

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

January 25, 2012

CENAO-WR-R  
NAO-2007-2060 (VMRC 12-1865)

## FEDERAL PUBLIC NOTICE

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

### APPLICANT

City of Newport News  
Department of Engineering  
2400 Washington Avenue  
Newport News, VA 23607

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located within the Stoney Run watershed, including Stoney Run, also called the Chowan Ditch. The project is northeast of Shields Avenue and southeast of Richneck Road, in Newport News.

PROPOSED WORK AND PURPOSE: The City has proposed to construct a regional, dual purpose water quality and flood control best management practice (BMP) called the Richneck Regional Water Quality Retrofit and Flood Control BMP Project. The purpose of the project is to reduce the Total Maximum Daily Load (TMDL) of nitrogen, phosphorus, and sediment loads; and to reduce property damage from repeated flood events within the Stoney Run watershed.

The proposed project will total over 16 acres, and incorporate the use of three sub-basins designed in a step-down topographic alignment that will impact 5.58 acres of forested wetlands, 0.98 acres of emergent wetlands, 1,695 linear feet in intermittent/ephemeral stream channel, and 377 linear feet of perennial stream channel.

The proposed project will incorporate an existing 6.6 acre property that includes a substandard stormwater management facility that was installed nearly 40 years ago, but is outdated, does not meet current design standards, and does not function as it should.

For compensatory stream mitigation, the City proposes the creation of a stream complex within the sub-basins totaling over 3,800 linear feet of channel. For compensatory wetland mitigation the City will purchase 12.12 acre-credits from a local, private mitigation bank.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to 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 direct, indirect, 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 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. The applicant does note that the property falls within the region of the Yorktown Civil War Battlefield. However, this area of the battlefield is occupied by residential subdivisions, streets, and utilities. No historic structures or known subsurface resources are recorded within the project boundaries. 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](mailto:elirons@deq.virginia.gov).

COMMENT PERIOD: Comments on this project should be made by email or in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R (Evans)), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on February 28, 2013.

PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

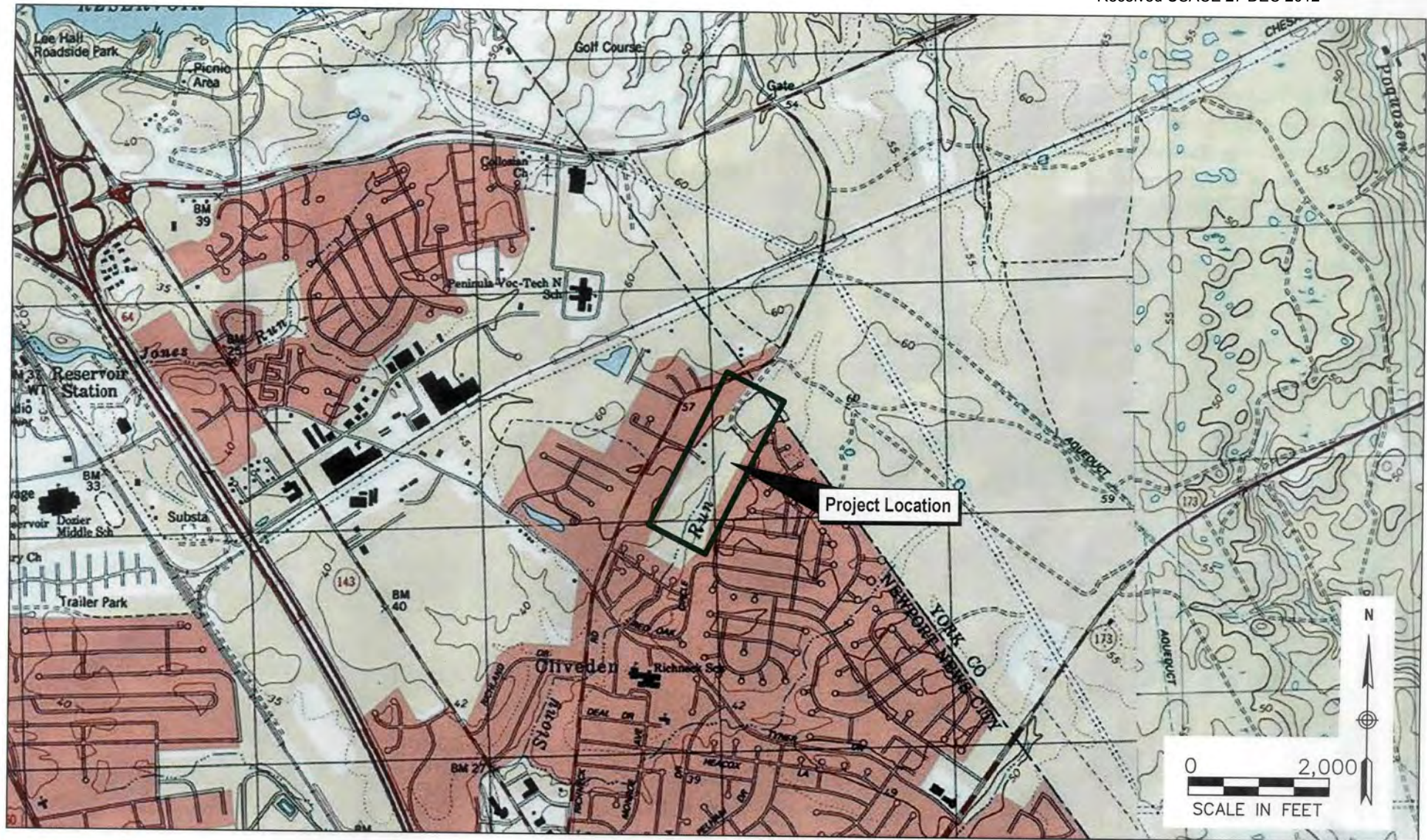
If you have any questions about this project or the permit process, contact John Evans at [john.d.evans@usace.army.mil](mailto:john.d.evans@usace.army.mil) or 757-201-7794.


FOR THE DISTRICT COMMANDER:

Peter R. Kube  
Chief, Western Virginia Regulatory Section

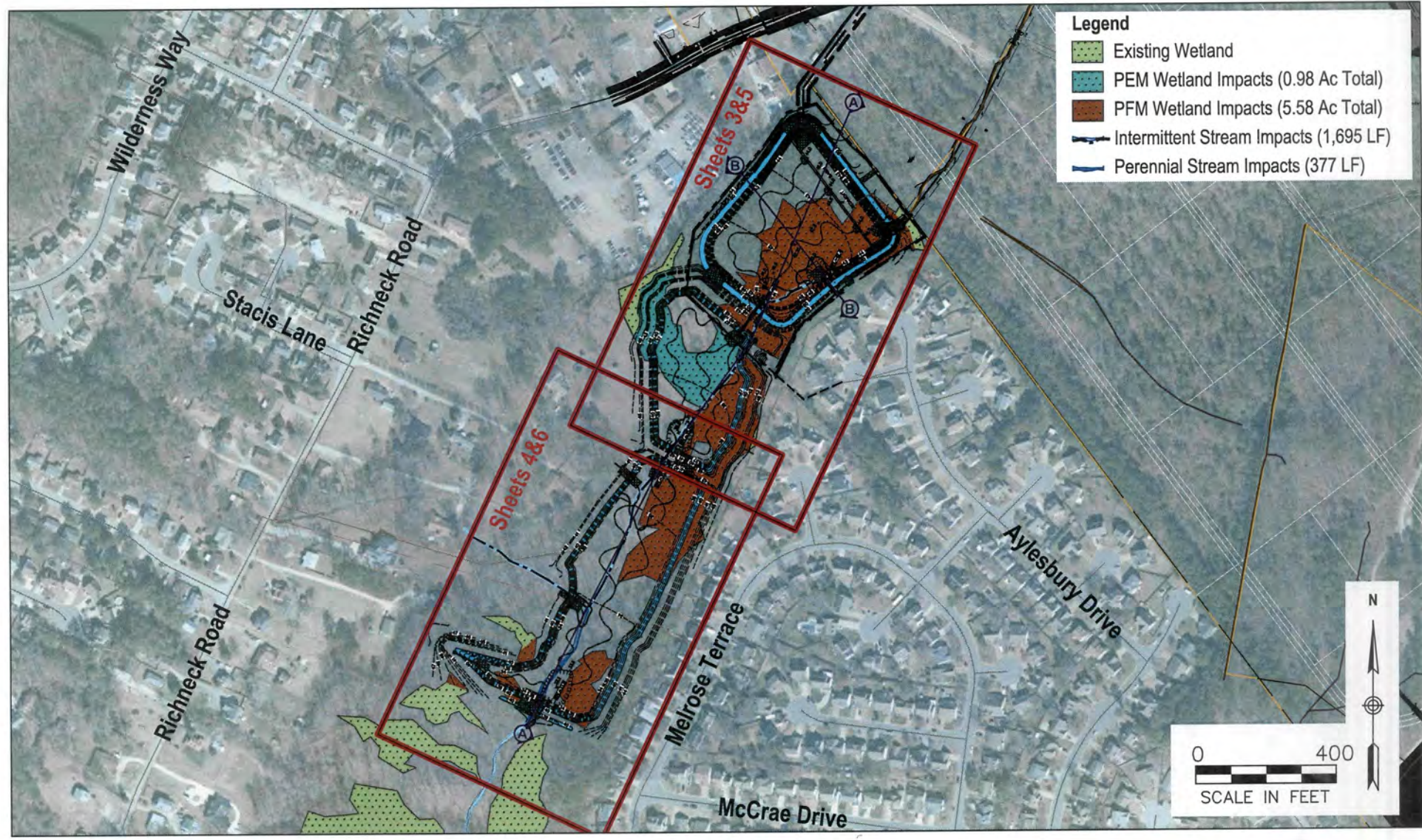
Attachment: Drawings





 <b>VHB</b> Vanasse Hangen Brustlin, Inc. Environmental Services Land Development, Transportation 351 McLaws Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8544	<b>ADJACENT PROPERTY OWNERS:</b> SEE APPENDIX H OF PERMIT PERMIT SUPPORT DOCUMENT	<b>RICHNECK REGIONAL WATER QUALITY RETROFIT                  AND FLOOD CONTROL PROJECT                  LOCATION MAP</b>		<b>APPLICATION BY:</b> CITY OF NEWPORT NEWS
	<b>DATUM:</b> VA83-SF	<b>AT:</b> 494 RICHNECK ROAD  <b>IN:</b> NEWPORT NEWS, VA	<b>PURPOSE:</b> WATER QUALITY AND FLOOD CONTROL	<b>DATE:</b> 11/29/2012  <b>SHEET 1 OF 8</b>





**Legend**

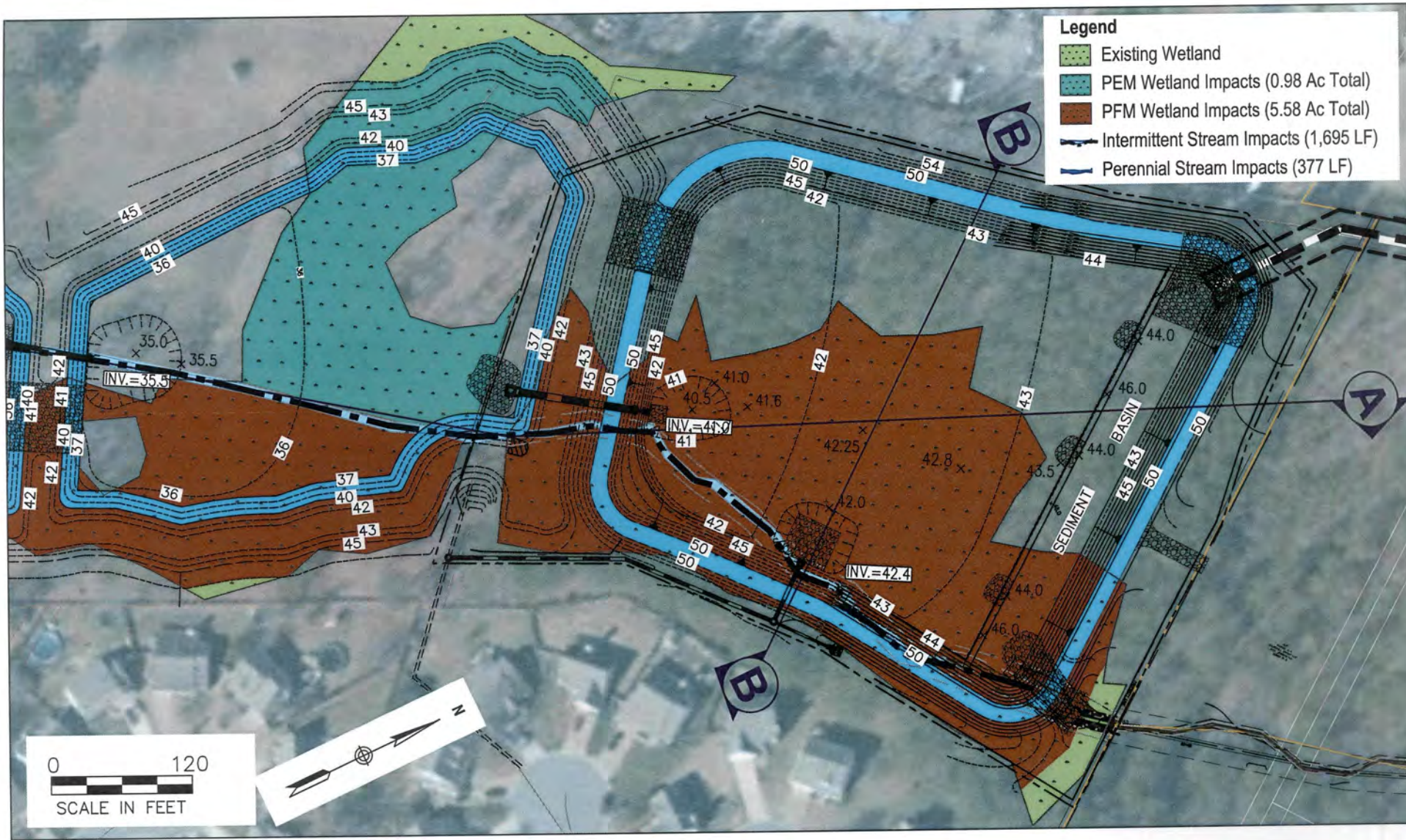
- Existing Wetland
- PEM Wetland Impacts (0.98 Ac Total)
- PFM Wetland Impacts (5.58 Ac Total)
- Intermittent Stream Impacts (1,695 LF)
- Perennial Stream Impacts (377 LF)

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<p><i>Vanasse Hangen Brustlin, Inc.</i> Environmental Services Land Development, Transportation 351 McLaws Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8544</p>	<p><b>ADJACENT PROPERTY OWNERS:</b> SEE APPENDIX H OF PERMIT PERMIT SUPPORT DOCUMENT</p>	<p><b>RICHNECK REGIONAL WATER QUALITY RETROFIT AND FLOOD CONTROL PROJECT OVERALL SHEET INDEX</b></p>		<p><b>APPLICATION BY:</b> CITY OF NEWPORT NEWS</p>
	<p><b>DATUM:</b> VA83-SF</p>	<p><b>AT:</b> 494 RICHNECK ROAD <b>IN:</b> NEWPORT NEWS, VA</p>	<p><b>PURPOSE:</b> WATER QUALITY AND FLOOD CONTROL</p>	<p><b>DATE:</b> 11/29/2012 <b>SHEET 2 OF 8</b></p>





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**ADJACENT PROPERTY OWNERS:**  
 SEE APPENDIX H OF PERMIT  
 PERMIT SUPPORT DOCUMENT

**DATUM: VA83-SF**

**RICHNECK REGIONAL WATER QUALITY RETROFIT  
 AND FLOOD CONTROL PROJECT  
 PONDS 1 & 2 IMPACTS**

**AT: 494 RICHNECK ROAD  
 IN: NEWPORT NEWS, VA**

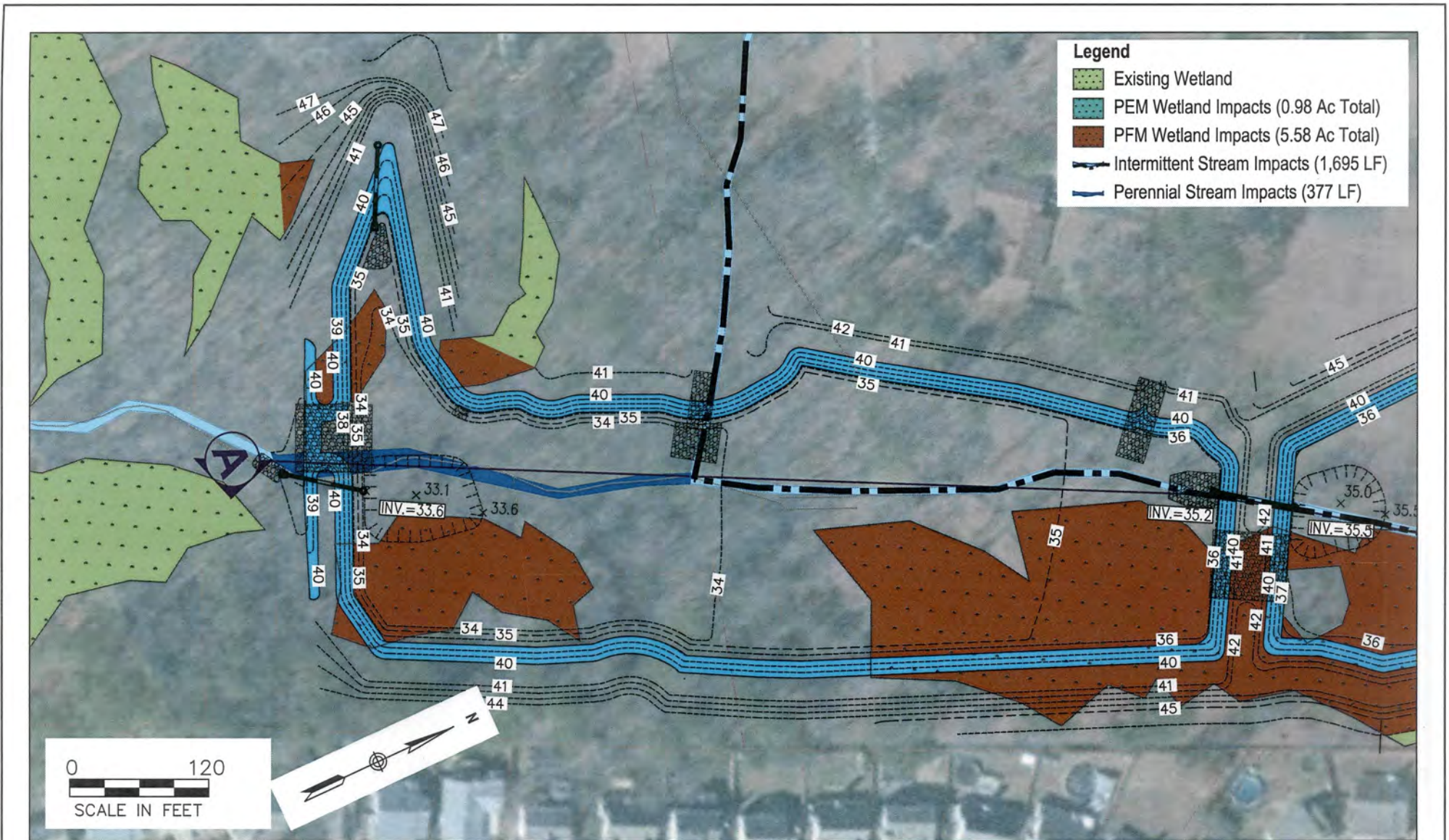
**PURPOSE: WATER QUALITY AND FLOOD CONTROL**

**APPLICATION BY:**  
 CITY OF NEWPORT NEWS

**DATE: 11/29/2012**

**SHEET 3 OF 8**





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**ADJACENT PROPERTY OWNERS:**  
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**DATUM: VA83-SF**

**RICHNECK REGIONAL WATER QUALITY RETROFIT  
 AND FLOOD CONTROL PROJECT  
 POND 3 IMPACTS**

**AT: 494 RICHNECK ROAD  
 IN: NEWPORT NEWS, VA**

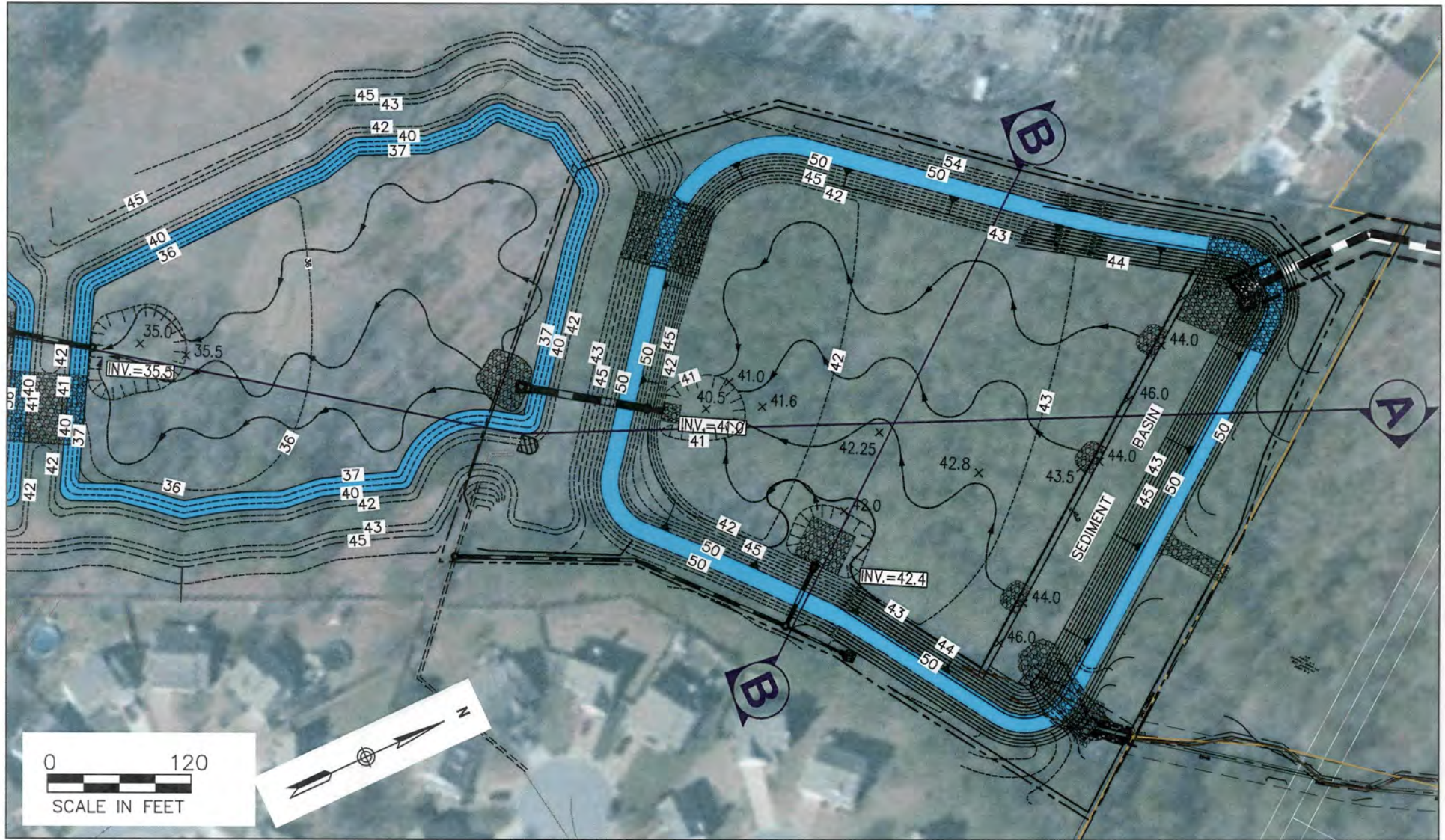
**PURPOSE: WATER QUALITY AND FLOOD CONTROL**

**APPLICATION BY:  
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**DATE: 11/29/2012**

**SHEET 4 OF 8**





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**ADJACENT PROPERTY OWNERS:**  
 SEE APPENDIX H OF PERMIT  
 PERMIT SUPPORT DOCUMENT

**DATUM:** VA83-SF

**RICHNECK REGIONAL WATER QUALITY RETROFIT  
 AND FLOOD CONTROL PROJECT  
 PONDS 1 & 2 MITIGATION**

**AT: 494 RICHNECK ROAD  
 IN: NEWPORT NEWS, VA**

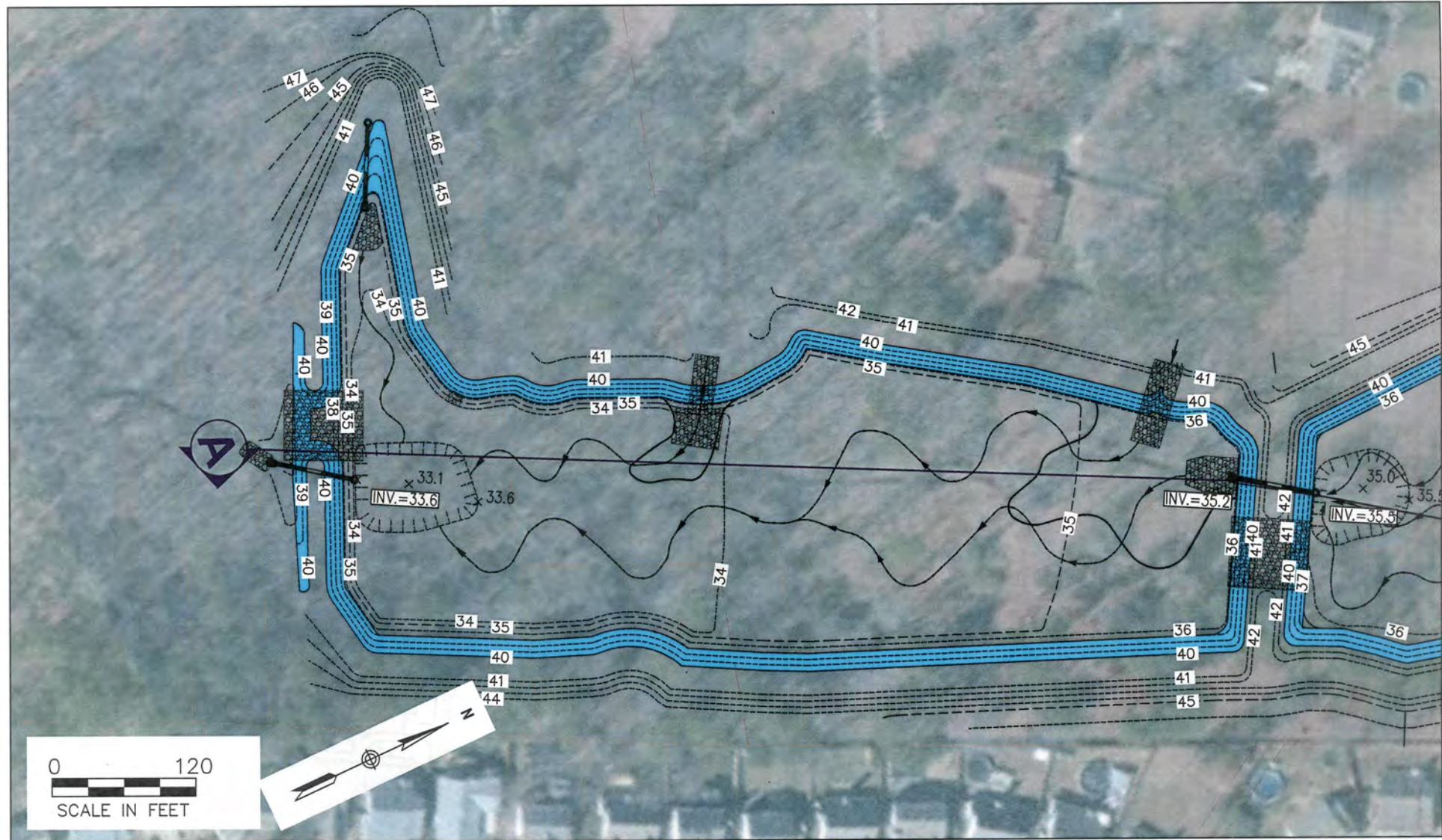
**PURPOSE: WATER QUALITY AND FLOOD CONTROL**


**APPLICATION BY:**  
 CITY OF NEWPORT NEWS

**DATE: 11/29/2012**

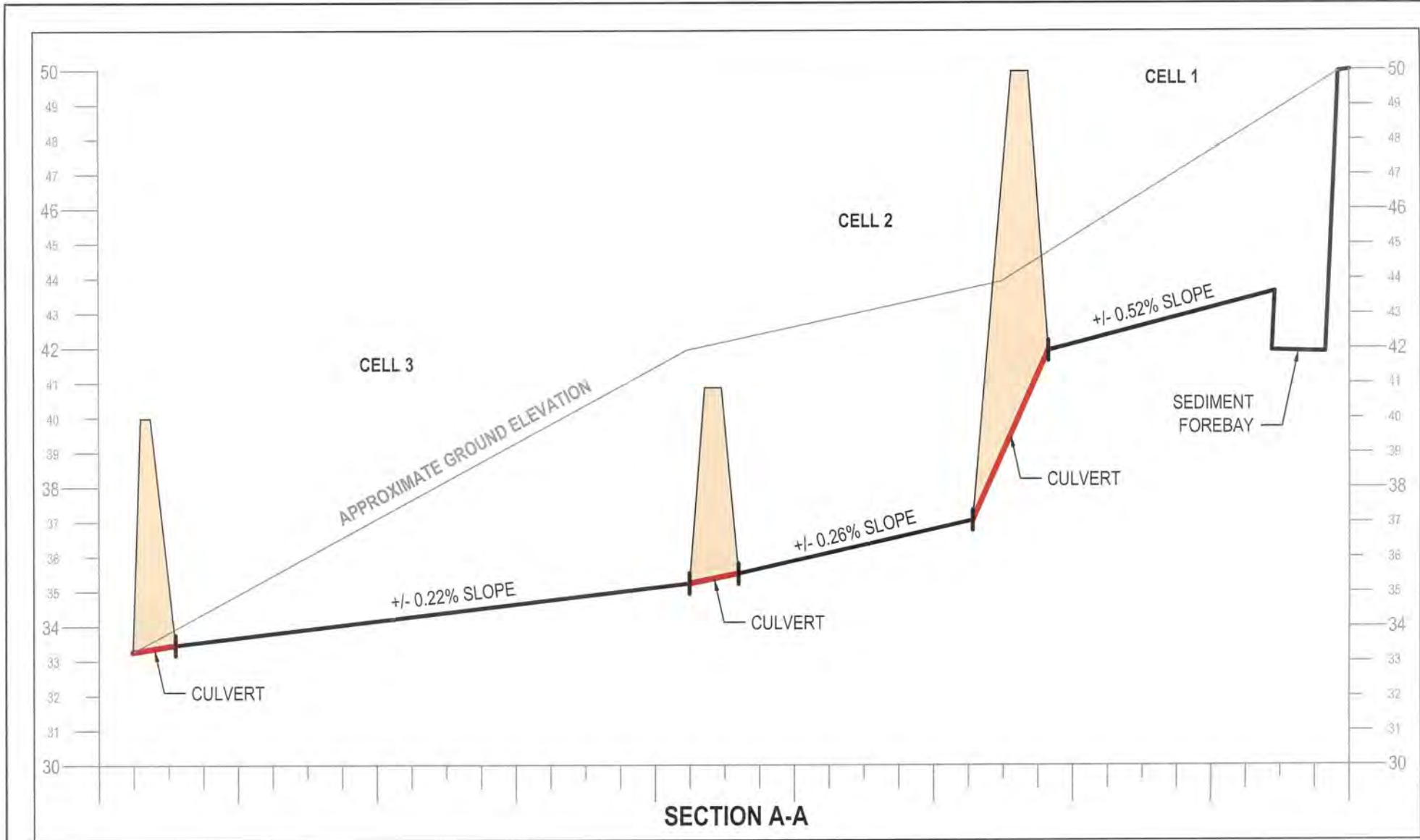
**SHEET 5 OF 8**






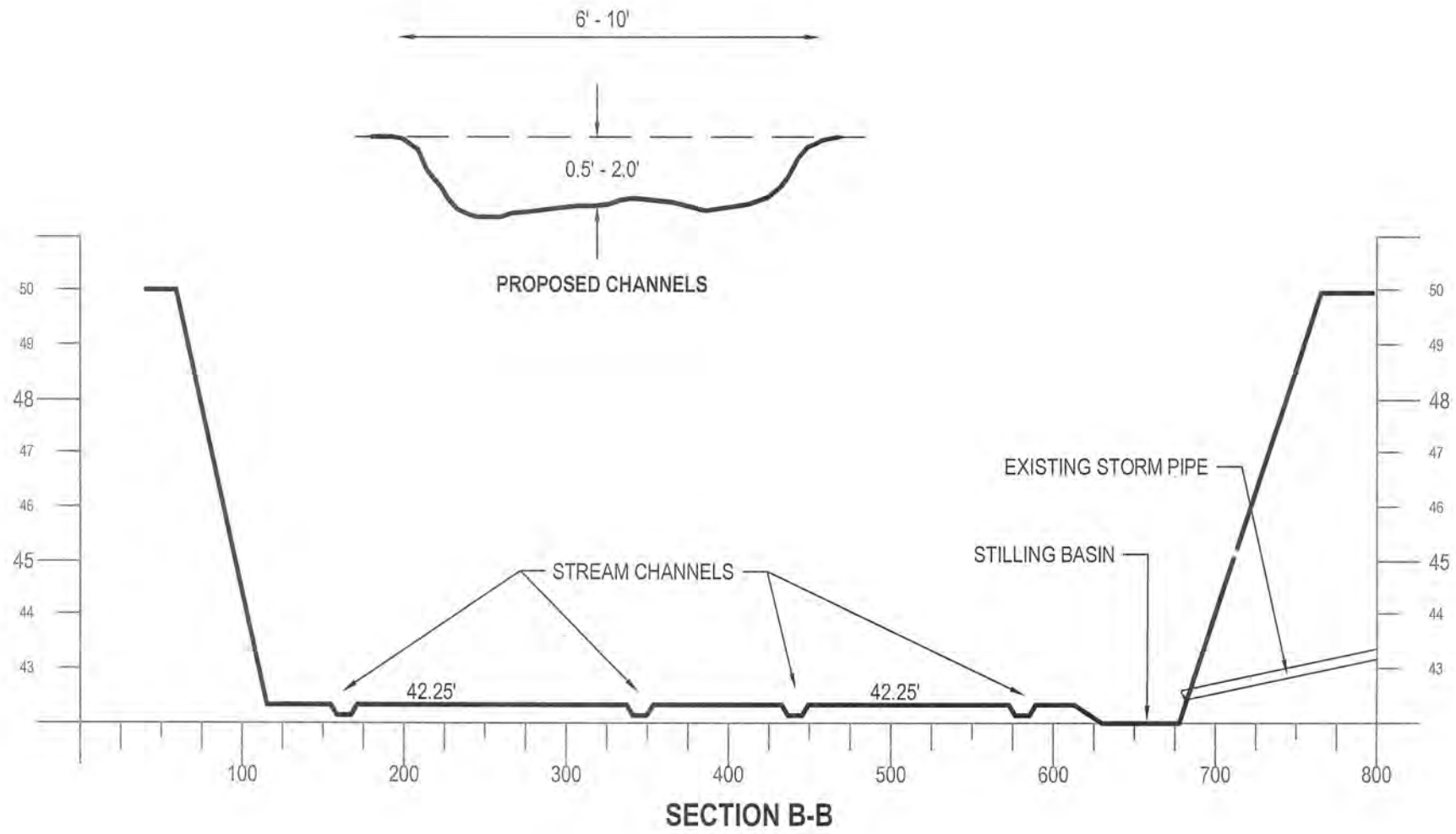
 <p><b>Vanasse Hangen Brustlin, Inc.</b> Environmental Services Land Development, Transportation 351 McLaws Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8544</p>	<p><b>ADJACENT PROPERTY OWNERS:</b> SEE APPENDIX H OF PERMIT PERMIT SUPPORT DOCUMENT</p>	<p><b>RICHNECK REGIONAL WATER QUALITY RETROFIT AND FLOOD CONTROL PROJECT POND 3 MITIGATION</b></p>		<p><b>APPLICATION BY:</b> CITY OF NEWPORT NEWS</p>
	<p><b>DATUM:</b> VA83-SF</p>	<p><b>AT:</b> 494 RICHNECK ROAD <b>IN:</b> NEWPORT NEWS, VA</p>	<p><b>PURPOSE:</b> WATER QUALITY AND FLOOD CONTROL</p>	<p><b>DATE:</b> 11/29/2012 <b>SHEET 6 OF 8</b></p>






 <b>Vanasse Hangen Brustlin, Inc.</b> Environmental Services Land Development, Transportation 351 McLaws Circle, Suite 3 Williamsburg, Virginia 23185 (757) 220-0500 • Fax: (757) 220-8544	<b>ADJACENT PROPERTY OWNERS:</b> SEE APPENDIX H OF PERMIT PERMIT SUPPORT DOCUMENT	<b>RICHNECK REGIONAL WATER QUALITY RETROFIT                  AND FLOOD CONTROL PROJECT                  CROSS SECTION A-A</b>		<b>APPLICATION BY:</b> CITY OF NEWPORT NEWS
	<b>DATUM: VA83-SF</b>	<b>AT: 494 RICHNECK ROAD</b>  <b>IN: NEWPORT NEWS, VA</b>	<b>PURPOSE: WATER QUALITY AND FLOOD CONTROL</b>	<b>DATE: 11/29/2012</b>  <b>SHEET 7 OF 8</b>





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	<b>DATUM:</b> VA83-SF	<b>AT:</b> 494 RICHNECK ROAD  <b>IN:</b> NEWPORT NEWS, VA	<b>PURPOSE:</b> WATER QUALITY AND FLOOD CONTROL	<b>DATE:</b> 11/29/2012
				<b>SHEET 8 OF 8</b>

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