

Wetlands and Coastal Dune Board
December 18, 2024
Cape Charles Civic Center– 500 Tazewell Avenue
Regular Meeting Agenda @ 4:00 p.m.

- 1. Call to Order; Roll Call**
- 2. Invocation and Pledge of Allegiance**
- 3. Consent Agenda**
 - A. Approval of Agenda Format**
- 4. New Business**
 - A. JPA Applications-** Review and affirm by right dock application and proposed road extension.
 - (1) John and Susan Robinson – To construct a 63'x5' dock, 12'x13' L head, 20'x8' floating dock, 3'x16' steel ramp, 7'x6' to platform for ramp, and 7'x6' bottom platform for ramp. Grider cross beams will be constructed of marine treated 3x8s, stringers and decking will be constructed of marine treated 2x8s.
 - (2) Coastal Precast Systems, LLC – To construct a 625-foot extension to connect Patrick Henry Road to the southern end of the concrete plant.
- 5. Other Matters**
- 6. Next Meeting:** January 15th, 2025 @ 5:30p.m.
- 7. Adjourn**

JPA Permit 20242714

113 Creekside Lane

Virginia Marine Resources Commission

Permit Application 20242714

Printed: Wednesday November 20, 2024 7:35 AM



Applicant: John Robinson
113 Creekside Lane
Cape Charles, VA 23310

Application Number:	20242714	Engineer:	Claire Gorman
Application Date:	November 19, 2024	Locality:	Cape Charles
Permit Type:		Waterway:	
Permit Status:	Pending	Expiration Date:	
Wetlands Board Action:		Public Hearing Date:	

Project Description: Pier

From: mkelleylewis@aol.com
To: [Howell, Beth \(MRC\)](#); [MRC - jpa Permits](#)
Subject: Robinson Dock Application
Date: Tuesday, November 19, 2024 12:15:50 PM
Attachments: [Robinson Dock Application.pdf](#)

Hi Beth,

Please see attached our application for a dock in Bay Creek.

Thanks so much!

Kelley

- ❖ 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 # 24-2714

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.

Check all that apply				
Pre-Construction Notification (PCN) ☐		PASDO – PGP Self Verification ☒		
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)		(Replaces Regional Permit 17 (RP-17) checklist)		
County or City in which the project is located: Cape Charles, VA				
Waterway at project site: Old Plantation Creek				
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

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
John and Susan Robinson
113 Creekside Lane
Cape Charles, VA 23310
Home () _____
Work () _____
Fax () _____
Cell (804) 539-7318
e-mail robin21090@aol.com
State Corporation Commission Name and ID Number (if applicable) _____
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
SAME AS ABOVE
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): Contact Information:
Parks Planning and Consulting, LLC
Kelley Parks
PO Box 611
Cheriton, VA 23316
Home () _____
Work () _____
Fax () _____
Cell (757) 442-1385
e-mail mkelleylewis@aol.com
State Corporation Commission Name and ID Number (if applicable) _____

*** 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.

This project includes construction of a 63' x 5' dock, 12' x 13' L head, 20' x 8' floating dock, 3' x 16' steel ramp, 7' x 6' top platform for ramp, and 7' x 6' bottom platform for ramp. Grider cross beams will be constructed of marine treated 3x8s and stringers and decking will be constructed of marine treated 2x8s. 8" timber piles will be vibrated in 8' OC using a mini excavator. All hardware will be hot dipped galvanized 5/8" bolts and stainless steel screws for the decking. The construction site will be accessed mostly from water with minimal access from Creekside Ln. Clearing will not be required for this project.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ 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:

Wivell Marine Construction, LLC
5232 Beverly Ln
Cape Charles, VA 23310

Contact Information:

Home ()

Work ()

Fax ()

Cell (757) 678-6645

email matwivell@gmail.com

State Corporation Commission Name and ID Number (if applicable)

*** 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
PO Box 517
Onley, VA 23418

Telephone number

(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 113 Creekside Lane

Lot/Block/Parcel# 90-9-26

Subdivision Bay Creek

City / County Cape Charles

ZIP Code 23310

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

37.25395 / - 75.99354 (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.*

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-dock boat

Secondary-provide safer access to the water

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.*

No alternatives to consider
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.): \$ _____
Approximate cost of that portion of the project that is channelward of mean low water:
\$ _____
13. Completion date of the proposed work: ASAP _____ - _____
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.
- Robert and Cheryl Nelson 9601 Sloman PI Richmond, VA 23238
- Asir Korkmaz 21096 Greenbush Rd Greenbush, VA 23357-2521
- Richard and Helen Whittmore 7008 Ocean Front Ave Virginia Beach, VA 23451
- Mark Hartl 128 Kings Creek Cir Rehoboth Beach DE, 19971
- Far Point LLC 28321 Holland Rd New Church, VA 23415-3037

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.

John Robinson

Applicant's Legal Name (printed/typed)

Susan Robinson

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

11-18-24

Date

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), John & Susan Robinson, hereby certify that I (we) have authorized Parks Planning & Consulting, LLC Kelley Parks
(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.

Mary Kelley Parks
(Agent's Signature)

(Use if more than one agent)

11-18-24

(Date)

[Signature]
(Applicant's Signature)

[Signature]
(Use if more than one applicant)

11/18/24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), John & Susan Robinson, have contracted Wivell Marine Construction, LLC Mat Wivell
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated 11-18-24.

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.

Mat Wivell

Contractor's name or name of firm

5232 Beverly Lane Cape Charles, VA 23310

Contractor's or firms address

2705186626

Contractor's License Number

Contractor's signature and title

[Signature]
Applicant's signature

[Signature]
(use if more than one applicant)

11/18/24
Date



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT
23-SPGP-PASDO SELF-VERIFICATION FORM
CATEGORY A PIER STRUCTURES

Expires: August 21, 2028

Please review the 23-SPGP-PASDO before completing this form. This can only be used for proposed PRIVATE USE structures that comply with the terms and conditions of the 23-SPGP-PASDO located on the Corps website: <https://www.nao.usace.army.mil/Missions/Regulatory/RBregional/> .

1. Has the permittee reviewed the 23-SPGP-PASDO and verified that the proposed structures are in compliance with all the terms, conditions, and limitations of 23-SPGP-PASDO?
☒ YES ☐ NO
2. Are the proposed structures for private use only?
☒ YES ☐ NO
3. To avoid adverse effects to navigation, do the proposed structures 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
4. If the proposed structures cross wetland vegetation, are they 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
5. Do the proposed structures include no more than two (2) lifts and no more than two (2) boat slips?
☐ YES ☐ NO ☒ N/A
6. Is the open-sided roof structure designed to shelter a boat no more than 700 square feet and/or is the open-sided roof structure or gazebo structure designed to shelter a pier no more than 400 square feet?
☐ YES ☐ NO ☒ N/A
7. Are all piles associated with the proposed structure non-steel, no more than 12" in diameter, and will there be no more than 25 piles installed channelward of MHW?
☒ YES ☐ NO
8. When operationally feasible, is all work occurring behind cofferdams, turbidity curtains, or other methods used to control turbidity?
☒ YES ☐ NO
9. If the proposed structures are 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 are fewer 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 are fewer than 384 feet between the most channelward pile and MLW on the opposite shoreline? <https://services.dwr.virginia.gov/fwis/> .
☐ YES ☐ NO ☒ N/A
10. 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?
<https://mobjack.vims.edu/sav/savwabmap/>
☒ YES ☐ NO
11. Has the permittee ensured the construction of the proposed structures will not affect federally listed threatened or endangered species or designated critical habitat?
NOAA PRD: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region> ; and
US Fish and Wildlife Service: <https://ipac.ecosphere.fws.gov/>
☒ YES ☐ NO

12. Will the proposed structures be located outside of the following waterbodies: Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
☒ YES ☐ NO
13. Is your project located outside of the Section 408 Review Area boundaries for civil works projects (e.g. federal navigation channels, flood risk management projects, or aquatic ecosystem restoration projects) as depicted on the "Norfolk District Section 408 Review Layer" in the Norfolk District Section 408 Map? <https://www.nao.usace.army.mil/408Review/>
☒ YES ☐ NO
14. Is your project located outside of any federal property? Federal property can be located on the "NAO Real Estate Data – CWLDM Land Parcel Area" layer on the Norfolk District Section 408 Map? <https://www.nao.usace.army.mil/408Review/> .
☒ YES ☐ NO
15. Will the proposed structures be located outside of any Designated Trout Waters?
<https://services.dwr.virginia.gov/fwis/>
☒ YES ☐ NO
16. If the proposed structures include floatation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
☒ YES ☐ NO ☐ N/A
17. Does the permittee recognize this form does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals or any other structures will be approved by the Corps?
☒ YES ☐ NO

If you have answered "NO" to any of the questions above, then the Category A Self-Verification of the 23-SPGP-PASDO does NOT apply, and you are required to obtain written authorization from the Corps prior to performing the work.

If you answered "YES" (or "N/A, where applicable) to all of the questions above, you are in compliance with the Category A Self-Verification of the 23-SPGP-PASDO. Please sign below and submit this self-verification form with your completed Joint Permit Application (JPA). This signed form 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.

By signing below, I certify that I have read and understand all conditions of the Army Corps of Engineers Norfolk District Regulatory Branch 23-SPGP-PASDO, dated August 22, 2023. I accept all of the terms and conditions of the permit, including the limits of federal liability contained in the 23-SPGP-PASDO enclosure. I acknowledge that structures authorized under this permit may be exposed to waves caused by passing vessels. The permittee is solely responsible for the integrity of the permitted structures and any resulting wave damage to such structures or moored vessels. I accept that the United States is not liable in any way for such damage and that the permittee will not seek to involve the United States in any actions or claims regarding such damage.

Mary Kelley Parks
Signature of Property Owner(s) or Agent

11-18-24

Date

Proposed work location:

113 Creekside Lane
Cape Charles, VA 23310

VMRC Number

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: (TWO PAGES) 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.

This project includes construction of a 63' x 5' dock, 12' x 13' L head, 20' x 8' floating dock, 3' x 16' steel ramp, 7' x 6' top platform for ramp, and 7' x 6' bottom platform for ramp. Grider cross beams will be constructed of marine treated 3x8s and stringers and decking will be constructed of marine treated 2x8s. 8" timber piles will be vibrated in 8' OC using a mini excavator. All hardware will be hot dipped galvanized 5/8" bolts and stainless steel screws for the decking. The construction site will be accessed mostly from water with minimal access from Creekside Ln. Clearing will not be required for this project.

2. For private, noncommercial piers:

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

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

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

What is the overall length of the proposed structure? ⁸³ ____ feet.

Channelward of Mean High Water? ⁶¹ ____ feet.

Channelward of Mean Low Water? ⁵³ ____ feet.

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

Tidal non-vegetated wetlands ²⁵ ____ square feet.

Tidal vegetated wetlands ⁵⁰ ____ square feet.

Submerged lands ⁶¹² ____ square feet.

What is the total size of any and all L- or T-head platforms? ¹⁵⁶ ____ 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:
- a. 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.).
 - b. 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.
 - c. 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 #
N/A				

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
- A) 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).
 - B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
 - C) Will the facility be equipped to off-load sewage from boats? _____.
 - D) How many wet slips are proposed? _____. How many are existing? _____.
 - E) 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.

Vicinity Map

Parks
Planning & Consulting, LLC
Robinson Project
Sheet 1 of 6



113 Creekside Lane Cape Charles, VA 23310

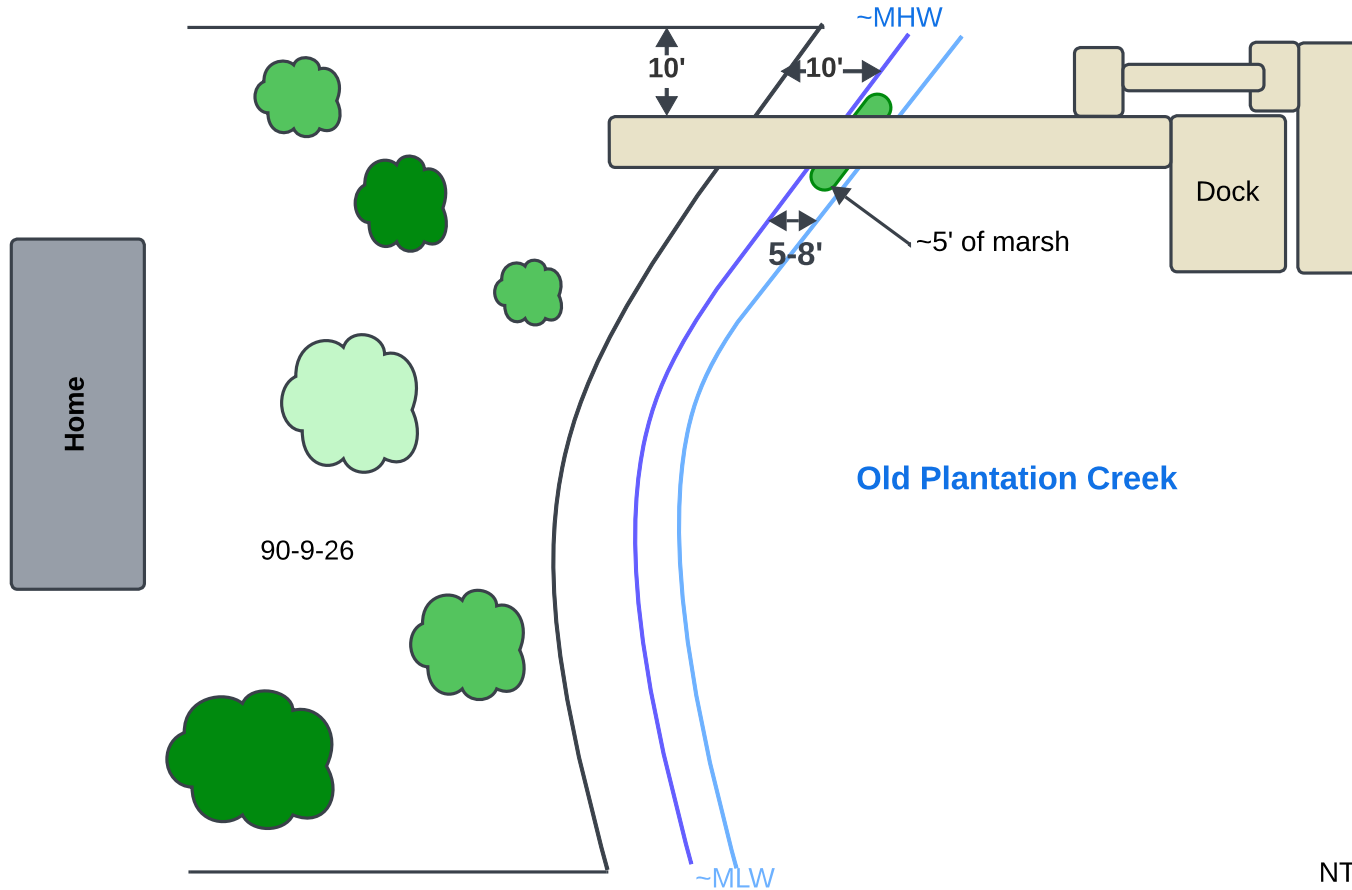
Directions

1. From Rt. 13, turn W onto Stone Rd.
2. From Stone Rd, turn L onto Cassatt Parkway
3. Continue S onto Bay Creek Parkway
4. Turn E onto Old Plantation Dr.
5. Turn S onto Creekside Ln. and the home is on the left



Site Plan

Parks
Planning & Consulting, LLC
Robinson Project
Sheet 2 of 6



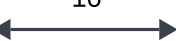
Dock Layout

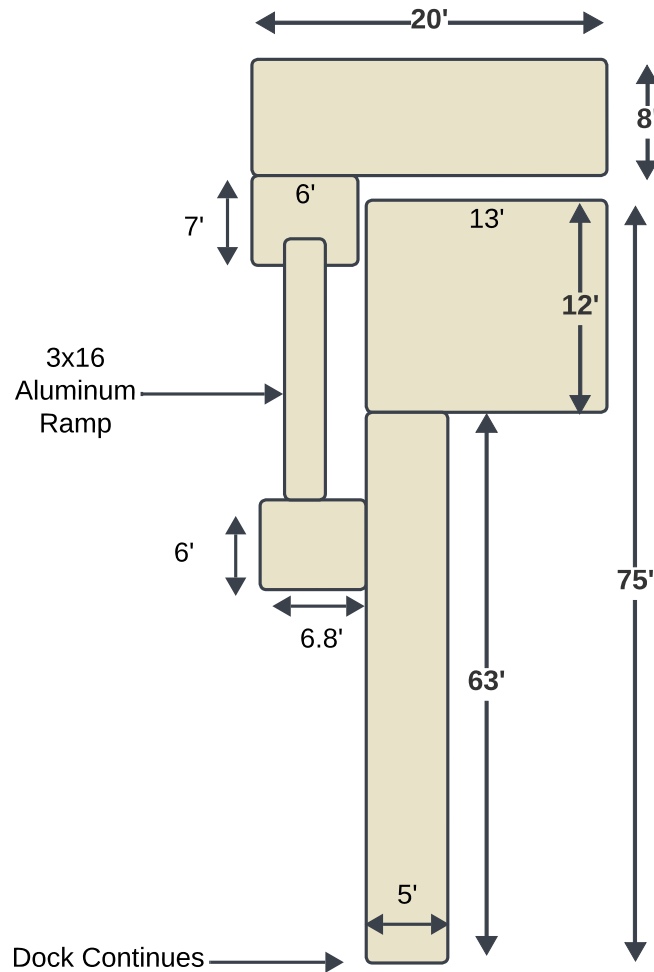
Parks
Planning & Consulting, LLC
Robinson Project
Sheet 3 of 6



Floating Dock	160 sq. ft.
Ramp	48 sq. ft.
Stationary Dock	471 sq. ft.
Base at Bottom of Ramp	42 sq. ft.
Base at Top of Ramp	41 sq. ft.
<u>Total</u>	<u>762 sq. ft.</u>

**Old Plantation
Creek**

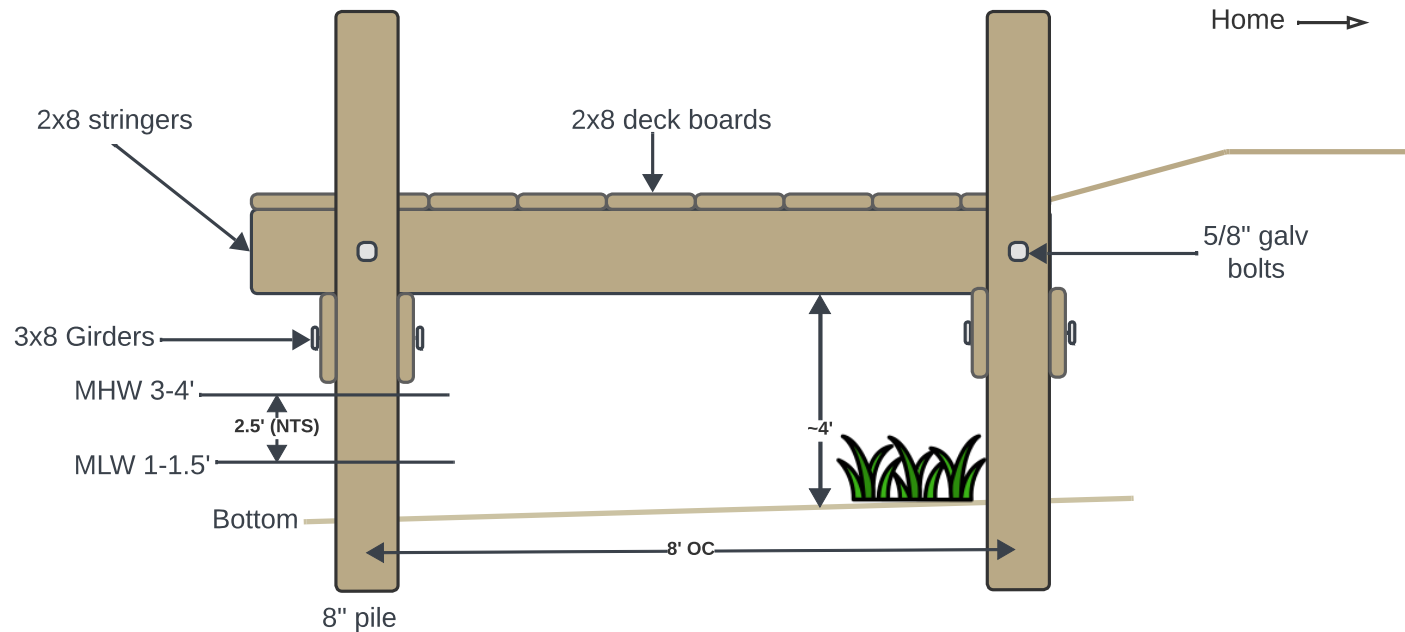
Scale  10'



Dock Cross Sections



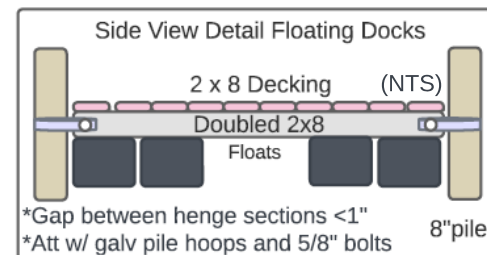
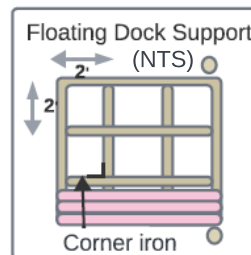
1. All timbers CCA marine treated
2. All hardware will be hot dipped galvanized. 5/8" bolts and stainless steel screws.



Old
Plantation
Creek

Floating Dock Detail

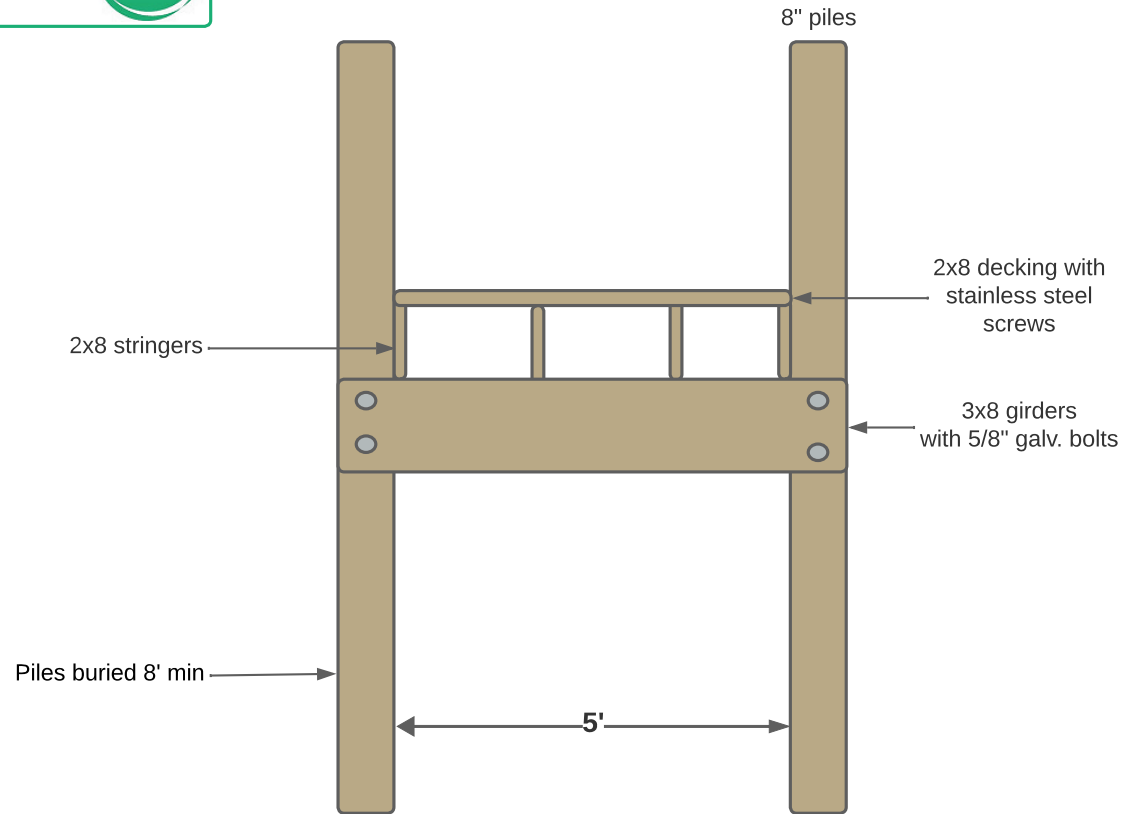
Scale
1'



Dock Cross Sections



1. All timbers CCA marine treated
2. Decking .15 CCA
3. Stringers/Girders 1.0 CCA
4. Piles 2.5 CCA
5. All hardware will be hot dipped galvanized



2'
Scale

Site Visit Pictures



Notes:

Dock will be 4 foot above wetlands substrate.
Clearing will not be needed as part of this project.
Bank height is approximately 4 feet. Dock will be mostly level with the existing grade of the bank.



JPA 20242570

Coastal Precast Systems, LLC

From: [Brian Owen](#)
To: [MRC - jpa Permits](#)
Cc: [Brandon Mowrey \(projectwisecontractor\)](#)
Subject: VWP request for Patrick Henry Road Extension
Date: Thursday, October 31, 2024 11:20:20 AM
Attachments: [Outline - wet comp](#)
[JPA - Patrick Henry Road Extension - 10-31-2024.pdf](#)

Greetings VMRC Staff,

Please see attached JPA for the extension of Patrick Henry Road in Cape Charles, VA. We are requesting VWP permits for minimal isolated wetland impacts needed for a bridge required for this extension.

Please advise if anything additional is needed from me to facilitate your review. And thanks for your help on this project.

Brian Owen, PWD, VSWD

Senior Environmental Scientist / Wetland Specialist

MSA

757.490.9264 (O) 757-207-9126 (direct)

brian.owen@msaonline.com | msaonline.com

5032 Rouse Drive, Suite 200 | Virginia Beach, VA 23462





October 31, 2024

Virginia Marine Resources Division
Claire Gorman
Habitat Management Division
2600 Washington Avenue, 3rd Floor
Newport News, VA 23607-8062

RE: Patrick Henry Road Extension; MSA Project #18013B

Dear Ms. Gorman,

On behalf of Coastal Precast Systems, LLC., MSA, P.C. is pleased to submit this VWP request for the proposed extension of Patrick Henry Road. The project site is located in Cape Charles, Northampton County, Virginia. The site is vacant wooded land with an impounded wetland feature that is isolated from other waters and is state jurisdiction. MSA previously delineated wetlands within this site, and the delineation has been approved by the DEQ (SSWD-000018).

Project Purpose and Need:

Coastal Precast Systems, LLC. (CPS) is a large industrial property that has several tenants thereon, including the precast operation and fabrication, shipping interests with a large storage yard. Two new buildings have been constructed in the last couple of years for precast and fabrication activities.

Currently Bayshore Lane is the only road access into this large industrial operation, which becomes a private roadway before it reaches the CPS property and has been maintained in good condition by CPS. For this large of an industrial yard, this poses several operational challenges especially truck access to the back (southern) portions of the yard for loading and unloading. Several different tenants are present utilizing the CPS yard, and a second entrance would be extremely helpful in support of the ongoing operations, and also for emergency access if needed.

Bayshore Road runs north to south and crosses Bayshore Lane approximately 1,400 feet east of the CPS property. At the southern end of Bayshore Road, Partrick Henry Avenue extends westward for a short distance. Patrick Henry Avenue is also a private street, bordered to the north by Fuji Wako Chemicals USA Corp and on the south side by land now owned by the Department of Conservation and Recreation. The current road stops +/- 625 feet short of the industrial yard. Between the end of the road and the CPS property is land owned by Cape Charles Properties, LLC under the same ownership and control as CPS. Department of Conservation and Recreation land continues to the south.

Patrick Henry Avenue is the easiest and essentially the only way to provide a second vehicle access to the CPS yard. Being at the southern end of the yard, it is also ideal for a second access, both logistically and physically.

One small wetland is present onsite, a 1.36 acre former tributary that is completely impounded by the industrial yard. Of the wetland acreage, 0.03 acres is PEM, 0.69 acres is PFO surrounding 0.59 acres of POW open water. To extend Patrick Henry Avenue, it must cross the southern end of this feature. To reduce physical impacts, CPS proposes to span the wetland with a 100-foot bridge supported on each side by an abutment, and in the center by a support pile. This will avoid having to fill in this feature, however it will require removal of all trees, and create permanent shading impact to the wetland. The support pile will permanently impact approximately 44 square feet, and the bridge will permanently cover 1,999 square feet or 0.05 acres of what is now PFO wetlands under shading such that it will be converted to either mud or shallow open water.

There are no known deed restrictions, conservation easements, restrictive covenants or other land-use protective instruments on the property. There are no Chesapeake Bay Resource Protection Areas present on or adjacent to the



project site.

Estimated time of project start: Once all permits have been obtained.

Avoidance and minimization of wetland impacts:

The delineated wetlands cross the entire span between Patrick Henry Avenue and the CPS yard. Keeping Patrick Henry Avenue as a straight line is ideal for a few reasons, including vehicle access and use, it is the cheapest cost of construction, it provides the best entrance location to the CPS yard, and minimizes wetland impact. Moving the road alignment farther north increases cost of construction and wetland impact. Moving the roadway farther south to avoid wetlands is impossible as that land is owned by the Virginia Department of Conservation and Recreation.

Based on the above considerations, if Patrick Henry Avenue is to be extended to the CPS yard, the project as proposed is the best alternative both environmentally and financially. We are requesting VWP permits for the minimal impacts needed for this project.

Construction Practices:

See page 5 of the attached plans for general practices.

Threatened and Endangered Species:

Regarding threatened and endangered species, MSA obtained a radius search of known occurrences within two miles of the project site (attached) from the Virginia Department of Game and Inland Fisheries, Virginia Fish and Wildlife Information Service (VFWIS). Based on the search, the federal and state endangered Kemps Ridley sea turtle (*Lepidochelys kempii*) and humpback whale (*Megaptera novaeangliae*), the federal and state threatened loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*) and northeastern beach tiger beetle (*Habroscelimorpha dorsalis dorsalis*) have been known to occur within 2 miles of the project site. The project will not directly or indirectly affect the marine environment and is more than 1,350 feet from the nearest beach, avoiding impacts to these species or the habitat thereof. The minimal wetland impact is to an isolated feature that similarly does not provide or contribute to habitat for these species. Three colonial waterbird survey sites are present, all more than one mile southeast of the project site along Old Plantation Creek. Bald eagle (*Haliaeetus leucocephalus*) nests are present also along the same waterway at and over one mile from the project site. Based on distance, no impacts are anticipated. Predicted habitat is present in the vicinity for the northeastern beach tiger beetle, discussed above. Although not mentioned in the report, the Northern long-eared bat (*Myotis septentrionalis*) has recently been listed as endangered, and other threatened or endangered bat species may be present in the vicinity. Trees of the site are smaller, surrounded by dense underbrush, and do not appear to provide ideal roosting areas for bats, based on visual observation of the trees for cavities and other suitable structures for roosting.

Historic Resources:

Regarding historic resources, MSA obtained a search from the Virginia Department of Historic Resources, Virginia Cultural Resource Information Service (VCRIS), maps attached. Based on the maps, two archaeological resources are present south of the project site, DHR # 44NH0020 where heavy shell scatter was present with English and local pipe stems, delft, Iberian storage jar, coarse ware, and wine bottle glass was present found during surface testing in 1992. DHR # 44NH0030 is located just east of the prior site, consisting of English pipe stems and bowl fragments, Rhenish, Nottingham, and coarse ware. Both sites are located +/- 470 feet south of the project in a densely wooded area now owned by the Commonwealth of Virginia. No known architectural resources are present in the vicinity. Based on distance to known historic resources, it is unlikely that this project will impact known resources or features.

Environmental Justice:

Regarding environmental justice, the project site is not in or near any known environmental justice areas. The project involves construction of a road to facilitate industrial activities in an undeveloped area, which is not expected to have negative impact to minority or poverty populations in the region.



Please see the enclosed JPA and site plans for more information.

We appreciate your review of this request. If I can answer any questions, please call me at 490-9264

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Owen", written in a cursive style.

Brian R. Owen, PWD, VSWD
Senior Environmental Scientist

Copy: Brandon Mowrey, Coastal Precast Systems, LLC.

FOR AGENCY USE ONLY	
	Notes:
JPA# 24-2570	

APPLICANTS

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 extra 8 ½ x 11 inch sheets of paper.***

<u>Check all that apply</u>			
☐ Pre-Construction Notification	☐ SPGP	☐ DEQ Reapplication	☐ Receiving federal funds
☐ (PCN) NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</i>	☐ PASDO-PGP SELF VERIFICATION <i>(Replaces Regional Permit 17 (RP-17))</i>	Existing permit number:	Agency providing funding:

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://ccm.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
DEQ	State Surface Water Determination	SSWD000018	01/26/2024	Approved

1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION						
The applicant(s) is/are the legal entity to which the permit may be issued (see How to Apply at beginning of form). The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is representing the applicant(s). If a company, please also provide the company name that is registered with the State Corporation Commission (SCC), or indicate no registration with the SCC.						
Legal Name(s) of Applicant(s) Coastal Precast Systems, LLC.			Agent (if applicable) MSA, P.C. (Brian Owen)			
Mailing address 1316 Yacht Drive			Mailing address 5032 Rouse Drive, Suite 200			
City Chesapeake	State VA	ZIP Code 23320	City Virginia Beach	State VA	ZIP Code 23462	
Phone number w/area code 757-545-5215 x106	Fax		Phone number w/area code 757-490-9264	Fax		
Mobile	E-mail BMowrey@cpsprecast.com		Mobile	E-mail brian.owen@msaonline.com		
State Corporation Commission Name and ID number (if applicable) S0999195			State Corporation Commission Name and ID number (if applicable) 0195533-5			
<i>Certain permits or permit authorizations may be provided via electronic mail. If the applicant wishes to receive their permit via electronic mail, please provide an e-mail address here:</i> _____						

1. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION (Continued)						
Property owner(s) legal name, if different from applicant Cape Charles Properties, LLC				Contractor, if known		
Mailing address 1316 Yacht Drive				Mailing address		
City Chesapeake		State VA	ZIP code 23320	City		State ZIP code
Phone number w/area code 757-545-5215 x106		Fax		Phone number w/area code		Fax
Mobile		E-mail BMowrey@cpsprecast.com		Mobile		E-mail
State Corporation Commission Name and ID number (if applicable) SB235535				State Corporation Commission Name ID number (if applicable)		

2. PROJECT LOCATION INFORMATION (Attach a copy of a detailed map, such as a USGS topographic map or street map showing the site location and project boundary, so that it may be located for inspection. Include an arrow indicating the north direction. Include the drainage area if the SPGP box is checked on Page 7.)	
Street Address (911 address if available) Patrick Henry Avenue	City/County/ZIP Code Cape Charles, Northampton County VA
Subdivision	Lot/Block/Parcel #
Name of water body(ies) within project boundaries and drainage area (acres or square miles). Chesapeake Bay	
Tributary(ies) to: <u>Atlantic Ocean</u> Basin: _____ Sub-basin: _____ (Example: Basin: <u>James River</u> Sub-basin: <u>Middle James River</u>)	
Special Standards (based on DEQ Water Quality Standards 9VAC25-260 et seq.): _____	
Project type (check one) ☐ Single user (private, non-commercial, residential) ☒ Multi-user (community, commercial, industrial, government) ☐ Surface water withdrawal	
Latitude and longitude at center of project site (decimal degrees): <u>37.259</u> / <u>-76.019</u> (Example: 37.33164/-77.68200)	
USGS topographic map name: <u>Cape Charles</u>	
8-digit USGS Hydrologic Unit Code (HUC) for your project site (See http://cfpub.epa.gov/surf/locate/index.cfm); 02080109 If known, indicate the 10-digit and 12-digit USGS HUCs (see http://consapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm) : _____	
Name of your project (Example: <i>Water Creek driveway crossing</i>) <u>Patrick Henry Avenue Extension</u>	
Is there an access road to the project? ☒ Yes ☐ No. If yes, check all that apply: ☐ public ☒ private ☒ improved ☐ unimproved	
Total size of the project area (in acres): <u>± 8.5</u>	

2. PROJECT LOCATION INFORMATION (Continued)

Provide driving directions to your site, giving distances from the best and nearest visible landmarks or major intersections:

Take US 13 north across the Chesapeake Bay Bridge Tunnel, turn left on SR 184 Stone Road, turn left on VA 642 Cassatt Parkway, keep left on Old Cape Charles Road (becomes Bayshore Lane), turn left on Bayshore Road, turn right on Patrick Henry Avenue, the site is at the end of the road.

Does your project site cross boundaries of two or more localities (i.e., cities/counties/towns)? ☐ Yes ☒ No

If so, name those localities:

3. DESCRIPTION OF THE PROJECT, PROJECT PRIMARY AND SECONDARY PURPOSES, PROJECT NEED, INTENDED USE(S), AND ALTERNATIVES CONSIDERED (Attach additional sheets if necessary)

- The purpose and need must include any new development or expansion of an existing land use and/or proposed future use of residual land.
- Describe the physical alteration of surface waters, including the use of pilings (#, materials), vibratory hammers, explosives, and hydraulic dredging, when applicable, and whether or not tree clearing will occur (include the area in square feet and time of year).
- Include a description of alternatives considered and measures taken to avoid or minimize impacts to surface waters, including wetlands, to the maximum extent practicable. Include factors such as, but not limited to, alternative construction technologies, alternative project layout and design, alternative locations, local land use regulations, and existing infrastructure
- For utility crossings, include both alternative routes and alternative construction methodologies considered
- For surface water withdrawals, public surface water supply withdrawals, or projects that will alter in stream flows, include the water supply issues that form the basis of the proposed project.

See Cover Letter.

Date of proposed commencement of work (MM/DD/YYYY)

TBD

Date of proposed completion of work (MM/DD/YYYY)

TBD

Are you submitting this application at the direction of any state, local, or federal agency? ____ Yes x No

Has any work commenced or has any portion of the project for which you are seeking a permit been completed?
____ Yes x No

If you answered "yes" to either question above, give details stating when the work was completed and/or when it commenced, who performed the work, and which agency (if any) directed you to submit this application. In addition, you will need to clearly differentiate between completed work and proposed work on your project drawings.

Are you aware of any unresolved violations of environmental law or litigation involving the property? ____ Yes X No
(If yes, please explain)

4. PROJECT COSTS

Approximate cost of the entire project, including materials and labor: \$ TBD

Approximate cost of only the portion of the project affecting state waters (channelward of mean low water in tidal areas and below ordinary high water mark in nontidal areas): \$ 0

5. PUBLIC NOTIFICATION (Attach additional sheets if necessary)

Complete information for all property owners adjacent to the project site and across the waterway, if the waterway is less than 500 feet in width. If your project is located within a cove, you will need to provide names and mailing addresses for all property owners within the cove. If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line. Per Army Regulation (AR 25-51) outgoing correspondence must be addressed to a person or business.

Failure to provide this information may result in a delay in the processing of your application by VMRC.

Property owner's name	Mailing address	City	State	ZIP code
Commonwealth of Virginia Department of Conservation and Recreation	600 E Main Street 24th Floor	Richmond	VA	23219
Fujifilm Wako Chemicals USA Corporation	1600 Bellwood Road	Richmond	VA	23237

Name of newspaper having general circulation in the area of the project: Eastern Shore Post

Address and phone number (including area code) of newspaper: PO Box 517, Onley, VA, 23418 757-789-7676

Have adjacent property owners been notified with forms in Appendix A? Yes ☒ No (attach copies of distributed forms)

6. THREATENED AND ENDANGERED SPECIES INFORMATION

Please provide any information concerning the potential for your project to impact state and/or federally threatened and endangered species (listed or proposed). Attach correspondence from agencies and/or reference materials that address potential impacts, such as database search results or confirmed waters and wetlands delineation/jurisdictional determination. Include information when applicable regarding the location of the project in Endangered Species Act-designated or -critical habitats. Contact information for the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Virginia Dept. of Game and Inland Fisheries, and the Virginia Dept. of Conservation and Recreation-Division of Natural Heritage can be found on page 4 of this package.

7. HISTORIC RESOURCES INFORMATION

Note: Historic properties include but are not limited to archeological sites, battlefields, Civil War earthworks, graveyards, buildings, bridges, canals, etc. Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the USACE from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the USACE, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

Are any historic properties located within or adjacent to the project site? Yes ☒ No Uncertain
If Yes, please provide a map showing the location of the historic property within or adjacent to the project site.

Are there any buildings or structures 50 years old or older located on the project site? Yes ☒ No Uncertain
If Yes, please provide a map showing the location of these buildings or structures on the project site.

Is your project located within a historic district? Yes ☒ No Uncertain

If Yes, please indicate which district: _____

7. HISTORIC RESOURCES INFORMATION (Continued)

Has a survey to locate archeological sites and/or historic structures been carried out on the property?

☐ Yes ☐ No ☒ Uncertain

If Yes, please provide the following information: Date of Survey: _____

Name of firm: _____

Is there a report on file with the Virginia Department of Historic Resources? ☐ Yes ☐ No ☐ Uncertain

Title of Cultural Resources Management (CRM) report: _____

Was any historic property located? ☐ Yes ☐ No ☐ Uncertain

8. WETLANDS, WATERS, AND DUNES/BEACHES IMPACT INFORMATION

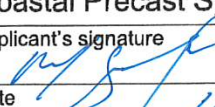
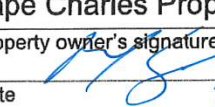
Report each impact site in a separate column. If needed, attach additional sheets using a similar table format. Please ensure that the associated project drawings clearly depict the location and footprint of each numbered impact site. For dredging, mining, and excavating projects, use Section 17.

	Impact site number 1	Impact site number 2	Impact site number 3	Impact site number 4	Impact site number 5
Impact description (use all that apply): F=fill EX=excavation S=Structure T=tidal NT=non-tidal TE=temporary PE=permanent PR=perennial IN=intermittent SB=subaqueous bottom DB=dune/beach IS=hydrologically isolated V=vegetated NV=non-vegetated MC=Mechanized Clearing of PFO (Example: F, NT, PE, V)	F,S,NT,PE,IS ,V				
Latitude / Longitude (in decimal degrees)	36.259 -76.019				
Wetland/waters impact area (square feet / acres)	1,999 / 0.05				
Dune/beach impact area (square feet)	N/A				
Stream dimensions at impact site (length and average width in linear feet, and area in square feet)	N/A				
Volume of fill below Mean High Water or Ordinary High Water (cubic yards)	N/A				

8. WETLANDS/WATERS IMPACT INFORMATION (Continued)					
Cowardin classification of impacted wetland/water or geomorphological classification of stream <i>Example wetland: PFO; Example stream: 'C' channel and if tidal, whether vegetated or non-vegetated wetlands per Section 28.2-1300 of the Code of Virginia</i>	PFO				
Average stream flow at site (flow rate under normal rainfall conditions in cubic feet per second) and method of deriving it (gage, estimate, etc.)	N/A				
Contributing drainage area in acres or square miles (VMRC cannot complete review without this information)	N/A				
DEQ classification of impacted resource(s): Estuarine Class II Non-tidal waters Class III Mountainous zone waters Class IV Stockable trout waters Class V Natural trout waters Class VI Wetlands Class VII https://law.lis.virginia.gov	N/A				
For DEQ permitting purposes, also submit as part of this section a wetland and waters boundary delineation map – see (3) in the Footnotes section in the form instructions.					
For DEQ permitting purposes, also submit as part of this section a written disclosure of all wetlands, open water, or streams that are located within the proposed project or compensation areas that are also under a deed restriction, conservation easement, restrictive covenant, or other land-use protective instrument.					

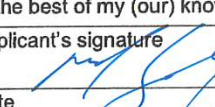
9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS
READ ALL OF THE FOLLOWING CAREFULLY BEFORE SIGNING
PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 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 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.

9. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS (Continued)Is/Are the Applicant(s) and Owner(s) the same? ☐ Yes ☒ No

Legal name & title of Applicant Coastal Precast Systems, LLC	Second applicant's legal name & title, if applicable
Applicant's signature 	Second applicant's signature
Date 10/30/24	Date
Property owner's legal name, if different from Applicant Cape Charles Properties, LLC	Second property owner's legal name, if applicable
Property owner's signature, if different from Applicant 	Second property owner's signature
Date 10/30/24	Date

CERTIFICATION OF AUTHORIZATION TO ALLOW AGENT(S) TO ACT ON APPLICANT'S(S) BEHALF (IF APPLICABLE)

I (we), **Coastal Precast Systems, LLC** (and) _____,
APPLICANT'S LEGAL NAME(S) – complete the second blank if more than one Applicant
hereby certify that I (we) have authorized **Brian Owen of MSA, P.C.** (and) _____
AGENT'S NAME(S) – complete the second blank if more than one Agent
to act on my (our) behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all standard and special conditions attached. I (we) hereby certify that the information submitted in this application is true and accurate to the best of my (our) knowledge.

Applicant's signature 	Second applicant's signature, if applicable
Date 10/30/24	Date
Agent's signature and title Mr. Owen Senior Env. Scientist	Second agent's signature and title, if applicable
Date 9/20/2024	Date

CONTRACTOR ACKNOWLEDGEMENT (IF APPLICABLE)

I (we), _____ (and) _____,
APPLICANT'S LEGAL NAME(S) – complete the second blank if more than one Applicant
have contracted _____ (and) _____
CONTRACTOR'S NAME(S) – complete the second blank if more than one Contractor
to perform the work described in this Joint Permit Application, signed and dated _____.
I (we) will read and abide by all conditions as set forth in all federal, state, and local permits as required for this project. I (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, I (we) agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If I (we) fail to provide the applicable permit upon request, I (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 of the terms and conditions.

Contractor's name or name of firm (printed/typed)	Contractor's or firm's mailing address	
Contractor's signature and title	Contractor's license number	Date
Applicant's signature	Second applicant's signature, if applicable	
Date	Date	



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 FAX (804) 698-4178
www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Craig R. Nicol
Regional Director

Virginia Water Protection Permit Program Property-Access Agreement

Cape Charles Properties, LLC who owns the property located at the end of Patrick Henry Avenue, **Parcel 90-8-1A1-3** ("Property") hereby authorizes the Department of Environmental Quality, its employees, agents, and contractors ("Authorized Parties") the right of entry to the Property to conduct inspections necessary to evaluate the application for and ensure compliance with **the VWP permit # TBD** ("VWP Permit").

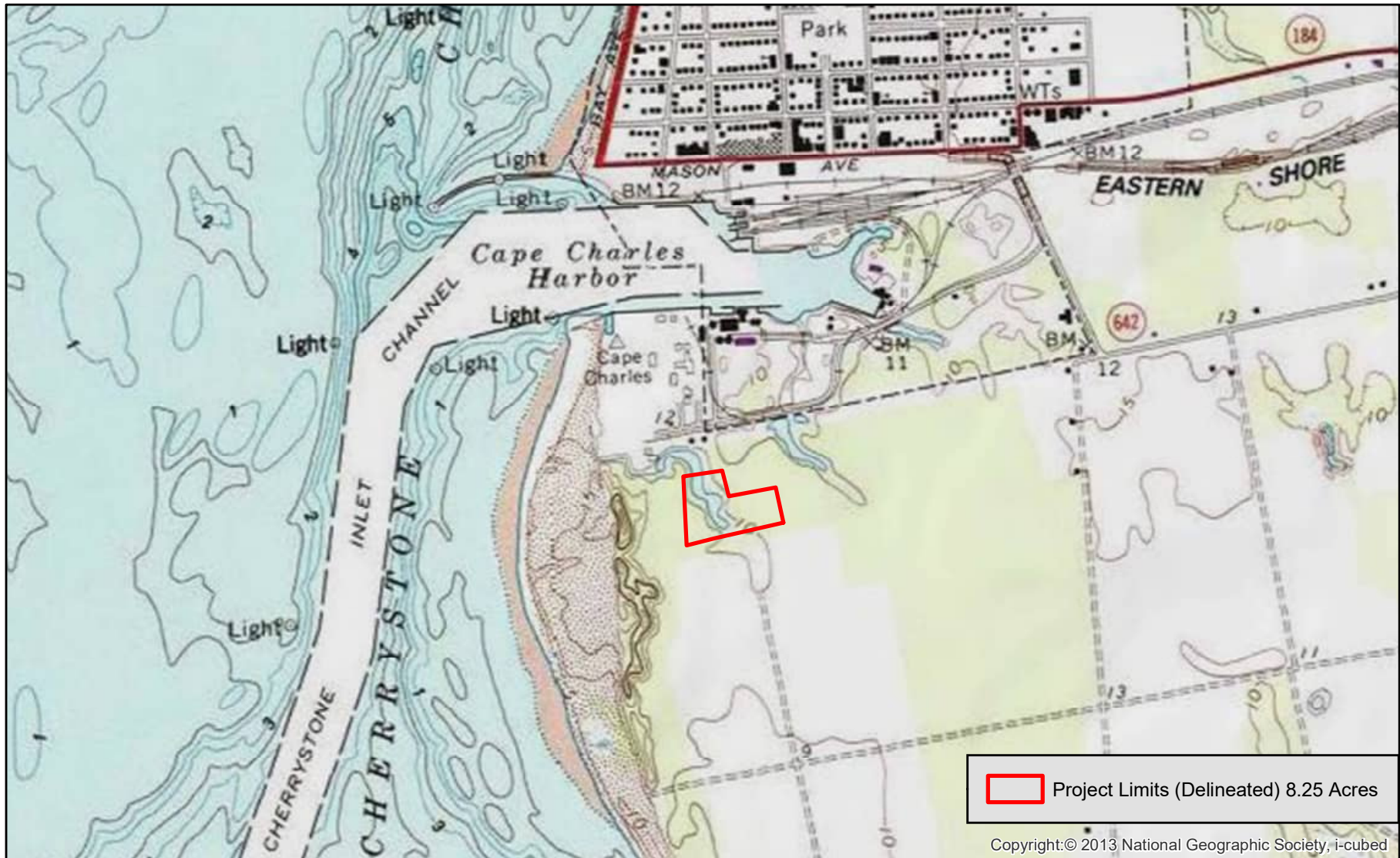
For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

Inspections may include but are not limited to the following activities:

1. Enter upon the property, and have access to, inspect and copy any records that required as part of the VWP permit;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the VWP permit or as otherwise required by law.

The Owner understands that access to the Property is a requirement pursuant to 9VAC25-210-90 and the VWP Permit. The DEQ may enforce the provisions of this agreement utilizing all applicable procedures and authorities under Va. Code §§ 62.1-44.15 and 10.1-1186.

<u>PAUL OGORELWAK</u>	<u>[Signature]</u>	<u>MONITOR</u>	<u>10/30/24</u>
Property Owner Name	Property Owner Signature	[Title]	Date
(Print)			



Project Limits (Delineated) 8.25 Acres

Copyright:© 2013 National Geographic Society, i-cubed

0 385 770 1,540 2,310 3,080 3,850
Feet

Cape Charles, VA Quadrangle. Exact date of recent aerial unknown



USGS VICINITY EXHIBIT

VWP PERMIT APPLICATION

PATRICK HENRY AVENUE EXTENSION

PATRICK HENRY AVENUE, CAPE CHARLES, NORTHAMPTON COUNTY, VIRGINIA



ENGINEERS | SCIENTISTS | SURVEYORS

5032 ROUSE DRIVE
SUITE 200
VIRGINIA BEACH
VIRGINIA 23462
757-490-9264
www.msaonline.com

MSA JOB #
18013B

DATE:
9/19/2024

MAPPED BY:
BRO

Received by VMRC October 31, 2024 /blh



- Project Limits (Delineated) 8.25 Acres
- POW Wetlands 0.59 Acres
- PEM Wetlands 0.03 Acres
- PFO Wetlands 0.74 Acres

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 100 200 400 600 800 1,000
Feet

Cape Charles, VA Quadrangle. Exact date of recent aerial unknown



AERIAL PHOTOGRAPH AND WETLAND DELINEATION EXHIBIT

VWP PERMIT APPLICATION PATRICK HENRY AVENUE EXTENSION

PATRICK HENRY AVENUE, CAPE CHARLES, NORTHAMPTON COUNTY, VIRGINIA



ENGINEERS | SCIENTISTS | SURVEYORS

5032 ROUSE DRIVE
SUITE 200
VIRGINIA BEACH
VIRGINIA 23462
757-490-9264
www.msaonline.com

MSA JOB #
18013B

DATE:
9/19/2024

MAPPED BY:
BRO

PATRICK HENRY AVENUE EXTENSION

PATRICK HENRY AVENUE

CAPE CHARLES, NORTHAMPTON COUNTY, VA.

<u>SHEET</u>	<u>TITLE</u>
1	COVER SHEET
2	SITE LAYOUT
3	PROPOSED BOAT LIFT
4	CROSS SECTION
5	ESC NARRATIVE
6	CONSTRUCTION NOTES

Note: This plan set shows limited details for wetland impact permitting as part of a JPA submission. Structural engineering of the bridge will be done separately.

COVER SHEET

DRAWN BY: BRO
JPA EDIT BY: BRO

0'
SCALE AS SHOWN

LEGEND

- (CE) CONSTRUCTION ENTRANCE
- (SF) SILT FENCE
- (LD) LIMIT OF DISTURBANCE
- (PB) PROJECT SITE BOUNDARY



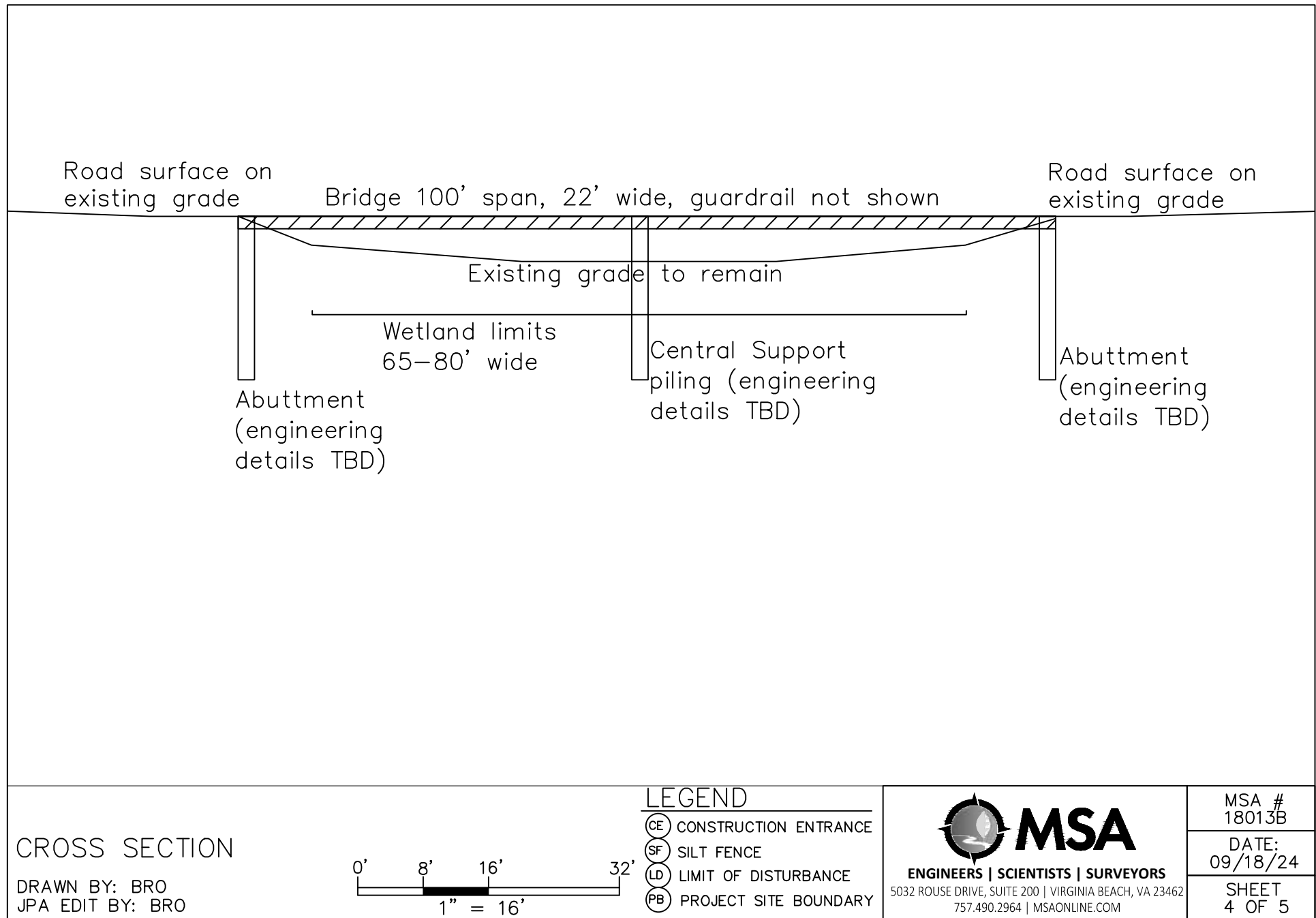
ENGINEERS | SCIENTISTS | SURVEYORS
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462
757.490.2964 | MSAONLINE.COM

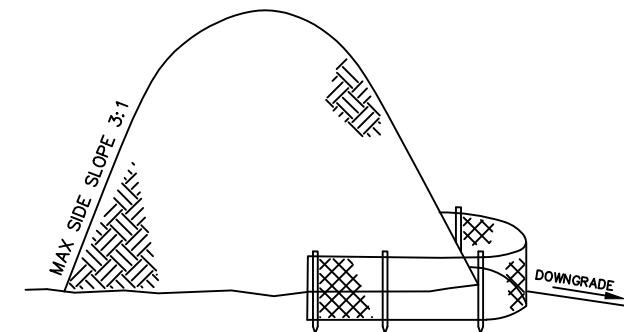
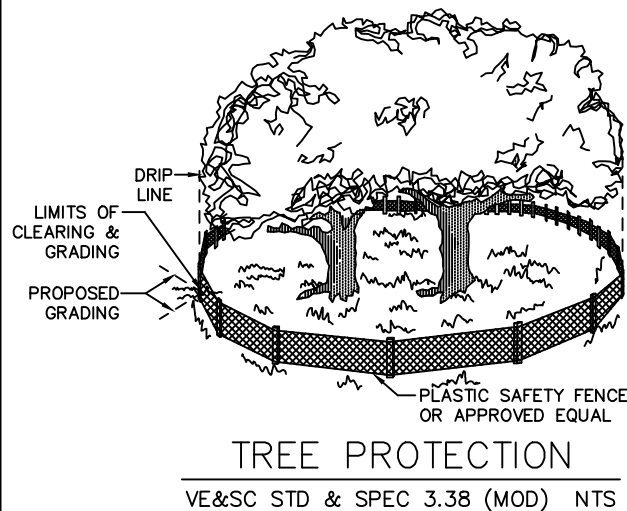
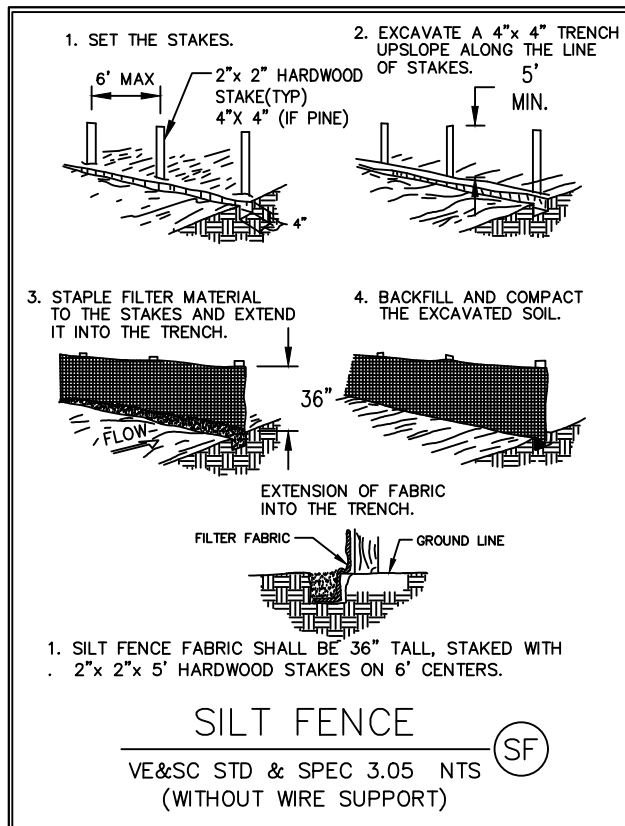
MSA #
18013B

DATE:
09/18/24

SHEET
1 OF 5







NOTES:

1. STOCKPILE LOCATION WILL BE OUTSIDE OF SLOPES, NATURAL DRAINAGEWAYS, AND TRAFFIC ROUTES.
2. USE BARRIERS SUCH AS SILT FENCES AROUND STOCKPILES TO RETAIN SEDIMENT.
3. PROTECT TOPSOIL STOCKPILES BY TEMPORARILY SEEDING AS SOON AS POSSIBLE.
4. IF STOCKPILES WILL NOT BE USED WITHIN 90 DAYS THEY MUST BE STABILIZED WITH PERMANENT VEGETATION TO CONTROL EROSION AND WEED GROWTH.

TYPICAL STOCKPILE

NTS

General Erosion and Sediment Control Measures:

All erosion and sediment control (ESC) measures shall be designed and installed in accordance with the latest edition of the erosion and sediment control handbook, and in accordance with the engineering plans approved by the municipality.

ESC measures shall be installed prior to any land disturbing activities.

A properly installed silt fence shall be maintained for the duration of the project.

All soil stockpile areas shall be surrounded by silt fences when not in active use.

At least once a month, and after significant rainfall events, all ESC measures shall be checked and maintained or repaired where needed.

Management Strategies:

The limits of construction and disturbance shall be marked and ESC measures installed as a first step in the construction process.

Construction shall be sequenced so that grading operations can be completed as quickly as possible.

All areas disturbed by construction activities shall be seeded with an approved stabilization seed mix as soon as final grade is achieved, or if a significant amount of time is to pass from disturbance until completion of project.

A soil stabilization mat or protective blanket may be used where needed to achieve stabilization.

Trees outside the project limits to be preserved may be surrounded by tree protection fences as needed, and those areas shall not be used for staging of equipment or materials.

All wetland areas that are to be avoided shall be outside the limits of disturbance and silt fence and not be used for staging of materials or parking of machinery.

Note: This plan set shows limited details for wetland impact permitting as part of a JPA submission. Structural engineering of the bridge will be done separately.

CONSTRUCTION NOTES

DRAWN BY: BRO
JPA EDIT BY: BRO



LEGEND

- (CE) CONSTRUCTION ENTRANCE
- (SF) SILT FENCE
- (LD) LIMIT OF DISTURBANCE
- (PB) PROJECT SITE BOUNDARY



ENGINEERS | SCIENTISTS | SURVEYORS
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462
757.490.2964 | MSAONLINE.COM

MSA #
18013B

DATE:
09/18/24

SHEET
5 OF 5



Legend

- Architecture Resources
- Architecture Labels
- Individual Historic District Properties
- Archaeological Resources
- Archaeology Labels
- DHR Easements
- County Boundaries



Feet

0 200 400 600 800
1:9,028 / 1"=752 Feet



Title: Patrick Henry Avenue Extension

Date: 9/19/2024

DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.

Notice if AE sites: Locations of archaeological sites may be sensitive to the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.

VaFWIS Initial Project Assessment Report

Compiled on 9/19/2024,
2:02:46 PM

[Help](#)

Known or likely to occur within a **2 mile radius around point 37.2587437 -76.0192392**
in **131 Northampton County, VA**

[View Map of
Site Location](#)

539 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 41) (41 species with Status* or Tier I** or Tier II**)

<u>BOVA Code</u>	<u>Status*</u>	<u>Tier**</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Confirmed</u>	<u>Database(s)</u>
030074	FESE	Ia	<u>Turtle, Kemp's ridley sea</u>	Lepidochelys kempii	<u>Yes</u>	BOVA,SppObs
050022	FEST	Ia	<u>Bat, northern long- eared</u>	Myotis septentrionalis		BOVA
010032	FESE	Ib	<u>Sturgeon, Atlantic</u>	Acipenser oxyrinchus		BOVA
120006	FESE	Ib	<u>Whale, humpback</u>	Megaptera novaeangliae	<u>Yes</u>	SppObs
030075	FESE	Ic	<u>Turtle, leatherback sea</u>	Dermochelys coriacea		BOVA
030073	FESE		<u>Turtle, Hawksbill Sea</u>	Eretmochelys imbricata		BOVA
040183	FESE		<u>Tern, roseate</u>	Sterna dougallii dougallii		BOVA
030071	FTST	Ia	<u>Turtle, loggerhead sea</u>	Caretta caretta	<u>Yes</u>	BOVA,SppObs
040144	FTST	Ia	<u>Knot, Rufa Red</u>	Calidris canutus rufa		BOVA
040110	FTSE	Ia	<u>Rail, eastern black</u>	Laterallus jamaicensis jamaicensis		BOVA
030072	FTST	Ib	<u>Turtle, green sea</u>	Chelonia mydas	<u>Yes</u>	BOVA,SppObs
040120	FTST	Ila	<u>Plover, piping</u>	Charadrius melodus		BOVA
100361	FTST	Ila	<u>Beetle, northeastern beach tiger</u>	Habroscelimorpha dorsalis dorsalis	<u>Yes</u>	BOVA,Habitat,SppObs
040118	SE	Ia	<u>Plover, Wilson's</u>	Charadrius wilsonia		BOVA
050020	SE	Ia	<u>Bat, little brown</u>	Myotis lucifugus		BOVA
050027	FPSE	Ia	<u>Bat, tri-colored</u>	Perimyotis subflavus		BOVA
040096	ST	Ia	<u>Falcon, peregrine</u>	Falco peregrinus		BOVA
040293	ST	Ia	<u>Shrike, loggerhead</u>	Lanius ludovicianus		BOVA
040385	ST	Ia	<u>Sparrow, Bachman's</u>	Peucaea aestivalis		BOVA
040179	ST	Ia	<u>Tern, gull-billed</u>	Gelochelidon nilotica		BOVA
040403	ST		<u>Falcon, Arctic peregrine</u>	Falco peregrinus tundrius		BOVA

040292	ST		<u>Shrike, migrant loggerhead</u>	Lanius ludovicianus migrans		BOVA
100079	FC	IIIa	<u>Butterfly, monarch</u>	Danaus plexippus		BOVA
030067	CC	IIa	<u>Terrapin, northern diamond-backed</u>	Malaclemys terrapin terrapin		BOVA,Habitat
030063	CC	IIIa	<u>Turtle, spotted</u>	Clemmys guttata		BOVA
040092		Ia	<u>Eagle, golden</u>	Aquila chrysaetos		BOVA
040040		Ia	<u>Ibis, glossy</u>	Plegadis falcinellus		BOVA
040306		Ia	<u>Warbler, golden-winged</u>	Vermivora chrysoptera		BOVA
040213		Ic	<u>Owl, northern saw-whet</u>	Aegolius acadicus		BOVA
040052		IIa	<u>Duck, American black</u>	Anas rubripes		BOVA
040033		IIa	<u>Egret, snowy</u>	Egretta thula		BOVA
040029		IIa	<u>Heron, little blue</u>	Egretta caerulea caerulea		BOVA
040036		IIa	<u>Night-heron, yellow-crowned</u>	Nyctanassa violacea violacea		BOVA
040114		IIa	<u>Oystercatcher, American</u>	Haematopus palliatus		BOVA,Habitat
040192		IIa	<u>Skimmer, black</u>	Rynchops niger		BOVA
040181		IIa	<u>Tern, common</u>	Sterna hirundo		BOVA
040320		IIa	<u>Warbler, cerulean</u>	Setophaga cerulea		BOVA
040140		IIa	<u>Woodcock, American</u>	Scolopax minor		BOVA
040203		IIb	<u>Cuckoo, black-billed</u>	Coccyzus erythrophthalmus		BOVA
040105		IIb	<u>Rail, king</u>	Rallus elegans		BOVA
050062		IIc	<u>Squirrel, Delmarva Peninsula fox</u>	Sciurus niger cinereus		BOVA

To view **All 539 species** [View 539](#)

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need
Virginia Wildlife Action Plan Conservation Opportunity Ranking:

a - On the ground management strategies/actions exist and can be feasibly implemented.; b -

On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.; c -

No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

[View Map of All Query Results from All Observation Tables](#)

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams

N/A

Colonial Water Bird Survey (3 records)

[View Map of All Query Results
Colonial Water Bird Survey](#)

Colony_Name	N Obs	Latest Date	N Species			View Map
			Different Species	Highest TE*	Highest Tier**	
Bay Islands, Elliotts Creek, Northampton	1	May 9 2013	1			Yes
Hunts Point	1	May 14 2003	1			Yes
Old Plantation Creek	2	May 14 2003	1			Yes

Displayed 3 Colonial Water Bird Survey

Threatened and Endangered Waters

N/A

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests (4 records)

[View Map of All Query Results
Bald Eagle Nests](#)

Nest	N Obs	Latest Date	DGIF Nest Status	View Map
NT0602	7	Apr 25 2008	Unknown	Yes
NT9304	1	Jan 1 1993	HISTORIC	Yes
NT9501	1	Jan 1 1900	HISTORIC	Yes
NT9801	5	May 14 1999	HISTORIC	Yes

Displayed 4 Bald Eagle Nests

Habitat Predicted for Aquatic WAP Tier I & II Species

Received by VMRC October 31, 2024 /blh

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species (4 Species)

[View Map of Combined Terrestrial Habitat Predicted for 4 WAP Tier I & II Species Listed Below](#)

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
100361	FTST	Ila	<u>Beetle, northeastern beach tiger</u>	Habroscelimorpha dorsalis dorsalis	<u>Yes</u>
030067	CC	Ila	<u>Terrapin, northern diamond-backed</u>	Malaclemys terrapin terrapin	<u>Yes</u>
040114		Ila	<u>Oystercatcher, American</u>	Haematopus palliatus	<u>Yes</u>
040186		IIla	<u>Tern, least</u>	Sternula antillarum	<u>Yes</u>

Public Holdings:

N/A

Compiled on 9/19/2024, 2:02:46 PM I2410783.0 report=IPA searchType= R dist= 3218 poi= 37.2587437 -76.0192392

PixelSize=64; Anadromous=0.02005; BECAR=0.020554; Bats=0.01585; Buffer=0.063634; County=0.059337; Impediments=0.017939; Init=0.093795; PublicLands=0.021464; SppObs=0.301564; TEWaters=0.020703; TierReaches=0.024694; TierTerrestrial=0.051643; Total=0.830538; Tracking BOVA=0.160425; Trout=0.018303

ACOE Comments

From: [Hollingsworth, Katherine T CIV \(USA\)](#)
To: [Brian Owen](#); [Phan, Kim \(DEQ\)](#); [Brandon Mowrey \(projectwisecontractor\)](#)
Cc: [Howell, Beth \(MRC\)](#)
Subject: RE: WP3-24-2570 Patrick Henry Road Extension
Date: Monday, November 18, 2024 10:19:44 AM
Attachments: [image001.png](#)
[image004.png](#)
[image002.png](#)

Brian – good morning. We have received the JPA. However, given that aquatic resources are present on-site, I am unable to make a determination of jurisdiction based on the information provided. The LIDAR below shows that the feature in question is significantly lower than what I believe you described to be the outfall (small stormwater BMP for Coastal Precast Concrete in the middle of their yard). Furthermore, there does appear to be evidence of downstream connectivity south of the on-site feature. I believe a site visit is warranted. In the meantime, please provide any on-site photos. My earliest availability to meet on-site would be the week of December 9th.

Thank you,

Taylor Hollingsworth
(757) 201-7044

From: Brian Owen <brian.owen@msaonline.com>
Sent: Friday, November 15, 2024 2:36 PM
To: Phan, Kim (DEQ) <kim.phan@deq.virginia.gov>; Brandon Mowrey (projectwisecontractor) <bkmowrey@cpsprecast.com>
Cc: Hollingsworth, Katherine T CIV (USA) <Katherine.T.Hollingsworth@usace.army.mil>; Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>
Subject: [Non-DoD Source] Re: WP3-24-2570 Patrick Henry Road Extension

Thanks Kim. Anything additional you need just advise me and I will assist.

Regarding the isolated condition of this wetland feature, it is fully cut off from development with no surface connection. There is a pipe in the northwest corner the invert of which is well above the normal water elevation. Site observations indicate that the wetland in question has to flood significantly to overflow which is likely pretty rare given the minimal watershed above it. This pipe connects into the small stormwater BMP for Coastal Precast Concrete in the middle of their yard that similarly rarely overflows. I had previously submitted a similar feature (SSWD000020) lacking connectivity with Dan Bacon just northeast of this one, and after a site visit we both agreed that was isolated. To save the Corps paperwork I withdrew that AJD request, and have not submitted this one. Taylor you are welcome to meet me onsite, but based on current regulation this feature same as the other should be considered isolated. FYI I will be submitting a JPA for partial impact to that feature in the near future.

Brian Owen, PWD, VSWD

Senior Environmental Scientist / Wetland Specialist

MSA

757.490.9264 (O) 757-207-9126 (direct)

brian.owen@msaonline.com | msaonline.com



From: Phan, Kim (DEQ) <Kim.Phan@deq.virginia.gov>
Sent: Friday, November 15, 2024 10:09 AM
To: Brandon Mowrey (projectwisecontractor) <bmowrey@cpsprecast.com>
Cc: Brian Owen <brian.owen@msaonline.com>; 'Hollingsworth, Katherine T CIV (USA)' <Katherine.T.Hollingsworth@usace.army.mil>; Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>
Subject: WP3-24-2570 Patrick Henry Road Extension

Good morning Mr. Mowrey,

On November 4, 2024, the Virginia Department of Environmental Quality (DEQ) received your application dated October 31, 2024, for the above-referenced project. DEQ is evaluating your application for coverage under the Virginia Water Protection (VWP) Permit Program General Permit WP3 in accordance with 9VAC25-680-10 *et seq.* The application is technically complete.

Please note that DEQ cannot make a determination as to whether or not a surface water feature is considered isolated for federal permitting purposes. If you would like to pursue an isolated wetland determination then it is recommended that you request an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE). Please note that if the USACE does not concur that the subject wetlands are isolated then a USACE permit may be required.

Thank you,

Kim Phan



WVP Permit Writer, Tidewater Regional Office

[Virginia Department of Environmental Quality](https://www.deq.virginia.gov)

5636 Southern Boulevard
Virginia Beach, VA 23462
757-705-9250

Coastal Precast Systems, LLC Response to ACOE Comments

From: [Brian Owen](#)
To: [Hollingsworth, Katherine T CIV \(USA\)](#); [Phan, Kim \(DEQ\)](#); [Brandon Mowrey \(projectwisecontractor\)](#)
Cc: [Howell, Beth \(MRC\)](#)
Subject: Re: WP3-24-2570 Patrick Henry Road Extension
Date: Monday, November 18, 2024 10:56:26 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[Outlet Comp](#)
[Coastal Precast Concrete Exhibit.pdf](#)

Taylor, this additional information may help. Everything here flows north and/or west, nothing flows south. Please see attached lidar and below descriptions of overall area drainage and connectivity.

The outlet of the "project site" wetland is at the northwest corner, via a culvert pipe that is high creating a permanent impoundment. The Coastal Precast BMP is labeled, located west of the project site and if enough water can get into the project site wetland, this received the overflow. The ditch south of the project site wetland flows northward into the wetland, not out, with minimal water contribution at best given the condition of that ditch. The "Industrial Yard BMP" has an overflow into the "isolated wetland" north of it via a culvert, but that overflow almost never gets any water. The feature north of the BMP is isolated as per my meeting with Dan. Areas north of that where this historically flowed have been significantly earthworked, now contains a pond and vacant non-jurisdictional land.

Hope this helps. Let me know if you have any further questions.

Brian Owen, PWD, VSWD

Senior Environmental Scientist / Wetland Specialist

MSA

757.490.9264 (O) 757-207-9126 (direct)

brian.owen@msaonline.com | msaonline.com

5032 Rouse Drive, Suite 200 | Virginia Beach, VA 23462



From: Hollingsworth, Katherine T CIV (USA) <Katherine.T.Hollingsworth@usace.army.mil>

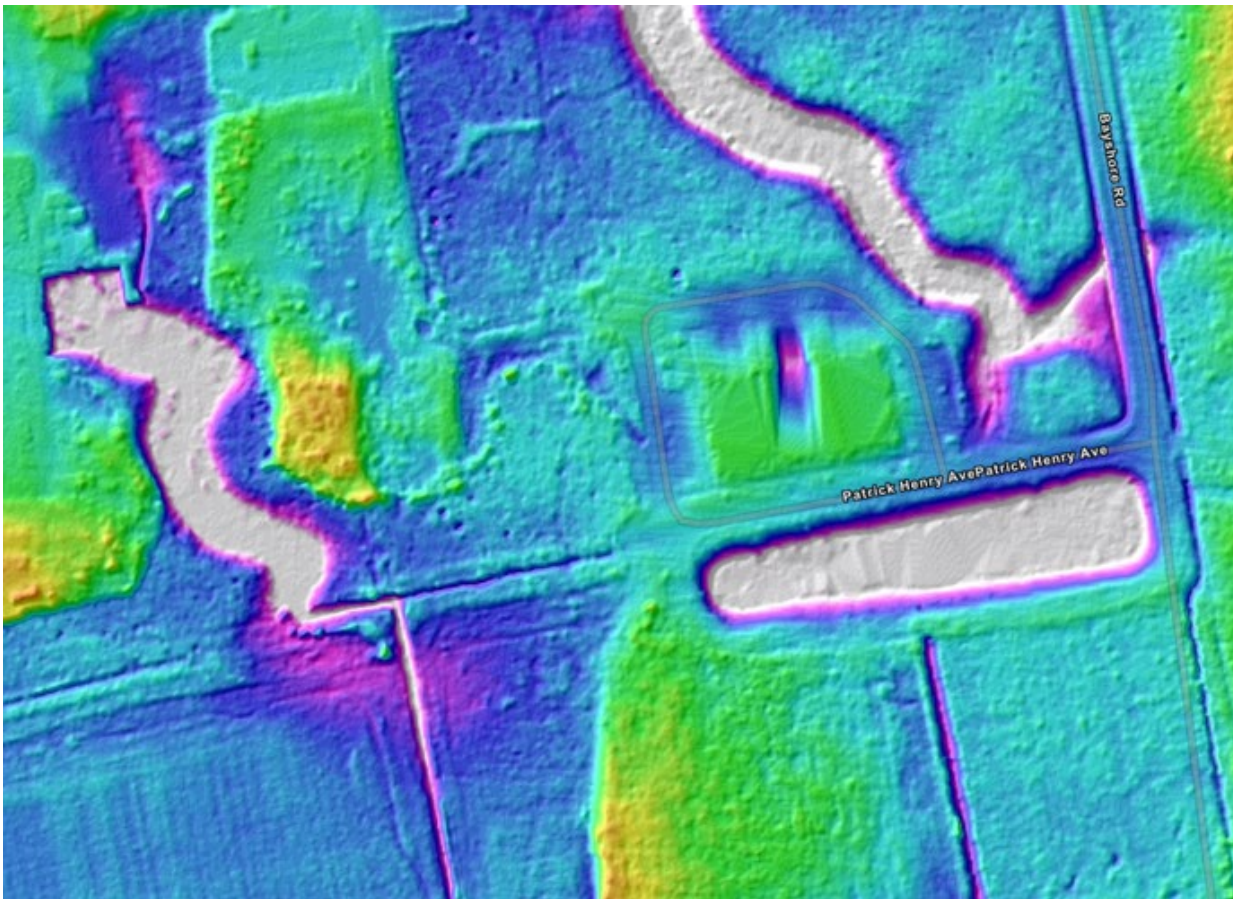
Sent: Monday, November 18, 2024 10:19 AM

To: Brian Owen <brian.owen@msaonline.com>; Phan, Kim (DEQ) <kim.phan@deq.virginia.gov>; Brandon Mowrey (projectwisecontractor) <bmowrey@cpsprecast.com>

Cc: Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>

Subject: RE: WP3-24-2570 Patrick Henry Road Extension

Brian – good morning. We have received the JPA. However, given that aquatic resources are present on-site, I am unable to make a determination of jurisdiction based on the information provided. The LIDAR below shows that the feature in question is significantly lower than what I believe you described to be the outfall (small stormwater BMP for Coastal Precast Concrete in the middle of their yard). Furthermore, there does appear to be evidence of downstream connectivity south of the on-site feature. I believe a site visit is warranted. In the meantime, please provide any on-site photos. My earliest availability to meet on-site would be the week of December 9th.



Thank you,

Taylor Hollingsworth
(757) 201-7044

From: Brian Owen <brian.owen@msaonline.com>

Sent: Friday, November 15, 2024 2:36 PM

To: Phan, Kim (DEQ) <kim.phan@deq.virginia.gov>; Brandon Mowrey (projectwisecontractor) <bmmowrey@cpsprecast.com>

Cc: Hollingsworth, Katherine T CIV (USA) <Katherine.T.Hollingsworth@usace.army.mil>; Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>

Subject: [Non-DoD Source] Re: WP3-24-2570 Patrick Henry Road Extension

Thanks Kim. Anything additional you need just advise me and I will assist.

Regarding the isolated condition of this wetland feature, it is fully cut off from development with no surface connection. There is a pipe in the northwest corner the invert of which is well above the normal water elevation. Site observations indicate that the wetland in question has to flood significantly to overflow which is likely pretty rare given the minimal watershed above it. This pipe connects into the small stormwater BMP for Coastal Precast Concrete in the middle of their yard that similarly rarely overflows. I had previously submitted a similar feature (SSWD000020) lacking connectivity with Dan Bacon just northeast of this one, and after a site visit we both agreed that was isolated. To save the Corps paperwork I withdrew that AJD request, and have not submitted this one. Taylor you are welcome to meet me onsite, but based on current regulation this feature same as the other should be considered isolated. FYI I will be submitting a JPA for partial impact to that feature in the near future.

Brian Owen, PWD, VSWD

Senior Environmental Scientist / Wetland Specialist

MSA

757.490.9264 (O) 757-207-9126 (direct)

brian.owen@msaonline.com | msaonline.com

5032 Rouse Drive, Suite 200 | Virginia Beach, VA 23462



From: Phan, Kim (DEQ) <Kim.Phan@deq.virginia.gov>

Sent: Friday, November 15, 2024 10:09 AM

To: Brandon Mowrey (projectwisecontractor) <bmowrey@cpsprecast.com>

Cc: Brian Owen <brian.owen@msaonline.com>; 'Hollingsworth, Katherine T CIV (USA)' <Katherine.T.Hollingsworth@usace.army.mil>; Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>

Subject: WP3-24-2570 Patrick Henry Road Extension

Good morning Mr. Mowrey,

On November 4, 2024, the Virginia Department of Environmental Quality (DEQ) received your application dated October 31, 2024, for the above-referenced project. DEQ is evaluating your application for coverage under the Virginia Water Protection (VWP) Permit Program General Permit WP3 in accordance with 9VAC25-680-10 *et seq.* The application is technically complete.

Please note that DEQ cannot make a determination as to whether or not a surface water feature is considered isolated for federal permitting purposes. If you would like to pursue an isolated wetland determination then it is recommended that you request an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE). Please note that if the USACE does not concur that the subject wetlands are isolated then a USACE permit may be required.

Thank you,



Kim Phan

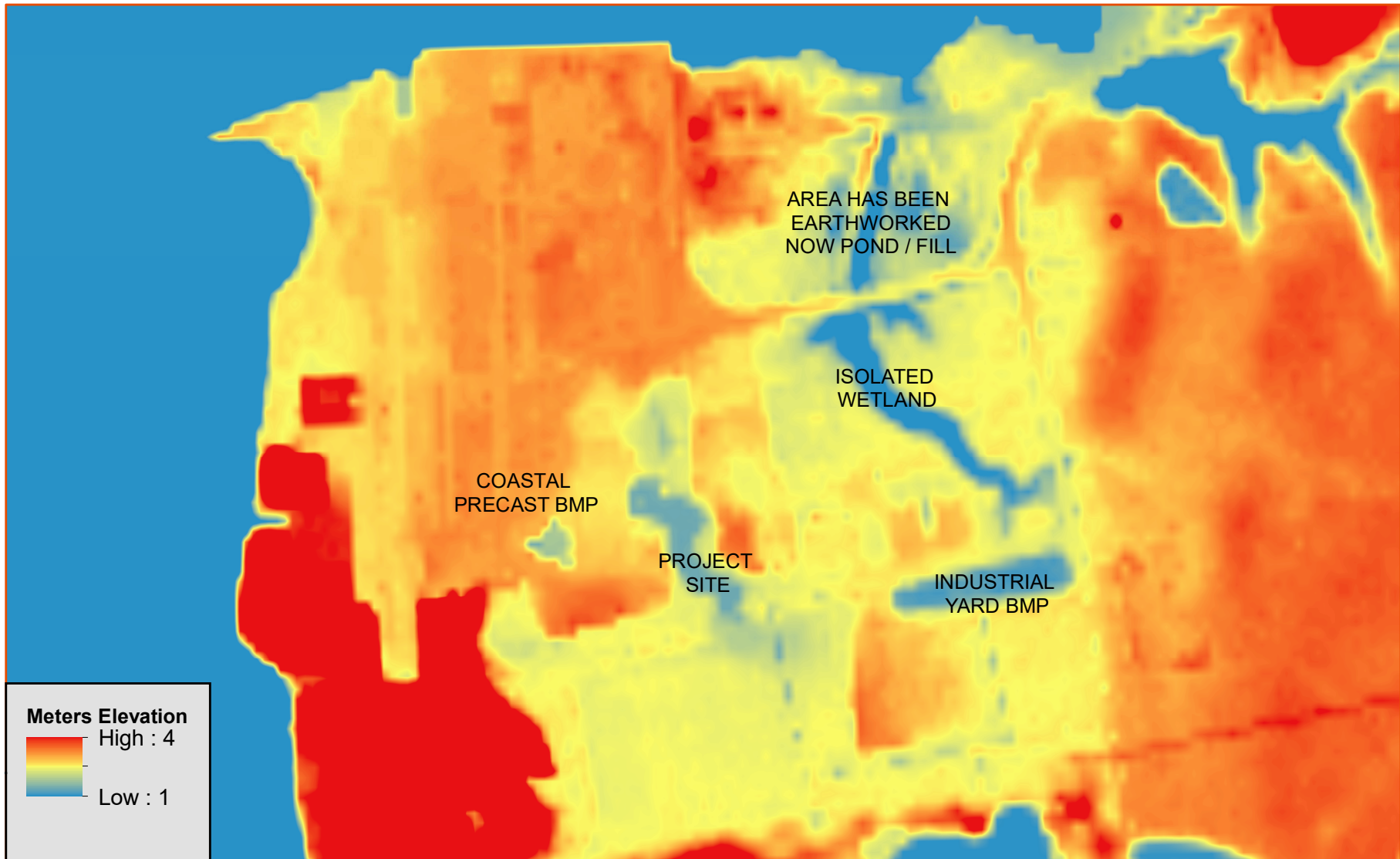
VWP Permit Writer, Tidewater Regional Office

Virginia Department of Environmental
Quality

5636 Southern Boulevard

Virginia Beach, VA 23462

757-705-9250



Cape Charles, VA USGS Quadrangle Topographic Map

0 250 500 1,000 1,500 Feet



AERIAL PHOTOGRAPH EXHIBIT

ISOLATED WETLAND PERMIT APPLICATION

COASTAL PRECAST - PATRICK HENRY AVENUE EXTENSION

BAYSHORE ROAD AND PATRICK HENRY AVENUE, CAPE CHARLES, VIRGINIA

MSA, P.C.
Environmental Sciences, Surveying,
Civil & Environmental Engineering

5032 Rouse Drive, Suite 100

Virginia Beach, VA. 23462

757-490-9264 (Ofc) 757-490-0634 (Fax)

www.msaonline.com



MSA JOB #
18013B

DATE:
11/18/2024

MAPPED BY:
BRO

SCALE
AS SHOWN

ADDITIONAL INFORMATION/REVISIONS Received by VMRC November 18, 2024 /blh

DEQ Comments

From: [Phan, Kim \(DEQ\)](#)
To: [Brandon Mowrey \(projectwisecontractor\)](#)
Cc: [Brian Owen \(brian.owen@msaonline.com\)](#); ["Hollingsworth, Katherine T CIV \(USA\)"](#); [Howell, Beth \(MRC\)](#)
Subject: WP3-24-2570 Patrick Henry Road Extension
Date: Friday, November 15, 2024 10:10:39 AM
Attachments: [Outlets - 11-15-24.png](#)
[SSWD 0000 - 11-15-24 SSWD Letter.pdf](#)

Good morning Mr. Mowrey,

On November 4, 2024, the Virginia Department of Environmental Quality (DEQ) received your application dated October 31, 2024, for the above-referenced project. DEQ is evaluating your application for coverage under the Virginia Water Protection (VWP) Permit Program General Permit WP3 in accordance with 9VAC25-680-10 *et seq.* The application is technically complete.

Please note that DEQ cannot make a determination as to whether or not a surface water feature is considered isolated for federal permitting purposes. If you would like to pursue an isolated wetland determination then it is recommended that you request an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE). Please note that if the USACE does not concur that the subject wetlands are isolated then a USACE permit may be required.

Thank you,



Kim Phan

VWP Permit Writer, Tidewater Regional Office
[Virginia Department of Environmental Quality](#)
5636 Southern Boulevard
Virginia Beach, VA 23462
757-705-9250



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Craig R. Nicol
Regional Director

January 26, 2024

Mr. Paul Ogorchock
Coastal Precast Systems, LLC
1316 Yacht Drive
Chesapeake, Virginia 23320

SENT VIA E-MAIL: porgochock@cpsprecast.com
RECEIPT CONFIRMATION REQUESTED

Re: Virginia State Surface Waters Determination No. SSWD-000018
Coastal Precast Systems – Patrick Henry Avenue Extension, Cape Charles, Virginia

Dear Mr. Ogorchock:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulations 9VAC25-210-45 and 9VAC25-210-10 of the Virginia Administrative Code, the Virginia Department of Environmental Quality (DEQ or department) has enclosed the above referenced Preliminary Virginia State Surface Waters Determination for Coastal Precast Systems – Patrick Henry Avenue Extension, located at parcel nos. 90-A-3 and 90-8-1A3.

The map entitled *WETLAND DELINEATION EXHIBIT*; dated January 25, 2024, (copy enclosed) provides a preliminary determination of the locations of state surface waters and/or wetlands, as reviewed by DEQ, on the above listed property. The basis for this delineation includes application of the State Water Control Law, VWP Regulation, the Corps' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region, the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation, and/or the presence of an ordinary high-water mark.

☒ This approval includes the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

☐ This approval does NOT include the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

Received by VMRC November 15, 2024 /blh

State Surface Waters Determination No. SSWD-000018

January 26, 2024

Page 2 of 2

Activities that discharge fill to, dredge, drain or otherwise cause significant alteration or degradation of state surface waters, including wetlands, on this site may require a VWP Permit. You may also be required to obtain other federal, state, and/or local authorizations from a [United States Army Corps of Engineers](#) (USACE) District Office, the [Virginia Marine Resource Commission](#) (VMRC), and/or a [local wetlands board](#). This state surface waters determination is valid for 5 years from the date of issuance in absence of a permit decision, or when a permit decision applies, the determination is valid for the life of the VWP general permit coverage or individual permit.

Please contact Kim Phan at kim.phan@deq.virginia.gov or at 757-705-9250; or at the above address if you have any questions.

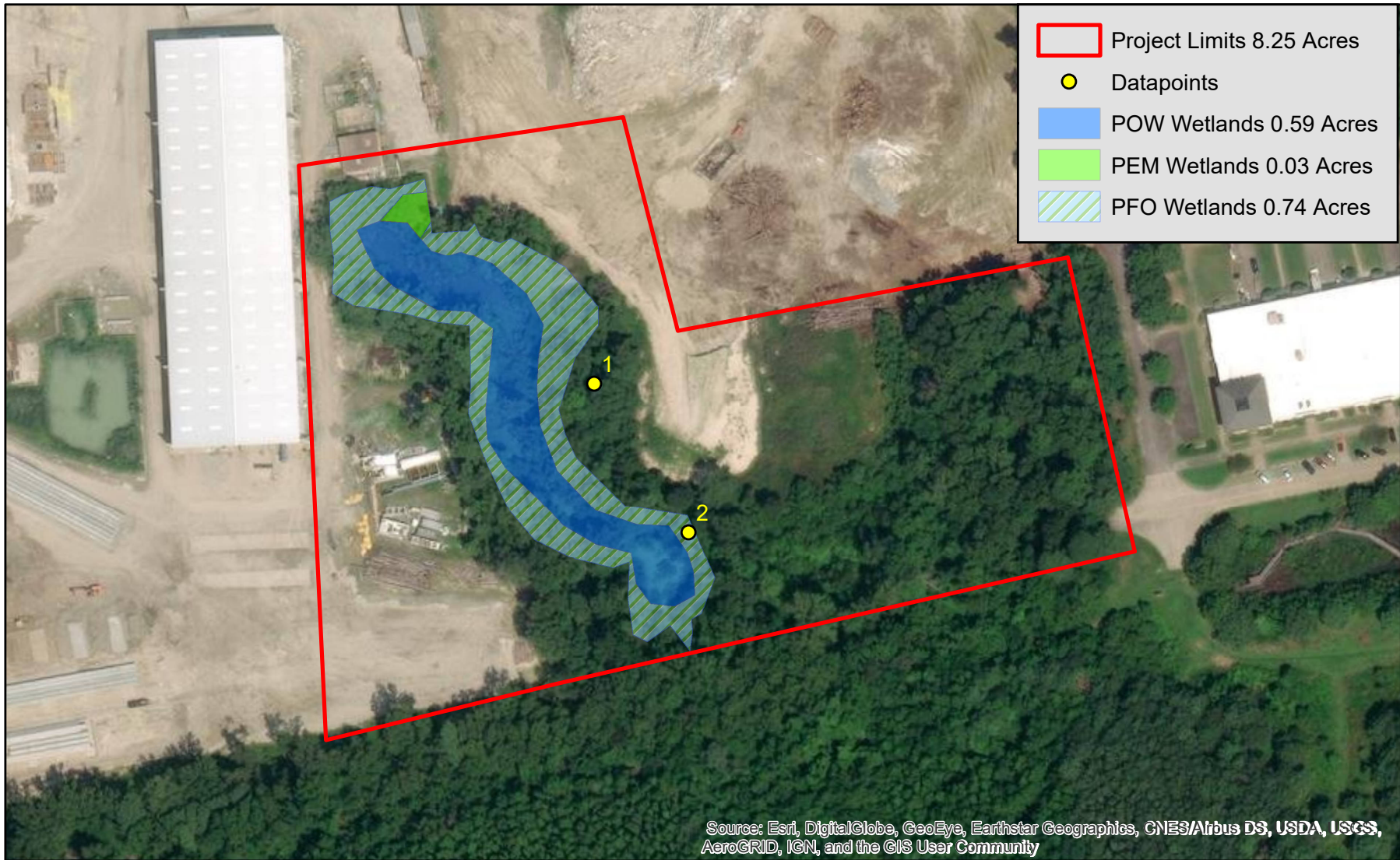
Respectfully,



Kim Phan
VWP Permit Writer/Inspector

Enclosures: Delineation Map

cc: Brian Owen, MSA, P.C.
Taylor Hollingsworth, U.S. Army Corps of Engineers



0 50 100 200 300 400 500
Feet

Cape Charles, VA Quadrangle. Exact date of recent aerial unknown

Note: Ditch and stream widths are shown NTS for graphical purposes, actual widths listed in SSWD report as needed.
All wetland flags and datapoints are sub-meter accuracy.



WETLAND DELINEATION EXHIBIT

STATE SURFACE WATERS DETERMINATION
COASTAL PRECAST SYSTEMS - PATRICK HENRY AVENUE
PATRICK HENRY AVENUE, CAPE CHARLES, NORTHAMPTON COUNTY, VIRGINIA



ENGINEERS | SCIENTISTS | SURVEYORS

5032 ROUSE DRIVE
SUITE 200
VIRGINIA BEACH
VIRGINIA 23462
757-490-9264
www.msaonline.com

MSA JOB #
18013B

DATE:
1/25/2024

MAPPED BY:
RLA

Coastal Precast Systems, LLC Response to DEQ Comments

From: [Brian Owen](#)
To: [Phan, Kim \(DEQ\)](#); [Brandon Mowrey \(projectwisecontractor\)](#)
Cc: ["Hollingsworth, Katherine T CIV \(USA\)"](#); [Howell, Beth \(MRC\)](#)
Subject: Re: WP3-24-2570 Patrick Henry Road Extension
Date: Friday, November 15, 2024 2:30:13 PM
Attachments: [Outlook - 11-15-24.png](#)
[Outlook - 11-15-24.png](#)

Thanks Kim. Anything additional you need just advise me and I will assist.

Regarding the isolated condition of this wetland feature, it is fully cut off from development with no surface connection. There is a pipe in the northwest corner the invert of which is well above the normal water elevation. Site observations indicate that the wetland in question has to flood significantly to overflow which is likely pretty rare given the minimal watershed above it. This pipe connects into the small stormwater BMP for Coastal Precast Concrete in the middle of their yard that similarly rarely overflows. I had previously submitted a similar feature (SSWD000020) lacking connectivity with Dan Bacon just northeast of this one, and after a site visit we both agreed that was isolated. To save the Corps paperwork I withdrew that AJD request, and have not submitted this one. Taylor you are welcome to meet me onsite, but based on current regulation this feature same as the other should be considered isolated. FYI I will be submitting a JPA for partial impact to that feature in the near future.

Brian Owen, PWD, VSWD

Senior Environmental Scientist / Wetland Specialist

MSA

757.490.9264 (O) 757-207-9126 (direct)

brian.owen@msaonline.com | msaonline.com

5032 Rouse Drive, Suite 200 | Virginia Beach, VA 23462



From: Phan, Kim (DEQ) <Kim.Phan@deq.virginia.gov>
Sent: Friday, November 15, 2024 10:09 AM
To: Brandon Mowrey (projectwisecontractor) <bmowrey@cpsprecast.com>
Cc: Brian Owen <brian.owen@msaonline.com>; 'Hollingsworth, Katherine T CIV (USA)' <Katherine.T.Hollingsworth@usace.army.mil>; Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>
Subject: WP3-24-2570 Patrick Henry Road Extension

Good morning Mr. Mowrey,

On November 4, 2024, the Virginia Department of Environmental Quality (DEQ) received your application dated October 31, 2024, for the above-referenced project. DEQ is evaluating your

application for coverage under the Virginia Water Protection (VWP) Permit Program General Permit WP3 in accordance with 9VAC25-680-10 *et seq.* The application is technically complete.

Please note that DEQ cannot make a determination as to whether or not a surface water feature is considered isolated for federal permitting purposes. If you would like to pursue an isolated wetland determination then it is recommended that you request an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE). Please note that if the USACE does not concur that the subject wetlands are isolated then a USACE permit may be required.

Thank you,



Kim Phan

VWP Permit Writer, Tidewater Regional Office

[Virginia Department of Environmental Quality](https://www.deq.state.va.us/)

5636 Southern Boulevard

Virginia Beach, VA 23462

757-705-9250