



COMMONWEALTH of VIRGINIA

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January 6, 2014

Colonel Paul B. Olson
District Engineer
U.S. Army Corps of Engineers, Norfolk District
803 Front Street (Fort Norfolk)
Norfolk, Virginia 23510

RE: Notice of Intent to Prepare a Supplemental Environmental Impact Statement for
Route 460 Location Study from Prince George County to the City of Suffolk

Dear Colonel Olson:

This letter responds to the above Notice, which appeared in the Federal Register on December 27, 2013 (Volume 78, Number 249, pages 78948-78949). The Notice indicates that the Army Corps of Engineers, Norfolk District (hereinafter "Corps") and the Federal Highway Administration (FHWA), as joint lead agencies, will prepare a Supplemental Environmental Impact Statement (SEIS) pursuant to the National Environmental Policy Act (NEPA), following the Final Environmental Impact Statement (Final EIS) which was published, with its follow-up Record of Decision (ROD) in 2008. The Virginia Department of Transportation (VDOT) is listed as a cooperating agency (Notice, pages 78948-78949).

DESCRIPTION OF PROPOSED ACTION

The subject of this effort is a proposal by the Corps permit applicant, U.S. Route 460 Mobility Partners, to construct a limited-access toll road, approximately 55 miles in length, parallel to and south of U.S. Route 460, between Interstate Route 295 in Prince George County and U.S. Route 58 in the City of Suffolk (Notice, page 78949, left and center columns). The SEIS, which was determined to be necessary since 2012, will evaluate:

- new information on aquatic resource impacts and alternatives;
- proposed changes to the termini of the selected alternative;
- a proposed interchange at State Route 620; and

- proposed changes to the selected alignment to avoid and minimize aquatic resource impacts.

The SEIS will also:

- Update alternatives and impacts analyses;
- Assess impacts not previously evaluated in the Final EIS and ROD;
- Include the Corps's NEPA evaluation.

(Notice, page 78949, left and center columns.)

ENVIRONMENTAL REVIEW UNDER NATIONAL ENVIRONMENTAL POLICY ACT

The roles of the Virginia Department of Environmental Quality (DEQ) in relation to the project are as follows. First, DEQ's Office of Environmental Impact Review (DEQ-OEIR) will coordinate Virginia's review of the NEPA document and comment to the Corps on behalf of the Commonwealth. A similar review process will pertain to the federal consistency determination (FCD) (next paragraph). If the FCD is provided as part of the SEIS document, there can be a single review.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act of 1972, as amended, federally licensed or permitted activities affecting Virginia's coastal resources or coastal uses must be consistent with the Virginia Coastal Zone Management Program (VCP) (see section 307(c)(1) of the Act and the *Federal Consistency Regulations*, 15 CFR Part 930, subpart D, sections 930.50 *et seq.*). The permit applicant must provide a federal consistency certification (FCC) which includes an analysis of the proposed activities in light of the enforceable policies of the VCP (first enclosure) and a commitment to comply with the enforceable policies. In addition, we invite your attention to the advisory policies of the VCP (second enclosure). As indicated, the FCC may be provided as part of the environmental document or independently, depending on the Corps's preference; but the State has a maximum of six months to comment on the FCC (*Federal Consistency Regulations*, sub-part D, section 930.62(a). Sections 930.57 and 930.58 of these *Regulations*, and Virginia's *Federal Consistency Information Package* (available at <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert> give content requirements and the outline guidelines for the FCC.

PROJECT SCOPING AND AGENCY INVOLVEMENT

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the SEIS. Accordingly, we are sharing our response to the letter with selected state and local Virginia agencies which have responsibilities bearing on the

subject of the SEIS. These are likely to include the following (note: starred (*) agencies administer one or more of the enforceable policies of the VCP):

Department of Environmental Quality:

- o Office of Environmental Impact Review
- o Piedmont Regional Office*
- o Air Division*
- o Division of Land Protection and Restoration (formerly Waste Division)
- o Office of Stormwater Management*

Department of Conservation and Recreation:

- o Division of Planning and Recreation Resources
- o Division of Natural Heritage Resources

Department of Health*

Department of Game and Inland Fisheries*

Department of Historic Resources

Virginia Marine Resources Commission*

Department of Forestry

Department of Agriculture and Consumer Services

Crater Planning District Commission

Hampton Roads Planning District Commission

City of Suffolk

Prince George County

Surry County

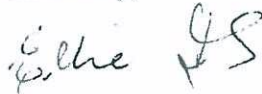
Isle of Wight County.

In order to ensure an effective coordinated review of the environmental document and FCD, we will require 18 copies of the SEIS and FCC when they are published. This submission may include 3 printed copies and 15 CDs, or 3 printed copies and an electronic copy available for download at a web site or file transfer protocol (ftp) site. The SEIS should include appropriate U.S. Geological Survey topographic maps as part of its information. We recommend, as well, that project details unfamiliar to people outside the Corps and the applicant be adequately described.

If you have questions about the environmental review process or the federal consistency review process, please feel free to call me at (804) 698-4325 or John Fisher at (804) 698-4339.

I hope this information is helpful to you.

Sincerely,



Ellie L. Irons, Program Manager
Environmental Impact Review