



DEPARTMENT OF THE ARMY
CHIEF OF ENGINEERS
2600 ARMY PENTAGON
WASHINGTON, D.C. 20310-2600

AUG 25 2020

DAEN

SUBJECT: Atlantic Intracoastal Waterway, North Landing Bridge Replacement, Virginia

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on the review of the completed navigation works for North Landing Bridge in the vicinity of the Cities of Virginia Beach and Chesapeake, Virginia. It is accompanied by the report of the Norfolk District Commander. These reports are in response to Section 216 of the 1970 Flood Control Act, which authorizes the Secretary of the Army, acting through the Chief of Engineers, to review the operation of projects constructed by the U.S. Army Corps of Engineers (USACE) when found advisable due to significantly changed physical, economic, or environmental conditions, and to report to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest. The North Landing Bridge was originally authorized in the Rivers and Harbor Acts of 1910, 1912, 1917, 1918, and 1933. Those authorizations provided for the acquisition of the Atlantic Intracoastal Waterway (AIWW) project and the construction of bridges across it. A swing bridge was built in 1951 by USACE at the North Landing crossing, which remains under current USACE ownership, operation and maintenance. Preconstruction, engineering, and design activities will continue under the study authority cited above.
2. The reporting officers recommend authorizing a plan to replace the existing North Landing Bridge with a 2-lane high-rise fixed bridge in the vicinity of the cities of Virginia Beach and Chesapeake, Virginia. The recommended plan is the national economic development (NED) plan and includes providing a bridge with a width of 46 feet and four inches, a length of 3,360 feet, a structure depth of 8 feet, and a minimum vertical clearance of 70 feet; and removal of the existing swing bridge upon completion. Unavoidable wetland environmental impacts would be mitigated by 6.93 wetland mitigation credits, determined using the Uniform Mitigation Assessment Methodology. All permanent wetland impacts will be mitigated in-kind, utilizing wetland mitigation bank or in-lieu-fee credits offsite. Approximately 0.94 acre of permanent direct fill wetland impacts are anticipated; however, a wetland delineation and further design will be needed to ascertain the impact.
3. The City of Chesapeake is willing to fulfill the responsibilities of the non-federal sponsor, including the assumption of ownership and future operation and maintenance of the new bridge once construction has been completed.

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4. Project costs for the recommended plan are based on Fiscal Year (FY) 2020 (October 2019) price levels.

a. Project First Cost. The estimated project first cost of construction is \$98,494,000 which includes lands and damages costs of \$2,790,000, roads and bridges costs of \$75,809,000, relocation costs of \$1,444,000, cultural resource preservation costs of \$558,000, construction management costs of \$6,187,000 and Planning, Engineering and Design costs of \$11,595,000. Project costs for the plan are based on FY 2020 price levels.

b. Estimated Federal and Non-Federal Shares. The total first cost of the project will be 100 percent federal.

c. Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) costs. The annual costs of OMRR&R of the recommended plan are estimated to be \$185,000 and would be the responsibility of the non-federal sponsor.

d. Associated costs. There are no associated costs that the non-federal sponsor will incur after construction besides OMRR&R which is already included in the project cost.

e. Based on a 2.75 percent discount rate and a 50 year period of analysis, the total equivalent average annual costs of the project are estimated to be \$4,184,000, including OMRR&R. All project costs are allocated to the authorized purpose of commercial navigation. The total equivalent average annual benefits are estimated to be \$11,736,000 with net average annual benefits of \$7,552,000. The benefit-cost ratio is 2.8.

5. In accordance with USACE policy on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included district quality control, agency technical review coordinated by the Planning Center of Expertise for Inland Navigation, and a headquarters policy and legal compliance review. All concerns and comments from the above reviews were addressed and resolved.

6. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies and complies with other administration and legislative policies and guidelines. The plan was developed in coordination and consultation with various federal, state and local agencies using a systematic and regional approach to formulating solutions and evaluating the benefits and impacts that would result. The views of interested parties, including federal, state and local agencies, have been considered.

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7. I concur with the findings, conclusions, and recommendation of the reporting officers. My recommendation is subject to applicable requirements of federal laws and policies. The Federal Government will provide the funding for all lands, easements, and rights of way, including those necessary for the performance of all relocations, including utility relocations. Federal implementation of the recommended plan would be subject to the non-federal sponsor agreeing to comply with all applicable federal laws and policies, including but not limited to agreeing to:

a. Accept full ownership of the recommended AIWW replacement bridge, with ownership rights subordinate to the Federal Government's right to operate, maintain, repair, and rehabilitate the Albemarle and Chesapeake Canal portion of the AIWW;

b. Assume sole responsibility in perpetuity for the operation, maintenance, repair, replacement, and rehabilitation of the completed project or completed functional portions of the project, including mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purpose, and in accordance with applicable federal laws and regulations and any specific directions prescribed by the Federal Government;

c. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project, except for damages due to the fault or negligence of the Federal Government or the Federal Government's contractors;

d. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the project; except that the non-federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Federal Government determines to be subject to the navigation servitude without prior specific written direction by the Federal Government;

e. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the government determines necessary for the construction as well as OMRR&R of the project;

f. Agree that, as between the Federal Government and the non-federal sponsor, the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and, to the maximum extent practicable, operate, maintain, repair,

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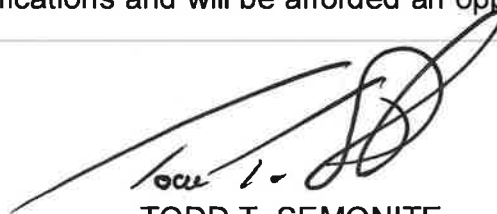
replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA;

g. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the benefits that the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function;

h. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for operation, maintenance, repair, replacement, and rehabilitation of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

8. The recommendations contained herein reflect the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the Executive Branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the Commonwealth of Virginia, the Cities of Chesapeake and Virginia Beach, interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

*Critical Project
which allows USACE
to fix and turn bridge
over to supportive
sponsor. STRONG
SUPPORT!*


TODD T. SEMONITE
Lieutenant General, USA
Chief of Engineers