

Arlington National Cemetery Millennium Project Final Environmental Assessment



Lead Agency:
Arlington National Cemetery
Cooperating Agency:
U.S. National Park Service

June 2013



US Army Corps
of Engineers®
Norfolk District

APPENDIX E:
Coastal Zone Management Act
Consistency Determination



DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

REPLY TO
ATTENTION OF:

November 8, 2012

Planning and Policy Branch

Ms. Ellie L. Irons
EIR Manager
Office of Environmental Impact Review
Virginia Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

Dear Ms. Irons:

I have enclosed the U.S. Army Corps of Engineers, Norfolk District's Coastal Consistency Determination (CCD) for the expansion of the Arlington National Cemetery (ANC), known as the Millennium Project. The Millennium Site will be developed to increase burial space at ANC. Building and site element construction shall be suitable for the environment and complimentary with the architectural theme and considerations of the National Cemetery at Arlington.

The Norfolk District has determined that the proposed Federal agency action has reasonably foreseeable effects on Virginia's coastal uses and resources and is consistent to the maximum extent practicable with the enforceable policies of Virginia's Coastal Resource Management Program.

Should you have any questions regarding this CCD, please contact Ms. Kristen Donofrio at (757) 201-7843.

Sincerely,

Michelle L. Hamer
for Susan L. Conner
Acting Chief, Planning and Policy Branch

**Coastal Zone Management Act (CZMA) Consistency Determination
For the Arlington National Cemetery Millennium Project at the
Arlington National Cemetery located in Arlington, VA**

This document provides the Commonwealth of Virginia with the U.S. Army Corps of Engineers, Norfolk District's (Corps), on behalf of Arlington National Cemetery, Coastal Consistency Determination (CCD) under CZMA section 307(c)(1) and 15 CFR Part 930, sub-part C, for the Millennium Project at the Arlington National Cemetery located in Arlington, Virginia. The information in this CCD is provided pursuant to 15 CFR Section 930.39.

Proposed Federal Agency Activity

The proposed federal action is the expansion of the Arlington National Cemetery (ANC), known as the Millennium Project. The Millennium Site will be developed to increase burial space at ANC. Building and site element construction shall be suitable for the environment and complimentary with the architectural theme and considerations of the National Cemetery at Arlington.

The Millennium project is located on a 27-acre site consisting of Section 29 of the existing ANC and the old picnic grounds of Joint Base Ft. Myer/Henderson Hall (JBM-HH). The location is a sensitive site, both in terms of its history and its environment. The site contains a significant portion of Arlington Woods, an area long associated with the Custis-Lee Mansion and Arlington House. The project will preserve and protect the Woods to the greatest extent possible. There is also an existing stone wall dating to the 1870's that crosses the site marking the location of the historic and current boundary of ANC. The wall has been identified as a contributing element of the ANC historic landscape. Plans provide that portions of this historic wall would be deconstructed and relocated along McNair Road. The restored wall will be part of the Perimeter Columbarium Wall. In addition, an existing stream flows across the site, ranging from a slight trickle to a significant element during rain events. The project will restore, protect and enhance the existing stream through a series of carefully managed improvements.

As proposed, the project will provide at least 32,000 new first interment burial spaces, including casket burial sections, in-ground sites for ashes of cremated service members and both columbarium niche courts and niche walls. The site will include two (2) assembly areas for service participants including Committal Service Shelters. Supporting facilities include water fountains, waterlines, sanitary sewer, storm drainage, underground electrical and communications/information systems, stream restoration, landscaping, retaining walls, perimeter fencing, vehicle and pedestrian access roads and walks, and security systems.

Background

More than four million people visit ANC annually, many coming to pay final respects at graveside services. ANC performs 27 to 30 funeral services each day. Cemetery space is limited and ANC is projected to reach full capacity in 2025. A space study conducted by the Center for Army Analysis indicated the average burial frequency at 27 per day, resulting in a total of 7,020

burials per year. Current trends show a distribution of 37% for first interment (in-ground burial), 40% for columbaria, and 23% for second interment (in-ground burial for spouse in same plot as first interment). The ANC Millennium project will provide additional burial space and supporting facilities to support the ongoing mission of ANC:

"On behalf of the American people, lay to rest those who have served our nation with dignity and honor, treating their families with respect and compassion, and connecting guests to the rich tapestry of the cemetery's living history, while maintaining these hallowed grounds befitting the sacrifice of all those who rest here in quiet repose."

Enforceable Policies

The Virginia Coastal Resources Management Program (VCP) contains the below enforceable policies (A-I). More information can be found in the Final Environmental Assessment for this project.

A. Fisheries Management

This program stresses the conservation and enhancement of finfish and shellfish resources and the promotion of commercial and recreational fisheries to maximize food production and recreational opportunities.

There are no commercial or recreational fisheries located in the project site; therefore, no impacts are anticipated.

B. Subaqueous Lands Management

This management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the Department of Environmental Quality, Water Division.

No subaqueous lands will be impacted by this project; therefore, adherence to this program is not applicable.

C. Wetlands Management

The purpose of the wetlands management program is to preserve tidal and non-tidal wetlands, prevent their despoliation, and accommodate economic development in a manner consistent with wetlands and stream preservation.

Approximately 8,400 sq ft of non-tidal wetlands are present in the project area. None of the wetlands are located within an area of disturbance for this project. Adherence to this program is not applicable.

D. Dunes Management

Dune protection is carried out pursuant to the Coastal Primary Sand Dune Protection Act and is intended to prevent destruction or alteration of primary dunes.

There are no sand dunes located in the project area; therefore, no impacts are anticipated.

E. Non-point Source Pollution Control

Virginia's Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth.

Erosion and sediment control (ESC) and stormwater management (SWM) best management practices will be incorporated into the project design to ensure compliance with state programs. The contract plans and specifications will address requirements to achieve reduction of soil erosion and stormwater management. On-site inspections will ensure compliance with government contract plans and specifications and the applicable state program to the maximum extent practicable.

F. Point Source Pollution Control

Point source pollution control is accomplished through the implementation of the National Pollutant Discharge Elimination System permit program established pursuant to Section 402 of the Federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System permit program.

A Virginia Pollutant Discharge Elimination System (VPDES) permit is not required for this project.

G. Shoreline Sanitation

The purpose of this program is to regulate the installation of septic tanks, set standards concerning soil types suitable for septic tanks, and specify minimum distances that tanks must be placed away from streams, rivers, and other waters of the Commonwealth.

This project involves no septic tanks; therefore, adherence to this program is not applicable.

H. Air Pollution Control

The program implements the Federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

The Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for attainment and maintenance of the national ambient air quality standards (NAAQS).

The construction activities of this project will produce some short-term, direct, minor adverse effects. The use of trucks, excavating equipment, and other heavy equipment and machinery will generate minor amounts of criteria pollutants. This project shall conform to the SIP.

I. Coastal Lands Management

Coastal Lands Management is a state-local cooperative program administered by the DCR's Division of Stormwater Management – Local Implementation (previously the Division of Chesapeake Bay Local Assistance) and 88 localities in Tidewater, Virginia established pursuant to the Chesapeake Bay Preservation Act; Virginia Code §§ 10.1-2100 through 10.1-2114 and Chesapeake Bay Preservation Area Designation and Management Regulations; Virginia Administrative code 9 VAC10-20-10 et seq.

As part of the ANC Millennium project, the existing stream channel is proposed to be restored and integrated into the overall project as a natural landscape amenity. While NOAA has determined that the CZMA does not grant states regulatory authority over activities on federal lands, federal activities affecting Virginia's coastal resources must be consistent with the Bay Act and the Regulations as one of the enforceable programs of Virginia's Coastal Zone Management Program.

The project will comply with the RPAs to the maximum extent practicable by incorporating the following:

- 100-foot RPA buffer incorporated into design
- Encroachments into the outer 50 feet of the RPA buffer for grading and Columbarium's where it is demonstrated that such requirements are not self-imposed (i.e. for a specified yield rate) but rather due to unique site features such as topography and forest preservation (per Section 9VAC10-20-150.C.)
- Roadways located so as to minimize impacts (subject to site line constraints and grade restrictions to allow for ADA compliant sidewalks) to the RPA except as needed to cross the RPA and stream with a bottomless culvert/bridge or with a box culvert depressed a minimum of 6 inches below the stream invert and providing both low flow and high flow channels to minimize impacts to an RPA core component
- Features that are not water dependent and that can be relocated out of the 100 ft buffer, such as plaza, water features, and Committal shelters will be relocated during the design development process
- Trails may be located within the inner 50 foot portion of the RPA buffer
- BMPs to mitigate for the reduced buffer's pollutant removal capacity from impacts to the RPA buffer will be provided and may include, but not be limited to:

- Stream Restoration and Stream Enhancement (using interim Chesapeake Bay Program removal rates)
- Restoration and Reforestation of currently disturbed areas of RPA Buffer

Additionally, USACE will cause the preparation of an RPA Plan (using the restored stream alignment as a core RPA component), an RPA Exception Request (that documents the changes made during design development to comply with the Chesapeake Bay Act Regulations) and an associated Water Quality Impact Assessment (WQIA) prepared in accordance with state regulations; review and make a recommendation for action by the appropriate ANC Officer; and document said approval. The Environmental Assessment and Joint Permit Application will contain more detailed information about the RPA.

Advisory Policies for Geographic Area of Particular Concern

a. Coastal Natural Resource Areas

Coastal Natural Resource Areas are areas that have been designated as vital to estuarine and marine ecosystems and/or are of great importance to areas immediately inland of the shoreline. These areas include the following resources: wetlands, aquatic spawning, nursing, and feeding grounds, coastal primary sand dunes, barrier islands, significant wildlife habitat areas, public recreation areas, sand gravel resources, and underwater historic sites.

The project area contains wetlands and public recreation areas. Approximately 8,400 sq ft of wetlands are present in project area; however, the wetlands are not within an area of disturbance for this project. Permitted recreational activities will be temporarily affected during the time of construction, but they shall otherwise not be impacted long-term.

b. Coastal Natural Hazard Areas

This policy covers areas vulnerable to continuing and severe erosion and areas susceptible to potential damage from wind, tidal, and storm related events including flooding. New buildings and other structures should be designed and sited to minimize the potential for property damage due to storms or shoreline erosion. The areas of concern are highly erodible areas and coastal high hazard areas, including flood plains.

The project area contains no coastal natural hazard areas; therefore, adherence to this program is not applicable.

c. Waterfront Development Areas

These areas are vital to the Commonwealth because of the limited number of areas suitable for waterfront activities. The areas of concern are commercial ports, commercial fishing piers, and community waterfronts.

There will be no waterfront development associated with this project, as no part of the project area fronts navigable waterways.

Advisory Policies for Shorefront Access Planning and Protection

a. Virginia Public Beaches

These public shoreline areas will be maintained to allow public access to recreational resources.

There are no public beaches within the project area; consequently this project will not affect public access to beaches.

b. Virginia Outdoors Plan (VOP)

The VOP, which is published by Virginia's Department of Conservation and Recreation (DCR), identifies recreational facilities in the Commonwealth that provide recreational access. Prior to initiating any project, consideration should be given to the proximity of the project site to recreational resources identified in the VOP.

This project is consistent with the Virginia Outdoor Plan for Region 8, Northern Virginia. Permitted recreational activities at ANC will be temporarily affected during the time of construction, but they shall otherwise not be impacted. A jogging path along the edge of the project on Joint Base Fort Myer-Henderson Hall will be temporarily impacted but will be reconstructed as part of the project.

c. Parks, Natural Areas, and Wildlife Management Areas

The recreational values of these areas should be protected and maintained.

The United States National Park Service (NPS) administers property adjacent to the Millennium project location as a part of Arlington House-Robert E. Lee Memorial. There would be no impact to the Arlington House-Robert E. Lee Memorial viewshed due to tree removal. A portion of the adjacent forest, recommended as contributing to the Arlington House property in its own right, but not within the viewshed of the property in any season, would be affected. Stream restoration and erosion control measures have been included in the Millennium Project design. The restored stream will flow onto NPS-administered property adjacent to the project location. The project should provide benefits to the downstream area from improved stormwater management and decreased erosion.

d. Waterfront Recreational Land Acquisition

It is the policy of the Commonwealth to protect areas, properties, lands, or any estate or interest therein, of scenic beauty, recreational utility, historical interest, or unusual features which may be acquired, preserved, and maintained for the citizens of the Commonwealth.

This project does not limit the ability of the Commonwealth in any way to acquire, preserve, or maintain waterfront recreational lands. The ANC is currently a federally-owned and maintained facility.

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e. Waterfront Recreational Facilities

Boat ramps, public landings, and bridges shall be designed, constructed, and maintained to provide points of water access when and where practicable.

This project does not involve the design, construction, or maintenance of any boat ramps, public landings, or bridges.

f. Waterfront Historic Properties

The Commonwealth has a long history of settlement and development, and much of that history has involved both shorelines and near-shore areas. The protection and preservation of historic shorefront properties is primarily the responsibility of the Virginia Department of Historic Resources.

National Historic Preservation Act - Section 106 consultation with the Department of Historic Resources (DHR) is currently ongoing. The Corps and ANC shall develop measures to avoid, minimize, or mitigate adverse effects to historic properties in consultation with DHR, Arlington County, the National Trust for Historic Preservation, and NPS. As the waterbody involved, historically known as Wampakin Creek, is an intermittently dry branch in these reaches, it has historically been neither navigable nor a fishing resource.

Determination

Based upon the following information, data, and analysis, the U.S. Army Corps of Engineers, Norfolk District, on behalf of Arlington National Cemetery, finds that the construction of the expansion project is consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Resources Management Program.

Pursuant to 15 CFR Section 930.41, the Virginia Coastal Resources Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR section 930.41(b). Virginia's concurrence will be presumed if its response is not received by the U.S. Army Corps of Engineers on the 60th day from receipt of this determination.

8 Nov 12
Date

Michelle L. Hamor
for Susan Conner
Acting Chief, Planning and Policy Branch

