

APPENDIX A. COORDINATION/CORRESPONDENCE



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

February 5, 2007

Planning Division

Mr. Randy Bartlett
Director, Stormwater Planning Division
Fairfax County Department of Public Works
and Environmental Services
12000 Government Center Parkway, suite 449
Fairfax, Virginia 22035-0052

Dear Mr. Bartlett,

On behalf of Fairfax County, Virginia, the U.S. Army Corps of Engineers, Baltimore District (Corps), is sending this letter to provide information regarding the Huntington Community Flood Damage Reduction Study, and to request any data or other information your office may have that could assist us in this study.

Following severe flooding from a June 2006 rainfall, Fairfax County requested that the Corps investigate flood damage reduction alternatives for the Huntington Community under the Floodplain Management Services Program. The Huntington Community is adjacent to Cameron Run, located between Telegraph Road and Jefferson Davis Highway (Enclosures 1 and 2). The community has approximately 160 duplex homes which experienced significant flooding in June 2006.

The Corps will conduct the study to develop and evaluate various flood damage reduction alternatives for the Huntington Community, including dredging, flood proofing individual houses, floodwall construction, levee construction, and resident relocation (buyouts). Some of the tasks to be performed include environmental analysis, economic analysis, real estate assessment, hydrologic and hydraulic analyses, and geotechnical investigations. If the County selects a plan for implementation, the final product of this study will be a 65 percent design for the recommended solution. The entire study is anticipated to take approximately eighteen months to complete, with a recommended plan being identified within the first nine to twelve months.

In order to assist the Corps and Fairfax County, and make this study as accurate as possible, we request that you submit any information you may have, within your agency's area of expertise, regarding potential physical, economic, social or environmental factors that may have an impact on the design or implementation of flood damage reduction methods at this location. This letter is being sent to Federal, state, and local agencies and organizations with a known interest in the study area (Enclosure 3). Please provide a copy of this letter to any additional parties or agencies which may have an interest in, or information regarding, this project.

Please submit any information and/or comments by February 26, 2007 to Ms. Stacey Underwood, CENAB-PL-E, P.O. Box 1715, Baltimore, Maryland 21203-1715. If you have any questions, please contact Ms. Underwood at 410-962-4977.

Sincerely,

Robert F. Gore
Chief, Planning and Environmental Services Branch

Encl

Enclosure 3:
HUNTINGTON COMMUNITY FLOOD DAMAGE REDUCTION STUDY
Coordination Mailing List

I. FEDERAL AGENCIES

Mr. John Nichols
Habitat Conservation Division
National Marine Fisheries Service, NOAA
904 South Morris Street
Oxford, MD 21654-0279

Mr. Donald S. Welsh
Regional Director
U.S. EPA, Region III
1650 Arch Street (3ES30)
Philadelphia, PA 19103-2029

Mr. John P. Wolflin
Field Supervisor
Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

Mr. Mark R. Bennett
Director
USGS Virginia Water Science Center
1730 East Parham Road
Richmond, VA 23228

Mr. Bob Hume
Chief, Regulatory Branch
U.S. Army Corps of Engineers - Norfolk District
803 Front Street
Norfolk, VA 23510-1096

II. STATE AGENCIES (COMMONWEALTH OF VIRGINIA)

Mr. Joseph H Maroon
Director
Virginia Department of
Conservation and Recreation
203 Governor Street, Suite 302
Richmond, Virginia 23219-2094

Mr. David K. Paylor
Director
Department of Environmental Quality
Commonwealth of Virginia
629 East Main Street
Richmond, VA 23219

Mr. Jeffery A. Steers
Regional Director
Northern Virginia Region
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia 22193

Ms. M. Denise Doetzer
State Conservationist
USDA Natural Resources Conservation Service
Culpeper Building
1606 Santa Rosa Road, Suite 209
Richmond, Virginia 23229-5014

Mr. Robert W. Grabb
Chief, Habitat Management
Marine Resources Commission
Commonwealth of Virginia
2600 Washington Avenue, Third Floor
Newport News, VA 23607-0756

Mr. J. Carlton Courter III
Director
Virginia Department of Game & Inland Fisheries
4010 West Broad Street
West End, Virginia 23230

Mr. Pierce Homer
Secretary of Transportation
Virginia Department of Transportation
202 North Ninth Street - 5th floor
Richmond, VA 23219

Mr. Michael M. Cline
State Coordinator
Virginia Department of Emergency Management
10501 Trade Court
Richmond, VA 23236

III. REGIONAL OFFICES

Mr. Joseph K. Hoffman
Executive Director
Interstate Commission on the Potomac
River Basin
6110 Executive Boulevard, Suite 300
Rockville, MD 20852-3903

IV. LOCAL OFFICES

Mr. Richard Baier
City of Alexandria
Director, Transportation and Environmental Services
301 King Street
Alexandria, VA 22314

Mr. Timothy White
Deputy Director
Fairfax County Government
12055 Government Center Pkwy., Suite 946
Fairfax, VA 22035-1118

Ms. Marion Welton
Department of Planning and Zoning
Fairfax County Government
12055 Government Center Pkwy.
Fairfax, VA 22035-1118

V. PROJECT SPONSORS

Mr. Randy Bartlett
Director, Stormwater Planning Division
Fairfax County Department of Public Works
and Environmental Services
12000 Government Center Parkway, suite 449
Fairfax, Virginia 22035-0052



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

JAMES W. KECK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

February 21, 2007

Mr. Robert F. Gore
Chief, Planning & Environmental Services Branch
Baltimore District, U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Huntington Community Flood Damage Reduction Study

Dear Mr. Gore:

Thank you for the update on the subject study. The Department of Emergency Management worked with Fairfax County, the Department of Homeland Security, Federal Emergency Management Agency, the U.S. Small Business Administration and state agencies to provide flood recovery support to the communities impacted by the late June and early July flooding events in northern Virginia. Huntington was especially hard hit and has experienced repeated flooding that has become more severe through the years as the impervious surface in the Cameron Run watershed has expanded with urban development. In addition, lack of scheduled, proactive drainage system maintenance through the years may have contributed to the flooding situation.

While our staff does not have specific anecdotal or technical expertise regarding the specific hydrologic and hydraulic factors contributing to repetitive Cameron Run flooding events, we support the study and look forward to its results so that we can assist Fairfax County and the Huntington Community with long-term hazard mitigation options. With that regard, please contact Deborah G. Mills, Hazard Mitigation Program Manager, at (804) 897-6500 ext. 6563 or Deborah.Mills@vdem.virginia.gov for further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "M M Cline".

Michael M. Cline



COMMONWEALTH of VIRGINIA

Office of the Governor

P.O. Box 1475
Richmond, Virginia 23218

Pierce R. Homer
Secretary of Transportation

(804) 786-8032
Fax: (804) 786-6683
TTY: (800) 828-1120

February 21, 2007

Mr. Robert F. Gore
Chief, Planning and Environmental Services Branch
U.S. Army Corp of Engineers
Post Office Box 1715
Baltimore, Maryland 21203-1715

Dear Mr. Gore:

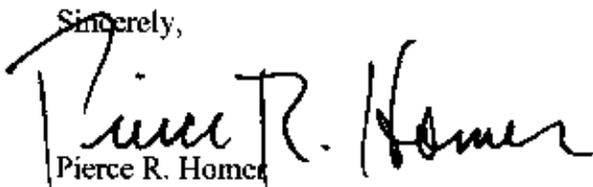
I am in receipt of your letter dated February 5 requesting information that would be of assistance to the U.S. Army Corp of Engineers (USACE) in completing the Huntington Community Flood Damage Reduction Study.

I have attached a copy of the Virginia Department of Transportation (VDOT) study on the severe flooding that followed the June 2006 rainfall, "Woodrow Wilson Bridge Project: Report of Impacts on Cameron Run Flood Event of June 25, 2006." This report examines the attributes and history of Cameron Run, and examines the role the construction activities and other factors played in the flooding that occurred in the Huntington community.

I have requested that VDOT staff with the Woodrow Wilson Bridge Project provide you with any information they may have that could assist the USACE with its study, including but not limited to the comprehensive study completed in 2001 by VDOT and the Potomac Crossing Consultants of Cameron Run and the impacts of the Woodrow Wilson Bridge Project on the future conditions of Cameron Run. A copy of this letter is attached for your information.

Please feel free to contact me if you have any questions.

Sincerely,


Pierce R. Homer

Attachments (2)

•PRI:es

Copy: Mr. Ronaldo Nicholson

Grundy, Jo Ann NAB02

From: Andrew Zadnik [Andrew.Zadnik@dgif.virginia.gov]
Sent: Monday, February 26, 2007 2:18 PM
To: Grundy, Jo Ann NAB02; Underwood, Stacey M NAB02
Cc: ProjectReview (E-mail); Frances Greenway; Ray Fernald
Subject: COE_Huntington flood reduction analysis_CameronRun_Fairfax_ESS 23473

We have reviewed the subject project and offer the following comments and recommendations. The Department of Game and Inland Fisheries (VDGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over those resources, inclusive of state or federal endangered or threatened species, but excluding listed insects. We are a consulting agency under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and we provide environmental analysis of projects or permit applications coordinated through the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, the U.S. Army Corps of Engineers, and other state or federal agencies. Our role in these procedures is to determine likely impacts upon fish and wildlife resources and habitats, and to recommend appropriate measures to avoid, reduce, or compensate for those impacts.

This project involves the development and evaluation of various flood damage reduction alternatives for the Huntington Community, Fairfax Co. Potential alternatives include dredging, flood proofing individual houses, floodwall construction, levee construction, and residential relocation.

The Huntington Community is located within the 100-year floodplain of Cameron Run, a tributary of the Potomac River. According to our current records, there have been no documented occurrences of threatened or endangered wildlife resources under our jurisdiction within the project area. However, we have an historic record of the State Special Concern bridle shiner in Cameron Run. The bridle shiner also is considered a Species of Critical Conservation Need (Tier I) according to the Virginia Wildlife Action Plan. In addition, Cameron Run is a Potential Anadromous Fish Use Area. We are concerned that project alternatives involving instream activities and further manipulation of Cameron Run may result in adverse impacts upon these and other fish and wildlife resources. If the selected alternative involves instream work, such as dredging, we recommend that it be scheduled to avoid the spring migration and spawning period, defined as February 15 - June 30. We recommend that this project consider alternatives that will improve the habitat quality in and adjacent to Cameron Run, while providing a means to capture, store, and dissipate flood waters. This could be through improved stormwater controls (e.g., LID retrofit projects), wetland creation and/or restoration, and riparian buffer restoration.

Thank you for the opportunity to comment on this project. Please contact me if we can be of further assistance.

Sincerely,

Andrew K. Zadnik
Environmental Services Section Biologist Department of Game and Inland Fisheries 4010 West
Broad Street Richmond, VA 23230

(804) 367-2733
(804) 367-2427 (fax)



DEPARTMENT OF TRANSPORTATION
AND ENVIRONMENTAL SERVICES

P.O. Box 178 - City Hall
Alexandria, Virginia 22313
703-838-4966

Alexandriava.gov

February 27, 2007

Mr. Robert F. Gore
Department of the Army
Chief, Planning and Environmental Services Branch
Baltimore district, U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

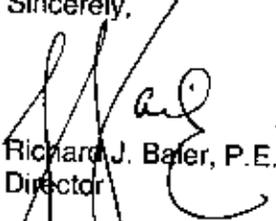
Dear Mr. Gore,

In response to your letter of February 5, regarding the Huntington community Flood Damage Reduction Study, I would like to inform you that we have met with Stacey Underwood and provided her with all available data.

Attached is a copy of a letter from the City Manger, Jim Hartmann to Mr. Anthony Griffin, County Executive with Fairfax County, for your information.

If I can be of further help, please do not hesitate to call me at 703-838-4966

Sincerely,



Richard J. Baier, P.E.
Director

Attachment

I. Preston Bryant, Jr.
Secretary of Natural
Resources



→ LARRY

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 302
Richmond, Virginia 23219-2010
Phone: (804) 786-6124 Fax: (804) 786-6141

February 28, 2007

Robert F. Gore, Chief
Planning and Environmental Services Branch
Department of the Army
Baltimore District, U. S. Army Corps of Engineers
P. O. Box 1716
Baltimore, MD 21203-1715

RE: Huntington Community Flood Damage Reduction Study

Dear Mr. Gore:

This letter is in response to your February 5, 2007 letter requesting the Department of Conservation and Recreation's suggestions on topics for the Corps to consider as it begins the referenced study. We offer the following:

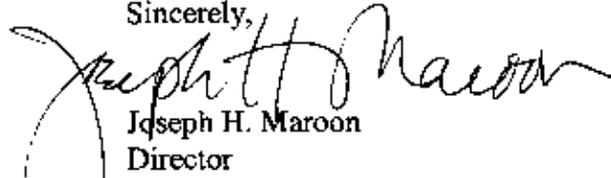
1. Determine the impact of sediment loading deposits to the floodplain and specify the removal requirements that are needed to maintain the floodplain functions.
2. Give consideration of the impacts to historic, rare, threatened and endangered species.
3. Conduct a review of FEMA's Letters of Map Change that have been issued for structures in the designated floodplain, cancel letters with inaccurate data and issue new letters that accurately reflect the flooding risk.
4. The study results should become a part of FEMA's Flood Insurance Rate Maps and update the existing Maps with the newly acquired data.

We appreciate the opportunity of being involved at the first phase of the Corps study and if needed, the Department's Floodplain Staff is available to assist further.

Robert F. Gore, Chief
Planning and Environmental Services Branch
Department of the Army
Baltimore District, U. S. Army Corps of Engineers
February 28, 2007
Page 2

Please direct future correspondence to William G. Browning, Dam Safety and
Floodplain Management Division Director at 804-786-3914 or
bill.browning@dcr.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "Joseph H. Maroon". The signature is written in black ink and is positioned above the printed name and title.

Joseph H. Maroon
Director

c: William G. Browning, Dam Safety and Floodplain Management Division Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

March 1, 2007

Ms. Stacey Underwood
Baltimore District, Army Corps of Engineers
CENAB-PL-E
P.O. Box 1715
Baltimore, Maryland 21203

RE: Huntington Community Flood Damage Reduction Study

Dear Ms. Underwood:

We are responding to the February 5, 2007 letter from Robert Gore of your office to the DEQ Director (received March 1, 2007), requesting information and advice on environmental factors that may affect the design or implementation of flood damage reduction methods for the Huntington Community in Fairfax County, Virginia. According to the letter, the Baltimore District of the Corps of Engineers has been asked by Fairfax County to undertake a study of flood damage reduction alternatives in light of flooding along Cameron Run in June 2006. We assume that the "65 percent design for the recommended solution" (third paragraph of the letter) will include an environmental assessment (EA) or environmental impact statement (EIS), along with a federal consistency determination covering the proposed actions and alternatives.

The Department of Environmental Quality, through its Office of Environmental Impact Review (this Office), coordinates Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act and responds to appropriate federal officials on behalf of the Commonwealth. The Department of Environmental Quality (DEQ) is also the lead agency for Virginia's review of federal consistency determinations prepared under the Coastal Zone Management Act.

Environmental Review and Scoping

We are sharing the letter with selected state agencies, the affected locality, and the Northern Virginia Regional Commission, all of which will be

invited to comment on the EA or EIS and the federal consistency determination. These agencies will include the following (note: starred (*) agencies administer one or more of the Enforceable Programs of the Virginia Coastal Resources Management Program; see "Federal Consistency....," below):

Department of Environmental Quality:
Office of Environmental Impact Review (this Office)
Northern Virginia Regional Office*
Water Resources Division*
Department of Game and Inland Fisheries*
Department of Conservation and Recreation:
Division of Chesapeake Bay Local Assistance*
Division of Soil and Water Conservation*
Division of Planning and Recreation Resources
Department of Health, Office of Drinking Water
Marine Resources Commission*
Department of Transportation
Department of Emergency Management
Department of Historic Resources
Northern Virginia Regional Commission
Fairfax County.

In order to ensure an effective coordinated review of the resulting EA or EIS and the federal consistency determination, we will require 18 copies of the document when it is published (additional copies may be needed for local government reviewers). While this Office does not participate in scoping efforts beyond the advice given herein, other agencies and entities are free to provide scoping comments as they see fit.

Federal Consistency under the Coastal Zone Management Act

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities affecting Virginia's coastal resources or coastal uses must be consistent with the Virginia Coastal Resources Management Program (VCP) (see section 307(c)(1) of the Act and the Federal Consistency Regulations, 15 CFR Part 930, sub-part C). The Corps must provide a consistency determination which involves 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). The federal consistency determination may be provided as part of the NEPA documentation or independently, depending on

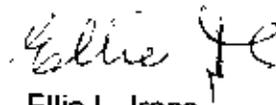
Ms. Stacey Underwood
Page 3

your agency's preference. We recommend that it be provided with the NEPA documentation to save time for both the Corps and the Commonwealth.

Section 930.39 of the Federal Consistency Regulations and Virginia's Federal Consistency Information Package give content requirements for federal consistency determinations. The Federal Consistency Information Package is available on DEQ's web site. This gives you access to the Information Package.

I hope this information is helpful to you. If you have questions, please feel free to call me (telephone (804) 698-4325) or Charlie Ellis of this Office (telephone (804) 698-4488).

Sincerely,



Ellie L. Irons
Program Manager
Office of Environmental Impact Review

Enclosures

cc: Thomas A. Faha, DEQ-NVRO
Joseph P. Hassell, DEQ-DWR
Andrew K. Zadnik, DGIF
Robert S. Munson, DCR
Susan E. Douglas, VDH
Tony Watkinson, MRC
Tonia W. Horton, DHR
Alice R. T. Baird, CBLAD
Michael Cline, VDEM
Mary T. Stanley, VDOT-EQD
G. Mark Gibb, NVRC
Noel F. Kaplan, Fairfax County DPZ
✓ Ann Grundy, Baltimore Corps



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Steven G. Bowman
Commissioner

March 6, 2007

Ms. Stacey Underwood
CFNAB-PL-E
P.O. Box 1715
Baltimore, MD 21203-1715

RE: Huntington Community Flood
Damage Reduction Study

Dear Ms. Underwood:

We are in receipt of your letter dated February 5, 2007 regarding the Huntington Community Flood Damage Reduction Study in Fairfax County.

Please be advised that the Marine Resources Commission, pursuant to Section 28.2-1204 of the Code of Virginia, has jurisdiction over any encroachments in, on, or over any State-owned rivers, streams, or creeks in the Commonwealth. Accordingly, if any portion of the subject projects involves any encroachments channelward of ordinary high water along natural rivers and streams, a permit may be required from our agency.

Please contact me if you have further questions. I can be reached at (757) 247-8027 or Elizabeth.Gallup@mrc.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Gallup".

Elizabeth Gallup
Environmental Engineer

EG/moj
HM

An Agency of the Natural Resources Secretariat

Web Address: www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Grundy, Jo Ann NAB02

Subject: FW: Huntington Flood Study

-----Original Message-----

From: Kimberly_Smith@fws.gov [mailto:Kimberly_Smith@fws.gov]
Sent: Tuesday, March 06, 2007 3:02 PM
To: Grundy, Jo Ann NAB02
Subject: RE: Huntington Flood Study

Eric has already reviewed the project and determined that it is not likely to adversely affect federally listed species. I would be interested in reviewing the impacts to waters and wetlands. Kim ~~~~~~ Kimberly Smith Fish and Wildlife Biologist U.S. Fish & Wildlife Service
6669 Short Lane
Gloucester, VA 23061
Kimberly_Smith@fws.gov
(804) 693-6694 ext. 126; (804) 693-9032 FAX <http://www.fws.gov/northeast/virginiafield/>
"Grundy, Jo AnnNAB02" <Jo.Ann.Grundy@nab02.usace.army.mil, <kimberly_smith@fws.gov>
03/05/2007 10:15AM
Subject: RE: Huntington Flood Study

Good morning Kimberly,

Eric Davis informed me (see e-mail below) that you would be the POC for a flood damage reduction study underway for the Huntington Community in Fairfax County, VA. He mentioned a low probability for federally listed species inside the beltway. The project is actually just south of the beltway. A bald eagle nest was identified in 1998 just across the river in Oxon Hill area and impacts were evaluated in a Biological Assessment for the Wilson Bridge project in 2000. I was hoping for a review of any known RTE in the area during the study phase of this project. I faxed/mailed a study notice to Eric's attention last week. Hopefully he will forward it to you for review.

Thank you in advance for your time,

Jo Ann Grundy, Biologist
U.S. Army Corps of Engineers
Baltimore District, Planning Division
410-962-6136 (Telephone)
410-962-4698 (Fax)

-----Original Message-----

From: Eric_Davis@fws.gov [mailto:Eric_Davis@fws.gov]
Sent: Friday, March 02, 2007 8:31 AM
To: Grundy, Jo Ann NAB02
Subject: Re: Huntington Flood Study

Jo Ann,

The project is inside the beltway, so it is not likely to adversely affect federally listed species. When a plan is available to review, our office's POC will be Kimberly Smith, , 804-693-6694 x 124.

Eric Davis
USFWS, Virginia Field Office
(804) 693-6694 ext. 104

"Grundy, Jo Ann NAB02"
<Jo.Ann.Grundy@nab02.usace.army.mil, <eric_davis@fws.gov>
03/01/2007 11:06AM
Subject: Huntington Flood Study

Hi Eric,



FAIRFAX COUNTY PARK AUTHORITY

12055 Government Center Parkway, Suite 927
Fairfax, VA 22035-1118



March 7, 2007

Ms. Stacey Underwood
CENAB-PL-E
P.O. Box 1715
Baltimore, MD 21203-4977

Re: Huntington Community Flood Damage Reduction Study

Dear Ms. Underwood:

Thank you for the opportunity to comment early on this project.

The Park Authority currently owns five parcels in the study area, totaling approximately sixteen acres. These parcels are operated as Huntington Park. In addition, approximately six acres has been proffered to the Park Authority and will be added to Huntington Park. The entirety of the existing park and future dedicated parcel is within the 2002 VDOT 100-year floodplain.

Huntington Park is designated as a Community Park that serves the active and passive recreation needs of the adjacent residents. The park has the following existing facilities; one 60 foot diamond athletic field, a multi-use court, open play areas, playground, benches and trails. These facilities serve a large number of residents in an area of the county that is currently highly deficient in parkland and recreational facilities as determined by the Park Authority's *2004 Needs Assessment*.

The Park Authority initiated a Master Plan Revision process in March 2006 to add new parcels acquired to the Master Plan and determine which additional facilities should be constructed at Huntington Park. A public information meeting was held in the spring of 2006 which was well attended by a variety of park users and neighbors who expressed interest in retaining natural areas as well as consideration of new or improved facilities including play equipment, a dog park and a major trail connection. Following the floods of June 2006, the master plan process was placed on hold pending the recommendations of the Huntington Community Flood Damage Reduction Study.

If the flood control recommendations contained within the Camp, Dressler, and McKee report of 1982 are an indication of the kinds of flood control options under consideration, there will be a major impact to the existing and continued operations at Huntington Park. The recommendations contained in the 1982 study included two flood containment options: a floodwall or a levee. Either option would require use of Huntington Park and would

Ms. Stacey Underwood
March 7, 2007
Page 2

significantly limit its recreation uses. In addition, impacts to the natural and potential cultural resources within this park may likewise be significant.

If a floodwall were placed in the general location shown in the 1982 study, it would effectively cut off the park from the neighborhood, limiting access to the park property on the Cameron Run side of the floodwall. This would not allow the park to be operated as an active recreation park. The park has already been used through the years as an attractive area for homeless camps and other undesirable activities. Limiting access and views into the park land may exacerbate these activities.

A levee through the park would also significantly impact park usage. Depending upon levee design it could impact a number of the existing facilities negatively. If the Park Authority were able to assist in levee design it is possible that the levee could be integrated as a green feature for the neighborhood. Additionally, the planned Cameron Run Stream Valley Trail could be integrated into the levee design. A levee may also remove portions of the park from the floodplain allowing for the construction of additional active recreation facilities.

Thank you again for the opportunity to participate in this project. If you have further questions, you are welcome to contact Senior Planner, Scott Sizer at (703) 324-8725 or ssizer@fairfaxcounty.gov.

Sincerely,



Timothy K. White
Chief Operating Officer

cc: Gerald Hyland, Board of Supervisors, Mount Vernon District
Gilbert S. McCutcheon, Park Authority Board, Mount Vernon District
Michael A. Kane, Director
Cindy Messinger, Director, Resource Management Division
Charles Bittenbring, Acting Director, Planning and Development Division
Randy Bartlett, Director, Stormwater Planning Division, DPWES
Carylyn Lewis, Stormwater Engineer, SPD, DPWES
Sandy Stallman, Manager, Planning Branch
Scott Sizer, Senior Planner, Planning Branch



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

March 7, 2007

MEMORANDUM TO: Stacey Underwood
Planning & Environmental Services Branch

FROM: John Nichols *JN*

SUBJECT: CENAB-PL-E, Huntington Community Flood Damage Reduction Study

This pertains to your request for information, dated February 5, 2007, regarding National Marine Fisheries Service (NMFS) resources that may be affected by the proposed Huntington Community Flood Damage Reduction Study in Fairfax County, Virginia.

There is documentation that Cameron Run supports spawning activity of alewife and blueback herring, from its confluence with Hunting Creek, upstream to the first gabion drop (grade-control) structure at stream mile 1.6 (Odom et al., 1988)*. It is also likely that white perch and yellow perch spawn within the same reach of Cameron Run.

Flood reduction alternatives considered under this study should be sensitive to the ecological and habitat requirements of anadromous fish in Cameron Run. Options considered should focus on conservation of tidal wetlands, wetland and forested riparian zone, and shallow water habitat by minimizing fill and/or dredging of such habitats. Additionally, instream work that will disrupt migratory, spawning, and/or nursery activities of these species should be restricted from February 15 through June 15.

Essential Fish Habitat (EFH)

The project area lies upstream of designated EFH and occurrence of federally managed species in the Potomac River watershed, and will not directly affect EFH and managed species. However, the project will affect ecologically important migratory prey species, such as alewife and blueback herring, which are consumed by bluefish and other managed species in the Chesapeake Bay and mid-Atlantic coastal waters. Therefore, your agency has the option of consulting with NMFS regarding secondary effects to federally managed species from impacts on the reproductive activities of important prey species, such as river herring. An EFH assessment submitted for this project should follow the standard protocol for EFH assessments; i.e., 1) your assessment should be a separate document, or distinct section of the NEPA document prepared for this project; and, 2) contain a complete project description, analysis of impacts on prey species, your agency's determination of effects on EFH, and mitigative measures applied by your agency.

Protected Resources

The endangered shortnose sturgeon (*Ancipenser brevirostrum*) has been determined by NMFS to be present in the tidal Potomac River, including the project vicinity. Therefore, you should contact Julie Crocker, (978) 281-9328, ext. 6530, or, (Julie.Crocker@NOAA.GOV) of our Protected Resources Division in Gloucester, MA, regarding your Section 7 consultation responsibilities for this project under the Endangered Species Act.

If you have any questions, you may contact me at (410) 267-5675, or John.Nichols@NOAA.GOV.

*Odom, Michael, R. J. Neves, and J. J. Ney. 1988. Use of Virginia's Tributaries of the Potomac River by Anadromous Fish. Final Report. Department of Fisheries & Wildlife Sciences, Virginia Polytechnic Institute and State University, Blacksburg, VA.





COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124

MEMORANDUM

DATE: March 19, 2007

TO: JoAnn Grundy, USACE

FROM: Robert S. Munson, Planning Bureau Manager, DCR-DPRR 

SUBJECT: DCR 07-039: DOA-Corps of Engineers-Huntington Community Flood Damage Reduction Study

Department of Conservation and Recreation (DCR) Flood Plain Management Section has reviewed the above project and submitted comments in a letter dated February 28, 007. Upon further review DCR would like to offer the following comments in addition to those already submitted.

The DCR's Division of Natural Heritage has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Under a Memorandum of Agreement, DCR represents the Virginia Department of Agriculture and Consumer Services (VDACS) in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, that may contain

information not documented in this letter. Their database may be accessed from www.dgif.virginia.gov/wildlifeinfo_map/index.html, or contact Shirl Dressler at (804) 367-6913.

Finally, all proposed land disturbance, clearing, or grading related to activity must comply with the *Chesapeake Bay Preservation Area Designation and Management Regulations* as enforced through locally adopted Chesapeake Bay Preservation Area (CBPA) ordinances and managed by Fairfax County.

Thank you for the opportunity to comment on this project.

Grundy, Jo Ann NAB02

From: Julie Crocker [Julie.Crocker@Noaa.Gov]
Sent: Monday, March 26, 2007 9:01 AM
To: Grundy, Jo Ann NAB02
Subject: Re: Shortnose Sturgeon & Sect 7

Follow Up Flag: Follow up
Flag Status: Yellow

Attachments: Julie.Crocker.vcf



Julie.Crocker.vcf
(370 B)

Hi Jo Ann.

Provided that all work would take place in Cameron Run and no in-water work was going to take place in the Potomac River, NMFS would determine that there are no listed species (i.e., shortnose sturgeon) likely to be present in the project area and that no section 7 consultation would be necessary.

Hope that helps,

Julie

Grundy, Jo Ann NAB02 wrote:

Dear Ms. Crocker,

I was advised to contact you in a letter from John Nichols, dated March 7, 2007. In this letter he mentions that shortnose sturgeon may be located in the proposed project vicinity. We're currently studying the feasibility of a flood damage reduction project along Cameron Run for the Huntington Community in Fairfax County, VA. Possible actions may include dredging the river and constructing a floodwall or levee. This portion of Cameron Run is approximately 1 mile upstream of the Potomac River. Please advise me on our Section 7 consultation responsibilities and if you would like a copy of the study notice, which was mailed to John last month.

Thank you in advance for your time,

Jo Ann Grundy
Biologist
U.S. Army Corps of Engineers
Planning Division - Civil Projects Development Branch
410-962-6136 (telephone)
410-962-4698 (fax)

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

51 Monroe Street, Suite PE-08
Rockville, MD 20850
(301) 984-1908
FAX (301) 984-5841
<http://www.potomacriver.org>



Chairman
Hamid Karimi

Vice Chairman March 26, 2007
Robert M. Summers

District of Columbia Ms. Stacey Underwood
Hamid Karimi (*) CENAB-PL-E
Lloyd Prestlar
John Wennersten (a) Baltimore District, U.S. Army Corps of Engineers
Anne D. Snodgrass (a) P.O. Box 1715
Baltimore, MD 21203-1715

Maryland
Gov. Martin O'Malley
James H. Gilford
George H. Shoemaker
Robert M. Summers (a*)
Minny Pohlmann (a)

Dear Ms. Underwood:

This letter is in regard to Mr. Robert F. Gore's correspondence to the Interstate Commission on the Potomac River Basin (ICPRB) regarding the Huntington Community Flood Damage Reduction Study which we received on March 1, 2007.

A search of our library and internal documents has not produced any documents specific to the project area; however, Mr. Jim Cummins, ICPRB Director for Living Resources, has visited this site in the past in considering potential restoration activities along Four Mile Run. We have the following general comments about the study area based upon Mr. Cummins' visit and review of materials provided with Mr. Gore's letter;

Pennsylvania
John T. Hines
Lori Mohr (a)

Rep. Bob Bastian (a)
Roger C. Steele (a)

Virginia

John D. Markley, Jr.
Del. Joe T. May
David K. Paylor
Scott W. Kudlas (a)

Andrew H. Macdonald (a*)
Del. Marian Van Landingham (a)

West Virginia

Marten R. Jenkins, Jr.
Del. Harold K. Michael
Stephanie R. Timmermeyer
Phyllis M. Cole (a)
William D. Brannon (a*)

United States

J. Winston Porter (*)
George W. Reiger
Jane G. Witheridge
Frederick R. Eames (a)
Mel M. Baughman (a)
Howard Graeffe (a)

Executive Director
Joseph K. Hoffman

General Counsel
Robert L. Bolle

1) Modifications of the stream banks and channel should use the opportunity to help restore fish and wildlife habitat functions which have been compromised by both anthropogenic changes in hydrology and the existing flood protection structures. As you are aware, a variety of innovative stream enhancements have been employed in the Anacostia River watershed which could be incorporated in this study area. However, based upon the Anacostia experience, we advise that a different approach should be taken to more actively re-vegetate the area's stream banks. Riparian vegetation serves many important functions such as providing habitat, improving water quality, moderating stream water temperatures, and producing a natural looking end product which is more aesthetically pleasing. Lessons learned from the Anacostia River and many other projects have demonstrated that management decisions between riparian vegetation and hard structure flood conveyance should be balanced.

2) This area is currently used by anadromous fishes including the blueback and alewife herrings (*Alosa aestivalis* and *A. pseudoharengus*) which would benefit

(*)--Executive Committee
(a)--Alternate

The ICPRB is an interstate compact commission established by Congress in 1940. Its mission is the enhancement, protection, and conservation of the water resources of the Potomac River and its tributaries through regional and interstate cooperation. Represented by appointed commissioners, the ICPRB includes the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, and the federal government.

from reconfiguration of the stream channel to support migration. Construction activities should be planned, designed, and coordinated to minimize disturbance during critical spawning and nursery time periods.

In closing, we are hopeful that these comments will be helpful and look forward to further communications. Please retain ICPRB on the mailing list for this project. Mr. Cummins will be our point of contact.

Sincerely,



Joseph K. Hoffman
Executive Director

cc J. Cummins

United States Department of Agriculture



Natural Resources Conservation Service
1606 Santa Rosa Road, Suite 209
Richmond, VA 23229-5014

Telephone: 804/287-1691
Fax: 804/287-1737

March 30, 2007

Ms. Stacey Underwood
CENAB-PL-E
Department of the Army
Baltimore District, U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Ms. Underwood:

In response to your letter of February 5, 2007 regarding the Huntington Community Flood Reduction Study in Fairfax County, NRCS did respond to a request from the City of Alexandria for Emergency Watershed Protection Program (EWP) assistance following the flood event of June, 2006. A team of three NRCS employees met with several City officials and one FEMA employee and visited potential sites on Cameron Run and Backlick Run on September 18, 2006 to determine eligibility for EWP program funds. After a review of proposed cobble and sediment removal plans by FEMA, the NRCS team concluded that there were no additional sites with blockages on these streams that would qualify for EWP funding. It was also concluded that future work by the City should involve channel maintenance. NRCS has not conducted any further evaluation or studies of these waterways or of the watersheds being considered by your agency.

We appreciate your inquiry regarding this matter and the opportunity to provide input. If NRCS can be of further assistance, please contact Wade Biddix, Assistant State Conservationist for Water Resources, at 804-287-1675.

Sincerely,


JOHN A. BRICKER *ACTING*
State Conservationist

Cc: Arlen Ricke, DC, Fairfax, VA
John Myers, Acting ASTC (Field Operations), Harrisonburg, VA
Wade Biddix, ASTC (Water Resources), Richmond, VA

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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

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

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

March 30, 2007

Ms. Stacey Underwood
CENAB-PL-E
P.O. Box 1715
Baltimore, Maryland 21203-1715

RE: Scoping comments for the preparation of a Flood Damage Reduction Study for the Huntington Community in Fairfax County.

Dear Ms. Underwood:

This letter is in response to the February 5, 2007 letter (received March 5) from Mr. Robert Gore requesting scoping comments for the preparation of the Huntington Community Flood Damage Reduction Study.

Project Description

According to the letter, the Corps will conduct the study to develop and evaluate various flood damage reduction alternatives for the Huntington Community, including dredging, flood proofing individual houses, floodwall construction, levee construction, and residential relocation (buyouts). Some of the tasks to be performed include environmental analysis, economic analysis, real estate assessment, hydrologic and hydraulic analysis, and geotechnical investigations.

The Department of Environmental Quality's (DEQ) Office of Environmental Impact Review (OEIR) does not coordinate scoping comments for the preparation of environmental studies. However, OEIR's roles with respect to the review of any future environmental documents that may be prepared for the implementation of the study recommendations are described below.

NEPA and Federal Consistency Review Authorities

First, DEQ-OEIR will coordinate Virginia's review of environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and comment to the Corps

on behalf of the Commonwealth. A similar review process pertains to federal consistency determinations submitted pursuant to the Coastal Zone Management Act (CZMA). If a federal consistency determination prepared for a direct federal action is included as part of a NEPA document (i.e., EA or EIS), there can be a single review taking 60 days as allowed by the Federal Consistency Regulations (15 CFR Part 930, §930.41(a)). We recommend this approach to save time and extra effort for the Corps as well as for the Commonwealth.

Alternatively, where federal financial assistance is provided to a locality to implement study recommendations, a consistency certification may be submitted to OEIR under federal consistency regulations for federal financial assistance to state and local governments, and Executive Order 12372, the Intergovernmental Review of Federal Programs (15 CFR Part 930, §930.90 et seq.). Federal consistency reviews for federal financial assistance to state and local governments may be performed "in house" by OEIR staff or may include the participation of other departments or agencies as appropriate. Typically in-house reviews can be performed in 30 days or less. However, proposals with significant environmental impacts and requiring a coordinated review may take more than 30 days.

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities affecting Virginia's coastal resources or coastal uses must be consistent with the Virginia Coastal Resources Management Program (VCP) (see section 307(c)(1) of the Act and the Federal Consistency Regulations, 15 CFR Part 930, sub-part C, Consistency for Federal Agency Activities, or sub-part F, Consistency for Federal Assistance to State and Local Governments). This Office must be provided with a consistency determination/certification which involves an analysis of the 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). A federal consistency determination/certification may be provided as part of any NEPA documentation developed for the proposal; as indicated above, we recommend this approach.

Section 930.39 of the Federal Consistency Regulations and Virginia's Federal Consistency Information Package available on DEQ's web site at <http://www.deq.virginia.gov/eir/federal.html>, give content requirements for a consistency determination/certification.

Environmental Review Participants

The following state and local Virginia agencies are likely to be included in the coordinated review of environmental documents submitted for a direct federal action (note: starred (*) agencies administer one or more of the Enforceable Policies of the Virginia Coastal Resources Management Program; see "Federal Consistency..." below):

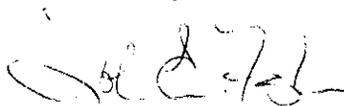
Department of Environmental Quality:
Office of Environmental Impact Review
Northern Regional Office*
Water Division
Air Division*
Waste Division
Department of Game and Inland Fisheries*
Department of Conservation and Recreation:
Division of Chesapeake Bay Local Assistance*
Division of Soil and Water Conservation*
Division of Planning and Recreation Resources
Department of Health*
Marine Resources Commission*
Department of Historic Resources
Department of Mines, Minerals, and Energy
Department of Agriculture and Consumer Services
Department of Forestry
Department of Transportation
Northern Virginia Regional Commission
Fairfax County

In order to ensure an effective coordinated review of any NEPA document and the consistency determination, we may require up to 20 copies of the document when it is published. The document should include one or more U.S. Geological Survey topographic maps as part of its information. While this Office does not participate in scoping efforts beyond the advice given herein, other agencies may independently provide scoping comments to you concerning the preparation of a NEPA document and consistency determination/certification for the proposed project.

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

I hope this information is helpful to you.

Sincerely,



John E. Fisher
Office of Environmental Impact Review

cc: Tom Faha, DEQ-TRO
Kotur S. Narasimhan, DEQ-Air
Paul Kohler, DEQ-Waste
Dave Davis, DEQ-Water Protection
Andrew K. Zadnik, DGIF

Ms. Stacey Underwood

Page 4

Robbie Rhur, DCR

Susan Douglas, VDH

Tony Watkinson, MRC

Ethel R. Eaton, DHR

Mary Stanley, VDOT

Keith Tignor, VDACS

Matt Heller, DMME

Todd Groh, VDF

Anthony Griffin, Fairfax County

G. Mark Gibb, Northern Virginia Regional Commission



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

WOODROW WILSON BRIDGE PROJECT
2901 EISENHOWER AVENUE
ALEXANDRIA, VA 22314
Phone (703) 329-0300
Fax (703) 329-3741
January 7, 2008

Stacey M. Underwood, P.E.
U.S. Army Corps of Engineers
Baltimore District, Planning Division
P.O. Box 1715
Baltimore, MD 21203-1715

Ref: Woodrow Wilson Bridge Project

Subject: Email on Huntington Project

Dear Ms. Underwood,

We have reviewed your e-mail dated December 20, 2007 (copy enclosed) requesting concurrence with a statement to be included in your proposed levee presentation for the January 15, 2008 public meeting. Your statement proposed by US Army Corps of Engineers' (USACOE) indicates "We have been coordinating closely with VDOT - the levee would have no adverse impact on VDOT infrastructure."

Our hydraulic engineers in the Virginia Department of Transportation (VDOT) Central Office and in the Woodrow Wilson Bridge project (WWB) have reviewed the most recent hydraulic models you have provided to us, in order to determine the validity of such a statement. Because we do not have background data supporting your hydraulic models, we cannot reach a conclusion that the levee will have no adverse impact on VDOT infrastructure. Therefore, we do not concur with the statement and ask that you not use it in your presentation.

VDOT will continue to cooperate with you and Fairfax County and appreciates the opportunity to review and comment on your hydraulic models. If you have any questions, please feel free to contact me at (703) 329-0300.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronaldo T. Nicholson".

Ronaldo T. Nicholson, P.E.
Regional Transportation Program Director

Enclosure

cc: Randy Bartlett, Fairfax County, DPWES



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

REPLY TO
ATTENTION OF:

October 11, 2007

Northern Virginia Regulatory Section
NAO-2007-03706 (Huntington Wetlands)

U.S. Army Corps of Engineers
Baltimore District
Planning Division
Attn: Ms. Jo Ann Grundy
P.O. Box 1715
Baltimore, Maryland 21203-1715

Gentlemen:

This is regarding your request for verification of a jurisdictional wetlands delineation. The limits of the jurisdictional wetlands regulated under Section 404 of the Clean Water Act (33 C.F.R. 1344) are shown on the drawing entitled "Huntington Wetlands", dated July 2007, submitted to the Corps by the U.S. Army Corps of Engineers, Baltimore District, Planning Division. Nontidal and tidal wetlands and/or waters have been identified on the site. This jurisdictional determination is valid for a period of five years from the date of this letter.

Our basis for this determination is the application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. The wetland is a water of the United States and is part of a tributary system to interstate waters (33 CFR 328.3(a)). These waters meet the Corps' definition of waters of the United States, are part of a tributary system to interstate waters (33 CFR 328.3 (a)) and have an ordinary high water mark.

Please be advised that work in the jurisdictional areas may require a Department of Army permit and possibly authorization by State and local authorities. Please note that this is simply a jurisdictional determination for the subject property. This letter does not authorize the placement of dredged or fill material or mechanized land clearing in wetlands or waters of the United States. Proposed work on the property, which would potentially result in the placement of dredged or fill material into wetlands or waters of the United States, would be subject to review by the Corps and any appropriate State and local agencies prior to the start of any fill activities. The term discharge of dredged material is defined as "any addition, including any redeposit, of dredged material, including excavated material, into waters of the United States which is incidental to any activity including mechanized landclearing, ditching, channelization, or other excavation (33 CFR Part 232.2(1)(iii)).

A condition of this jurisdictional determination is that you maintain the locations of the wetland delineation flags as they are now situated on the site. Once a plan of development is formulated, we recommend that you have the actual wetland boundary located by survey and superimposed on any future proposed plan to determine whether jurisdictional wetlands would be impacted by the proposed development, and to determine whether a Department of the Army permit would be required.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 33.1. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James Haggerty, Regulatory Appeals Review Officer
Phone: (718) 765-7150 Fax (718) 765-7210
United States Army Corps of Engineers North Atlantic Division
Building 301, General Lee Avenue
Fort Hamilton Military Community
Brooklyn, NY 11252

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 33.1.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by ****December 11, 2007.**** It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If you have any questions, please contact Ms. Theresita Crockett-Augustine in the Northern Virginia Field Office at 18139 Triangle Plaza, Suite 213, Dumfries, Virginia 22026, (703) 221-9736, for and on behalf of, Keith B. Lockwood, Chief, Northern Virginia Regulatory Section.

Sincerely,



Theresita Crockett-Augustine
Project Manager
Northern Virginia Regulatory Section

Copy Furnished: DEQ, Woodbridge.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: U.S. Army Corps of Engineers, Baltimore District, Planning Division		File Number: NAO-2007- 03706	Date: 10-11-2007
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Theresita Crockett Augustine
Environmental Scientist
Phone: (703) 221-9736
Fax: (703) 221-6575
Email: theresita.m.crockett-augustine@nao02.usace.army.mil

If you only have questions regarding the appeal process you may also contact:
United States Army Corps of Engineers
North Atlantic Division
ATTN: James Haggerty, Regulatory Appeals Review Officer
Building 301, General Lee Avenue
Fort Hamilton Military Community
Brooklyn, NY 11252
Phone: (718) 765-7150

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
---	-------	-------------------



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

REPLY TO
ATTENTION OF:

October 15, 2007

Supplemental Preapplication Information

1. A search of the Virginia Department of Historic Resources Data Sharing System revealed the following:

No known historic properties are located on the property.

The following known architectural resources are located on the property (see attached map and listing)

The following known archaeological resources are located on the property (see attached map and listing)

2. A search of the Virginia Department of Conservation and Recreation data revealed the following:

No known populations of federally listed threatened or endangered species are located on the property.

The property is within a known concentration area for the following species:

3. We suggest the following avoidance, minimization, and compensatory mitigation measures be incorporated into any plans you prepare for the property:

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data. Lastly, the Corps only consulted the federally-listed species in the Virginia Department of Conservation & Recreation's database. You may also want to consult the Virginia Department of Game and Inland Fisheries' database at www.dgif.va.state.us