

**DEPARTMENT OF THE ARMY
CONSENT TO EASEMENT STRUCTURES
THE HARBORS OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA**

WHEREAS, under authority provided by the Rivers and Harbors Act of August 30, 1935, and Section 107 of the River and Harbors Act of 1960, the Chief of Engineers, U.S. Army, approved the improvement of Cape Charles, Northampton County, Virginia, subject to certain local cooperation requirements, and including the provision that local interests furnish at no cost to the United States of America, all land, easements, and rights-of way for improvement and subsequent maintenance of the project; and

WHEREAS, the Town of Cape Charles furnished certain land, easements and right-of-ways in 1938 and by articles of a Local Cooperation Agreement signed by the Mayor of the Municipal Corporation of Cape Charles on 15 January 1987, and the District Engineer, U. S. Army Engineers District Norfolk on 21 January 1987, the Municipality irrevocably bound itself by furnishing, without cost, to the United States, a 50 year easement and rights over, **Tract A**, situated within Tax Map No. 83A1-A-9, Cape Charles Harbor, Northampton County, Virginia, by virtue of Easement Deed dated 16 July 1987, and recorded at Cape Charles, Virginia on 16 July 1987 in Book 227 of Deeds at page 794; and

WHEREAS, said easement grants to the United States the right of prior approval for any structures, excavation, or fill to be located within the said easement area, which area is under the administrative control of the U.S. Army Corps of Engineers, Norfolk District; and

WHEREAS, On August 11, the Commonwealth of Virginia, Department of Transportation requested the United States grant consent to widen, deepen, and maintain a storm water drainage ditches to support the construction of a 0.003 mile roadway addition to Boulders Lane, Cape Charles, VA, on the above-identified Tract,

NOW THEREFORE, the United States hereby gives to The **Commonwealth of Virginia, Department of Transportation**, hereinafter referred to as the Grantee, consent to widen, deepen, and maintain existing storm water drainage ditches and construct new storm water structures within the existing storm water drainage ditches upon the locations, all to flow in a westerly direction, and described on **EXHIBIT "A"**, attached hereto and made a part hereof;

PROVIDED HOWEVER, this consent is subject to the following conditions:

1. The term of this consent begins on March 3, 2016, and ends December 1, 2018, and is revocable at will by the Secretary.
2. It is understood that this consent is effective only insofar as the property rights of the United States in the land to be occupied are concerned, and this consent does not relieve the Grantee from the necessity of obtaining grants from the owners of the fee and/or other interests therein.

3. Except as otherwise specifically provided, any reference herein to "United States," Secretary, or "U.S. Army Corps of Engineers, Norfolk District" are defined as the "Said Officer" and shall include their duly authorized representatives.

4. The exercise of the privileges hereby consented to shall be without cost or expense to the Department of the Army, under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter referred to as "Said Officer" and subject to such regulations as may be prescribed by the District Commander, Norfolk District, from time to time.

5. The Grantee shall supervise and maintain the said structure and cause it to be inspected at reasonable intervals, and shall immediately repair any damage found therein as a result of such inspection, or when requested by Said Officer to repair any defects. Upon completion of the installation of said structure or the making of any repairs thereto, the Premises shall be restored immediately by the Grantee, at the Grantee's own expense to the same condition as that in which it existed prior to the commencement of such work, to the satisfaction of Said Officer.

6. Any property of the United States damaged or destroyed by the Grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Grantee to the satisfaction of Said Officer, or in lieu of such repair or replacement, the Grantee shall, if so required by Said Officer and at his option, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of, damage to, or destruction of Government property.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the Grantee, or for damages to the property or injuries to the person of the Grantee, or the persons of the Grantee's officers, agents, servants, or employees or others who may be on said Premises at their invitation or the invitation of any one of them arising from governmental activities on or in the vicinity of the said Premises. ~~DELETED: and the Grantee shall hold the United States harmless from any and all such claims.~~

8. This instrument is effective only insofar as the rights of the United States in the lands hereinabove described are concerned, and the Grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that this consent does not eliminate the necessity for obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. Section 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344) or any other permit or license which may be required by Federal, state, interstate or local laws in connection with use of the Premises.

9. The United States shall in no case be liable for any damage or injury to the construction herein authorized which may be caused by any action of the Government, under the rights obtained in its easements, either hidden or known, or that may result from future operations undertaken by the Government, and no claim or right to compensation shall accrue from such damage or injury, and if further operations of the United States require the alteration or removal of the structure herein authorized, the Grantee shall, upon due notice from the District Commander, Norfolk District, alter

or remove said structure without expense to the Government and subject to the supervision and approval of the officer having jurisdiction over the property and no claim for damages shall be made against the United States on account of such alterations or removal.

10. The construction and/or operation, maintenance and use of said structure incident to the exercise of the privileges hereby granted shall be in such a manner as not to conflict with the rights of the Government, nor to interfere with the operations by the Government under such rights, nor to endanger lives and safety of the public.

11. This consent may be terminated by the Secretary of the Army upon reasonable notice to the Grantee if the Secretary of the Army shall determine that installation to which consent is hereby granted interferes with the use of said land or any part thereof by the United States, and this consent may be annulled and forfeited by the declaration of the Secretary of the Army for failure to comply with any and all of the provisions and conditions of this consent, or for nonuse for a period of two years, or for abandonment.

12. Upon the relinquishment, termination, revocation, forfeiture or annulment of the consent herein granted, the Grantee shall vacate the Premises, remove all property of the Grantee therefrom, and restore the Premises to a condition satisfactory to the officer having immediate jurisdiction over the property. If the Grantee shall fail or neglect to remove said property and so restore the Premises, then, at the option of the Secretary of the Army, said property shall either become the property of the United States without compensation therefor, or the Secretary of the Army may cause it to be removed and the Premises to be restored at the expense of the Grantee, and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration.

13. The terms and conditions of this consent shall extend to and be binding upon the heirs, successors and assigns of the Grantee.

14. The Grantee within the limits of its respective legal powers shall comply with all Federal, interstate, state and/or local governmental regulations, conditions or instructions for the protection of the environment and all other matters as they relate to real property interests granted herein.

15. The Grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, vestiges, remains or objects of antiquity. In the event such items are discovered on the Premises, the Grantee shall immediately notify the District Commander, Norfolk District and the site and the material shall be protected by the Grantee from further disturbance until a professional examination of them can be made or until clearance to proceed is authorized by the District Commander.

16. All activities conducted on the Premises shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the Premises are located.

17. In accordance with the National Historic Preservation Act, if any cultural and/or human remains are uncovered during construction, the work is to be halted until the Said Officer's project personnel are notified and the remains can be evaluated for National Register of Historic Places eligibility.

18. A Record of Environmental Consideration documenting the existing conditions of the metes and bounds of this Consent as described in Exhibit "A", is attached as EXHIBIT "B".

19. The United States reserves the right of ingress and egress over, across, in and upon said easement area.

20. The Grantee must immediately remove any structure and obstructions to easement upon notice by Said Officer and maintain an unobstructed area until such time as the Said Officer authorizes said structure to be re-established on authorized lands.

21. Paragraph 7 was modified to remove the hold harmless clause prior to the execution of this consent agreement.

This consent is not subject to Title 10, U.S.C., Section 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, by authority of the Secretary of the Army this 4th day of March, 2016.

DONNA L. CARRIER-TAL
Chief, Real Estate Office
Norfolk District Army Corps of Engineers
Real Estate Contracting Officer

The above instrument, together with all the conditions thereof, is hereby accepted this 3RD day of MARCH, 2016.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: STATE RIGHT OF WAY & UTILITIES DIRECTORY

Right of Way Impacts

Route 642 - Old Cape Charles Road

USACE Upland Dredge Deposit Disposal Site Easement from Virginia Port Authority, outlined in white

Project Location



North Arrow & Scale

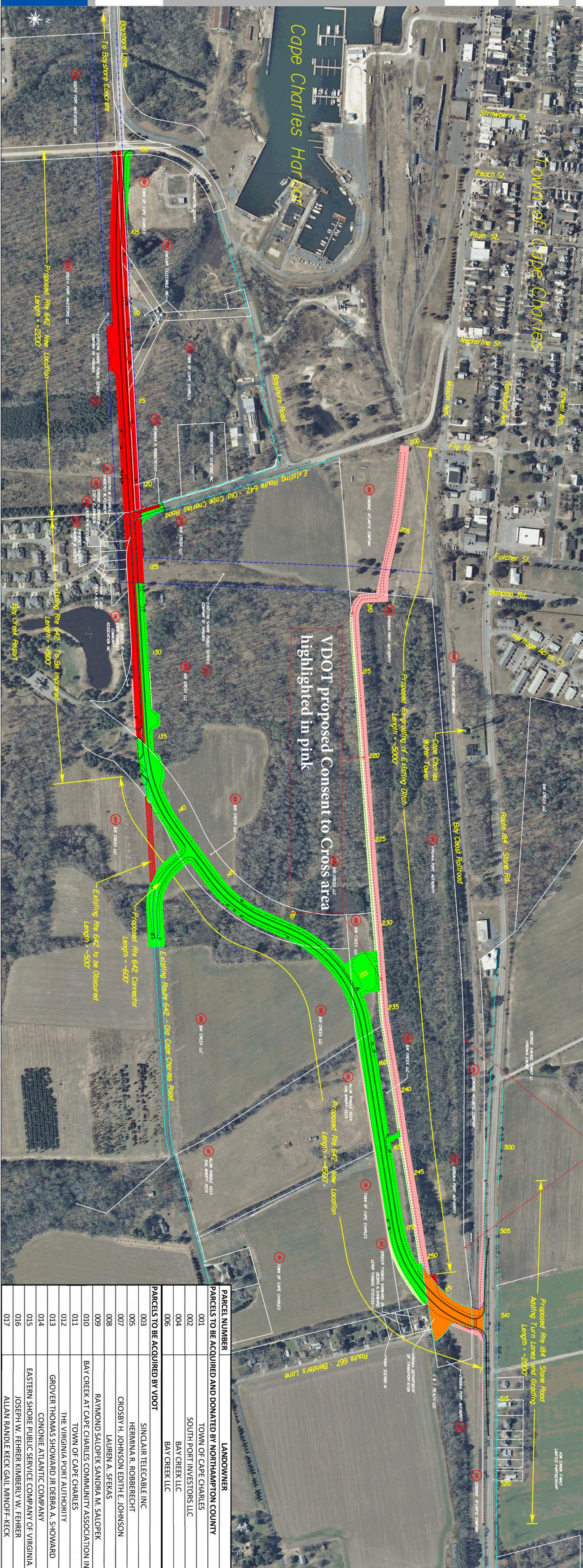


Legend

- Existing Right of Way
- Existing Permanent Easement
- Existing Property Line
- Proposed Limits of Construction - Fill
- Proposed Right of Way/Permanent Easement Area to be Donated
- Proposed Right of Way/Permanent Easement Area to be Acquired by VDOT
- Area Previously Acquired
- Proposed Temporary Easement Area to be Donated
- Proposed Temporary Easement Area to be Acquired by VDOT
- Area to be Discarded
- Parcel Number
- Property Owner (White, Typ)

Route 642, Cape Charles Road
Cape Charles, Virginia
State Project Number: 0642-065-577 P101, P201, G301
Federal Project Number: STP-065-10221

These plans are unperfected and unapproved and are not to be used for any type of construction or the acquisition of right of way. Additional easements or utility relocations may be required before the proposed right-of-way shown on these plans.
Images Courtesy of the Commonwealth of Virginia copyright 2009/2010.



VDOT proposed Consent to Cross area highlighted in pink

PARCEL NUMBER	LANDOWNER
PARCELS TO BE ACQUIRED AND DONATED BY NORTHAMPTON COUNTY	
001	TOWN OF CAPE CHARLES
002	SOUTH PORT INVESTORS LLC
004	BAY CREEK LLC
006	BAY CREEK LLC
PARCELS TO BE ACQUIRED BY VDOT	
003	SINCLAIR TELECABLE INC
005	HERMINIA R. ROBBBRECHT
007	CROSBY H. JOHNSON EDITH E. JOHNSON
008	LAUREN A. SFEKAS
009	RAYMOND SALOPEK SANDRA M. SALOPEK
010	BAY CREEK AT CAPE CHARLES COMMUNITY ASSOCIATION INC
011	TOWN OF CAPE CHARLES
012	THE VIRGINIA PORT AUTHORITY
013	GROVER THOMAS SHOWARD JR DEBRA A. SHOWARD
014	CONOMIE ATLANTIC COMPANY
015	EASTERN SHORE PUBLIC SERVICE COMPANY OF VIRGINIA
016	JOSEPH W. FEHREK KIMBERLY W. FEHREK
017	ALLAN RANDLE KECK GAIL MINOFF-KECK

**Record of Environmental Consideration (REC)
ISSUANCE OF EASEMENT FOR TRANSFER OF PROPERTY ADJACENT TO CAPE CHARLES UPLAND
PLACEMENT AREA
NORTHAMPTON COUNTY, VIRGINIA**

Proponent: U.S. Army Corps of Engineers, Norfolk District

Brief Description: Virginia Department of Transportation is proposing safety improvements to existing stormwater outlets in an attempt to provide adequate drainage to the Cape Charles City Harbor. The applicant claims that the current ditch inverts are too high for the necessary drainage.

Anticipated Date and/or Duration of Proposed Action: The real estate easement would be for 5 years from its approval.

Reason for Using Record of Environmental Consideration: This project is categorically excluded under the provisions of ER, 200-2-2, paragraph 9.d, h (1) and m:

"All Operations and Maintenance grants, general plans, agreements, etc. necessary to carry out land use, development and other measures proposed in project authorization documents, project design memoranda, master plans, or reflected in the project NEPA documents."

"Real estate grants for rights-of-way which involve only minor disturbances to earth, air, or water (minor access roads, streets and boat ramps)."

"Boundary line agreements and disposal of lands or release of deed restrictions to cure encroachments."

As documented, the proposed activity would result in minimal individual and cumulative adverse environmental effects and would not be contrary to the public interest.

SIGNED LOCKWOOD.KEITH
H.B.1258333930
Keith B. Lockwood
Chief, Technical Support Section
Operations Branch
USACE, Norfolk District

Concurrence: GULIHUR.THOMAS
HART.1174007620
Thomas H. Gulihur
Chief, Acquisitions, Management &
Disposal Section, Real Estate Office
USACE, Norfolk District

SECTION C
REPORT OF AVAILABILITY ENVIRONMENTAL CONSIDERATIONS

1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS:

a. The requirements under NEPA for the proposed outgranting action have been met as follows:

CX/REC. This action falls under one of the Categorical Exclusions (CX) contained in 32 CFR 651 (Environmental Effects of Army Actions). The environmental effect of the action has been considered. A Record of Environmental Consideration (REC) is attached, indicating the CX pursuant to which the proposed outgrant is authorized. [If the ROA is required to be forwarded to HQDA, and the CX is based on a pre-existing NEPA analysis, then state:

for BRAC, NEPA document is on file at HQDA Identify location, title and date: _____)
 pertinent extracts are attached from the applicable NEPA analysis.]

EA/FONSI. The impact of this action is considered to be minimal or insignificant. The Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) is: for BRAC, on file at HQDA (Identify location, title and date: **Cape Charles Final SEA Oct 2014/ Cape Charles FONSI Dec 2014.**

attached.

EIS/ROD. The impact of this action is considered to be significant. An Environmental Impact Statement (EIS), or supplement thereto, along with the Record of Decision (ROD) is: for BRAC, on file at HQDA (Identify location, title and date: _____)
 attached. (IF the EIS is too large to attach, then state where it can be viewed)

b. For EA and EIS, identify mitigation actions, if any, which are required, costs, and responsible party for the mitigation:

c. If the EIS or EA covers more than the proposed outgranting action, explain how and where the outgranting action is analyzed and considered in the NEPA documentation:

2. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), For Leases only: **N/A**

a. Environmental Condition of Property (ECP) Report:

An ECP report has been conducted and no hazardous, toxic, radiological waste (HTRW) substances were identified as released, stored, or disposed on the property in the threshold quantities. Go to question 3. A draft FOSL is attached (BRAC only). A copy of the ECP report is:

on file at HQDA (Identify location, title and date: _____)

attached.

An ECP Report has been conducted which indicates HTRW substances were released, stored, or disposed on the property in the threshold quantities. Hazardous storage, disposal, or release notification must be included in the outgrant document (reference 40 CFR Part 373). A draft FOSL is attached (BRAC only). A copy of the ECP report containing the details is:

on file at HQDA (Identify location, title and date: _____) attached.

b. Choose the appropriate status of remedial actions:

Remedial actions have been completed so that the property is considered safe for the proposed use.

Remedial actions are not required.

Remedial actions have not been completed.

Estimate the time to complete such action:

_____. Provide details and justification for outgranting in the current condition, if applicable. Attach any land use restrictions and access clauses that must be put into the outgrant.

3. REAL PROPERTY CONTAMINATED WITH AMMUNITION, EXPLOSIVES OR CHEMICAL WEAPONS.

a. Does the property contain ammunition, explosives or chemical weapons?

No. If no, go to question 4.

Yes. If yes, Reference AR 385-64, "US Army Explosives Safety Program." Has a Land Disposal Site Plan (LDSP) to clean up the property been submitted through the MACOM and HQDA, DACS-SF and DAMO-SWS, the U. S. Army Technical Center for Explosives Safety, to the Department of Defense Explosives Safety Board (DDESB) for approval before cleanup and outgrant?

Yes. If yes, Reference AR 385-64, "US Army Explosives Safety Program." Has a Land Disposal Site Plan (LDSP) to clean up the property been submitted through the MACOM and HQDA, DACS-SF and DAMO-SWS, the U. S. Army Technical Center for Explosives Safety, to the Department of Defense Explosives Safety Board (DDESB) for approval before cleanup and outgrant?

No.

Yes. If yes, have the ammunition, explosives, or chemical weapons been removed using the most appropriate technology consistent with the proposed use of the property?

Yes

No. Provide date when property will be cleared: _____

b. Will access rights to implement any monitoring plan or use restrictions be required?

No.

Yes, describe. (Set out proposed language to be inserted in outgrant):

c. If outgrant is to another Federal agency for compatible use of surface de-contaminated real property, list limitations, restrictions and prohibitions concerning the use of the property, to ensure personnel and environmental protection:

4. WASTE DISPOSAL (The Solid Waste Recovery Act, as amended; Resource Conservation and Recovery Act (RCRA)).

a. Choose one:

The applicant will not generate hazardous waste or will not treat, dispose or store waste as defined by EPA or State with RCRA primacy. **There is a known debris stockpile along the southern portion of the easement consisting of creosote timbers owned by Bay Coast Railroad. VADEQ is aware of the debris pile and has classified it as a solid waste, although no site characterization has been performed to date.**

The applicant will generate hazardous waste or will produce waste as defined by EPA or State with RCRA primacy. Identify all waste streams and quantities:

The applicant will treat or temporarily store, for less than 90 days, hazardous waste as defined by EPA or State with RCRA primacy. Identify all waste streams

and quantities.

b. If applicable, choose the appropriate: **N/A**

The applicant has obtained a hazardous waste generator identification number from EPA. ID No.

The applicant has established records, waste management requirements, and a Spill Prevention Plan.

c. Will the grantee be required to comply with an installation's Hazardous Waste Management Plan?

No.

Yes, provide date and location of plan.

5. COMPLIANCE WITH 10 USC 2692:

The applicant will not store or dispose of non-DOD toxic or hazardous materials pursuant to 10 USC 2692.

Storage or disposal of non-DOD toxic or hazardous materials has been authorized pursuant to 10 USC 2692. (Attach copy of authorization).

6. UNDERGROUND/ABOVE GROUND STORAGE TANKS.

There are no Underground Storage Tanks (USTs) on the property and the applicant will not be installing such tanks. Go to question 7.

There are no Above Ground Storage Tanks for fuel or other regulated substances and the applicant will not be installing such tanks. Go to question 7.

There are USTs on the property and/or the applicant will be installing such tanks.

a. Existing underground storage tanks are in compliance with current laws and regulations:

Yes.

No.

b. Construction of proposed underground storage tanks have been certified for such compliance:

Yes.

No. Explain:

There are above ground storage tanks for fuel or other regulated substances on the property and/or the applicant will be installing such tanks.

a. Existing above ground storage tanks are in compliance with current laws and regulations:

Yes.

No. Explain:

b. Construction of proposed above ground storage tanks have been certified for such compliance:

Yes.

No. Explain:

7. CLEAN WATER ACT (FEDERAL WATER POLLUTION CONTROL ACT):

This action will not involve the discharge of any pollutants into the waters of the United States or less than one million gallons of discharge per day will be made.

This action will entail the discharge of any pollutants into the waters of the United States or it is more than one million gallons into the waters of the United States per day.

Will the grantee's activities on the outgranted property result in a discharge of wastewater to an accumulation, collection, or drainage system?

No.

Yes. If yes, can the existing wastewater collection system and treatment system accommodate such discharge without adverse operational or environmental impacts?

Yes.

No. If not, are there other options?

Describe.

Has the applicant applied for or obtained a National Pollutant Discharge Elimination System (NPDES) Permit or State equivalent from the EPA/appropriate state agency?

Yes.

No. If not, state whether the grantee must have a NPDES Permit or State equivalent to operate.

No.

Yes.

Would the grantee's operations result in a violation of a NPDES permit or State equivalent held by the United States?

No.

Yes. Explain.

The Grantee is complying with the requirements of a NPDES Permit and the Grantee has a monitoring and reporting procedure.

8. CLEAN AIR ACT (FEDERAL CONFORMITY REQUIREMENTS):

This action does not require a written conformity determination in accordance with EPA's rule because:

The installation is in an attainment area. NOTE: The EA or EIS must contain a statement that the action conforms to the applicable State or Federal Implementation Plan, if any, with adequate supporting analysis.

The installation is in a non-attainment or maintenance area and the action falls within an exemption in the rule. Attach a Record of Non-Applicability (RONA) in accordance with Army Guidance. List pollutants:

This action is not exempt from the conformity regulation. Attach conformity determination. Describe the mitigation requirements or other restrictions, if any, which must be incorporated in the outgrant:

9. ENDANGERED SPECIES:

Coordination with the USFWS to determine the possible presence of any federally listed endangered, threatened, or candidate species in the action area has occurred (attach correspondence). Provide date of last coordination and describe results of coordination: _____

This action will not jeopardize the habitat of any endangered, threatened or candidate species of fish, wildlife, or plants pursuant to the Endangered Species Act or a state listed species.

This action may jeopardize or affect: (identify on an attached map.)

a federally listed endangered or threatened species; list:

a federal candidate species; list:

a state listed species:

designated critical habitat; describe:

This outgranting action may affect a federally listed endangered, threatened, or candidate species and required consultation with the USFWS has been completed. Attach any biological assessment, opinion, and correspondence with the USFWS. Accordingly, the following restrictions must be incorporated in the outgrant to protect the affected species and its habitat:

10. FISH AND WILDLIFE COORDINATION ACT (FWCA):

This action will not jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA.

This action will jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA. Impact description, and recommended actions prior to availability: _____

11. COASTAL ZONE MANAGEMENT (CZM) (if applicable):

CZM is not applicable.

CZM is applicable, and a CZM Act determination with the approved state CZM Plan has/will be obtained.

12. FLOODPLAIN:

This property is not located within the 100 year floodplain and does not fall under the purview of Executive Order 11988.

This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988 and (check the appropriate):

The proposed occupancy or modification will not adversely impact the floodplain.

There is no other practicable alternative available for this intended use.

The proposed occupancy or modification may be allowed subject to the following restrictions being incorporated in the outgrant document: _____

13. WETLANDS:

Does the property to be outgranted contain wetlands regulated under Section 404 of the Clean Water Act (CWA) or falling under the purview of Executive Order 11990:

No.

Yes. Attach map showing wetland areas. The following restrictions must be incorporated in the outgrant document:

Does the action require a 404 Permit?

No.

Yes. State status of Section 404 permit process:

14. HISTORICAL AND CULTURAL RESOURCES:

No historical, cultural, or archaeological sites or resources have been identified on this property.

Historical and/or cultural resources may be present on this property. This action has been coordinated with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation, if applicable, in accordance with 36 CFR 800, and not restrictions apply. (Attach relevant correspondence).

Historical and/or cultural resources have been identified by a survey of this property. This action has been coordinated with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation, if applicable, in accordance with 36 CFR 800. The following restrictions must be incorporated into the outgrant document to protect the property (attach any Programmatic Agreement, MOA, and relevant correspondence):

Native American graves have been identified on this property. (Refer to requirements of the American Indian Religious Freedom Act and Native American's Graves Protection and Repatriation Act). Consultation on the disposition of Native American graves and objects has been initiated with interested Native American organizations; correspondence attached.

Archaeological sites or resources have been identified on this property. Refer to the Antiquities Act; Archaeological and Historical Preservation Act; and Archaeological Resources Protection Act. The plan for curation and disposition of these resources is attached.

15. LEAD-BASED PAINT:

a. Are there improvements constructed prior to 1960 which are considered to contain lead based paint or which have been determined to contain lead based paint?

No.

Yes. If there has been a survey, attach.

b. Are there improvements constructed between 1960 and 1978 which are considered to contain lead based paint or which have been determined to contain lead based paint?

No.

Yes. If there has been a survey, attach.

c. Are these improvements the type that children under age seven frequently inhabit, e.g. housing, child care?

No.

Yes, lead base paint notice is required.

16. OTHER ENVIRONMENTAL CONSIDERATIONS:

a. Is there any Asbestos Containing Material (ACM) on the property?

No.

Yes. If yes, attach any surveys, condition and type.

b. Will the proposed outgrant activity impact an area designated under the Wild and Scenic Rivers Act?

No.

Yes. If yes, what conditions may need to be included in the outgrant?

c. Will the proposed outgrant activity involve the use of insecticide, fungicide, and rodenticide so that compliance with the Federal Insecticide, Fungicide, and Rodenticide Act is necessary, e.g. Agricultural, golf courses, restaurants?

No.

Yes. If yes, list:

d. Are there polychlorinated biphenyls (PCBs) present?

No. (none are known).

Yes.

e. Has a radon survey been completed for the buildings to be outgranted? **N/A (NO BUILDINGS ARE IN THE OUTGRANT)**

No.

Yes. Choose one:

() No buildings have radon in excess of applicable standards.

() The following buildings exceed standards:
List with appropriate use restrictions:

f. Are there any other special purpose environmental laws applicable to the proposed activity?

No.

Yes. Explain:

g. Is further environmental study required?

No.

Yes. Explain:

17. ADDITIONAL COMMENTS:

18. I certify that I have reviewed Section C, that is has been coordinated in accordance with applicable command guidance, and that it is accurate and complete. Based on the information provided above, I recommend that the outgrant be

APPROVED

DENIED.

Date

GREGORY C. STEELE
Chief Water Resources Division

Enclosures to Section C:

1. Record of Environmental Consideration
2. Cape Charles Final SEA
3. Cape Charles FONSI