



CENAO-TS-REG

July 22, 2004

Public Notice Seeking Public Comment on a Proposed Requirement Relative to Low Impact Development

As you may know, the Norfolk District, Corps of Engineers (Corps), the Virginia Department of Environmental Quality (DEQ), the Chesapeake Bay Local Assistance Department, and the Virginia Department of Conservation and Recreation jointly sponsored five workshops in December 2003. The purpose of these workshops was to seek public input on how low impact development (LID) practices should be considered in the review of development projects.

Since the workshops, we have finalized a report summarizing the comments received, formed a workgroup composed of representatives from local, State, and federal agencies and development and environmental interests, developed an action plan, and developed a site design checklist and runoff calculations worksheet. The report, action plan, and checklist and worksheets can be found on the Norfolk District's web site at <http://www.nao.usace.army.mil/Regulatory/Regulatory.html>.

One of the items in the action plan is to develop a Virginia Department of Conservation and Recreation Technical Bulletin (short-term solution) and then a formal handbook (long-term solution) to be published by the Virginia Department of Conservation and Recreation (the lead State agency for stormwater management) to provide guidance to both plan designers and plan reviewers relative to LID practices. The appropriate use of LID has been shown to reduce water quality impacts from development.

In the meantime, the Norfolk District is proposing to require the site design checklist and runoff calculations worksheet be used in the project design process for prospective commercial and mixed-use developments that require a Corps permit and propose impacts to greater than ½ acre of nontidal wetlands or 300 linear feet of stream. Those projects would be reviewed under the District's State Program General Permit or an individual permit. While the checklist and worksheet are qualitative, we believe they are detailed enough to provide sufficient guidance in the interim until a technical bulletin is published. We also propose to require that the completed worksheet be submitted with permit applications for the aforementioned developments so we know how LID was considered in the development of project plans. This information will assist us in evaluating whether or not all appropriate and practicable measures to avoid and minimize impacts waters and wetlands have been incorporated into project plans. However, this proposed requirement will not delay the issuance of a public notice for a permit application that is otherwise complete as outlined in 33 CFR 325.1(d).

COMMENT PERIOD: Comments on this proposed requirement should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: Bruce F. Williams) at either 803 Front Street, Norfolk, Virginia 23510-1096 or by email to bruce.f.williams@usace.army.mil. If you have any questions, you may call Mr. Williams at 757.441.7418. All comments should be received by the close of business on August 23, 2004.

J. Robert Hume III
Chief, Regulatory Branch
Norfolk District, Corps of Engineers