 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](mailto:bettina.sullivan@deq.virginia.gov) or [john.fisher@deq.virginia.gov](mailto: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 October 15, 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 Melissa Nash at (757) 201-7489 or [melissa.a.nash@usace.army.mil](mailto:melissa.a.nash@usace.army.mil).

Attachment: Drawings