



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

April 4, 2012

Ms. Scharlene Floyd
C/O: USACE/Norfolk District/Regulatory Branch
803 Front Street
Norfolk Virginia 23518

RE: Federal Consistency Determination for the Revision and Reissuance of the Regional Permit 20 for the Creation of Artificial Reefs and Dredging of Old Shellfish Reefs, Norfolk District U.S. Army Corps of Engineers, DEQ 12-030F.

Dear Ms. Floyd:

The Commonwealth of Virginia has completed its review of the Federal Consistency Determination (FCD) for the revision and reissuance of the Regional Permit 20. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal consistency documents submitted under the Coastal Zone Management Act (CZMA) and responding to appropriate officials on behalf of the Commonwealth. This letter is in response to your submission dated February 6, 2012 (received on February 8, 2012) requesting concurrence with the U.S. Army Corps of Engineers (Corps) Norfolk District's finding that the action is consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program (VCP). The following agencies and planning district commission participated in this review:

Department of Environmental Quality
Department of Conservation and Recreation
Department of Game and Inland Fisheries
Virginia Marine Resources Commission
Department of Agriculture and Consumer Services
Department of Health
Department of Historic Resources
Hampton Roads Planning District Commission

of the enforceable policies of the VCP that apply to these activities and review comments submitted by agencies that administer the enforceable policies.

FEDERAL CONSISTENCY CONCURRENCE

Based on our review of the FCD and the comments submitted by agencies administering the enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained as described below.

Other state approvals which may apply to this project are not included in this concurrence. Therefore, the Corps must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

APPLICABLE ENFORCEABLE POLICIES OF THE VCP

1. Fisheries Management. According to the FCD (page 2), reef activities will conserve and enhance finfish and shellfish and will increase and promote commercial and recreational fisheries by maximizing food production and recreational opportunities. The proposed 11-RP-20 will not authorize the construction of reefs to be used to introduce non-native species (shell or fin-fish). The permit requires the permittee to obtain appropriate authorization from the Department of Game and Inland Fisheries for administration of the fisheries management enforceable policy of the VCP.

Reefing preparations for all vessels and mechanized vehicles shall include the removal of all harmful exterior hull anti-fouling systems that are determined to be active; all exfoliating (peeling) and exfoliated paint; all loose debris, including materials or equipment that are not permanently attached to the vessel that could be transported into the water column during a sinking event; and all other materials that may negatively impact the biological, physical, or chemical characteristics of the marine environment. The proposed 11-RP-20 will require the permittee to obtain authorization from the Virginia Department of Agriculture and Consumer Services.

1(a) Agency Jurisdiction. The fisheries management 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. The Department of Game and Inland Fisheries (DGIF) and Virginia Marine Resources Commission (VMRC) administer the fisheries management enforceable policy of the VCP.

Virginia Department of Agriculture Consumer Services (VDACS) shares enforcement responsibilities with DGIF and VMRC pertaining to the State Tributyltin (TBT) Regulatory Program pursuant to the Virginia Pesticide Use and Application Act (Virginia Code §3.2-3904 and §3.2-3935 to §3.2-3937).

2(b) Agency Comments. VMRC notes that the comments related to submerged aquatic vegetation (section c. Wetlands Management, pages 3-4) would be more appropriate under the subaqueous lands management enforceable policy.

2(c) Conclusion. VMRC has no objection to the revision and reissuance of 11-RP-20. Accordingly, 11-RP-20 is consistent, to the maximum extent practicable, with the subaqueous lands management enforceable policy of the VCP.

For additional information, contact VRMC, Chip Neikirk at (757) 247-2254.

3. Wetlands Management. According to the FCD (pages 3-4), the proposed 11-RP-20 has the potential to impact submerged aquatic vegetation under the wetlands management enforceable policy, however as outlined in the proposed permit under **IV. Special Conditions:** 1. No portion of the reef will be constructed in areas where submerged aquatic vegetation is known to exist.

3(a) Agency Jurisdiction. The State Water Control Board (SWCB) promulgates Virginia's water regulations, covering a variety of permits to include Virginia Pollutant Discharge Elimination System Permit, Virginia Pollution Abatement Permit, Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection Permit (VWPP). The VWPP is a state permit which governs wetlands, surface water, and surface water withdrawals/impoundments. It also serves as § 401 certification of the federal *Clean Water Act* § 404 permits for dredge and fill activities in waters of the U.S. The VWPP Program is under the Office of Wetlands and Water Protection/Compliance, within the DEQ Division of Water Quality Programs. In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities.

3(b) Agency Comments. In a February 12, 2012 letter from the DEQ Office of Wetland and Water Protection (OWWP) to the Norfolk District of the Corps, the State Water Control Board provided unconditional Section 401 Water Quality Certification for the RP-20-11 pursuant to *VWPP Regulation 9 VAC 25-210-130.H*.

3(c) Conclusion. In accordance with the State Water Control Board's unconditional water quality certification, 11-RP-20 is consistent, to the maximum extent practicable, with the wetlands management enforceable policy of the VCP.

For additional information, contact DEQ-OWWP, David Davis at (804) 698-4105.

4. Nonpoint Source Pollution Control. According to the FCD (page 4), the proposed RP-20-11 is not applicable to the nonpoint source pollution enforceable policy because nonpoint pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. The construction of reefs authorized in 11-RP-20 does not involve actions that result in the creation of nonpoint source runoff.

RP-20 requires permittees to obtain authorization from DEQ's Air Quality Division, on behalf of the State Air Pollution Control Board.

6(a) Agency Jurisdiction. DEQ's Air Quality Division, on behalf of the State Air Pollution Control Board, is responsible to develop regulations that become Virginia's *Air Pollution Control Law*. DEQ is charged to carry out mandates of the state law and related regulations as well as Virginia's federal obligations under the *Clean Air Act* as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate regional office is directly responsible for the issue of necessary permits to construct and operate all stationary sources in the region as well as to monitor emissions from these sources for compliance. As a part of this mandate, the environmental documents of new projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

6(b) Recommendations. The DEQ Air Division has no comments on the proposed 11-RP-20.

6(c) Conclusion. The proposed 11-RP-20 is consistent with the air pollution control enforceable policy of the VCP.

For additional information, contact the DEQ Air Division, Kotur Narasimhan at (804) 698-4415.

7. Coastal Lands Management. According to the FCD (page 6), the proposed 11-RP-20 will not impact the coastal lands management enforceable policy because reef activities will occur only in surface water. However, the proposed permit requires state and local approvals be consistent with the *Chesapeake Bay Preservation Act* (Virginia Code 10.1-2100 *et seq.*) and the *Chesapeake Bay Preservation Area Designation and Management Regulations* (9 VAC 10-20-10 *et seq.*).

7(a) Agency Jurisdiction. The DCR-DSM Local Assistance (LI) administers the coastal lands management enforceable policy of the VCP, which is governed by the *Chesapeake Bay Preservation Act* (Virginia Code §10.1-2100-10.1-2114) and *Chesapeake Bay Preservation Area Designation and Management Regulations* (9 VAC 10-20 *et seq.*).

7(b) Agency Comments. DCR-DSM has no comments on 11-RP-20.

7(c) Conclusion. The proposed 11-RP-20 is consistent with the coastal lands management enforceable policy of the VCP.

For additional information, contact DCR-DCBLA, Joan Salvati at (804) 225-3440.

1(c) Recommendation. DEQ recommends the implementation of pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

Contact DEQ Division of Land Protection and Revitalization (DLPR), Steve Coe at (804) 698-4229, for additional information.

2. Natural Heritage Resources.

2(a) Agency Jurisdiction. The mission of the Virginia Department of Conservation and Recreation (DCR) is to conserve Virginia's natural and recreational resources. The DCR-Natural Heritage Program's (DCR-DNH) mission is conserving Virginia's biodiversity through inventory, protection, and stewardship. The *Virginia Natural Area Preserves Act*, 10.1-209 through 217 of the *Code of Virginia*, was passed in 1989 and codified DCR's powers and duties related to statewide biological inventory: maintaining a statewide database for conservation planning and project review, land protection for the conservation of biodiversity, and the protection and ecological management of natural heritage resources (the habitats of rare, threatened, and endangered species, significant natural communities, geologic sites, and other natural features).

2(b) Agency Findings. The DCR Biotics Data System documents the presence of natural heritage resources in the waters of the commonwealth. However, with existing permit general conditions and the review of natural heritage information, DCR-DNH does not anticipate that the permit reissuance will adversely impact natural heritage resources.

Contact DCR-DNH, Rene Hypes at (804) 371-2807, for additional information.

3. Historic Resources.

3(a) Agency Jurisdiction. The Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural resources under its jurisdiction. DHR, as the designated State's Historic Preservation Office, ensures that federal actions comply with *Section 106 of the National Historic Preservation Act of 1966 (NHPA)*, as amended, and its implementing regulation at 36 CFR Part 800. The NHPA requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. Section 106 also applies if there are any federal involvements, such as licenses, permits, approvals or funding.

3(b) Requirement. The Corps must consult directly with DHR, as necessary, pursuant to Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations codified at 36 CFR Part 800 which require federal agencies to consider the effects of their undertakings on historic properties.

Revision and Reissuance of the Norfolk District Regional Permit 20
For the Creation of Artificial Reefs and Dredging of Old Shellfish Reefs

Cc: John Carlock, Hampton Roads PDC
Lewis Lawrence, Middle Peninsula PDC
Jerry Davis, Northern Neck PDC
Elaine Meil, Accomack-Northampton PDC

If you cannot meet the deadline, please notify JOHN FISHER at 804/698-4339 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. **IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.**

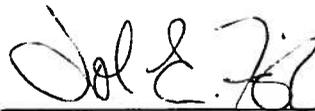
Please return your comments to:

MR. JOHN E. FISHER
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL IMPACT REVIEW
629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319
John.Fisher@deq.virginia.gov

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JOHN E. FISHER
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

No Comment

(signed) *[Signature]* (date) *2/27/12*
(title) *Endangered Sp. Coord.*
(agency) *VDACS*

Fisher, John (DEQ)

From: Ewing, Amy (DGIF)
Sent: Tuesday, March 13, 2012 3:13 PM
To: Fisher, John (DEQ)
Cc: Brittle, Eric (DGIF)
Subject: ESSLog# 32676_12-030F_revision and re-issuance of RP20

We have reviewed the proposed revisions to ACOE Regional Permit 20, covering the creation of artificial reefs and dredging of old shellfish reefs, when the material would be used to create new or enhance old reefs, owned, operated or managed by the Commonwealth of Virginia.

Based on our review of the revised permit, we find it consistent with the Fisheries Management Section of the CZMA, assuming we have the opportunity to review the permit applications prior to permit issuance.

Thanks, Amy

Amy Ewing
Environmental Services Biologist
VA Dept. of Game and Inland Fisheries
4010 W. Broad Street
Richmond, VA 23230
804-367-2211
amy.ewing@dgif.virginia.gov

If you cannot meet the deadline, please notify JOHN FISHER at 804/698-4339 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. **IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.**

Please return your comments to:

MR. JOHN E. FISHER
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL IMPACT REVIEW
629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319
John.Fisher@deq.virginia.gov

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JOHN E. FISHER
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

VMRC has no objection to the revision and reissuance of RP-20 concerning artificial reefs. The comments related to SAV would be more appropriate under Subaqueous lands management.

(signed) Robert A. [Signature] (date) 3/8/12
(title) Deputy Chief, Habitat Management
(agency) VMRC



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

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February 24, 2012

Mr. William T. Walker
Chief, Regulatory Office
U.S. Army Corps of Engineers
Norfolk District Regulatory Branch
803 Front Street
Norfolk, Virginia 23510-1096

RE: Final Section 401 Certification of Regional Permit 20 for Development of State Owned and Operated Artificial Fin and Shellfish Reefs

Dear Mr. Walker,

Provided herein is the Commonwealth of Virginia's decision with regard to Section 401 Water Quality Certification for activities authorized by the U.S. Army Corps of Engineers (the Corps) Regional Permit 20 (RP-20) for the Development of State Owned and Operated Artificial Fin and Shellfish Reefs.

Pursuant to Virginia Water Protection (VWP) Permit Regulation 9 VAC 25-210-130.H., the State Water Control Board is issuing this final Section 401 Water Quality Certification as meeting the requirements of the VWP regulation, after advertising its intention and accepting public comment for 30 days. The public comment period began on December 20, 2011 and ended on January 20, 2012. No comments were received.

The State Water Control Board hereby provides unconditional Section 401 Water Quality Certification for the RP-20 for the Development of State Owned and Operated Artificial Fin and Shellfish Reefs.

Please be aware that the final review for consistency with Virginia's Coastal Resources Management Program (VCP) pursuant to the federal Coastal Zone Management Act of 1972, as amended, is not yet complete. Projects in the Tidewater area of Virginia may require additional

coordination with the VCP prior to issuance of an RP-20 until the federal consistency review is complete. A map depicting those localities within the coastal zone can be found at <http://www.deq.virginia.gov/coastal/coastmap.html>. Questions regarding federal consistency with VCP should be directed to Ms. Ellie Irons at (804) 698-4325 or ellie.iron@deq.virginia.gov.

Please do not hesitate to contact Steve Hardwick (804) 698-4168; steven.hardwick@deq.virginia.gov or me (804) 698-4105; dave.davis@deq.virginia.gov if you have any questions regarding this Section 401 Water Quality Certification.

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Davis", written in a cursive style.

David L. Davis
Director,
Office of Wetlands and Water Protection

CC: Ms. Ellie Irons, DEQ OEIR
Mr. Rick Henderson, Deputy Chief of Regulatory Branch, Norfolk District Army Corps of Engineers
Ms. Kim Prisco-Baggett, Norfolk District Army Corps of Engineers
Ms. Scharlene Floyd, Norfolk District Army Corps of Engineers
Mr. Steven Bowman, Commissioner, Virginia Marine Resources Commission



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

March 7, 2012

PROJECT NUMBER: 12-030F

PROJECT TITLE: Revision and Reissuance of Regional Permit 20

As Requested, TRO staff has reviewed the supplied information and has the following comments:

Petroleum Storage Tank Cleanups:

No comments.

Petroleum Storage Tank Compliance/Inspections:

No comments.

Virginia Water Protection Permit Program (VWPP):

No comments. This revised Nationwide Permit has been reviewed by VWPP Central Office Staff.

Air Permit Program :

No comments.

Water Permit Program :

Water Permits – no comments

Ground Water – No comments

Waste Permit Program :

No comments

The staff from the Tidewater Regional Office thanks you for the opportunity to provide comments.

Sincerely,

Cindy Keltner
Environmental Specialist II
5636 Southern Blvd.
VA Beach, VA 23462
(757) 518-2167
Cindy.Keltner@deq.virginia.gov

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

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ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: John E. Fisher

DEQ - OEIA PROJECT NUMBER: 12 - 030F

PROJECT TYPE: STATE EA / EIR FEDERAL EA / EIS SCC

CONSISTENCY DETERMINATION

PROJECT TITLE: REVISION AND REISSUANCE OF REGIONAL PERMIT 20

PROJECT SPONSOR: DOD / U. S. ARMY CORPS OF ENGINEERS

PROJECT LOCATION: OZONE MAINTENANCE AND
EMISSION CONTROL AREA FOR NOX & VOC

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: PERMIT REISSUANCE
 OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E - STAGE I
2. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F - STAGE II Vapor Recovery
3. 9 VAC 5-40-5490 et seq. - Asphalt Paving operations
4. 9 VAC 5-130 et seq. - Open Burning
5. 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
6. 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
7. 9 VAC 5-50-160 et seq. - Standards of Performance for Toxic Pollutants
8. 9 VAC 5-50-400 Subpart _____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
9. 9 VAC 5-80-10 et seq. of the regulations - Permits for Stationary Sources
10. 9 VAC 5-80-1700 et seq. Of the regulations - Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
11. 9 VAC 5-80-2000 et seq. of the regulations - New and modified sources located in non-attainment areas
12. 9 VAC 5-80-800 et seq. Of the regulations - Operating Permits and exemptions. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: March 2, 2012



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MEMORANDUM

TO: John Fisher, Environmental Program Planner

FROM: *G. Stephen "Steve" Coe*
Steve Coe, DLPR EIR Review Coordinator

DATE: March 2, 2012

COPIES: Sanjay Thirunagari, Hazardous Waste Program Manager
EIR File

SUBJECT: Consistency Determination – Revision and Reissuance of Regional Permit 20 – DOD/U.S. Army Corps of Engineers – DEQ Project No. 12-030F – Review

Staff from the Division of Land Protection and Revitalization (DLPR) has completed its review of the Federal Consistency Determination for Revision and Reissuance of Regional Permit 20 – DOD/U.S. Army Corps of Engineers. The project sites for the work related to the creation of artificial reefs and the dredging of old shellfish reefs include the following waterways: James River, Lynnhaven Inlet and connecting waters, all local Cooperation Agreement areas, the Dismal Swamp Canal, the Albemarle and Chesapeake canal, and the Appomattox River. This Consistency Determination (CD) was provided pursuant to 15 CFR § 930.39 and CZMA Section 307(c)(1).

We have the following comments concerning the CD, and related waste issues associated with this project:

The CD did not address potential solid waste and/or hazardous waste issues. The CD does not state that DEQ's databases were searched, nor do they indicate that information was obtained from the DEQ's DLPR files. As specific work sites were not identified in the submittal, the DLPR staff was unable to conduct a review of its database files. As the work is determined to be in the indicated waterways, the proximity of the any waste sites to the project site and/or potential impact to the project could not be evaluated.

With this limitation noted, the staff's summary comments are as follows:

GENERAL COMMENTS

Soil, Sediment, and Waste Management

Any soil that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and

Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Please note that any contaminated media which is generated from the facility project site is the responsibility of the subject site facility which must ensure that contaminated media undergoes proper management, storage, treatment, and disposal in accordance with the above noted State Regulations.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Steve Coe at (804) 698-4029.

Fisher, John (DEQ)

From: Rhur, Robbie (DCR)
Sent: Monday, April 02, 2012 3:29 PM
To: Fisher, John (DEQ)
Subject: RE: i. Coastal Lands Mangement (UNCLASSIFIED)

John:

The language used for Coastal Lands Management is correct - Stormwater would not have any comments -----Original Message-----

Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Division of Natural Heritage
213 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951

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October 14, 2011

Norfolk District, Corps of Engineers
(ATTN: CENAO-WRD-R/Scharlene Floyd)
803 Front Street
Norfolk, VA 23510-1096

RE: Reissuance of Regional Permit 20 (RP-20)

Dear Ms. Floyd,

The Department of Conservation and Recreation, Division of Natural Heritage (DCR-DNH) has reviewed the proposed reissuance of the Norfolk District Regional Permit (RP-20).

Biotics documents the presence of natural heritage resources in the Waters of the Commonwealth. However, with existing permit general conditions and review of natural heritage information, we do not anticipate that this permit reissuance will adversely impact natural heritage resources.

Thank you for the opportunity to comment on this the proposed reissuance of the Norfolk District Regional Permit 5 (11-RP-20).

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Rene' Hypes".

S. Rene' Hypes
Project Review Coordinator

Fisher, John (DEQ)

From: Forsgren, Diedre (VDH)
Sent: Tuesday, March 06, 2012 4:36 PM
To: Fisher, John (DEQ)
Subject: (12-030F) CD: Revision and Reissuance of Regional Permit 20

DEQ Project #: 12-030F
Name: Revision and Reissuance of Regional Permit 20
Sponsor: DOD/USACE
Location: Norfolk District, Eastern Shore, Middle Peninsula, Northern Neck

The Department of Health has no comment on this project.

Diedre Forsgren

Office Services Specialist
VIRGINIA DEPARTMENT OF HEALTH
Office of Drinking Water, Room 622-A
109 Governor Street
Richmond, VA 23219
Phone: (804) 864-7241
email: diedre.forsgren@vdh.virginia.gov

Fisher, John (DEQ)

From: Kirchen, Roger (DHR)
Sent: Monday, April 02, 2012 2:25 PM
To: Fisher, John (DEQ)
Subject: RE: Corps RP-20 (12-030F)

We request that the Army Corps of Engineers consult directly with DHR, as necessary, pursuant to Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations codified at 36 CFR Part 800 which require Federal agencies to consider the effects of their undertakings on historic properties.

Roger

*Roger W. Kirchen, Archaeologist
Office of Review and Compliance
Division of Resource Services and Review
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221
phone: 804-482-6091 (NEW!)
fax: 804-367-2391
roger.kirchen@dhr.virginia.gov*

From: Fisher, John (DEQ)
Sent: Monday, April 02, 2012 1:52 PM
To: Kirchen, Roger (DHR)
Subject: Corps RP-20 (12-030F)

Roger:

I don't have record of receiving DHR comments on the Federal Consistency Determination submitted by the Corps for the revision and reissuance of Regional Permit 20 (DEQ 12-030F).

John

John E. Fisher
Virginia Department of Environmental Quality
Division of Environmental Enhancement
Office of Environmental Impact Review
629 East Main Street, #634
Richmond, Virginia 23219
(804) 698-4339
(804) 698-4319 fax
john.fisher@deq.virginia.gov
www.deq.virginia.gov



THOMAS G. SHEPPERD, JR., CHAIRMAN • KENNETH I. WRIGHT, VICE-CHAIR • JAMES O. MCREYNOLDS - TREASURER
DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

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DEQ-Office of Environmental Impact Review

March 9, 2012

MEMBER JURISDICTIONS

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SUFFOLK

SURRY

VIRGINIA BEACH

WILLIAMSBURG

YORK

Mr. John E. Fisher
Virginia Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, VA 23219

Re: DEQ #12-030F, Revision and Reissuance of Regional Permit 20
(ENV: GEN)

Dear Mr. Fisher:

Pursuant to your request, the staff of the Hampton Roads Planning District Commission has reviewed the Federal Consistency Determination for the proposed Revision and Reissuance of Regional Permit 20 by the U.S. Army Corps of Engineers.

Based on this review, the proposal appears to be consistent with local and regional plans and policies.

We appreciate the opportunity to review this project. If you have any questions, please do not hesitate to call.

Sincerely,

John M. Carlock, AICP
Deputy Executive Director

BJM/kg