



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

Executive Office

Mr. Jose Ignacio Martin Alos
Hampton Roads Connector Partners, JV
Dragados USA, Inc.
810 7th Avenue, Floor 9
New York, New York 10019

Dear Mr. Alos:

In accordance with Engineering Circular 1165-2-220, the U.S. Army Corps of Engineers (USACE), Norfolk District, evaluated your request (NAO-1994-01166) to construct the Hampton Roads Bridge-Tunnel HRBT Expansion Project that will widen I-64 for approximately 9.9 miles along I-64 from Settlers Landing Road in Hampton, Virginia to the I-64/I-564 interchange in Norfolk, Virginia. The Project will create an eight-lane facility with six consistent use lanes. The expanded facility will include four general purpose lanes, two new HOT lanes, and two new drivable (hard-running) shoulders to be used as HOT lanes during peak usage. The Project will include full replacement of the North Trestle Bridges and South Trestle Bridges; two new parallel tunnels constructed using a Tunnel Boring Machine (TBM); expansion of the existing portal islands; and widening of the Willoughby Bay Trestle Bridges, Bay Avenue Trestle Bridges, and Oastes Creek Trestle Bridges.

Based on the Norfolk District's evaluation, I determined the requested construction effectively alters a portion of the Norfolk Harbor Channel, Anchorage F, Hampton Creek Channel, Channel from Phoebus, and Willoughby Channel Federal navigation projects operated and maintained by the USACE. Therefore, pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408), you must obtain my permission to alter the project.

While I have determined that your proposed construction may alter the Federal projects, the proposed construction does not impair the usefulness of the project, nor harm the public interest. Therefore, I hereby grant your request to alter the Norfolk Harbor Channel, Anchorage F, Hampton Creek Channel, Channel from Phoebus, and Willoughby Channel Federal navigation projects, provided you adhere to the following conditions:

a. Prior to performing construction activities, Hampton Roads Connector Partners (HRCP) shall obtain all applicable Federal, state, and local permits required to perform the requested construction activity.

b. Upon notification by the Corps of Engineers of any upcoming surveying and/or maintenance activities, HRCP shall remove any vessels, equipment, and other items or obstructions, located within 200' of the Federal navigation channel and anchorage approach, within five calendar days of notification, and shall keep the area clear until notified by the Corps of Engineers that the survey and/or maintenance activities have been completed.

c. HRCP shall ensure its contractor performs all work in such a manner that its plant and equipment encroaches into the Norfolk Harbor Federal navigation channel and anchorage approach to the minimum extent practicable. HRCP shall perform all work in such a manner that its plant and equipment does not encroach into the Hampton Creek, Willoughby Channel, nor Channel from Phoebus Federal navigation channels. HRCP shall ensure its contractor conducts all work in such a manner as to obstruct navigation as little as possible, and in case the contractor's plant so obstructs the channel as to make difficult or endanger the passage of vessels, said plant shall be promptly moved on the approach of any vessel to such an extent as may be necessary to afford a safe passage.

d. HRCP shall coordinate all construction activities with the US Coast Guard Sector Virginia at HamptonRoadsWaterway@uscg.mil or 757-668-5580 a minimum of 14 calendar days prior to commencement of all in water construction activities. HRCP shall provide the Coast Guard with pertinent information so it can be included in the Local Notice to Mariners.

e. HRCP shall perform all work and coordination as stipulated in "HRBT SECTION 408 SUBMITTAL, ERRATA_V1" final version dated 11 June 2020, and "Communications Management Plan, Maritime Communications Plan" final version dated 29 June 2020.

f. HRCP shall perform all work incorporating the strategies to mitigate navigational risks stipulated in the report entitled "NAVIGATION SAFETY RISK ASSESSMENT" final version dated 17 March 2020, to the maximum extent practicable.

g. All portions of the tunnel structure installed beneath the Norfolk Harbor Federal navigation channel shall be installed at a minimum depth of 100 feet below mean lower low water. All portions of the tunnel structure installed beneath the Anchorage F approach shall be installed at a minimum depth of 90 feet below mean lower low water.

h. HRCP shall ensure authorized activities, including authorized discharges, do not alter the chemical characteristics of the Federal navigation channel sediments.

i. HRCP shall ensure the Hampton Creek entrance channel shall be temporarily re-aligned, with updated aids to navigation in place and notice to mariners published by the US Coast Guard, prior to commencement of construction of the North Island expansion.

j. HRCP shall perform pre-construction and annual condition surveys of the portion of the Hampton Creek Federal navigation channel in the vicinity of the permitted North Island construction to a level necessary to determine whether the construction and associated changes in hydrodynamics has caused shoaling in the temporary re-alignment of the Federal navigation project. Annual condition surveys shall be performed by HRCP for a total of five (5) years. Copies of the surveys shall be provided to the Chief, Operations Branch, Norfolk District as soon as practicable after each survey is performed. If it is determined that the permitted construction activity has substantially impacted the Federal navigation channel, HRCP shall remove all accreted sediment from the Federal project as directed by the Norfolk District.

k. Temporary and existing pilings that cannot safely be removed in their entirety shall be cutoff a minimum of two (2) feet below the stabilized mudline, or such deeper depth necessary to minimize risk to marine navigation safety. HRCP shall perform hydrographic surveys prior to initiating piling extraction operations. HRCP shall perform hydrographic surveys, side-scan sonar surveys, and subsurface probing (or equivalent underwater surveys) after piling extraction operations occur to document existing conditions and to ensure the pilings were removed to required minimum depths below the existing mudline. The hydrographic and side-scan sonar surveys, including subsurface probing (or equivalent underwater surveys) shall be accomplished post construction, no more than 30 days after pile extraction operations have been completed. The surveys and probing shall establish the condition of the mudline in the vicinity of demolished/extracted pilings, and be used to identify and remove as required, any remaining and broken pilings and debris not removed in their entirety. HRCP shall provide the Norfolk District with an AutoCad drawing and tabular listing of all pilings cut-off/extracted, indicating the precise location, elevation (depth below mean lower low water) of the mudline pre-extraction, elevation of the mudline post-extraction, and elevation of piling post cut-off/extraction, all referenced to the standards to be established by the Chief, Operations Branch, Norfolk District at the time of commencement of construction. While piling extraction operations are ongoing, AutoCad drawings and tabular listing shall be updated every 60 days and provided to Chief, Operations Branch, Norfolk District.

l. Once piling extraction operations commence, and through the post-construction warranty period, HRCP shall perform hydrographic surveys, subsurface probing (or

equivalent underwater surveys) of all piling remnants on a semi-annual basis, or such shorter interval necessary to minimize risk to marine navigation, to ensure the piling remnants are in compliance with the requirement to remain a minimum of two (2) feet below the stabilized mudline. HRCP shall conduct the semi-annual monitoring surveys throughout the period of construction/demolition and the post-construction warranty period. HRCP shall provide the results of the semi-annual surveys and disposition of findings to Chief, Operations Branch, Norfolk District as soon as practicable after each survey is performed. If the results of the monitoring surveys determine any pilings are not in compliance with the minimum depth requirements, HRCP shall promptly take all actions necessary to bring piling(s) back into compliance, as directed by the Norfolk District and in accordance with all applicable Federal, state, and local permits.

m. Upon completion of the permitted construction or any severable element, HRCP shall perform an as-built survey to the references and standards to be established by the Chief, Operations Branch, Norfolk District at the time of the survey. A digital copy of the survey shall be provided to the Chief, Operations Branch as soon as practicable after completion of the survey(s).

n. HRCP shall coordinate with NOAA's Office of Coast Survey to ensure the bridge-tunnel location and pertinent information are added to the appropriate NOAA Nautical Chart(s). HRCP shall contact the Nautical Data Branch by e-mail at ocs.ndb@noaa.gov or by mail Attn: Tara Wallace, Nautical Data Branch, N/CS26 Station 7350, 1315 East West Highway, Silver Spring, MD 20910.

For any questions regarding this evaluation, please contact Mr. Gregory C. Steele, Chief, Water Resources Division and Section 408 Coordinator, at 757-201-7764.

Sincerely,

Patrick V. Kinsman, PE
Colonel, U.S. Army
Commanding