



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
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Executive Office

JUN 29 2016

Ms. Angel Deem
Environmental Division Director
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219-2000

Dear Ms. Deem:

I am replying to your letter, dated April 29, 2016, regarding the Hampton Roads Crossing (HRC) Study Supplemental Environmental Impact Statement (SEIS), which the Virginia Department of Transportation (VDOT) is preparing in conjunction with the Federal Highway Administration (FHWA) and other agency and stakeholder partners. In your letter, you request comments from the U.S. Army Corps of Engineers (USACE), Norfolk District, in accordance with our role as a National Environmental Policy Act (NEPA) "cooperating agency" for the SEIS. Specifically, you have requested comments on how the USACE might evaluate, pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408), the impacts of the proposed HRC project alternatives on USACE federally authorized civil works projects.

As interpreted by agency policy, Section 408 prohibits the alteration of federally authorized USACE civil works projects unless the acting party obtains USACE permission prior to making the alteration. The USACE may grant such permission where it determines that the proposed alteration will neither impair the usefulness of the civil works project nor be injurious to the public interest. The USACE has published Section 408 guidance in Engineer Circular (EC) 1165-2-216, "Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408," which provides the policy and procedural guidance for Section 408 requests.

The four proposed HCR project alternatives, identified in the Alternatives Technical Report (ATR) as "A," "B," "C," and "D," would have varying impacts on the federally authorized Norfolk Harbor and Channels Federal Navigation Project (the Norfolk Harbor Project). The Norfolk Harbor Project includes the channel elements of Channel to Newport News, Sewells Point Anchorage, Newport News Anchorage, and the Craney Island Dredged Material Management Area (CIDMMA).

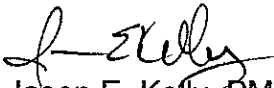
While the enclosed document provides our preliminary Section 408-related comments and concerns in accordance with our role as a NEPA cooperating agency, we stress that the ATR for the HRC Project does not provide sufficient detail and information to make a Section 408 determination. Section 408 review can be

accomplished for this project once the plans have been developed to a sufficient level for our assessment of potential effects to our operation of Craney Island. EC 1165-2-216 indicates that plans should be developed to at least 60% completion in order to provide the level of detail necessary for Section 408 review of a proposal.

A copy of this letter, with enclosure, has been provided to Mr. Jim Utterback and Mr. Scott Smizik, with VDOT and Mr. Ed Sundra, with FHWA.

My staff will be happy to continue coordination on this project to assist in addressing these concerns for potential impacts to federally authorized civil works projects. If you require further information, please do not hesitate to contact Mr. Gregory C. Steele, P.E., Chief, Water Resources Division, at (757) 201-7764.

Sincerely,


Jason E. Kelly, PMP
Colonel, U.S. Army
Commanding

Enclosure

Norfolk District Corps of Engineers
Comments on the Hampton Roads Crossing Study (HRCS)
Alternatives Technical Report

1. Alternatives C and D for the HRCS surround and traverse Craney Island Dredged Material Management Area (CIDMMA) and alter the facility in the following manner:

a. The alternatives obstruct and restrict navigation to the CIDMMA. Obstructed or restricted navigable access will impair the ability of the Corps to maintain and operate CIDMMA and federal navigation channels and anchorages. Proposed alterations to the project will impact facility operation and maintenance, facility construction, contract performance periods, and result in increased costs to the Federal government and users of CIDMMA through increased tolls to deposit dredged material.

b. The proposed vertical clearance will restrict navigable access to the facility. The HRCS Supplemental Environmental Impact Statement (SEIS) Alternatives Technical Report provided to the Corps, indicates a vertical clearance for all bridge crossings of 18-feet relative to North American Vertical Datum of 1988 (NAVD 88). Restricted vertical clearance will prohibit delivery of construction materials and equipment and limit the type of vessels calling on the facility including Corps vessels and contractor vessels (i.e., tugs, derricks, barges, and cranes). The Corps will require continued unconstrained navigable access to the CIDMMA.

2. Alternatives B, C, and D traverse the east side of the CIDMMA. Proposed vertical clearance of bridge crossings on the facility will restrict access for vessels using the Craney Island Rehandling Basin (CIRB) bulkhead facility and construction lay-down area. As currently proposed cranes and similar equipment would be required to break-down and re-erect to clear the Virginia Port Authority rail and the proposed Hampton Roads Crossing (HRC) bridge structures. Proposed alterations to the project will impact facility operation and maintenance, facility construction, contract performance periods, and result in increased costs to the Federal government and users of CIDMMA through increased tolls to deposit dredged material.

3. Alternatives B, C, and D traverse the east side of the CIDMMA and propose to take land in the existing south containment cell. Relocation and reconstruction of the containment dike to the west will impair and reduce the long-term capacity of the CIDMMA. It is anticipated that the reduction of acreage within the containment cell will result in significant loss of capacity and associated lifespan of the south cell containment area. Any proposed excavation and re-deposit of south cell dredged material into containment cells from site work in the area will further reduce long-term capacity. Redeposit of excavated dredged material located in the south containment cell will require an evaluation to determine if the material may be redeposited at the CIDMMA. Additionally, any excavated material proposed for redeposit into CIDMMA may require evaluation and testing to insure the material meets Clean Water Act (CWA) and facility requirements. Additionally, relocation and reconstruction of the containment dike to the west may render the cell unable to accept dredged material for many years.

4. Alternatives B, C, and D will restrict dredge pipeline alignments for dredged material placement operations during maintenance of Federal navigation channels. Access for pipelines and tender vessels will be required at multiple locations under bridge structures. Perpetual easements for dredge pipelines will be required for alignments along proposed bridge structures. Constraining dredge pipeline alignments for dredged material placement operations at CIDMMA will result in increased costs to the Federal government and users of CIDMMA. Construction methods for the HRC project will need to be performed in a manner that minimizes impacts to Corps contractor's ability to install and maintain submerged and floating pipelines and ancillary equipment supporting maintenance dredging of Federal navigation channels and anchorages.

5. Alternatives B, C, and D will eliminate contractor lay-down area located at the CIRB bulkhead. Loss of the contractor lay-down area will require an alternate location for contractor access and lay-down area. It should be noted that lay-down areas provided to the north of the CIRB will require significant maintenance due to elevated land subsidence of the areas northward. This will result in increased costs to the Federal government through additional maintenance and to contractors who will not have access or lay-down areas proximate to operations at the bulkhead facility.

6. Alternatives B, C, and D will have impacts to United States Government property. Real estate coordination and real estate instruments will be required to construct the project on government property. Perpetual easements will need to be provided to support maintenance dredging, dredged material placement operations, and facility maintenance and construction.

7. Alternatives A, B, C, and D will each have tunnel elements that impact multiple Federal navigation channels and anchorages. Tunnel clearances in the Federal navigation channels will need to meet or exceed the clearance of the existing Hampton Roads Bridge Tunnel (HRBT). Tunnels will need to be protected to withstand all potentially foreseen impacts from navigational emergencies and dredging operations. Tunnel armament and depth must consider spud and anchor embedment depths and potential vessel strikes.

8. Alternatives A, B, C, and D will have impacts to designated Federal project anchorages. Construction methods and scheduling for project construction including any proposed use of Federal navigation anchorages during construction will need to be performed in a manner that minimizes impacts to navigation to a level acceptable to the navigation community. Loss of anchorage areas will reduce anchorage capacity, availability, and reduce vessel scheduling, access, and maneuverability.

9. Alternatives B, C, and D will have impacts to navigation and operations during construction of the project. Construction methods and scheduling for the project, especially features crossing navigation channels and facilities, will need to be performed in a manner that minimizes impacts to navigation to a level acceptable to the navigation community.

10. Alternatives B, C, and D will have impacts to maintenance and construction on the CIDMMA facility. Construction methods and scheduling for the HRC project will need to be performed in a manner to minimize impacts to dredging, dredged material placement operations, facility maintenance, and construction to a level that accommodates timely dredged material placement by the Corps and other stakeholders using the facility. HRC construction on CIDMMA will need to be performed to not interfere with containment dike raising, dredged material borrow operations, and construction and maintenance of other facility infrastructure.

11. Alternatives B, C, and D propose to construct a roadway adjacent to an existing utility corridor on CIDMMA. The project design and construction will need to be performed to ensure the stability and differential loading and movement that may result on the utilities (i.e., Virginia Natural Gas pipeline, U.S. Navy JP-5 line).

12. Impacts to navigation for the selected alternative (A, B, C, or D) must be vetted and approved by the U.S. Coast Guard (USCG) Sector Hampton Roads.