



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

March 3, 2012

Southern Virginia Regulatory Section
NAO-2013-02226

Suzie Richert
EEE Consulting, Inc.
8525 Bell Creek Road
Mechanicsville, VA 23116

Dear Ms. Richert:

This letter is in response to your letter dated February 2, 2017 requesting a project review for the construction of a Veterans Care Center in Virginia Beach, VA. You indicate that the project is funded in part by the U.S. Department of Veterans Affairs.

The Corps of Engineers regulates activities in waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (Public Law 95-217). Considering the location of the entrance and access road for this project, a permit or permits may be required from the Corps for the proposed access road to the property.

Your letter indicates that a wetland delineation has been performed for the project area. Avoidance of impacts to the aquatic environment, including wetlands, should be an important consideration as you develop your project. Measures to avoid and minimize impacts to streams and wetlands, such as bridging or relocating the proposed entrance to the property where there are fewer aquatic resources, should be incorporated wherever practicable.

Options for compensating for unavoidable impacts to wetlands and other aquatic resources should be an early consideration. Wetland impacts are typically mitigated at 2:1 for forested, 1.5:1 for scrub/shrub, and 1:1 for emergent. However, additional mitigation may be required for particularly valuable or difficult-to-mitigate wetlands. In addition, we consider cumulative impacts to wetlands and streams from a given project, and may require mitigation if there are many impacts in close proximity, or if there are multiple impacts to the same aquatic resource and/or its direct tributaries.

The project study area may include habitat for threatened and endangered species. We recommend coordination with the U.S. Fish and Wildlife Service and the Virginia Department of Game and Inland Fisheries (VDGIF) regarding these species. This project may also be subject to compliance with Section 106 of the National Historic Preservation Act of 1966.

Thank you for the opportunity to provide comments and recommendations in the early stages of this project. If you have any questions, you may contact Nicole Woodward at nicole.l.woodward@usace.army.mil or 757-201-7122.

Sincerely,

WOODWARD.NICOLE
E.LEIGH.1367139478

Digitally signed by
WOODWARD.NICOLE.LEIGH.1367139478
DN: c=US, o=U.S. Government, ou=DoD,
ou=PRD, ou=USA,
cn=WOODWARD NICOLE LEIGH 1367139478
Date: 2017.03.09 16:18:13 -0500

Nicole L. Woodward
Project Manager, Southern Virginia
Regulatory Section



February 2, 2017

Ms. Lynette R. Rhodes
Chief, Southern Virginia Regulatory Section
US Army Corps of Engineers
803 Front Street
Norfolk, VA 23510-1096
CENAO.REG_ROD@usace.army.mil

Re: Scoping Request in Preparation for an Environmental Assessment for Construction of a Veterans Care Center, City of Virginia Beach, Virginia
Ref: Federal Project FAI 51-011; Commonwealth of Virginia Project 912-17957-000

Dear Ms. Rhodes,

The Commonwealth of Virginia Department of Veterans Services (DVS) is proposing to construct a Veterans Care Center in Virginia Beach, Virginia (proposed project). Because DVS plans to seek project cost reimbursements from the U.S. Department of Veterans Affairs, the proposed project must comply with the National Environmental Policy Act of 1969, as amended (NEPA); therefore, DVS is preparing an Environmental Assessment. As part of the NEPA process, and on behalf of DVS, EEE Consulting, Inc. is coordinating with you about the proposed project. The proposed project location and project site are depicted on the attached figures.

Waters of the U.S. (WOUS) at the project site and adjacent areas and have been previously delineated and verified by USACE via an Approved Jurisdictional Determination (AJD) on March 20, 2015 (NAO-2013-02226). Further details on the proposed action, existing conditions, and previous actions related to WOUS are provided below.

Project Background & Proposed Action

The proposed project site is located in the City of Virginia Beach on property to be owned by the Commonwealth of Virginia. The property is located near the intersection of West Neck Road and North Landing Road. The Veterans Care Center would be constructed on approximately 26 acres in an agricultural field currently owned by the City of Virginia Beach. The property to the east, also owned by the City, is composed primarily of woods, the majority of which (14.22 acres) are forested wetlands, as verified by the USACE in 2015. DVS would obtain some of the forest/forested wetlands to the east as a vegetative buffer a minimum of 90 feet and a maximum of 165 feet wide; therefore, the total acreage of forest to the east that DVS would own has not been finalized at this time, but is anticipated to be between one and four acres. Any forested wetlands obtained by DVS would be left undisturbed and would not be developed. A 300-foot-wide row of trees is found on the north side of the agricultural field, about half of which is in the project site boundary, and a narrow strip of trees borders a portion of the western property boundary. A new residential subdivision is under construction immediately west of the property. To the south and southwest is residential housing. There are several existing non-jurisdictional man-made open channels (agricultural ditches) running across the agricultural field, two of which are larger than the others (two primary channels are shown on attached figure). Groundwater depths within the proposed project site (the agricultural field) range from three to four feet below ground surface. A three- to four-foot layer of soil with high clay content occurs at the ground surface and is underlain by sand; soils would be amended to support site construction.

The Veterans Care Center will be a 120-bed facility providing a mix of long-term skilled nursing care, Alzheimer's/memory loss care, and short-term rehabilitative care to Virginia veterans. It will also provide dining,

physical activity, physical therapy, entertainment, and social event services to care center residents in both indoor and outdoor spaces. The proposed facility would feature all private rooms organized into two neighborhoods of six households each that surround a central community center. The site would also include an access road, parking lots, and landscaped areas. The facility will be designed to Virginia Energy Conservation & Environmental Standards.

All staging of equipment and materials and construction-related parking would occur on-site in areas of existing cleared space in the agricultural field. Access to the Veterans Care Center would be provided from an entrance driveway that would connect to a new extension of Nimmo Parkway on the north side of the project site (the City of Virginia Beach is constructing the Nimmo Parkway extension part of the City's Comprehensive Plan to connect Nimmo Parkway to Indian River Road). The entrance driveway may cross one of the man-made channels on the east side of the agricultural field and be built through upland (non-wetland) wooded areas, although these areas may be avoided depending on final design. If the man-made channel is not avoided, it would be piped beneath the access road. There would be a secondary access road constructed on the south side of the property connecting to North Landing Road that would be used during construction and with the potential to use if for emergency-only access once the facility opened.

DVS would install new underground utilities that would connect to existing underground and above-ground utilities along North Landing Road. Stormwater would be managed through the construction of multiple stormwater retention basins designed to have a shallow pool of water all the time along with the capacity to retain the total volume of rainfall from the 95th percentile storm, thus maintaining pre-development hydrology as required under Section 438 of the Energy Independence and Security Act. The Veterans Care Center would be operated by DVS and would employ approximately 150 staff. Construction would start in October 2017, following acquisition of the property by DVS, and last approximately two years, with the facility planned to open in late 2019.

Approximately three acres of trees would be permanently removed within the project site boundary for: construction of the entrance driveway, construction of paved areas within the strip of trees on the northern portion of the property, and construction of the temporary construction road on the southern portion of the property. DVS designed the facility to avoid disturbing 4.2 acres of the total 7 acres of trees within the 26-acre agricultural field area. DVS would plant trees and shrubs to provide for or enhance a vegetated buffer along the western and southern sides of the agricultural field a minimum of 20 feet wide to provide some visual buffer of the Veterans Care Center to the adjacent residential housing.

Water Resources

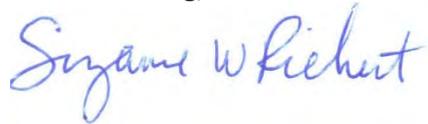
WOUS within the project site and adjacent areas and have been previously delineated and verified by USACE via AJD on March 20, 2015 (NAO-2013-02226), as indicated on the attached AJD and associated figure. Of those WOUS verified under NAO-2013-02226, one non-tidal wetland feature (wetland LL, which totaled 14.22 acres [619,214 sq. ft.]) occurs partially within and adjacent to the project site. Because the site boundary for the proposed Veterans Care Center would not encompass the entire 14.22-acre area shown as wetland LL on the delineation map, only a portion of the 14.22 acres, likely between one and four acres, would be located within the DVS property boundary. DVS would avoid and minimize impacts to WOUS to the maximum extent practicable; no impacts to wetlands are proposed based on current design of the Veterans Care Center. No streams have been delineated or identified within the proposed site boundary, as shown on the AJD map.

DVS understands that if the proposed action changes in a way that would impact WOUS, further coordination and permitting with resource agencies including USACE and Virginia Department of Environmental Quality would be required.

Conclusion

Thank you for your review of this project. We would appreciate a response within 30 days. Other agencies including the Virginia Department of Environmental Quality and the U.S. Fish and Wildlife Service have been contacted concurrently for project reviews. If you have any questions or require additional information, please do not hesitate to contact me at (276) 389-9306, or via email at srichert@eee-consulting.com.

Sincerely,
EEE Consulting, Inc.



Suzie Richert, CEP
Senior Environmental Scientist, NEPA Specialist

Enclosures

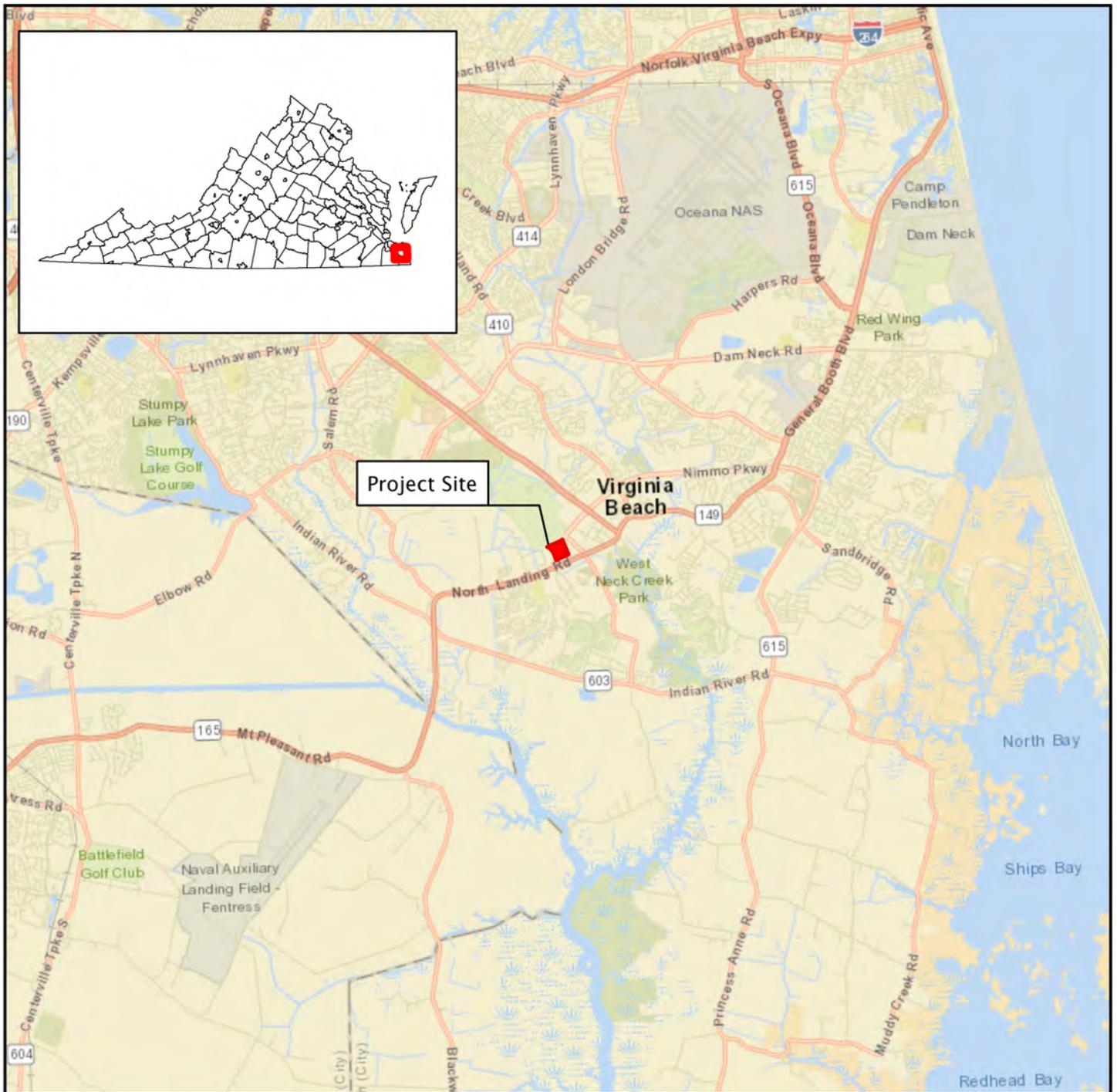
Cc: Stan Kloss, Project Manager
Virginia Department of General Services (for the Virginia Department of Veterans Services)

Dan Sutton, Senior Project Engineer
Wiley|Wilson

Corey Clayborne, Project Manager
Wiley|Wilson

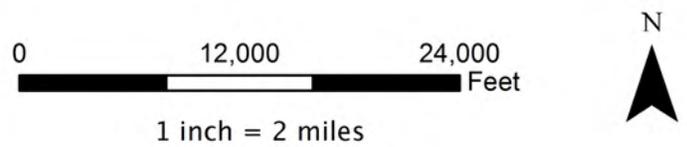
Attachments: Project Location Map
Project Plans Map
Representative Site Photos
Approved Jurisdictional Determination (from USACE File No. NAO-2013-02226)

Attachments



Project Coordinate System: NAD 1983 StatePlane Virginia South FIPS 4502 Feet
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Units: Foot US

Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom





VEGETATED BUFFER
(MOUND WITH A MIX OF
TREES AND SHRUBS)

EXISTING STORMWATER DITCH

EXISTING
FORCE MAIN
EASEMENT

PROPOSED BUILDING

NIMMO PRKY
EXTENDED ROW

TEMPORARY CONSTRUCTION
ENTRANCE

DVS HR VCC
DFCD9FHM1 & *-57F9G

VETERANS CARE CENTER
ENTRANCE SIGN

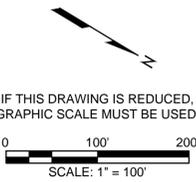
STORMWATER POND

VETERANS CARE
CENTER DRIVEWAY
(PRIVATE)

EXISTING STORMWATER DITCH

DELINEATED WETLAND
BOUNDARY

PROPOSED DVS
PROPERTY
BOUNDARY



DATE: FEBRUARY 2, 2017

Department of Veterans Services (DVS)
Hampton Roads (HR)
Veterans Care Center (VCC) Preliminary Site Plan



<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: Entrance to project site from North Landing Road.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: North</p>	
<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: View of project site from North Landing entrance.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: North</p>	
<p>Project Name: Phase I ESA – Virginia Beach Parcel, City of Virginia Beach</p> <p>Photograph Description: One of several irrigation ditches on project site.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: West</p>	

<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: Man-made drainage channel along east boundary of project site.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: North</p>	
<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: Easement north of project site (area between project site and the golf course).</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: East</p>	
<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: HRSD sanitary force main on north portion of project site.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: Northeast</p>	

<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: View from center of project site.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: Northeast</p>	
<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: New residential development west of project site.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: Southwest</p>	
<p>Project Name: Veterans Care Center EA, City of Virginia Beach</p> <p>Photograph Description: Single family residences, south of project site.</p> <p>Photograph Date: 3/14/2016</p> <p>Photograph Direction: Southeast</p>	

Project Name:
Veterans Care Center EA ,
City of Virginia Beach

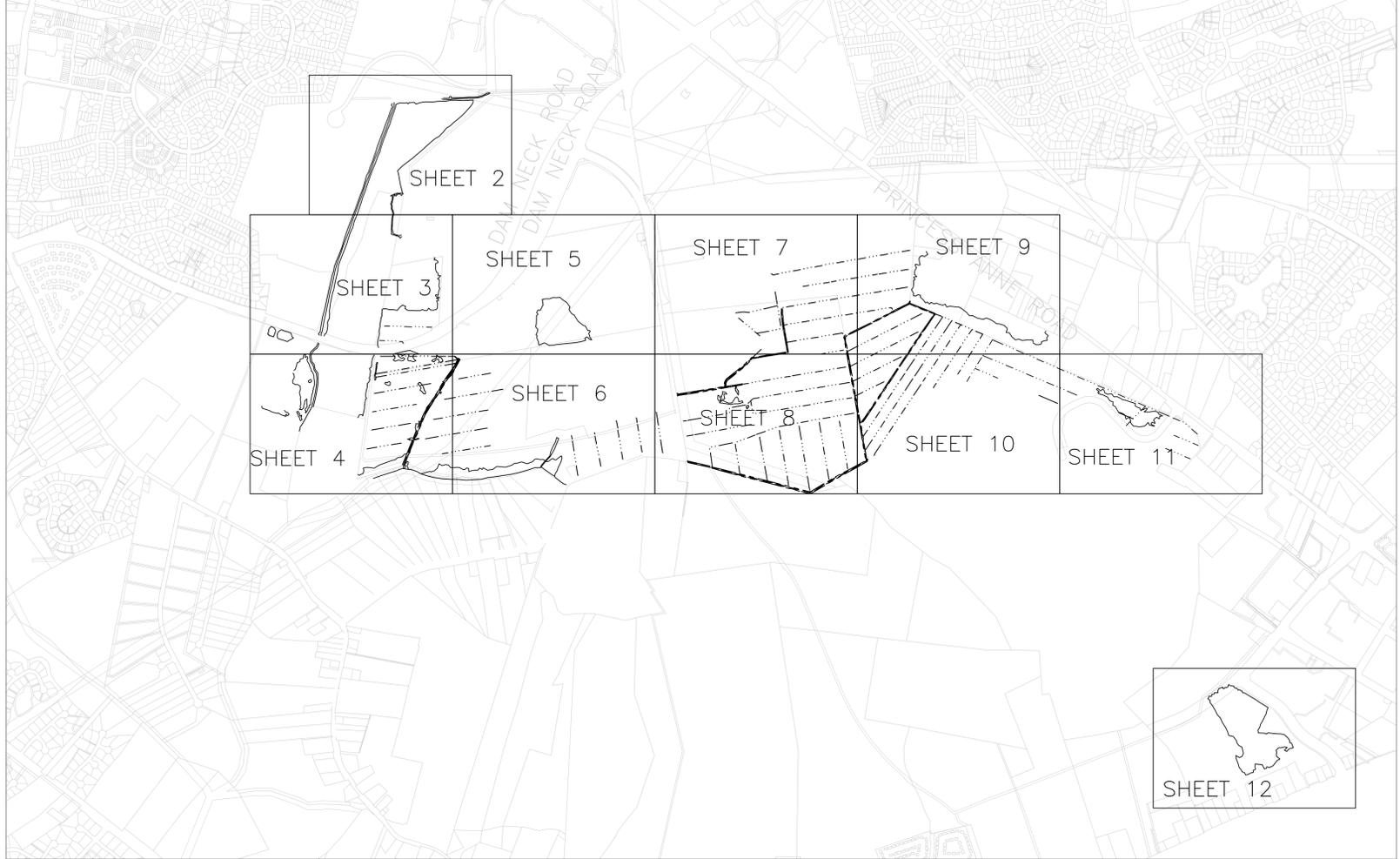
Photograph Description:
View of north portion of
project site.

Photograph Date:
3/14/2016

Photograph Direction:
Northwest



DEPARTMENT OF PUBLIC WORKS ENGINEERING GROUP/ SURVEY BUREAU



VIRGINIA STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE, NAD 1983/1993 (HARN)

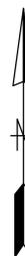
LEDGEND

- AA2 WETLAND FLAG WITH ID NUMBER
- — — — — CENTERLINE DITCH
- — — — — TOP OF BANK
- — — — — TOE OF SLOPE
- — — — — WETLAND BOUNDARY

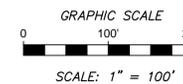
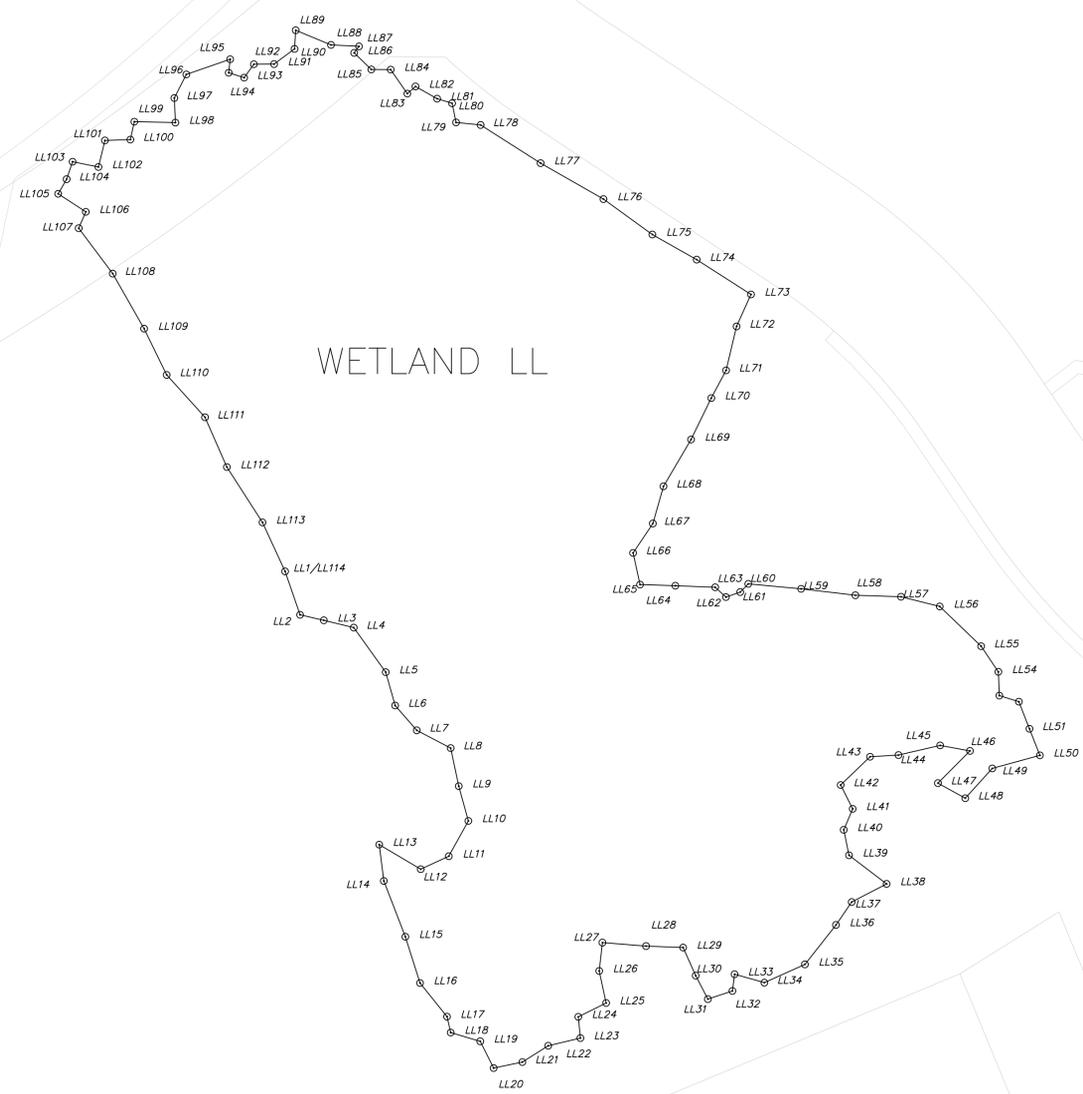
WETLAND DELINEATION FOR A PORTION OF PRINCESS ANNE COMMONS

- GENERAL NOTES:
1. HORIZONTAL CONTROL IS BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 1983/93 (HARN), U.S. SURVEY FOOT. THE CITY OF VIRGINIA BEACH REFERENCE CONTROL POINTS USED TO ESTABLISH THE COORDINATE VALUES SHOWN HEREON ARE DISKS #1485-1, "CITY HALL", #134-0064 AND #TJ-10 .
 2. VERTICAL CONTROL IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). THE CITY OF VIRGINIA BEACH CONTROL REFERENCE POINT USED TO ESTABLISH THE ELEVATIONS SHOWN HEREON IS DISK #1485-1.
 3. THIS TOPOGRAPHIC SURVEY OF WETLAND FEATURES DELINEATED BY KERR ENVIRONMENTAL, INC., OF A PORTION OF PRINCESS ANNE COMMONS WAS CONDUCTED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF J. DWIGHT SPIVEY, L.S., FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION. THE IMAGES AND ORIGINAL DATA WAS OBTAINED FROM MAY 19, 2014 THRU DECEMBER 31, 2014. THIS PLAT, MAP AND GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
 4. KERR ENVIRONMENTAL, INC., IS SOLELY RESPONSIBLE FOR THE DETERMINATION OF THE WETLAND FEATURES SHOWN HEREON AND THE PLACEMENT OF WETLAND FLAGS.

VIRGINIA STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE, NAD 1983/1993 (HARN)



WETLAND LL



SHEET 12 OF 16

DRAWING SHOWING WETLAND DELINEATION FOR PORTIONS OF PRINCESS ANNE COMMONS		
VIRGINIA BEACH, VIRGINIA		
DEPARTMENT OF PUBLIC WORKS, ENGINEERING GROUP, SURVEY BUREAU CITY OF VIRGINIA BEACH, VIRGINIA		
DATE: MAR. 25, 2015	SCALE: 1"=100'	DRW: MHW
FLD BK: D 2014	FILE: HORIZONTAL	??



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

23 March 2015

APPROVED JURISDICTIONAL DETERMINATION

Special Projects Regulatory Section
(NAO-2013-02226, North Landing River)

City of Virginia Beach
c/o Mr. Brent Ashley
Kerr Environmental Services Corp.
1008 Old Virginia Beach Road, Suite 200
Virginia Beach, VA 23451-5564

Mr. Ashley:

This letter is in regard to your request for an approved jurisdictional determination (JD) and confirmation of wetland delineation for various portions of the Princess Anne Commons property in Virginia Beach, Virginia. This JD and wetland delineation confirmation are only applicable to those areas within the "Subject Property Limits" but do not include the "Areas Previously Developed Or Permitted Prior to July 27, 2008" as depicted on the project drawing cited below.

An on-site jurisdictional determination has found waters and wetlands regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) on the project site described above. Non-tidal wetlands and other waters of the U.S. have been identified at the project site. This letter shall serve to confirm the JD and wetland delineation for the property that was performed by Kerr Environmental Services Corp. as shown on the attached, revised project drawing entitled *WETLAND DELINEATION EXHIBIT FOR PORTIONS OF PRINCESS ANNE COMMONS* dated 17 March 2015 that our office received via e-mail on 20 March 2015 (attached). The basis for this delineation confirmation includes application of the Corps of Engineers Wetlands Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region, Version 2.0 (2010), and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. The other waters meet the Corps' definition of waters of the U.S., are part of a tributary system to interstate waters (33 CFR 328.3 (a)), and have an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized land-clearing, into jurisdictional waters and/or wetlands on this site will require a Department of the Army permit and may require authorization by state and local authorities, including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of

the Corps jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these jurisdictional areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

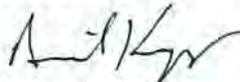
This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

United States Army Corps of Engineers
North Atlantic Division
ATTN: Mr. James W. Haggerty, Regulatory Program Manager
Building 301, General Lee Avenue
Fort Hamilton Military Community
Brooklyn, NY 11252

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 22 May 2015. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This JD is valid for a period of five years from the date of this letter unless new information warrants revision prior to the expiration date. If you have any questions, please contact me at (757) 201-7488 or david.a.knepper@usace.army.mil.

Sincerely,

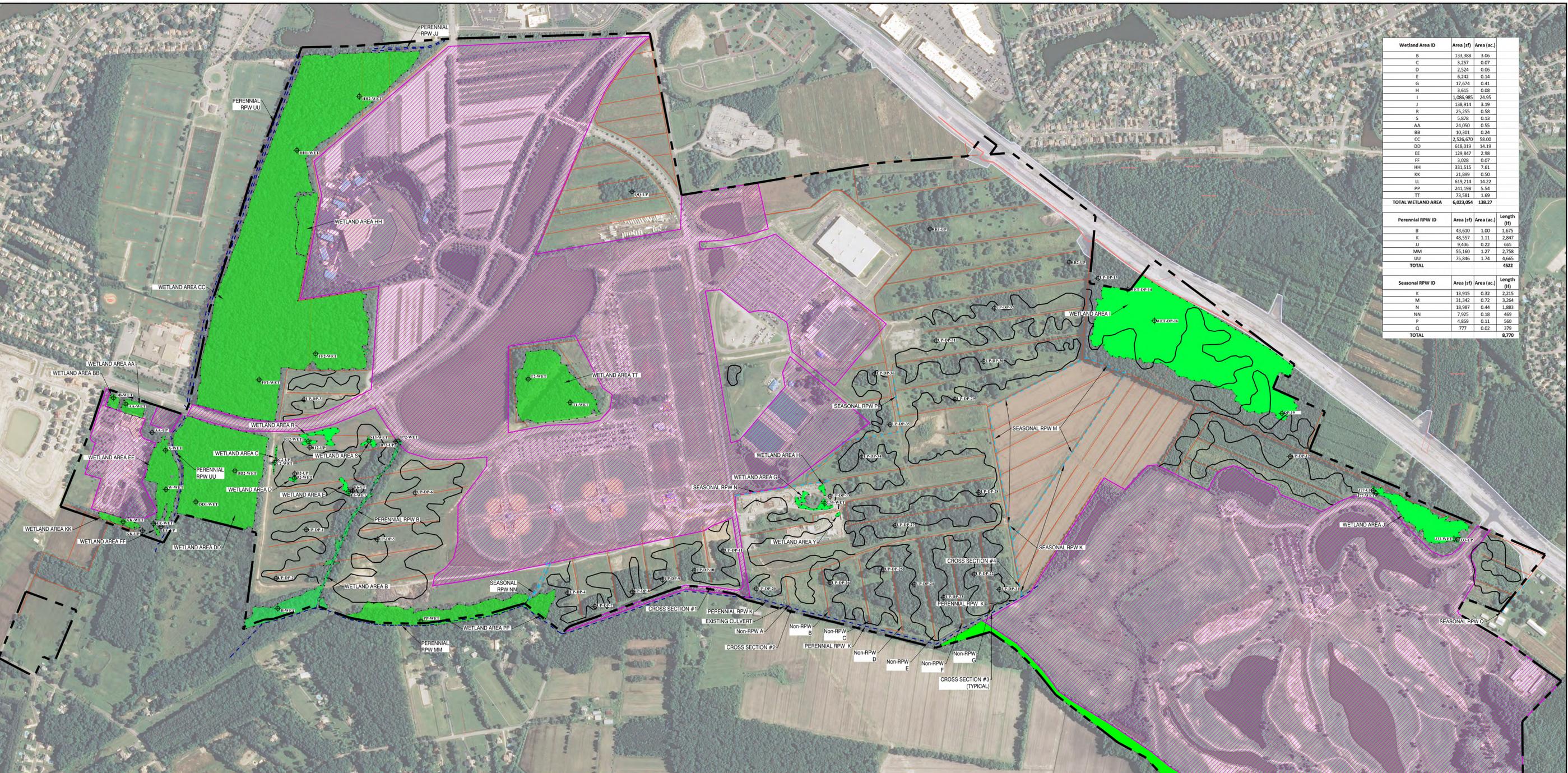


David Knepper
Environmental Scientist
Special Projects Regulatory Section

Wetland Area ID	Area (sf)	Area (ac)
B	133,388	3.06
C	3,257	0.07
D	2,524	0.06
E	5,242	0.14
G	17,214	0.41
H	3,615	0.08
I	1,086,985	24.95
J	138,914	3.19
N	25,255	0.58
S	5,878	0.13
AA	24,050	0.55
BB	10,301	0.24
CC	2,526,670	58.00
DD	618,019	14.19
EE	129,847	2.98
FF	3,028	0.07
HH	331,515	7.61
KK	21,889	0.50
LL	619,214	14.22
PP	241,198	5.54
TT	73,581	1.69
TOTAL WETLAND AREA	6,023,054	138.27

Perennial RPW ID	Area (sf)	Area (ac)	Length (ft)
B	43,610	1.00	1,675
K	48,557	1.11	2,947
JJ	9,436	0.22	665
MM	55,160	1.27	2,758
UU	75,846	1.74	4,665
TOTAL			4822

Seasonal RPW ID	Area (sf)	Area (ac)	Length (ft)
K	13,915	0.32	2,215
M	21,342	0.72	3,254
N	18,987	0.44	1,883
NN	7,925	0.18	469
P	4,859	0.11	560
Q	777	0.02	378
TOTAL			8,770

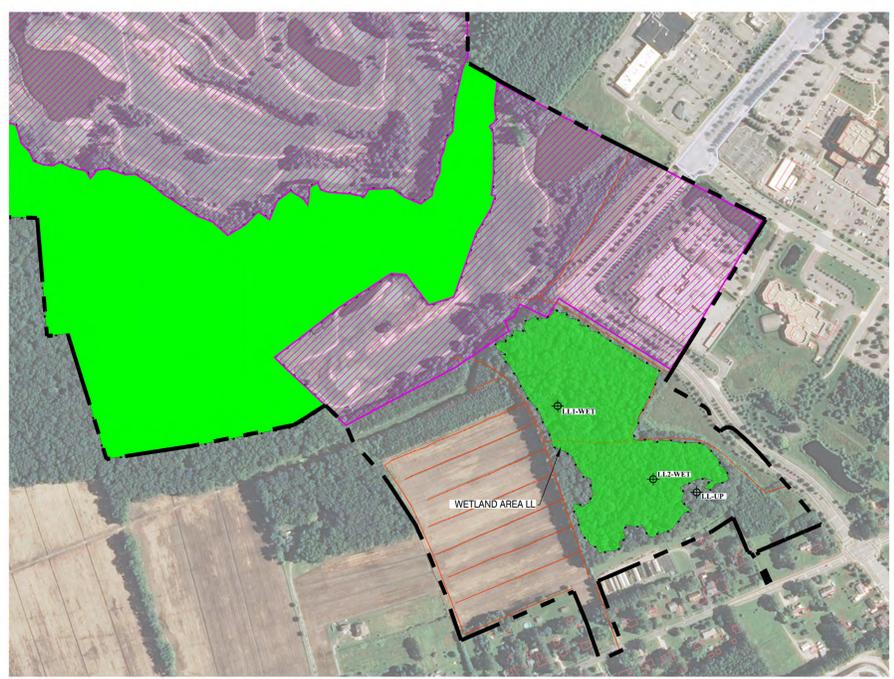


NOTES

- JURISDICTIONAL WETLANDS (WATERS OF THE UNITED STATES AND/OR STATE WATERS) SHOWN HEREON ARE PENDING CONFIRMATION AND WERE FIELD LOCATED BY GPS.
- THE AREAS DEPICTED AS 'AREAS PREVIOUSLY DEVELOPED OR PERMITTED' SHOWN HEREON WERE INCLUDED IN THE EXHIBIT REFERENCED IN EARLIER JURISDICTIONAL DETERMINATIONS. LIMITS ARE APPROXIMATED AND WERE PROVIDED, IN PART, BY THE CITY OF VIRGINIA BEACH.

LEGEND

- SUBJECT PROPERTY LIMITS
- - - PERENNIAL RPW - WATERS OF THE U.S.
- - - SEASONAL RPW - WATERS OF THE U.S.
- LINEAR DRAINAGE FEATURES (NON-REGULATED MAN-MADE DITCHES)
- DELINEATED WETLANDS
- AREAS PREVIOUSLY DEVELOPED OR PERMITTED PRIOR TO JULY 17, 2008.
- PROJECT TRANSECT
- ⊕ DP-# DATA POINT



MATCHLINE-INSET, THIS SHEET

US Army Corps of Engineers
Norfolk District Regulatory Branch
Revised by BAK
Date: 20 March 2015

300 0 300 600 900
SCALE: 1"=300'

WETLAND DELINEATION EXHIBIT
FOR PORTIONS OF
PRINCESS ANNE COMMONS
Kerr Environmental Services Corp.
Sustainable Ecological Restoration
and Environmental Consulting

1008 Old Virginia Beach Road
Virginia Beach, VA 23461
Ph: 757 963 2008
Fax: 757 963 8322

CHECKED BY: RPK	DATE: MARCH 17, 2015	SCALE: 1"=300'
DESIGNED BY: BTA	DRAWN BY: PJS	SHEET 1 OF 1

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

Applicant: City of Virginia Beach (c/o Kerr Environmental Services Corp., ATTN: Mr. Brent Ashley)

File Number: NAO-2013-02226

Date: 23 March 2015

Attached is:

See Section below

<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

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

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

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

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

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Norfolk District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Norfolk District Engineer.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Norfolk District Engineer.

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

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Norfolk District Engineer.

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
U.S. Army Corps of Engineers, Norfolk District
c/o Mr. David Knepper
803 Front Street
Norfolk, VA 23510-1096
Telephone: (757) 201-7488
Email: david.a.knepper@uasace.army.mil

If you only have questions regarding the appeal process you may also contact:
Mr. James W. Haggerty
Regulatory Program Manager
U.S. Army Corps of Engineers
CENAD-PD-OR
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252-6700
347-370-4650

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

Signature of appellant or agent.

Date:

Telephone number: