

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 13, 2008

CENAO-REG
NAO-2007-2957 / 07-V1569

FEDERAL PUBLIC NOTICE

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

APPLICANT

Poquoson Marina Associates, LLC
ATTN: Brad Brown
5800 Lake Wright Drive, Suite 104
Norfolk, Virginia 23502

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located at the terminus of Rens Road at the existing Poquoson Marina property in White House Cove, a tributary to Bennett Creek, in Poquoson, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to mechanically dredge approximately 31,100 cubic yards of subaqueous material (7.17 acres) and intertidal vegetated wetlands (0.05 acre) to achieve depths ranging from -5' to -7' at mean low water. The applicant also proposes to construct a replacement bulkhead no more than two feet channelward of the existing failing bulkhead or along the toe of the existing riprap revetment, impacting 0.03 acre of intertidal vegetated wetlands. A gravel boat ramp is proposed, impacting 0.04 acre of subaqueous bottom, and a reconfiguration of the marina slips is proposed to eliminate 31 dry storage slips and to increase the number of wet slips from 158 to 164.

The proposal also entails the construction of a 3,582 square foot tidal mitigation area to compensate for the unavoidable impacts to vegetated wetlands on the remainder of the project. In order to construct this mitigation area, the applicant will perform grading activities in the intertidal area.

In addition to the required Department of the Army permit, the applicant must 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 and a permit from the Poquoson Wetlands Board. 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). White House Cove contains Essential Fish Habitat (EFH) for the life stages of 11 species including windowpane flounder (*Scopthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristus striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), red drum (*Sciaenops ocellatus*), dusky shark (*Charcharinus obscurus*), and sandbar shark (*Charcharinus plumbeus*). The habitat that this project would affect consists of subaqueous bottom with an average ambient depth of 6 feet at mean low water, and vegetated intertidal wetlands. The proposed project is described in Proposed Work and Purpose, above. Any recognized change in the EFH will be limited to the proposed deepening by mechanically dredging to a depth of between 5 and 7 feet at mean low water and by filling vegetated wetlands and subaqueous bottom to construct the bulkhead and boat ramp. The depths in remainder of the waterway will not be affected. No submerged aquatic vegetation (SAV) is to be impacted. Our assessment of the project leads us to a preliminary

determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Our rationale for this preliminary determination is based on the expected short-term nature of the increases in turbidity and changes in water temperature or salinity caused by the proposed dredging and filling. Furthermore, the loss of vegetated wetlands will be mitigated onsite through the construction of the proposed mitigation area. 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: Lesley Leonard, CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on March 18, 2008.

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

Lesley Leonard at (757) 201-7540 or at <mailto:lesley.d.leonard@usace.army.mil>

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment: Drawings



SOURCE: USGS QUAD POQUOSON WEST



WHR

Vanasse Hangen Brustlin, Inc.
 Transportation
 Land Development
 Environmental Services
 351 McLaws Circle, Suite 3
 Williamsburg, Virginia 23185
 (757) 220-0500 • Fax: (757) 220-6544

ADJACENT PROPERTY OWNERS:
 1. R. BAURLE
 2. D. CARPENTER, SR.

DATUM: MEAN LOW WATER

POQUOSON MARINA IMPROVEMENTS PROJECT

SITE LOCATION MAP

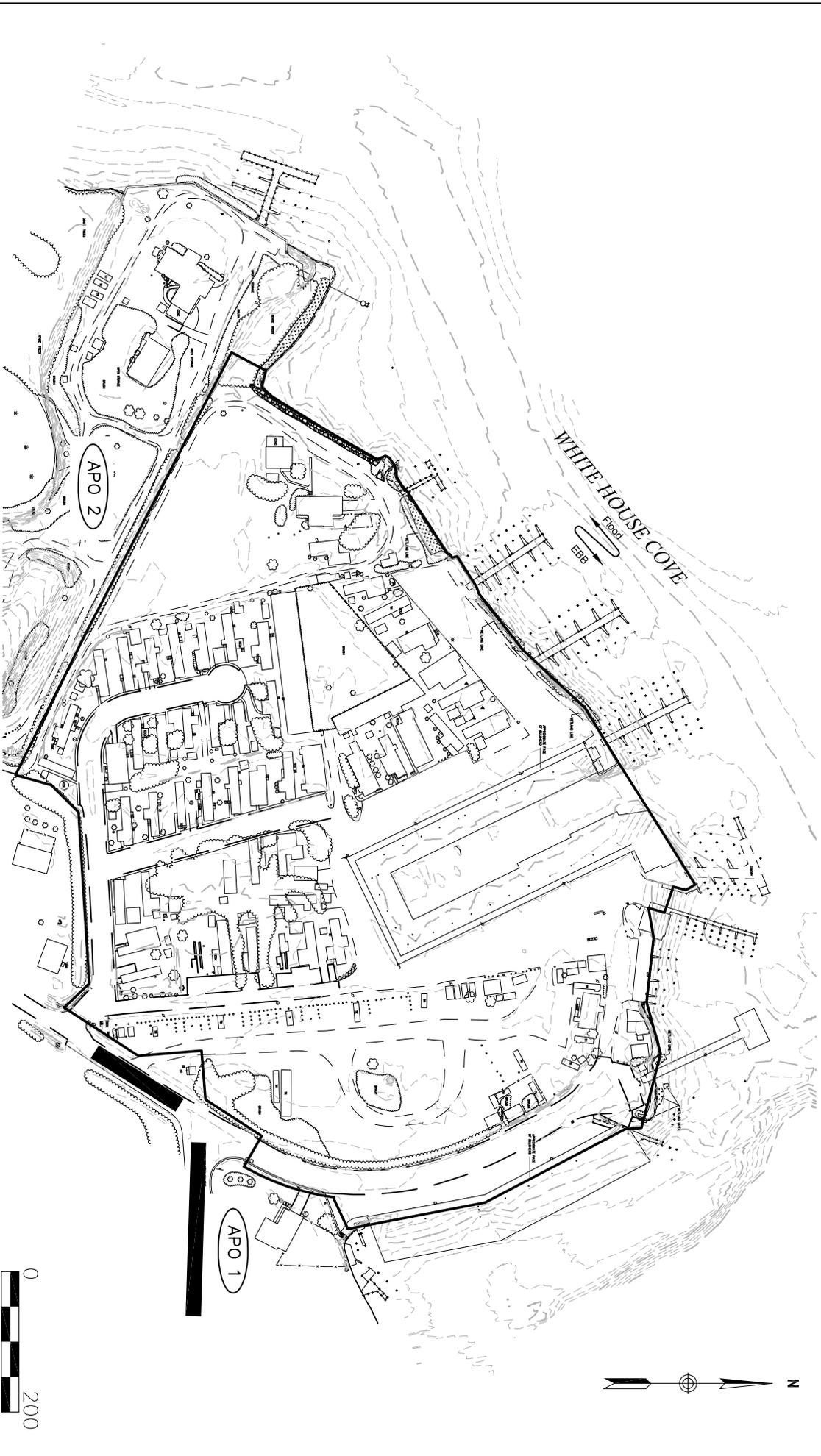
AT: WHITE HOUSE COVE
IN: POQUOSON, VIRGINIA

PURPOSE: MARINA IMPROVEMENTS
 SLIPS, BOAT RAMP, BULKHEAD

APPLICATION BY:
 POQUOSON MARINA ASSOC. LLC.

DATE: JULY, 2007

SHEET 1 OF 10



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ADJACENT PROPERTY OWNERS:

1. R. BAURLE
 2. D. CARPENTER, SR.

DATUM: MEAN LOW WATER

POQUOSON MARINA IMPROVEMENTS PROJECT

OVERALL EXISTING CONDITIONS

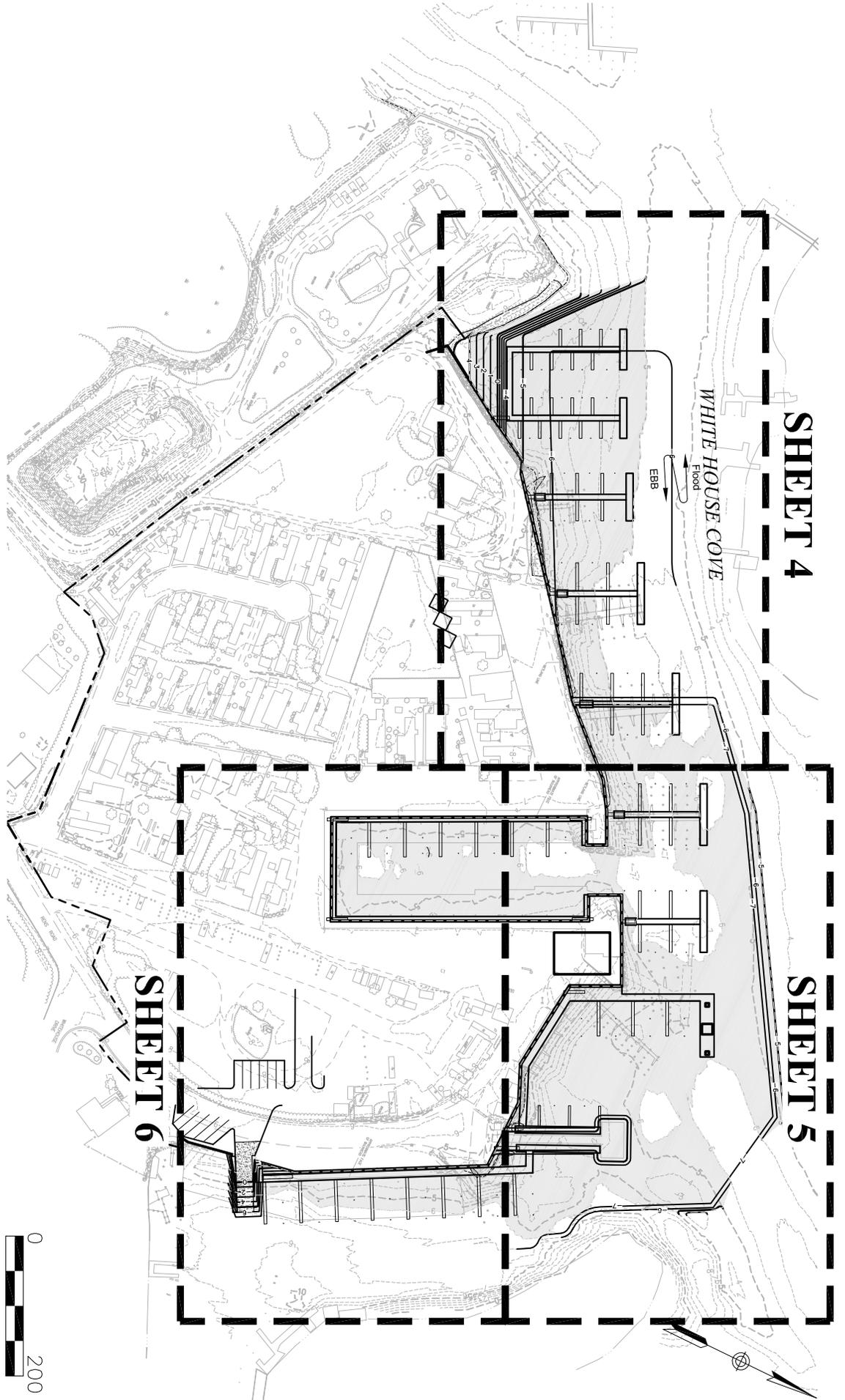
AT: WHITE HOUSE COVE
IN: POQUOSON, VIRGINIA

PURPOSE: MARINA IMPROVEMENTS
 SLIPS, BOAT RAMP, BULKHEAD

APPLICATION BY:
 POQUOSON MARINA ASSOC. LLC.

DATE: JULY, 2007

SHEET 2 OF 10



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 351 McAms Circle, Suite 3
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ADJACENT PROPERTY OWNERS:
 1. R. BAURLE
 2. D. CARPENTER, SR.

DATUM: MEAN LOW WATER

POQUOSON MARINA IMPROVEMENTS PROJECT
 OVERALL PROPOSED LAYOUT & SHEET INDEX

AT: WHITE HOUSE COVE
IN: POQUOSON, VIRGINIA

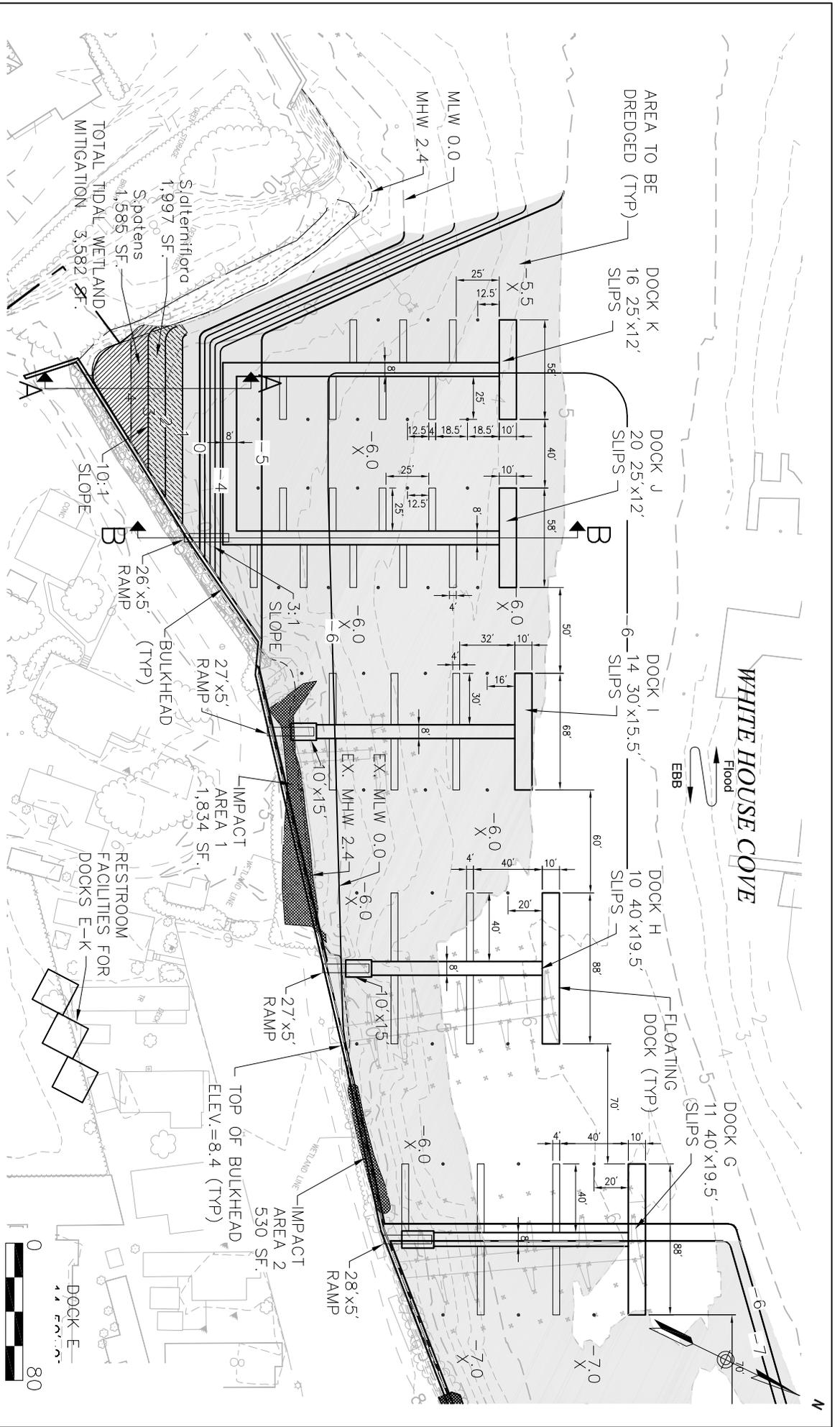
PURPOSE: MARINA IMPROVEMENTS
 SLIPS, BOAT RAMP, BULKHEAD

APPLICATION BY:
 POQUOSON MARINA ASSOC. LLC.

DATE: JULY, 2007

SHEET 3 OF 10

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VHB
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 351 McAfee Circle, Suite 3
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ADJACENT PROPERTY OWNERS:
 1. R. BAURLE
 2. D. CARPENTER, SR.

DATUM: MEAN LOW WATER

POQUOSON MARINA IMPROVEMENTS PROJECT

PROPOSED LAYOUT

AT: WHITE HOUSE COVE
IN: POQUOSON, VIRGINIA

PURPOSE: MARINA IMPROVEMENTS
SLIPS, BOAT RAMP, BULKHEAD

APPLICATION BY:
 POQUOSON MARINA ASSOC. LLC.

DATE: JULY, 2007
SHEET 4 OF 10

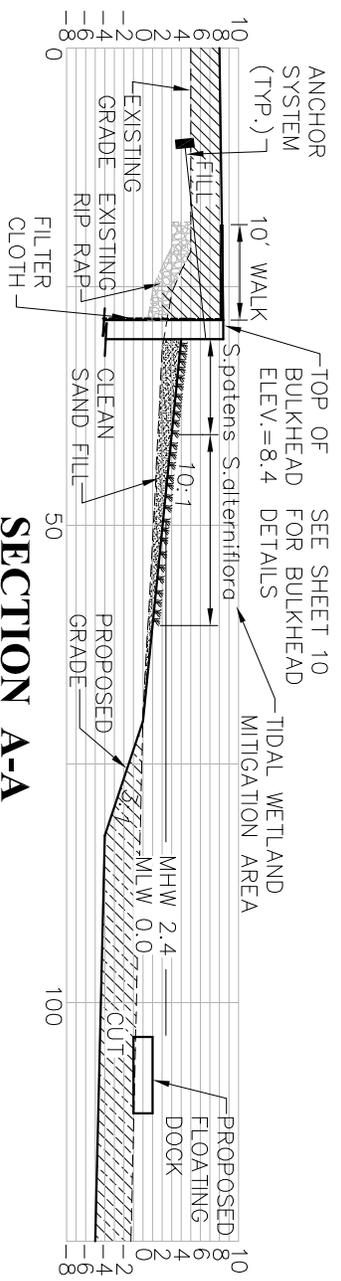


Marina Slip Counts

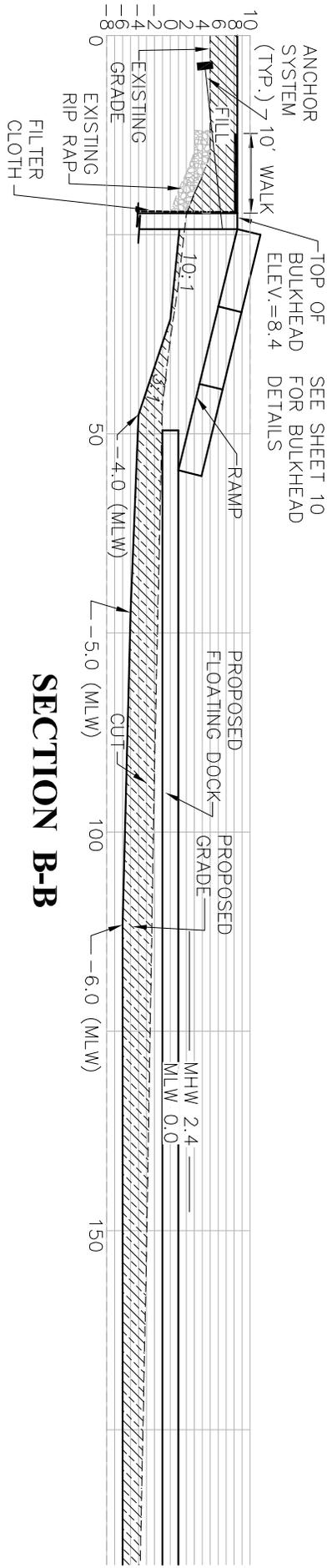
Dock	Wet Slips						Dock Total
	T-Pier	25'	30'	40'	50'	60'	
A						15	15
B			4	2*			6
C (FUEL DOCK)			7*		7		14
D	2*			10			12
E			10*		14		24
F	2*			10			12
G	2*			11			13
H	2*			10			12
I	2*		14				16
J	2*	20					22
K	2*	16					18
Total	14	36	35	43	21	15	164

* 33 TRANSIENT SLIPS

 Vanasse Hangen Brustlin, Inc. Transportation Land Development Environmental Services 351 McAms Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8944	ADJACENT PROPERTY OWNERS: 1. R. BAURLE 2. D. CARPENTER, SR.	POQUOSON MARINA IMPROVEMENTS PROJECT MARINA SLIP COUNT				APPLICATION BY: POQUOSON MARINA ASSOC. LLC.
	DATUM: MEAN LOW WATER	AT: WHITE HOUSE COVE IN: POQUOSON, VIRGINIA	PURPOSE: MARINA IMPROVEMENTS SLIPS, BOAT RAMP, BULKHEAD	DATE: JULY, 2007 SHEET 7 OF 10		



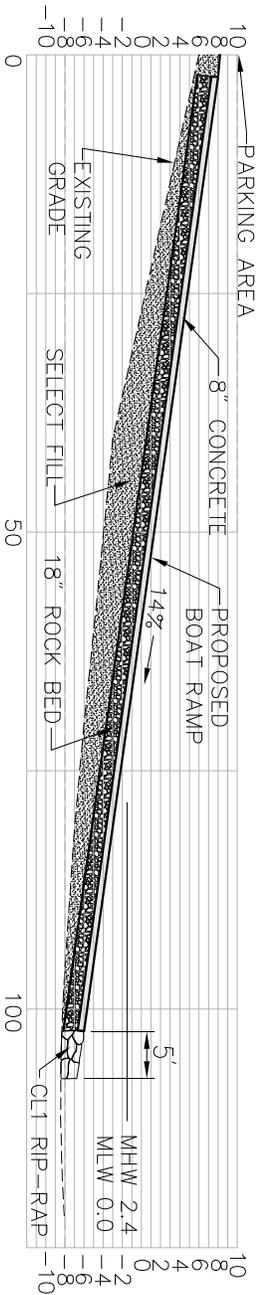
SECTION A-A



SECTION B-B

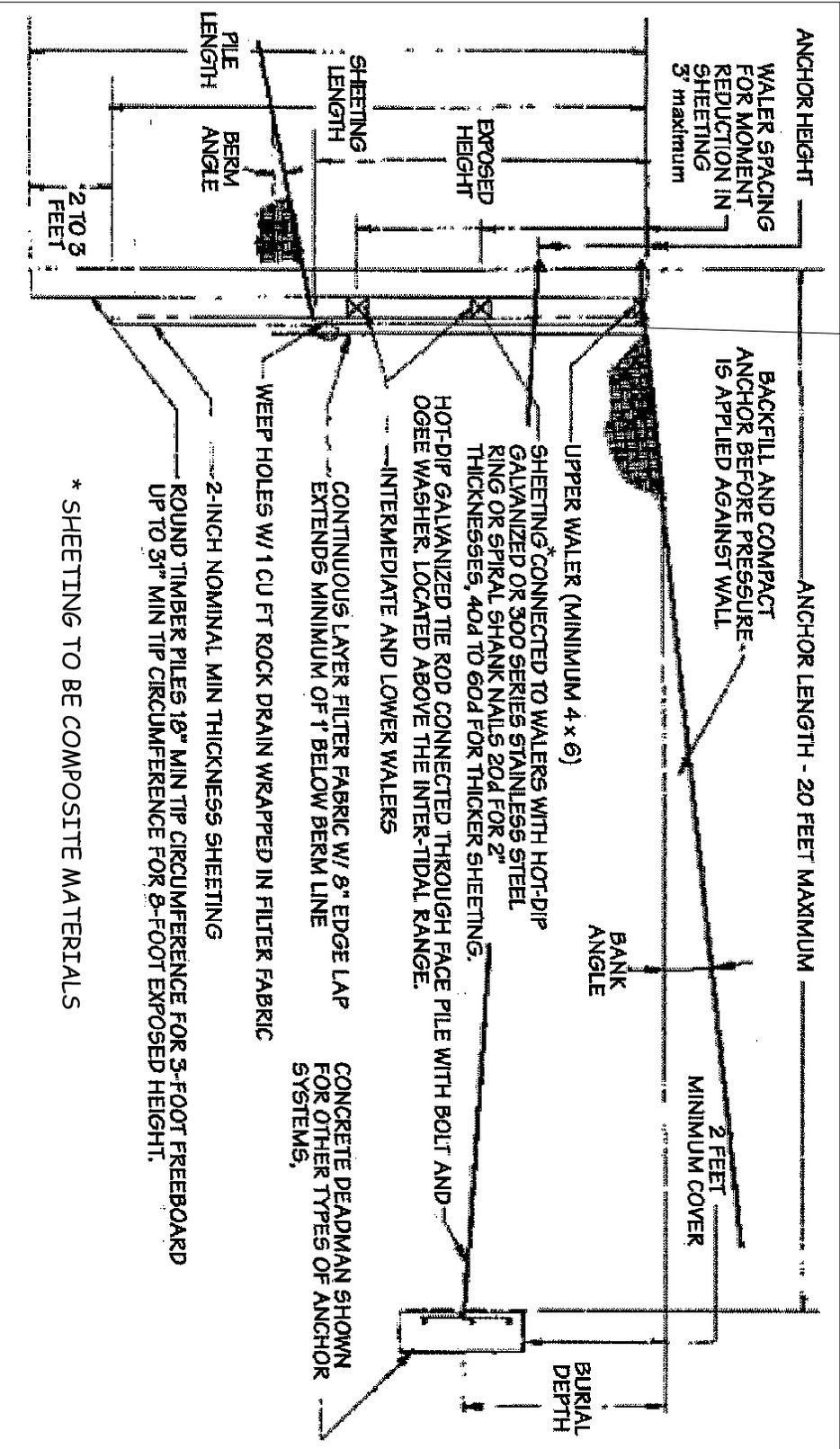
SCALE: H 1"=20'
V 1"=20'

 Vannasse Hangen Brustlin, Inc. Transportation Land Development Environmental Services 351 McAfee Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8944		ADJACENT PROPERTY OWNERS: 1. R. BAURLE 2. D. CARPENTER, SR.		POQUOSON MARINA IMPROVEMENTS PROJECT SECTIONS A-A & B-B		APPLICATION BY: POQUOSON MARINA ASSOC. LLC.	
		DATUM: MEAN LOW WATER		AT: WHITE HOUSE COVE IN: POQUOSON, VIRGINIA		PURPOSE: MARINA IMPROVEMENTS SLIPS, BOAT RAMP, BULKHEAD	



SECTION C-C

 VANASSE HANGEN BRUSTLIN, INC. Transportation Land Development Environmental Services 351 McAfee Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8944	ADJACENT PROPERTY OWNERS: 1. R. BAURLE 2. D. CARPENTER, SR.	POQUOSON MARINA IMPROVEMENTS PROJECT BOAT RAMP		APPLICATION BY: POQUOSON MARINA ASSOC. LLC.
	DATUM: MEAN LOW WATER	AT: WHITE HOUSE COVE IN: POQUOSON, VIRGINIA	PURPOSE: MARINA IMPROVEMENTS SLIPS, BOAT RAMP, BULKHEAD	DATE: JULY, 2007 SHEET 9 OF 10



—FACE OF NEW BULKHEAD TWO FEET CHANNELWARD OF EXISTING BULKHEAD

* SHEETING TO BE COMPOSITE MATERIALS

2-INCH NOMINAL MIN THICKNESS SHEETING

ROUND TIMBER PILES 18" MIN TIP CIRCUMFERENCE FOR 3-FOOT FREEBOARD UP TO 31" MIN TIP CIRCUMFERENCE FOR 8-FOOT EXPOSED HEIGHT.



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ADJACENT PROPERTY OWNERS:
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DATE: MEAN LOW WATER

POQUOSON MARINA IMPROVEMENTS PROJECT

STANDARD BULKHEAD DETAIL

AT: WHITE HOUSE COVE
IN: POQUOSON, VIRGINIA

PURPOSE: MARINA IMPROVEMENTS
SLIPS, BOAT RAMP, BULKHEAD

APPLICATION BY:
POQUOSON MARINA ASSOC. LLC.

DATE: JULY, 2007

SHEET 10 OF 10