

Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG
2008-00498/08-V0104

April 25, 2008

FEDERAL PUBLIC NOTICE

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

APPLICANT:

South Port Investors
C/O Eyre Baldwin
P.O Box 395
Eastville, Virginia 23347

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located at the site of an old commercial facility, south of and adjacent to the USCG station, North of Bayshore Road (SR. 1108), at the southeast end of Cape Charles Harbor, Town of Cape Charles, Northampton County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to create a boat/yacht maintenance and repair facility to repair yachts up to approximately 150 feet.

Specific Description of Proposed Work.:

The applicant will construct 381 linear feet of bulkhead and backfill extending from the Coast Guard Station on the north and tying into an existing bulkhead on the south. The bulkhead will be constructed 20 to 40 feet channelward of an irregularly eroded shoreline and existing bulkhead. A 30-foot by 40-foot boat basin will be excavated from upland areas and bulkheaded. A 6-foot wide by 100-foot long 150-ton pile supported travel-lift will be constructed from the boat basin and extend into the adjacent harbor. The bulkhead and backfill will impact 1427 square feet of vegetated wetlands and 2731 square feet of intertidal substrate.

The applicant will maintenance dredge for access in and adjacent to the Federal project channel to a depth of -18 feet at MLW. Approximately 15,000 cubic yards will be dredged from 180,000 square foot area of the harbor on the western end of the project. The dredging will extend eastward to the new bulkhead and is labeled "new dredging" by the applicant. Approximately 28,000 cubic yards will be removed from a 120,000 square foot area of harbor to a depth of -18 feet at MLW. The dredged material will be placed in an unspecified upland disposal area.

Along the southern shoreline of Cape Charles Harbor a 612-foot floating dock will be constructed adjacent to the bulkheaded uplands for 387 feet. The terminal 225 feet of floating dock will extend westerly into the waterway. This terminal 225-foot section will have a 35-foot wide 600-ton pile supported travel-lift on its southern side. A 75-foot by 59-foot pile supported travel-lift platform will be constructed on the eastern side of the travel lift.

A 15-foot wide by 140 foot long marginal floating dock will be constructed along the eastern bulkhead. A 280-foot long floating dock will be constructed ninety feet to the north of the southern floating dock and extend westward into the Harbor Basin.

The applicant proposes to mitigate nearby at an existing wetland located towards the southeast (that is tidally connected by a pipe under the road and through the proposed bulkhead).

The mitigation for the fill impacts will be performed by excavating a 6,705 square feet uplands area down to the adjacent vegetated wetland elevation and planting vegetated wetlands.

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 Northampton County 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 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.

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) in Bouges Bay. It contains Essential Fish Habitat (EFH) for the eggs, larvae, juvenile, and adult life stages of 17 species including red hake, winter flounder, windowpane flounder, Atlantic sea

herring, bluefish, summer flounder, scup, black sea bass, king mackerel, Spanish mackerel, cobia, red drum, sand tiger shark, dusky shark, sandbar shark, and scalloped hammerhead shark. The habitat, which this project would affect, consists of subtidal substrate within a commercial harbor. 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 a 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.

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.state.va.us.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business **May 12, 2008**.

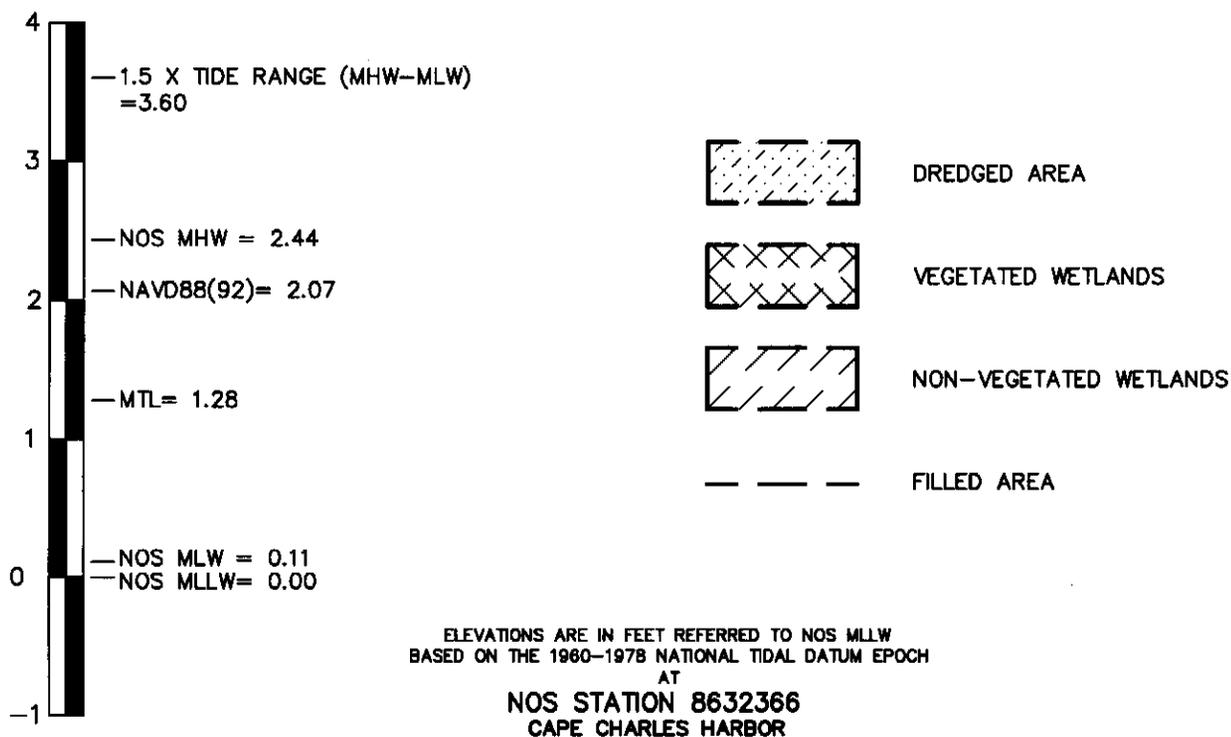
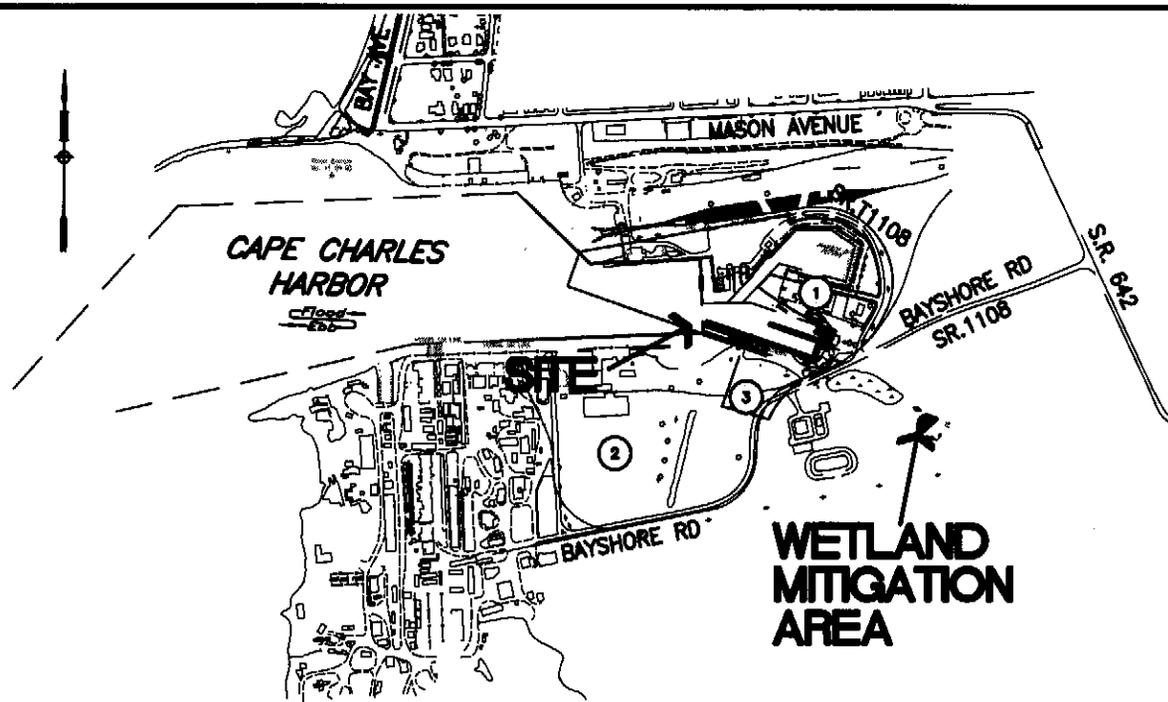
If you have any questions about this project or the permit process, please call me or e-mail:

U. S. Army Corps of Engineers,
Phone: (757) 201-2684
E-mail: nicholas.l.konchuba@usace.army.mil

FOR THE DISTRICT ENGINEER:

Nicholas L. Konchuba
Chief, Eastern Virginia
Regulatory Section

Attachment: Drawings



DATUM DIAGRAM

PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS
- ④
- ⑤
- ⑥

PERMIT APPLICATION

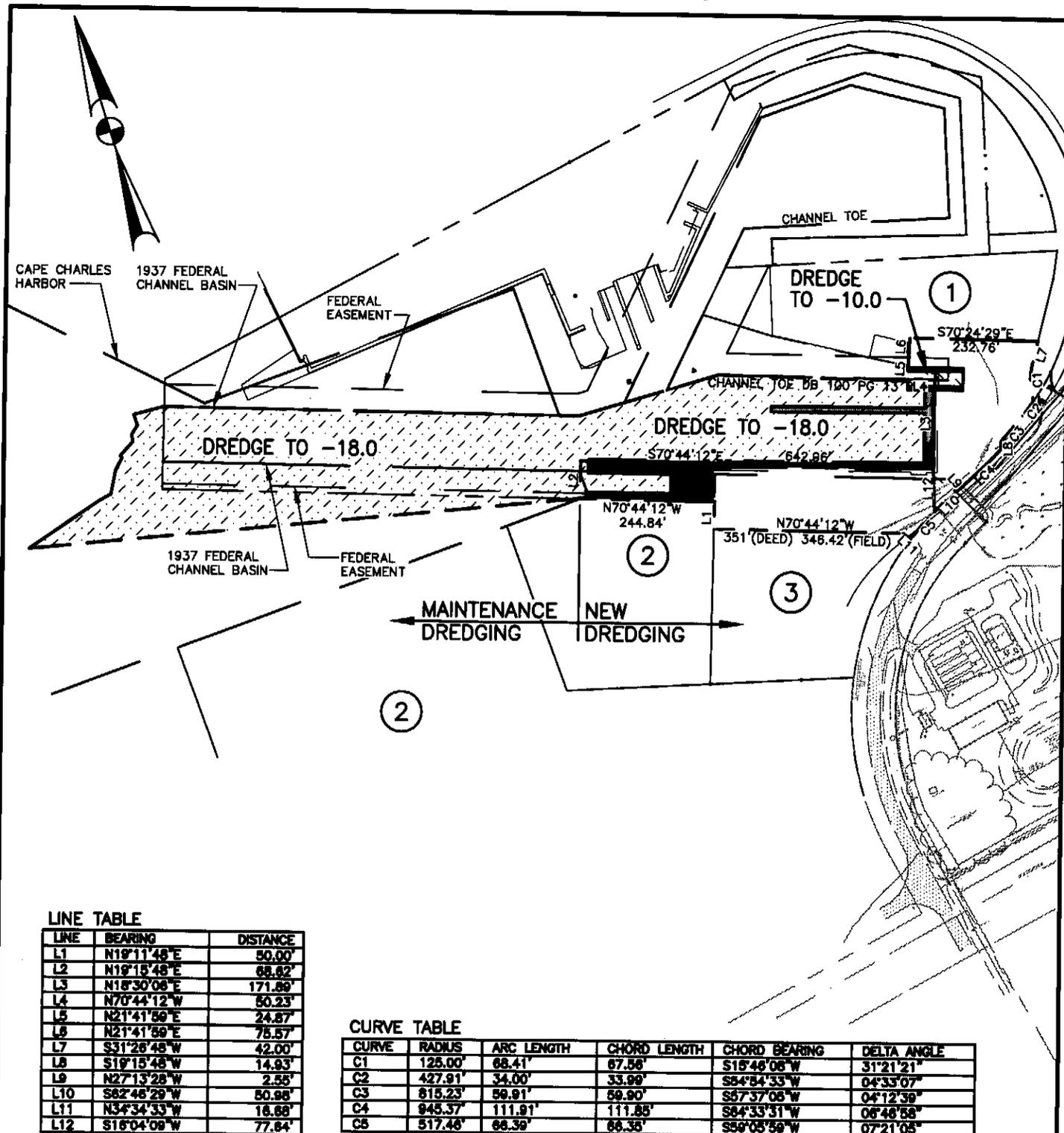
VICINITY MAP

Langley and McDonald, Inc
Engineers Planners Surveyors
309 LYNNHAVEN PARKWAY
VIRGINIA BEACH, VIRGINIA 23452
757-463-4306 (FAX) 757-463-3563

IN : CAPE CHARLES
AT : SOUTH PORT INVESTORS
CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
SOUTHPORT AT CAPE CHARLES
DATE: 02/29/08
SCALE : 1" = 1000'

SHT. 1 OF 11



PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS
- ④
- ⑤
- ⑥

PERMIT APPLICATION

DREDGE PLAN

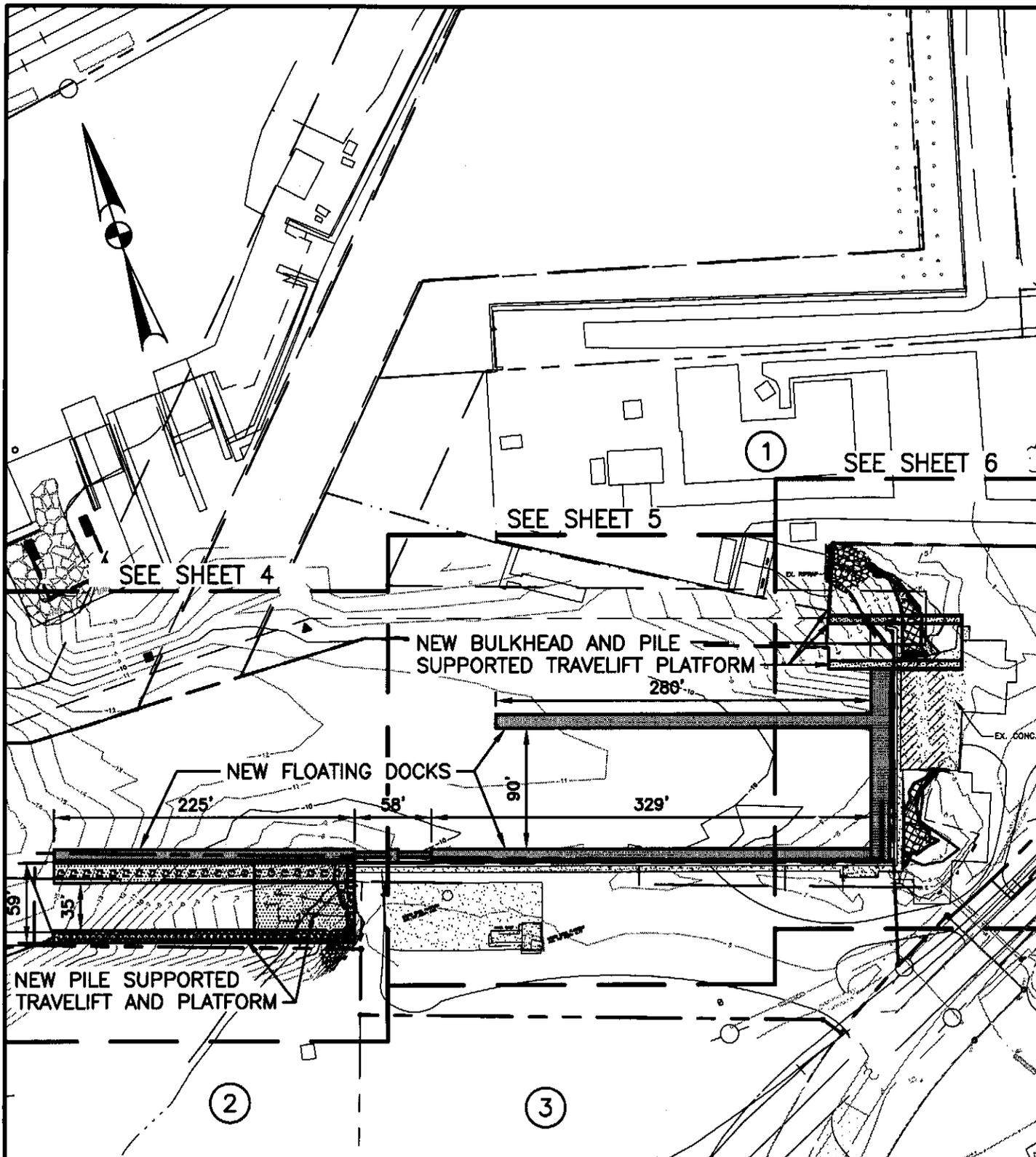
Langley and McDonald, Inc
 Engineers Planners Surveyors
 309 LYNNHAVEN PARKWAY
 VIRGINIA BEACH, VIRGINIA 23452
 757-463-4306 (FAX) 757-463-3563

IN : CAPE CHARLES
 AT : SOUTH PORT INVESTORS
 CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
 SOUTHPORT AT CAPE CHARLES
 DATE: 02/29/08

SCALE : 1" = 250'

SHT. 2 OF 11



PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS

PERMIT APPLICATION

TRAVELIFT KEY PLAN

Langley and McDonald, Inc

Engineers Planners Surveyors

309 LYNNHAVEN PARKWAY

VIRGINIA BEACH, VIRGINIA 23452

757-463-4306 (FAX) 757-463-3563

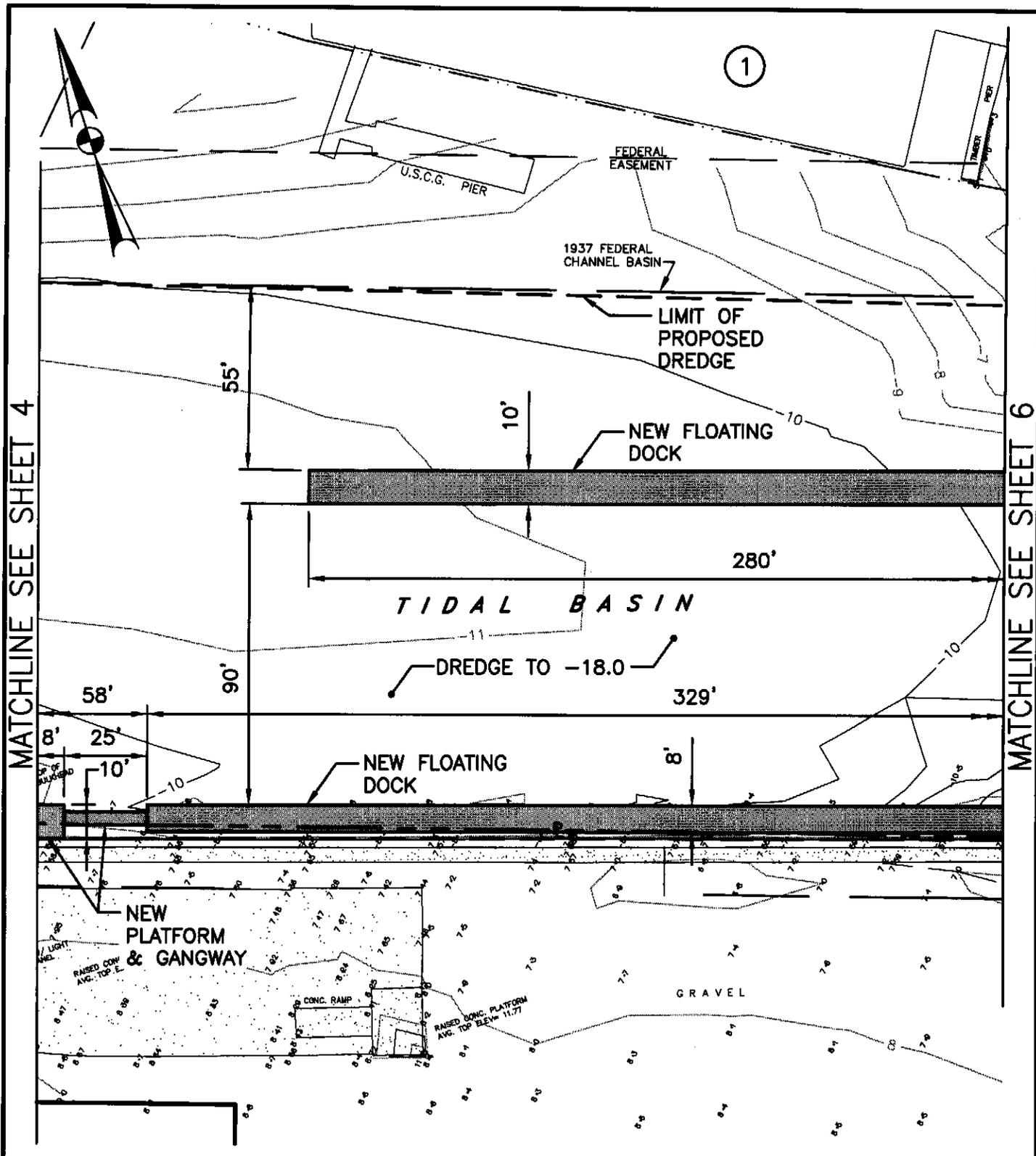
IN : CAPE CHARLES
 AT : SOUTH PORT INVESTORS
 CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
 SOUTHPORT AT CAPE CHARLES

DATE: 02/29/08

SCALE : 1" = 100'

SHT. 3 OF 11



PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS



PERMIT APPLICATION

PLAN VIEW

Langley and McDonald, Inc
 Engineers Planners Surveyors
 309 LYNNHAVEN PARKWAY
 VIRGINIA BEACH, VIRGINIA 23452
 757-463-4306 (FAX) 757-463-3563

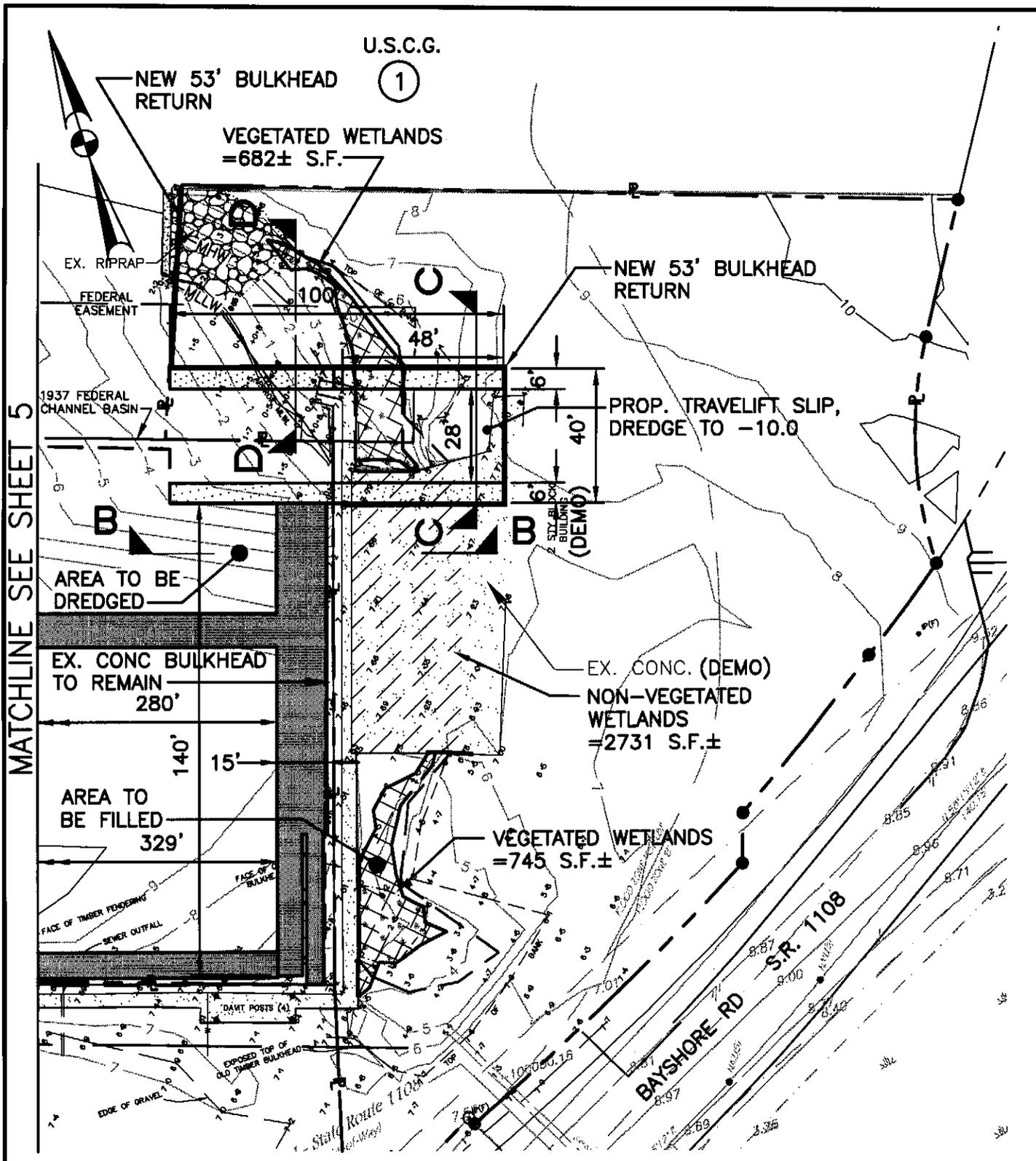
IN : CAPE CHARLES
 AT : SOUTH PORT INVESTORS
 CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
 SOUTHPORT AT CAPE CHARLES

DATE: 02/29/08

SCALE : 1" = 40'

SHT. 5 OF 11



MATCHLINE SEE SHEET 5

PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS

PERMIT APPLICATION

PLAN VIEW

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 Engineers Planners Surveyors
 309 LYNNHAVEN PARKWAY
 VIRGINIA BEACH, VIRGINIA 23452
 757-463-4306 (FAX) 757-463-3563

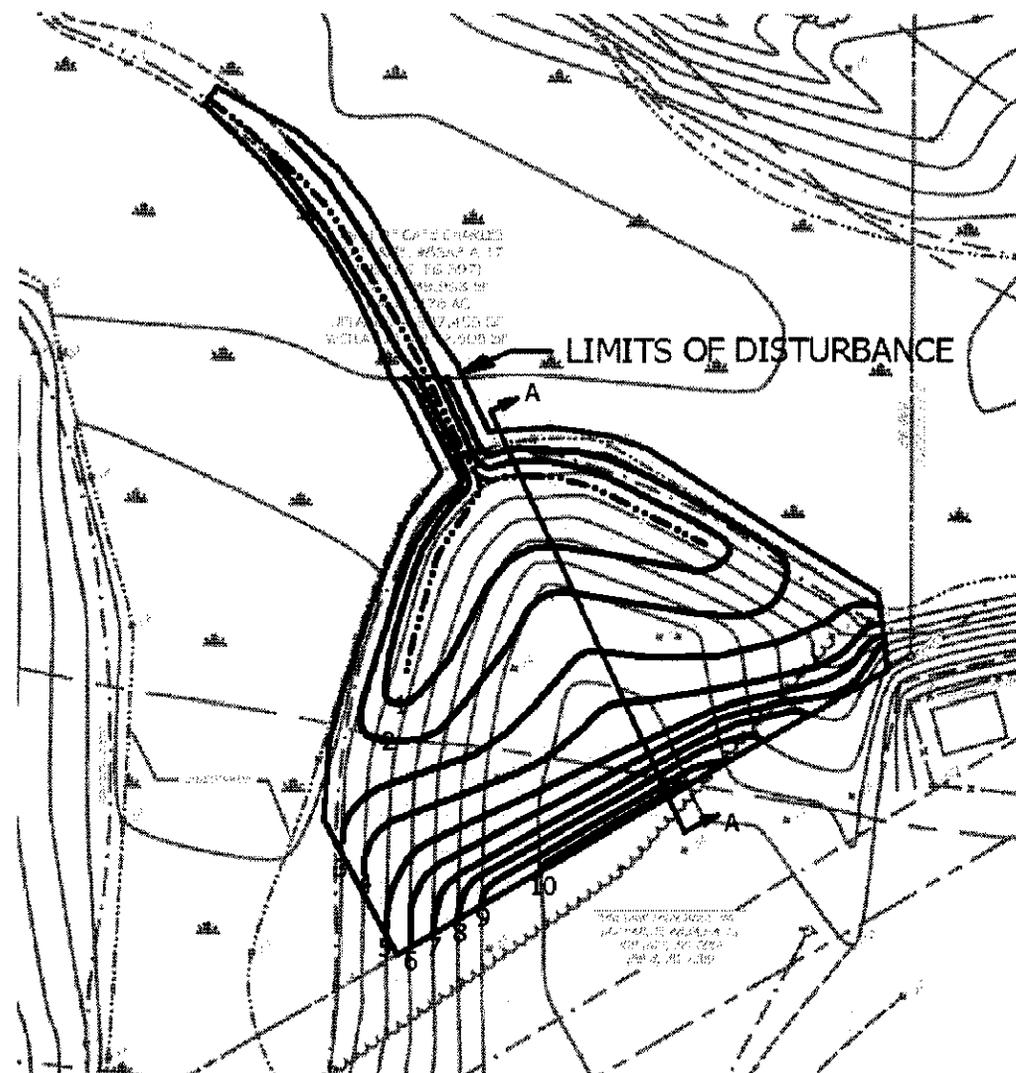
IN : CAPE CHARLES
 AT : SOUTH PORT INVESTORS
 CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
 SOUTHPORT AT CAPE CHARLES

DATE: 02/29/08

SCALE : 1" = 40'

SHT. 6 OF 11



PROPOSED GRADES SHOWN IN NAVD88



NORTH

SHT. 7 OF 11

SCALE: 1" = 40'

DATE: 2/26/08

BAY # 08-028-01

DRAWN BY: CJC

CONCEPTUAL GRADING PLAN

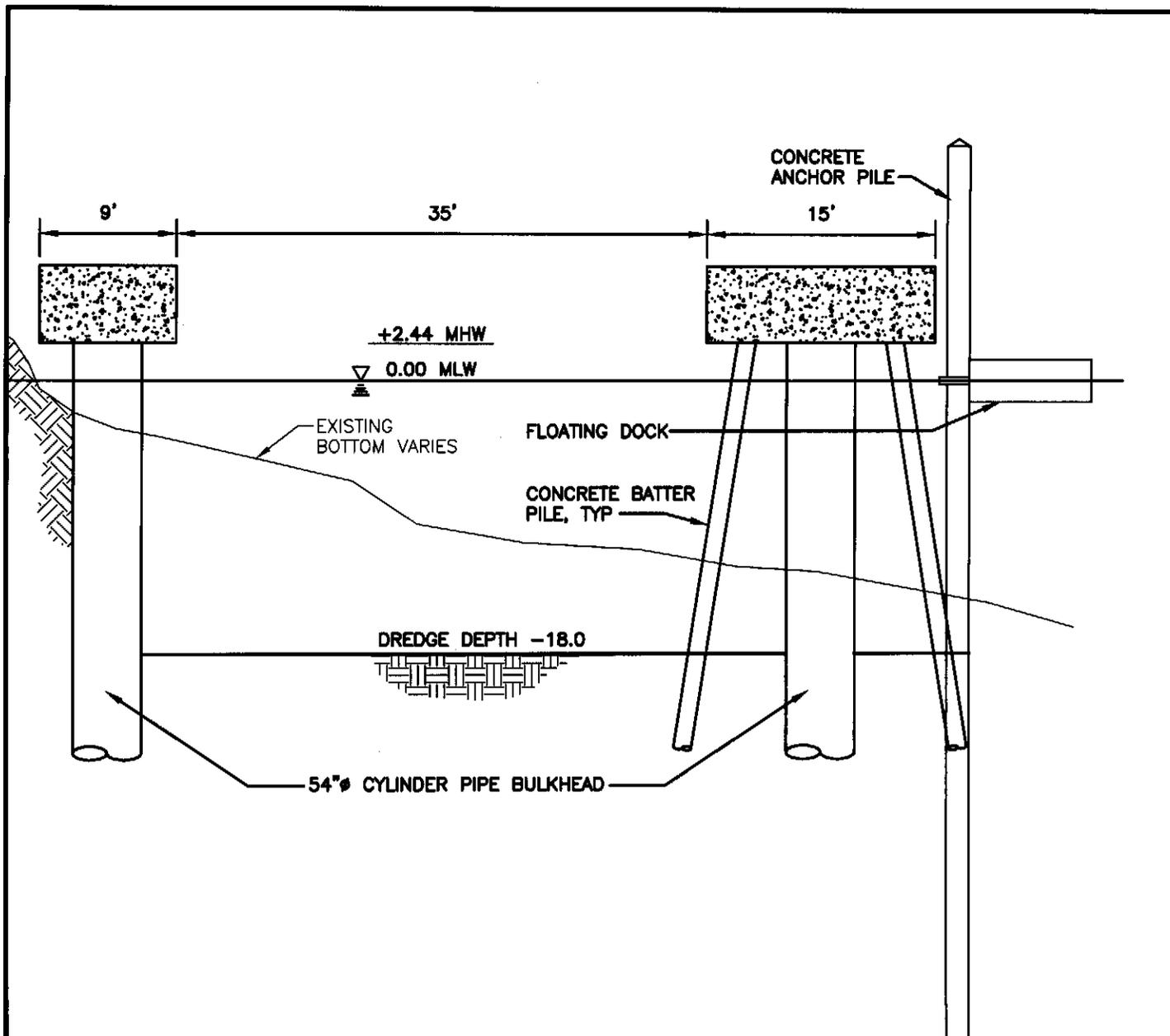
WETLAND MITIGATION PLAN

PROPOSED SOUTHPORT

CAPE CHARLES, VIRGINIA



Environmental Consulting Services
P. O. Box 2666 Chesapeake, VA 23327



SECTION A
SCALE 1" = 5'

PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS

④
⑤
⑥

PERMIT APPLICATION

SECTIONS

Langley and McDonald, Inc
Engineers Planners Surveyors
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VIRGINIA BEACH, VIRGINIA 23452
757-463-4306 (FAX) 757-463-3563

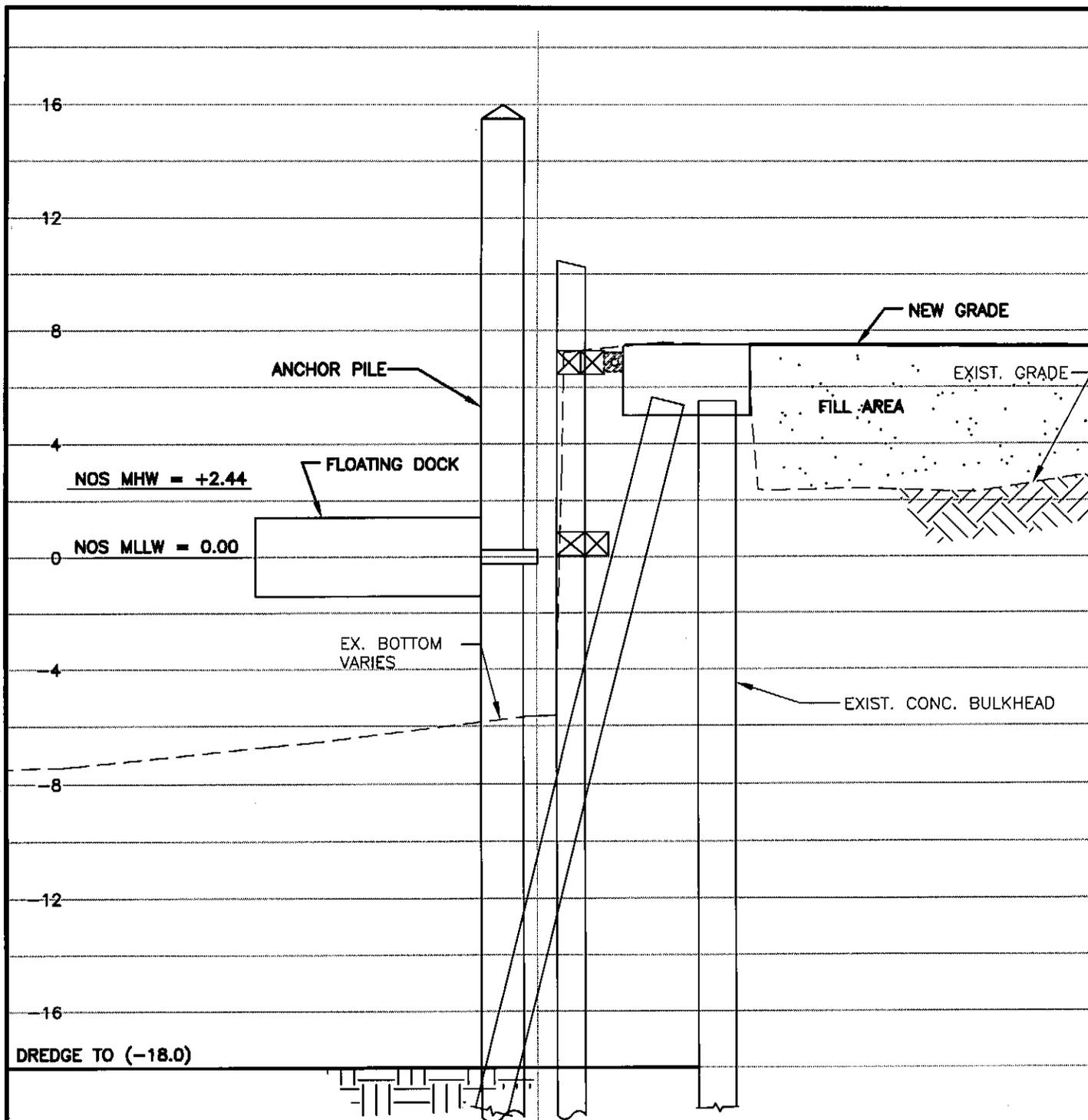
IN : CAPE CHARLES
AT : SOUTH PORT INVESTORS
CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
SOUTHPORT AT CAPE CHARLES

DATE: 02/29/08

SCALE : 1" = 5'

SHT. 8 OF 11



SECTION B
SCALE 1" = 5'

PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS
- ④
- ⑤
- ⑥

PERMIT APPLICATION

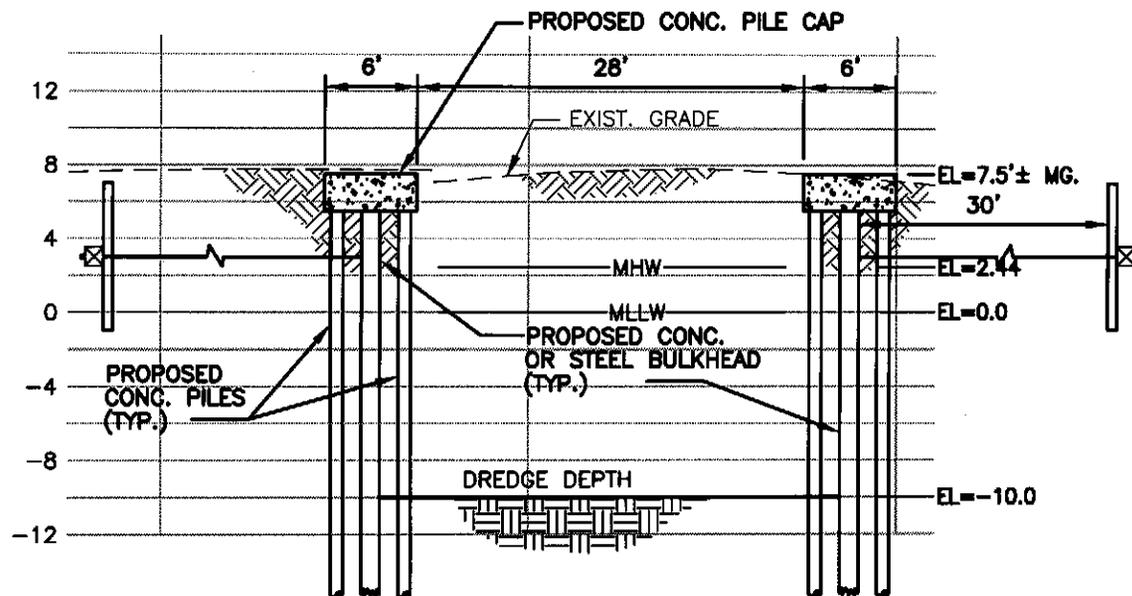
SECTIONS

Langley and McDonald, Inc
Engineers Planners Surveyors
309 LYNNHAVEN PARKWAY
VIRGINIA BEACH, VIRGINIA 23452
757-463-4306 (FAX) 757-463-3563

IN : CAPE CHARLES
AT : SOUTH PORT INVESTORS
CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
SOUTHPORT AT CAPE CHARLES
DATE: 02/29/08
SCALE : 1" = 5'

SHT. 9 OF 11



SECTION C
SCALE 1" = 10'

PURPOSE : NEW TRAVELIFT

DATUM : MLLW = 0.0

ADJACENT PROPERTY OWNERS

- ① UNITED STATES COAST GUARD
- ② HARBOR DEVELOPMENT GROUP
- ③ SOUTH PORT INVESTORS

④
⑤
⑥

PERMIT APPLICATION

SECTIONS

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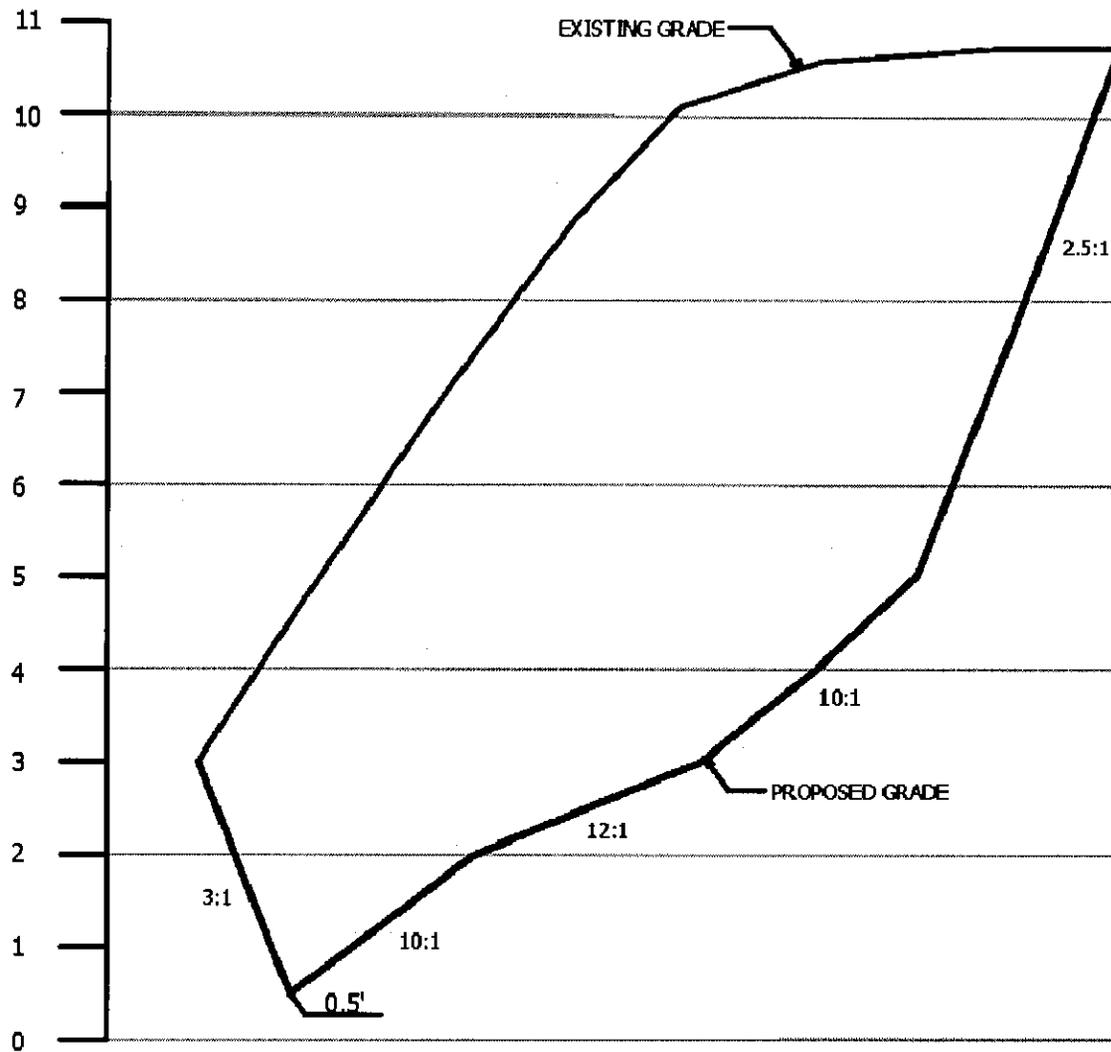
IN : CAPE CHARLES
AT : SOUTH PORT INVESTORS
CITY/COUNTY : CAPE CHARLES

APPLICATION BY :
SOUTHPORT AT CAPE CHARLES

DATE: 02/29/08

SCALE : 1" = 10'

SHT.10 OF 11



SECTION A-A

PROPOSED GRADES SHOWN IN NAVD88

SHT. 11 OF 11

NOT TO SCALE
 DATE: 2/26/08
 BAY # 08-028-01
 DRAWN BY: CJC

CONCEPTUAL CROSS SECTION
 WETLAND MITIGATION PLAN
 PROPOSED SOUTHPORT
 CAPE CHARLES, VIRGINIA

BAY
 ENVIRONMENTAL, INC.
 Environmental Consulting Services
 P. O. Box 2666 Chesapeake, VA 23327