



**DRAFT
FINDING OF NO SIGNIFICANT IMPACT**

**NORFOLK HARBOR NAVIGATION IMPROVEMENTS MEETING AREA VALIDATION
REPORT/SUPPLEMENTAL ENVIRONMENTAL ASSESSEMENT
HAMPTON ROADS, VIRGINIA**

The U.S. Army Corps of Engineers, Norfolk District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Final Validation Report and Supplemental Environmental Assessment (Validation Report/SEA) dated **TBD**, for the Norfolk Harbor Navigation Improvements Meeting Area (MA) Validation Study, addresses operational efficiency improvement opportunities and feasibility in the Norfolk Harbor and Channels MAs, in Hampton Roads, Virginia.

The Final Validation Report/SEA, incorporated herein by reference, evaluated MAs to improve operational and navigational efficiency by allowing for two-way vessel traffic for commercial vessels currently using and projected to use the Norfolk Harbor and Channels. The scope of the proposed action is limited to a reevaluation of the MA1 and confirming the economic justification of the previously justified MA2. Meeting Area 1 was partially evaluated in the previously approved Norfolk Harbor Navigation Improvements General Reevaluation Report/Environmental Assessment (GRR/EA), but was not included in the Recommended Plan (RP; Preferred Alternative); only MA2 was included in the approved Norfolk Harbor Navigation Improvements GRR/EA. Section 1403 of the Water Resources Development Act (WRDA) of 2020 included a provision to authorize modifications to the Norfolk Harbor Navigations Improvements Project for this Validation Study (Thimble Shoal Channel (TSC) Widening). Per the WRDA 2020, additional widening of the TSC was authorized provided the modifications do not exceed the maximum 902 cost limitations of the previously approved project. Meeting Area 1 has been reevaluated due to ongoing concerns about the inefficiencies experienced by commercial vessels and due to changes in the fleet forecast and associated economic benefits of the project. The RP for this validation study is the National Economic Development Plan and includes:

- Widening the TSC-West/MA1 to 1,400 feet and deepening to a required depth of -56 feet for 5.1 statute miles and associated dredged material placement;
- Reaffirm the economic justification at current price levels of widening the TSC-East/MA2 to 1,300 feet wide and deepening to a required depth of -56 feet, as previously authorized.

The RP for this validation study includes construction and maintenance of these features. Dredged material placement could occur at the Dam Neck Ocean Disposal Site (DNODS), the Norfolk Ocean Disposal Site (NODS), and the Craney Island Dredged Material Management Area (CIDMMA) for this project. Portions of the dredged material may be suitable for beneficial use. Beneficial use projects are encouraged and would be coordinated separately from this project based on schedule and sponsor availability. They must also be individually authorized for such use. General operation and maintenance of the CIDMMA would continue with or without implementation of the Preferred Alternative. The project



construction began in 2020 and following construction, channel depths would be maintained over the 50-year lifecycle of the project.

In addition to a “no action” plan, one other alternative was evaluated.¹ The other alternative includes the features described previously for the RP as this alternative is now described as the RP.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the RP are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the RP. Best management practices (BMPs) as detailed in the Validation Report/SEA will be implemented, if appropriate, to minimize impacts.

- Best management practices will be implemented during dredging to minimize disturbances to the environment. For example, agitation and operation of the

¹ 40 CFR 1505.2(b) requires a summary of the alternatives considered.



cutterhead of a dredge will not begin until the cutterhead is in immediate contact with the substrate. A similar measure will be taken for hopper dredges. The dredge operator will not begin dredging until the draghead is in direct contact with the substrate. For both types of hydraulic dredges, this measure reduces the intake of water, and the potential uptake and entrainment of eggs, larvae, juvenile, and adult fish species. By lowering the cutterhead/draghead to the bottom, before starting the agitation and suction of water and sediment, potential impacts and losses of fish species and sea turtle entrainment in the vicinity of the dredge are minimized.

- To minimize air emissions associated with dredging vessels and dredge-related equipment, vessels and equipment will not be allowed to run idle and will be shut off to the extent practical when not in use.
- The National Marine Fisheries Service (NMFS) will be contacted three days prior to the commencement of any dredging operations to ensure all appropriate reporting forms will be used.
- To minimize entrainment during dredging operations Turtle Excluder Devices will be used on dragheads for hopper dredges. Turtle Exclusion Devices create a sand wave in front of the draghead and will "roll" a resting sea turtle on the bottom off to the side and out of the path of the draghead.
- National Marine Fisheries Service-approved observers will be present on all hopper dredges and perform 100% inspection of inflow and/or inspection of dragheads and turtle excluder devices when Munitions of Explosive Concern/Unexploded Ordinance (MEC/UXO) screens are utilized.
- All dredge operators will be trained on measures of dredge operation that will minimize the take of sea turtles. All personnel performing dredging operations will be notified of the potential presence of sea turtles and the need to avoid collisions with sea turtles. All personnel are responsible for observing water-related activities for the presence of these species. All personnel shall be notified that there are civil and criminal penalties for harming, harassing, or killing listed or other protected species.
- If a sea turtle is observed within 100 yards (300 feet) of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle. Operation of any mechanical construction equipment shall cease immediately if a sea turtle is observed within a 50-foot radius of the equipment. Activities may not resume until the sea turtle has departed the project area of its own volition.
- Any collision with and/or injury to a sea turtle shall be reported within 24 hours to the NMFS's Protected Resources Division.
- The USACE will ensure all appropriate measures are taken to protect any sea turtles or listed sturgeon that survive hopper dredging entrainment. Although most sea turtles would not likely survive entrainment in hopper dredges, if a sea turtle were to survive the entrainment, the guidelines and procedures for handling live sea turtles entrained in hopper dredges as outlined in 50 CFR 223.206(d)(1) will be followed.



- Sea turtle relocation trawling will be initiated following the take of two sea turtles in a 24-hour period or four turtles within a two-month period.
- Unexploded ordinance screening devices shall be used on dredging equipment in locations with a potential threat of UXO detonation as defined by the USACE.
- Exposure to occupational health and safety hazards would be mitigated to the extent practical through adherence to an approved Work Safety Plan that incorporates standard work practices for handling contaminated sediments, screening/handling UXO, avoidance of slip and fall hazards, handling contaminated sediment, and wearing PPE.
- Standard specifications will be included in the construction plans specifying avoidance areas for archaeological site buffers at sites 44NR0054 and 44NR0055.
- A standard specification regarding protection, evaluation and treatment of archaeological discoveries will be included in construction plans

No compensatory mitigation is required as part of the RP.

Public review of the draft Report/SEA/EA and Finding of No Significant Impact (FONSI) will be completed on 19 December 2021. All comments submitted during the public review period will be responded to in the Final Report/SEA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the NMFS issued the Construction and Maintenance of Chesapeake Bay Entrance Channels and Use of Sand Borrow Areas for Beach Nourishment Biological Opinion dated 5 October 2018, that determined that the RP will not jeopardize the continued existence of the following Federally listed species: Atlantic sturgeon, green sea turtle, Kemp's ridley sea turtle, and loggerhead sea turtle. All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

Pursuant to Section 7 of the Endangered Species Act of 1973, the RP may affect but is not likely to adversely affect the following Federally listed species or their designated critical habitat under the jurisdiction of the NMFS: the shortnose sturgeon, whales (blue, fin, north Atlantic right, sei, and sperm), hawksbill sea turtle, and leatherback sea turtle. The NMFS concluded the RP may affect, but would not adversely affect Atlantic Sturgeon Critical Habitat. The NMFS provided this determination on 5 October 2018.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended the Corps determined that the RP may affect, but is not likely to adversely affect the following Federally listed species under the jurisdiction of the USFWS: the eastern black rail, piping plover, red knot, roseate tern, and west Indian manatee. The effect to the monarch butterfly candidate species would be may affect, not likely to adversely affect. There would be no effect to the following Federally listed species under the jurisdiction of the USFWS: American alligator, red-cockaded woodpecker, northern long-eared bat, sea turtles (green, hawksbill, Kemp's ridley, leatherback, and loggerhead), seabeach amaranth, and the northeastern tiger beetle. There is no critical habitat under the jurisdiction of the USFWS in the Action Area; there would be no



affect to critical habitat under the jurisdiction of the USFWS in the Action Area. The USFWS, Section 7 Endangered Species Act Self-Certification Letter was signed on 15 October 2021.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that historic properties would not be adversely affected by the RP. The Virginia Department of Historic Resources concurred with the determination on **TBD**.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the RP has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Environmental Appendix, Appendix C, of the Validation Report/SEA.

The Virginia Department of Environmental Quality (VDEQ) has waived water quality certification pursuant to Section 401 of the Clean Water Act, as follows. The Virginia Department of Environmental Quality, in a letter from Mr. David Paylor, Director of the VDEQ, to Colonel Jason Kelly, dated 2 October 2015, stated the VDEQ does not require a water quality certification for dredging or overboard disposal, provided a Federal Consistency Determination is obtained pursuant to the Coastal Zone Management Act (CZMA).

A determination of consistency with the Virginia Coastal Zone Management Program pursuant to the CZMA will be obtained from the VDEQ, prior to construction. In a letter dated **TBD**, the VDEQ stated that the RP appears to be consistent with state Coastal Zone Management plans, pending confirmation based on information to be developed during the Pre-construction Engineering and Design Phase. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. Coordination has been reinitiated with NMFS, pursuant to the Magnuson-Stevens Fishery and Conservation Management Act, to address effects to Essential Fish Habitat.

A general conformity applicability analysis was conducted and based on this analysis, the project's air emissions are expected to be de minimis. A Record of Non-Applicability has been prepared and is provided in the Environmental Appendix, Appendix C.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives.² Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the RP would not cause significant adverse effects on the

² 40 CFR 1505.2(B) requires identification of relevant factors including any essential to national policy which were balanced in the agency decision.



quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.³

Date

BRIAN P. HALLBERG, PMP
Colonel, Corps of Engineers
District Commander

³ 40 CFR 1508.13 stated the FONSI shall include an EA or a summary of it and shall note any other environmental documents related to it. If an assessment is included, the FONSI need not repeat any of the discussion in the assessment but may incorporate by reference.