



COMMONWEALTH of VIRGINIA

Marine Resources Commission

380 Fenwick Road

Building 96

Fort Monroe, VA 23651

Travis A. Voyles
Acting Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

October 3, 2022

MEMORANDUM

TO: Gloucester County Wetlands Board
Army Corps of Engineers
Department of Environmental Quality

FROM: Beth Howell, Habitat Management Division

SUBJECT: Middle Peninsula Chesapeake Bay Public Access Authority
#22-1524
#22-2266

A new application under #22-2266 was sent to you on September 28, 2022. Mike Johnson has advised that this should be treated as a revision to #22-1524. A corrected copy is attached (2022-1524 Rev1).

Please contact Mike if you have any questions.

/blh
HM
Attachment

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

From: [John Johnson](#)
To: jpa.permits@mrc.virginia.gov
Subject: 22-1524 and 22-2266
Date: Monday, October 3, 2022 12:23:52 PM

Hi,

So this is the same project with the JPA submitted under 22-2266 being a revision to the previous.

J. Michael Johnson
Environmental Engineer
VMRC
380 Fenwick Road
Fort Monroe, VA 23651
757-247-2255

From: [Lewis Lawrence](mailto:Lewis.Lawrence@mpdc.com)
To: JPA.permits@mrc.virginia.gov
Cc: randy.owen@mrc.virginia.gov; [Donna Milligan](mailto:Donna.Milligan@vims.edu); [Scott Hardaway](mailto:Scott.Hardaway@vims.edu); [Andrew Larkin - NOAA Federal](mailto:Andrew.Larkin@noaa.gov); [Curt Smith](mailto:Curt.Smith@noaa.gov); laura.mckay@deq.virginia.gov; [Jackie Rickards](mailto:Jackie.Rickards@vims.edu)
Subject: RE: Hog Island- Updated JPA
Date: Tuesday, September 27, 2022 12:41:37 PM
Attachments: [image.png](#)
[HI JPA 15.2-6600 2022.pdf](#)
[SAV Compensation \(002\).pdf](#)

Try this again with the s in permits

Good afternoon-

Please find attached an updated JPA for shoreline protection of Hogg Island (Monday Creek) off the York River in Gloucester County prepared by VIMS Shoreline Studies Program. The resubmission was necessary to ensure no SAV impact. Questions related to SAV should be sent to Donna Milligan and Scott Hardaway at VIMS. This is a Govt project, submitted by the Middle Peninsula Chesapeake Bay Public Access Authority (15.2-6600 Middle Peninsula Chesapeake Bay Public Access Authority Act). The project is funded by multiple grants. NOAA (Andrew Larkin- ccd above) will cover the fees when his federal card is turned back on after Oct 1.

Please advise if you have questions or need anything additional.

Thank you

Lewie



Lewis L Lawrence
Executive Director
Middle Peninsula Planning District Commission
P.O.Box 286
Saluda, Va 23149
804-758-2311
www.mppdc.com

- ❖ 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 # 22-1524

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.

County or City in which the project is located: Gloucester				
Waterway at project site: York River				
<i>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)</i>				
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

- Applicant's legal name* and complete mailing address: **Contact Information:**
 Home (804) 758-2311
 Work () _____
 Fax () _____
 Cell () _____
 e-mail LLAWRENCE@MPPDC.COM
 Middle Peninsula Public Access Authority
 PO Box 286
 SALUDA VA 23149
 State Corporation Commission Name and ID Number (if applicable) _____
- 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) _____

Part 1 - General Information (continued)

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.

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:

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: Telephone number
(____) _____

Part 1 - General Information (continued)

7. Give the following project location information:
Street Address (911 address if available) NA
Lot/Block/Parcel# NA
Subdivision NA
City / County Gloucester ZIP Code _____
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.265612° / -76.385369° (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.*

Site is accessible only from the water. A public boat landing is available at Gloucester Point, Virginia under the Rt. 17 bridge.

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 the project is shore protection. The low marsh island is eroding at a high rate. The site protects aquaculture operations in Monday Creek. A secondary purpose is to protect marsh habitat and establish oyster habitat in the lower York River.

9. Proposed use (check one):

Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*

The use of rock sills was considered for this shore protection project. However, the nearshore immediately surrounding Hog Island is very shallow and getting materials and machinery to the site would be difficult. Smaller, lighter boats/barges can be used to bring in the concrete oyster structures. No grading will occur, and no sand is being placed. The stacked oyster structures will be placed below MLW to maximize oyster growth. The small oyster structures will be placed at MLW to avoid impacts to SAV.

Part 1 - General Information (continued)

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.): \$ 664,400
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 650,000
13. Completion date of the proposed work: MULTI YEAR: GRANT FUNDED
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.

2149 Big Island View Rd
The Bruce and Catherine Vogt Trust Agreement
PO Box 747
Hayes, VA 23072
RPC 13725
Tax Map # 53-255

10664 Heron Point Rd
Michael A. Koeppen
10664 Heron Point Rd
Hayes, VA 23072
RPC 11100
Tax Map # 53-252

Big Island Rd
Frances Elias Blackburn
203 Cove Rd
Hayes, VA 23072
RPC 18191
Tax Map # 53-259

Big Island View Rd
Great Island, LLC
753 Thimble Shoals Blvd., Suite C
Newport News, VA 23606
RPC 22455
Tax Map # 53-256

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.

MIDDLE PENINSULA BAY PUBLIC ACCESS AUTHORITY

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)


Applicant's Signature LEWIE LAWRENCE
PAA SECRETARY

(Use if more than one applicant)

9/27/22
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), _____, hereby certify that I (we) have authorized _____
(Applicant's legal name(s)) (Agent's name(s))
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

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

(Agent's Signature) (Use if more than one agent)

(Date)

(Applicant's Signature) (Use if more than one applicant)

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, 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)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

from/on the same cove as) the land of _____.
(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 _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

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

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

Adjacent/nearby property owner's signature(s)

Date

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

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

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

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

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(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.

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Date

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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)

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

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:
Core (inner layer) material _____ pounds per stone Class size _____
Armor (outer layer) material _____ pounds per stone Class size _____

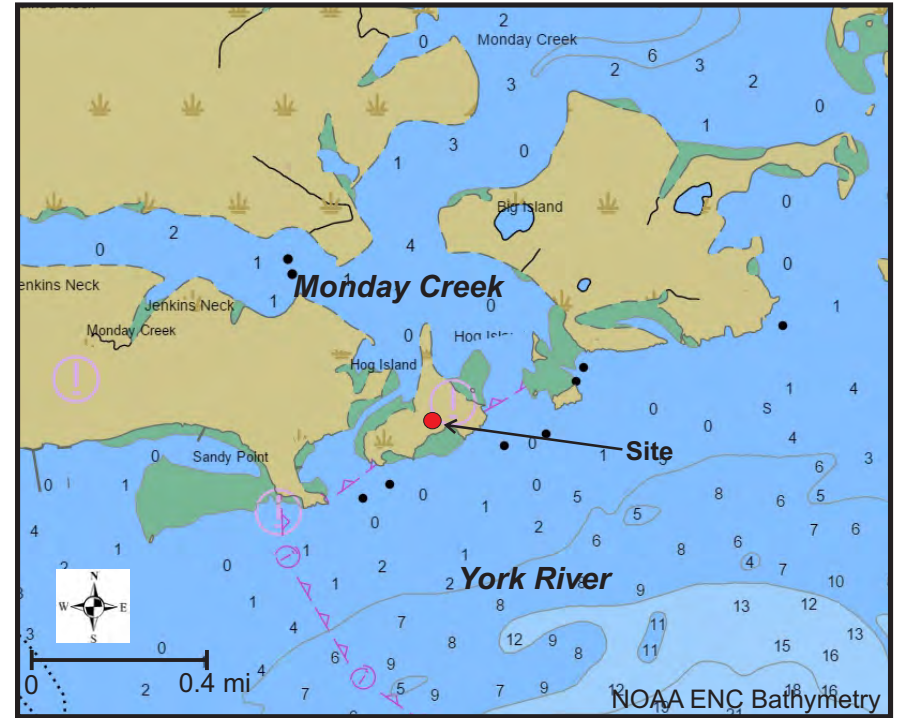
7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
 _____ cubic yards landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement:

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:



	Adjacent Property Owners	Hog Island Living Shoreline		Application By:
	Datum: MLW			At: In:



Adjacent Property Owners

Hog Island Living Shoreline

Application By:


Datum: MLW

At:
In:

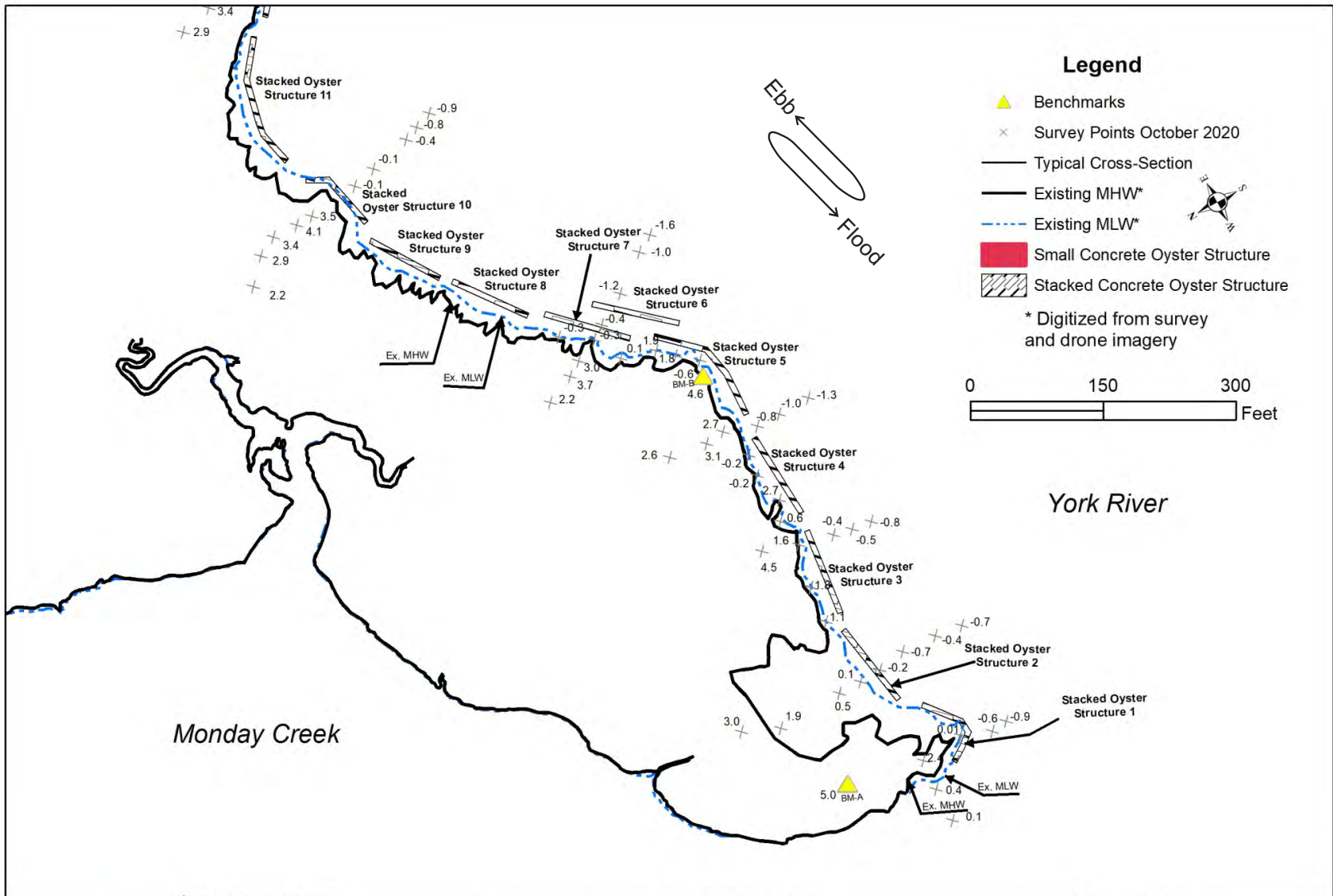
Purpose: Marsh protection &
oyster reef creation

Date: 16 Aug 2022
Sheet: 2 of 8

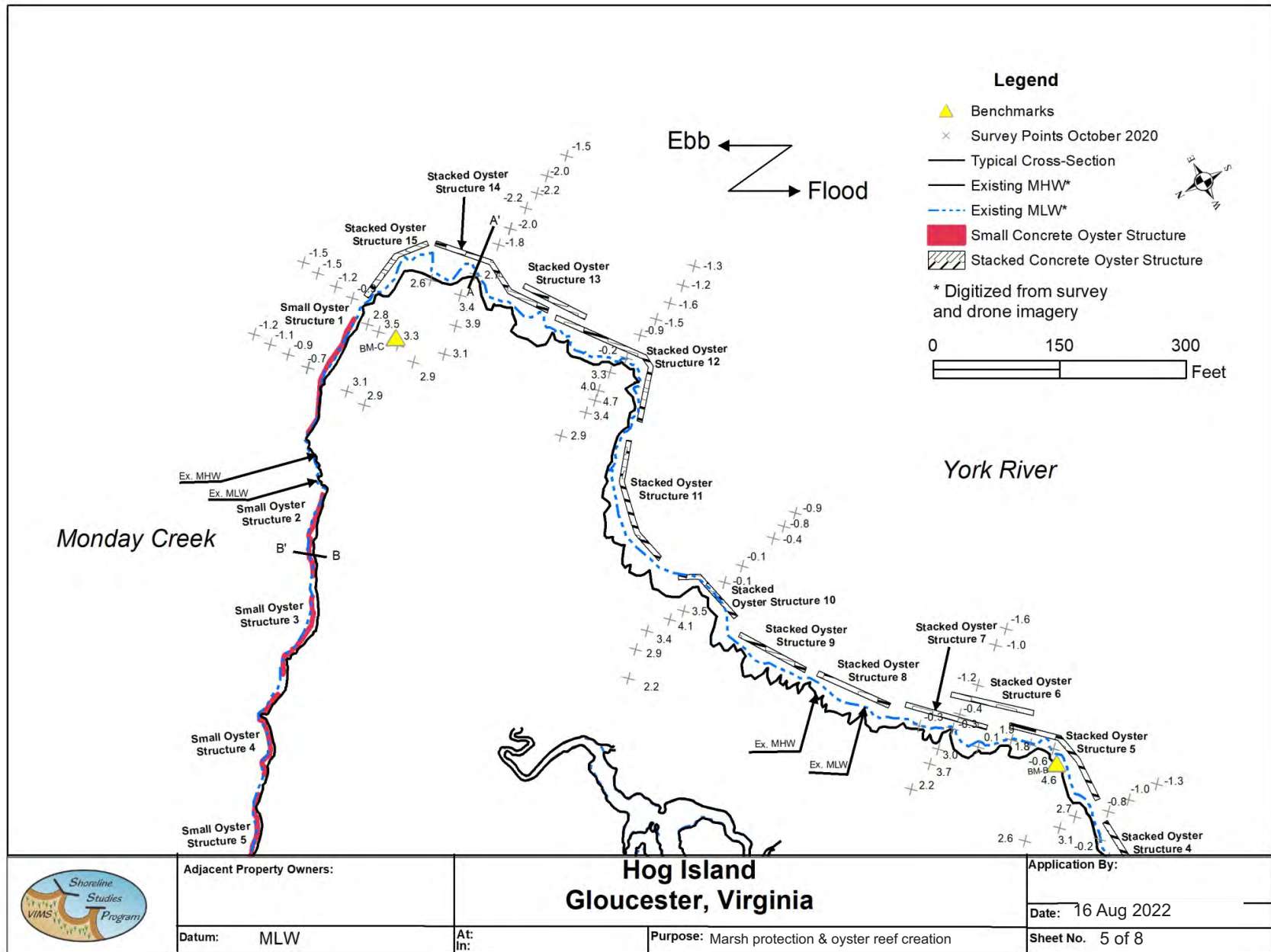


	Adjacent Property Owners:		Hog Island Gloucester, Virginia		Application By:	
	Datum: MLW				Date: 16 Aug 2022	
	At In:		Purpose: Marsh protection & oyster reef creation		Sheet No. 3 of 8	

ADDITIONAL INFORMATION/REVISIONS Received by VMRC September 27, 2022 /blh



	Adjacent Property Owners:	Hog Island Gloucester, Virginia		Application By:
	Datum: MLW			At: In:
		Purpose: Marsh protection & oyster reef creation	Sheet No. 4 of 8	



Adjacent Property Owners:

Datum: MLW

**Hog Island
Gloucester, Virginia**

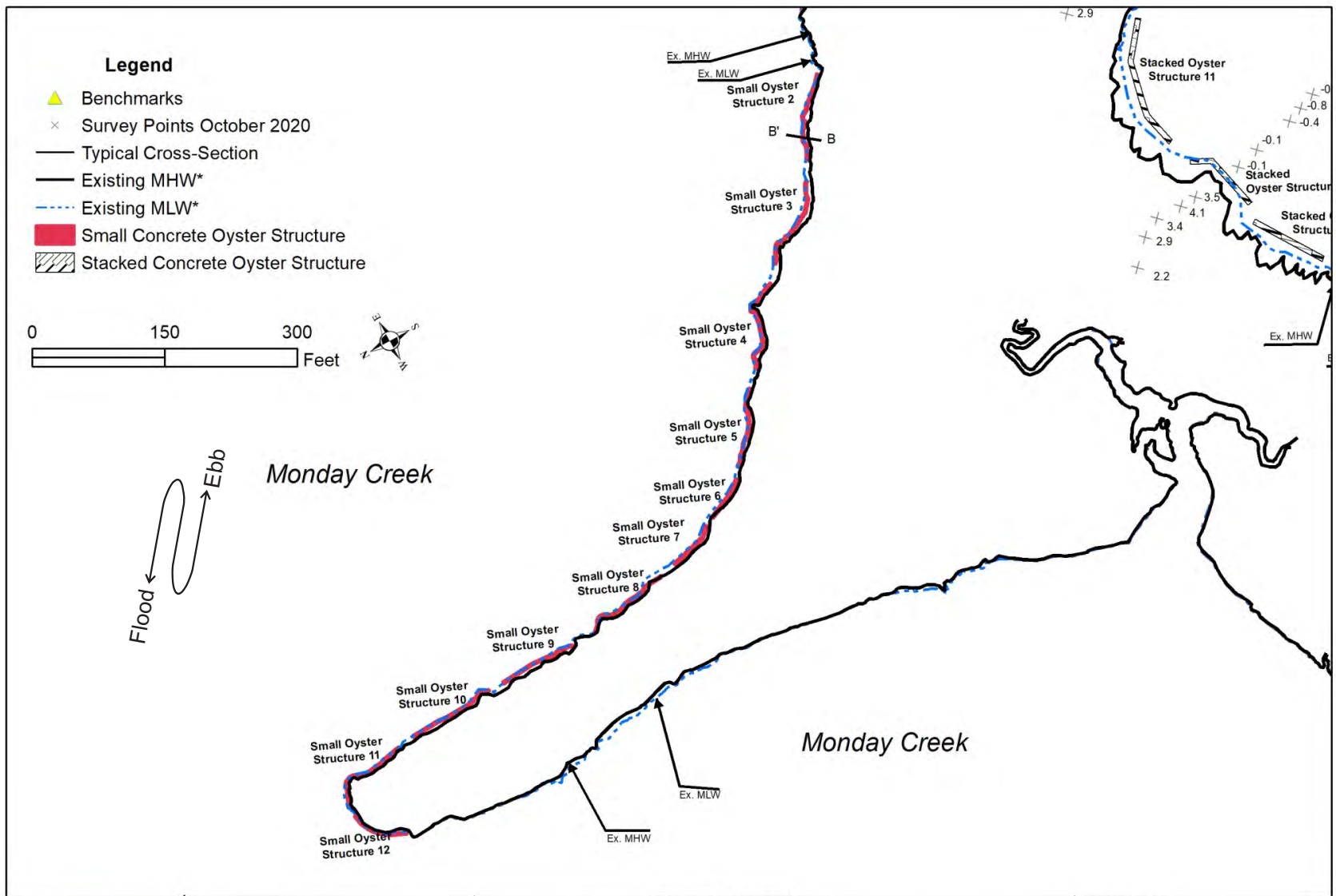
At:
In:

Purpose: Marsh protection & oyster reef creation

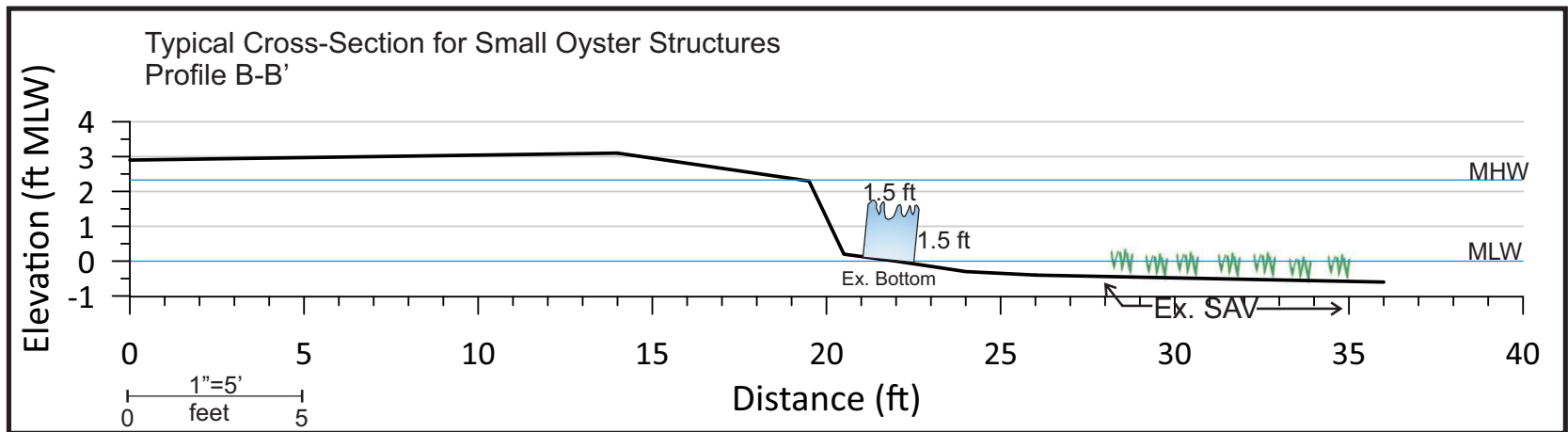
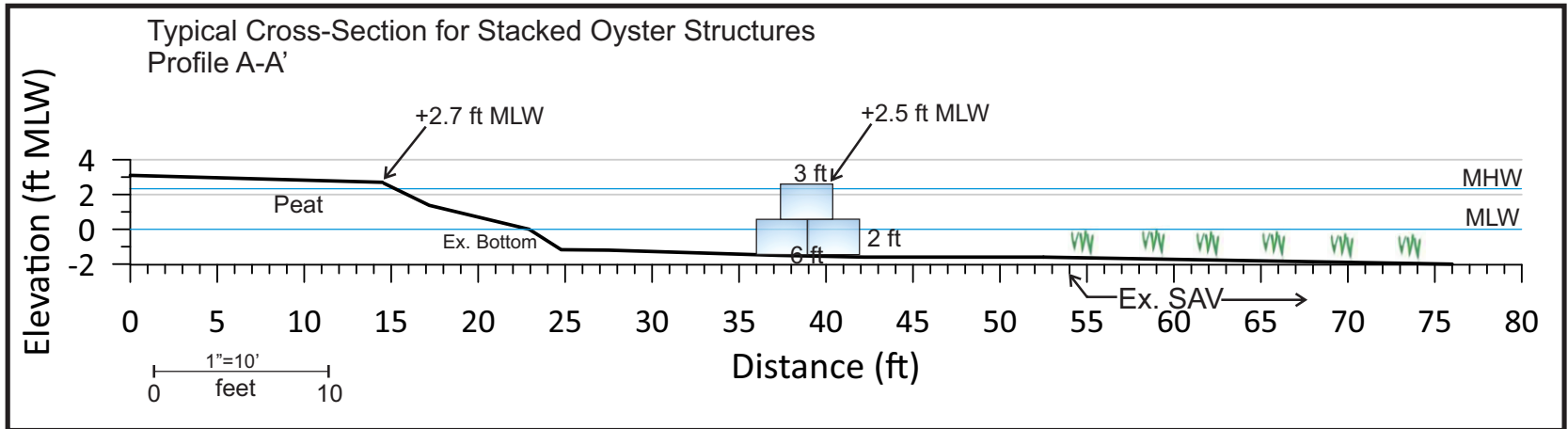
Application By:

Date: 16 Aug 2022

Sheet No. 5 of 8



	Adjacent Property Owners:	Hog Island Gloucester, Virginia	Application By:
	Datum: MLW		At In:
		Purpose: Marsh protection & oyster reef creation	Sheet No. 6 of 8



Adjacent Property Owners

Hog Island Living Shoreline

Application By:

Datum: MLW

At:
In:

Purpose: Marsh protection &
oyster reef creation

Date: 16 Aug 2022
Sheet: 7 of 8

Stacked Concrete Oyster Structure			
	End Points		
Structure #	Latitude	Longitude	Length (ft)
1	37.2646350	-76.3876235	100
	37.2646332	-76.3878766	
2	37.2647354	-76.3872208	100
	37.2646904	-76.3875605	
3	37.2646841	-76.3868146	100
	37.2647182	-76.3871562	
4	37.2646870	-76.3863998	100
	37.2646721	-76.3867436	
5	37.2648039	-76.3858655	150
	37.2646729	-76.3863049	
6	37.2649224	-76.3856398	100
	37.2647169	-76.3858687	
7	37.2650675	-76.3855848	100
	37.2648731	-76.3858283	
8	37.2652680	-76.3852999	90
	37.2651159	-76.3855569	
9	37.2654287	-76.3850053	90
	37.2652973	-76.3852638	
10	37.2655115	-76.3846801	90
	37.2654132	-76.3849365	
11	37.2654353	-76.3840937	155
	37.2655344	-76.3845761	
12	37.2654483	-76.3835103	195
	37.2653747	-76.3840471	
13	37.2654882	-76.3833348	82
	37.2653620	-76.3835697	
14	37.2656726	-76.3830064	160
	37.2654588	-76.3834690	
15	37.2659542	-76.3830601	100
	37.2656939	-76.3829907	

Small Concrete Oyster Structure			
	End Points		
Structure #	Latitude	Longitude	Length (ft)
1	37.2663362	-76.3834278	150
	37.2660208	-76.3831129	
2	37.2665511	-76.3839506	105
	37.2663910	-76.3836778	
3	37.2667937	-76.3842410	110
	37.2665831	-76.3840196	
4	37.2670050	-76.3845611	117
	37.2668351	-76.3843011	
5	37.2672017	-76.3848607	92
	37.2670498	-76.3846186	
6	37.2673462	-76.3849841	52
	37.2672233	-76.3848986	
7	37.2675220	-76.3850724	58
	37.2673763	-76.3850020	
8	37.2678398	-76.3851528	105
	37.2675780	-76.3850879	
9	37.2681666	-76.3851506	90
	37.2679222	-76.3851556	
10	37.2684932	-76.3851616	105
	37.2682175	-76.3851481	
11	37.2687747	-76.3852840	105
	37.2685475	-76.3851739	
12	37.2686560	-76.3854773	65
	37.2687713	-76.3853209	

Benchmarks

UTM, NAD83, Zone 18N, ft

Name	Northing	Easting	Elev_ftMLW
A	13,534,020.75	1,236,709.96	5.0
B	13,533,931.76	1,237,190.50	4.6
C	13,534,358.11	1,238,020.14	5.1

Example of a small concrete oyster structure and placement at a site.



Adjacent Property Owners

Hog Island Living Shoreline

Application By:

Datum:

At:
In:

Purpose: Marsh protection &
oyster reef creation

Date: 16 Aug 2022
Sheet: 8 of 8

