



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG  
2008-00958/08-V0338

April 24, 2008

## FEDERAL PUBLIC NOTICE

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

### APPLICANT

Town of Cape Charles  
c/o Mr. Joe Vaccaro, Town Manager  
2 Plum Street  
Cape Charles, Virginia 23310

WATERWAY AND LOCATION OF THE PROPOSED WORK: Approximately 2020 feet channelward of the southern shoreline of Cape Charles, and west of the entrance channel to Cape Charles Harbor, Northampton County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct five (5) 400-foot long by 37-foot wide (bottom width) rock breakwaters. They will extend for 2,400 linear feet parallel to the entrance channel of Cape Charles Harbor Federal Navigation project. The breakwaters will have a 100-foot gap between each segment, and will cover 74,000 square feet of subtidal substrate. They will be placed on filter cloth and 12 inches of "stone bedding". They will be placed in approximately three (3) feet of water at MLLW, will extend 2.5 feet above MHW, and will have a total height of eight (8) feet. The channelward side will be composed of 2000 pound boulders placed on a 2:1 slope. The core will be composed of 36" to 54" concrete pipes. The landward side will be composed of 4-foot by 4-foot by 8-foot concrete blocks. Approximately 8222 cubic yards of material will break the plane of MHW. The purpose of the proposal is to protect Cape Charles Harbor from wave and wind energy.

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 Town of Cape Charles 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 "Chesapeake Bay" subtidal substrate. 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](mailto: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-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business **May 9, 2008**.

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

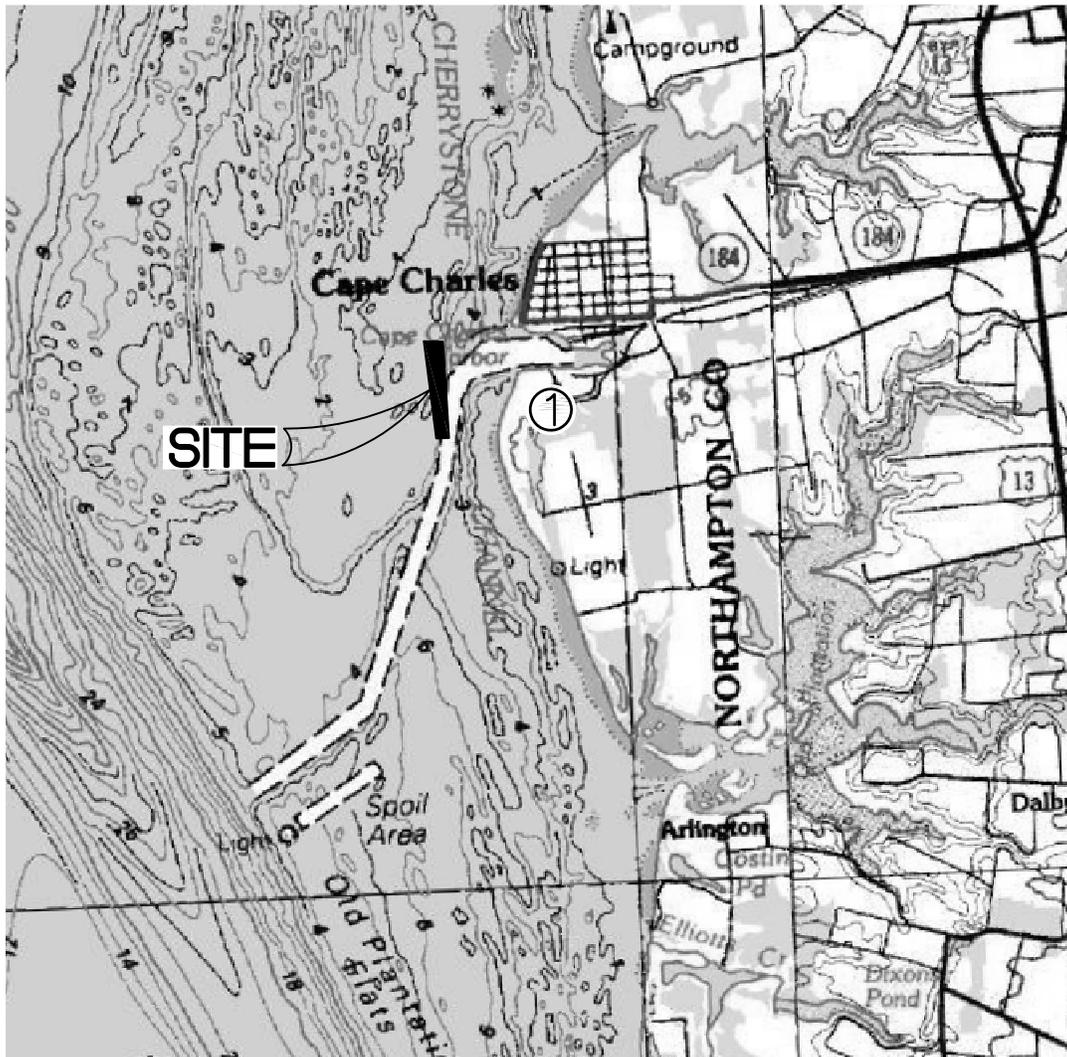
U. S. Army Corps of Engineers  
Nicholas L. Konchuba  
Phone: (757) 201-2684  
E-mail: [nicholas.l.konchuba@usace.army.mil](mailto:nicholas.l.konchuba@usace.army.mil)

FOR THE DISTRICT ENGINEER:



Nicholas L. Konchuba  
Chief, Eastern Virginia  
Regulatory Section

Attachment: Drawings



PURPOSE : NEW BREAKWATERS

DATUM : MLLW = 0.00

ADJACENT PROPERTY OWNERS

① BAYSHORE CONCRETE

## 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

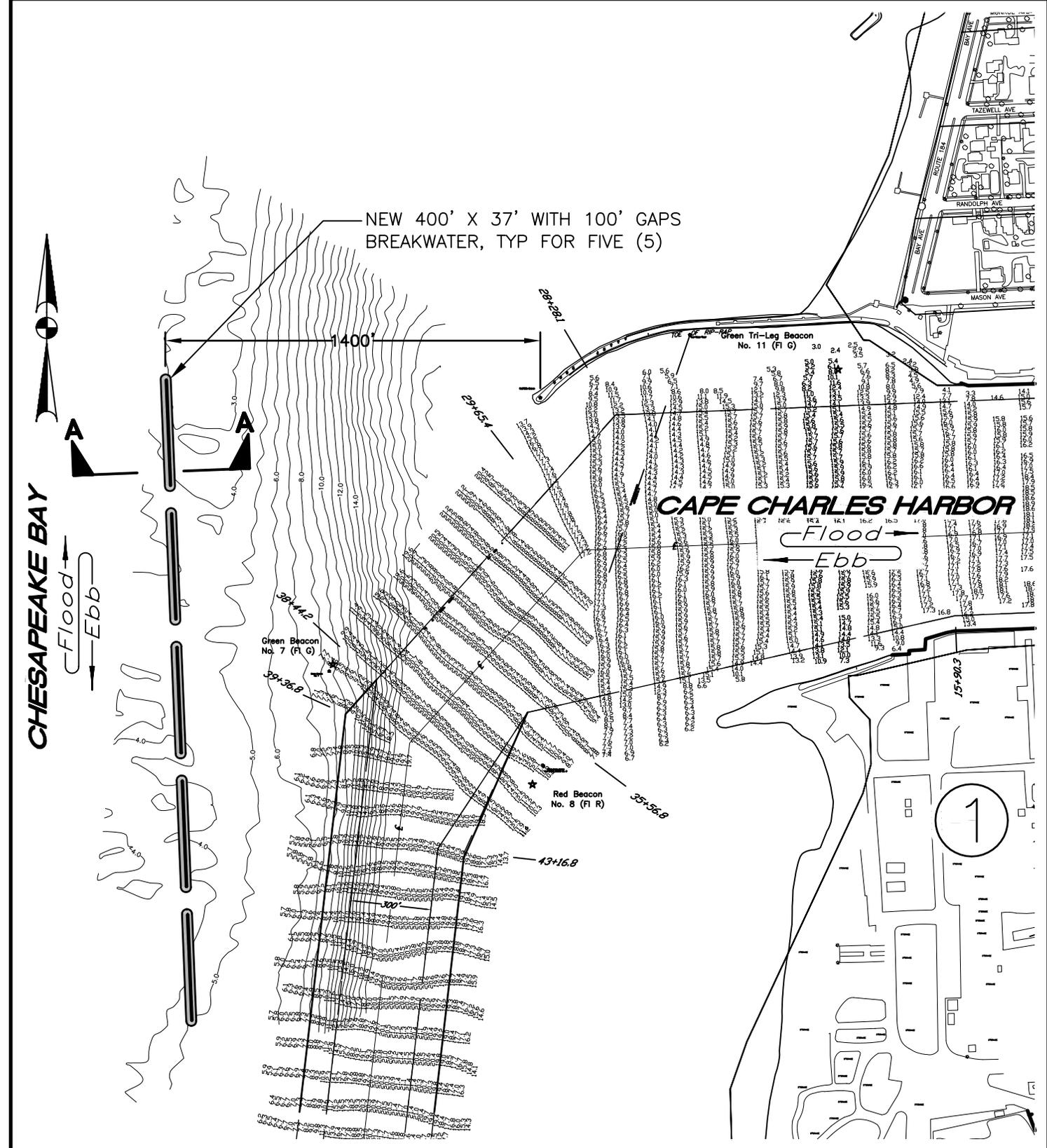
IN : CHESAPEAKE BAY  
AT : CAPE CHARLES  
CITY/COUNTY: CAPE CHARLES

APPLICATION BY: TOWN OF  
CAPE CHARLES

DATE: FEB 20, 2008

SCALE : 1" = 1 MILE

SHT. 1 OF 4



PURPOSE : NEW BREAKWATERS

DATUM : MLLW = 0.00

ADJACENT PROPERTY OWNERS

① BAYSHORE CONCRETE

## PERMIT APPLICATION

### KEY MAP

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

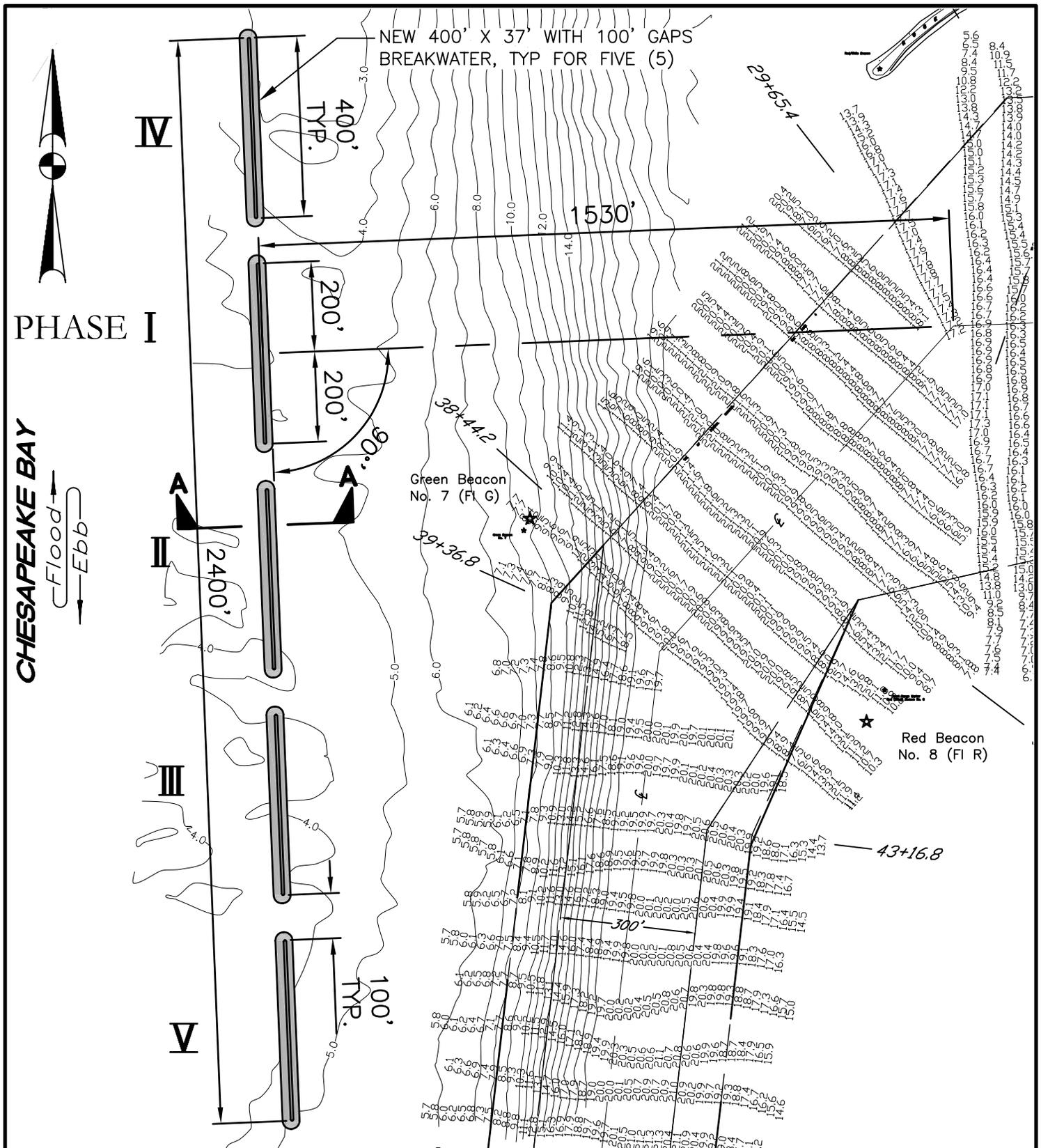
IN : CHESAPEAKE BAY  
 AT : CAPE CHARLES  
 CITY/COUNTY: CAPE CHARLES

APPLICATION BY: TOWN OF  
 CAPE CHARLES

DATE: FEB 20, 2008

SCALE : 1" = 500'

SHT. 2 OF 4



PURPOSE : NEW BREAKWATERS

DATUM : MLLW = 0.00

ADJACENT PROPERTY OWNERS

① BAYSHORE CONCRETE

**PERMIT APPLICATION**

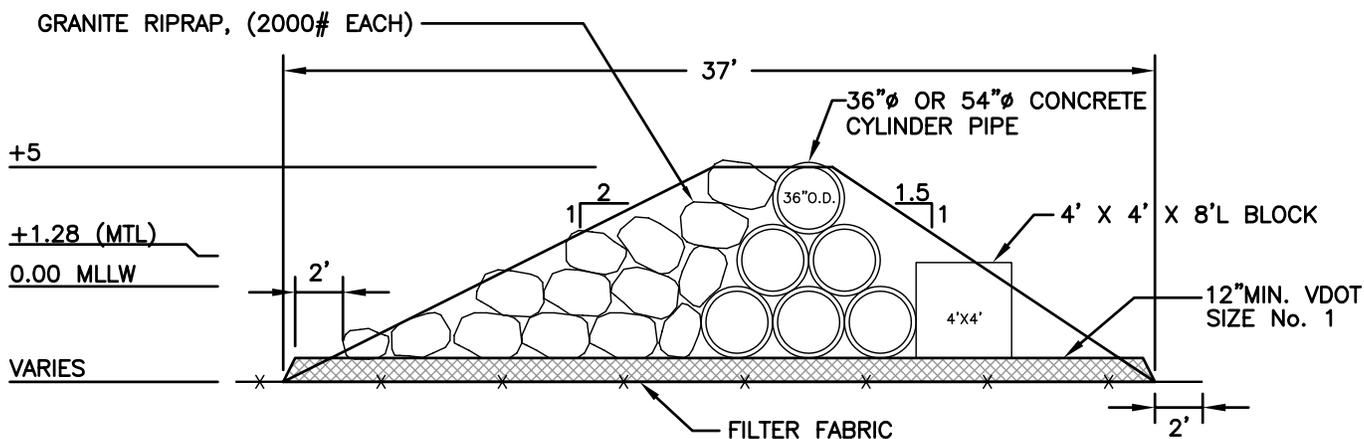
**PLAN VIEW**

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

IN : CHESAPEAKE BAY  
 AT : CAPE CHARLES  
 CITY/COUNTY: CAPE CHARLES

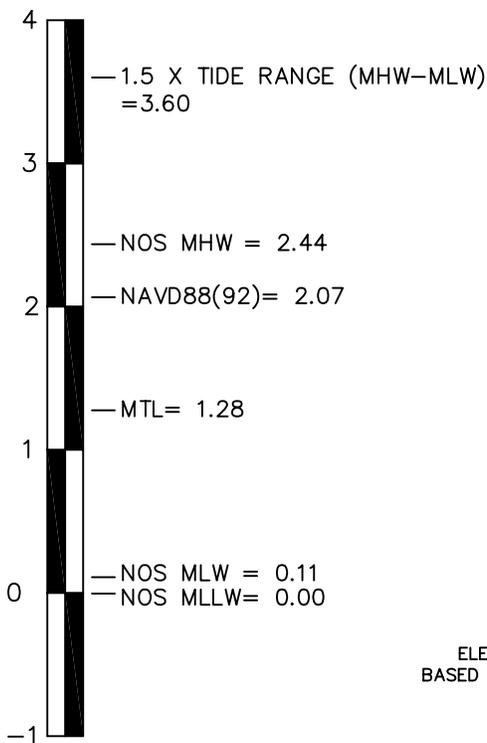
APPLICATION BY: TOWN OF  
 CAPE CHARLES

DATE: FEB 20, 2008  
 SCALE : 1" = 300'  
 SHT. 3 OF 4



## TYPICAL BREAKWATER SECTION

SECTION A-A  
SCALE 1/8" = 1'



ELEVATIONS ARE IN FEET REFERRED TO NOS MLLW  
BASED ON THE 1960-1978 NATIONAL TIDAL DATUM EPOCH  
AT  
NOS STATION 8632366  
CAPE CHARLES HARBOR

DATUM DIAGRAM  
NOT TO SCALE

PURPOSE : NEW BREAKWATERS

DATUM : MLLW = 0.00

ADJACENT PROPERTY OWNERS  
① BAYSHORE CONCRETE

## PERMIT APPLICATION

### BREAKWATER PLAN VIEW

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

IN : CHESAPEAKE BAY  
AT : CAPE CHARLES  
CITY/COUNTY: CAPE CHARLES

APPLICATION BY: TOWN OF  
CAPE CHARLES

DATE: FEB 20, 2008

SCALE : 1" = 8'

SHT. 4 OF 4