

July 7, 2003



**U.S. Army Corps
Of Engineers**
Norfolk District

PUBLIC NOTICE

**ANNOUNCING THE RECEIPT OF AN APPLICATION FOR A COASTAL WIND FARM,
A PUBLIC SCOPING MEETING AND PUBLIC COMMENT PERIOD**

The District Engineer has received a permit application from Winergy LLC. to construct an offshore wind farm as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

Winergy LLC.
640 Montauk Highway
Shirley, New York 11967

WATERWAY AND LOCATION OF THE PROPOSED WORK

The project will be located in the Atlantic Ocean between 1 and 3 nautical miles off the coast in waters adjacent to Northampton County located on the Eastern Shore of Virginia.

PROPOSED WORK AND PURPOSE

The applicant is seeking a permit to construct 150 individual wind turbine generators impacting approximately 1.5 acres of sub-aqueous bottom over a 25 square mile area between 1 and 3 miles East of Smith Island off the Coast of Northampton County. Each unit has the capacity to create 3.6 Megawatts of renewable energy for a total of 560 megawatts during periods of peak production. Each unit is installed atop of a 15 to 20 foot diameter mono-pile driven to a depth of 120 feet into the bottom. Scour protection (rip-rap) will be installed around the base of each unit. The height of the unit to the tip of the blade at the top of rotation is 400 feet above MHHW. The distance from the tip of the blade at the bottom of rotation from MHHW will be 65 feet. Power lines connecting the tower will be buried below the substrate using a plow to a depth of 6 feet in open waters and 8 feet below established depths for channels. Four (4) main feeder lines set 50 feet apart will run south of Smith Island then east toward Fishermans Island where they will exit the water at the Chesapeake Bay Bridge Tunnel. The lines will then run north and south along existing utility line corridors where they will connect to power grids located in Northampton County and Virginia Beach. For specific information regarding the location of each unit and cable routes see the enclosures that accompany this announcement.

AUTHORITY

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

PUBLIC NOTIFICATION

This announcement serves notice that the U.S. Army Corps of Engineers, Norfolk District will conduct a scoping meeting on August 19, 2003 at the Northampton High School, 16041 Courthouse Road, Eastville, Virginia (Business Route 13). Between 3:30 and 5:00 PM, personnel from Winergy LLC. will be available to provide information and to answer questions regarding the project. Corps personnel will be available to answer questions regarding the permit process. Between the hours of 7:00 PM and 10:00 PM, interested parties will be assigned to work groups in order to identify/define specific issues to be addressed in environmental documents required by the National Environmental Policy Act. Federal, State and Local agencies as well as private individuals, organizations or groups are invited to attend this meeting. The record will remain open for 15 days following this meeting for the submission of written comments. **THIS IS NOT A PUBLIC HEARING.** The decision on whether or not to conduct a public hearing will be made at a later date.

This notice also serves as the Public's opportunity to submit written comments on the project. The Corps of Engineers is soliciting comments from the public, Federal, state, local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual 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 Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

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 may reasonably 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.

For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.state.va.us.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the

National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The area in the Atlantic Ocean where the project is proposed contains Essential Fish Habitat (EFH). This includes one or more of the egg, larval, juvenile, and adult life stages of 17 species including red hake, winter flounder, windowpane flounder, Atlantic sea herring, bluefish, Atlantic butterfish, summer flounder, scup, black sea bass, king mackerel, Spanish mackerel, cobia, red drum, dusky shark, sandbar shark and Scalloped hammerhead shark. The proposed project is described in “Proposed Work and Purpose”, above. Our assessment of the project leads us to a preliminary determination that it will not have any substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD

Replies to this notice or comments regarding the proposal should be addressed to Rick Henderson, Norfolk District, Corps of Engineers (Attn; CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should reach this office not later than the close of business on **September 5, 2003**, e-mail Richard.E.Henderson@NAO02.USACE.Army.mil Should you have any questions about the contents of this advertisement, please call Mr. Rick Henderson at telephone 757-441-7653, Fax: 757 441-7678

FOR THE DISTRICT ENGINEER:

J. ROBERT HUME, III
Chief, Regulatory Branch