

A

Agency Correspondence

This page intentionally left blank.



ecology and environment, inc.

International Specialists in the Environment

324 Southport Circle, Suite 103, Virginia Beach, Virginia 23452
Tel: (757) 456-5356, Fax: (757) 456-5356

December 5, 2008

Ray Fernald
Virginia Department of Game and Inland Fisheries
Environmental Services Section
4010 West Broad Street
P.O. Box 11104
Richmond, VA 23230

Re: **U.S. Department of the Navy's Proposed 67th Street Oceanfront Property
Redevelopment, Virginia Beach, Virginia**

Dear Mr. Fernald:

Ecology & Environment, Inc. (E & E) on behalf of our client, Naval Facilities Engineering Command, is preparing an Environmental Assessment (EA) for the above referenced project. The EA will analyze the environmental effects of demolishing the existing catering facility and redeveloping the site under one of two alternatives. We are requesting the Virginia Department of Game and Inland Fisheries to identify populations of federally listed or candidate rare, threatened, or endangered species, or other significant features within the project area.

The 67th Street property is located at the north end of Virginia Beach between Atlantic Avenue and the Atlantic Ocean. (See Attachments I and II) The proposed demolition action consists of razing the existing one-story 9,000 square foot catering facility appurtenances, operated by Naval Amphibious Base Little Creek. In accordance with the Navy's MWR Program, the Navy would redevelop the site with either (a) 20 two- and three-bedroom vacation rental units or (b) a larger (approximately 17,000 square foot) catering facility with a parking deck on the ground level and catering accommodations on the second level.

The Virginia Department of Conservation and Recreation is also being contacted to obtain similar information regarding other federally listed and state listed species and critical habitats. If there are any questions regarding this data request, please contact me at 757.456.5356, ext. 5004 or via email at cshurling@ene.com.

Sincerely,

Cynthia Shurling
Project Manager

cc: Nancy Rexroad, NAVFAC MIDLANT



ecology and environment, inc.

International Specialists in the Environment

324 Southport Circle, Suite 103, Virginia Beach, Virginia 23452
Tel: (757) 456-5356, Fax: (757) 456-5356

December 5, 2008

Rene Hypes
Environmental Review Coordinator
Virginia Department of Conservation and Recreation
Division of Natural Heritage
217 Governor St.
Richmond, VA 23219

Re: **U.S. Department of the Navy's Proposed 67th Street Oceanfront Property
Redevelopment, Virginia Beach, Virginia**

Dear Ms. Hypes:

Ecology & Environment, Inc. (E & E) on behalf of our client, Naval Facilities Engineering Command, is preparing an Environmental Assessment (EA) for the above referenced project. The EA will analyze the environmental effects of demolishing the existing catering facility and redeveloping the site under one of two alternatives. We are requesting the Virginia Department of Game and Inland Fisheries to identify populations of federally listed or candidate rare, threatened, or endangered species, or other significant features within the project area.

The 67th Street property is located at the north end of Virginia Beach between Atlantic Avenue and the Atlantic Ocean. (See Attachments I and II) The proposed demolition action consists of razing the existing one-story 9,000 square foot catering facility appurtenances, operated by Naval Amphibious Base Little Creek. In accordance with the Navy's MWR Program, the Navy would redevelop the site with either (a) 20 two- and three-bedroom vacation rental units or (b) a larger (approximately 17,000 square foot) catering facility with a parking deck on the ground level and catering accommodations on the second level.

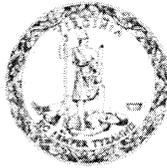
The Virginia Department of Game and Inland Fisheries is also being contacted to obtain similar information regarding other federally listed and state listed species and critical habitats. If there are any questions regarding this data request, please contact me at 757.456.5356, ext. 5004 or via email at cshurling@ene.com.

Sincerely,

Cynthia Shurling
Project Manager

cc: Nancy Rexroad, NAVFAC MIDLANT

L. Preston Bryant, Jr.
Secretary of Natural Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951 FAX (804) 371-2674

December 17, 2008

Cynthia Shurling
Ecology and Environment, Inc.
324 Southport Circle, Suite 103
Virginia Beach, VA 23452

Re: US Department of the Navy's Proposed 67th Street Oceanfront Property Redevelopment

Dear Ms. Shurling:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) 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 established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents 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.

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.

A fee of \$90.00 has been assessed for the service of providing this information. Please find enclosed an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, **DCR - Division of Natural Heritage, 217 Governor Street Richmond, VA 23219**. Payment is due within thirty days of the invoice date. Please note the change of address for remittance of payment as of July 1, 2008. Late payment may result in the suspension of project review service for future projects.

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 <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Should you have any questions or concerns, feel free to contact me at (804) 692-0984. Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristal McKelvey". The signature is written in a cursive, flowing style.

Kristal McKelvey
Coastal Zone Locality Liaison



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION, MID-ATLANTIC
1510 GILBERT ST.
NORFOLK, VA 23511-2737

IN REPLY REFER TO:

5090
EV22/22/222
MAR 26 2009

Mr. Marc Holma
Architectural Historian
Review and Compliance
Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221

Dear Mr. Holma:

SUBJECT: REDEVELOPMENT OF THE 67TH STREET OCEANFRONT PROPERTY,
VIRGINIA BEACH, VA RHPO #09-07-00

The Navy is proposing to demolish an approximately 9,000 square foot catering facility and 17 associated beach cabanas located on property the Navy owns in Virginia Beach. A total of 20, 2 and 3-bedroom beach cottages will be constructed at the site. Three multi-unit two-story structures will be constructed on piles.

The property is located between 67th and 68th Streets, at the north end of the Virginia Beach oceanfront. The existing one-story brick catering facility and parking lot occupy approximately 1.7 acres located between Atlantic Avenue and the Atlantic Ocean.

The majority of the site was disturbed during past construction of the buildings and the associated parking lot. The extreme eastern edge of the property consists of an active coastal dune system. The proposed construction will be within the footprint of the existing facilities and associated parking. Based on the prior construction at the site in addition to the erosion that has occurred in the area, there is a low probability for presence of archaeological resources.

No historic buildings are present on the Navy's 67th Street property. One historic structure formerly located on the property, the Beach Club observation tower, was demolished in 2002 following consultation with your office. The remaining buildings which were constructed in 1962 are not considered historic in accordance with the 1999 Regional Programmatic

5090
EV22/22/222
MAR 26 2009

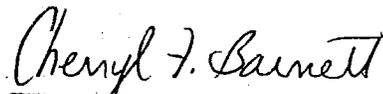
Agreement (PA) on the Navy's Historic Buildings in Hampton Roads. The PA states that isolated off-base Navy facilities less than 45 years old at the time of the agreement (1999), are not considered eligible for inclusion in the National Register of Historic Places.

We have identified historic resources within a one-mile radius around the property by conducting an on-line review of the Virginia Department of Historic Resources *Virginia Landmarks Register*, the National Park Service National Historic Landmarks Program database, and the NRHP State Listings and Historic Districts databases for Virginia. One historic property, First Landing State Park, is located approximately 1000 feet from the property boundary as shown on enclosure (1). First Landing State Park is listed on the National Register of Historic Places. Redevelopment of the 67th Street property would have no effect on this property because the proposed redevelopment is consistent with the surrounding residential land use (see enclosure (2)).

Based on the above information, the Navy has determined there will be no effect on historic property as a result of the proposed undertaking. This letter is to provide documentation of our finding of no effect in accordance with 36 CFR 800.4.

Per Section 106 of the National Historic Preservation Act, we request that within 30 days you provide your views and comments on our finding of no effect. For your convenience, a concurrence block has been provided. If you have any questions, please contact Pam Anderson at (757) 444-0950.

Sincerely,

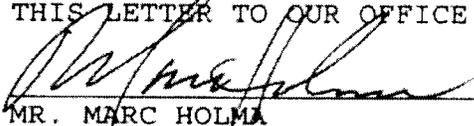


CHERYL F. BARNETT
Environmental Program Manager
By direction of the Commander

Enclosures: 1. Vicinity Map
2. Aerial Photograph of Site and Surrounding Area

5090
EV22/22/222
MAR 26 2009

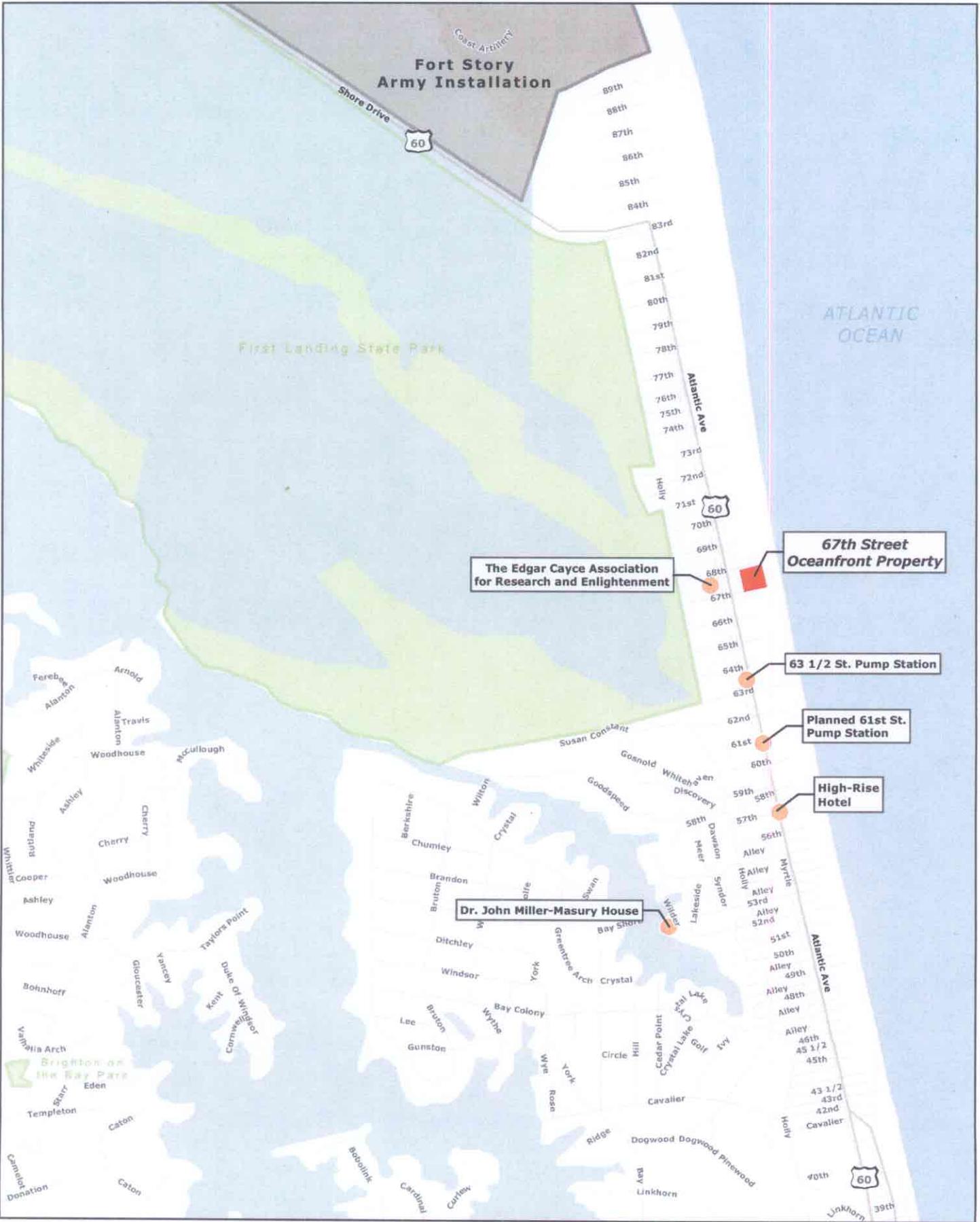
IF YOU CONCUR WITH THE NAVY'S DETERMINATION THAT THE PROPOSED REDEVELOPMENT OF THE 67TH STREET OCEANFRONT PROPERTY WILL HAVE "NO EFFECT," ON HISTORIC PROPERTY, PLEASE SIGN BELOW AND RETURN THIS LETTER TO OUR OFFICE.



MR. MARC HOLMA
Architectural Historian
Review and Compliance

23 April 09
DATE

DHR# 2009-0496



- Key Features
- Project Site
- Water
- Park Boundary
- Military Base

67th Street Oceanfront Property
 North End Virginia Beach Key Features
 Virginia Beach, Virginia





ATLANTIC
OCEAN

 General Project Area

67th Street Oceanfront Property
Aerial Photo
Virginia Beach, Virginia
0 0.025 0.05 0.1
Miles



This page intentionally left blank.

B

Coastal Consistency Determination

This page intentionally left blank.



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION, MID-ATLANTIC
1510 GILBERT ST.
NORFOLK, VA 23511-2737

IN REPLY REFER TO:

5090
EV22/22/545

SEP 15 2009

Ms. Ellie Irons
Virginia Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, Room 631
Richmond, Virginia 23219

Dear Ms. Irons:

SUBJECT: FEDERAL COASTAL CONSISTENCY DETERMINATION FOR
67TH STREET OCEANFRONT PROPERTY REDEVELOPMENT
AT U.S. NAVY OCEANFRONT PROPERTY, VIRGINIA BEACH,
VIRGINIA

The Navy proposes to redevelop the existing Naval Amphibious Base, Little Creek's catering facility for the construction of the 67th Street Beach Cottages at the U.S. Navy's Oceanfront Property, Virginia Beach, Virginia.

The enclosed Federal Coastal Consistency Determination (CCD) and associated drawings are being submitted in accordance with Section 307 (c) (1) of the Federal Coastal Zone Management Act of 1972 as amended.

The Department of the Navy has determined that the proposed federal agency action is reasonably likely to affect a land use, water use or natural resource of the Commonwealth of Virginia's coastal zone. However, the Navy will conduct the proposed activity in a manner that will be consistent to the maximum extent practicable, with the applicable enforceable policies of the Virginia Coastal Resource Management Program.

The Navy has consulted with the Virginia Department of Historic Resources (DHR) on this project. The Navy received a concurrence of "no effect on historic property" from the DHR on April 23, 2009 (attached hereto).

5090
EV22/22/545
SEP 15 2009

To aid in your review, an electronic copy of this document is included. Our point of contact is Eddie DuRant at (757) 444-1039 or e-mail at edward.m.durant@navy.mil.

Sincerely,

Cherryl F. Barnett
CHERRYL F. BARNETT
Environmental Program Manager
By direction of the Commander

Enclosure

FEDERAL COASTAL CONSISTENCY DETERMINATION FOR
THE PROPOSED 67TH STREET OCEANFRONT PROPERTY REDEVELOPMENT
VIRGINIA BEACH, VIRGINIA

Proposed Federal Agency Action

The Navy proposes to redevelop Navy-owned property located on approximately 1.7 acres of oceanfront property between 67th and 68th Streets at the north end of Virginia Beach, Virginia (see Attachment 1, Figures 1 and 2). Redevelopment of the property is needed to maintain a robust Morale, Welfare, and Recreation (MWR) Program. The existing Naval Amphibious Base (NAVPHIBASE) Little Creek catering facility located on the property has been falling into disrepair because of its age. The maximum inside capacity of the catering facility is approximately 100 guests, with a maximum capacity of 150 guests for outdoor events. This small catering facility cannot compete with larger, more modern catering facilities in the civilian sector.

This proposed federal action would include demolition of the existing approximately 8,000-square foot NAVPHIBASE Little Creek catering facility and associated 17 beach cabanas followed immediately by construction of 20 vacation rental units. Demolition activities are expected to begin in fall of 2010 with the vacation rental units available for use beginning in the summer of 2011. All demolition materials/debris would be transported off-site for disposal and the site would be stabilized in accordance with all applicable state erosion and sediment controls and stormwater management regulations.

The new complex would be comprised of 10 two-bedroom units (approximately 885 square feet each) and 10 three-bedroom units (approximately 1,050 square feet each) constructed in two multi-unit buildings of six rental units each and one multi-unit building of eight rental units, with a courtyard between the three buildings (see Attachment 1, Figure 3). All three buildings would be two stories high. Support facilities for the vacation rental units would include parking for two cars per home, adequate utilities for year-round use, and appropriate receptacles for trash and recyclables. Accessibility requirements of the Americans with Disabilities Act (ADA) would be met by using ADA accessibility design in one of the six-unit buildings. Although the City of Virginia Beach building and zoning codes do not apply to this Federal action, the buildings would not exceed 35 feet in height, the maximum height allowed for buildings within Virginia Beach residential districts, and the proposed density would be consistent with the current

the proposed density would be consistent with the current conditions of 12 dwelling units per acre. Redevelopment of the oceanfront property at 67th Street would enhance the MWR Program and would be consistent with the surrounding land use, which is characterized by single- and multi-family owner- and renter-occupied units.

Background

The Coastal Zone Management Act (CZMA), enacted in 1972, created the National Coastal Management Program for management and control of the uses of and impacts on coastal zone resources. The program is implemented through federally approved state coastal management programs (CMPs).

Federal approval of a state CMP triggers the CZMA Section 307 federal consistency determination requirement. Section 307 mandates that federal actions within a state's coastal zone (or outside the coastal zone, if the action affects land or water uses or natural resources within the coastal zone) be consistent to the maximum extent practicable with the enforceable policies of the state CMP. Federal agency actions include direct and indirect federal agency activities, federally approved activities, and federal financial assistance activities. Accordingly, federal agency activities (direct, indirect, or cumulative) that could reasonably affect the state's coastal zone must be consistent with the enforceable policies of the state's CMP, unless compliance is otherwise prohibited by law. There are no categorical exemptions or exclusions to or from the Section 307 federal consistency requirement.

The Commonwealth of Virginia has developed and implemented a federally approved Coastal Resources Management Program (CRMP). The nine enforceable policies of the Virginia CRMP address fisheries; subaqueous lands; wetlands; coastal primary sand dunes; point and non-point source pollution; shoreline sanitation; air pollution; and coastal lands management.

Program Policy Analysis

Fisheries Management

The proposed project site is located adjacent to saltwater commercial and recreational fisheries in the Atlantic Ocean off Virginia Beach. No direct impacts on fisheries would occur as a result of the proposed demolition and construction activities at the site. Indirect impacts on water quality from non-point source water pollution and erosion associated with land

disturbances during demolition and construction activities would be reduced or eliminated through implementation of best management practices (e.g., silt fencing). Implementation of the proposed action would reduce the amount of impervious surface at the project site, thereby reducing the amount of stormwater runoff, because the proposed vacation rental units would have a smaller impervious footprint than the existing catering facility. These factors indicate that implementation of the proposed action would have little or no effect on fisheries management.

Subaqueous Lands Management

There are no state-owned bottomlands at the project site. Therefore, implementation of the proposed action would have no effect on subaqueous lands management.

Wetlands

There are no wetlands at the project site (see Attachment 1, Figure 4). Therefore, implementation of the proposed action would have no effect on wetlands.

Dunes Management

The eastern end of the site, currently developed with a row of beach cabanas and bordered by a low standing brick wall, abuts a primary sand dune. Although every attempt will be made to avoid temporary impacts to the dune during demolition and construction activities by conducting construction and demolition activities from existing paved and developed surfaces, temporary soil compaction and minor loss of vegetation may occur. These potential impacts would be avoided or minimized by locating the staging area for demolition/construction equipment and materials on existing paved and developed surfaces (on the interior portion of the project site) and restricting vehicle and foot traffic near the dunes. The project impact area will not extend beyond the existing brick wall boundary along the base of the primary sand dune. If any vegetation has been impacted following construction completion, the Navy would revegetate the dune with species native to the existing maritime dune grassland community.

No structures (such as a boardwalk or path) would be constructed over the dunes. A fence would be constructed on the eastern border of the property to prevent vehicle or pedestrian access to the dunes. Gates would be installed at either end of the fence to provide pedestrian beach access along the existing boardwalks.

Point Source Pollution Control

Domestic wastewater generated at the proposed vacation rental units would be transported by the existing public wastewater collection system to the Atlantic Wastewater Treatment Plant (WWTP), located in Virginia Beach. The facility is operated by the Hampton Roads Sanitation District (HRSD). Approximately 6,000 gallons per day (gpd) of wastewater would be generated following redevelopment of the property. This would be an increase from the 1,650 gpd of wastewater generated by the existing catering facility. However, wastewater flows from the vacation rental units would represent a small percentage (0.02%) of the average daily flow of 26 million gallons per day (mgd) at the Atlantic WWTP in fiscal year 2008. The permitted treatment capacity of the Atlantic WWTP is 36 mgd. Implementation of the proposed action would not impact existing wastewater collection or treatment facilities or require modification of existing outfalls.

Redevelopment of the Navy's property at 67th Street with vacation rental housing would reduce the amount of stormwater runoff from the property and would not require modification of stormwater outfalls or construction of new outfalls.

Non-Point Source Pollution Control

The Navy's proposed action involves land disturbance in the form of excavation. Non-point source water pollution and erosion associated with land disturbances are possible during implementation of the proposed action. The design/construction contractors selected by the Navy to implement this project would be required to prepare an Erosion and Sediment Control Plan, Stormwater Management Plan, and Stormwater Pollution Prevention Plan. All plans would be required to comply with applicable Virginia laws and implementing regulations, including the Virginia Erosion and Sediment Control Law and the Virginia Stormwater Management Law. The Navy would conduct frequent site inspections to ensure specified measures and practices are being conducted properly and are maintained throughout the life of the project. Therefore, the Navy's implementation of the proposed action would be consistent, to the maximum extent practicable, with Virginia's non-point source pollution control policies and coastal resources management program.

Shoreline Sanitation

The proposed action would not involve the installation or disturbance of septic tanks.

Air Pollution

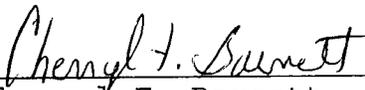
An air quality analysis indicates emissions from fugitive dust and construction and demolition equipment would not exceed *de minimis* levels and no significant impact on regional air quality would result. A General Conformity Rule Exemption and Record of Non-Applicability have been prepared and are included in the Environmental Assessment. The proposed activity conforms to the promulgated state implementation plan for the attainment and maintenance of National Ambient Air Quality Standards. Thus, the proposed activity would be consistent with the air pollution control enforceable policy to the maximum extent practicable.

Coastal Lands Management

Since the proposed action would occur on federal property and the subject property is not situated within the Chesapeake Bay watershed, there would be no development within designated Chesapeake Bay Resource Protection Areas (RPAs) or Resource Management Areas (RMAs).

Conclusion

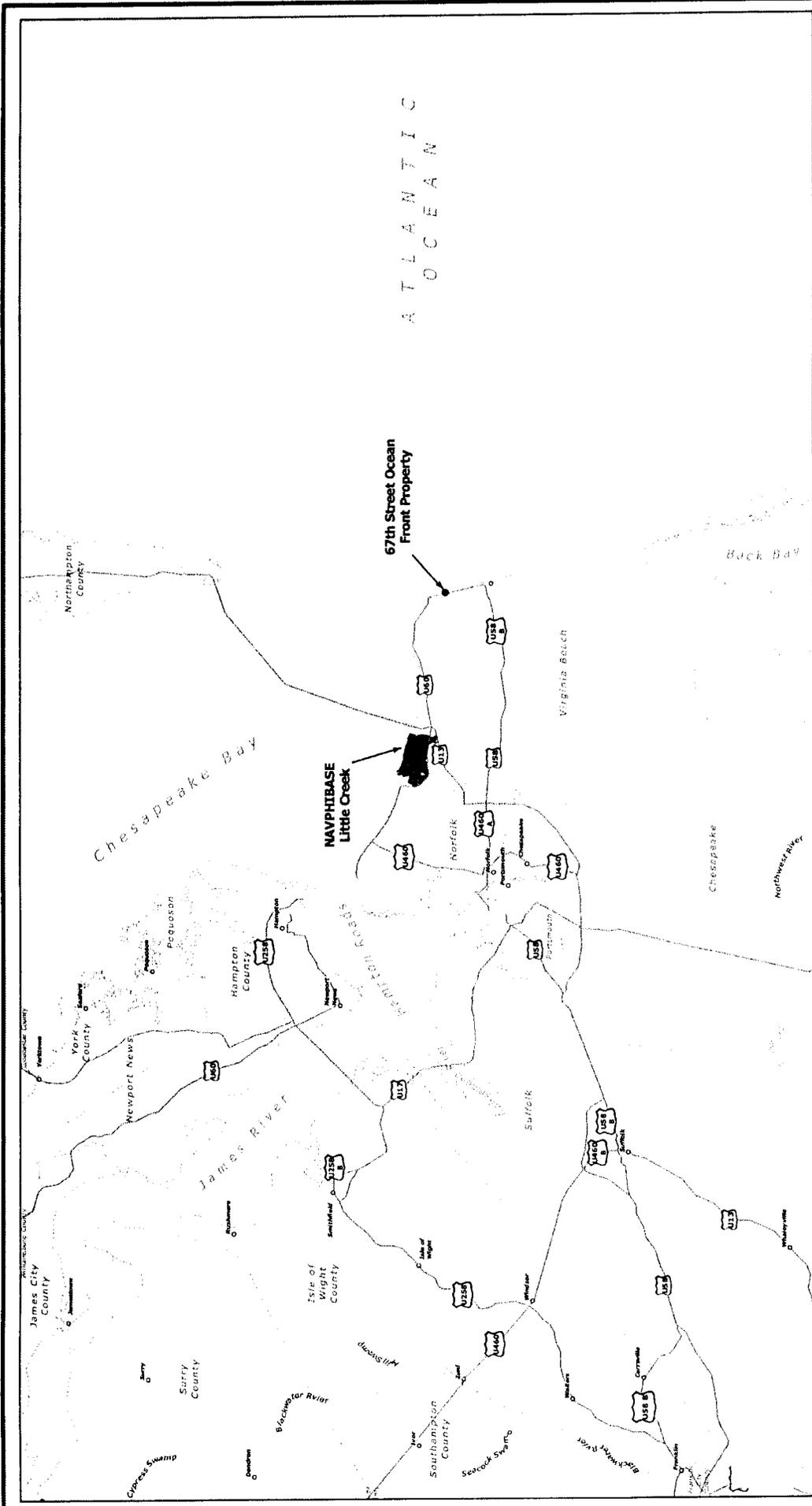
After careful consideration of the administrative record, we have determined that the proposed federal agency action is reasonably likely to affect a land use, water use, or natural resource of the Commonwealth of Virginia's coastal zone. However, the Navy would conduct the proposed activity in a manner that would be either fully consistent or consistent to the maximum extent practicable with the applicable enforceable policies of the Coastal Resources Management Program. Additionally, the Navy would obtain permits for the proposed work as required under Section 10 of the Rivers and Harbors Act, Sections 401 and 404 of the Clean Water Act, and Commonwealth of Virginia Law.


Cheryl F. Barnett
Environmental Program Manager

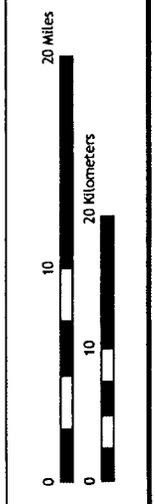
9/15/09
Date

Attachment 1

Figures



OH PA NJ
 WV MD DE
 VA
 NC
 SC



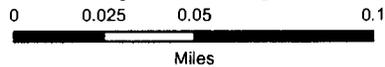
US Highway
 Major Road
 County Boundary
 67th Street Beach Cottages
 NAVPHIBASE Little Creek



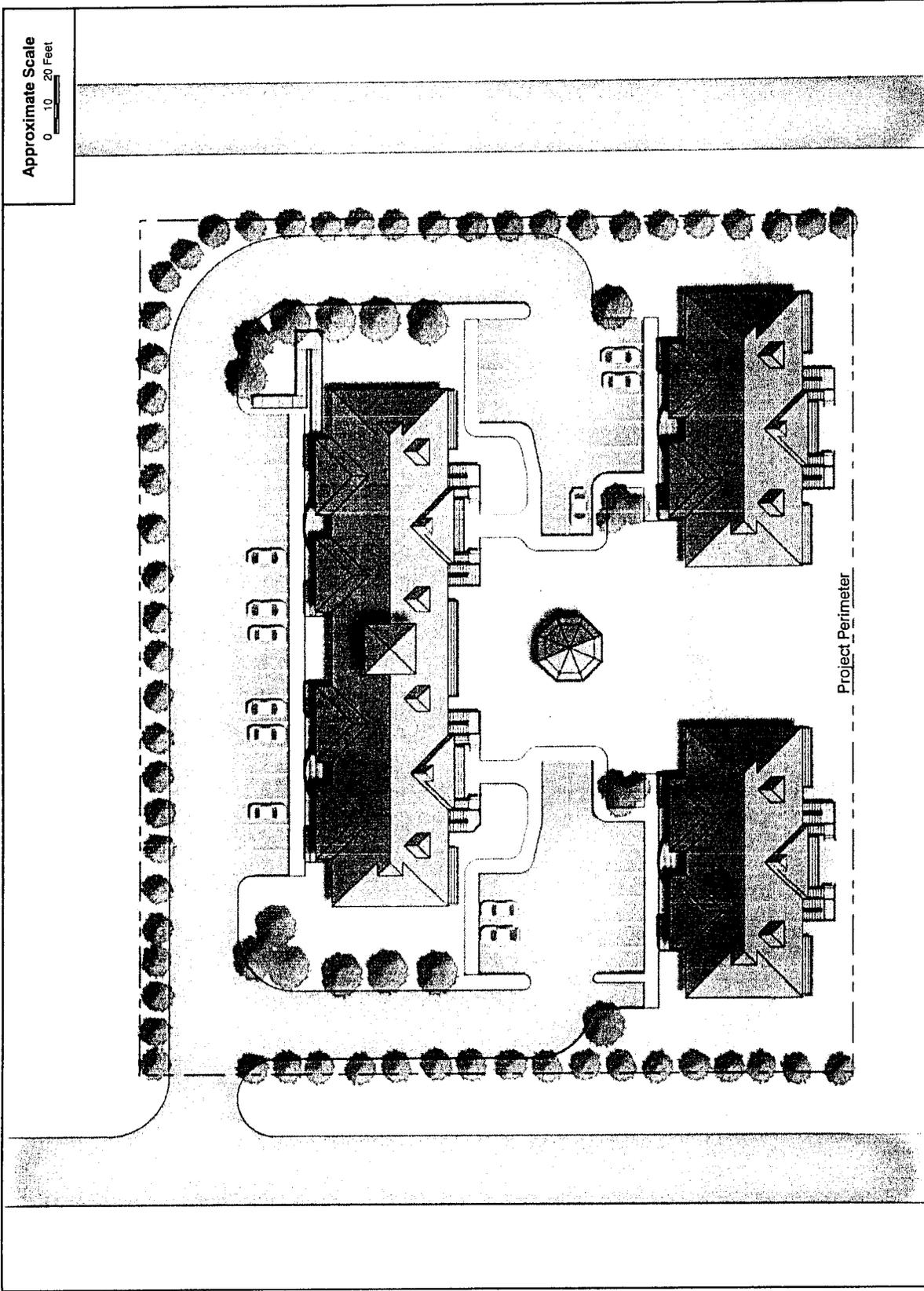
Attachment 1
Figure 1
General Location Map
67th Street Beach Front Property



Attachment 1, Figure 2
67th Street Oceanfront Property
Aerial Photo
Virginia Beach, Virginia



02:002192.NL44.01-B2676/ Fig 3 Conceptual Layout.CDR-06/29/09-GRA



Attachment 1, Figure 3 **Conceptual Layout**
67th Street Oceanfront Property
Virginia Beach, Virginia



-  NWI Wetland
-  General Project Area

Attachment 1, Figure 4
67th Street Oceanfront Property
NWI Wetlands
Virginia Beach, Virginia
0 0.015 0.03 0.06
Miles





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

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

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

November 12, 2009

Ms. Cheryl F. Barnett
Environmental Director
Department of the Navy
Navy Region, Mid-Atlantic
1510 Gilbert Street
Norfolk, Virginia 23511-2737

RE: Federal Consistency Determination for the 67th Street Oceanfront Property
Redevelopment at U.S. Navy Oceanfront Property, City of Virginia Beach, DEQ 09-
193F.

Dear Ms. Barnett:

The Commonwealth of Virginia has completed its review of the Federal Consistency Determination (FCD) for the above-referenced project. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of Federal Consistency Determinations and responding to appropriate officials on behalf of the Commonwealth. This letter is in response to your submission dated September 15, 2009 (received on September 28, 2009) requesting concurrence with the Federal Consistency Determination prepared by the U.S. Navy (Navy). The following agencies, locality 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 Mines Minerals and Energy
- Department of Health
- Department of Historic Resources
- Department of Transportation
- City of Virginia Beach
- Hampton Roads Planning District Commission

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.2, the public was invited to participate in the review of the FCD. Public notice of this proposed action was published on the DEQ website from October 2, 2009 through October 30, 2009. No public comments were received in response to the notice.

PROJECT DESCRIPTION

The U.S. Navy proposes to redevelop a Navy-owned property located on approximately 1.7 acres of oceanfront between 67th and 68th Streets in the City of Virginia Beach. The proposal includes the demolition of an existing 8,000 square-foot catering facility and seventeen associated beach cabanas. Twenty vacation rental units would be constructed consisting of ten, two-bedroom units and ten, three-bedroom units. The units would be constructed in two multi-unit buildings of six rental units each and one multi-unit building of eight rental units. All three buildings would be two stories in height. A courtyard would be constructed between the buildings and parking for two vehicles per unit would be provided at each building.

FEDERAL CONSISTENCY ANALYSIS

Pursuant to the Coastal Zone Management Act of 1972 (§ 1456(c)), as amended, and the federal consistency regulations implementing the CZMA (15 CFR Part 930, Subpart C, § 930.30 *et seq.*) federal actions that can have reasonably foreseeable effects on Virginia's coastal uses or resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia Coastal Resources Management Program (VCP) (also called the Virginia Coastal Zone Management Program). The VCP is comprised of a network of programs administered by several agencies. In order to be consistent with the VCP, the federal agency must obtain all the applicable permits and approvals listed under the Enforceable Policies of the VCP prior to commencing the project.

According to information in the consistency determination, the proposed activity would have no effect on the following enforceable policies: fisheries management; subaqueous lands management; wetlands management; point source pollution control; shoreline sanitation and coastal lands management. The resource agencies that are responsible for the administration of the enforceable policies of the VCP generally agree with the Navy's determination. The Navy must ensure that the proposed action is consistent with the aforementioned policies. The analysis which follows responds to the Navy's discussion of the enforceable policies of the VCP that apply to this project and review comments submitted by agencies that administer the enforceable policies.

FEDERAL CONSISTENCY CONCURRENCE

Based on our review of the Navy's consistency determination 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. However, other state approvals which may apply to this project are not included in this consistency concurrence. Therefore, the Navy must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

1. Dunes Management. According to the FCD (page 3), the eastern end of the site includes a primary sand dune. Although every attempt will be made to avoid temporary impacts during demolition and construction, the document states that temporary soil compaction and the minor loss or vegetation may occur. For any impacts, the Navy would revegetated the dune with species native to the existing maritime dune grassland community. No structures would be constructed on the dunes. A fence would prevent vehicle or pedestrian impacts to the dunes.

1(a) Agency Jurisdiction. The Virginia Marine Resources Commission (VMRC) issues three types of environmental permits for: (1) subaqueous or bottomlands, (2) tidal wetlands, and (3) coastal primary sand dunes. VMRC's authority and responsibilities emanate from Subtitle III of Title 28.2 of the Code of Virginia and specifically regulates physical encroachment into these valuable resource areas. In accordance with the commonwealth's Coastal Primary Sand Dune/Reaches Guidelines: Barrier Island Policy (4 VAC 20-440-10 B. 1), no construction or any other activity which has the potential for encroaching on or otherwise damaging coastal primary sand dunes or state-owned beaches shall occur without review and approval by VMRC or a local wetland board, or both. For any development that involves encroachments on primary sand dunes, a Joint Permit Application must be submitted to VMRC for review and approval.

1(b) Agency Comments. According to VMRC, the proposal will not require a permit from VMRC. However, a permit from the Virginia Beach Wetlands Board may be necessary for impacts to beach or dune resources (see **10. Local Review**, page 10).

For further information, contact Justin Worrell, VMRC at (757) 247-8063.

2. Nonpoint Source Pollution Control. According to the FCD (page 4), the design/construction contractors selected to implement this project would be required to prepare an Erosion and Sediment Control Plan, Stormwater Management Plan and Stormwater Pollution Prevention Plan. All plans would be required to comply with applicable Virginia laws and implementing regulations, including the *Virginia Erosion and Sediment Control Law* and the *Virginia Stormwater Management Law*.

2(a) Agency Jurisdiction. DCR's Division of Soil and Water conservation administers the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

2(b) Erosion and Sediment Control and Stormwater Management Plans. According to the Department of Conservation and Recreation (DCR), the Navy and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with *VESCL&R*, *VSWML&R* including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbing activities that result in the land disturbance of equal to or greater than 10,000 square feet would be regulated by *VESCL&R*. Accordingly, the Navy must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. The ESC plan is submitted to the DCR Regional Office that serves the area where the project is located for review for compliance. The Navy is ultimately responsible for achieving project compliance through oversight of on site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy. [Reference: *Virginia Erosion and Sediment Control Law (VESCL) §10.1-567*]

2(c) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities. DCR is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program.

Therefore, the operator or owner conducting land-disturbing activities equal to or greater than one acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). Construction activities requiring registration also include the land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the VSMP *Permit Regulations*. General information and registration forms for the General Permit are available on DCR's website at: http://www.dcr.virginia.gov/soil_and_water/vsmp.shtml. [Reference: *Virginia Stormwater Management Act §10.1-603.1 et seq.*; *VSMP Permit Regulations 4 VAC-50 et seq.*]

3. Air Pollution Control. According to the FCD (page 5), an air quality analysis indicates that emission from fugitive dust and construction and demolition equipment would not exceed *de minimis* levels and no significant impact on regional air quality

would result. The proposed activity conforms to the promulgated state implementation plan for the attainment and maintenance of National Ambient Air Quality Standards.

3(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.

3(b) Agency Comments. According to the DEQ Air Division, the project site is located in the Hampton Roads ozone (O₃) maintenance area and an emission control area for the contributors to ozone pollution, which are volatile organic compounds (VOCs) and nitrogen oxides (NO_x). Therefore, the Navy should take all reasonable precautions to limit emissions of VOCs and NO_x, principally by controlling or limiting the burning of fossil fuels. A second precaution, stemming from 9 VAC 5-40-5490 in the *Regulations for the Control and Abatement of Air Pollution*, is that there are some limitations on the use of "cut-back" (liquefied asphalt cement, blended with petroleum solvents) that may apply to the driveway and parking areas serving the facility. The asphalt must be "emulsified" (predominantly cement and water with a small amount of emulsifying agent) except when specified circumstances apply. Moreover, there are time-of-year restrictions on its use during the months of April through October in VOC emission control areas.

3(c) Fugitive Dust. During construction, fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the *Regulations for the Control and Abatement of Air Pollution*. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

3(d) Open Burning. If project activities include the burning of construction or demolition material, this activity must meet the requirements under 9 VAC 5-130 *et seq.* of the *Regulations* for open burning, and it may require a permit. The *Regulations* for open burning provide for, but do not require, the local adoption of a model ordinance concerning open burning. The Navy should contact City of Virginia Beach officials to determine what local requirements, if any, exist.

ADDITIONAL ENVIRONMENTAL CONSIDERATIONS

In addition to the enforceable policies of the VCP, comments were also provided with respect to applicable requirements and recommendations of the following programs:

1. Solid and Hazardous Waste Management.

1(a) Agency Jurisdiction. Solid and hazardous wastes in Virginia are regulated by the Virginia Department of Environmental Quality, the Virginia Waste Management Board (VWMB) and the U.S. Environmental Protection Agency. They administer programs created by the federal *Resource Conservation and Recovery Act*, *Comprehensive Environmental Response Compensation and Liability Act*, commonly called Superfund, and the *Virginia Waste Management Act*. DEQ administers regulations established by the VWMB and reviews permit applications for completeness and conformance with facility standards and financial assurance requirements. All Virginia localities are required, under the *Solid Waste Management Planning Regulations*, to identify the strategies they will follow on the management of their solid wastes to include items such as facility siting, long-term (20-year) use, and alternative programs such as materials recycling and composting.

1(b) Data Base and Data File Searches. The DEQ Waste Division conducted a Geographic Information System (GIS) data base search and found no waste sites within a half-mile radius of the project site. A cursory review of Waste Division data files determined that there is one solid waste site (US Army-Fort Story, PBR 414, RMW Storage Facility) and one formerly used defense site (FUDS) facility (C03VA0117, VA9799F1596, Lynnhaven FC Station, Virginia Beach) located in the same zip code as the project site. However, their proximity to the project site is unknown.

1(c) Waste Management. Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations. All demolition and construction waste, including excess soil, must be characterized in accordance with the *Virginia Hazardous Waste Management Regulations* prior to disposal at an appropriate offsite facility.

1(d) Asbestos-containing Material and Lead-based Paint. All structures being demolished or removed, should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to

the federal waste-related regulations mentioned above, state regulations 9 VAC 20-80-640 for ACM and 9 VAC 20-60-261 for LBP must be followed.

1(e) Recommendation. 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.

2. Petroleum Storage Tanks.

2(a) Petroleum Storage Tank Cleanups. According to DEQ-TRO, DEQ records indicate that there have been no reported petroleum releases at or near the proposed project.

2(b) Requirements. The Navy must comply with the following requirements of the Storage Tank Program.

- Petroleum contaminated soils or groundwater generated during construction of this project must be characterized and disposed of properly. If evidence of a petroleum release is discovered during implementation of the project, it must be reported to DEQ-TRO.
- If the construction of this project will include the use of portable ASTs (>660 gallons) for equipment fuel, these tank(s) must be registered with DEQ-TRO using AST Registration form 7540-AST. This form is available at the DEQ web site at www.deq.virginia.gov.

3. Natural Heritage Resources.

3(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).

3(b) Agency Findings. DCR-DNH searched its Biotics Data System for occurrences of natural heritage resources from the project area. The presence of natural heritage resources in the project area is documented in the data system. However, due to the scope of the activity and the distance to the resources, DCR-DNH does not anticipate that the project will adversely impact these natural heritage resources.

3(c) State-listed Threatened and Endangered Plant and Insect Species. Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. DCR finds that the current activity will not affect any documented state-listed plants or insects.

3(d) State Natural Area Preserves. DCR files do not indicate the presence of any State Natural Area Preserves under the agency's jurisdiction in the project vicinity.

3(e) Recommendation. DCR-DNH recommends that the Navy contact DCR-DNH at (804) 786-7951 to secure updated information on natural heritage resources if a significant amount of time passes before the project is implemented. New and updated information is continually added to Biotics.

4. Wildlife Resources and Protected Species.

4(a) Jurisdiction. The Department of Game and Inland Fisheries (DGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species, but excluding listed insects (*Virginia Code* Title 29.1). The DGIF is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*), and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts. Furthermore, DGIF and the Virginia Marine Resources Commission administer the fisheries management enforceable policy of the VCP.

4(b) Agency Comments. According to DGIF records, the federally-listed threatened loggerhead sea turtle, state-listed endangered Rafinesque's eastern big-eared bat, and a number of colonial waterbird colonies are documented from the project area.

4(c) Conclusion. DGIF does not anticipate the proposed project to result in adverse impacts upon listed species and colonial waterbird colonies, based on the scope and location of the project.

For additional information, contact Amy Ewing, DGIF at (804) 367-2211.

5. Geologic Resources.

5(a) Agency Jurisdiction. The mission of the DMME, Division of Mineral Resources (DMR) is to enhance the development and conservation of energy and mineral resources in a safe and environmentally sound manner to support a more productive economy in Virginia. Serving as Virginia's geological survey, DMME-DMR generates, collects, compiles, and evaluates geologic data, creates and publishes geologic maps

and reports, works cooperatively with other state and federal agencies, and is the primary source of information on geology, mineral and energy resources, and geologic hazards for both the mineral and energy industries and the general public. DMME-DMR also provides the necessary geologic support for those divisions of DMME that regulate the permitting of new mineral and fuel extraction sites, miner safety, and land reclamation.

5(b) Agency Comments. DMME does not anticipate that the proposed project would result in a significant impact to mineral resources.

For additional information, contact Matt Heller, DMME at (434) 951-6351.

6. Water Supply.

6(a) Agency Jurisdiction. The Virginia Department of Health (VDH), Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells, springs and surface water intakes).

6(b) Agency Comments. VDH finds that there are no groundwater sources within one mile of the project site and no surface water intakes within five miles. The project site is not located in Zone 1 or Zone 2 of any public surface water sources. For public surface water intakes Zone 1 is the area included within a 5-mile radius around the surface water intake and Zone 2 is the entire up-gradient area of the watershed. For public groundwater wells Zone 1 is an area included within a 1,000-foot radius the well and Zone 2 is a radius of one mile.

6(c) Conclusion. VDH-ODW finds that there will be no impact to public drinking water resources as a result of the project.

6(d) Recommendation. VDH-ODW recommends that the Navy contact the local water and wastewater utilities to verify potential impacts to public water distribution systems or sanitary sewage collection systems.

Contact Diedre Forsgren, VDH at (804) 864-7241 for additional information.

7. Historic and Archaeological Resources.

7(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.

7(b) Agency Comments. According to DHR, DHR and the Navy have been in direct consultation regarding this proposal and reached the consensus that it will result in no historic properties affected. DHR has no further comments.

For additional information, contact Roger Kirchen, DHR at (804) 367-2323, ext. 153.

8. Transportation Impacts.

8(a) Agency Jurisdiction. The Virginia Department of Transportation (VDOT) provides comments pertaining to potential impacts to existing and future transportation systems.

8(b) Agency Comments. According to VDOT, there are no transportation improvement projects in the vicinity of the project site in the Fiscal Year (FY) 2010-2015 Six Year Improvement Program or the 2030 Long Range Plan. The area around the development is identified in the City of Virginia Beach Bikeways and Trails Plan. Pedestrian and bicycle traffic may increase due to the improvement.

8(c) Findings. VDOT finds that any additional traffic or traffic disruptions related to the proposal would be negligible.

8(d) Recommendation. VDOT recommends that the Navy consider bicycle and pedestrian accommodations in the redevelopment.

8(e) Requirements. According to VDOT, the proposal must be coordinated with the VDOT Norfolk Residency and the City of Virginia Beach to ensure that all applicable VDOT standards are met.

8(f) Conclusion. Based on VDOT's preliminary review, the proposed redevelopment activities do not indicate there would be any negative impacts to the transportation system. VDOT has no objection to the proposal.

For additional information regarding these comments, contact Melanie Allen, VDOT at (804) 786-0868.

9. Local Review.

9(a) Agency Jurisdiction. In accordance with CFR 930, Subpart A, §930.6(b) of the *Federal Consistency Regulations*, DEQ, on behalf of the state, is responsible for securing necessary review and comment from other state agencies, the public, regional government agencies, and local government agencies, in determining the Commonwealth's concurrence or objection to a federal consistency certification.

9(b) Agency Comments. The City of Virginia Beach notes that it appears that beach users at the redeveloped site will not use the existing breach in the dune to access the

Ms. Cheryl Barnett
67th Street Oceanfront Property Redevelopment

beach, but will utilize the two improved beach accessways located at 66th and 67th Streets.

9(c) Recommendations. The City of Virginia Beach offers the following recommendations for potential impacts to the primary sand dune as a result of the Navy redevelopment project:

- conduct an advisory/information briefing for the Virginia Beach Wetlands Board (see **1. Dunes Management**, page 3);
- restore the current breach in the dune line at the midpoint of the property using sand from an outside source, and
- stabilize the area with sand fencing and sprigged with beach and dune vegetation.

9(d) Conclusion. The city concludes that the proposal is generally consistent with local plans. The city is available to arrange a briefing with the Virginia Beach Wetlands Board, and to provide technical assistance and consultation with the Navy's selected contractors should questions arise concerning submission for required Erosion and Sediment Control Plan and Stormwater Management Plan, and Stormwater Pollution Prevention Plan.

For further information, contact Clay Bernick, City of Virginia Beach at (757) 385-4621.

10. Regional Planning Area.

10(a) Agency Jurisdiction. In accordance with the Code of Virginia, Section 15.2-4207, planning district commissions encourage and facilitate local government cooperation and state-local cooperation in addressing, on a regional basis, problems of greater than local significance. The cooperation resulting from this is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. Planning district commissions promote the orderly and efficient development of the physical, social and economic elements of the districts by planning, and encouraging and assisting localities to plan, for the future.

10(b) Agency Comments. The Hampton Roads Planning District Commission (HRPDC) reviewed the consistency determination and contacted the City of Virginia Beach.

10(c) Findings. HRPDC finds the proposal generally consistent with local and regional plans and policies. Furthermore, HRPDC concurs with the comments provided by the city to the proposal (see **9. Local Review**, page).

For more information contact Dwight Farmer, HRPDC at (757) 420-8300.

11. Pesticides and Herbicides. Should construction or maintenance of the facility require the use of herbicides or pesticides for landscape maintenance, these chemicals should be in accordance with the principles of integrated pest management. The least toxic pesticides that are effective in controlling the target species should be used.

Contact the Department of Agriculture and Consumer Services at (804) 786-3501 for more information.

12. Pollution Prevention. DEQ advocates that principles of pollution prevention be used in all construction projects as well as in facility operations. Effective siting, planning, and on-site Best Management Practices (BMPs) will help to ensure that environmental impacts are minimized. However, pollution prevention techniques also include decisions related to construction materials, design, and operational procedures that will facilitate the reduction of wastes at the source.

12(a) Recommendations. We have several pollution prevention recommendations that may be helpful in constructing or operating this project:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed facility is committed to minimizing its environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and it recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program.
- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content, toxicity level, and amount of packaging should be considered and can be specified in purchasing contracts.
- Consider contractors' commitment to the environment (such as an EMS) when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for infrastructure and building construction and design. These could include asphalt and concrete containing recycled materials, and integrated pest management in landscaping, among other things.
- Integrate pollution prevention techniques into the facility maintenance and operation. Maintenance facilities should be designed with sufficient and suitable space to allow for effective inventory control and preventative maintenance.

DEQ's Office of Pollution Prevention provides information and technical assistance relating to pollution prevention techniques and EMS. For more information, contact DEQ's Office of Pollution Prevention, Sharon Baxter at (804) 698-4344.

13. Energy Conservation. The proposed development should be planned and designed to comply with state and federal guidelines and industry standards for energy

- Ms. Cheryl Barnett
67th Street Oceanfront Property Redevelopment

conservation and efficiency. For example, the energy efficiency of the facility can be enhanced by maximizing the use of the following:

- thermally-efficient building shell components (roof, wall, floor, windows, and insulation);
- facility siting and orientation with consideration towards natural lighting and solar loads
- high efficiency heating, ventilation, air conditioning systems; and
- high efficiency lighting systems and daylighting techniques.

Contact Matt Heller, Department of Mines, Minerals, and Energy at (434) 951-6351 for additional information.

14. Water Conservation. The following recommendations will result in reduced water use associated with the operation of the development.

- Grounds should be landscaped with hardy native plant species to conserve water as well as lessen the need to use fertilizers and pesticides.
- Convert turf to low water-use landscaping such as drought resistant grass, plants, shrubs and trees.
- Low-flow toilets should be installed in new facilities.
- Consider installing low flow restrictors and aerators to faucets.
- Improve irrigation practices by:
 - upgrading sprinkler clock; water at night, if possible, to reduce evapotranspiration (lawns need only 1 inch of water per week, and do not need to be watered daily; overwatering causes 85% of turf problems);
 - installing a rain shutoff device; and
 - collecting rainwater with a rain bucket or cistern system with drip lines.
- Use new high-efficiency washers and dishwashers to reduce water useage by 30-50% per use.
- Check for and repair leaks (toilets and faucets) during regular routine maintenance activities.

REGULATORY AND COORDINATION NEEDS

1. Dunes Management. The Navy may contact the City of Virginia Beach, Lonnie Warren at clwarren@vbgov.com or Rick Scarper at rscarper@vbgov.com, to arrange an advisory/information briefing for the Virginia Beach Wetlands Board for potential project impacts to the primary sand dune on site.

2. Nonpoint Source Pollution Control.

2(a) Erosion and Sediment Control and Stormwater Management Plans. The Navy must ensure that it is in compliance with *Virginia's Erosion and Sediment Control Law* (Virginia Code 10.1-567) and *Regulations* (4 VAC 50-30-30 *et seq.*) and *Stormwater*

Ms. Cheryl Barnett
67th Street Oceanfront Property Redevelopment

Management Law (Virginia Code 10.1-603.5) and *Regulations* (4 VAC 3-20-210 *et seq.*). Activities that disturb greater than 10,000 square feet of land would be regulated by VESCL&R and VSWML&R. The Navy is encouraged to contact DCR's Suffolk Regional Office at (757) 925-2468, for assistance with developing or implementing an ESC plan to ensure project conformance.

2(b) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities. For projects involving land-disturbing activities of equal to or greater than one acre, the Navy is required to develop a project-specific stormwater pollution prevention plan and apply for registration coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities (*VSMP Permit Regulations* 4 VAC-50 *et seq.*). Specific questions regarding the Stormwater Management Program requirements should be directed to Holly Sepety, DCR, at (804) 225-2613.

3. Air Pollution Control. This project is subject to air quality regulations administered by the Department of Environmental Quality. The following sections of Virginia Administrative Code are applicable:

- 9 VAC 5-40-5490 *et seq.* regarding asphalt paving operations;
- 9 VAC 5-50-60 *et seq.* governing fugitive dust emissions; and
- 9 VAC 5-130 *et seq.*, for open burning.

For additional information, contact Jane Workman, DEQ-TRO at (757) 518-2112.

4. Solid and Hazardous Wastes. All solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state, and local environmental 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)* (9 VAC 20-60);
- *Virginia Solid Waste Management Regulations (VSWMR)* (9 VAC 20-80); and
- *Virginia Regulations for the Transportation of Hazardous Materials* (9 VAC 20-110).

Some of the applicable Federal laws and regulations are:

- *Resource Conservation and Recovery Act (RCRA)* (42 U.S.C. Section 6901 *et seq.*);
- Title 40 of the Code of Federal Regulations; and
- U.S. Department of Transportation Rules for Transportation of Hazardous materials (49 CFR Part 107).

Ms. Cheryl Barnett
67th Street Oceanfront Property Redevelopment

4(a) Petroleum Release. If evidence of a petroleum release is discovered during construction of this project, the USCG must contact the DEQ Tidewater Regional Office, Rebecca Gehring at (757) 518-2190 or Gene Siudyla at (757) 518-2117.

4(b) Asbestos-Containing Material. It is the responsibility of the owner or operator of a demolition activity, prior to the commencement of the demolition, to thoroughly inspect the affected part of the facility where the operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos containing material (ACM). Upon classification as friable or non-friable, all waste ACM shall be disposed of in accordance with the *Virginia Solid Waste Management Regulations* (9 VAC 20-80-640), and transported in accordance with the Virginia regulations governing Transportation of Hazardous Materials (9 VAC 20-110-10 *et seq.*). Contact the DEQ Waste Management Program for additional information, (804) 698-4021, and the Department of Labor and Industry, Ronald L. Graham at (804) 371-0444.

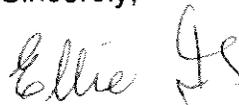
5(c) Lead-Based Paint. If applicable, the proposed project must comply with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) regulations, and with the Virginia Lead-Based Paint Activities Rules and Regulations. For additional information regarding these requirements contact the Department of Professional and Occupational Regulation, David Dick at (804) 367-8588.

6. Portable AST Registration. The Navy must register portable ASTs (>660 gallons) associated with this proposed action with DEQ. Tank registration may be accomplished by contacting Tom Madigan, DEQ Tidewater Regional Office, at (757) 518-2115 or by e-mail at temadigan@deq.virginia.gov.

7. Transportation Impacts. The Navy may contact the VDOT Norfolk Residency, Bill Collier at (757) 494-5470, and the City of Virginia Beach to ensure that all applicable VDOT standards are met.

Thank you for the opportunity to comment on this FCD. The detailed comments of reviewing agencies are attached for your review. If you have questions, please call me at (804) 698-4325 or John Fisher at (804) 698-4339.

Sincerely,



Ellie Irons, Manager
Office of Environmental Impact Review

Enclosures

Ec: Michelle Hollis, DEQ-TRO
Paul Kohler, DEQ-Waste
Kotur Narasimhan, DEQ-Air

Ms. Cheryl Barnett
67th Street Oceanfront Property Redevelopment

Tony Watkinson, VMRC
Robbie Rhur, DCR
Amy Ewing, DGIF
Matt Heller, DMME
Barry Matthews, VDH
Melanie Allen, VDOT

Cc: Roger Kirchen, DHR
James Spore, City of Virginia Beach
Dwight Farmer, Hampton Roads PDC

If you cannot meet the deadline, please notify JOHN E. 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

RECEIVED

OCT 06 2009

DEQ-Office of Environmental Impact Review



 JOHN E. FISHER
 ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

This proposal will not require a permit from VMRC, however a permit from the Virginia Beach Wetlands Board may be necessary for impacts to beach or dune resources.

(signed) *Jim D. Niblett* (date) *10-1-09*
 (title) *Env. Engineer*
 (agency) *VMRC*



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

October 28, 2009

PROJECT NUMBER: 09-193F

PROJECT TITLE: 67th Street Oceanfront Property Redevelopment at U.S. Navy
Oceanfront Property, Virginia Beach

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

Petroleum Storage Tank Cleanups:

DEQ records indicate that there have been no reported petroleum releases at or near the proposed project. If evidence of a petroleum release is discovered during construction of this project, it must be reported to DEQ, as authorized by CODE # 62.1-44.34.8 through 9 and 9 VAC 25-580-10 et seq. Contact Ms. Lynne Smith at (757) 518-2055 or Mr. Gene Siudyla at (757) 518-2117. Petroleum-contaminated soils and ground water generated during construction of this project must be properly characterized and disposed of properly.

Petroleum Storage Tank Compliance/Inspections:

The installation, relocation or removal of any regulated petroleum storage tank as part of this project must be reported to the DEQ Tidewater Regional Office (Attn: Tom Madigan) at 5636 Southern Blvd., Virginia Beach, VA 23462. Phone – (757) 518-2000.

Virginia Water Protection Permit Program (VWPP):

No comments.

Air Permit Program :

No comments.

Water Permit Program :

Ground Water – No comment.

VPDES Permit Section – No permits under our jurisdiction will be required for this project.

Waste Permit Program :

All construction and demolition debris must be characterized in accordance with the Virginia Hazardous Waste Management Regulations prior to disposal at an appropriate off-site facility.



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

October 28, 2009

PROJECT NUMBER: 09-193F

PROJECT TITLE: 67th Street Oceanfront Property Redevelopment at U.S. Navy
Oceanfront Property, Virginia Beach

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle R. Hollis".

Michelle R. Hollis
Environmental Specialist
5636 Southern Blvd.
VA Beach, VA 23462
(757) 518-2146
mrhollis@deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

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

RECEIVED
OCT 27 2009
DEQ-Office of Environmental
Impact Review

MEMORANDUM

DATE: October 26, 2009
TO: John Fisher, DEQ
FROM: Robert S. Munson, Planning Bureau Manager, DCR-DPRR *Robert S. Munson*
SUBJECT: DEQ 09-193F, 67th Street Oceanfront Property Redevelopment at U.S. Navy
Oceanfront Property, Virginia Beach

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) 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 established between the Virginia Department of Agriculture and Consumer Services (VDACS) and DCR represents 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.

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 <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Division of Chesapeake Bay Local Assistance

The proposed activity lies outside of the City of Virginia Beach's designated Chesapeake Bay Preservation Areas, as 67th Street is located along the shoreline of the Atlantic Ocean and therefore outside of the Chesapeake Bay watershed. As such, there are no requirements under the Chesapeake Bay Preservation Act.

Division of Soil and Water Conservation

The Applicant and their authorized agents conducting regulated land disturbing activities on private and public lands in the state must comply with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R), Virginia Stormwater Management Law and Regulations including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, Federal Consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbance activities that result in the land-disturbance of equal to or greater than 10,000 square feet would be regulated by VESCL&R. Accordingly, the Applicant must prepare and implement erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. The ESC plan is submitted to the DCR Regional Office that serves the area where the project is located for review for compliance. The Applicant is ultimately responsible for achieving project compliance through oversight of on site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy. [Reference: VESCL §10.1-567;].

The operator or owner of construction activities involving land disturbing activities equal to or greater than one acre are required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Construction activities requiring registration also includes the land-disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Permit Regulations. General information and registration forms for the General Permit are available on DCR's website at http://www.dcr.virginia.gov/soil_and_water/index.shtml
[Reference: Virginia Stormwater Management Law Act §10.1-603.1 et seq.; VSMP Permit Regulations §4VAC-50 et seq.]

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: John E. Fisher

DEQ - OEIA PROJECT NUMBER: 09 - 193F

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

CONSISTENCY DETERMINATION

PROJECT TITLE: 67th Street Oceanfront Property Redevelopment at U.S. Navy Oceanfront Property, Virginia Beach

PROJECT SPONSOR: DOD/U. S. NAVY

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

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: CONSTRUCTION
 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:

All precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) during operation.



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: October 4, 2009



RECEIVED

OCT 27 2009

DEQ-Office of Environmental
Impact Review

MEMORANDUM

TO: John Fisher, Environmental Program Planner
FROM: ^{Paul} Paul Kohler, Waste Division Environmental Review Coordinator
DATE: October 27, 2009
COPIES: Sanjay Thirunagari, Waste Division Environmental Review Manager; file
SUBJECT: Environmental Impact Report: 67th Street Oceanfront Property Redevelopment at U.S. Navy Oceanfront Property, Virginia Beach; 09-193F

The Waste Division has completed its review of the Environmental Impact report for the 67th Street Oceanfront Property Redevelopment at U.S. Navy Oceanfront Property, Virginia Beach project in Virginia Beach, Virginia. We have the following comments concerning the waste issues associated with this project:

Neither solid nor hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases. A GIS database search did not reveal any waste sites within a half mile radius that would impact or be impacted by the subject site. The Waste Division staff performed a cursory review of its data files and determined that there is one solid waste site (US Army - Fort Story, PBR 414, RMW Storage Facility) and one formerly used defense site (FUDS) facility (C03VA0117, VA9799F1596, LYNNHAVEN F C STA, VA BEACH) located in the same zip code, however their proximity to the subject site is unknown. Eric Salopek of DEQ's Federal Facilities Program has been contacted for his review of this determination and will reply in a separate memo, if he identifies any additional issues.

Any soil that is suspected of contamination or wastes that are generated during construction-related activities 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 20-80); 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.

Also, all structures being demolished/renovated/ removed should be checked for asbestos-containing materials (ACM) and lead-based paint prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

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 Paul Kohler at (804) 698-4208.

Fisher,John

From: Ewing, Amy (DGIF)
Sent: Tuesday, October 06, 2009 11:10 AM
To: Fisher,John
Subject: ESSLog# 26046_09-193F_67th Street Oceanfront Property Redevelopment_US Navy

We have reviewed the consistency determination for the subject project which consists of redeveloping (through demolition and construction) Navy Property at 67th Street in Virginia Beach, VA.

According to our records, we document federal Threatened loggerhead sea turtle, state Endangered Rafinesque's eastern big-eared bat, and a number of colonial waterbird colonies from the project area. However, based on the scope and location of the project, we do not anticipate it to result in adverse impacts upon these species.

Assuming adherence to erosion and sediment controls, we find this project consistent with the Fisheries Management Section of the CZMA.

Thanks, Amy

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

If you cannot meet the deadline, please notify JOHN E. 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

RECEIVED
 OCT 26 2009
 DEQ-Office of Environmental
 Impact Review



 JOHN E. FISHER
 ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

I do not anticipate a significant impact to mineral resources related to this project.

(signed) Matthew Heller (date) 10/26/09
 (title) Geologist Manager
 (agency) DMME

Fisher,John

From: Forsgren, Diedre (VDH)
Sent: Friday, October 02, 2009 2:08 PM
To: Fisher,John
Cc: Matthews, Barry (VDH)
Subject: (09-193F) CD: 67th Street Oceanfront Property Development at US Navy Oceanfront Property

DEQ Project #: 09-193F

Name: 67th Street Oceanfront Property Development at US Navy Oceanfront Property

Sponsor: DOD/U.S. Navy

Location: Virginia Beach

VDH – Office of Drinking Water has reviewed DEQ Project Number 09-193F. Below are our comments as they relate to proximity to **public drinking water** sources (groundwater wells, springs and surface water intakes). Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

No groundwater wells are within 1 mile radius of the project site.

No surface water intakes are located within 5 miles radius of the project site.

Project does not fall within Zone 1 or Zone 2 of any public surface water sources.

There are no impacts to public drinking water sources due to 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

Reviewers:

Fisher,John

From: Kirchen, Roger (DHR)

Sent: Friday, October 02, 2009 4:47 PM

To: Fisher,John

Subject: 67th Street Oceanfront Property Redevelopment (DEQ #09-193F; DHR File No. 2009-0496)

DHR has been in direct consultation with the Navy regarding this project and reached consensus that it will result in no historic properties affected. DHR has no further comment at this time.

Roger

*Roger W. Kirchen, Archaeologist
Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221
phone: (804) 367-2323 x153
fax: (804) 367-2391
web: www.dhr.virginia.gov*



RECEIVED
OCT 26 2009
DEQ-Office of Environmental
Impact Review

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 North Main Street
SUFFOLK, VIRGINIA 23434
VirginiaDOT.org

DAVID S. EKERN, P.E.
COMMISSIONER

October 26, 2009

To: Melanie L. Allen
Environmental Program Planner
Virginia Department of Transportation

From: Tony Gibson
Transportation Planning Engineer
VDOT Hampton Roads District

Subject: Federal Consistency Determination
67th Street Redevelopment
U.S. Navy Oceanfront Property
Virginia Beach, Virginia

The Hampton Roads District Planning Section has reviewed the above referenced Environmental Evaluation for impacts to the existing and future transportation system. Our preliminary review does not indicate any negative impacts to the transportation system at this time.

There are no planned transportation improvement projects in the vicinity of this development in the FY 10-15 Six Year Improvement Program and/or the 2030 Long Range Plan.

We can only conclude any additional traffic or traffic disruptions regarding this project being considered are negligible. The area around this development is identified in the City of Virginia Beach's Bikeways and Trails Plan. Pedestrian and bicycle traffic may increase due to these improvements, therefore, bicycle and pedestrian accommodations should be considered.

This improvement/construction should note coordination with VDOT's Norfolk Residency and the City of Virginia Beach is required to insure that all applicable VDOT standards are met. Otherwise, this office has no objections to the proposed improvements.

If further assistance is needed, please advise.

Cc: Eric Stringfield
Bill Collier



Fisher,John

From: Clay Bernick [CBernick@vbgov.com]
Sent: Monday, October 26, 2009 11:26 AM
To: Fisher,John
Cc: Claire JONES; James Spore; Jack Whitney; Steve Herbert; Phillip J. Roehrs; Rick Scarper; Lonnie Warren
Subject: 09-193F USN 67th Street Oceanfront Property Redevelopment Environmental Impact Review

John-

I have completed our review of the above-referenced project proposal. While the proposed project is generally consistent with local plans, the following additional specific comments are provided:

- 1- While not required, it is strongly suggested that the proposed project be reviewed as an advisory/information briefing with the Virginia Beach Wetlands Board, as they have jurisdiction over coastal primary sand dunes under the Virginia Coastal Resources Management Program. Please contact Lonnie Warren at clwarren@vbgov.com or Rick Scarper at rscarper@vbgov.com to arrange this briefing.
- 2- Based on the submitted project documentation it appears that beach users will be utilizing the 2 improved beach accessways located at 66th and 67th Streets. Accordingly, it is strongly recommended that the Navy restore the current breach in the dune line at the midpoint of their property as part of the redevelopment project, using sand from an outside source, and that the area be stabilized with sand fencing and sprigged with beach and dune vegetation. City staff are available to provide technical assistance for this work.
- 3- City staff are available to consult with the Navy's selected contractors should questions arise concerning submission for required Erosion and Sediment Control Plan and Stormwater Management Plan, and Stormwater Pollution Prevention Plan. City staff will be conducting required site visits and inspections for the permits associated with these plans.

Please advise if you have any questions concerning these comments; thanks.

Clay

Clay Bernick
Administrator
City of Virginia Beach Department of Planning
Environmental Management Center
2405 Courthouse Drive
Building 2, Room 115
Municipal Center
Virginia Beach, VA 23456-9040
(757) 385-4621 MAIN
(757) 385-5667 FAX
(757) 385-4899 DIRECT
(757) 377-3120 MOBILE

Reduce, Reuse, Recycle - please print only when necessary!



RECEIVED

OCT 29 2009

DEQ-Office of Environmental
Impact Review

BRUCE C. GOODSON, CHAIRMAN • STAN D. CLARK, VICE CHAIRMAN • JAMES O. McREYNOLDS, TREASURER
DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

October 26, 2009

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

Re: 67th Street Oceanfront Property Redevelopment at U.S. Navy Oceanfront
Property, Virginia Beach DEQ #09-193F (ENV:GEN)

Dear Mr. Fisher:

Pursuant to your request, the staff of the Hampton Roads Planning District Commission (HRPDC) has reviewed the Consistency Determination for the proposed 67th Street Beach Cottages redevelopment project at the existing Naval Amphibious Little Creek' catering facility. We have contacted the City of Virginia Beach concerning this project.

Based on this review, the proposal is generally consistent with local and regional plans and policies. City staff has provided additional comments in a separate letter. We concur with their findings.

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

Sincerely,

Dwight L. Farmer
Executive Director/Secretary

MLJ/fh

Copy: Mr. H. Clayton Bernick III

This page intentionally left blank.

C

**Air Emission Calculations and
Record of Non-Applicability**

This page intentionally left blank.

**GENERAL CONFORMITY – RECORD OF NON-APPLICABILITY (RONA)
for**

**The 67th Street Oceanfront Property Redevelopment
Virginia Beach, Virginia
U.S. Department of the Navy**

General Conformity under the Clean Air Act, Section 176 has been evaluated for this project according to the requirements of 40 CFR 93, Subpart B. The requirements of this rule are not applicable to this action because the emissions of NO_x and VOC are below the *de minimis* of 100 tpy for NO_x and VOC emissions, and these emissions would not make up 10% of the region's emission inventory.

Signed: *William David McMe* Date: *1/19/10*
(Name and Title of Environmental Coordinator)

Table C-1 Oceanfront Property 67th Street

Alternative	Total Square Feet	Acres
Alternative 1		
New built space	19,300	0.44
Parking lots	10,000	0.23
Demolition	8,000	0.21
Total graded space	38,300	0.88
Alternative 2		
New built space	17,000	0.39
Demolition	8,000	0.21
New parking garage	17,000	0.39
Total graded space	43,000	0.99

Note:

The parking space is assumed to be 15 feet x 10 feet for a single vehicle, and the total square footage with entrance and exit area is assumed to be 10,000 square feet.

Table C-2 Mobile Equipment Exhaust Emissions Alternative 1

Activity	Equipment List	Equipment Quantity	Days Used	Emission Factors (lb/day) ¹				Emissions (lbs)				
				NO _x	VOC	CO	PM ₁₀	NO _x	VOC	CO	PM ₁₀	
Demolition	Loader	1	60	11.80	1.35	9.27	0.64	708.00	81.00	556.20	38.40	
	Haul Truck	1	60	33.55	3.60	22.67	1.78	2,013.00	216.00	1360.20	106.80	
Backhoe excavation	Backhoe Loader	1	60	6.66	0.65	3.56	0.34	399.60	39.00	213.60	20.40	
	Haul Truck	1	60	33.55	3.60	22.67	1.78	2,013.00	216.00	1360.20	106.80	
Cut and fill	Scraper	1	60	35.39	3.64	21.58	1.85	2,123.40	218.40	1294.80	111.00	
	Bulldozer	1	60	37.45	3.66	20.03	1.93	2,247.00	219.60	1201.80	115.80	
	Water Truck	1	60	33.55	3.60	22.67	1.78	2,013.00	216.00	1360.20	106.80	
Grading	Grader	1	80	16.42	1.76	11.09	0.87	1,313.60	140.80	887.20	69.60	
	Bulldozer	1	80	37.45	3.66	20.03	1.93	2,996.00	292.80	1602.40	154.40	
	Water Truck	1	80	33.55	3.60	22.67	1.78	2,684.00	288.00	1813.60	142.40	
Concrete slab pouring	Cement Truck	1	60	33.55	3.60	22.67	1.78	2,013.00	216.00	1360.20	106.80	
Portable equipment	Generator	1	100	8.31	1.00	7.26	0.45	831.00	100.00	726.00	45.00	
	Air Compressor	1	80	8.31	1.00	7.26	0.45	664.80	80.00	580.80	36.00	
Paving	Paving Machine Roller	1	20	11.91	1.37	9.36	0.64	238.20	27.40	187.20	12.80	
Architectural coatings	Air Compressor	1	40	8.31	1.00	7.26	0.45	332.40	40.00	290.40	18.00	
Emissions lbs/day				349.8	37.1	230.1	18.5	Annual Emissions (lbs)	22,590.0	2,391.0	14,794.8	1,191.0
Emissions tons/day				0.17	0.02	0.12	0.01	Annual Emissions (tons)	11.30	1.20	7.40	0.60

Notes:

¹ El Dorado County APCD CEQA Guide, February 2002.

² Construction assumed to be 8 hr/day for 18 months

Table C-3 Mobile Equipment Exhaust Emissions Alternative 2

Activity	Equipment List	Equipment Quantity	Days Used	Emission Factors (lb/day) ¹				Emissions (lbs)				
				NO _x	VOC	CO	PM ₁₀	NO _x	VOC	CO	PM ₁₀	
Demolition	Loader	1	60	11.80	1.35	9.27	0.64	708.00	81.00	556.20	38.40	
	Haul Truck	1	60	33.55	3.60	22.67	1.78	2,013.00	216.00	1360.20	106.80	
Backhoe excavation	Backhoe Loader	1	80	6.66	0.65	3.56	0.34	532.80	52.00	284.80	27.20	
	Haul Truck	1	80	33.55	3.60	22.67	1.78	2,684.00	288.00	1813.60	142.40	
Cut and fill	Scraper	1	80	35.39	3.64	21.58	1.85	2,831.20	291.20	1726.40	148.00	
	Bulldozer	1	80	37.45	3.66	20.03	1.93	2,996.00	292.80	1602.40	154.40	
	Water Truck	1	80	33.55	3.60	22.67	1.78	2,684.00	288.00	1813.60	142.40	
Grading	Grader	1	100	16.42	1.76	11.09	0.87	1,642.00	176.00	1109.00	87.00	
	Bulldozer	1	80	37.45	3.66	20.03	1.93	2,996.00	292.80	1602.40	154.40	
	Water Truck	1	80	33.55	3.60	22.67	1.78	2,684.00	288.00	1813.60	142.40	
Concrete slab pouring	Cement Truck	1	120	33.55	3.60	22.67	1.78	4,026.00	432.00	2720.40	213.60	
Portable equipment	Generator	1	120	8.31	1.00	7.26	0.45	997.20	120.00	871.20	54.00	
	Air Compressor	1	120	8.31	1.00	7.26	0.45	997.20	120.00	871.20	54.00	
Paving	Paving Machine Roller	1	40	11.91	1.37	9.36	0.64	476.40	54.80	374.40	25.60	
Architectural coatings	Air Compressor	1	60	8.31	1.00	7.26	0.45	498.60	60.00	435.60	27.00	
Emissions lbs/day				349.8	37.1	230.1	18.5	Annual Emissions (lbs)	28,766.4	3,052.6	18,955.0	1,517.6
Emissions tons/day				0.17	0.02	0.12	0.01	Annual Emissions (tons)	14.38	1.53	9.48	0.76

Notes:

¹ El Dorado County APCD CEQA Guide, February 2002.

² Construction assumed to be 8 hr/day for 18 months.

Table C-4 Site Preparation: Particulate Emissions For Construction

Activity	Acres	Topsoil Removal (lbs)	Earthmoving (lbs)	Truck Haulage (lbs)	Emissions (lbs)	Tons
Alternative 1 and 2	1.60	3,135	660	1,540	5,335	2.67

Notes:

Emission factors obtained from EPA-450/2-92-004

Factors for:

Topsoil Removal	5.70 kg/VKT
Earth Moving	1.20kg/VKT
Truck Haulage	2.80 kg/VKT

Assume vehicle kilometers traveled:

Preferred Alternative: 250 km

Table C-5 VOC Emissions from Architectural Coatings

Activity	Area (sq ft)	Emission Factor ¹	Units	Emissions (lbs)	Tons
Alternative 1	19,300	65.6 lb/du	10 dwelling units ²	656	0.33
Alternative 2	17,000	1.63 (lbs/day/sqft)	20 days	4251	2.13

Notes:

¹ Emission factor obtained from Table 4-7 El Dorado County APCD CEQA Guide, February 2002.

² One dwelling unit assumed to cover 2,000 sq ft.

Table C-6 VOC Emissions from Paving

Activity	Acres Paved	Emission Factor ¹ (lbs/acre/day)	Emissions	
			lbs	Tons
Paving for a duration of 20 days	0.88	2.62	46.1	0.023
Paving for a duration of 30 days	0.99	2.62	77.6	0.039

Note:

¹ Data source: El Dorado County APCD – CEQA Guide, February 2000.

Table C-7 Annual Demolition Particulate Emissions

	Alternatives 1 and 2
Floor space to be demolished (sq ft)	8,000
Emissions from structure removal (lbs)	4.6
Emissions from debris removal (lbs)	84.6
Emissions from vehicle activity (lbs)	958.1
Total PM ₁₀ emissions (lbs/yr)	1,047.2
Total PM ₁₀ emissions (tons)	0.52

Notes:

See EPA-450/2-92-004