





Regulatory Agency Contact Information

	<p>Virginia Marine Resources Commission (VMRC) Habitat Management Division 380 Fenwick Road, Building 96 Fort Monroe, VA 23651 Phone: (757) 247-2200, Fax: (757) 247-8062 Website: http://www.mrc.virginia.gov/hmac/hmoverview.shtm</p>
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 <p>US Army Corps of Engineers Norfolk District</p>	<p>United States Army Corps of Engineers (USACE) Norfolk District 803 Front Street, ATTN: CENAO-WR-R Norfolk, Virginia 23510-1011 Phone: (757) 201-7652, Fax: (757) 201-7678 Website: http://www.nao.usace.army.mil/Missions/Regulatory.aspx</p>
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	<p>Virginia Department of Environmental Quality (DEQ) Virginia Water Protection Permit Program Post Office Box 1105 Richmond, Virginia 23218 Phone: (804) 698-4000 Website: http://www.deq.virginia.gov/</p>
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	<p>LOCAL WETLANDS BOARD (LWB) CONTACT INFORMATION: Links to LWB information on the Web can be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html In addition, the phone numbers listed below can be used to contact the LWB. Please be advised that these phone numbers are subject to change at any time.</p>
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Accomack County (757) 787-5721, Cape Charles (757) 331-3259, Charles City County (804) 829-9296, Chesapeake (757) 382-6248, Colonial Heights (804) 520-9275, Essex County (804) 443-4951, Fairfax County (703) 324-1364, Fredericksburg (540) 372-1179, Gloucester County (804) 693-2744, Hampton (757) 727-6140, Hopewell (804) 541-2267, Isle of Wight County (757) 365-6211, James City County (757) 253-6673, King and Queen County (804) 769-4978, King George County (540) 775-7111, King William County (804) 769-4927, Lancaster County (804) 462-5220, Mathews County (804) 725-5025, Middlesex County (804) 758-0500, New Kent County (804) 966-9690, Newport News (757) 247-8437, Norfolk (757) 664-4368, Northampton County (757) 678-0442, Northumberland County (804) 580-8910, Poquoson (757) 868-3040, Portsmouth (757) 393-8836, Prince William County (703) 792-6984, Richmond County (804) 333-3415, Stafford County (540) 658-8668, Suffolk (757) 923-3650, Virginia Beach (757) 427-8246, Westmoreland County (804) 493-0120, West Point (804) 843-3330, Williamsburg (757) 220-6130, York County (757) 890-3538

Received by NAO PB Nov 25, 2025

Tidewater Joint Permit Application (JPA) For Projects Involving Tidal Waters, Tidal Wetlands and/or Dunes and Beaches in Virginia

This application may be used for most commercial and noncommercial projects involving **tidal waters, tidal wetlands and/or dunes and beaches in Virginia** which require review and/or authorization by Local Wetlands Boards (LWB), the Virginia Marine Resources Commission (VMRC), the Department of Environmental Quality (DEQ), and/or the U. S. Army Corps of Engineers (USACE). This application can be used for:

- **Access-related activities**, including piers, boathouses, boat ramps (without associated dredging or excavation*), moorings, marinas.
- **Shoreline stabilization projects** including living shorelines, riprap revetments, marsh toe stabilization, bulkheads, breakwaters, beach nourishment, groins, and jetties. It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1).
- **Crossings** over or under tidal waters and wetlands including bridges and utility lines (water, sewer, electric).
- **Aquaculture structures**, including cages and floats except “oyster gardening”**

***Note:** for all dredging, excavation, or surface water withdrawal projects you **MUST** use the Standard JPA form; for noncommercial, riparian shellfish aquaculture projects (i.e., “oyster gardening”) you must use the abbreviated JPA found at https://mrc.virginia.gov/forms/2019/VGP3_Aquaculture_form_2019.pdf or call VMRC for a form.

The DEQ and the USACE use this form to determine whether projects qualify for certain General, Regional, and/or Nationwide permits. If your project does not qualify for these permits and you need a DEQ Virginia Water Protection permit or an individual USACE permit, you must submit the Standard Joint Permit application form. You can find this application at <http://www.nao.usace.army.mil/Missions/Regulatory/JPA.aspx>. Please note that some health departments and local agencies, such as local building officials and erosion and sediment control authorities, do not use the Joint Permit Application process or forms and may have different informational requirements. The applicant is responsible for contacting these agencies for information regarding those permitting requirements.

HOW TO APPLY

Submit one (1) completed copy of the Tidewater JPA to VMRC:

1. If by mail or courier, use the VMRC address provided on page 1.
2. If by electronic mail, address the package to: JPA.permits@mrc.virginia.gov. The application must be provided in the .pdf format and should not exceed 10 MB. If larger than 10 MB you may provide a file transfer protocol (ftp) site for download purposes.

The Tidewater JPA should include the following:

1. **Part 1** – General Information
2. **Part 2** – Signatures
3. **Part 3** - Appendices (A, B, C, and/or D as applicable to your project)
4. **Part 4** – Project Drawings.

The drawings shall include the following for **ALL** projects:

- Vicinity Map (USGS topographic map, road map or similar showing project location)
- Plan View Drawing (overhead, to scale or with dimensions clearly marked)
- Section View Drawing (side-view, to scale or with dimensions clearly marked)

Sample drawings are included at the end of Part 4 of this application to show examples of the information needed to consider your application complete and allow for the timely processing.

When completing this form, use the legal name of the applicant, agent, and/or property owner. For DEQ application purposes, *legal name* means the full legal name of an individual, business, or other organization. For an individual, the legal name is the first name, middle initial, last name, and suffix. For an entity authorized to do business in Virginia, the legal name is the exact name set forth in the entity's articles of incorporation, organization or trust, or formation agreement, as applicable. Also provide the name registered with the State Corporation Commission, if required to register. DEQ issues a permit or grants coverage to the so-named individual or business, who becomes the 'permittee'. Correspondence from some agencies, including permits, authorizations, and/or coverage, may be provided via electronic mail. If the applicant and/or agent wishes to receive their permit via electronic mail, please remember to include an e-mail address at the requested place in the application.

In order for projects requiring LWB authorization to be considered complete (Virginia Code § 28.2-1302); "The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances of facilities, including those on the adjacent uplands; a description of the type of equipment to be used and the means of access to the activity site; the names and addresses of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; and secondary purpose of the proposed project; a complete description of measures to be taken during and after alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require."

You may include signed Adjacent Property Owner (APO) Acknowledgement Forms found at the end of this Short Form. You must provide these addresses in Part 1 whether or not you use the APO forms. VMRC will request comments from APOs for projects that require permits for encroachment over state-owned submerged lands. VMRC or your local wetlands board must notify all APO's of public hearings required for all proposals involving tidal wetlands and dunes/beaches that are not authorized by statute. This information will not be used by DEQ to meet the requirements of notifying riparian land owners.

Regional Permit 17 (RP-17), authorizes the installation and/or construction of open-pile piers, mooring structures/devices, fender piles, covered boathouses/boatslips, boatlifts, osprey pilings/platforms, accessory pier structures, and certain devices associated with shellfish gardening, for private use, subject to strict compliance with all conditions and limitations further set out in the RP-17 enclosure located at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>. In addition to the information required in this JPA, prospective permittees seeking authorization under RP-17 must complete and submit the 'Regional Permit 17 Checklist' with their JPA. A copy of the 'Regional Permit 17 Checklist' is found on pages 13 and 14 of this application package. If the prospective permittee answers "yes" (or "N/A", where applicable) to all of the questions on the 'Regional Permit 17 Checklist', the permittee is in compliance with RP-17 and will not receive any other written authorization from the Corps but may not proceed with construction until they have obtained all necessary state and local permits. ***Note: If the prospective permittee answers "no" to any of the questions on the 'Regional Permit 17 Checklist' then their proposed structure(s) does not meet the terms and conditions of RP-17 and written authorization from the Corps is required before commencement of any work.***

Note: Land disturbance (grading, filling, etc.) or removal of vegetation associated with projects located in Chesapeake Bay Preservation Areas will require approval from local governments. Certain localities utilize this application during their Bay Act review. Part 5 of this application is included to provide assistance for the applicant to comply with Bay Act /or Erosion and Sediment Control requirements concurrent with this application.

WHAT HAPPENS NEXT

Upon receipt of an application, VMRC will assign a permit application number to the JPA and will then distribute a copy of the application and any original plan copies submitted to the other regulatory agencies that are involved in the JPA process. All agencies will conduct separate but concurrent reviews of your project. Please be aware that each agency must issue a separate permit (or a notification that no permit is required). Note that in some cases, DEQ may be taking an action on behalf of the USACE, such as when the State Program General Permit (SPGP) applies. Make sure that you have received all necessary authorizations, or documentation that no permit is required, from each agency prior to beginning the proposed work.

During the JPA review process, site inspections may be necessary to evaluate a proposed project. Failure to allow an authorized representative of a regulatory agency to enter the property, or to take photographs of conditions at the project site, may result in either the withdrawal or denial of your permit application.

For certain federal and state permit applications, a public notice is published in a newspaper having circulation in the project area, is mailed to adjacent and/or riparian property owners, and/or is posted on the agency’s web page. The public may comment on the project during a designated comment period, if applicable, which varies depending upon the type of permit being applied for and the issuing agency. In certain circumstances, the project may be heard by a governing board, such as a Local Wetlands Board, the State Water Control Board, or VMRC in cases where a locality does not have a wetlands board and with certain subaqueous cases. You may be responsible for bearing the costs for advertisement of public notices.

Public hearings that are held by VMRC occur at their regularly scheduled monthly commission meetings under the following situations: Protested applications for VMRC permits which cannot be resolved; projects costing over \$500,000 involving encroachment over state-owned subaqueous land; and all projects affecting tidal wetlands and dunes/beaches in localities without a LWB. All interested parties will be officially notified regarding the date and time of the hearing and Commission meeting procedures. The Commission will usually make a decision on the project at the meeting unless a decision for continuance is made. If a proposed project is approved, a permit or similar agency correspondence is sent to the applicant. In some cases, notarized signatures, as well as processing fees and royalties, are required before the permit is validated. If the project is denied, the applicant will be notified in writing.

PERMIT APPLICATION OR OTHER FEES

Do not send any fees with the JPA. VMRC is not responsible for accounting for fees required by other agencies. Please consult agency websites or contact agencies directly for current fee information and submittal instructions.

- ❖ **USACE:** Permit application fees are required for USACE Individual (Standard) permits. A USACE project manager will contact you regarding the proper fee and submittal requirements.

- ❖ 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 #

APPLICANTS

Part 1 – General Information

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

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ- VWP permit writer will be assigned)</i>	PASDO – PGP Self Verification <input checked="" type="checkbox"/> <i>(Replaces Regional Permit 17 (RP-17) checklist)</i>			
County or City in which the project is located: <u>Cape Charles VA 23310</u>				
Waterway at project site: <u>Chesapeake Bay</u>				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
	N/A			

Part 1 - General Information (continued)

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

		Home () _____
		Work () _____
		Fax () _____
		Cell () _____
		e-mail _____
	State Corporation Commission Name and ID Number (if applicable) _____	

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

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

The project is for the implementation of an aquatic barrier to deter aquatic vegetation floating in the Chesapeake Bay from coming ashore on the North Beach of Bay Creek at Cape Charles Community Association, Inc. (i.e., adjacent to Sunset Blvd). This floating barrier system will be situated between existing breakwaters and have sufficient slack to rise and fall with the tides. Flotation 9" Dia. Premium Closed-Cell High Density Polyethylene Rolled Foam Log booms which float on the top of the water, will be strung up with 5/16" 304 Stainless Steel Cable (9,800 lbs breaking strength) at the top, and 3/8" Galvanized Steel Chain (10,600 lbs breaking strength) at the bottom. 32 oz/yd² PVC Coated Polyester Fabric or greater with UV Inhibitors and Marine inhibitors and black PVC mesh filter fabric skirt panel hanging from the booms and weighted with ballast 1.5 lbs/ft, 3/8" Galvanized Steel Chain; Grade 30 and manufactured in accordance to NACM 90 and or ASTM 80 specifications will allow for flow of water, sand, and wildlife into and out of the inter-tidal areas while holding back excess vegetation to be carried away by the current. A gate system allows for swimmers, kayakers, and others to pass through the barrier to access water outside the breakwaters. The contractor will use existing walkways and beach access to carry in project materials and by boat from the open water. The project materials consist of an ABASCO marine grade aquatic barrier as described in the attachments. High Tensile Strength Marine Grade Aluminum 6061 T-6 ASTM Universal SlideConnector, and ASTM Locking Pins. Stainless Steel Fasteners metal anchors will be installed at each end of the breakwaters and wooden poles sunk to create the gate system, per the attached diagram.

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:

TBD

Contact Information:

Home () _____

Work () _____

Fax () _____

Cell () _____

email _____

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:

[Redacted]

Telephone number

[Redacted]

7. Give the following project location information:

Street Address (911 address if available) (east) ##181+/- Sunset Blvd to (west) #113+/- Sunset Blvd

Lot/Block/Parcel# shoreline reach (N.east) 83A1-11-73 to (S.west) 83A1-11-30; adjacent to association property TM#83A1-11-M1

Subdivision Marina Bay at Cape Charles

City / County Cape Charles/Northampton

ZIP Code 23310

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

from (E) 37.27913 to (W) 37.27508 / - from (E) 76.01349 to (W) 76.01806 (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.*

At the Rt 13 traffic light into Cape Charles, proceed west on Rt 184, Stone Rd, to a right onto Fig St. Go .4 miles to a left into the gated subdivision (on Colony Dr). Continue straight to Sunset Blvd. The project is located along that beach reach to the left and to the right. Follow 911 numbers.

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."

The primary purpose of this project is to preserve the sandy beach habitat for the tiger beetles along the North Beach. Build up of excessive plant debris on the beach and unchecked vegetation encroachment from growth of buffer area grasses impacts the tiger beetles habitat. Excessive plant materials from the bay and nearby clam and oyster beds float in on the tides and accumulate on the beach in large heavy layers degrading the beetle habitat quality. Current practices of digging holes and burying the vegetation on the beach are causing invasive plant species to grow on the beach and native grasses to encroach several feet a year onto the sandy beach area. Burying the material also creates sinkholes and erodes the natural shoreline. The result is that the habit needed for the tiger beetle is severely dwindling. The aquatic booms stop the compounding problems before they start by preventing the vegetation from coming ashore. The secondary purpose of the project is to create an enjoyable neighborhood beach for residents use. The gently sloping shoreline and calm water in the many coves create an ideal area for swimmers, sunbathers, and paddlers.

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.*

Alternatives considered were:

1. Reactive measures including carting vegetation debris off the beach rather than burying it; creating an area further from the shoreline to bury the vegetation; permitting the use machines to gather and remove debris.
2. Working with the aqua farmers to move beds further out from the shore; reduce use of plant materials on beds; or use of matting to hold plant materials on beds.

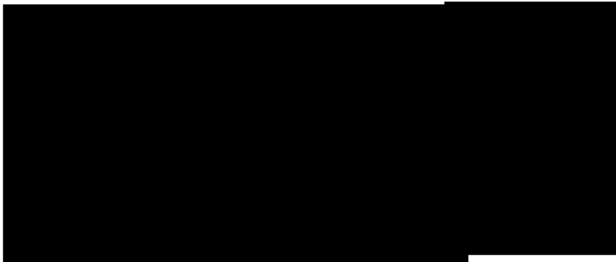
Measures to avoid impact:
 Impact from this project is minimized by the ability to quickly and easily remove the aquatic barrier. This can be done seasonally, for severe storms, or permanently if they are deemed unsatisfactory or ineffective for the intended purpose. Installation of the aquatic barrier requires no clearing, grading or excavating. It does not involve heavy machinery on the shore or buffer areas.

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.): \$ 10,000 for pilot, \$60,000 total
 Approximate cost of that portion of the project that is channelward of mean low water:
 \$ 10,000 pilot, 60,000 total

13. Completion date of the proposed work: October 2025 - March 2026

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.



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.

Bay Creek at Cape Charles Community Association

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

Date

9/2/25

Robert Harris, BCCA President

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), BAY CREEK AT CAPE CHARLES COMMUNITY ASSOCIATION, hereby certify that I (we) have authorized EDUARDO M. ZOUNIAN
(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.

[Signature]
(Agent's Signature)

(Use if more than one agent)

9/2/25
(Date)

[Signature]
(Applicant's Signature)

(Use if more than one applicant)

9/2/25
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Bay Creek at Cape Charles Community Association, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

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.

Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued) Received by NAO PB Nov 25, 2025

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Peacock Holdings VA LLC, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Bay Creek at Cape Charles Community Association
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 2025
(Date)

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


I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

 Mgr Peacock Holdings LLC
Adjacent/nearby property owner's signature(s)

10/6/25
Date

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

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER’S ACKNOWLEDGEMENT FORM

I (we), Dave Hainsworth, own land next to (across the water
(Print adjacent/nearby property owner’s name)

from/on the same cove as) the land of Bay Creek at Cape Charles Community Association.
(Print applicant’s name(s))

I have reviewed the applicant’s project drawings dated _____
(Date)

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

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT X TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

Dave Hainsworth
Adjacent/nearby property owner’s signature(s)

9/29/25
Date

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



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?
2. Are the proposed structures for private use only?
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)?
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?
5. Do the proposed structures include no more than two (2) lifts and no more than two (2) boat slips?
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?
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?
8. When operationally feasible, is all work occurring behind cofferdams, turbidity curtains, or other methods used to control turbidity?
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?
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?
11. Has the permittee ensured the construction of the proposed structures will not affect federally listed threatened or endangered species or designated critical habitat?

- 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.

Proposed work location:

Signature of Property Owner(s) or Agent

Date

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.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ____Yes____ No

If yes, will it be removed? ____Yes ____No

Is your lot platted to the mean low water shoreline? ____Yes ____No

What is the overall length of the proposed structure? _____feet.

Channelward of Mean High Water? _____feet.

Channelward of Mean Low Water? _____feet.

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

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____square feet.

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

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

Will your boathouse have sides? ____Yes____ No.

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

Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
 - 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 #

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.

Part 3 – Appendices (continued)

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

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

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

2. What is the maximum encroachment channelward of mean high water? _____ feet.
 Channelward of mean low water? _____ feet.
 Channelward of the back edge of the dune or beach? _____ feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands _____ square feet
- Non-vegetated wetlands _____ square feet
- Subaqueous bottom _____ square feet
- Dune and/or beach _____ square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? ____ Yes ____ No.

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

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

Part 3 – Appendices (continued)

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

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

2. What is the width of the waterway and/or wetlands to be crossed
 - from mean high water to mean high water (tidal waters)? _____ feet.
 - from mean low water to mean low water (tidal waters)? _____ feet.
 - from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.

3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? _____square feet.

4. For overhead crossings:
 - a. What will be the height above mean high water? _____feet.
 - b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
 - c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? ____Yes ____No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes ____ No.

If yes, please provide the following:

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

Part 3 – Appendices (continued)

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

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

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

If No, you may qualify for the VMRC General Permit #3, for Noncommercial Riparian Shellfish Growing (i.e. “Gardening”) For more information see: http://www.mrc.virginia.gov/forms/VGP3_Aquaculture.doc.pdf. If you qualify for this general permit use the Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures available at https://mrc.virginia.gov/forms/2019/VGP3_Aquaculture_form_2019.pdf **do not use this Joint Permit Application.**

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

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

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

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

6. The species of shellfish to be cultured. _____

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

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

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

Part 4 - Project Drawings

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

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

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

Part 5 - Chesapeake Bay Preservation Act Information

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

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

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

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

Notes for all projects in RPAs

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

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

Notes for shoreline erosion control projects in RPAs

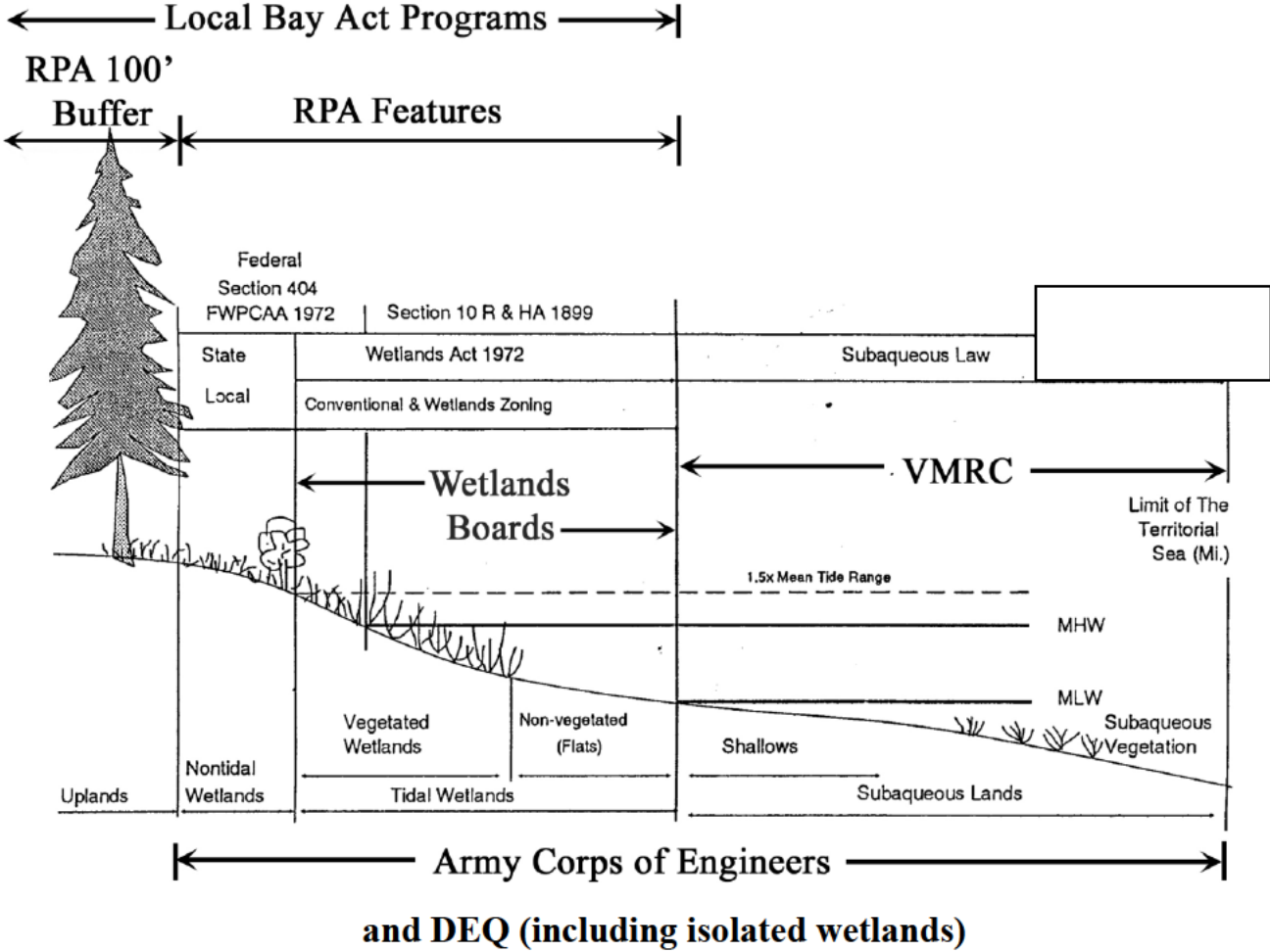
Re-establishment of woody vegetation in the buffer will be required by the locality to mitigate for the removal or disturbance of buffer vegetation associated with your proposed project. Please contact the local government to determine the mitigation requirements for impacts to the 100-foot RPA buffer.

Part 5 - Chesapeake Bay Preservation Act Information (continued)

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

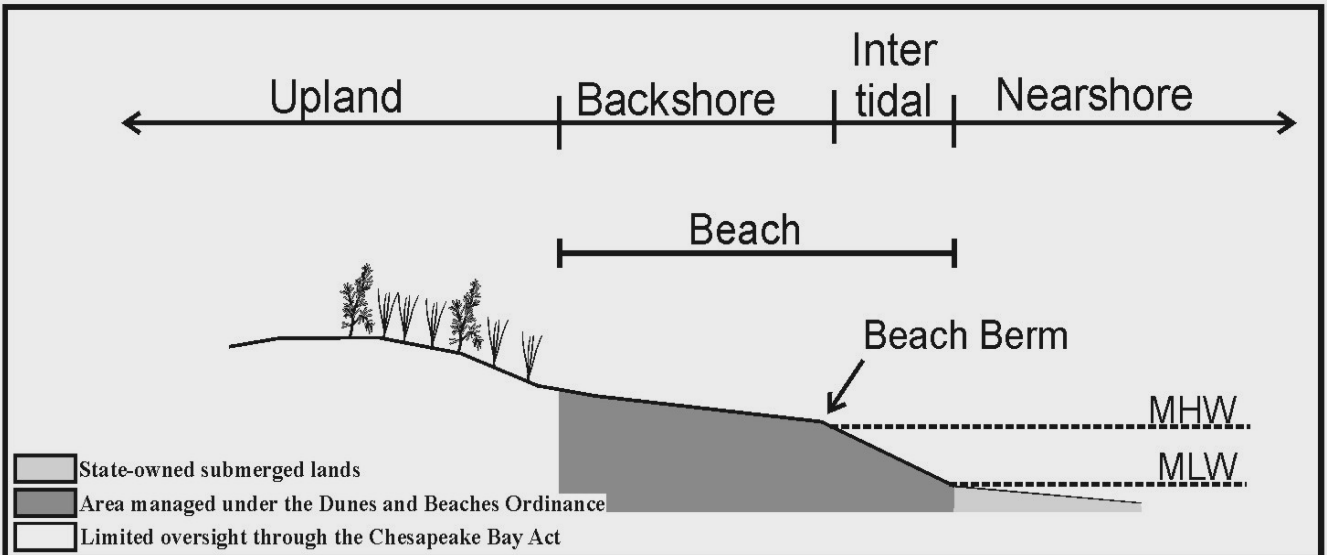
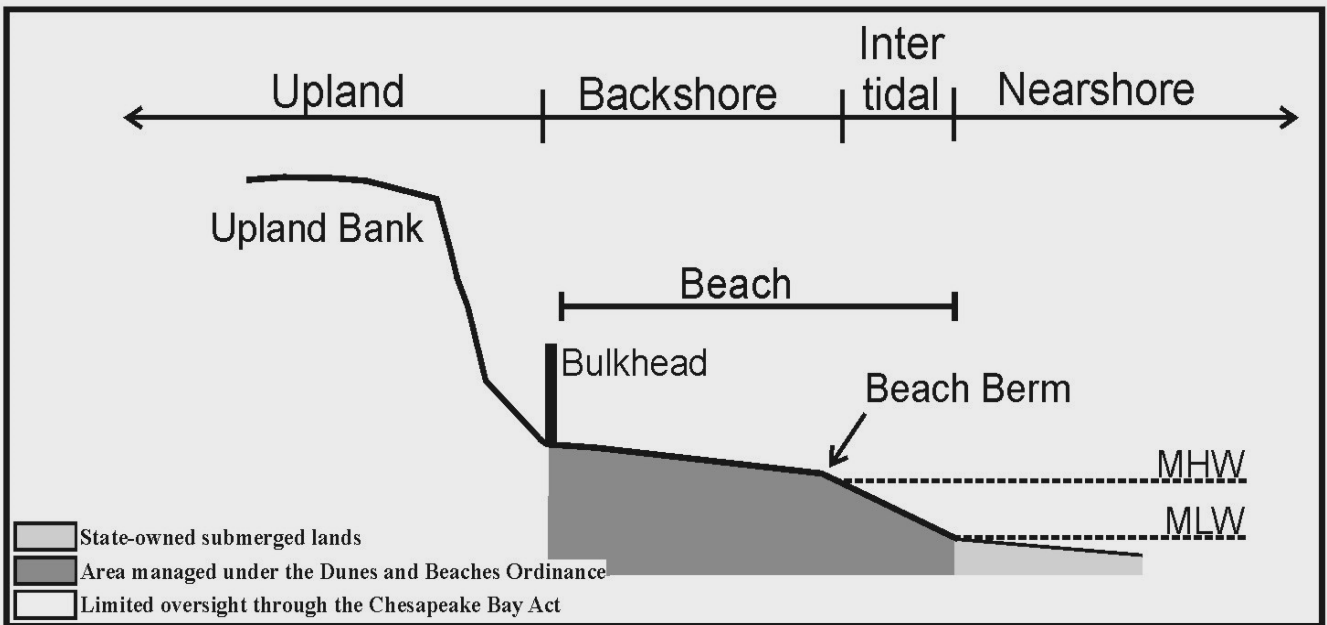
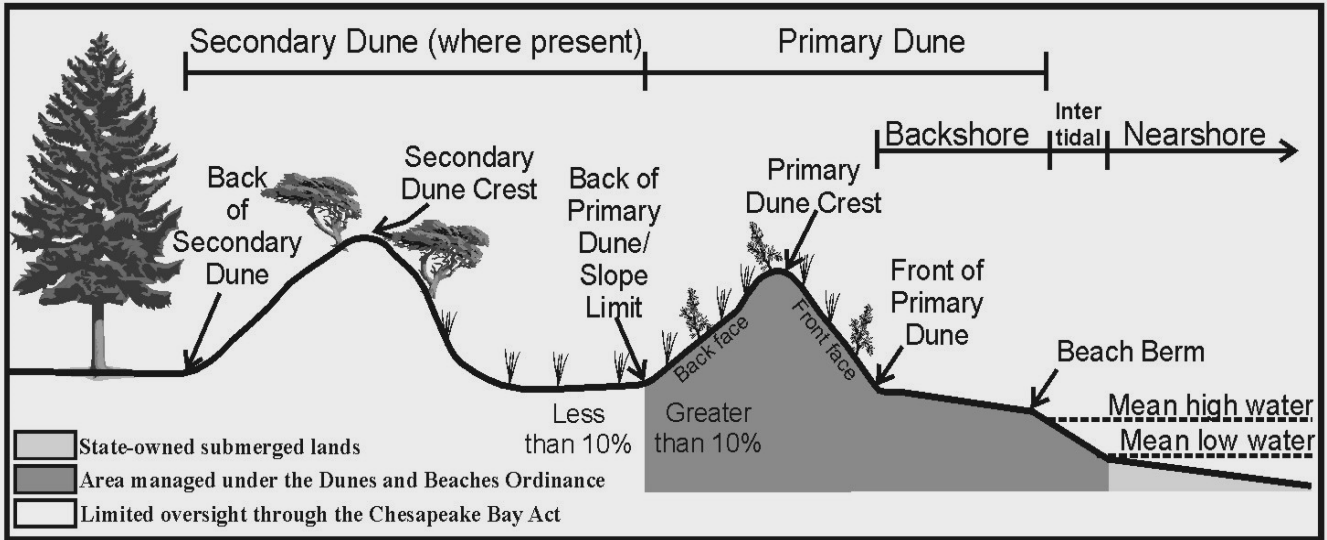
1. Any proposed shoreline erosion control measure is necessary and consistent with the nature of the erosion occurring on the site, and the measures have employed the “best available technical advice”
2. Indigenous vegetation will be preserved to the maximum extent practicable
3. Proposed land disturbance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

JURISDICTIONAL BOUNDARIES



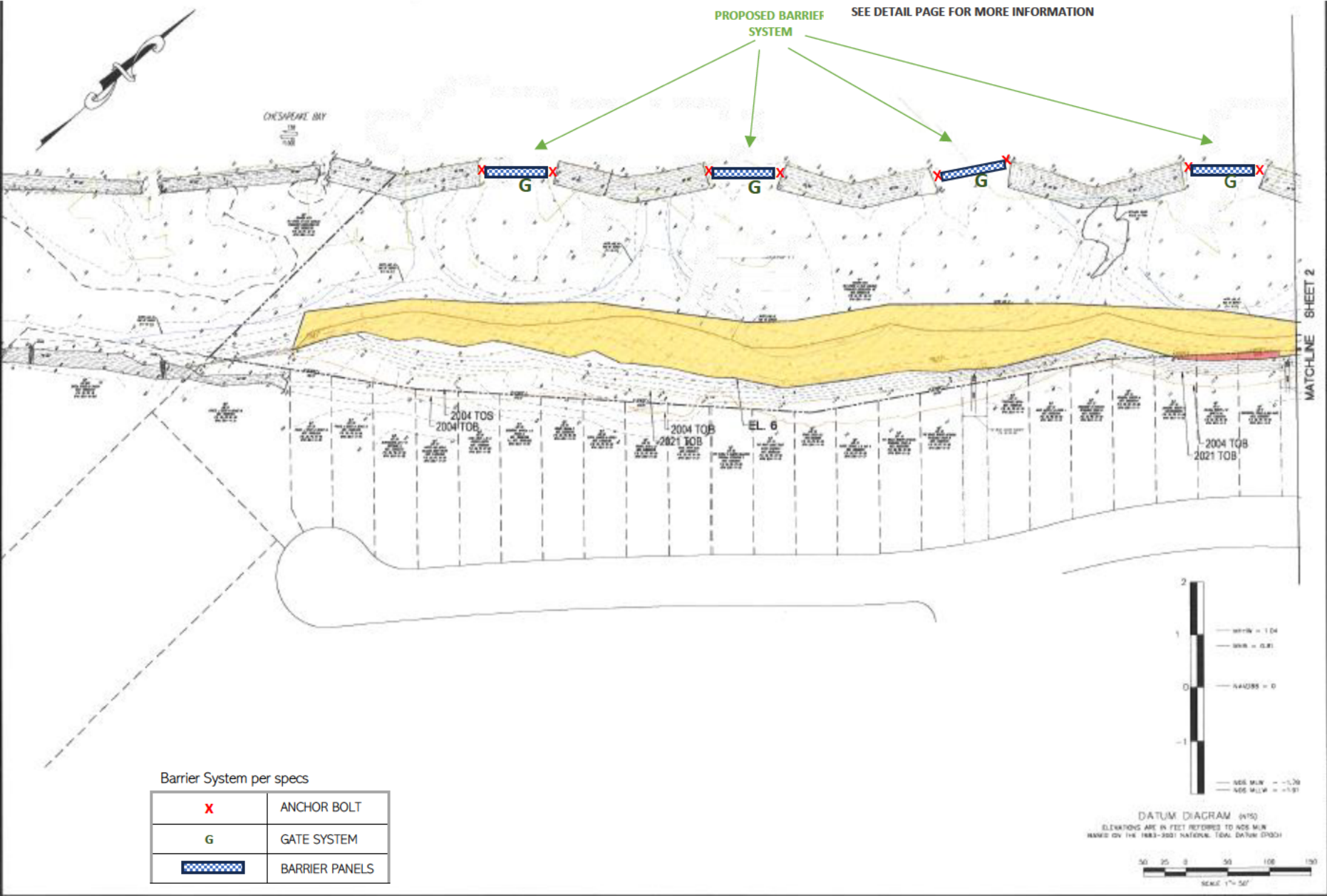
Dune and Beach Boundaries

Received by NAO PB Nov 25, 2025



AB45 BARRIER SYSTEM IMPLEMENTATION FOR BAY CREEK NORTH BEACH

Received by NAO PB Nov 25, 2025

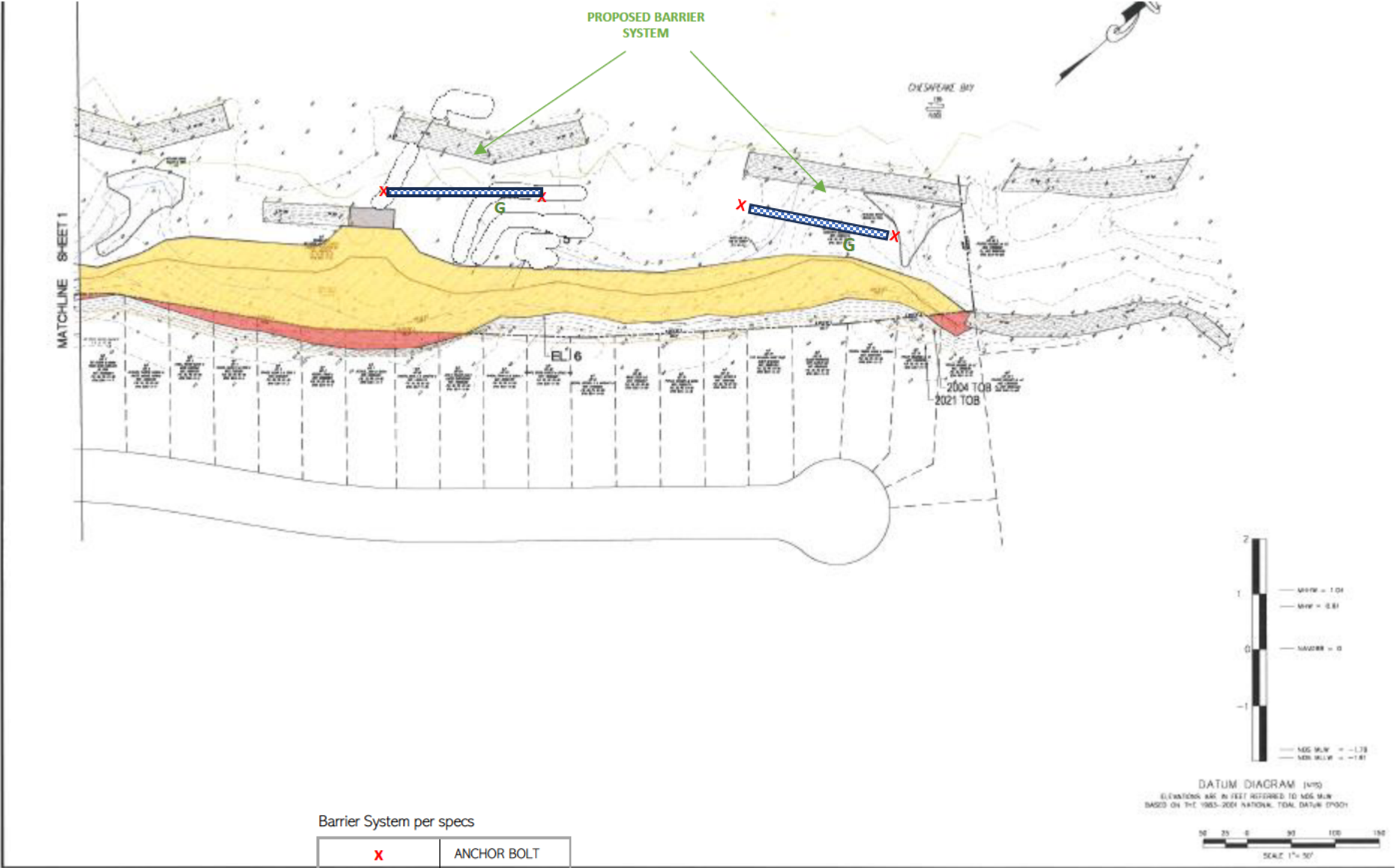


Barrier System per specs


X	ANCHOR BOLT
G	GATE SYSTEM
	BARRIER PANELS

AB45 BARRIER SYSTEM IMPLEMENTATION FOR BAY CREEK NORTH BEACH

Received by NAO PB Nov 25, 2025



Barrier System per specs

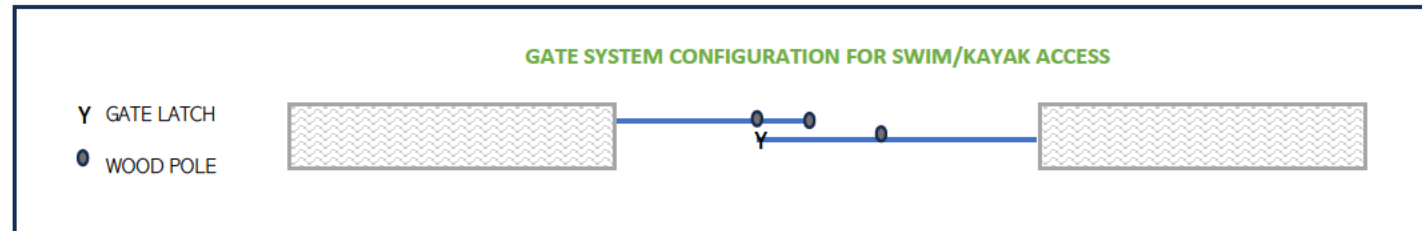
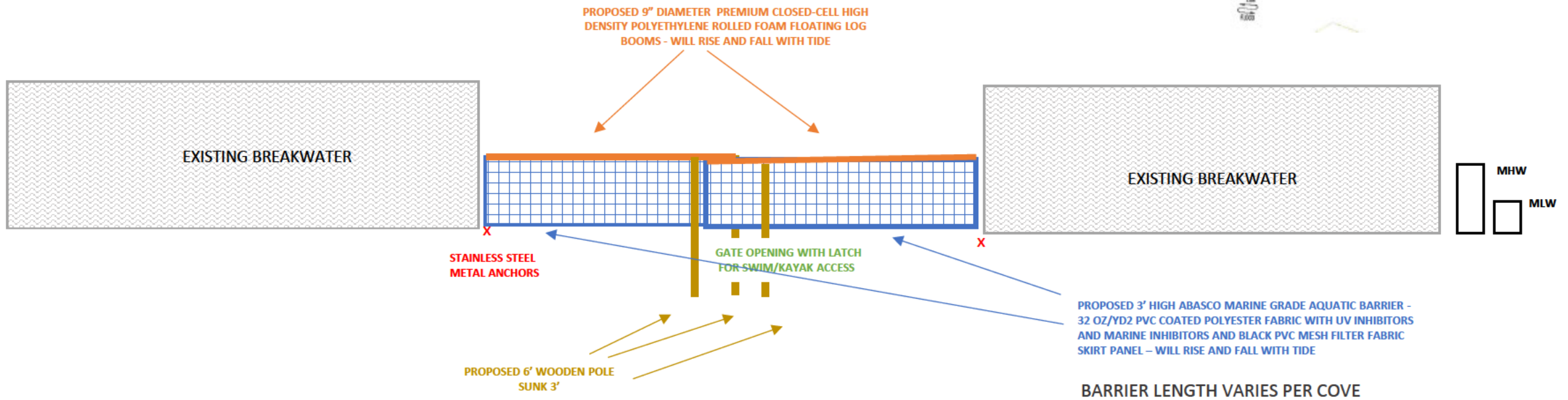
X	ANCHOR BOLT
G	GATE SYSTEM
	BARRIER PANELS

AB45 BARRIER SYSTEM IMPLEMENTATION FOR BAY CREEK NORTH BEACH


Received by NAO PB Nov 25, 2025

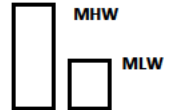


PROPOSED BARRIER SYSTEM DETAIL



Barrier System per specs

X	METAL ANCHOR BOLT
G	GATE SYSTEM
	BARRIER PANELS



BARRIER LENGTH VARIES PER COVE