

Public Notice

U.S. Army Corps of Engineers, Norfolk District

June 23, 2008

CENAO-REG
NAO-2006-00939

FEDERAL PUBLIC NOTICE

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

APPLICANT

Hampton Road Sanitation District
PO Box 5911
Virginia Beach, Virginia 23471-0911

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Lake Tecumseh a tributary to Ashville Bridge Creek and Back Bay, north of Sandbridge Road in Virginia Beach Virginia.

PROPOSED WORK AND PURPOSE: The Hampton Roads Sanitation District (owner), Naval Air Station Oceana Dam Neck Annex, City of Virginia Beach, and the U.S. Fish and Wildlife Service propose to cooperatively restore hydrology to Lake Tecumseh and adjacent wetlands to pre-dredging conditions by constructing two vinyl sheet pile weirs across human-made ditches or channels dredged in or before 1969. The channels drain Lake Tecumseh and associated wetlands into Canal No. 1 (Asheville Bridge Creek) and Back Bay estuary. The primary weir will be placed at elevation 2.2 MSL and the secondary weir at 1.8 MSL which is slightly below the average elevation of adjacent wetlands. Recent flood studies by the U.S. Geological Survey and URS Corporation concluded no increase in flooding will occur to residents and landowners within the watershed. Hydrologic monitoring of surface waters between 2001 and 2004 documented wetlands are drained repeatedly between August through April of every year regardless of precipitation or groundwater due to Canal No. 1. In addition, dynamic wind tidal fluctuation and wind driven turnover within the shallow lake create frequent re-suspension of fine sediments that discharge to Back Bay estuary and contribute to turbidity that may negatively affect submerged aquatic vegetation (SAV). The project will prevent sub-surface drainage of wetlands when water depth due to wind tides drops below elevation 1.8 MSL and is expected to enhance fish and wildlife habitat, promote emergent vegetation establishment, reduce shoreline erosion and soil loss, and improve water quality. An eroding spoil berm between the lake and Canal No. 1 will also be rehabilitated. The berm rehabilitation involves clearing and grubbing, regrading, rebuilding lost shoreline below OHW, placement of biologs at the waters edge, seeding, mulching, and replanting with native plant materials. The use of sheet piles will minimize fill impacts to wetlands. The placement of the weirs will impact 0.253 acres of open water. The primary purpose of the project is to restore wetland hydrology and reduce turbidity negatively affecting SAV establishment in Back Bay estuary. A secondary purpose is to improve and enhance fish and wildlife habitat in Lake Tecumseh.

In addition to the required Department of the Army permit, the applicant may be required to obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

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.

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 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) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; 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, 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.virginia.gov.

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 waters downstream of the project potentially contain Essential Fish Habitat (EFH) for the life stages of 19 species including Red Hake, Witch Flounder, Windowpane Flounder, Bluefish, Atlantic Sea Herring, Scup, Summer Flounder, Black Sea Bass, Spiny Dogfish, King Mackerel, Spanish Mackerel, Cobia, Red Drum, Sand Tiger Shark, Atlantic Sharpnose Shark, Dusky Shark, Sandbar Shark, Scalloped Hammerhead Shark and Tiger Shark. The habitat that this project could affect consists of wind-tidal waters with varying depths that connect to the Atlantic Ocean. The proposed project is described in Proposed Work and Purpose, above. No areas with submerged aquatic vegetation (SAV) are expected to be impacted. One purpose of the project is to enhance the habitat for SAVs. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH; however, based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on July 22, 2008.

If you have any questions about this project or the permit process, please call:

Melissa Nash (757) 201-7489
melissa.a.nash@usace.army.mil

FOR THE DISTRICT COMMANDER:

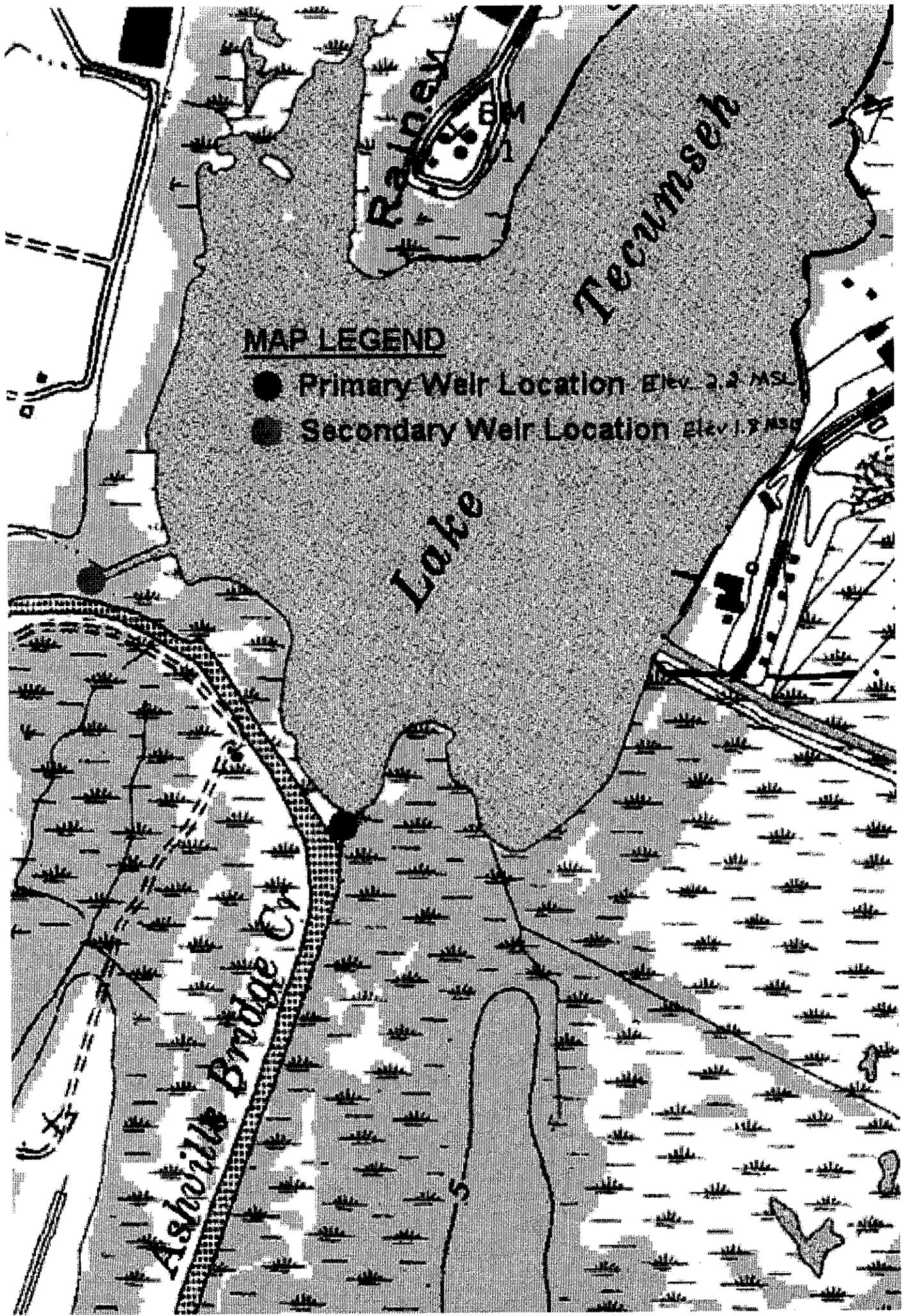

for Lynette Rhodes
Chief, Southern Virginia
Regulatory Section

Attachment: Drawings



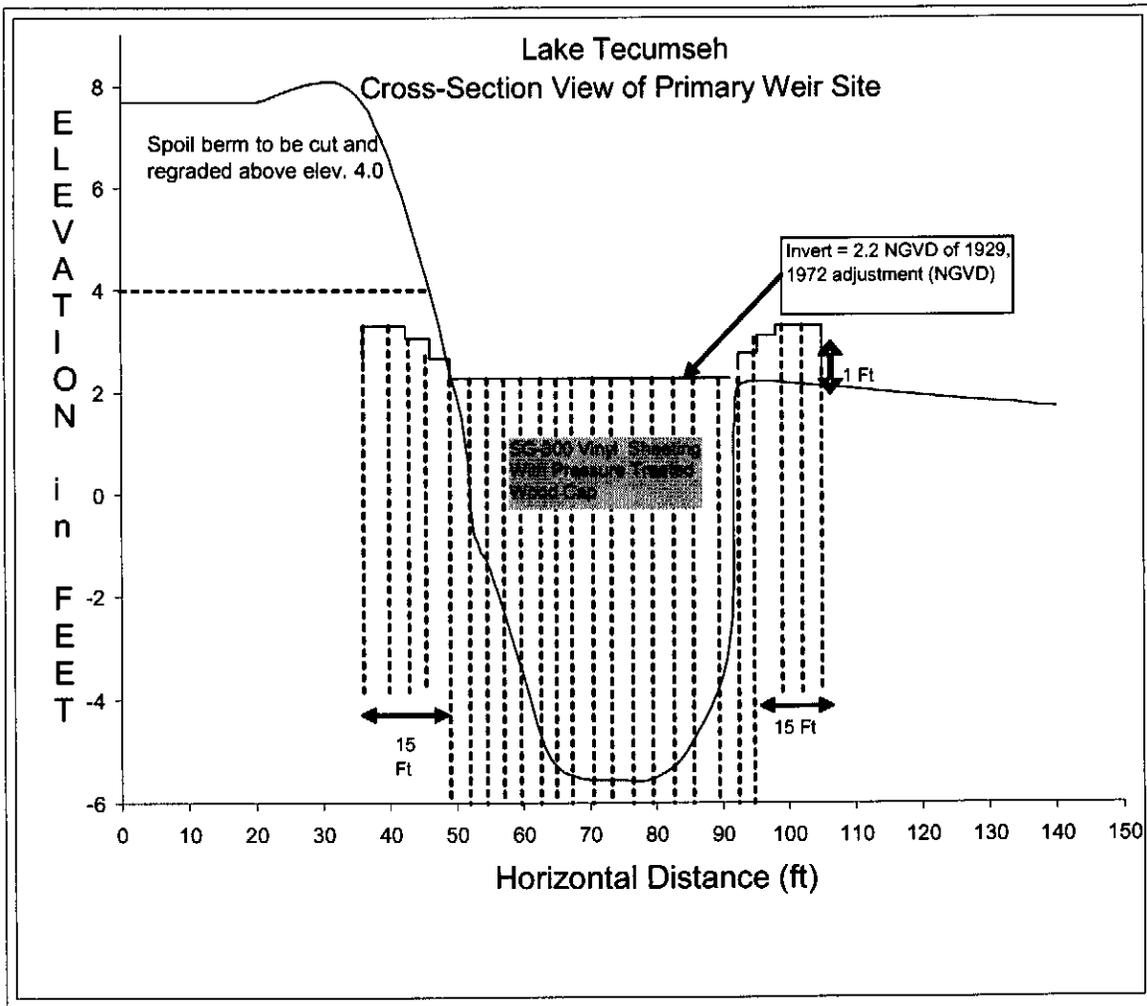
Name: VIRGINIA BEACH
 Date: 6/23/2008
 Scale: 1 inch equals 2000 feet

Location: 036° 45' 36.78" N 075° 58' 15.7" W
 Caption: Proposed weirs in Lake Tecumseh

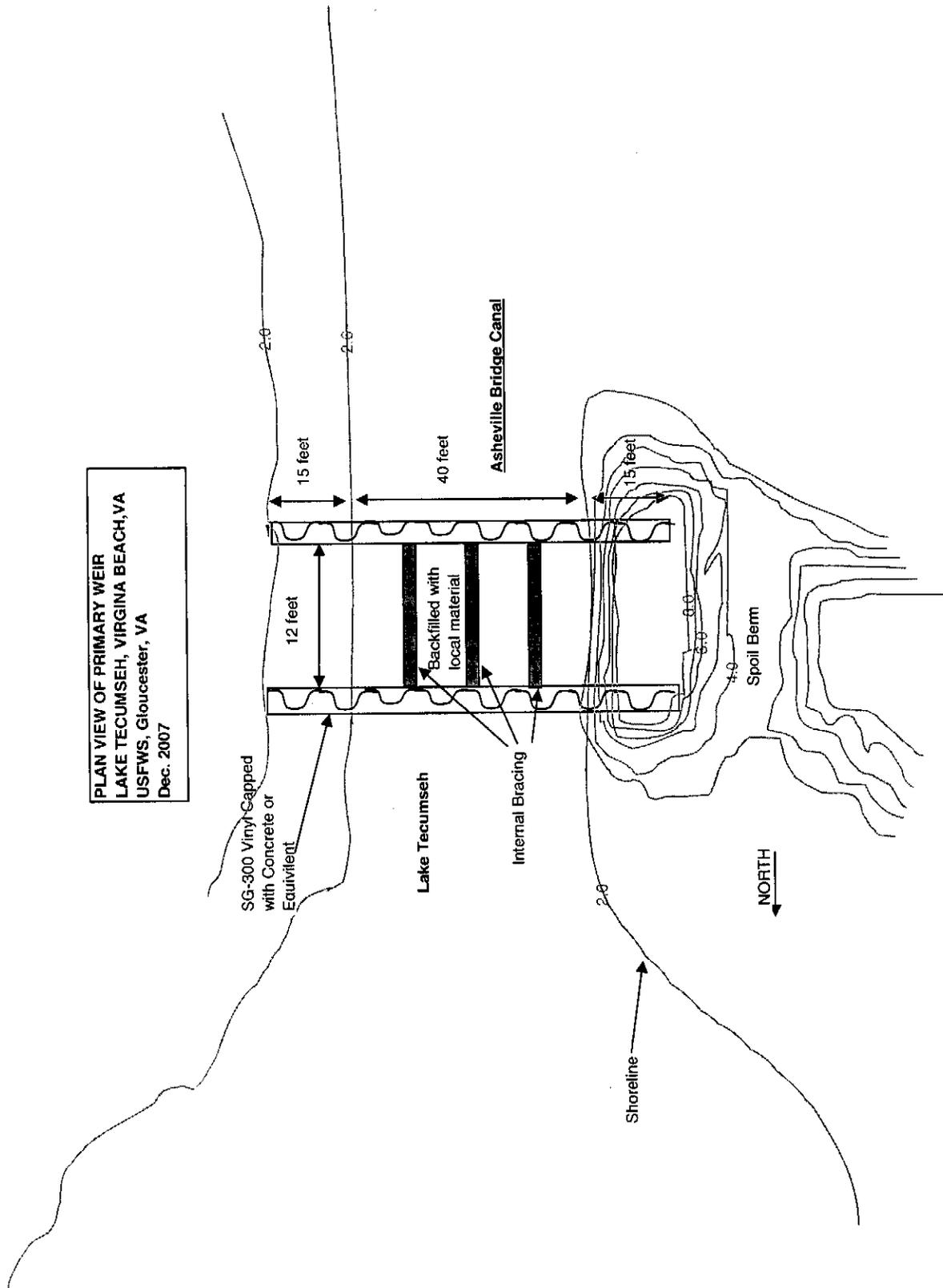


MAP LEGEND

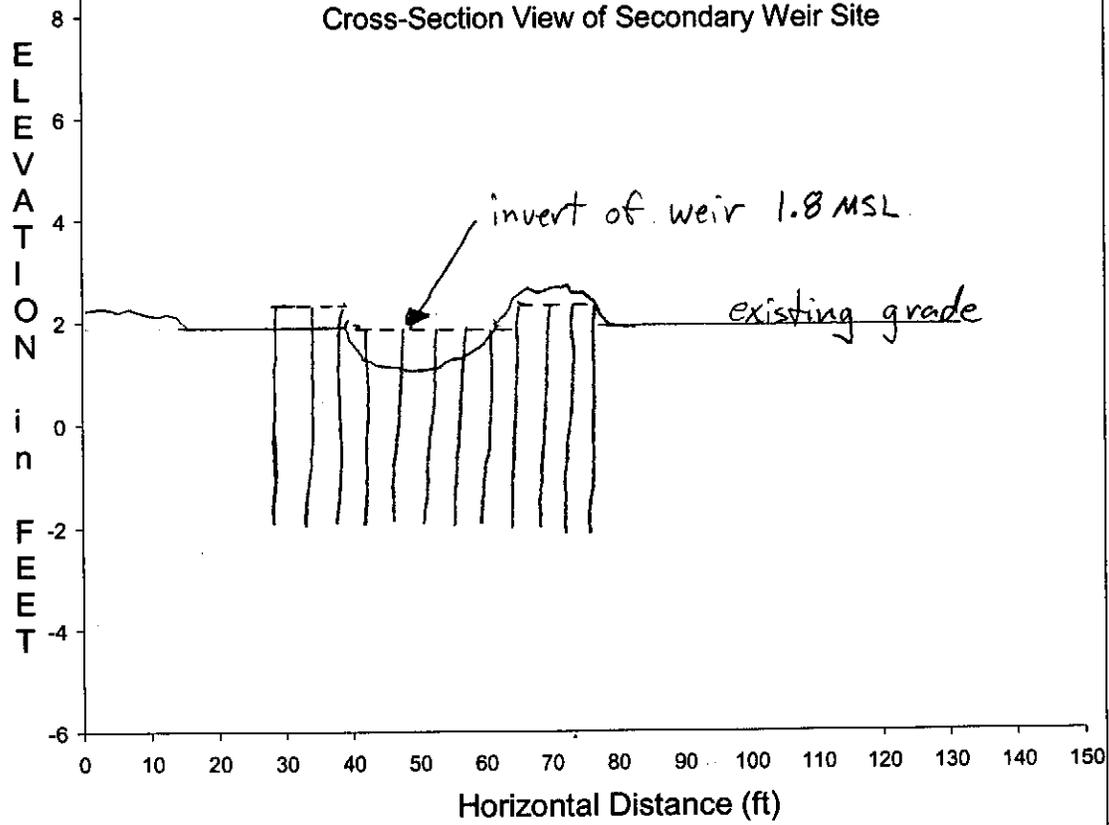
- Primary Weir Location - Elev. 2.2 MSL
- Secondary Weir Location - Elev. 1.7 MSL



Lake Tecumseh Conceptual View



Lake Tecumseh
Cross-Section View of Secondary Weir Site



Lake Tecumseh
Cross-Section View of Spoil Berm Rehabilitation

