



DEPARTMENT OF THE NAVY

ATLANTIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1510 GILBERT ST
NORFOLK, VA 23511-2699

Admin Record
03.01-11/29/99-00157
TELEPHONE NO

(757) 322-4751

IN REPLY REFER TO

5090

1822:RGS:cag

NOV 29 1999

Virginia Department of Marine Resources
Attn: Mr. Robert Grabb
Chief, Habitat Management
2600 Washington Avenue
P.O. Box 756
Newport News, Virginia 23607-0756

Re: Shoreline Protection of Cheatham Annex IR Site 1,
Landfill Near Incinerator at the Yorktown Naval
Weapons Station, Cheatham Annex

Dear Mr. Grabb:

Thank you for your letter dated October 28, 1999 on the
above referenced project. We have reviewed your comments
and provide the following responses:

1. Mean Low Water (MLW) Datum: Since MLW is the
boundary between the federal property at Cheatham Annex and
the submerged lands of the Commonwealth, in your September
13, 1999 letter, you requested the Navy to indicate the MLW
contour on the drawings. When the topographic survey for
this site was performed in June 1999, the Navy surveyed an
area for the construction of the shoreline revetment. After
plotting the survey data, it was determined that the
elevation data points required to plot the MLW contour were
outside the area surveyed.

While the surveying data obtained by the June 1999 survey
delineated the boundaries of the proposed revetment, it does
not indicate the MLW contour precisely. Based on your
requests to indicate the MLW contour, the Navy has scheduled
additional surveying of the site to be performed on November
29 & 30, 1999. The Navy will forward a map indicating the
location of the MLW contour, relative to the limits of
construction, by December 9, 1999.

Based on the existing surveying data and details of the
proposed construction project, the turbidity curtain will be
located channelward of the MLW contour. The turbidity

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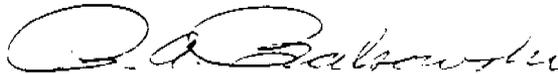
curtain is an erosion control requirement that will be temporarily installed during construction, and is shown on drawing C-4 of the drawings forwarded to your office on September 2, 1999.

2. Permits: The Navy has stated its position regarding permits for work on this site in letters dated September 2, 1999 and October 15, 1999 to the Virginia Marine Resources Commission. The Navy's position on this matter remains unchanged.

In conclusion, the Navy, as lead agency acting in accordance with the requirements imposed by Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), has determined that this project is required to mitigate an imminent threat to the environment and has designated this project as a Time Critical Removal Action under CERCLA. Accordingly, the Navy is proceeding forward ~~with this important project and will forward to your office~~ a revised drawing, with the MLW contour indicated, after the surveying data has been obtained.

Should you have any additional questions, our technical point of contact is Mr. Bob Schirmer, P.E. (757) 322-4751 and our legal point of contact is Ms. Susan Hulbert, Esq. (757) 322-8030.

Sincerely



P. A. RAKOWSKI, P.E.
Head
Environmental Programs Branch
Environmental Division
By direction of the Commander

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Copy to:

VDEQ (Ms. Sharon Wilcox)

U.S. EPA Region III (Mr. Rob Thomson)

Baker Environmental, Inc. (Mr. Marty Taube)

WPNSTA Yorktown (Ms. Carolyn Neill)

VA Dept of Conservation & Recreation (Mr. Lee Hill)

York County Wetlands Board (Ms. Anna Drake)

Army Corps of Engineers (Mr. William Poore Jr.)

CNO (N45)