

Wetlands and Coastal Dune Board

Public Hearing and Regular Meeting Agenda

October 7, 2020

Cape Charles Civic Center– 500 Tazewell Avenue

6:00 P.M.

1. Call to Order; Roll Call
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
4. Hearings on the matters of:
 - a. JPA 20-1191 – Lot 31 the Colony Phase IV (tax map # 83A1-11-31) – for riprap revetment and construction of access stairs.
 - Overview of application
 - Applicant's presentation
 - Public comments
 - Board discussion\deliberation
 - Decision
 - b. JPA 20-1281 – 4 Bay Vistas Way (tax map # 83A1-18-BV3) – for riprap revetment and construction of access stairs.
 - Overview of application
 - Applicant's presentation
 - Public comments
 - Board discussion\deliberation
 - Decision
4. Adjourn

NOTICE OF PUBLIC HEARINGS

The Cape Charles Town Wetlands and Coastal Dune Board will hold a public hearing on Wednesday, October 7, 2020 at 6:00 pm in the Cape Charles Civic Center at 500 Tazewell Avenue, to receive comment on the following: applications for Riprap Revetments at Lot 31 in The Colony on Chesapeake Bay (tax map #83A1-11-31) and at 4 Vistas Way on Chesapeake Bay (tax map #83A1-18-BV3). The Wetlands and Coastal Dune Board will hold a meeting immediately following the public hearing to consider the applications.

The applications are available for public review on www.capecharles.org, under Agendas and Minutes/Wetlands/Coastal Dune Board. Please contact the Zoning Administrator, Allyson Finchum at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information. Anyone interested in attending and needing special assistance please contact the Town at least forty-eight hours before the hearing.



WETLANDS & COASTAL DUNE BOARD

STAFF REPORT

Meeting Date: October 7, 2020

Item #: 4A

Prepared By:	Planning Staff
Site Address:	Lot 31 The Colony Phase IV, Sunset Blvd. (Tax Map #83A1-11-31)
Applicant:	Magee and Associates, LLC
Owner:	Scott Finney
JPA Number	20201191
Proposed Project:	Revetment and Installation of Access Stairs

Item Specifics:

A joint permit application for revetment along the bayfront property and to install access stairs has been received.

The existing natural slope is ninety-seven feet (97') in length by thirteen and a half feet (13.5') covered with grass with a dune located on the bayside of the applicant's property. The proposed project will stabilize the existing slope with armor stone and the existing elevated bank from future erosion events. The access stairs constructed over the new revetment will provide safe access to the beach for the owners.

The revetment will be installed using Class III rip rap (500lb. - 2,000lb.) stone placed over Geotextile Fabric. The installation will be placed from mean low water (MLW) elevation to the top of the bank behind the dune toe owned by Bay Creek from MLW at a 1.25:1 slope. There is one tree with a diameter of approximately five inches (5") that will need to be removed. The same stabilization method has been used on adjacent properties.

Access will be from the owner's property.

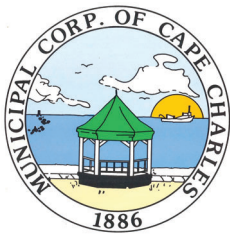
Attachments:

Attachment 1 – Application and Documents

Attachment 2– Location Map

Recommendation:

Review the application materials and public comment. After discussion, determine whether issuance of a permit would be appropriate. It should be noted that approval by this Board is valid only for the local Wetlands Board, and authorization from all other jurisdictions and agencies is required prior to any work being done.



WETLANDS BOARD APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

PROJECT INFORMATION

Name of Project: Lot 31 The Colony Revetment
Property Address: Lot 31 The Colony Phase IV, Sunset Blvd, Cape Charles, VA 23310
Brief Description of Project: Revetment along the Bayfront Property Line of Lot 31
Zoning District: PUD Current Use: Residential Proposed Use: Residential

OWNER INFORMATION

Name and Company: Scott Finney
Mailing Address: 7040 Ware Neck Rd. Gloucester, VA 23061
Phone Number: (804) 514-5722 Email: sfinney@sscre.org

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: Magee and Associates, LLC
Mailing Address: 11404 Sparrow Point Rd. Machipongo, VA 23405
Phone Number: (757) 417-5636 Email: brian@mageeandassoc.com

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant: Brian Magee Digitally signed by Brian Magee Date: 2020.09.11 11:56:05 -04'00' Date: 9/11/2020

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-1191

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) ☐	Regional Permit 17 (RP-17) ☒			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: Cape Charles/Northampton				
Waterway at project site: Chesapeake Bay				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre-application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
		None		

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

Scott Finney
7040 Ware Neck Rd.
Gloucester, VA 23061

Home () _____
Work () _____
Fax () _____
Cell (804) 514-5722
e-mail sfinney@sscre.org

State Corporation Commission Name and ID Number (if applicable) N/A

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Same as Applicant

Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):

Magee and Associates, LLC
11404 Sparrow Point Rd.
Machipongo, VA 23405

Contact Information:

Home () _____
Work (757) 417-5636
Fax () _____
Cell (757) 417-5636
e-mail brian@mageeandasso.com

State Corporation Commission Name and ID Number (if applicable) S249237-1

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

The property currently has an existing natural slope 97' in length x 13.5' covered with grass with a dune on the bay side of the Applicant's property. The property is exposed to the Chesapeake Bay and storm events. The project will stabilize the existing slope with armor stone and stabilize the elevated existing bank from future erosion events. Additionally, access stairs over the new revetement will be constructed after completion of the armor stone installation to provide safe access. Geotextile fabric will be installed and slope protection will be placed from MLW elevation to the top of the bank behind the dune owned by Bay Creek from MLW at the toe at a 1.25:1 slope using Class III Rip Rap (500lb - 2,000lb). This stabilization method is the technique that has been used on adjacent properties to stabilize the shoreline in the area.

Access will be from the Owner's property. There is currently one tree approximately 5" in diameter on the slope that will require removal to install the structure.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X Yes* No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Kestral Marine Construction, LLC
12450 Fairview Road
Painter, VA

Contact Information:

Home ()
Work (757) 442-7688
Fax ()
Cell (757) 710-4806
email kestralmarine1@verizon

State Corporation Commission Name and ID Number (if applicable) S076348-4

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Eastern Shore Post
P.O. Box 17
Onley, VA 23418

Telephone number

(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) No Structure on site

Lot/Block/Parcel# Lot 31/ Tax Map 83A1-11-31

Subdivision Bay Creek/ The Colony Phase IV

City / County Cape Charles/Norhampton ZIP Code 23310

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.274372 / -76.018703 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

From US 13, take Route 184 into Cape Charles.

Turn Left on Fig St.

Turn Left on Colony Drive.

Turn Left on Sunset Blvd. Property is at the end of the cul de sac on the right.

Property can also be accessed via Bay Vistas Way and walking to the adjacent lot.

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

Primary : To prevent erosion from storm events caused by the Chesapeake Bay.

Secondary: To provide safe access to the beach from the Owner's property.

Part 1 - General Information (continued)

9. Proposed use (check one):
☒ Single user (private, non-commercial, residential)
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- The project is located upland from any wetlands and behind a dune owned by the Bay Creek Community. Access to the project will be from the Owner's lot. One tree on the bank approximately 5" in diameter will be removed to install the revetment.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 50,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 0
13. Completion date of the proposed work: 11/1/20 - _____
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Bay Creek at Cape Charles Community Association, Inc.
4605 PEMBROKE LAKE CIR #302
Virginia Beach, VA 23455

FABIEN & SHASHI BAKSH
1045 STEEPLECHASE DR
Lancaster, PA 17601

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Bay Creek at Cape Charles Community Association, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Scott Finney.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 7/2/20
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), FABIEN & SHASHI BAKSH, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Scott Finney.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 7/2/20
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



REGIONAL PERMIT 17 CHECKLIST

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structures that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

- YES ☐ NO ☐ (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES ☐ NO ☐ (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
- YES ☐ NO ☐ (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?
- YES ☐ NO ☐ N/A ☐ (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?
- YES ☐ NO ☐ N/A ☐ (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES ☐ NO ☐ N/A ☐ (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?
- YES ☐ NO ☐ N/A ☐ (7) Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?
- YES ☐ NO ☐ N/A ☐ (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?
- YES ☐ NO ☐ N/A ☐ (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES ☐ NO ☐ N/A ☐ (10) If the proposed structure(s) is to be located within an anadromous fish use area, will the prospective permittee adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline?
- YES ☐ NO ☐ (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES ☐ NO ☐ (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES ☐ NO ☐ (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES ☐ NO ☐ (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

- YES ☒ NO ☐ (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES ☒ NO ☐ (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES ☐ NO ☐ N/A ☒ (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES ☐ NO ☐ N/A ☒ (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES ☒ NO ☐ (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES ☒ NO ☐ (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES ☐ NO ☐ N/A ☒ (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES ☐ NO ☐ N/A ☒ (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission (VMRC)'s Habitat Management Division? Please refer to Appendix D of the Tidewater JPA for more details on VMRC's aquaculture requirements.
- YES ☒ NO ☐ (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES ☒ NO ☐ (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Signature of Property Owner(s) or Agent

Date 7/6/20 _____

Proposed work to be located at:
 Lot 31 The Colony Phase IV

Cape Charles, VA 23310

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

The property currently has an existing natural slope 97' in length x 13.5' covered with grass with a dune on the bay side of the Applicant's property. The property is exposed to the Chesapeake Bay and storm events. The project will stabilize the existing slope with armor stone and stabilize the elevated existing bank from future erosion events. A vinyl return wall will be installed on the south property line at the revetment termination. Additionally, access stairs to the beach will be constructed after completion of the armor stone installation. Geotextile fabric will be installed and slope protection will be placed from MLW elevation to the top of the bank behind the dune owned by Bay Creek from MLW at the toe at a 1.25:1 slope using Class III Rip Rap (500lb - 2,000lb). This stabilization method is the technique that has been used on adjacent properties to stabilize the shoreline in the area.

2. What is the maximum encroachment channelward of mean high water? 0 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? 0 feet.
3. Please calculate the square footage of encroachment over:
- | | | |
|--------------------------|--------------|-------------|
| • Vegetated wetlands | <u>0</u> | square feet |
| • Non-vegetated wetlands | <u>0</u> | square feet |
| • Subaqueous bottom | <u>0</u> | square feet |
| • Dune and/or beach | <u>1,746</u> | square feet |
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? N/A Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Class III Stone
Geotextile Fabric
Vinyl Sheet Piling
Dimensional Lumber
Galvanized Hardware

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 500-2000 pounds per stone Class size III

Armor (outer layer) material 500-2000 pounds per stone Class size III

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material

<u>0</u>	cubic yards channelward of mean low water
<u>162</u>	cubic yards landward of mean low water
<u>0</u>	cubic yards channelward of mean high water
<u>162</u>	cubic yards landward of mean high water

- Area to be covered

<u>0</u>	square feet channelward of mean low water
<u>1,746</u>	square feet landward of mean low water
<u>0</u>	cubic yards channelward of mean high water
<u>162</u>	cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): 100% Granite

- Method of transportation and placement:

Truck Delivery and Excavator Placement

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at

<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

None Proposed. No clearing will be required with the exception of one tree on the existing slope of approximately 5" in diameter.

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Scott Finney

John Scott Finney

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

7/6/20

7/6/20

Date

Same as Applicant

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

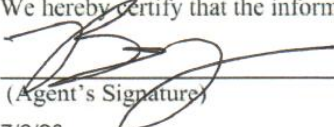
2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Scott Finney, hereby certify that I (we) have authorized Magee and Associates, LLC
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

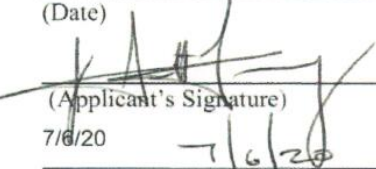
We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.


(Agent's Signature)

(Use if more than one agent)

7/6/20

(Date)


(Applicant's Signature)

(Use if more than one applicant)

7/6/20

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Scott Finney, have contracted Kestral Marine Construction, LLC
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated 7/6/20.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Kestral Marine Construction, LLC

Contractor's name or name of firm

12450 FAIRVIEW ROAD, PAINTER, VA 23420

Contractor's or firms address

2705073168

Contractor's License Number


Contractor's signature and title


Applicant's signature

(use if more than one applicant)

7/6/20

Date

- YES ☒ NO ☐ (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES ☒ NO ☐ (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES ☐ NO ☐ N/A ☒ (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES ☐ NO ☐ N/A ☒ (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES ☒ NO ☐ (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES ☒ NO ☐ (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES ☐ NO ☐ N/A ☒ (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES ☐ NO ☐ N/A ☒ (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission (VMRC)'s Habitat Management Division? Please refer to Appendix D of the Tidewater JPA for more details on VMRC's aquaculture requirements.
- YES ☒ NO ☐ (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES ☒ NO ☐ (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Signature of Property Owner(s) or Agent

Date 7/6/20

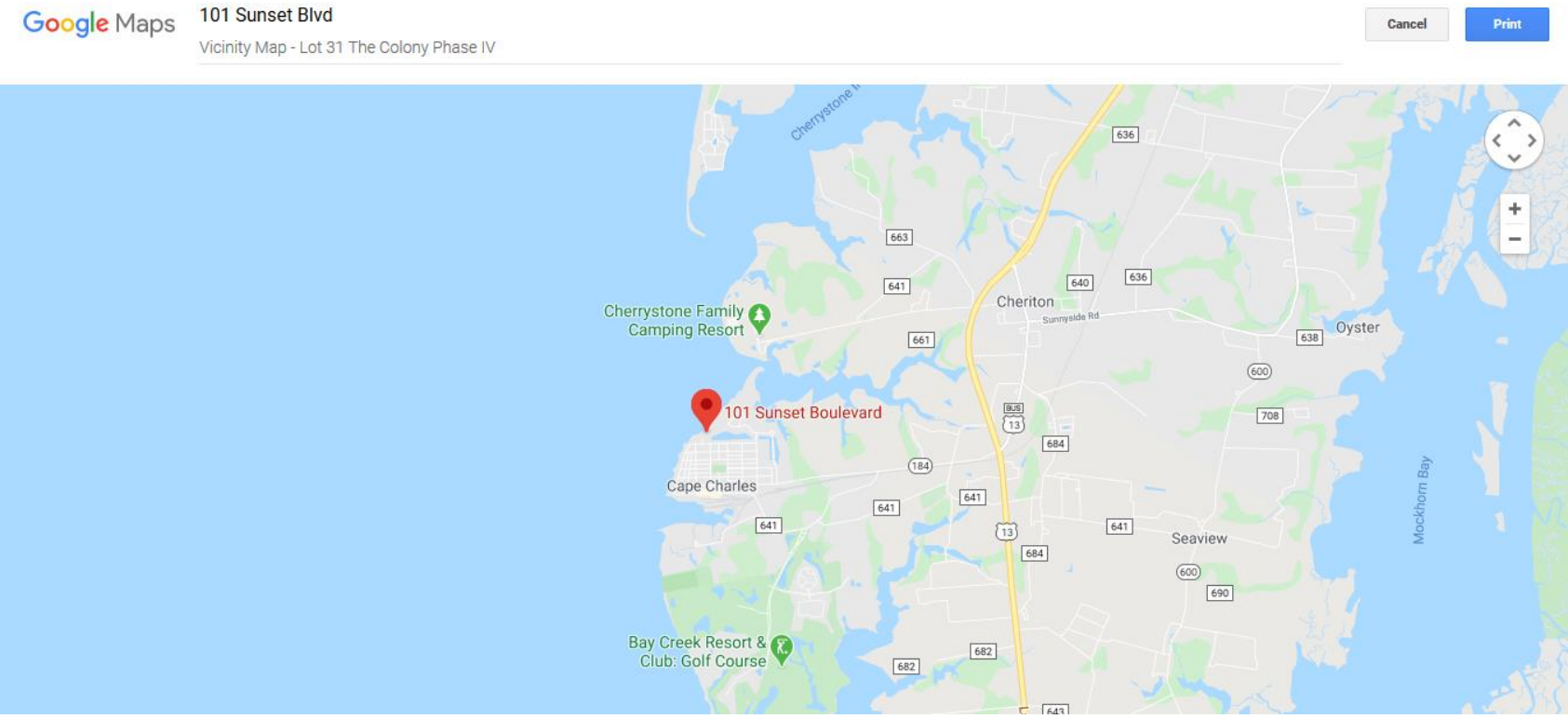
Application Revised: September 2018

Proposed work to be located at:

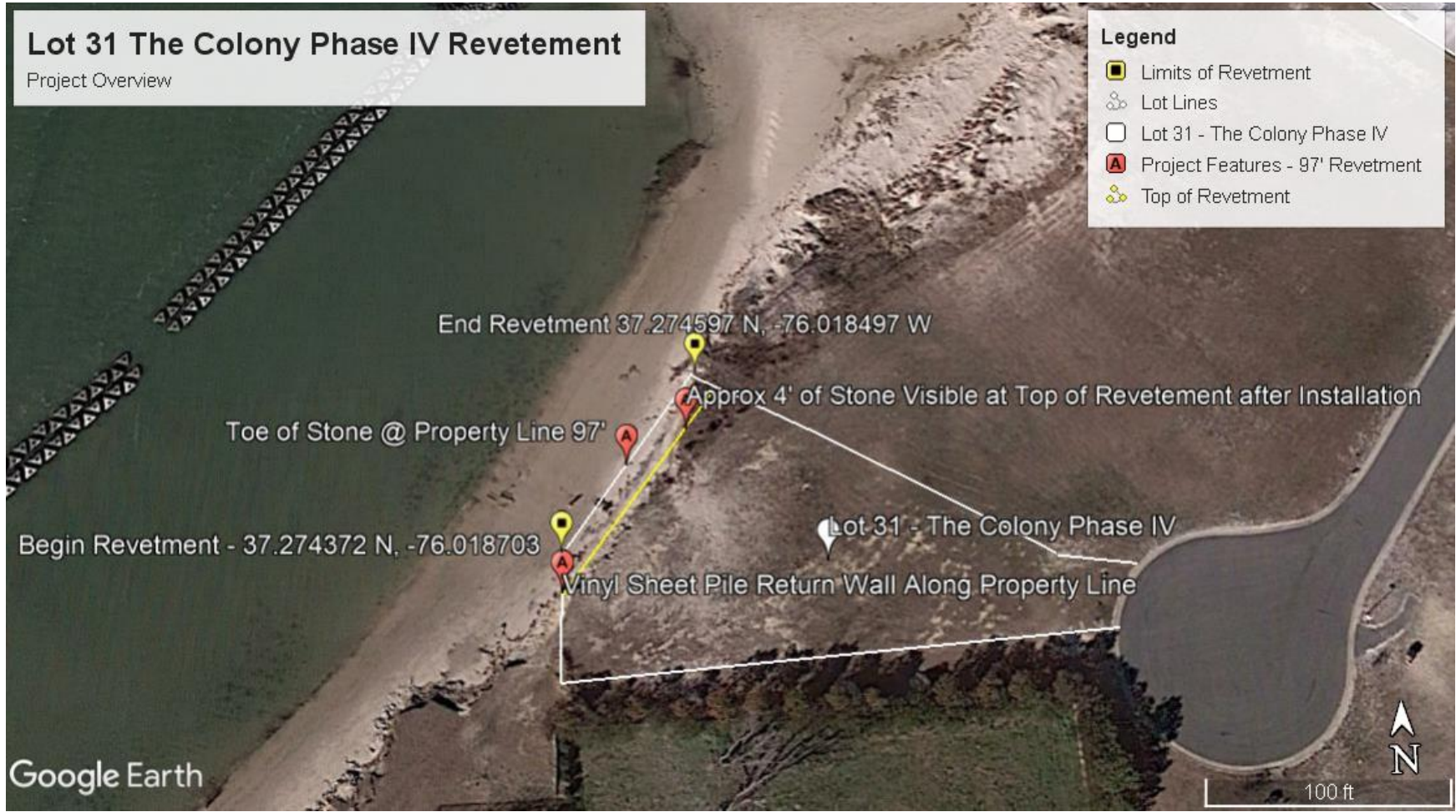
Lot 31 The Colony Phase IV

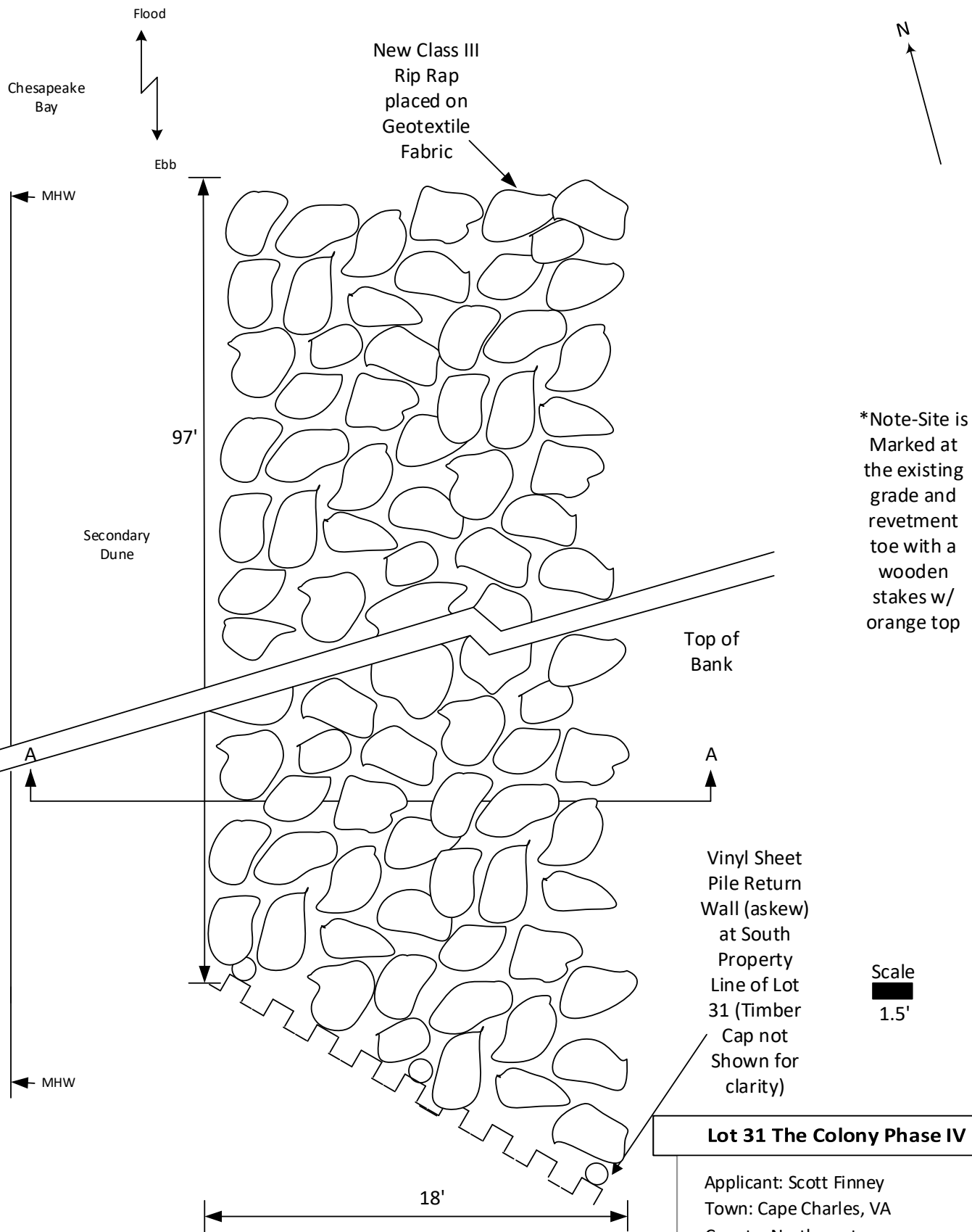
Cape Charles, VA 23310

**Vicinity Map – Lot 31 The Colony Phase IV Revetment – Cape Charles,
VA**



Lot 31 The Colony Phase IV Revetment Project Overview

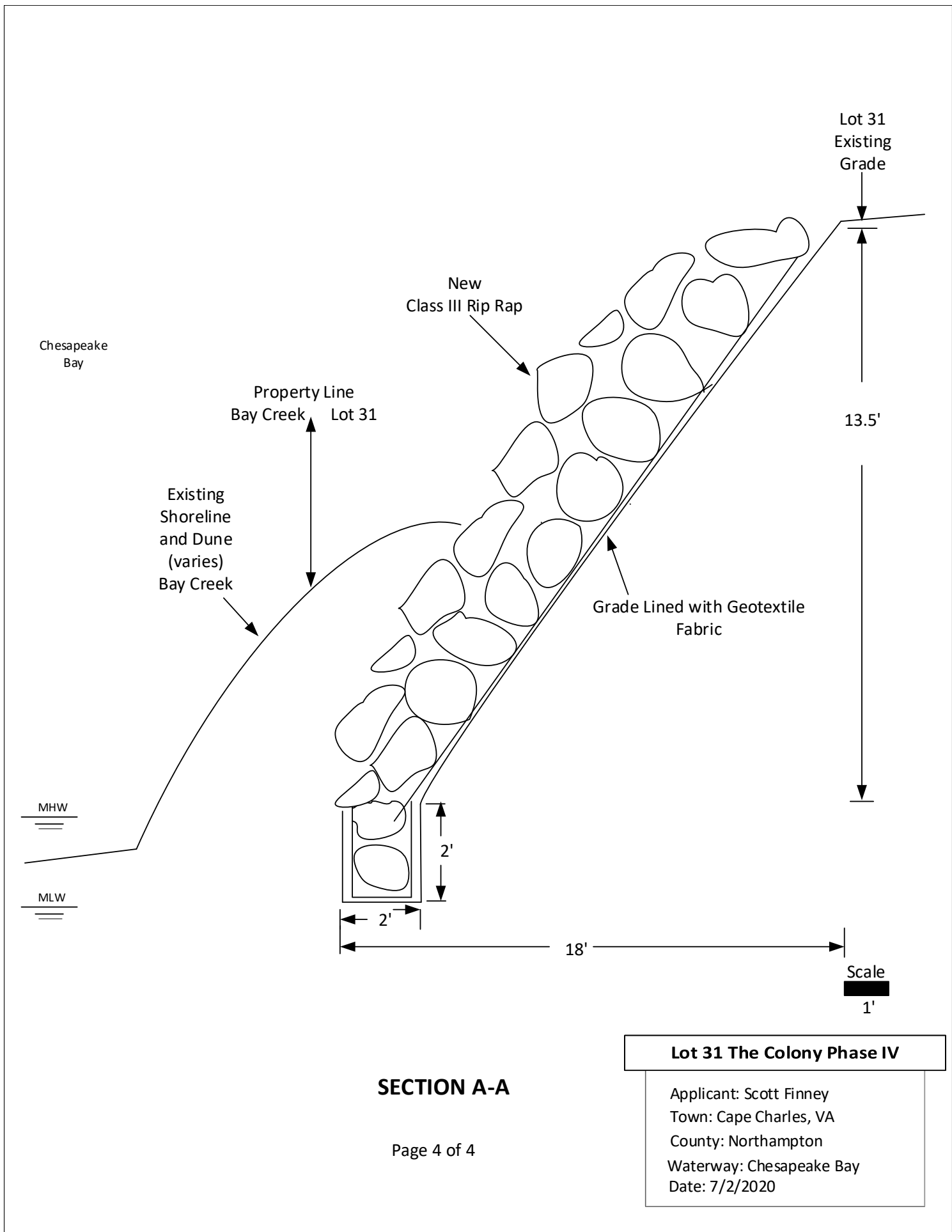




PLAN VIEW
Attachment
3 of 4

Lot 31 The Colony Phase IV

Applicant: Scott Finney
Town: Cape Charles, VA
County: Northampton
Waterway: Chesapeake Bay
Date: 7/2/2020



Virginia Marine Resources Commission

Permit Application 20201191

Printed: Wednesday September 9, 2020 2:16 PM



Applicant: Scott Finney
7040 Ware Neck Road
Gloucester, VA

Application Number:	20201191	Engineer:	Allison Lay
Application Date:	July 7, 2020	Locality:	Cape Charles
Permit Type:	No VMRC Permit Nec.	Waterway:	Chesapeake Bay East
Permit Status:	Pending	Expiration Date:	
Wetlands Board Action:		Public Hearing Date:	

Project Description: Riprap/Stairs

Project Dimensions:

Riprap: 97 Linear Feet

Virginia Marine Resources Commission

Photos for Permit Application 20201191

Printed: Wednesday September 9, 2020 2:16 PM



Date Photo Uploaded: 2020:08:19



Date Photo Uploaded: 2020:08:19



Virginia Marine Resources Commission

Photos for Permit Application 20201191

Printed: Wednesday September 9, 2020 2:16 PM



Date Photo Uploaded: 2020:08:19



Date Photo Uploaded: 2020:08:19



Virginia Marine Resources Commission

Photos for Permit Application 20201191

Printed: Wednesday September 9, 2020 2:16 PM



Date Photo Uploaded: 2020:08:19





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

September 1, 2020

Eastern Virginia Regulatory Branch
NAO-2020-01195 (Chesapeake Bay)

Scott Finney
C/O Brian Magee
11404 Sparrow Point Road
Machipongo, VA 23405

#20-1191

Dear Mr./Ms. Finney,

Per the attached drawings "Proposed Riprap Revetment" sheets 1-4 dated July 2, 2020, you have indicated that your proposed project entails the construction of 97 LF of riprap revetment for erosion control. All work will be performed landward of MHW at Lot 31 in The Colony on Chesapeake Bay in Cape Charles, Virginia.

The proposed activities as described in the attached drawings do not require Department of the Army (DA) authorization pursuant to Section 404 of the Clean Water Act (CWA) as your proposed activities do not involve a discharge of dredged or fill material into Waters of the United States, including wetlands. In addition, the Corps also confirms that the review area does not contain any waters subject to the permitting requirements of Section 10 of the Rivers and Harbors Act.

Please note that we are relying on the information and data provided by the applicant or agent in the permit application. If such information and data subsequently prove to be materially false or materially incomplete, this no permit required determination may be suspended or revoked and/or the Government may institute appropriate legal proceedings. Please obtain all required State and local approvals prior to commencing with the proposed work.

CENAO-WR-R
SUBJECT: NAO-2020-01195

We sincerely appreciate your efforts to comply with the Federal laws. If you have any questions and/or concerns about this permit authorization, please contact Autumn Vaughn via telephone at (757) 201-7841 or via email at Autumn.M.Vaughn@usace.army.mil.

Sincerely,

Autumn Vaughn
Biologist
Eastern Virginia Regulatory Section



WETLANDS & COASTAL DUNE BOARD

STAFF REPORT

Meeting Date: October 7, 2020

Item #: 4B

Prepared By:	Planning Staff
Site Address:	4 Bay Vistas Way (Tax Map #83A1-18-BV3)
Applicant:	Magee and Associates, LLC
Owner:	Fabien and Shashi Baksh
JPA Number	20201281
Proposed Project:	Revetment and Installation of Access Stairs

Item Specifics:

A joint permit application for revetment along the bayfront property and to install access stairs has been received.

The proposed project will provide protection to the property from erosion. The access stairs constructed over the new revetment will provide safe access to the beach for the owners.

The revetment will be installed using Class III rip rap (500lb. - 2,000lb.) stone placed over Geotextile Fabric. The hundred and ten feet (110') of revetment will tie into the existing revetment to the South and the proposed revetment to the North. The same stabilization method has been used on adjacent properties.

Access will be from the owner's property.

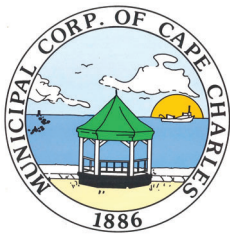
Attachments:

Attachment 1 – Application and Documents

Attachment 2– Location Map

Recommendation:

Review the application materials and public comment. After discussion, determine whether issuance of a permit would be appropriate. It should be noted that approval by this Board is valid only for the local Wetlands Board, and authorization from all other jurisdictions and agencies is required prior to any work being done.



WETLANDS BOARD APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

PROJECT INFORMATION

Name of Project: 4 Bay Vistas Way Revetment
Property Address: 4 Bay Vistas Way, Cape Charles, VA 23310
Brief Description of Project: Revetment along the Bayfront bank of Lot 4
Zoning District: PUD Current Use: Residential Proposed Use: Residential

OWNER INFORMATION

Name and Company: Fabien & Shashi Baksh
Mailing Address: 1045 Steeplechase Drive, Lancaster, PA 17601
Phone Number: (717) 368-4740 Email: bakshfsnsdd@gmail.com

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: Magee and Associates, LLC
Mailing Address: 11404 Sparrow Point Rd. Machipongo, VA 23405
Phone Number: (757) 417-5636 Email: brian@mageeandassoc.com

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant: Brian Magee Digitally signed by Brian Magee
Date: 2020.09.11 11:56:05 -04'00' Date: 9/11/2020

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-1281

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) ☐ NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</i>	Regional Permit 17 (RP-17) ☒			
County or City in which the project is located: <u>Cape Charles</u>				
Waterway at project site: <u>Chesapeake Bay</u>				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre-application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
		None		

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

FABIEN & SHASHI BAKSH
1045 STEEPLECHASE DR
LANCASTER, PA 17601

Home () _____
Work () _____
Fax () _____
Cell (717) 368-4740
e-mail bakshfsnsdd@gmail.com

State Corporation Commission Name and ID Number (if applicable) N/A

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Same as Applicant

Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):

Magee and Associates, LLC
11404 Sparrow Point Rd.
Machipongo, VA 23405

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell (757) 417-5636
e-mail brian@mageeandasso

State Corporation Commission Name and ID Number (if applicable) S249237-1

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

The project is the installation of 110' of revetment to tie the existing revetment to the South to the proposed revetment (Finney) to the North. The revetment will be installed using Class III (500-2,000#) stone placed over Geotextile Fabric. After revetment installation, access stairs will be constructed to provide safe access to the beach for the Owner.

Access will be from the Applicant's property. No clearing or grading will be required.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X Yes* No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Kestral Marine Construction, LLC
12450 Fairview Rd.
Painter, VA 23420

Contact Information:

Home ()
Work (757) 442-7688
Fax ()
Cell (757) 710-4806
email kestralmarine1@verizon

State Corporation Commission Name and ID Number (if applicable) S076348-4

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Eastern Shore Post
P.O. Box 17
Onley, VA 23418

Telephone number

(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 4 Bay Vistas Way

Lot/Block/Parcel# Lot #4, Parcel - PAR BV3 BAY VISTAS

Subdivision Bay Vistas

City / County Cape Charles, VA

ZIP Code 23310

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.274225 / -76.018814 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

From US 13, take Route 684 (Randolph Ave.)

Turn Right on Fig Street

Turn Left on Washington Ave.

Turn Right on Bay Vistas Way

Property is at the end on the right.

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

Primary: To protect the Owner's home and property from erosion caused by weather events on the Chesapeake Bay.

Secondary: To provide safe access to the beach for the Owner.

Part 1 - General Information (continued)

9. Proposed use (check one):
☒ Single user (private, non-commercial, residential)
☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- The project is located upland on the Owner's property and will tie into the existing revetment to the South (Calder Family Trust) and the proposed revetment (Finney) to the North. No impacts to wetlands, surface waters or submerged lands will be required. Access will be from the Owner's property and no clearing or grading will be required.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 40,000
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 0
13. Completion date of the proposed work: October 1, 2020 - _____
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Scott Finney
7040 WARE NECK RD
Gloucester, VA 23061

The Calder Family Trust
132 CHURCHILL DOWNS
CAPE CHARLES, VA 23310

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

FABIEN BAKSH

Applicant's Legal Name (printed/typed)

SHASHI BAKSH

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

7/14/2020

Date

Same as Applicant

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), FABIEN & SHASHI BAKSH, hereby certify that I (we) have authorized Magee and Associates, LLC
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

(Agent's Signature)

7/14/2020

(Date)

(Use if more than one agent)

(Applicant's Signature)

7/14/2020

(Date)

(Use if more than one applicant)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), FABIEN & SHASHI BAKSH, have contracted Kestral Marine Construction, LLC
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated 7/14/2020.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Kestral Marine Construction, LLC

Contractor's name or name of firm

12450 Fairview Rd. Painter, VA 23420

Contractor's or firms address

2705073168

Contractor's signature and title

Contractor's License Number

Applicant's signature

7/14/2020

Date

(use if more than one applicant)

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Scott Finney, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of FABIEN & SHASHI BAKSH.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 7/14/2020
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), The Calder Family Trust, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of FABIEN & SHASHI BAKSH.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 7/14/2020
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



REGIONAL PERMIT 17 CHECKLIST

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structures that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

- YES ☐ NO ☐ (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES ☐ NO ☐ (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
- YES ☐ NO ☐ (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?
- YES ☐ NO ☐ N/A ☐ (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?
- YES ☐ NO ☐ N/A ☐ (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES ☐ NO ☐ N/A ☐ (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?
- YES ☐ NO ☐ N/A ☐ (7) Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?
- YES ☐ NO ☐ N/A ☐ (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?
- YES ☐ NO ☐ N/A ☐ (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES ☐ NO ☐ N/A ☐ (10) If the proposed structure(s) is to be located within an anadromous fish use area, will the prospective permittee adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline?
- YES ☐ NO ☐ (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES ☐ NO ☐ (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES ☐ NO ☐ (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES ☐ NO ☐ (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

- YES ☒ NO ☐ (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES ☒ NO ☐ (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES ☐ NO ☐ N/A ☒ (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES ☐ NO ☐ N/A ☒ (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES ☒ NO ☐ (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES ☒ NO ☐ (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES ☐ NO ☐ N/A ☒ (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES ☐ NO ☐ N/A ☒ (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission (VMRC)'s Habitat Management Division? Please refer to Appendix D of the Tidewater JPA for more details on VMRC's aquaculture requirements.
- YES ☒ NO ☐ (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES ☒ NO ☐ (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

_____ Signature of Property Owner(s) or Agent Date <u>7/14/2020</u>	Proposed work to be located at: <u>4 Bay Vistas Way</u> <u>Cape Charles, VA 23310</u>
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Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ____ Yes ____ No

If yes, will it be removed? ____ Yes ____ No

Is your lot platted to the mean low water shoreline? ____ Yes ____ No

What is the overall length of the proposed structure? _____ feet.

Channelward of Mean High Water? _____ feet.

Channelward of Mean Low Water? _____ feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____ square feet.

What is the total size of any and all L- or T-head platforms? _____ sq. ft.

For boathouses, what is the overall size of the roof structure? _____ sq. ft.

Will your boathouse have sides? ____ Yes ____ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § [28.2-1203](#) A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § [28.2-1205](#) for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § [28.2-1204](#).

Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
- The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
- Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
 - Will the facility be equipped to off-load sewage from boats? _____.
 - How many wet slips are proposed? _____. How many are existing? _____.
 - What is the area of the piers and platforms that will be constructed over
Tidal non-vegetated wetlands _____ square feet
Tidal vegetated wetlands _____ square feet
Submerged lands _____ square feet
6. For **boat ramps**, what is the overall length of the structure? _____ feet.
From Mean High Water? _____ feet.
From Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

The project is the installation of 110' of revetment to tie the existing revetment to the South to the proposed revetment (Finney) to the North. The revetment will be installed using Class III (500-2,000#) stone placed over Geotextile Fabric. After revetment installation, access stairs will be constructed to provide safe access to the beach for the Owner.

Impacts in Acres - 0.0417

Volume of Backfill Below MHW - 0 CY

2. What is the maximum encroachment channelward of mean high water? 0 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? _____ feet.
3. Please calculate the square footage of encroachment over:
- Vegetated wetlands 0 square feet
 - Non-vegetated wetlands 0 square feet
 - Subaqueous bottom 0 square feet
 - Dune and/or beach 1815 square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? _____ Yes _____ No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? _____ Yes _____ No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

N/A

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Class III Stone (500-200#)
Geotextile Fabric
Treated Dimensional Limber
Galvanized Hardware

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 500-2000 pounds per stone Class size III

Armor (outer layer) material 500-2000 pounds per stone Class size III

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material

<u>0</u>	cubic yards channelward of mean low water
<u>161</u>	cubic yards landward of mean low water
<u>0</u>	cubic yards channelward of mean high water
<u>161</u>	cubic yards landward of mean high water

- Area to be covered

<u>0</u>	square feet channelward of mean low water
<u>1815</u>	square feet landward of mean low water
<u>0</u>	cubic yards channelward of mean high water
<u>161</u>	cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): 100% Granite

- Method of transportation and placement:

Truck Delivery and Excavator Placement

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at

<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

Area upland required to access the project will be seeded and strawed upon completion of the revetement installation. No clearing or grading will be required.

Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

2. What is the width of the waterway and/or wetlands to be crossed
from mean high water to mean high water (tidal waters)? _____ feet.
from mean low water to mean low water (tidal waters)? _____ feet.
from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.
3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? _____ square feet.
4. For overhead crossings:
- What will be the height above mean high water? _____ feet.
 - If there are other overhead crossings in the area, what is the minimum height? _____ feet.
 - If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____
5. For buried crossings, what will be the depth below the substrate? _____ feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____ Yes _____ No.
6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? _____ Yes _____ No.

If yes, please provide the following:

- | | |
|---|-------------------|
| a. Amount of excavation in wetlands | _____ cubic yards |
| | _____ square feet |
| b. Amount of excavation in submerged land | _____ cubic yards |
| | _____ square feet |
| c. Amount of excavation in dune/beach | _____ cubic yards |
| | _____ square feet |
| d. Amount of fill in wetlands | _____ cubic yards |
| | _____ square feet |
| e. Amount of fill in submerged lands | _____ cubic yards |
| | _____ square feet |
| f. Amount of fill in dune/beach | _____ cubic yards |
| | _____ square feet |

Part 3 – Appendices (continued)

Appendix D: Aquaculture Related Structures such as cages and floats. Before completing this appendix, please review the aquaculture requirements summary at:
http://mrc.virginia.gov/Shellfish_Aquaculture.shtm.

1. Will the activity be for commercial purposes? ____ Yes ____ No.

If Yes and structures will be placed upon an oyster ground lease, you may qualify for the VMRC General Permit #4 for Temporary Protective Enclosures for Shellfish. For more info see:
http://www.mrc.virginia.gov/regulations/MRC_Scanned_Regs/Shellfish_Mix/fr1130_12-0107.pdf. If you qualify for the General Permit #4, or if such structures are proposed that are not on an oyster planting ground lease, or for floating structures of any kind, complete this Joint Permit Application and include the necessary information requested below in question 2 through 11.

If No, you may qualify for the VMRC General Permit #3, for Noncommercial Riparian Shellfish Growing (i.e. “Gardening”) For more information see:
http://www.mrc.virginia.gov/forms/VGP3_Aquaculture.doc.pdf. If you qualify for this general permit use the Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures available at <http://www.mrc.virginia.gov/forms/abbrjpa.pdf> - **do not use this Joint Permit Application.**

2. Will aquaculture structures be attached to an existing pier or other structure? ____ Yes ____ No.

3. The plat file # if proposed upon oyster planting ground lease(s). _____

4. The maximum area where enclosures are proposed. _____ square feet

5. The maximum number of enclosures being proposed to be deployed. _____

6. The species of shellfish to be cultured. _____

7. A detailed description of the enclosures to include width, length and height.

8. In addition to the requirements itemized in Part 4 Project Drawings, the following additional information must be included on your project drawings: A general description of the area within 500 feet of deployment area. Provide a drawing that depicts existing marine resources such as SAV, shellfish beds, fixed fishing devices, public grounds, piers, water depths at mean low water, tide range, and the minimum clearance at mean low tide over the enclosures.

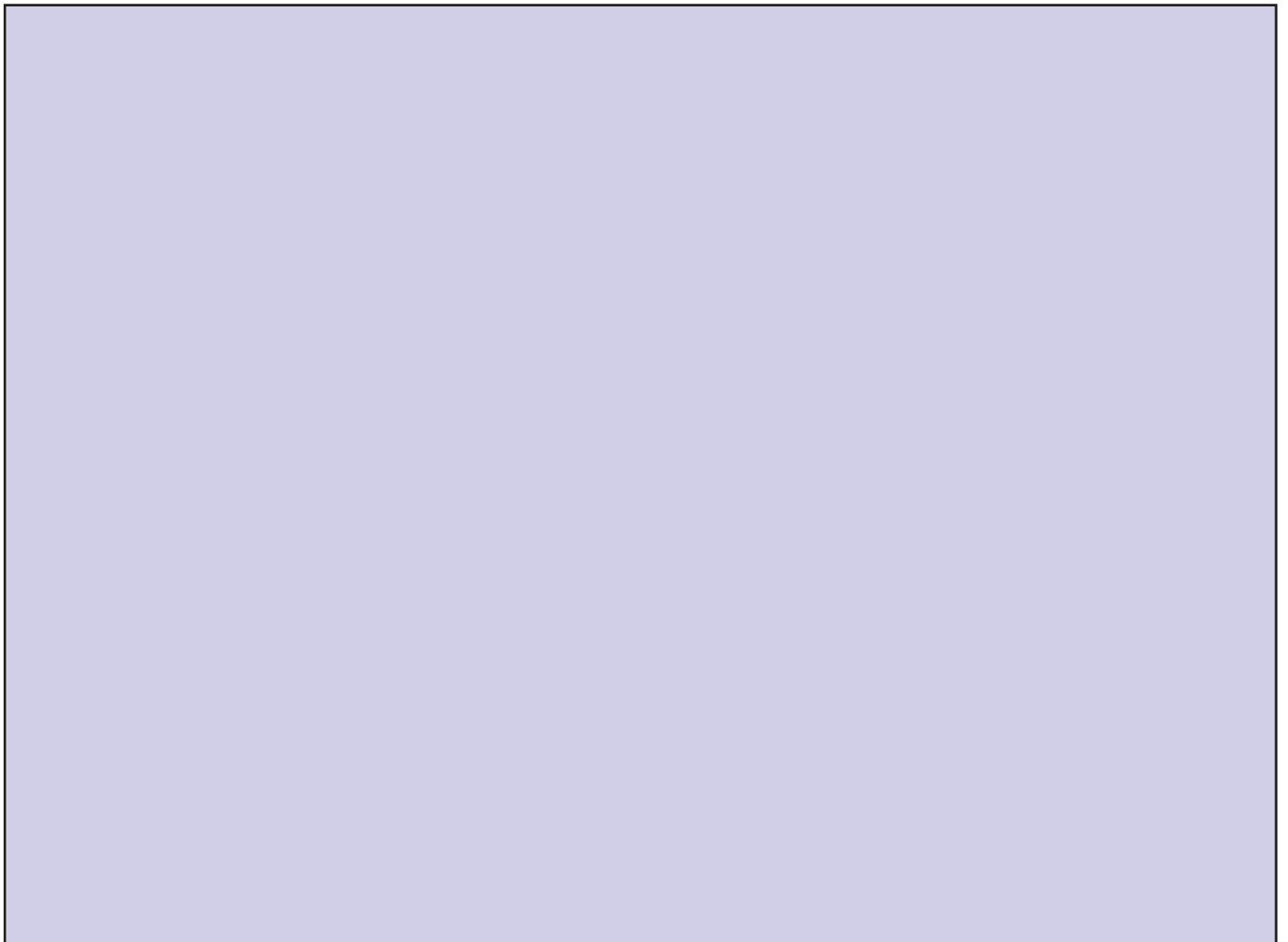
9. Provide the date enclosures are proposed to be deployed _____. How will the structures be secured? _____.

Part 3 – Appendices (continued)

10. List of all riparian land owners within 500 feet of the area where enclosures are proposed along with a map (tax map or other suitable map) depicting the locations of such parcels or riparian property owner acknowledgement forms signed by the riparian land owner with any comments concerning the enclosures deployment request.



11. Proof that the applicant holds a current oyster or clam aquaculture product owners permit, and verification that the applicant is in compliance with Mandatory Harvest Reporting requirements, and verification that the current years oyster ground rent is paid, if structures are proposed on an oyster ground lease.



Part 4 - Project Drawings

Plan view and cross-sectional view drawings are required for all projects. Application drawings do not need to be prepared by a professional draftsman, but they must be clear, accurate, and should be to an appropriate scale. If a scale is not used, all dimensions must be clearly depicted in the drawings. If available, a plat of the property should be included, with the existing and proposed structures clearly indicated. Distances from the proposed structure(s) to fixed points of reference (benchmarks) and to the adjacent property lines must be shown. A vicinity map (County road map, USGS Topographic map, etc.) must also be provided to show the location of the property. **NOTE:** The sample drawings have been included at the end of this section to provide guidance on the information required for different types of projects. Clear and accurate drawings are essential for project review and compliance determination. Incomplete or unclear drawings may cause delays in the processing of your application.

The following items must be included on ALL project drawings: (plan and cross-sectional, as appropriate)

- **name of project**
- **north arrow**
- **scale**
- **waterway name**
- **existing and proposed structures, labeled as such**
- **dimensions of proposed structures**
- **mean high water and mean low water lines**
- **all delineated wetlands and all surface waters on the site, including the Cowardin classification (i.e., emergent, scrub-shrub, or forested) for those surface waters (if applicable)**
- **limits of proposed impacts to surface waters, such as fill areas, riprap scour protection placement, and dredged areas, and the amount of such impacts in square feet and acres**
- **ebb/flood direction**
- **adjacent property lines and owner's name**
- **distances from proposed structures to fixed points of reference (benchmarks) and adjacent property lines**

Part 5 - Chesapeake Bay Preservation Act Information

All proposed development, redevelopment, land disturbance, clearing or grading related to this Tidewater JPA must comply with the Chesapeake Bay Preservation Area Designation and Management Regulations, which are enforced through locally adopted Chesapeake Bay Preservation Area (CBPA) ordinances. Compliance with state and local CBPA requirements mandates the submission of a *Water Quality Impact Assessment (WQIA)* for the review and approval of the local government. Contact the appropriate local government office to determine if a WQIA is required for the proposed activity(ies).

Because the 84 local governments within Tidewater Virginia are responsible for enforcing the CBPA Regulations, the completion of the JPA process does not constitute compliance with the Bay Act Regulations nor does it guarantee that the local government will approve encroachments into the RPA that may result from this project. Applicants should contact their local government as early in the design process as possible to ensure that the final design and construction of the proposed project meets all applicable CBPA requirements. Early cooperation with local government staff can help applicants avoid unnecessary and costly delays to construction. Applicants should provide local government staff with information regarding existing vegetation within the Resource Protection Area (RPA) as well as a description and site drawings of any proposed land disturbance, construction, or vegetation clearing. As part of their review and approval processes, local government staff will evaluate the proposed project and determine whether or not approval can be granted. Once the locality has made a decision on the project, they will advise the Local Wetlands Boards and other appropriate parties of applicable CBPA concerns or issues.

Resource Protection Areas (RPAs) are composed of the following features:

1. Tidal wetlands;
2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
3. Tidal shores;
4. Other lands considered by the local government to meet the provisions of subsection A of 9VAC25-830-80 and to be necessary to protect the quality of state waters; and
5. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 4 above, and along both sides of any water body with perennial flow.

Notes for all projects in RPAs

Development, redevelopment, construction, land disturbance, or placement of fill within the RPA features listed above requires the approval of the locality and may require an exception or variance from the local Bay Act ordinance. Please contact the appropriate local government to determine the types of development or land uses that are permitted within RPAs.

Pursuant to 9VAC25-830-110, on-site delineation of the RPA is required for all projects in CBPAs. Because USGS maps are not always indicative of actual “in-field” conditions, they may not be used to determine the site-specific boundaries of the RPA.

Notes for shoreline erosion control projects in RPAs

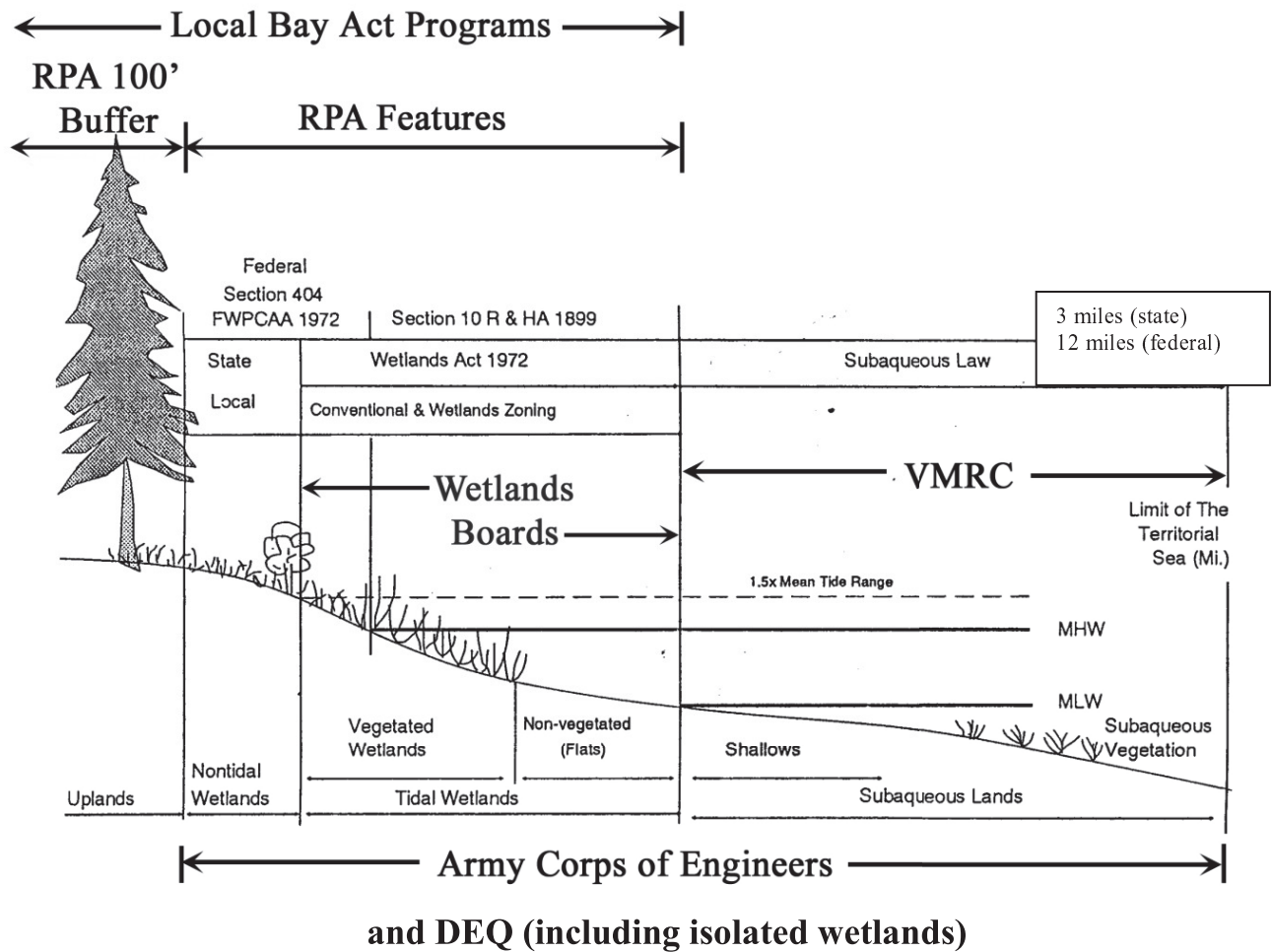
Re-establishment of woody vegetation in the buffer will be required by the locality to mitigate for the removal or disturbance of buffer vegetation associated with your proposed project. Please contact the local government to determine the mitigation requirements for impacts to the 100-foot RPA buffer.

Part 5 - Chesapeake Bay Preservation Act Information (continued)

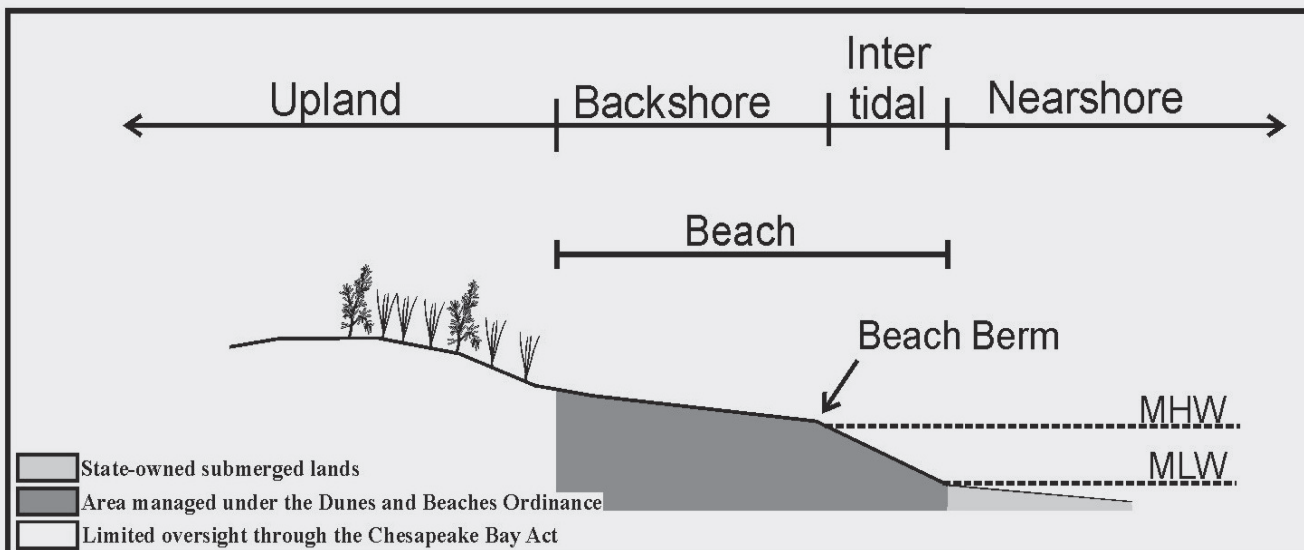
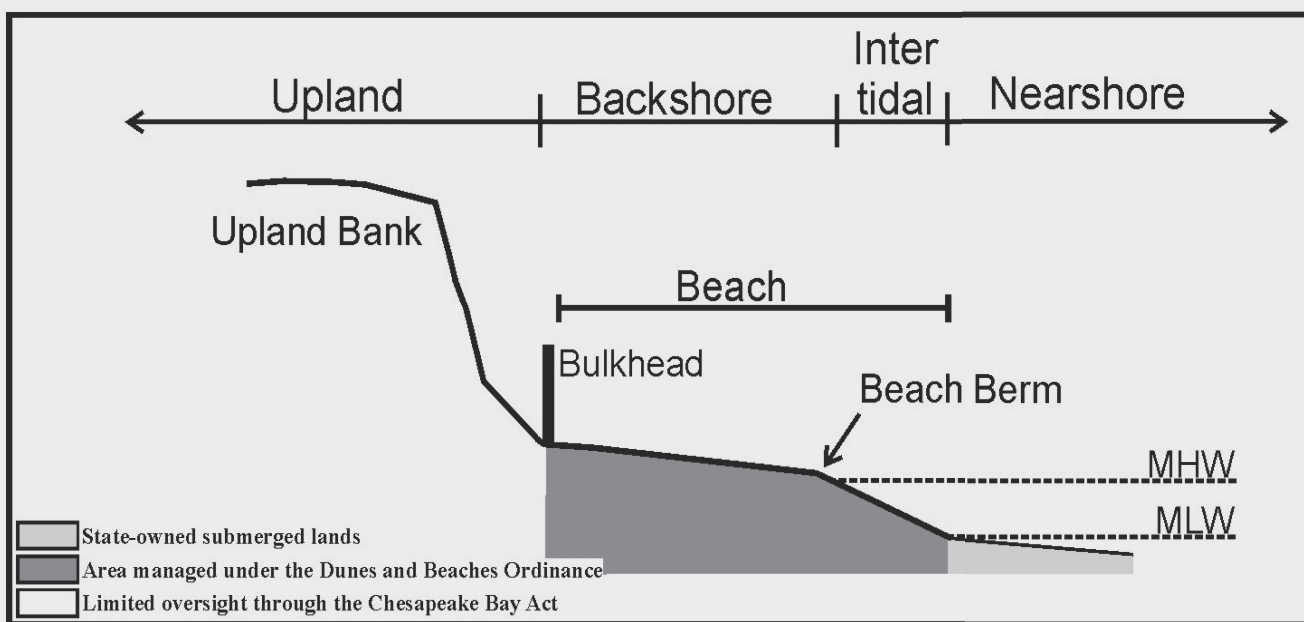
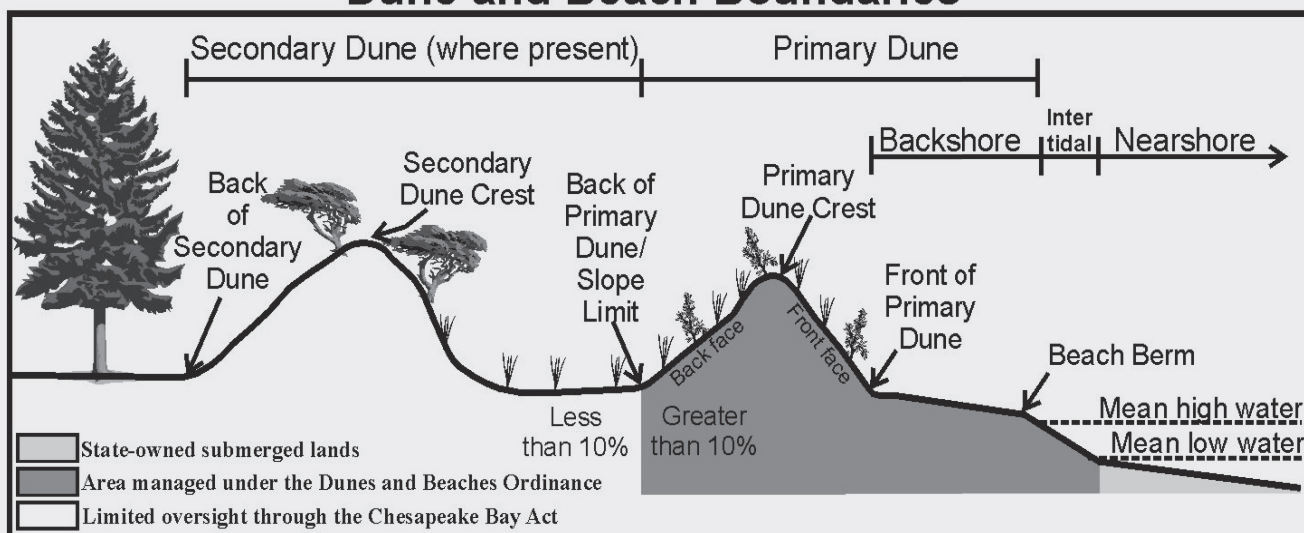
Pursuant to 9VAC25-830-140 5 a (4) of the Virginia Administrative Code, shoreline erosion projects are a permitted modification to RPAs provided that the project is based on the “best technical advice” and complies with applicable permit conditions. In accordance with 9VAC25-830-140 1 of the Virginia Administrative Code, the locality will use the information provided in this Part V, in the project drawings, in this permit application, and as required by the locality, to make a determination that:

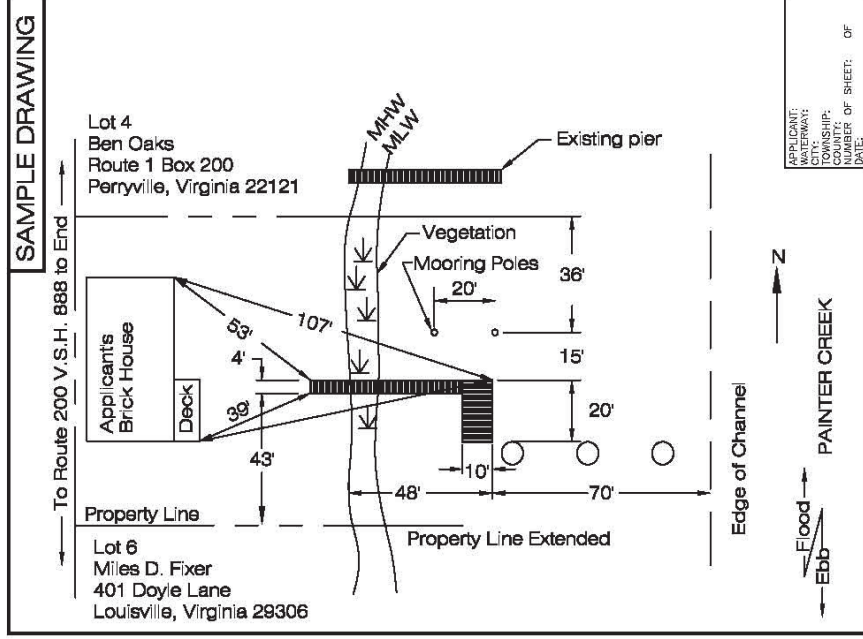
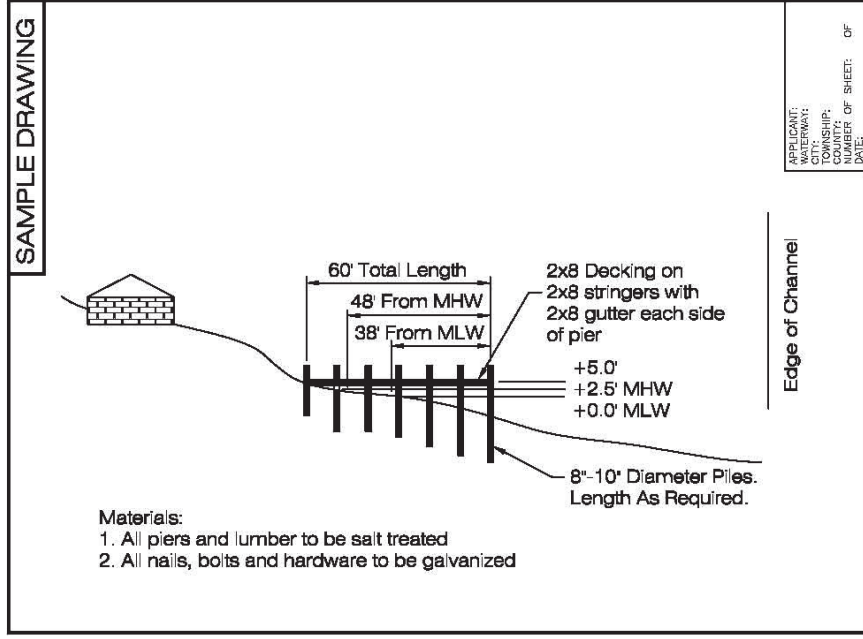
1. Any proposed shoreline erosion control measure is necessary and consistent with the nature of the erosion occurring on the site, and the measures have employed the “best available technical advice”
2. Indigenous vegetation will be preserved to the maximum extent practicable
3. Proposed land disturbance has been minimized
4. Appropriate mitigation plantings will provide the required water quality functions of the buffer (9VAC25-830-140 3)
5. The project is consistent with the locality’s comprehensive plan
6. Access to the project will be provided with the minimum disturbance necessary.

JURISDICTIONAL BOUNDARIES

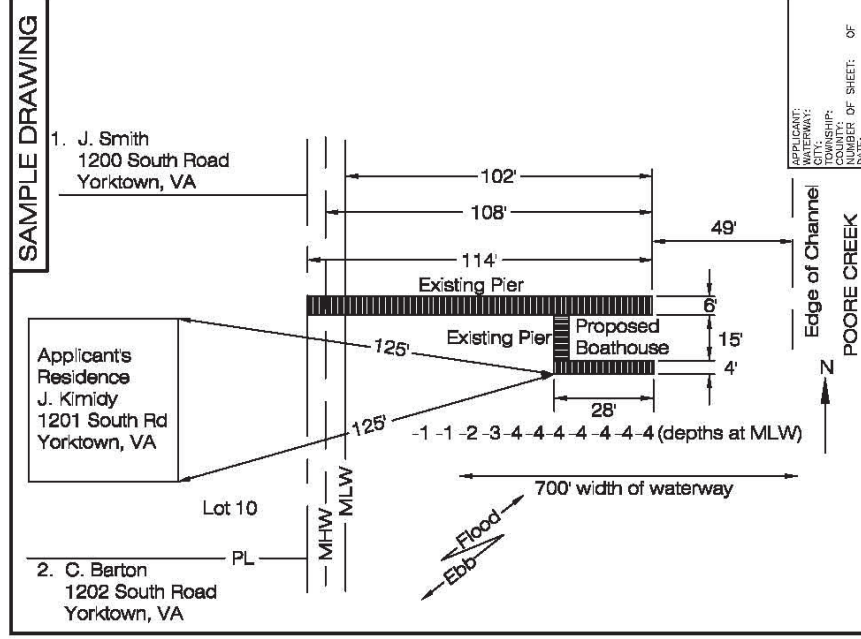
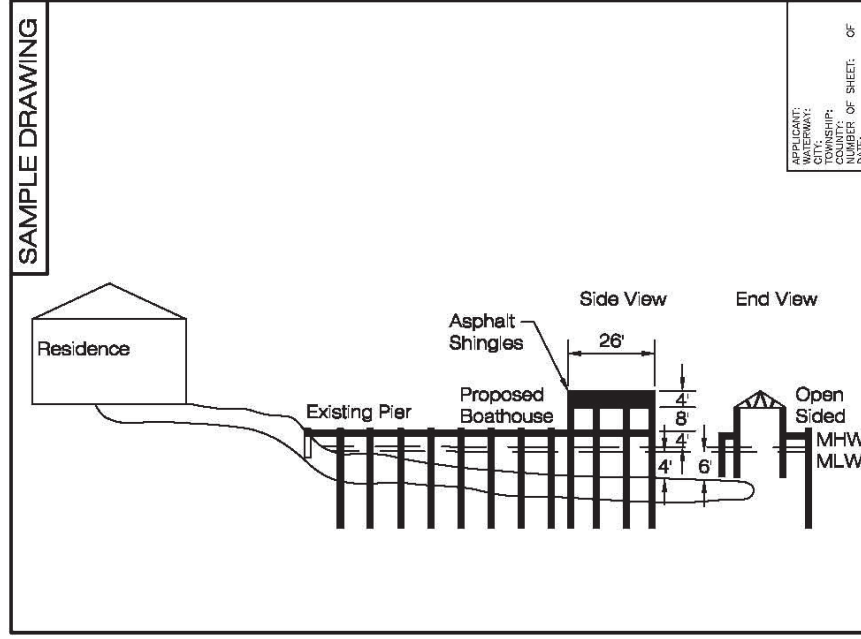


Dune and Beach Boundaries

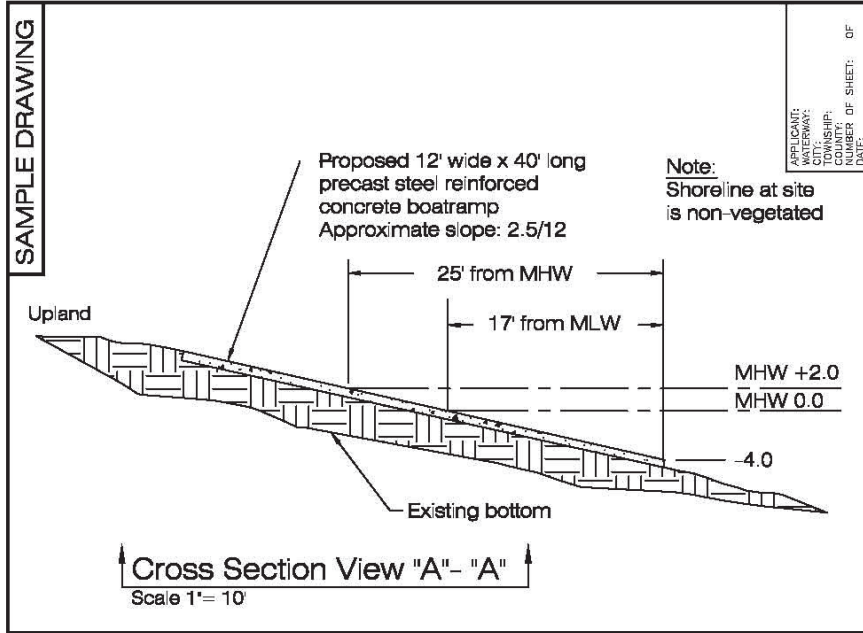
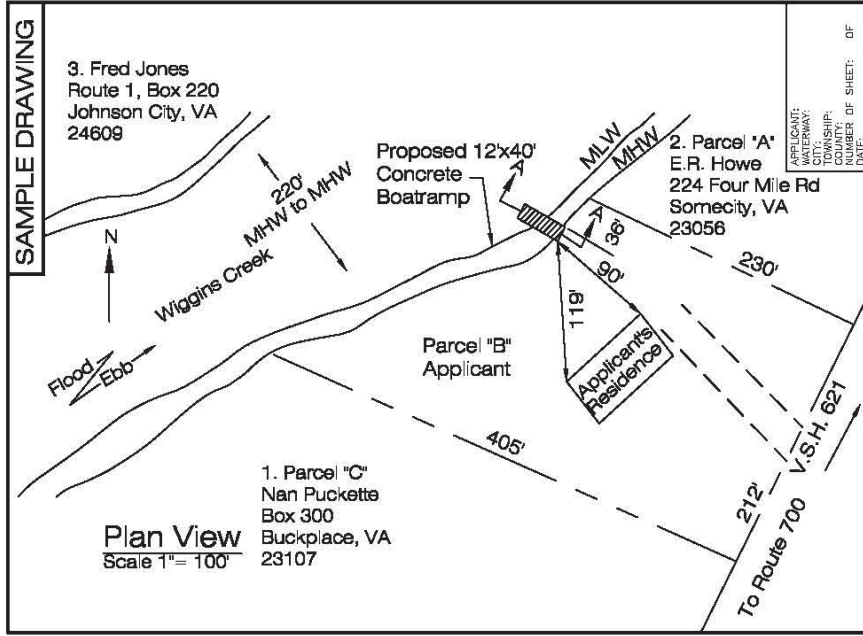




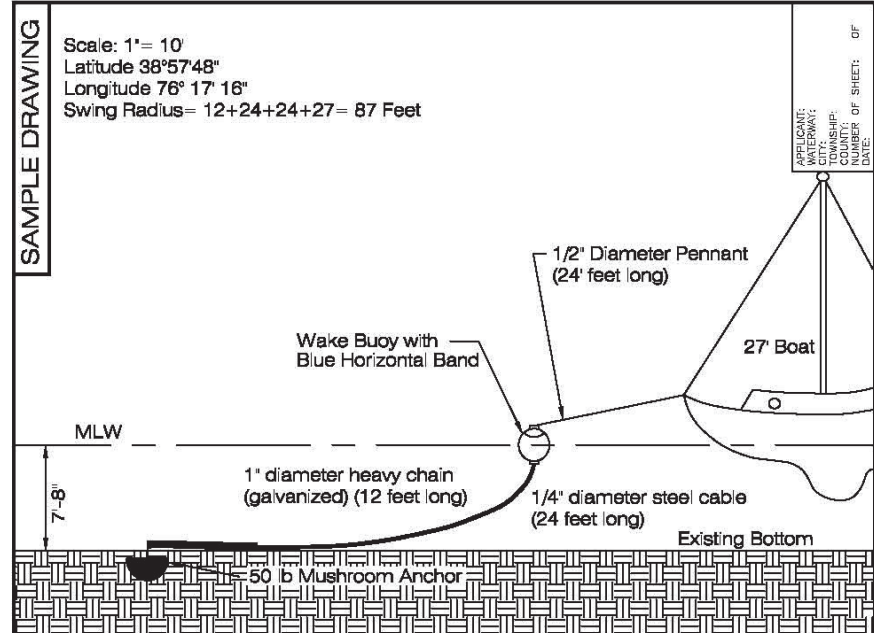
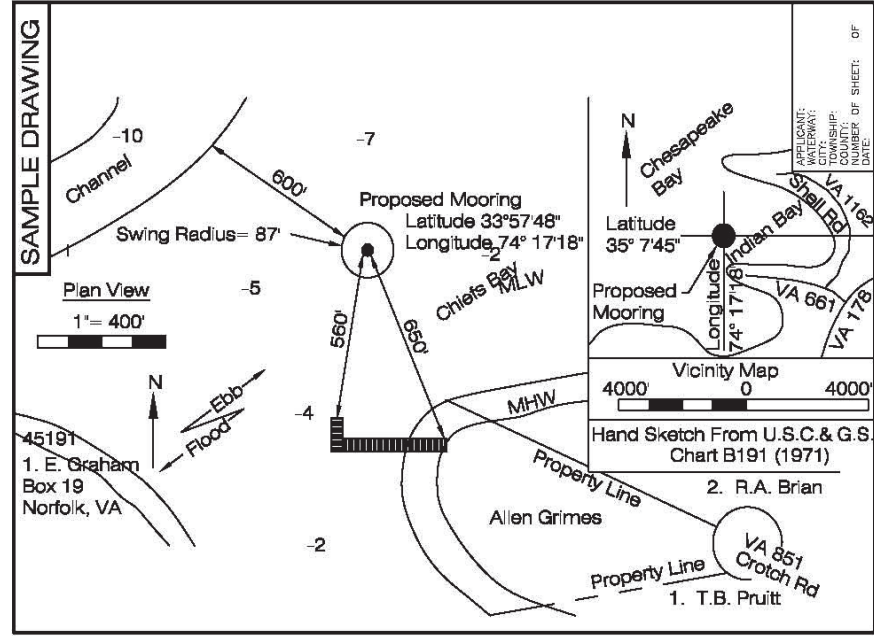
Private Piers & Marginal Wharves



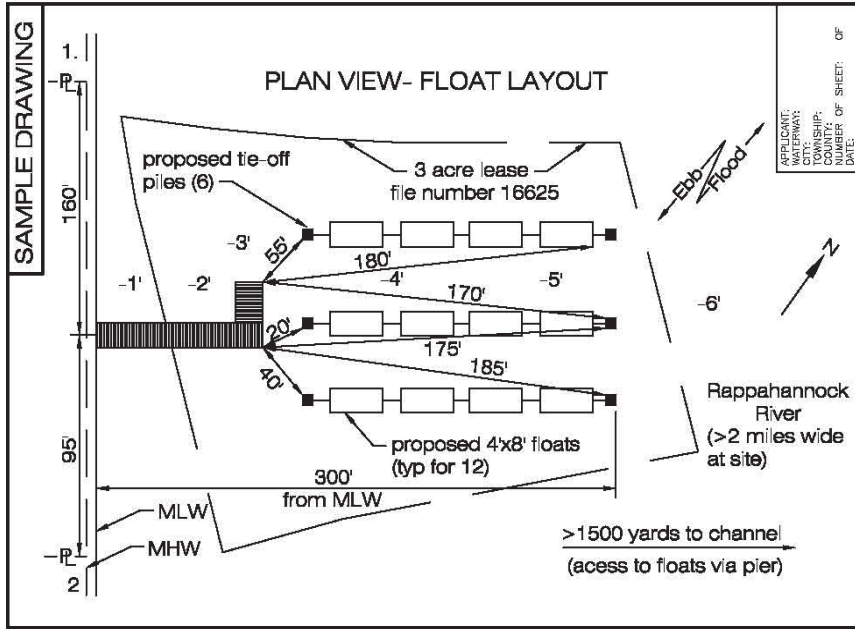
Boathouses



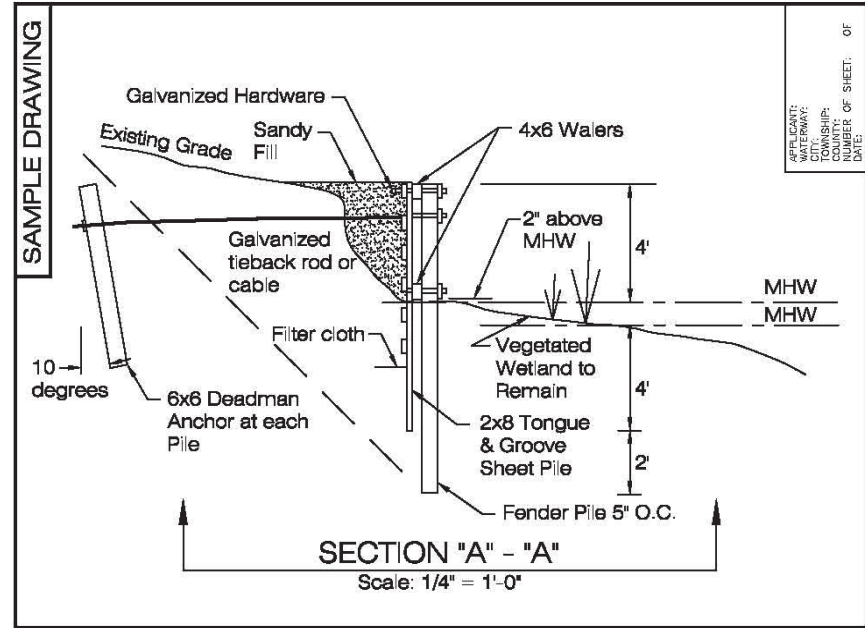
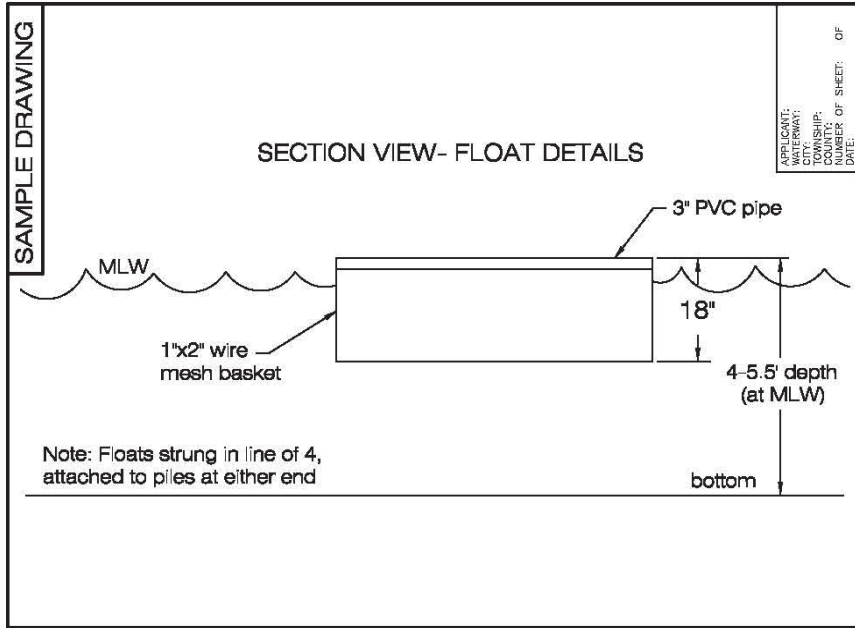
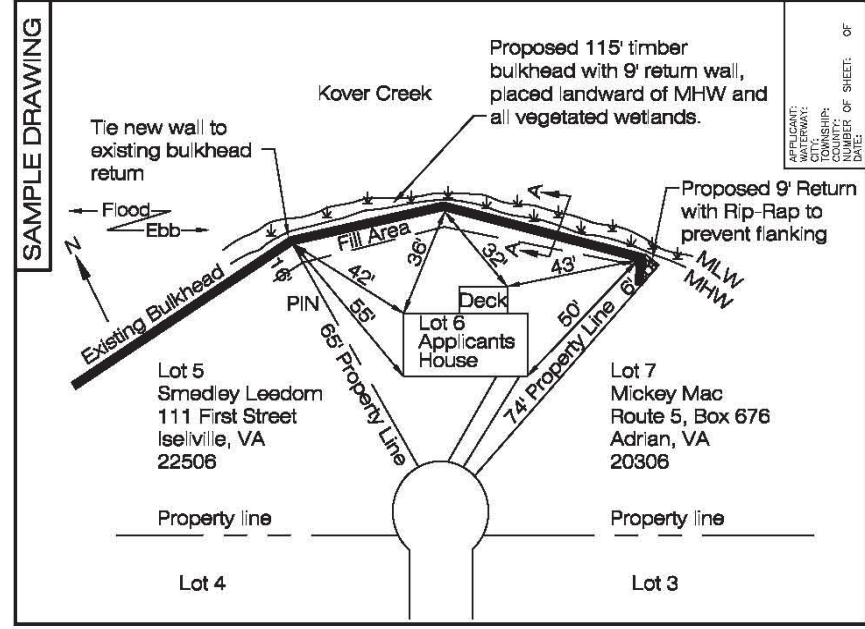
Boat Ramps



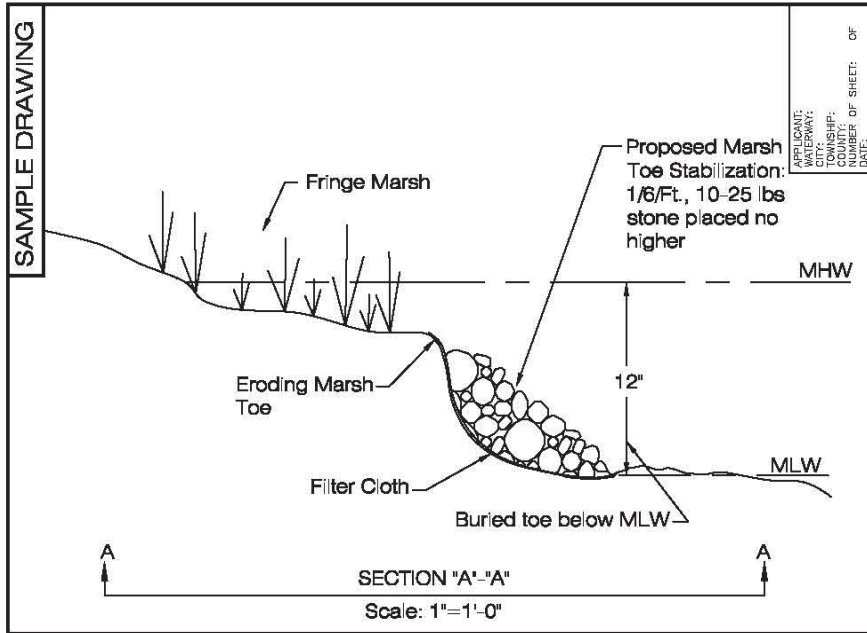
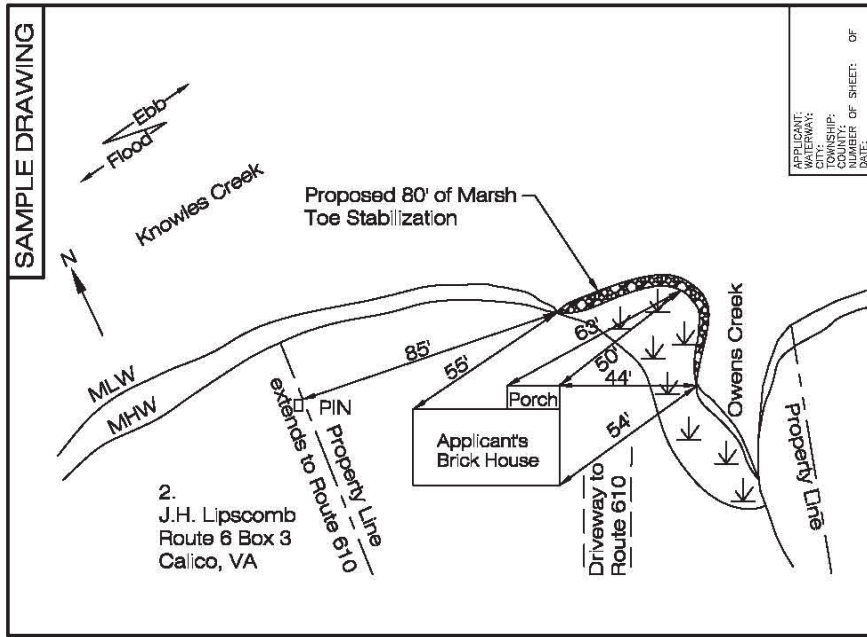
Dolphins or Moorings



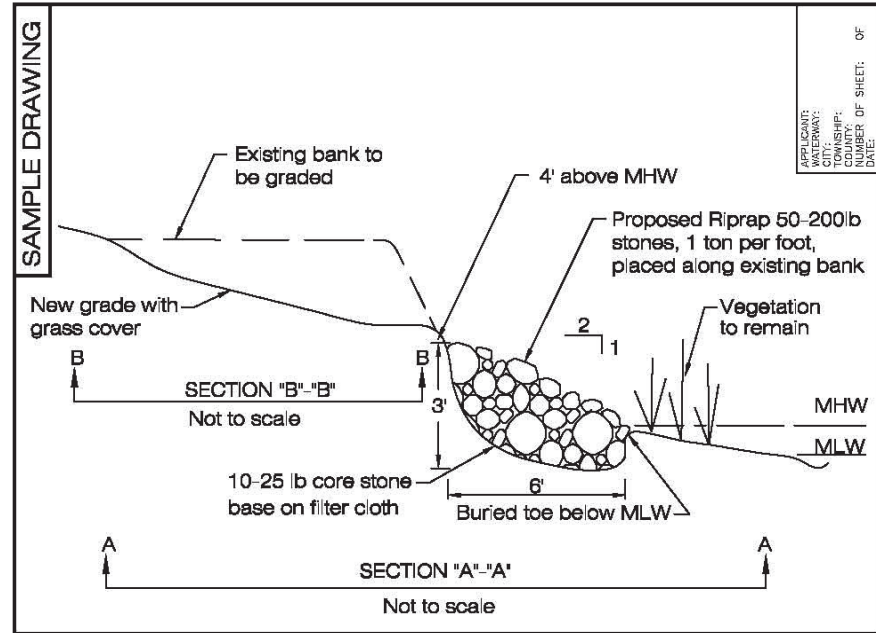
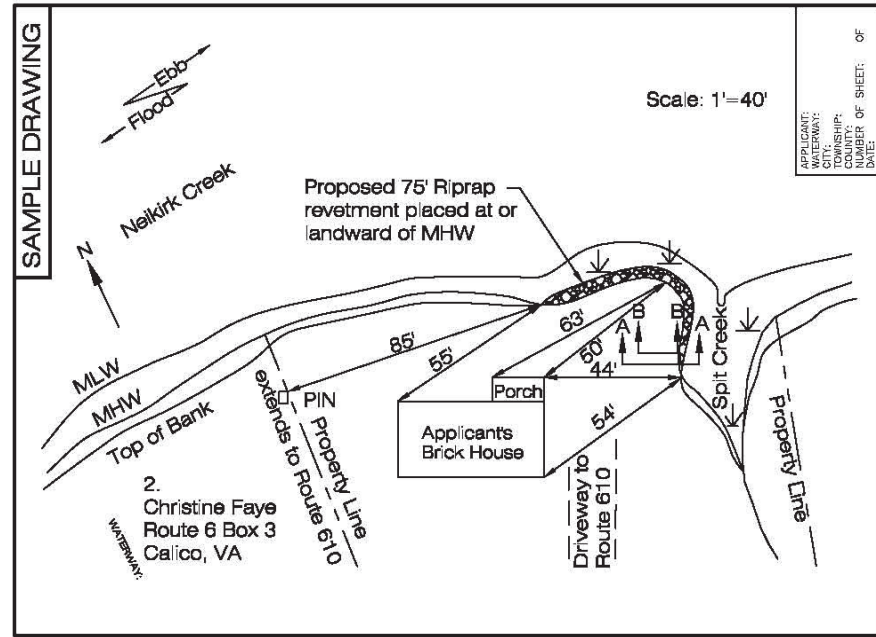
Private & Commercial Aquaculture Activities



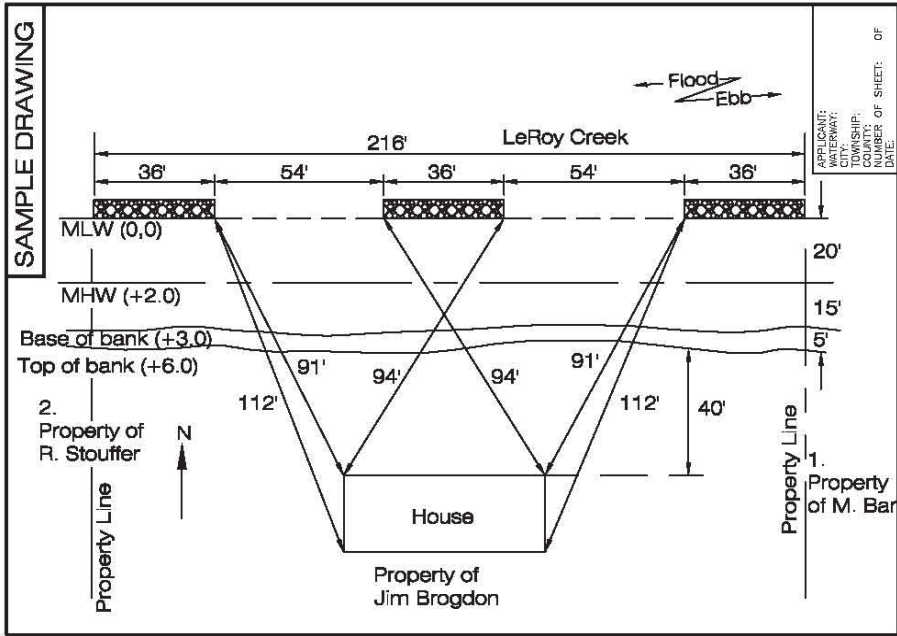
Bulkheads and Associated Backfill



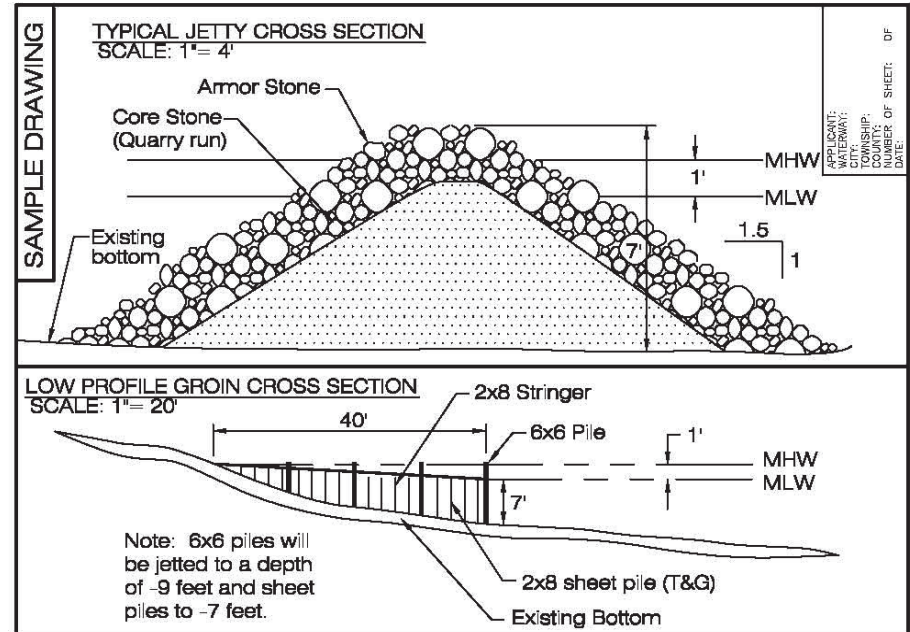
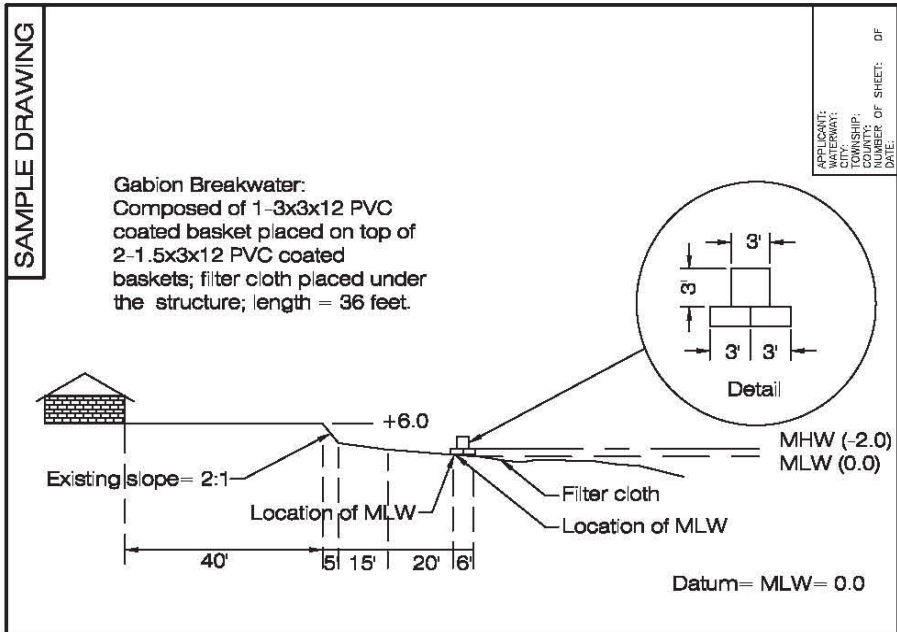
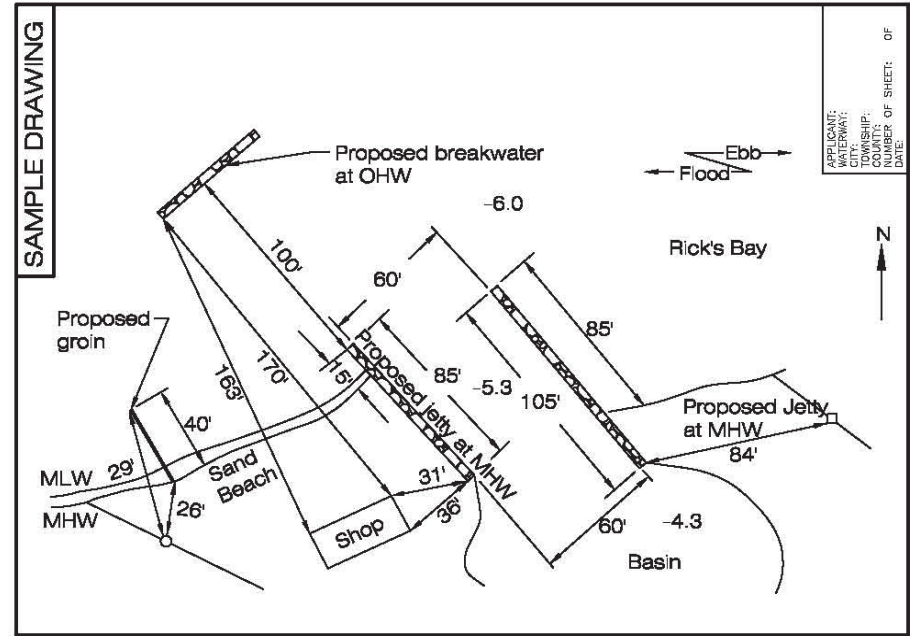
Marsh Toe Stabilization



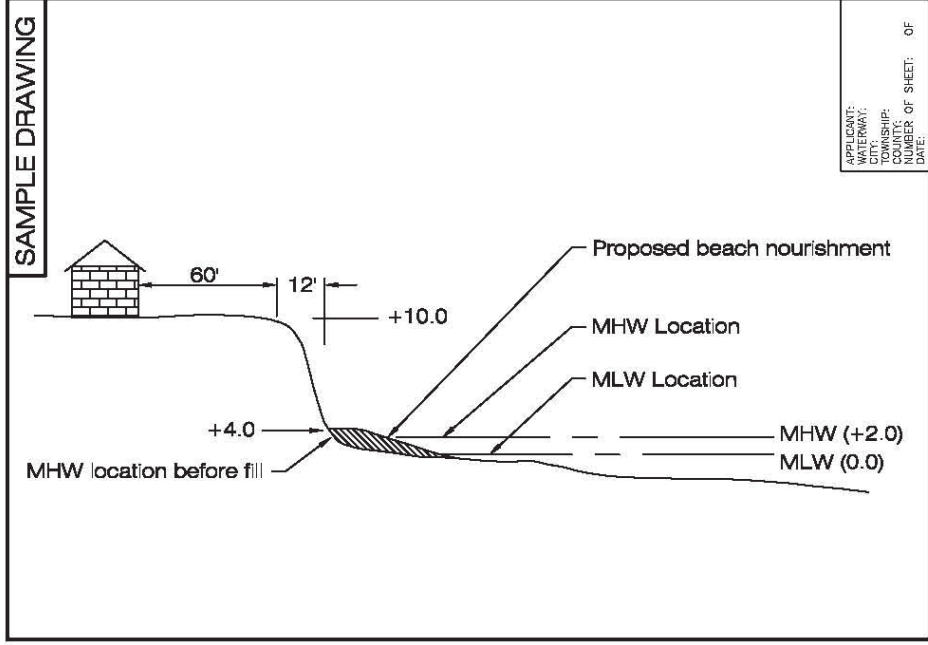
Riprap Revetment & Associated Backfill



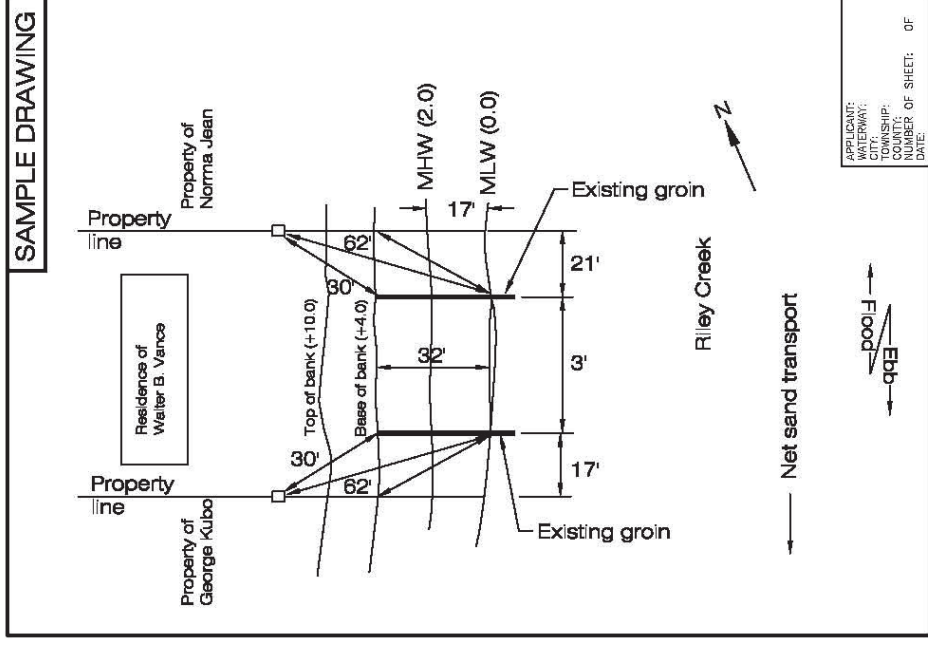
Breakwaters



Groins & Jetties



Beach Nourishment



Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

FABIEN BAKSH

SHASHI BAKSH

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

7/14/2020

Date

Same as Applicant

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

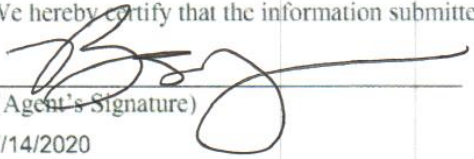
Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), FABIEN & SHASHI BAKS, hereby certify that I (we) have authorized Magee and Associates, LLC
(Applicant's legal name(s)) (Agent's name(s))
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

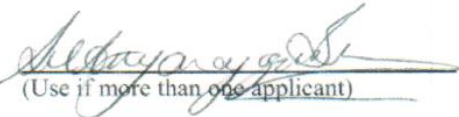
We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.


(Agent's Signature)
7/14/2020

(Use if more than one agent)

(Date)

(Applicant's Signature)
7/14/2020
(Date)


(Use if more than one applicant)

3. Applicant's having contractors (if applicable)

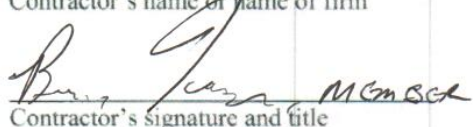
CONTRACTOR ACKNOWLEDGEMENT

I (we), FABIEN & SHASHI BAKSH, have contracted Kestral Marine Construction, LLC
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated 7/14/2020.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Kestral Marine Construction, LLC

Contractor's name or name of firm


Contractor's signature and title

12450 Fairview Rd. Painter, VA 23420

Contractor's or firms address

2705073168

Contractor's License Number

Applicant's signature

7/14/2020

Date

(use if more than one applicant)

- YES ☒ NO ☐ (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES ☒ NO ☐ (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES ☐ NO ☐ N/A ☒ (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES ☐ NO ☐ N/A ☒ (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES ☒ NO ☐ (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES ☒ NO ☐ (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES ☐ NO ☐ N/A ☒ (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES ☐ NO ☐ N/A ☒ (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission (VMRC)'s Habitat Management Division? Please refer to Appendix D of the Tidewater JPA for more details on VMRC's aquaculture requirements.
- YES ☒ NO ☐ (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES ☒ NO ☐ (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.



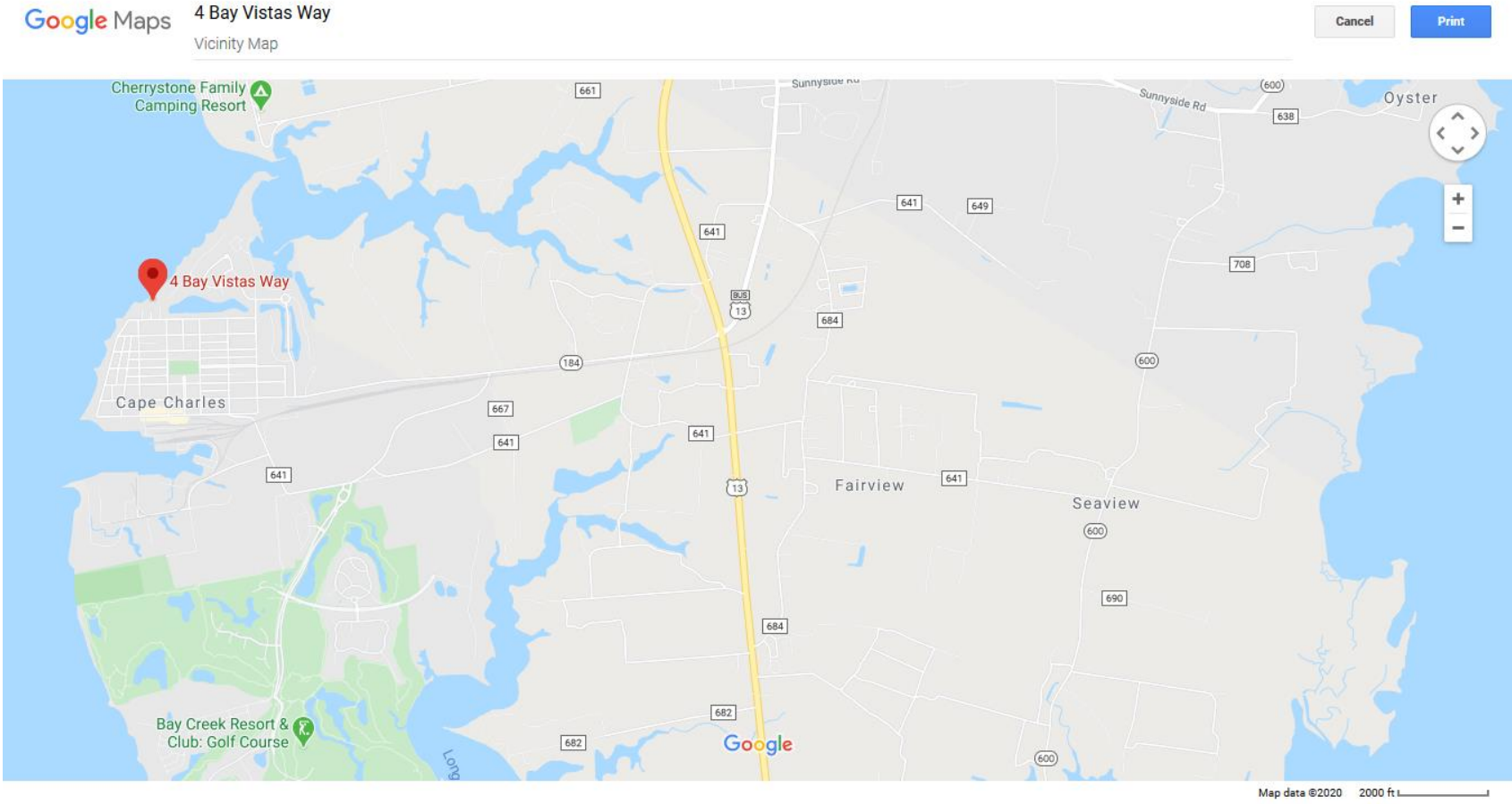
Signature of Property Owner(s) or Agent

Date 7/14/2020

Proposed work to be located at:
4 Bay Vistas Way

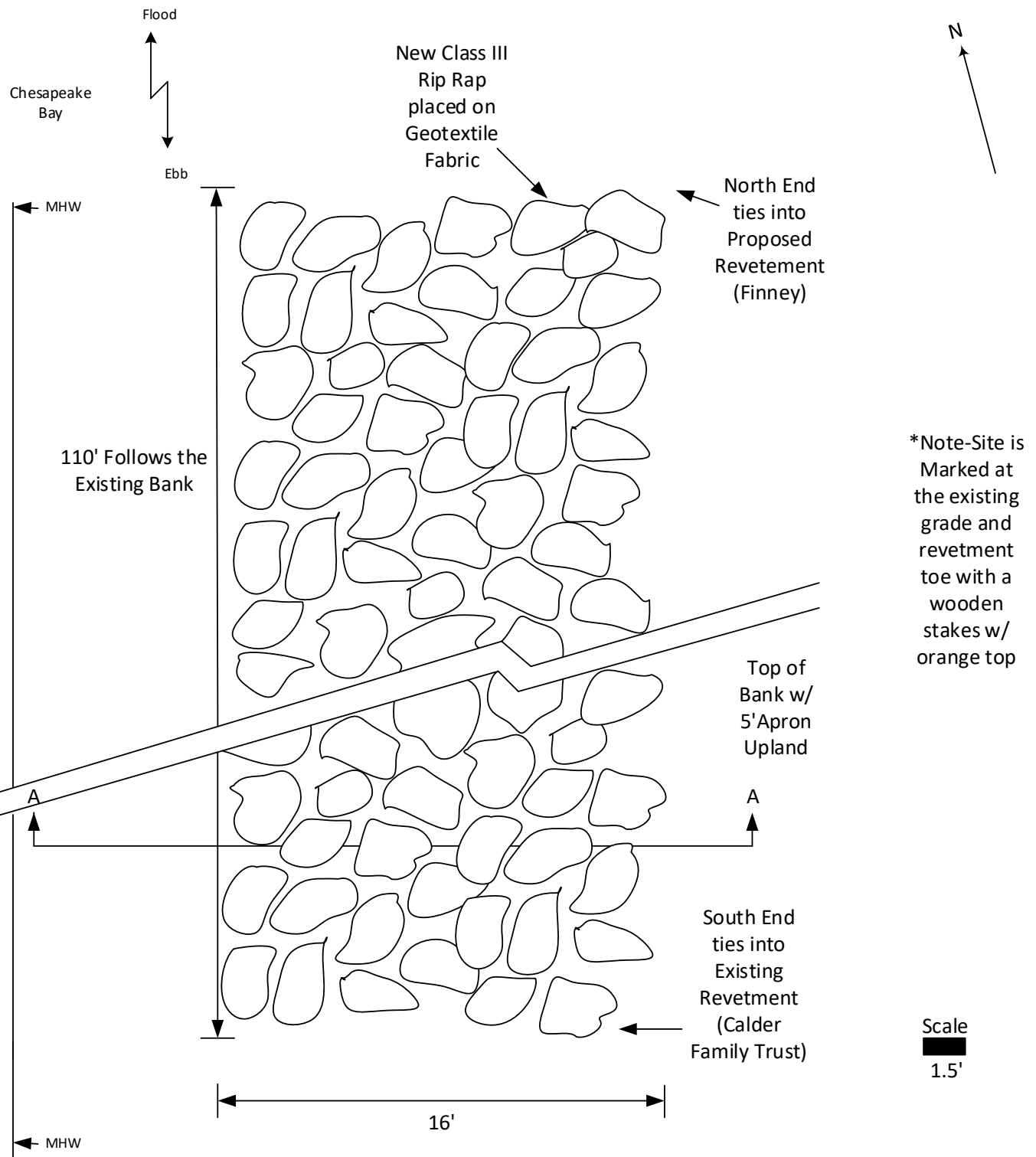
Cape Charles, VA 23310

Vicinity Map – 4 Bay Vistas Way Revetment – Cape Charles, VA



4 Bay Vistas Way Revetment Project Overview

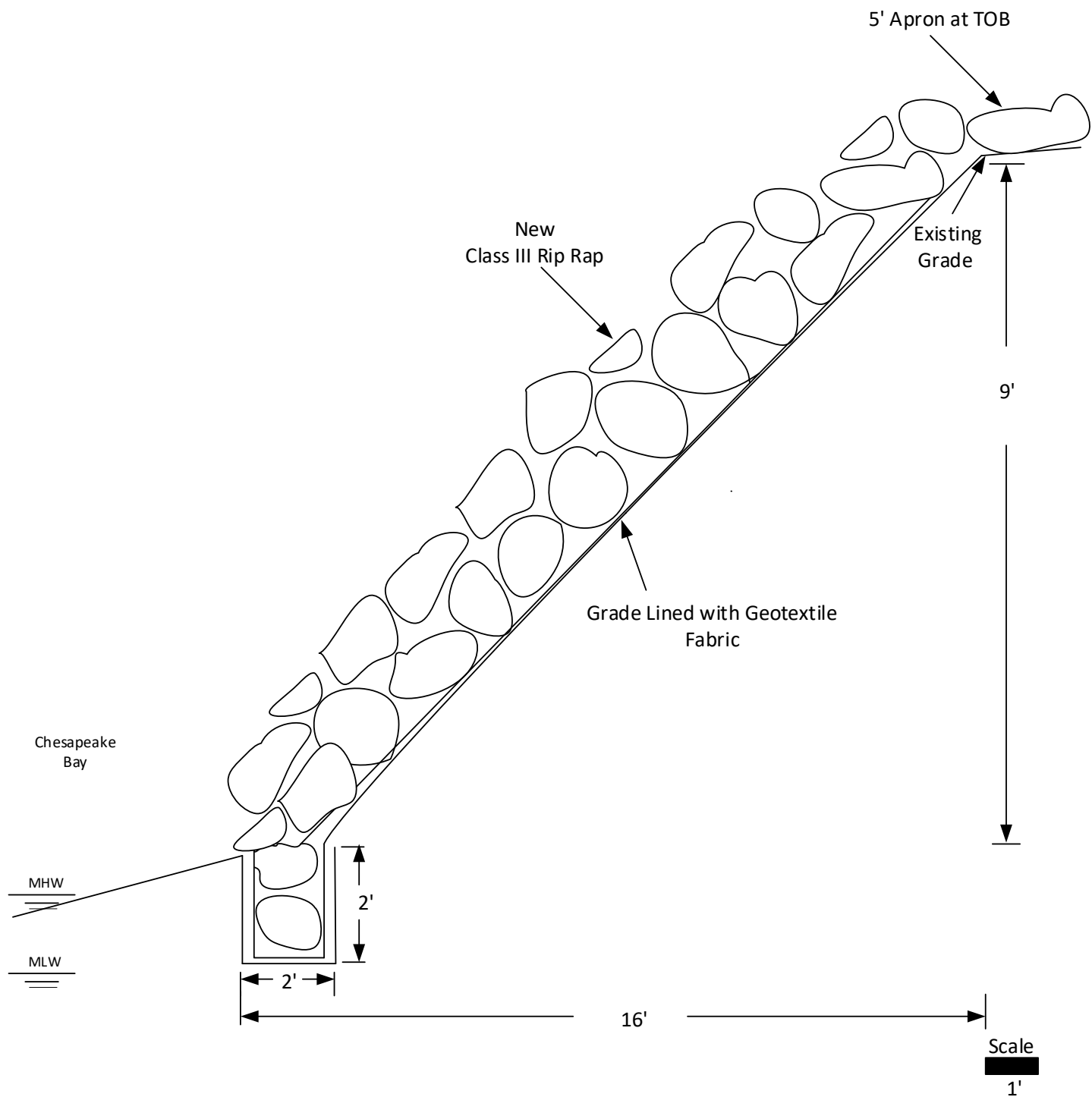




PLAN VIEW
Attachment
3 of 4

4 Bay Vistas Way Revetment

Applicant: Fabien & Shashi Baksh
Town: Cape Charles, VA
County: Northampton
Waterway: Chesapeake Bay
Date: 7/14/2020



SECTION A-A

Page 4 of 4

4 Bay Vistas Way Revetment

Applicant: Fabien & Shashi Baksh
 Town: Cape Charles, VA
 County: Northampton
 Waterway: Chesapeake Bay
 Date: 7/14/2020

Virginia Marine Resources Commission

Permit Application 20201281

Printed: Wednesday September 9, 2020 2:28 PM



Applicant: Fabien Baksh
1045 Steeplechase Drive
Lancaster, PA 17601

Application Number:	20201281	Engineer:	Allison Lay
Application Date:	July 20, 2020	Locality:	Cape Charles
Permit Type:	No VMRC Permit Nec.	Waterway:	Chesapeake Bay East
Permit Status:	Pending	Expiration Date:	
Wetlands Board Action:		Public Hearing Date:	

Project Description: Riprap/Access Stairs

Project Dimensions:

Riprap: 110 Linear Feet



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

September 1, 2020

Eastern Virginia Regulatory Branch
NAO-2020-01272 (Chesapeake Bay)

Fabien Baksh
C/O Brian Magee
11404 Sparrow Point Road
Machipongo, VA 23405

Dear Mr./Ms. Baksh,

Per the attached drawings "Proposed Riprap Revetment" sheets 1-4 dated July 14, 2020, you have indicated that your proposed project entails the construction of 110 LF of riprap revetment for erosion control. All work will be performed landward of MHW at 4 Bay Vistas Way on Chesapeake Bay in Cape Charles, Virginia.

The proposed activities as described in the attached drawings do not require Department of the Army (DA) authorization pursuant to Section 404 of the Clean Water Act (CWA) as your proposed activities do not involve a discharge of dredged or fill material into Waters of the United States, including wetlands. In addition, the Corps also confirms that the review area does not contain any waters subject to the permitting requirements of Section 10 of the Rivers and Harbors Act.

Please note that we are relying on the information and data provided by the applicant or agent in the permit application. If such information and data subsequently prove to be materially false or materially incomplete, this no permit required determination may be suspended or revoked and/or the Government may institute appropriate legal proceedings. Please obtain all required State and local approvals prior to commencing with the proposed work.

CENAO-WR-R
SUBJECT: NAO-2020-01272

We sincerely appreciate your efforts to comply with the Federal laws. If you have any questions and/or concerns about this permit authorization, please contact Autumn Vaughn via telephone at (757) 201-7841 or via email at Autumn.M.Vaughn@usace.army.mil.

Sincerely,

Autumn Vaughn
Biologist
Eastern Virginia Regulatory Section