



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

November 29, 2022

Northern Virginia Regulatory Section  
NAO-2022-01729 / VMRC 22-2266 (York River)

Middle Peninsula Chesapeake Bay Public Access Authority  
c/o Lewis L Lawrence, Executive Director  
P.O. Box 286  
Saluda, VA 23149

Dear Mr. Lawrence:

This is in reference to the Department of the Army application (NAO-2022-01729 / VMRC 22-2266) you submitted to install 15 stacked concrete oyster structures and 12 small concrete oyster structures as a shoreline protection project along the southern and eastern shorelines, respectively, of Hog Island. Your proposed project as described above and depicted on attached drawings entitled "Hog Island Living Shoreline," dated August 16, 2022 and stamped as received by our office on September 28, 2022, satisfies the terms and conditions of Norfolk District's Regional Permit 19 (18-RP-19). Provided that you follow the general and permit specific conditions of 18-RP-19, as well as any additional special conditions that have been included below, no further authorization will be required from the Corps.

Special Conditions:

1. Incidents where any individuals of sea turtles, Atlantic sturgeon, or any species listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this RP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Norfolk District of the U.S. Army Corps of Engineers at (757) 201-7652. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein

authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

The USFWS has asked that we inform you of their authority under the Migratory Bird Treaty Act (16 USC 703). You should contact Thomas Wittig concerning this matter at (413) 253-8577 or [Thomas\\_wittig@fws.gov](mailto:Thomas_wittig@fws.gov) to determine if any restrictions apply to your project.

Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project. Your signature on this form certifies that you have completed the work in accordance with the regional permit terms and conditions.

This verification is valid until 18-RP-19 is modified, reissued, or revoked. RPs 02, 15, 17, 18, 19 and 22 are scheduled to be modified, reissued, or revoked on September 5, 2023. Activities which have commenced (i.e., under construction) or are under contract to commence in reliance upon this RP will remain authorized provided the activity is completed within twelve (12) months of the date of the RP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization. Activities completed under the authorization of the RP which was in effect at the time the activity was completed continue to be authorized by that RP.

The State Water Control Board provided unconditional §401 Water Quality Certification for this RP. Therefore, the activities that qualify for this RP meet the requirements of the Department of Environmental Quality's (DEQ) Virginia Water Protection Permit Regulation, provided that the permittee abides by the conditions of this RP. You will not be required to obtain a separate §401 Water Quality Certification from DEQ. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, the Virginia Department of Environmental Quality Virginia Coastal Zone Management Program (VCP) completed its review of the Federal Consistency Determination (FCD) for this RP on August 16, 2018 and provided concurrence that this RP is consistent with the VCP. Therefore, no further coordination with the VCP is required. Authorizations under this RP do not supersede State or local government authority or responsibilities pursuant to any State or local laws or regulations.

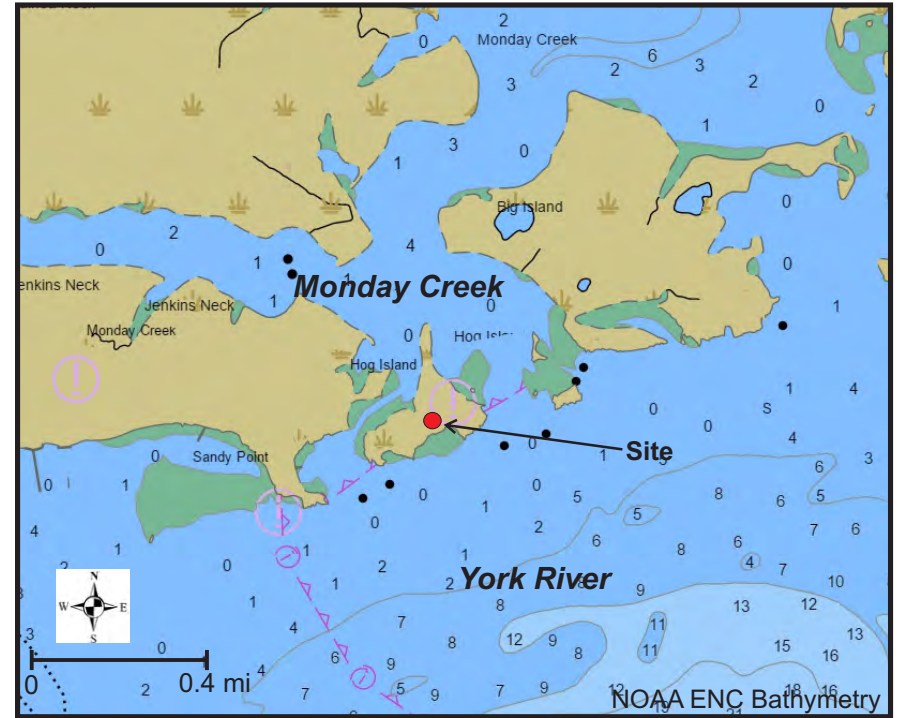
In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings. Please note that you should obtain all required State and local authorizations before you proceed with the project.


If you have any questions and/or concerns about this permit authorization, please contact Emily Brooks via telephone at (757) 201-7048 or via email at [Emily.A.Brooks@usace.army.mil](mailto:Emily.A.Brooks@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily Brooks', written in a cursive style.

Emily Brooks  
Environmental Scientist  
Norfolk District Regulatory Branch



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



Adjacent Property Owners

Hog Island Living Shoreline

Application By:


Datum: MLW

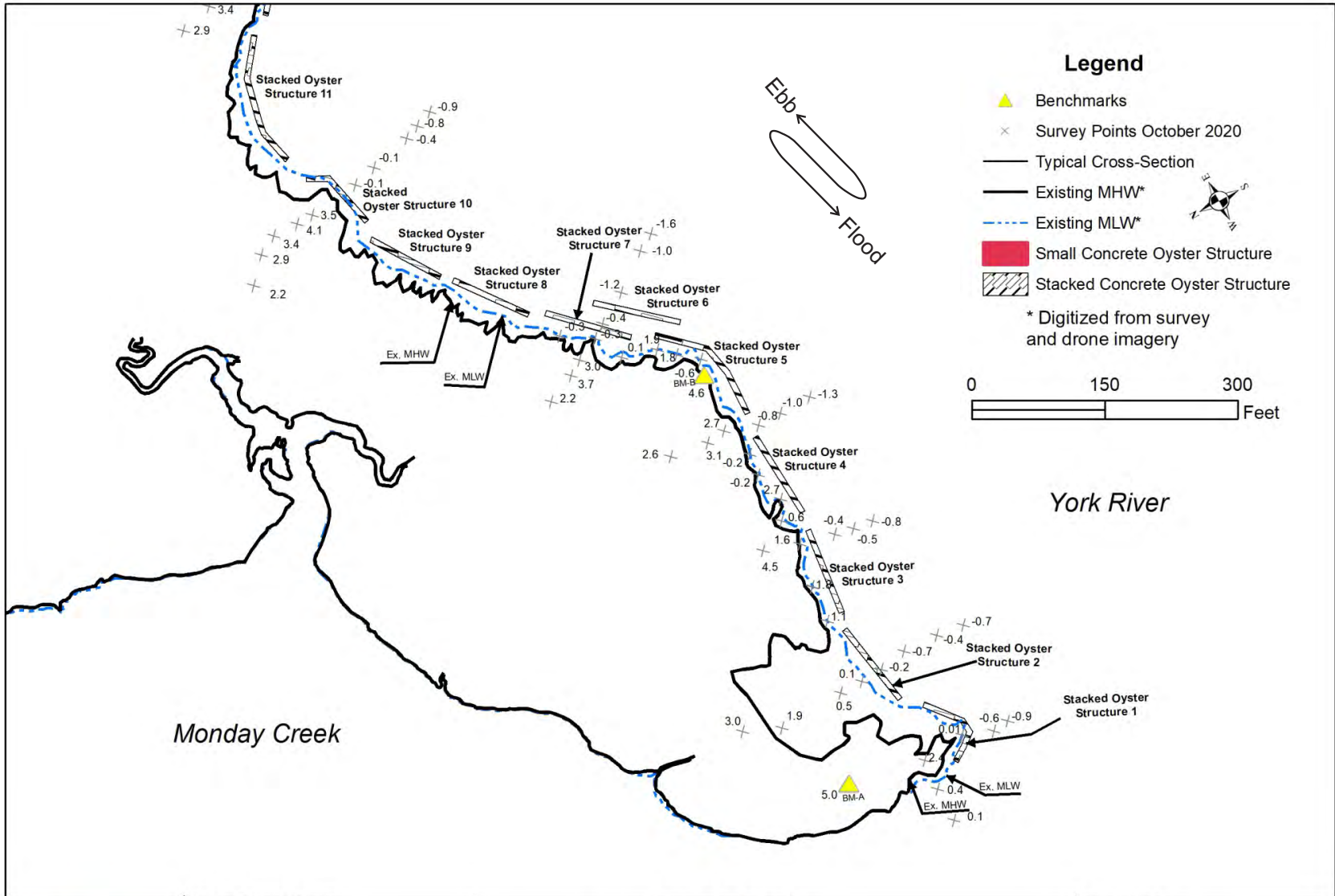
At:  
In:

Purpose: Marsh protection & oyster reef creation

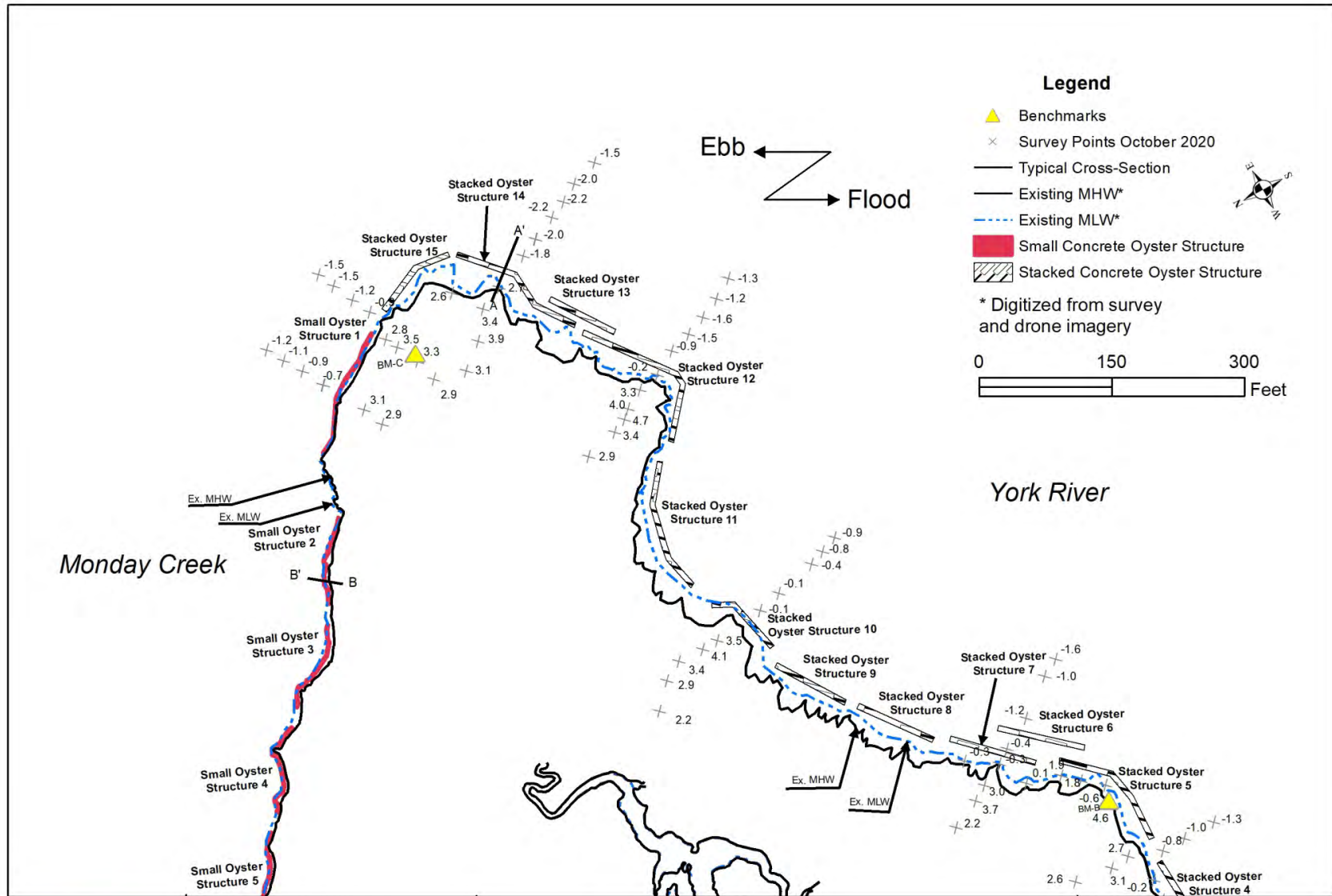
Date: 16 Aug 2022  
 Sheet: 2 of 8



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

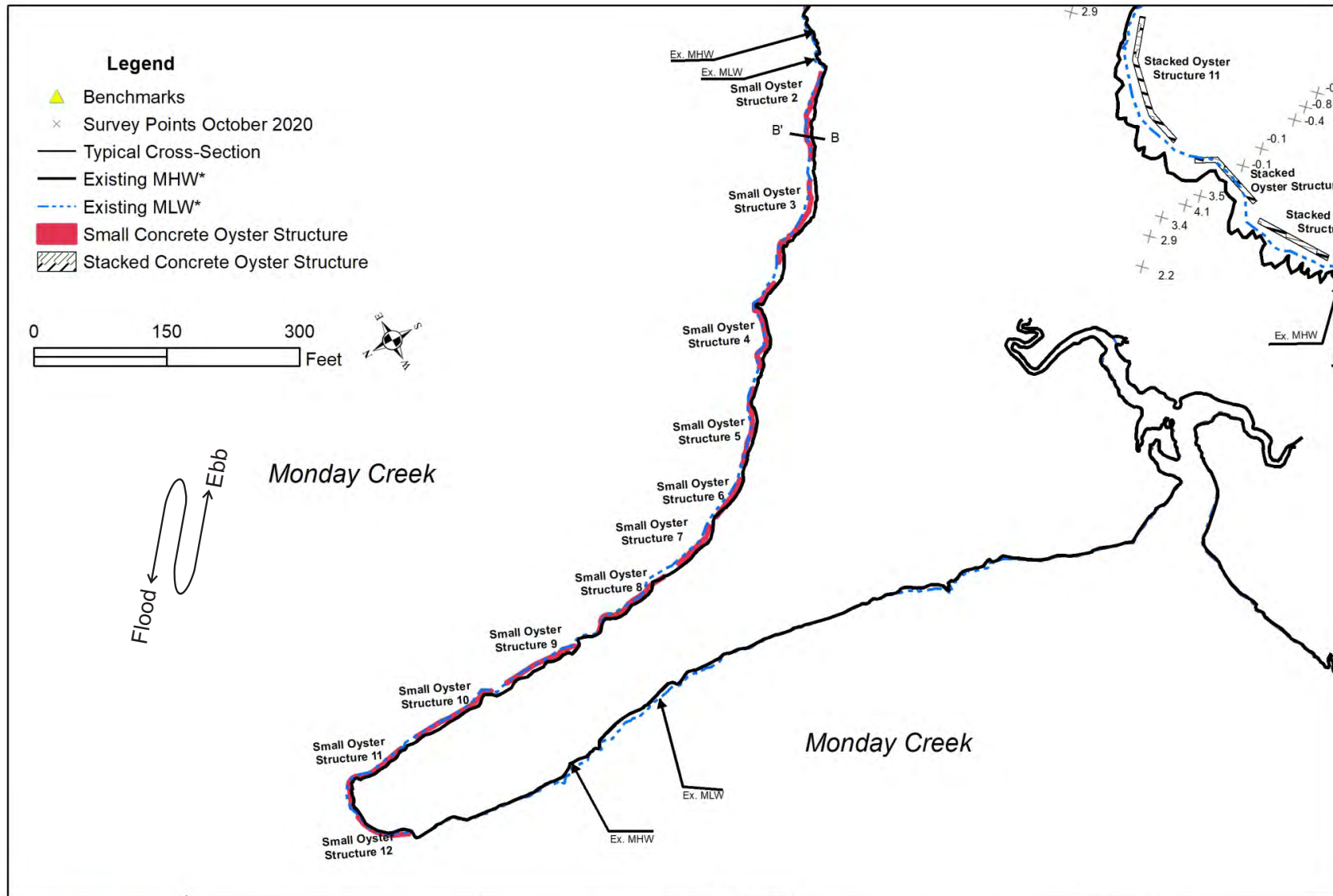


	Adjacent Property Owners:	<b>Hog Island                  Gloucester, Virginia</b>		Application By:
	Datum: MLW			At: In:
		Purpose: Marsh protection & oyster reef creation	Sheet No. 4 of 8	

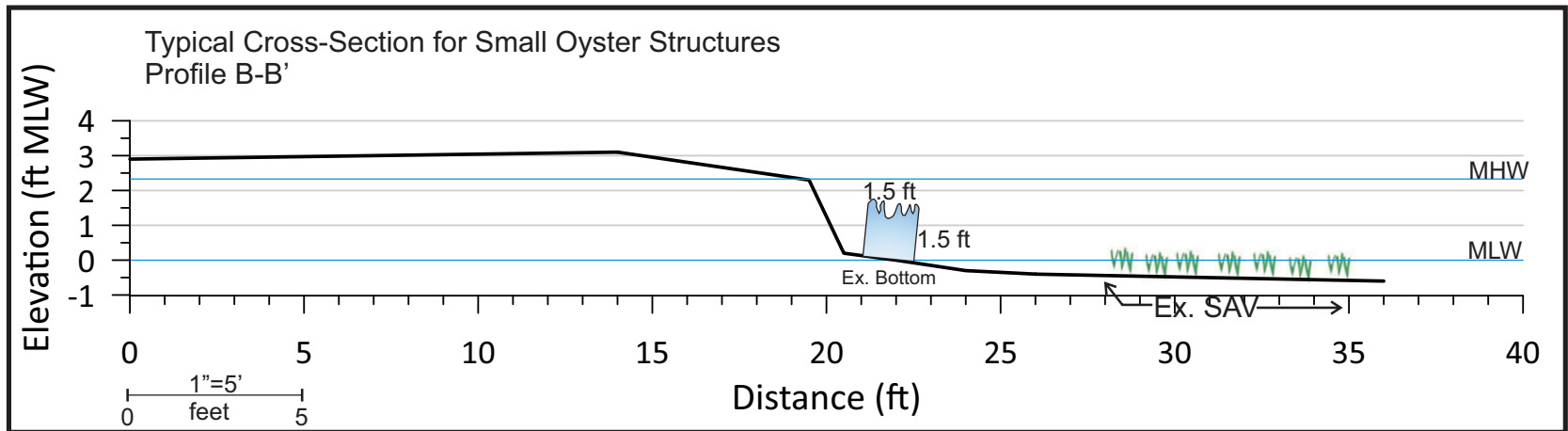
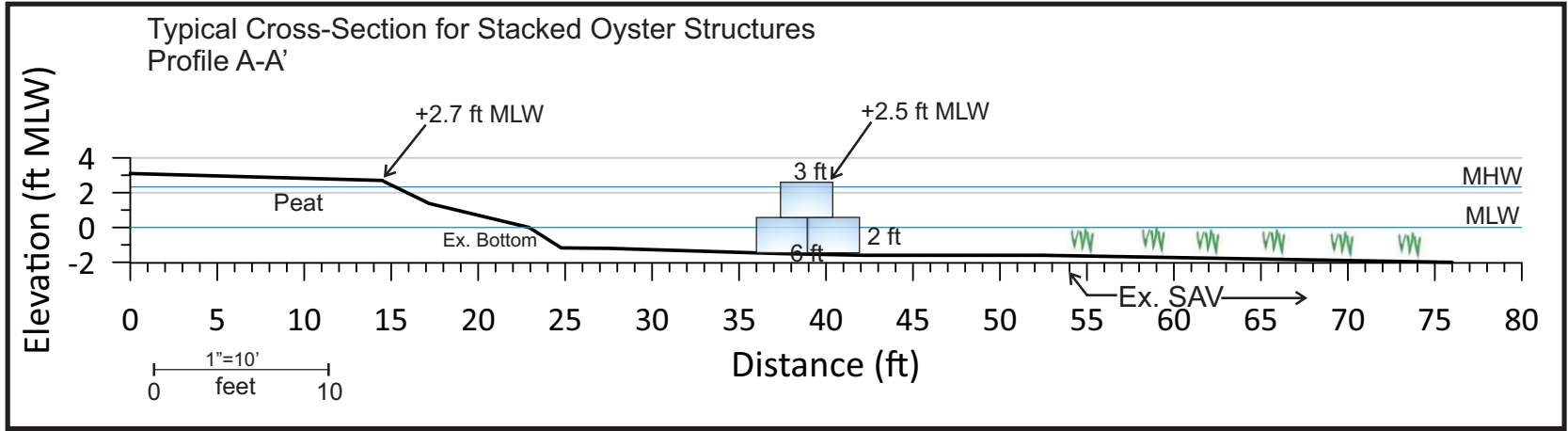


	Adjacent Property Owners:	<b>Hog Island                  Gloucester, Virginia</b>	Application By:
	Datum: MLW		At: In:
		Purpose: Marsh protection & oyster reef creation	Sheet No. 5 of 8





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

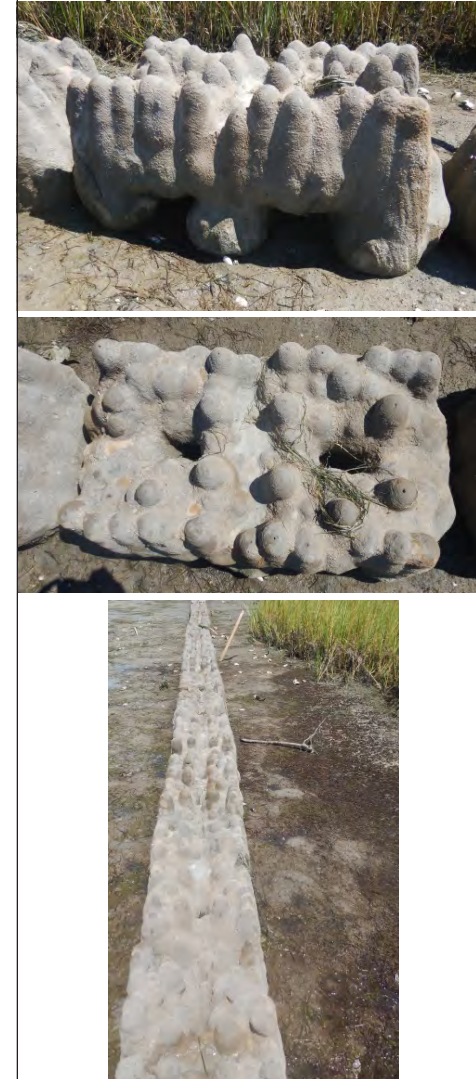


Adjacent Property Owners	Hog Island Living Shoreline		Application By:
Datum: MLW	At: In:	Purpose: Marsh protection & oyster reef creation	Date: 16 Aug 2022 Sheet: 7 of 8

Stacked Concrete Oyster Structure			
Structure #	End Points		Length (ft)
	Latitude	Longitude	
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			
Structure #	End Points		Length (ft)
	Latitude	Longitude	
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	

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



**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



Adjacent Property Owners

Hog Island Living Shoreline

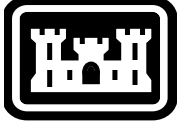
Application By:

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At:  
In:

Purpose: Marsh protection &  
oyster reef creation

Date: 16 Aug 2022  
Sheet: 8 of 8



U.S. Army Corps  
Of Engineers  
Norfolk District

**CERTIFICATE OF COMPLIANCE  
WITH  
ARMY CORPS OF ENGINEERS PERMIT**

Permit Number: NAO-2022-01729  
VMRC Number: 22-2266  
Corps Contact: Emily Brooks  
Permittee Name: Middle Peninsula Chesapeake Bay Public Access Authority  
c/o Lewis L Lawrence, Executive Director  
Date of Issuance: November 25, 2022  
Permit Type: 18-RP-19

**Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification, and return it to the following address:**

US Army Corps of Engineers - Norfolk District  
CENAO-WR-R  
Attn: Emily Brooks  
803 Front Street  
Norfolk, VA 23510-1011

Or scan and send via email to [Emily.A.Brooks@usace.army.mil](mailto:Emily.A.Brooks@usace.army.mil)

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit and required mitigation has been completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date