

# Wetlands and Dune Board

## Public Hearing Agenda

December 18, 2013

4:00 P.M.

1. **Call to Order; Roll Call**
2. **Consent Agenda**
  - A. Approval of Agenda Format
  - B. Approval of Minutes
3. **Hearings on the matters of:**
  - A. *Bay Creek at Cape Charles Community Association, JPA #13-1723* – proposed stone inter-bay breakwater and beach nourishment
    - Overview of application
    - Applicant's presentation
    - Public comment
    - Wetlands and Dune Board discussion/deliberation
    - Decision
4. **Adjourn**



**DRAFT**  
**Wetlands/Coastal Dune Board**  
**Public Hearing & Meeting**  
**Town Hall**  
**September 23, 2013**  
**4:00 p.m.**

At 4:12 p.m. in the Town Hall, Chairwoman Ann Hayward Walker, having established a quorum, called to order the Wetlands/Coastal Dune Board Public Hearing and Meeting. In attendance were Board members Russ Dunton, and Bob Roche. Board members Bruce Lindeman and Ray Salopek were not in attendance. Also present were Town Planner Rob Testerman, Assistant Town Clerk Amanda Hurley, Wayne McCoy of Mid Atlantic Environmental, Bill Parr of Peacock Holdings VA LLC and Cherrystone Creek LLC, and Hank Badger from the Virginia Marine Resources Commission. There was one member of the public in attendance.

**CONSENT AGENDA**

**Motion made by Russ Dunton, seconded by Bob Roche, to accept the agenda format as presented. The motion was unanimously approved.**

The Board reviewed the minutes from the April 22, 2013 Public Hearing and Meeting.

**Motion made by Russ Dunton, seconded by Bob Roche, to accept the minutes of the April 22, 2013 Public Hearing and Meeting as presented. The motion was unanimously approved.**

**BUSINESS**

- A. *Peacock Holdings VA LLC, JPA #13-1222 – Install 310 linear feet of stone riprap situated along the Chesapeake Bay adjacent to Aqua Restaurant*  
Ann Hayward Walker explained that this was part of a previous approval in 2009.

Mr. Parr introduced himself and commended the Board for their discussion at the last meeting regarding economic impacts. Mr. Parr stated that Peacock Holdings LLC was urgently concerned about the future of Aqua and the Marina resort complex was a big part of the economic engine of the Town and many people's jobs relied on that restaurant staying open. Aqua had lost about 75 feet of beach in some areas and more in others.

Ann Hayward Walker pointed out that the Board was sensitive to the economic impacts, but only the riprap and beach nourishment were relevant to the Board. The revetments were under the purview of the Virginia Marine Resources Commission (VMRC) and were not in the jurisdiction of the Wetlands Board.

Mr. McCoy reviewed the Site Plan of Proposed Riprap Repair & Breakwater Projects and explained that the concept used was the continuation of offshore breakwaters.

Russ Dunton commented that Cherrystone Aqua-Farms was concerned about the disturbance of the bottom and added that last time this was done Cherrystone Aqua-Farms had a timeframe that was suitable to them for the work to be done. Mr. McCoy stated that they were also constrained by the tiger beetle which meant that work could commence after September 16<sup>th</sup>.

Ann Hayward Walker pointed out that there were letters included in the packet for adjacent property owners to sign in agreement or disagreement, but the Board did not have copies of those. Mr. Badger stated that Adjoining Property Owner Notifications had been sent but no

responses had been received. Rob Testerman stated that notices were also sent out to adjacent property owners for the Public Hearing but no response had been received.

Mr. McCoy stated that three out of four revetments were proposed to be constructed. The northern most revetment would not be constructed as there was much subaqueous vegetation that would be impacted. In addition, that area was more protected and the wave dynamic and velocities were less. Mr. McCoy stated that the Class I riprap would be reused and Class II would be added and felt that this would create more beach as well as more tiger beetle habitat.

Ann Hayward Walker announced that there was an opportunity for public comments. Joan Natali stated that she did not sign up but wanted to voice her support.

Rob Testerman pointed out that there was a typographical error under Design Review on the Staff Report and the change would read, "The proposal is using Class I and Class II stone."

Russ Dunton directed his comment to Mr. McCoy stating that he would need to make the tiger beetle experts happy and work with Cherrystone Aqua-Farms' schedule. Ann Hayward Walker clarified that if Peacock Holdings LLC received all approvals today, they could begin work immediately.

Russ Dunton stated that part of the motion should include that Peacock Holdings LLC was to conform to Cherrystone Aqua-Farms' schedule so that the work did not interfere or impact their business. Ann Hayward Walker commented that the Board was being attentive to the concerns and potential impacts on Cherrystone Aqua-Farms.

Ann Hayward Walker asked what the estimated time frame was and Mr. McCoy stated that part of it depended on the Army Corps of Engineers and the Fish and Wildlife Service. Mr. Parr stated that they would allow 30-40 days to have material delivered and mobilize equipment and 60-90 days to get work completed.

**Motion made by Russ Dunton, seconded by Bob Roche, to approve the permit with the condition that Peacock Holdings LLC conform to Cherrystone Aqua-Farms' work schedule. The motion was unanimously approved.**

Russ Dunton stated that the Board previously approved the beach restoration which was never done and asked what happened when an applicant skipped over the Board's approval. Mr. McCoy stated that he was the agent for that and explained that their main concern was installing the Wave Attenuating Devices (WADs) but then hurricane Sandy hit and did a lot of damage. An annual review on the WADs had been done last week and revealed that 4"-6" of sand had been accreted behind the WADs which was beyond expectations. The beach nourishment was decided to be put on hold for a year to monitor the WADs' capability. The question was whether to do a blocking wall and rock like what was done at Seabreeze apartments or slopes and beach nourishment. Mr. McCoy stated that the intent was to still do beach nourishment. Mr. Badger asked if the permits were still active and Rob Testerman stated that he would look into it. Russ Dunton suggested they ask for an extension if it was needed.

**Motion made by Ann Hayward Walker, seconded by Russ Dunton, and unanimously approved to adjourn the Wetlands/Coastal Dune Board Meeting.**

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Chairwoman Ann Hayward Walker

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Asst. Town Clerk

# Wetlands and Dune Board Staff Report

From: Rob Testerman

Date: December 13, 2013

Item: 3A- JPA 13-1723 Bay Creek at Cape Charles Community Association, et al

Attachments: JPA Application, Photos

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## Background

The Cape Charles Wetlands and Dune Board meets on an as-needed basis to review permit applications. This application has been received to install a “back bay breakwater” and beach nourishment behind the existing breakwater structures. The structure is proposed to be 100 linear feet, with 774 cubic yards of nourishment.

## Item Specifics

According to the applicant, the reason for this request is that the existing breakwater system is inconsistently spaced, and the resulting gap between structures has caused extensive erosion to its associated embayment shoreline and beach. The installation of a smaller, more landward breakwater with nourishment will create an associated tombolo and reduce shoreline erosion.

- There are no vegetated wetlands to be impacted by the project
- No equipment will be working in the water
- Heavy equipment work will be done at times of low water
- No stock piling of materials will be done on the beach
- CBPA impacts will be compensated for if required by the Town.
- Beach vegetation will be planted if necessary to stabilize the beach nourishment

## Design Review –

- Proposed breakwater to be 100 linear feet, composed of Class I stone (50-150lbs) in the core (inner layer) and Type 1 & Class III stone (500-2000lb) shall be used for the armor (outer layer).
- Proper grain size will be used for beach nourishment as recommended by FWS for tiger beetle habitats.
- Beach nourishment will consist of 774 cubic yards, landward of mean low water, covering approximately 16,542 square feet. Nourishment will be placed at times of low water only.

To date, one response has been received from an adjacent property owner who is opposed to the project. Their comment letter has been attached to this report, and should be taken into consideration by the board while making its decision. The comment expresses concern over the Spartina grasses growing between the rear of lot 5 and the adjacent existing breakwater, and the effectiveness of hard structures regarding erosion control. They are also concerned that the access to the work area (proposed to be through lot 5) will negatively affect their adjacent property; they would prefer to see lot 1, 2 or 4 used as the access point

## Recommendation

Review the proposal, Decision Tree Flow Chart, photos and public comment. After discussion, determine whether issuance of the permit would be appropriate. It should be noted that approval by this board is valid only for the local wetlands board, and authorization from all other necessary agencies is required prior to any work being done.

**COASTAL RESOURCE MANAGEMENT, LLC**

30334 Lusitan Cove rd, Painter, VA 23120

757 4425640 (V&F), marshdr@esvanet

**Memo/FAX**

To: VMRC

From: Ellen R Grimes – Coastal Resource Management, LLC

CC:

Date: 11/12/2013

Re: Bay Creek at Cape Charles Community Association, Inc.

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Beth

Please find attached a new submittal JPA for a breakwater and accompanying beach nourishment project on the Chesapeake Bay in Cape Charles in Northampton Co., VA – Applicant Bay Creek at Cape Charles Community Association, Inc.

Thank you.

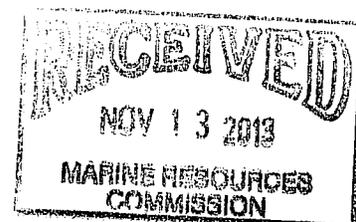
  
Ellen R Grimes MS MFS

CRM, llc

Encl: JPA (1)

Cc w/ encl: Brett Campbell – BCCCCA

Mark Baumgartner – Pender & Coward, P.C.



## Part 1 – General Information

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

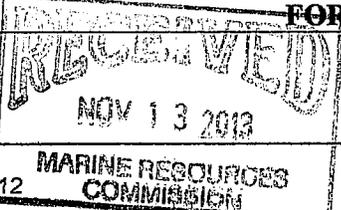
**County or City in which the project is located:** NORTHAMPTON / CAPE CHARLES  
**Waterway at project site:** CHESAPEAKE BAY

- |   |  |
|---|--|
| <p>1. Applicant's name* and complete mailing address:<br/>                 Bay Creek at Cape Charles Community Assoc., Inc.<br/>                 Brett Campbell CMCA, AMS, PCAM - Comm. Group Mgr<br/>                 Community Manager 4534 Bonney Road,<br/>                 Virginia Beach, VA 23462; <i>RICHARD S. FOSTER - Pres.</i><br/>                 SEE OTHER APPLICANTS - PG 5A (attached)</p> <p style="text-align: right;">State Corporation Commission ID Number (if applicable) <u>0532679-8</u></p> | <p>Contact Information:<br/>                 Home ( ) _____<br/>                 Work ( 757 ) <u>747-0908</u><br/>                 Fax ( 757 ) <u>499-5928</u><br/>                 Cell/ Pager ( ) _____<br/>                 e-mail _____</p>        |
| <p>2. Property owner(s) name* and complete address,<br/>                 if different from applicant<br/>                 same as listed</p> <p style="text-align: right;">State Corporation Commission ID Number (if applicable) _____</p>   | <p>Contact Information:<br/>                 Home ( ) _____<br/>                 Work ( ) _____<br/>                 Fax ( ) _____<br/>                 Cell/ Pager ( ) _____<br/>                 e-mail _____</p>                                    |
| <p>3. Authorized agent name* and complete mailing<br/>                 address (if applicable):<br/>                 CRM, LLC<br/>                 30334 KUSIAN COVE RD<br/>                 PAINTER, VA 23420</p> <p style="text-align: right;">State Corporation Commission ID Number (if applicable) <u>S276872-1</u></p>  | <p>Contact Information:<br/>                 Home ( ) _____<br/>                 Work ( 757 ) <u>442 5640</u><br/>                 Fax ( ) _____<br/>                 Cell/ Pager ( ) _____<br/>                 e-mail <u>marshdr@verizon.net</u></p> |

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

4. Provide a detailed description of the project in the space below. If additional space is needed, provide a separate sheet of paper with the project description. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.

THE APPLICANT WISHES TO INSTALL A BACK BAY BREAKWATER & BEACH NOURISHMENT BEHIND EXISTING BREAKWATER STRUCTURES, SEE JPA FOR DIMENSIONS AND QUANTITIES. THE REASON FOR THIS REQUEST IS THAT THE INCONSISTENTLY SPACED GAP IN THE EXISTING BREAKWATER SYSTEM HAS CAUSED EXTENSIVE EROSION TO ITS ASSOCIATED EMBAYMENT SHORELINE & BEACH. THE INSTALLATION OF A SMALLER, MORE LANDWARD BREAKWATER W/ NOURISHMENT WILL CREATE AN ASSOCIATED TOMBOLO & REDUCE SHORELINE & BEACH EROSION.

|   |                                |
|---|--------------------------------|
| <b>FOR AGENCY USE ONLY</b>  |                                |
|  | Notes:<br>JPA # <u>13-1723</u> |

BAY CREEK at CAPE CHARLES COMMUNITY ASSOCIATION  
Breakwater / Nourishment project  
“Co-Applicant / Property owners” associated with the project  
JPA submitted 11/5/2013

CO-APPLICANTS:

83A1-11-1  
BUNCE, WENDY A  
444 DELAWARE AVE  
REHOBOTH, DE 19971

83A1-11-2  
VICKORY, FRANK A  
2522 WEST WATROUS AVE  
TAMPA, FL 33629

83A1-11-3  
GRAVES, GLENN S & TERRI C  
502 ANGUILA DR  
CHESAPEAKE, VA 23322

83A1-11-4  
formerly WALKER, DONNA S (in property records)  
currently FISCHER, DONNA S  
9662 25<sup>TH</sup> B AY ST  
NORFOLK, VA 23516-1802

83A1-11-5  
TAYLOR, JAMES R & RONNEE R  
POB 1614  
DEERFIELD, IL 60015

## 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:

Contact Information:

Home ( ) \_\_\_\_\_

Work ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell / Pager ( ) \_\_\_\_\_

email \_\_\_\_\_

State Corporation Commission ID Number (if applicable) \_\_\_\_\_

**\* If multiple contractors, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

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

EASTERN SHORE NEWS /DAILY TIMES  
618 BEAM ST  
SALISBURY, MD 21201

( 410 ) \_\_\_\_\_ 749 7171

7. Give the following project location information:

Street Address (911 address if available) BEHIND #157 SUNSET BLVD.

Lot/Block/Parcel# 83A1-11- LOTS 1 THRU 5

Subdivision MARINA VILLAGE - BAY CREEK IN CAPE CHARLES

City / County CAPE CHARLES Zipcode 23310

Latitude and Longitude at Center of Project Site (Decimal Degrees): 37° 16' 40"; 76° 00' 55"

If the project is located in a rural area, please provide driving directions.

TAKE RT 13 SOUTH TO THE LIGHT AT CAPE CHARLES. TURN WEST ONTO RT 184 (STONE RD). PROCEED APPROX 1.7 MILE TO A RIGHT ONTO FIG ST. PROCEED APPROX 2,200 FT TO GATED COMMUNITY ENTRANCE. TAKE COLONY DR TO SUNSET BLVD. GO RIGHT. THE PROJECT IS LOCATED DIRECTLY BEHIND THE LIGHT ROSE COLORED HOUSE ON LEFT; #157 SUNSET BLVD.

**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.**

## Part 1 - General Information (continued)

8. What is the primary and secondary purpose of 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 TO ADDRESS THE SHORELINE & BEACH EROSION APPARENTLY CAUSED BY THE LARGER THAN CONSISTENT GAP SPACE IN THE EXISTING BREAKWATER SYSTEM.

9. Proposed use (check one):

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

10. Describe 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.**

THERE ARE NO VEGETATED WETLANDS TO BE IMPACTED BY THIS PROJECT  
 NOURISHMENT WILL BE PLACED AT TIMES OF LOW WATER ONLY  
 NO EQUIPMENT WILL BE WORKING "IN" THE WATER  
 HEAVY EQUIPMENT WORK WILL BE DONE AT TIMES OF LOW WATER  
 NO STOCK PILING OF MATERIALS WILL BE DONE ON THE BEACH  
 THE APPROPRIATE GRAIN SIZE NOURISHMENT MATERIALS WILL BE USED AS RECOMMENDED BY FWS FOR TIGER BEETLE HABITAT  
 ALL CPBA IMPACTS WILL BE COMPENSATED FOR IF REQUIRED BY THE TOWN OF CAPE CHARLES  
 BEACH VEGETATION WILL BE PLANTED IF NECESSARY TO STABILIZE NOURISHMENT

11. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?

Yes\*  No \* If you answered "Yes", provide the following information:

| <u>Agency / Representative</u> | <u>Activity</u>              | <u>Permit/Project No.</u> | <u>Action** &amp; Date</u> |
|--------------------------------|------------------------------|---------------------------|----------------------------|
| ALL                            | BREAKWATERS /<br>NOURISHMENT | 04-2844                   | APPROVAL / 2005?           |

(\*\*Issued, Denied, Withdrawn, or Site Visit)

## Part 1 - General Information (continued)

12. 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.
13. Approximate cost of the entire project (materials, labor, etc.): \$ 100,000.00  
Approximate cost of that portion of the project which is below mean low water: \$ 10,000.00
14. Completion date of the proposed work: MAY 31 - 2014
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).

83A1-11-6  
KURGAN, W MICHAEL & KATHLEEN  
151 SUNSET BLVD  
CAPE CHARLES VA 23310

83A1-11-85  
NAGLE, TIMOTHY  
941 AMESBURY RD  
VIRGINIA BEACH VA 23464-3131

NO A-X CREEK APO's

> 500' A-X WATERWAY

### 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, U.S. Army Corps of Engineers, 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.

Richard S Foster Pres.  
Applicant's Name (printed/typed)

\_\_\_\_\_  
(Use if more than one applicant)

Richard S Foster Pres.  
Applicant's Signature

\_\_\_\_\_  
(Use if more than one applicant)

11/3/2013  
Date

\_\_\_\_\_  
Property Owner's 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), Richard Foster, hereby certify that I (we) have authorized CRM, LLC (Email: rgreen@crmllc.com)

(Applicant's 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)

11/3/2013  
(Date)

Richard S. Foster Pres.  
(Applicant's Signature)

(Use if more than one applicant)

(Date)

**3. Applicant's having contractors (if applicable)**

**CONTRACTOR ACKNOWLEDGEMENT**

I (we), \_\_\_\_\_, have contracted UNCERTAIN AT THIS TIME  
(Applicant's 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

Richard S. Foster Pres.  
Applicant's signature

(use if more than one applicant)

Date

### 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, U.S. Army Corps of Engineers, 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.

✓ Wendy A. Bunce  
Applicant's Name (printed/typed)

\_\_\_\_\_  
(Use if more than one applicant)

✓ [Signature]  
Applicant's Signature

\_\_\_\_\_  
(Use if more than one applicant)

✓ Oct. 21, 2013  
Date

\_\_\_\_\_  
Property Owner's 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), WJ Advice, hereby certify that I (we) have authorized ELLEN R GRIMES T/A CRM, LLC  
(Applicant's 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)

10/29/2013  
(Date)

✓ WJ Advice  
(Applicant's Signature)

\_\_\_\_\_  
(Use if more than one applicant)

✓ Oct. 21, 2013  
(Date)

**3. Applicant's having contractors (if applicable)**

**CONTRACTOR ACKNOWLEDGEMENT**

I (we), \_\_\_\_\_, have contracted \_\_\_\_\_  
(Applicant's 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

#### 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, U.S. Army Corps of Engineers, 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.

✓ FRANK VICKORY  
Applicant's Name (printed/typed)

\_\_\_\_\_  
(Use if more than one applicant)

✓ [Signature]  
Applicant's Signature

\_\_\_\_\_  
(Use if more than one applicant)

✓ 10/28/13  
Date

\_\_\_\_\_  
Property Owner's 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), Frank Vickery, hereby certify that I (we) have authorized \_\_\_\_\_ (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)

11/3/2013  
 (Date)

✓ [Signature]  
 (Applicant's Signature)

(Use if more than one applicant)

✓ 10/28/13  
 (Date)

#### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

UNCERTAIN

I (we), \_\_\_\_\_, have contracted \_\_\_\_\_ (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

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

**NOTE: REQUIRED FOR ALL PROJECTS**

|  |
|--|
| <p><b>PRIVACY ACT STATEMENT:</b> 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.</p>  |
| <p><b>CERTIFICATION:</b> I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, 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.</p> <p>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.</p> |

Donna S. Fischer  
Applicant's Name (printed/typed)

\_\_\_\_\_  
(Use if more than one applicant)

Donna S. Fischer  
Applicant's Signature

\_\_\_\_\_  
(Use if more than one applicant)

September 09, 2013  
Date

Same as Applicant  
Property Owner's 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), Donna Fischer, hereby certify that I (we) have authorized CEM LLC / Ellen R Grimes  
(Applicant's 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)

\_\_\_\_\_  
(Date)

Donna J Fischer  
(Applicant's Signature)

\_\_\_\_\_  
(Use if more than one applicant)

September 09, 2013  
(Date)

#### 3. Applicant's having contractors (if applicable)

##### CONTRACTOR ACKNOWLEDGEMENT

I (we), \_\_\_\_\_, have contracted \_\_\_\_\_  
(Applicant's 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

Donna J Fischer  
Applicant's signature

\_\_\_\_\_  
(use if more than one applicant)

September 09, 2013  
Date

## 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, U.S. Army Corps of Engineers, 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.

JAMES R. TAYLOR  
Applicant's Name (printed/typed)

James R Taylor  
Applicant's Signature

SEP 9, 2013  
Date

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

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

RONNEE R. TAYLOR  
(Use if more than one applicant)

Ronnee R. Taylor  
(Use if more than one applicant)

\_\_\_\_\_  
(Use if more than one owner)

\_\_\_\_\_  
(Use if more than one owner)

### Part 2 – Signatures (continued)

#### 2. Applicants having agents (if applicable)

##### CERTIFICATION OF AUTHORIZATION

I (we), James Taylor hereby certify that I (we) have authorized COM, LLC / Eden R GPRIVES  
(Applicant's 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)

(Date)

James R Taylor  
(Applicant's Signature)

James R Taylor  
(Use if more than one applicant)

SEP 9, 2013  
(Date)

#### 3. Applicant's having contractors (if applicable)

##### CONTRACTOR ACKNOWLEDGEMENT

I (we), \_\_\_\_\_ have contracted \_\_\_\_\_  
(Applicant's 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 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, etc). Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service.

**NOTE: 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](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 100 linear feet. If applicable, what is the volume of the associated backfill? 774 cubic yards.
2. What is the maximum encroachment channelward of mean high water? 118' feet.  
channelward of mean low water? 8' 1/2 feet.  
channelward of the back edge of the dune or beach? 15-20' feet.
3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands 0 square feet
  - Nonvegetated wetlands 13,560 square feet (MH-ML)
  - Subaqueous bottom 1100 1/2 square feet
  - Dune and/or beach 2667 1/2 square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? NA 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.

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.**

QUARRY STONE TYPE 1 ARMOR W/ SOME CLASS III & CLASS I FOR CORE STONE  
HIGH TENSILE STRENGTH FILTER CLOTH  
HIGH QUALITY - PROPER GRAIN SIZED BEACH NOURISHMENT AS RECOMMENDED BY FWS FOR  
TIGER BEETLE HABITAT - RECOMMENDATION FORTH COMING UPON JPA REVIEW BY FWS

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:  
Core (inner layer) material 50-150 pounds per stone Class size I  
Armor (outer layer) material 500-2000 pounds per stone Class size type I&III

### Part 3 – Appendices (continued)

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

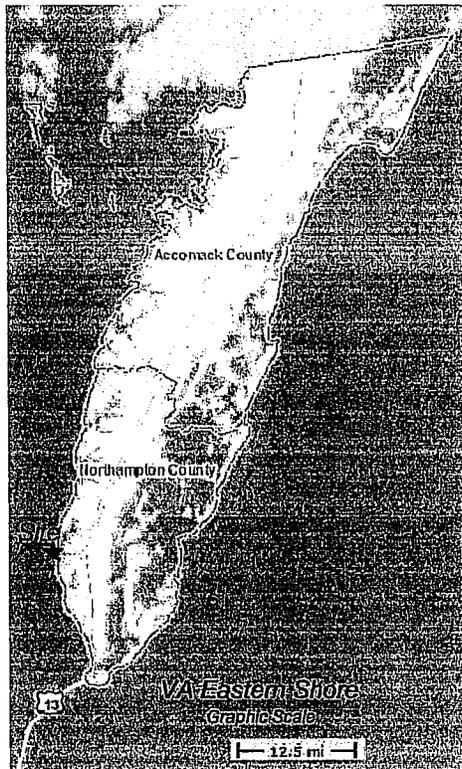
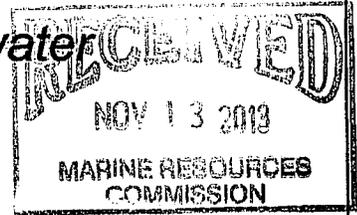
- Volume of material 

|         |   |
|---------|---|
| 0       | cubic yards channelward of mean low water |
| 774±    | cubic yards landward of mean low water    |
| 0       | square feet channelward of mean low water |
| 16,542± | square feet landward of mean low water    |
- Area to be covered

SEE #5 ←→

- Source of material, composition (e.g. 90% sand, 10% clay): UPLAND - THAT REQUIRED BY USFS FOR
- Method of transportation and placement: truck for delivery to site, transported to placement site by TIGER  
equipment, spread by excavator or dozer  
BEETLE.
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc.:  
if required, amican beach grass, planted from nov - march; 1.5-2' OC, 2 year monitoring to meet 80%  
survival at the end of 2nd growing season. plant nourishment footprint from MHW to base of embank-  
ment only.

**Site Plan for Interbay Bumper Breakwater  
at Sunset Boulevard  
Town of Cape Charles  
Northampton County, VA**



Source of Images: Northampton County Maps Direct

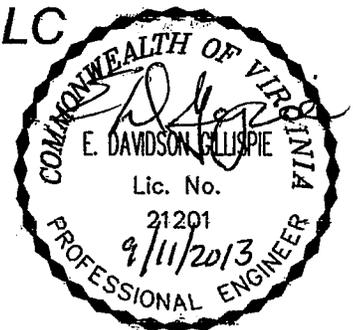
This document is to support the Joint Permit Application of  
**Bay Creek at Cape Charles Community Association**

made for  
**Coastal Resources Management, LLC**

**September 11, 2013**

**GILLISPIE CONSULTING**  
Land Surveying • Civil & Environmental Engineering

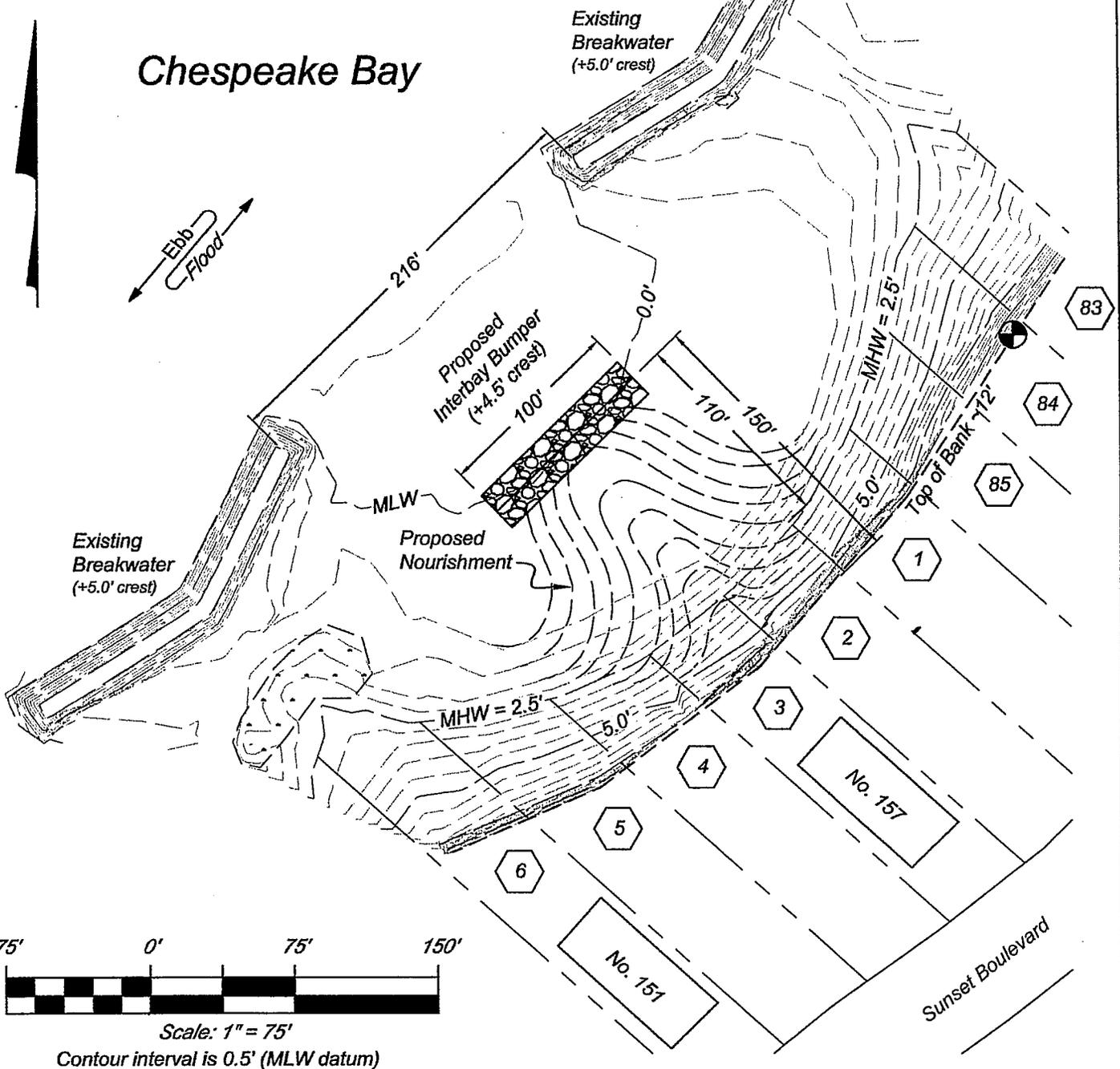
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25478 Virginia Avenue edgillispie@verizon.net  
Onley, VA 23418 (757) 709-3736



**RECEIVED**  
 NOV 13 2013  
 MARINE RESOURCES  
 COMMISSION

**Notes**

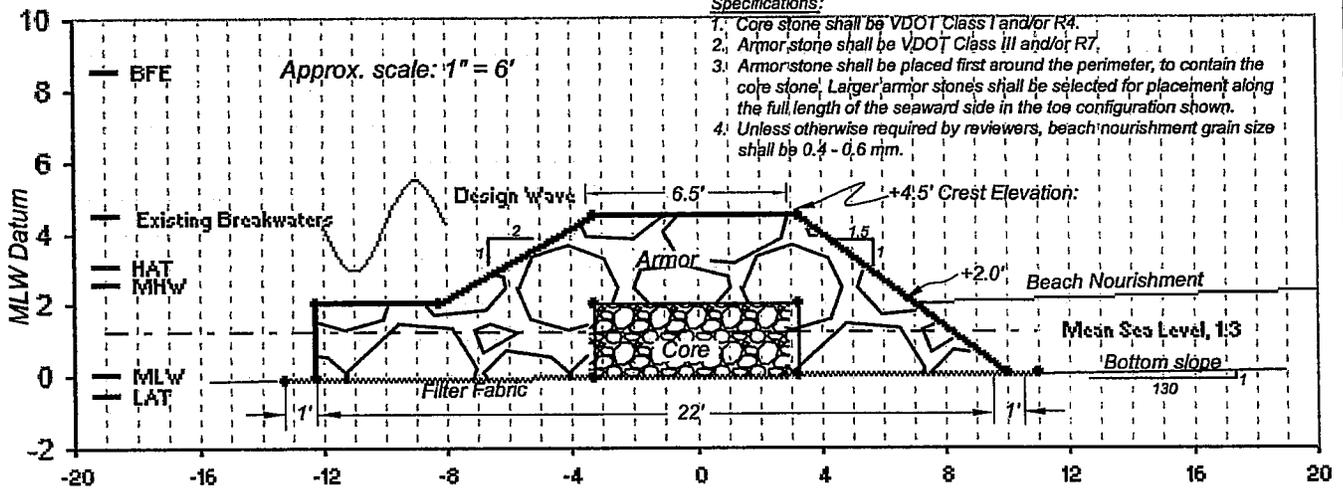
1. Individual residences own to the MHW line (see sheet 4 for listing cross reference), and Bay Creek at Cape Charles Community Association retains ownership to the MLW line
2. Datum is set to MLW = 0.0' with contour interval = 0.5'
3. Mean tidal range is MHW = 2.5' (major contour interval)
4. Temporary benchmark  is mag nail set in hub on top of bank, elevation = 12.6'



**Site  
 Layout**

**GILLISPIE CONSULTING**  
 Land Surveying • Civil & Environmental Engineering  
 E. Davidson Gillispie, L.S., P.E.  
 25478 Virginia Avenue      edgillispie@verizon.net  
 Onley, VA 23418              (757) 709-3736

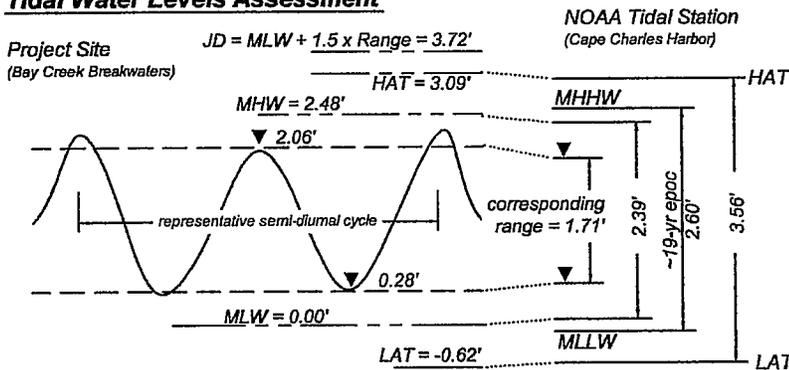
Applicant: Bay Creek at Cape Charles Community Assoc.  
 Waterway: Chesapeake Bay  
 City: Town of Cape Charles  
 County: Northampton  
 Date: September 11, 2013  
 Sheet No. 2 of 4



- Specifications:**
1. Core stone shall be VDOT Class I and/or R4.
  2. Armor stone shall be VDOT Class III and/or R7.
  3. Armorstone shall be placed first around the perimeter, to contain the core stone. Larger armor stones shall be selected for placement along the full length of the seaward side in the toe configuration shown.
  4. Unless otherwise required by reviewers, beach nourishment grain size shall be 0.4 - 0.6 mm.

| Vertical Design Elements   |        | Parameter/Value | Units                    | Notations  |
|--|--------|-----------------|--------------------------|--|
| ↑  | CREST  | 4.5 ft-Elev.    | $L_c$                    | 84 ft length of breakwater at crest                  |
|  | height | 2.0 ft          | $L_f$                    | 100 ft length of breakwater (footprint)              |
| H  | MHW    | 2.5 ft-Elev.    | $B_c$                    | 6.5 ft width of breakwater at crest                  |
|  | range  | 2.5 ft          | H                        | 4.5 ft height of breakwater                          |
| ↓  | MLW    | 0.0 ft-Elev.    | A                        | 4.0 ft width of toe apron (default)                  |
|  | depth  | 0.0 ft          | $B_f$                    | 22 ft width of breakwater (footprint)                |
| ↓  | BOTTOM | 0.0 ft-Elev.    | $W_{50}$                 | 1800 lbs use VDOT Class III and/or R7                |
| <p><b>Hudson Formula:</b></p> $W_r = \frac{H^3 K_d}{K_c (\gamma_r - 1) \cot^2 \theta}$ <p><math>W_{50}</math> is the 50<sup>th</sup> percentile (median) weight of the stone (lb)</p> <p><math>W_r</math> is the unit weight of the stone (lb/ft<sup>3</sup>) Limestone typically is 160-185 lb/ft<sup>3</sup></p> <p>H is the design wave height (ft) at the toe of the structure</p> <p><math>K_c = W_r / W_{50}</math> (<math>K_c = 0.1 - 0.2</math>)</p> <p><math>K_d</math> is an empirical value based on physical testing</p> <p>For standard placed aggregate <math>K_d = 1.0</math></p> <p><math>\cot \theta</math> is the design slope of the structure. For a 1:1 slope, <math>\cot \theta = 1</math></p> |        | $W_{50}$        | 728 lbs                  | median weight required (minimum)                     |
|  |        | $W_r$           | 165 lbs/ft <sup>3</sup>  | unit weight rock ( $S_r = 2.58$ )                    |
|  |        | $W_w$           | 64.0 lbs/ft <sup>3</sup> | unit weight sea water                                |
|  |        | H               | 4.2 ft                   | depth limited breaking wave height                   |
|  |        | h               | 5.4 ft                   | depth at breakwater                                  |
|  |        | K               | 0.78                     | breaker index (flat bottoms)                         |
|  |        | $K_d$           | 2.2                      | coefficient: breaking waves                          |
|  |        | $\cot(\theta)$  | 2.0                      | $\cot(\theta) = \text{run of slope per 1 foot rise}$ |

**Tidal Water Levels Assessment**



**Definitions**

- BFE Base Flood Elevation
- JD Jurisdiction (tidal/non-tidal)
- HAT Highest Astronomical Tide
- MHHW Mean Higher High Water
- MHW Mean High Water
- MLW Mean Low Water
- MLLW Mean Lower Low Water (tidal datum)
- LAT Lowest Astronomical Tide
- NOAA Nat. Oceanographic & Atmospheric Administration.

**Notes:** ▼ denotes observed and predicted water levels made May 14, 2013 at tidal extremes. Project site datum is set to MLW = 0.00'. No Scale.

**Breakwater Design Profile**

**GILLISPIE CONSULTING**  
Land Surveying • Civil & Environmental Engineering

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25478 Virginia Avenue, Edgill, VA 23118  
edgillispie@verizon.net (757) 709-3736

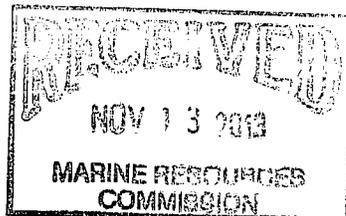
NOV 13 2013

MARINE RESOURCES COMMISSION

Applicant: Bay Creek at Cape Charles Community Assoc.  
Waterway: Chesapeake Bay  
City: Town of Cape Charles  
County: Northampton  
Date: September 11, 2013

| LOTS ALONG SUNSET BOULEVARD THAT ARE ADJACENT TO THE PROJECT AREA |            |           |  |
|---|------------|-----------|--|
| Lot   | Tax Map ID | Residence | Record Owner/Contact Address   |
| 6   | 83A1-11-6  | No. 151   | KURGAN, W MICHAEL & KATHLEEN <b>ADJACENT PROPERTY OWNER</b><br>151 SUNSET BLVD, CAPE CHARLES, VA, 23310    |
| 5   | 83A1-11-5  | Vacant    | TAYLOR, JAMES R & RONNEE R <b>CO-APPLICANT</b><br>PO BOX 1614, DEERFIELD, IL, 60015                        |
| 4   | 83A1-11-4  | Vacant    | <del>WALKER, DONNA S</del> <b>FISCHER</b> <b>CO-APPLICANT</b><br>9662 25TH BAY ST, NORFOLK, VA, 23518-1802 |
| 3   | 83A1-11-3  | No. 157   | GRAVES, GLENN S & TERRI C <b>CO-APPLICANT</b><br>502 AGUILA DR, CHESAPEAKE, VA, 23322                      |
| 2   | 83A1-11-2  | Vacant    | VICKORY, FRANK A <b>CO-APPLICANT</b><br>2522 WEST WATROUS AVE, TAMPA, FL, 33629                            |
| 1   | 83A1-11-1  | Vacant    | BUNCE, WENDY A <b>CO-APPLICANT</b><br>44 DELAWARE AVE, REHOBOTH BEACH, DE, 19971                           |
| 85  | 83A1-11-85 | Vacant    | NAGLE, TIMOTHY <b>ADJACENT PROPERTY OWNER</b><br>941 AMESBURY RD, VIRGINIA BEACH, VA, 23464-3131           |
| 84  | 83A1-11-84 | Vacant    | MCANDREW, JAMES J & BHATTI, NEELOO<br>208 FULLING DR, CHADDS FORD, PA, 19317                               |
| 83  | 83A1-11-83 | Vacant    | SULLIVAN, STEVEN S & BARBARA B<br>10 ACKERMAN RD, WARWICK, NY, 10990                                       |
| 82  | 83A1-11-82 | No. 169   | FBS LLC<br>100 SPARKS VALLEY RD STE A, SPARKS, MD, 21152   |

| SUMMARY OF ANTICIPATED IMPACTS AND CREATED HABITAT (FT <sup>2</sup> ) |                   |              |              |            |
|---|-------------------|--------------|--------------|------------|
| Feature   | Habitat           | Impacted     | Created      | Net Change |
| Beach Fill  | Backshore - Dunes | 2667         | 7390         | +4723      |
|   | Sandy Intertidal  | 13974        | 9251         | -4723      |
| Breakwater  | Sandy Intertidal  | 1100         | -            | -1100      |
|   | Sandy Subaqueous  | 1100         | -            | -1100      |
|   | Rocky Intertidal  | -            | 1100         | +1100      |
|   | Rocky Subaqueous  | -            | 1100         | +1100      |
| <b>TOTALS</b>   |                   | <b>18841</b> | <b>18841</b> | <b>0</b>   |

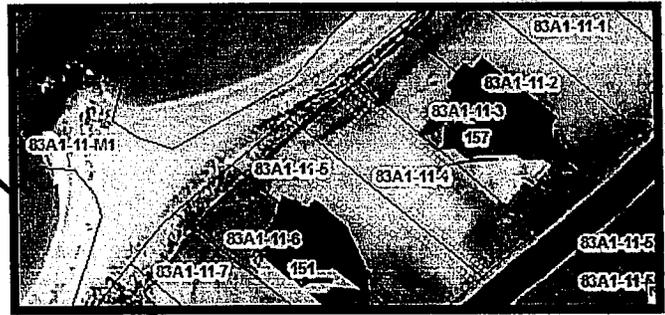


**Notes & Details**

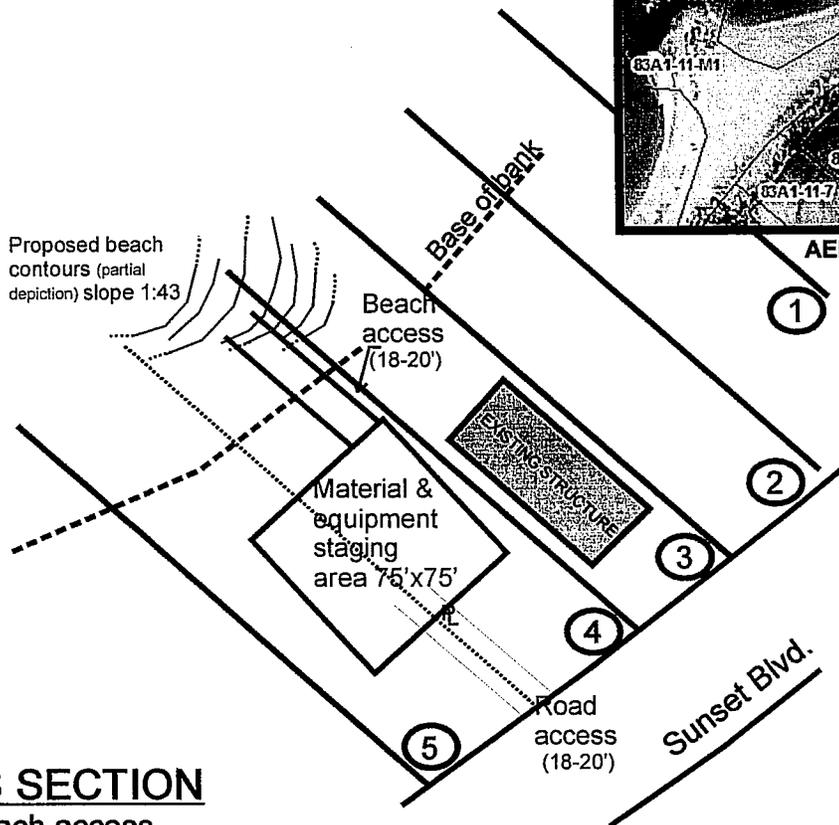
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Applicant: Bay Creek at Cape Charles Community Assoc.  
Waterway: Chesapeake Bay  
City: Town of Cape Charles  
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Date: September 11, 2013

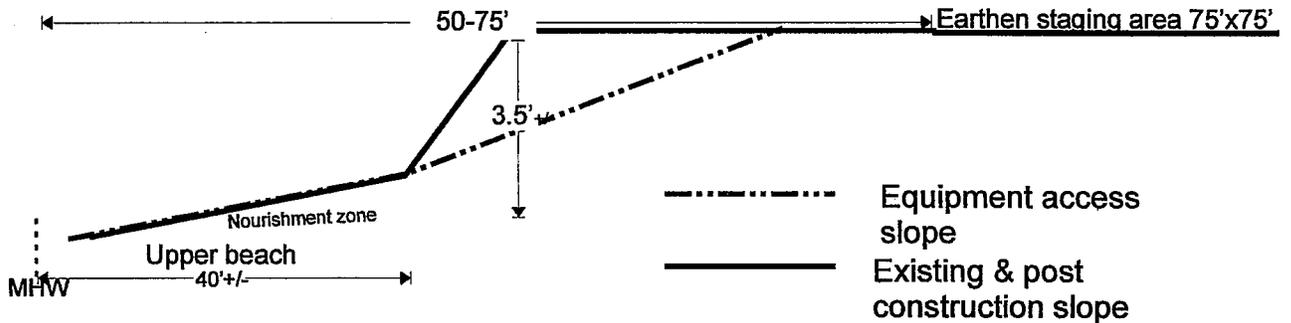


**AERIAL SHOWING ACCESS & STAGING**



**CROSS SECTION**  
Road / Beach access & Staging area\*\*

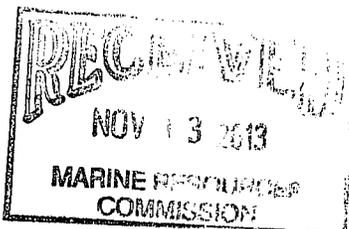
**Approx Scale**  
0' 75'  
\*\* See lot owner consent attached to JPA



**Notes:**

- 1) Access will be cut through existing embankment and sloped for safe equipment travel
- 2) Both access and staging area will be repaired to pre-construction contours and vegetated to E&S standards
- 3) American dune grass will be planted in the area of the cut-through and repair.
- 4) Lot owners of Lots 4 & 5 have given permission to use their lots for access and staging, See JPA

- 5) No equipment will be working in the water. All work will be done at low tide or from atop the structure. If for reasons unforeseen equipment must operate from the water, if necessary, a turbidity curtain will be deployed for the times of operation.



|  |   |  |
|--|---|--|
| <p><b>Applicant:</b><br/>Bay Creek at Cape Charles<br/>Community Assoc.<br/>4534 Bonney Rd<br/>Virginia Beach, VA 23462</p> <p>Subdiv.: Bay Creek @ Cape Charles<br/>Tx Map #'s 83A1-111 thru 5<br/>Submit Date: 11/ /2013<br/>Revised Date:</p> | <p><b>Breakwater/Beach Nourishment</b><br/>Chesapeake Bay<br/>Cape Charles<br/>Northampton County</p> | <p>C.R.M, llc<br/>Painter, VA<br/>757 442.5640<br/>marshdr@verizon.net</p>  |
|--|---|--|



## ***Coastal Resource Management, llc***

30334 kusian cove rd, painter, virginia 23420

phone: (757) 442.5640 / fax: same / e-mail: [marshdr@verizon.net](mailto:marshdr@verizon.net)

---

**Via email**

Mr Taylor & Ms Fischer

As you know, CRM, llc is preparing a Joint Permit Application for the installation of a breakwater and beach nourishment on the beach behind your properties at the Bay Creek at Cape Charles property on Sunset Blvd In Cape Charles, VA.

During construction it will be necessary to have an upland staging area. This letter is to request the use of your lots for that purpose. The construction contract will include clauses that require the contractor to restore by means of filling/grading and planting your lots and embankment face back into their original pre-construction condition.

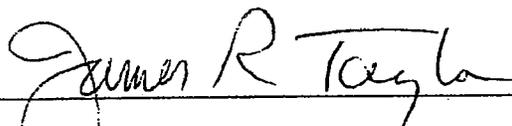
By signing this letter you are acknowledging to the regulatory agencies that you have given permission for the use of your lot. It does not at this time give any contractor the go-a-head to do so with out a signed document between the contractor and yourselves, if that is something that you desire.

Sincerely,

Ellen R Grimes MS MFS

CRM, llc

6 November 2013

  
James Taylor – 83A1-11-5

08 NOV 13

Date

\_\_\_\_\_  
Donna Fischer – 83A1-11-4

\_\_\_\_\_  
Date



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CRM, llc

6 November 2013

\_\_\_\_\_  
James Taylor – 83A1-11-5

\_\_\_\_\_  
Date

*Donna Fischer*  
\_\_\_\_\_  
Donna Fischer – 83A1-11-4

*11.06.13*  
\_\_\_\_\_  
Date



United States Department of Interior  
Fish and Wildlife Service

Project name: Bay Creek @ Cape Charles

## Official Species List

**Provided by:**

VIRGINIA ECOLOGICAL SERVICES FIELD OFFICE

6669 SHORT LANE

GLOUCESTER, VA 23061

(804) 693-6694

<http://www.fws.gov/northeast/virginiafield/>

**Consultation Tracking Number:** 05E2VA00-2014-SLI-0223

**Project Type:** Shoreline / Beach Protection / Renourishment

**Project Description:** breakwater / beach nourishment



United States Department of Interior  
Fish and Wildlife Service

Project name: Bay Creek @ Cape Charles

**Project Counties:** Northampton, VA



United States Department of Interior  
Fish and Wildlife Service

Project name: Bay Creek @ Cape Charles

## Endangered Species Act Species List

Species lists are not entirely based upon the current range of a species but may also take into consideration actions that affect a species that exists in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Please contact the designated FWS office if you have questions.

**Green sea turtle (*Chelonia mydas*)**

Population: except where endangered

Listing Status: Threatened

**Hawksbill sea turtle (*Eretmochelys imbricata*)**

Population: Entire

Listing Status: Endangered

**Kemp's Ridley sea turtle (*Lepidochelys kempii*)**

Population: Entire

Listing Status: Endangered

**Leatherback sea turtle (*Dermochelys coriacea*)**

Population: Entire

Listing Status: Endangered

**Loggerhead sea turtle (*Caretta caretta*)**

Population: Northwest Atlantic DPS

Listing Status: Threatened

**northeastern beach tiger beetle (*Cicindela dorsalis dorsalis*)**

Population: Entire

Listing Status: Threatened

**Piping Plover (*Charadrius melodus*)**

Population: except Great Lakes watershed

Listing Status: Threatened



United States Department of Interior  
Fish and Wildlife Service

Project name: Bay Creek @ Cape Charles

**Red Knot (*Calidris canutus rufa*)**

Listing Status: Proposed Threatened

**Roseate tern (*Sterna dougallii dougallii*)**

Population: northeast U.S. nesting pop.

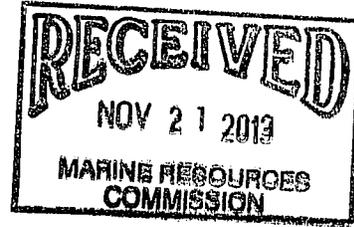
Listing Status: Endangered

**Seabeach amaranth (*Amaranthus pumilus*)**

Listing Status: Threatened

November 19, 2013

Virginia Marine Resource Commission  
Habitat Management Division  
2600 Washington Ave 3rd Floor  
Newport News, VA 23607



#13-1723

Re: Joint Permit Application (JPA) for Installation of Breakwater and Beach Nourishment for Bay Creek at Cape Charles Community Association

**PROTEST**

To Whom it May Concern:

In regard to this JPA, we have the following objections with comments:

We would like assurances that the proposed Interbay Bumper "Revetment" will not negatively impact the Spartina grasses between the rear of lot 5 and the adjacent existing Breakwater. These grasses have grown considerably in the past seven years, and contribute significantly to the overall environmental protection of this area. These grasses cannot be jeopardized by this proposed project. Will the placement of a revetment in the proposed location cause damage to the current thriving colony of grasses? This specific cordgrass colony has thrived while most others in the North Tract Breakwaters are not.

There are a lot of concerns about the effectiveness of revetments or any hard structure regarding beach erosion. Leslie Ewing, an Engineer for the California Coastal Commission says, "there are adverse effects to the beach" from the "reflective wave energy coming back from the rock structure - it quickens the amount of the sand mobilized and taken offshore when the rock is exposed." In Nantucket the Former Coastal Commission chairman Ginger Andrews came to the conclusion that these structures do not work. "I would like to remind the Commission that hard structures + water = no beach," she wrote in a letter. "In my experience no hard structure 'erosion control' method has been successful against the ocean and damage to down drift- beaches has always occurred. This information is taken from an article written in Vanity Fair Magazine on August, 2013, titled "From Coast to Toast" by William D. Cohan and Vanessa Grigoriadis. Based on our results, the current breakwaters here known as The North Tract, The Colony at Bay Creek have failed and the sand nourishment has been swept away.

The Chesapeake Bay is not a lot different in its erosion problems from other beach front properties and if we knew what we now know after living here since 2006 we may not have ever built our home. Tom Ford, director of marine programs at the Santa Monica Bay Restoration Foundation says, "I do think the Broad Beach Homes are in jeopardy (Located on California's Malibu Beach) but we have to recognize that Scientists in Rhode Island and New Jersey( and other places where there is a lot of erosion) are talking about 'managed retreat'. That means abandoning these homes and moving away, preferably way upland. We simply have to recognize that building homes on beaches is not sound policy."

We understand that access to the work area would proceed through Lot 5, directly

adjacent to our Lot 6. This is unacceptable. Our lot would undoubtedly get negatively impacted by construction equipment, materials, and rock taken down to the water through lot 5. Also Lot 5 has seen very heavy erosion from wave action so if the bank is cut it could invite disaster from a possible storm. If approved, using Lot 1 for this purpose would provide the least impact on existing houses and homeowners. Or alternatively, lots 2 and 4 could also be used; although they are adjacent to lot 3, the primary beneficiary of this project.

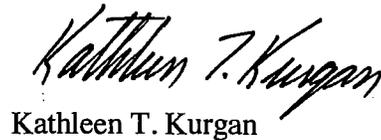
Please note an error in the Notes by Gillispie Consulting #1. We do not own to MHW Line as shown on the map provided. We have specific lot lines with 4 distinct corners. See copy of Bay Creek Plat for The Colony enclosed.

Thank you for the opportunity to comment on this project.

Sincerely,



W. Michael Kurgan



Kathleen T. Kurgan

Lot 6, 151 Sunset Blvd.  
Cape Charles, VA 23310  
Cc: Coastal Resource Management, LLC

# **Coastal Resource Management, llc**

30334 kusian cove rd, painter, virginia 23420

phone: (757) 442.5640 / fax: same / e-mail: [marshdr@verizon.net](mailto:marshdr@verizon.net)

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## **Adjacent Property Owner:**

Re: Joint Permit Application

**Coastal Resource Management, LLC** is filing a request in the form of a Joint Permit Application (JPA) for the installation of a breakwater and associated beach nourishment for the Bay Creek at Cape Charles Community Association, on the lands adjacent to your property. Please see the enclosed drawing for the project design.

If you have any comments regarding this matter you may place them in writing to **Coastal Resource Management, llc** at 30334 Kusian Cove Rd, Painter, VA 23420 or to the **Virginia Marine Resource Commission**, Habitat Management Division, 2600 Washington Ave. – 3<sup>rd</sup> Floor, Newport News, VA 23607; 757 414 0710. The entire JPA may be obtained from the above mentioned.

If comments are not received within 15 days it will be assumed that you have no objection to the project.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen R. Grimes". The signature is fluid and cursive, with a large, stylized "E" and "G".

Ellen R. Grimes MS MFS  
4 November 2013

Copy

att: APO signature form  
Project design

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), MICHAEL & KATHLEEN KURGAN, own land next to (across  
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of Bay Creeke Cipe Channel Comm. Assoc.  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated SEPT 11, 2013  
(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 X TO THE PROJECT. (with comments)

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

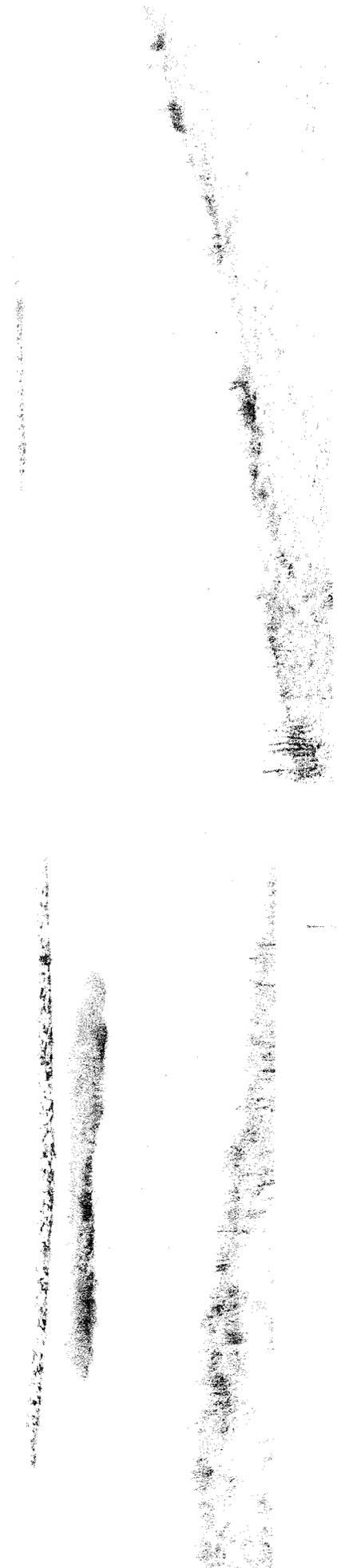
(Before signing this form be sure you have checked the appropriate option above).

Michael Kurgan Kathleen T. Kurgan  
Adjacent/nearby property owner's signature(s)

11/19/2013  
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.

COPY  
**PROTEST**  
**RECEIVED**  
NOV 21 2013  
MARINE RESOURCES COMMISSION



Lot 6  
Approx

Lot 5

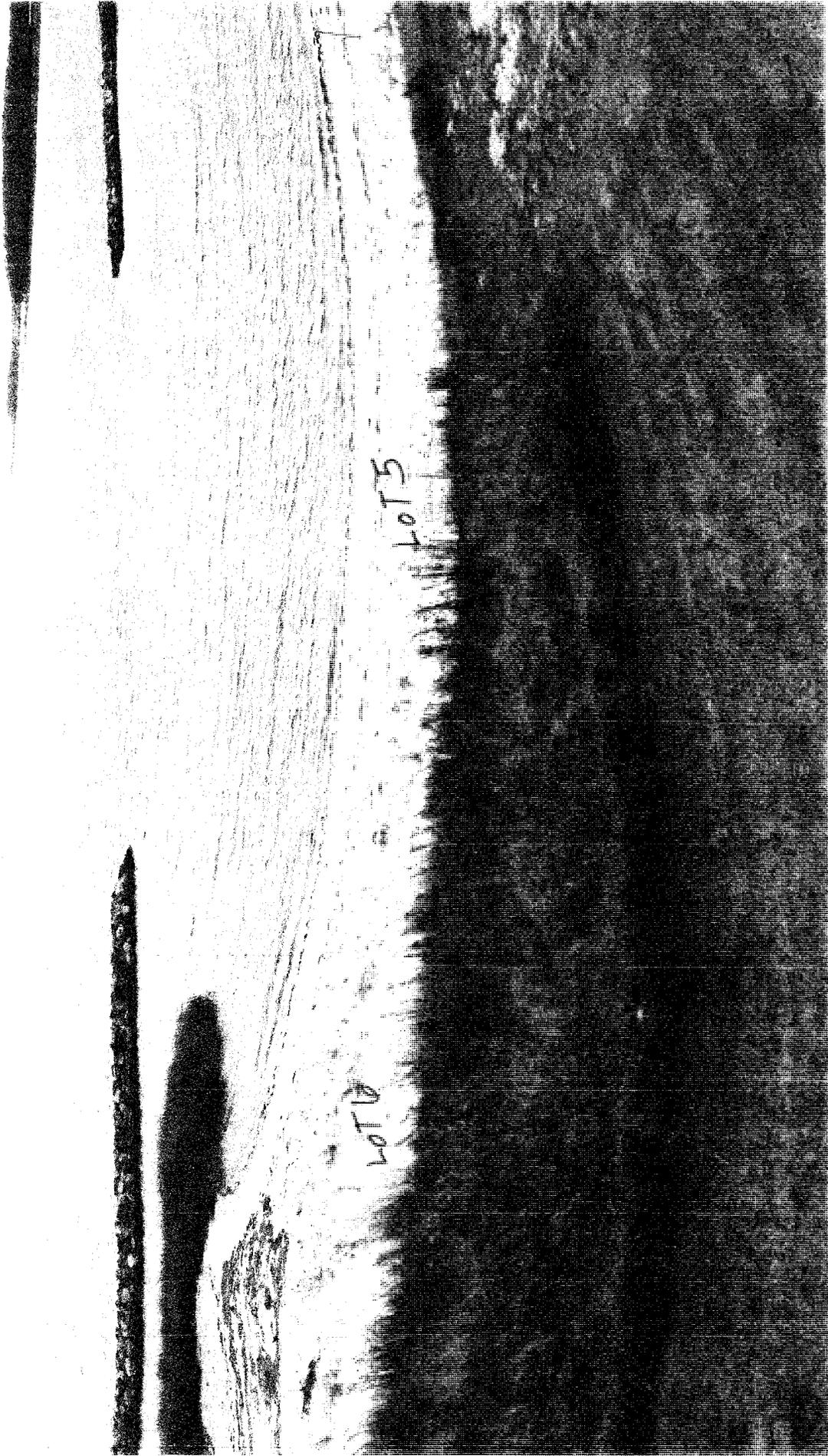
Each Lot  
50' wide

Upon completion in January 2014  
Sand was in place behind the  
Spartina grasses straight across  
The entire beach.

North Tract Breakwaters Permits # 04-022744-30

The Colony @ Bay Creek

Nov 19, 2013



LOT 10

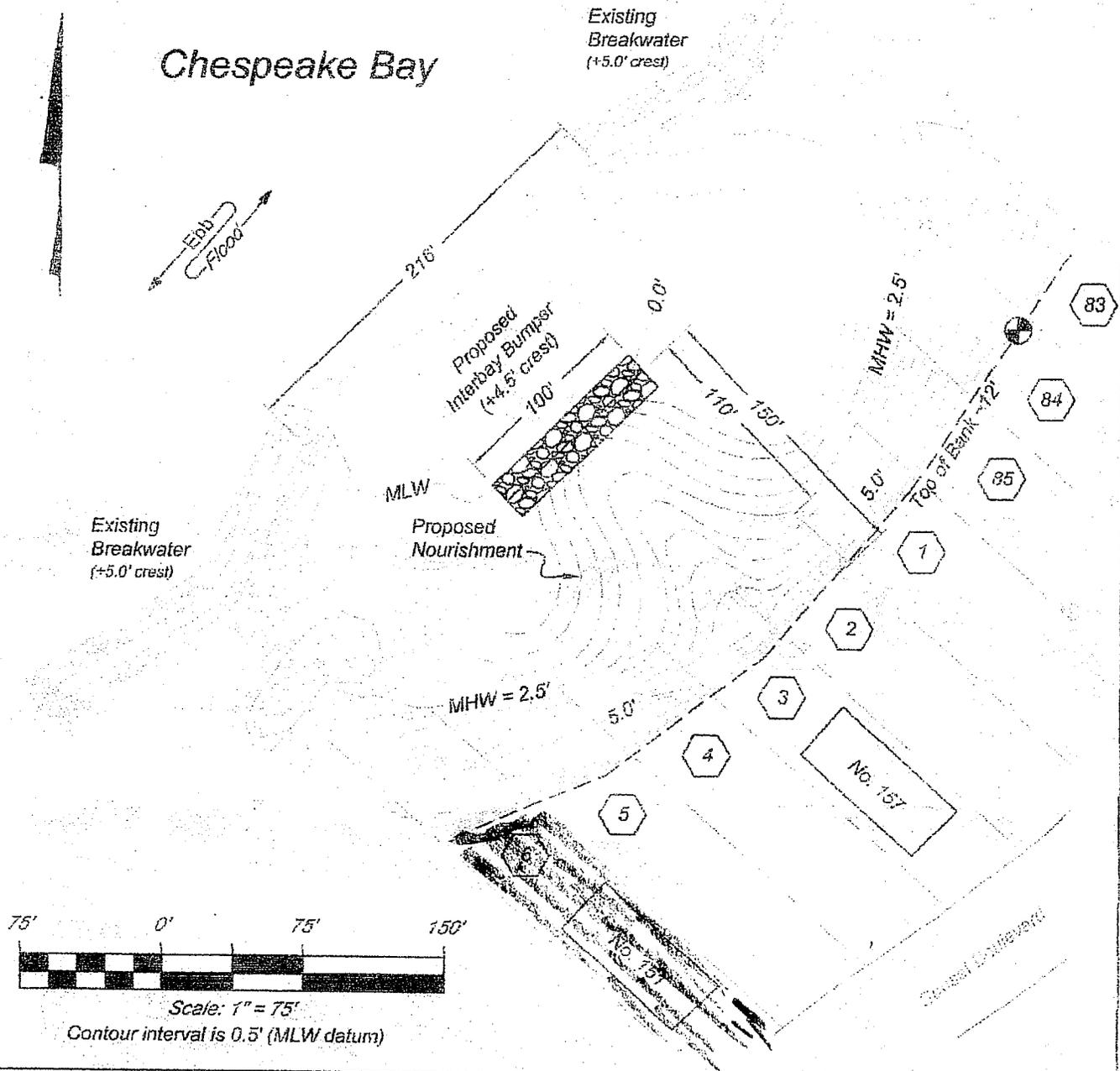
LOT 15

North Tract Breakwaters The Colony @ Bay Cove, C Nov 19 2013

**Notes**

1. Individual residences own to the MHW line (see sheet 4 for listing cross reference), and Bay Creek at Cape Charles Community Association retains ownership to the MLW line
2. Datum is set to MLW = 0.0' with contour interval = 0.5'
3. Mean tidal range is MHW = 2.5' (major contour interval)
4. Temporary benchmark  is mag nail set in hub on top of bank, elevation = 12.6'

*We have  
Specific  
Lot Lines  
& Corners.*



**Site  
Layout**

**GILLISPIE CONSULTING**

Land Surveying • Civil & Environmental Engineering

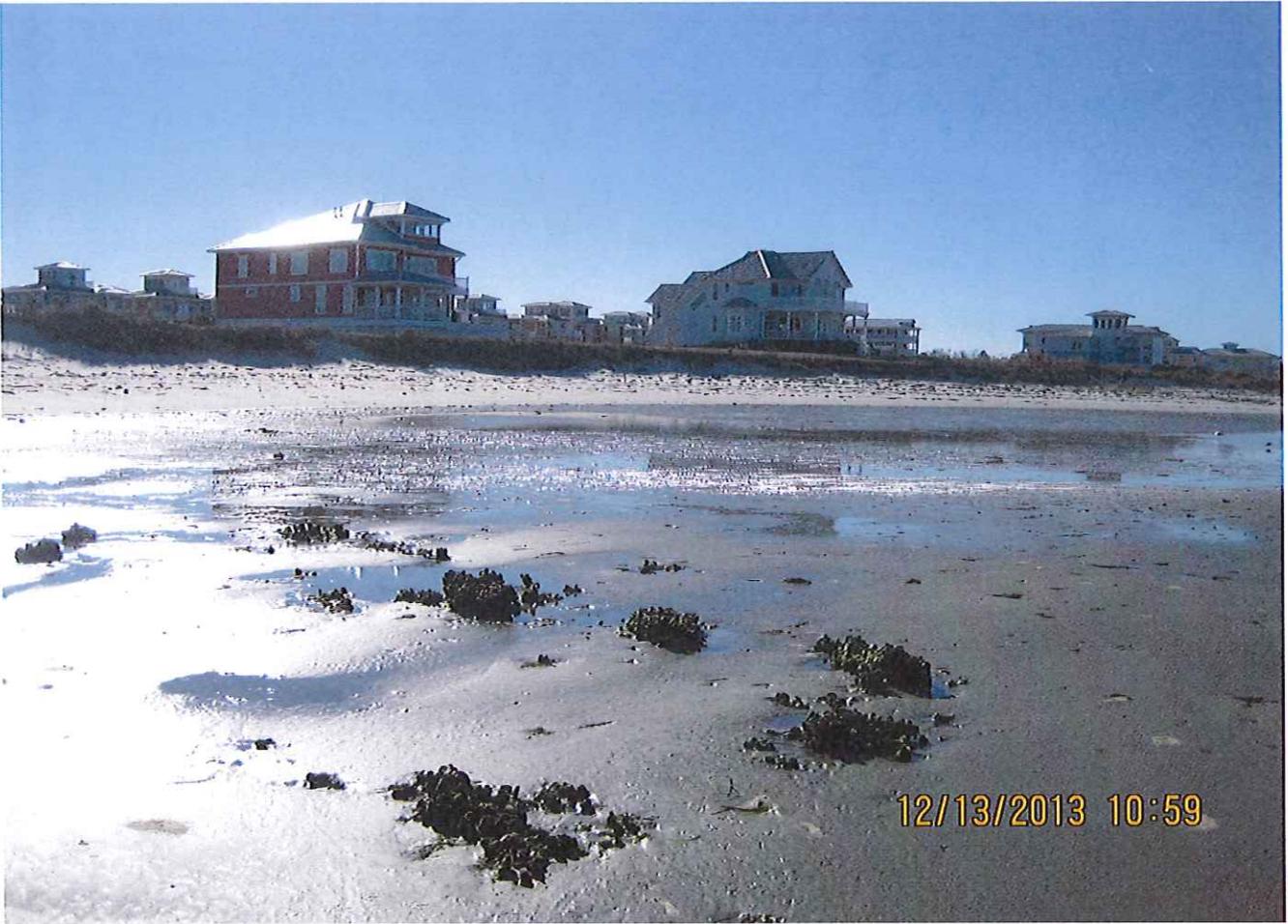
E. Davidson Gillispie, L.S., P.E.

26478 Virginia Avenue  
Onley, VA 23418

edgillispie@verizon.net  
(757) 709-3735

Applicant: Bay Creek at Cape  
Charles Community Assoc.  
Waterway: Chesapeake Bay  
City: Town of Cape Charles  
County: Northampton  
Date: September 11, 2013







2009

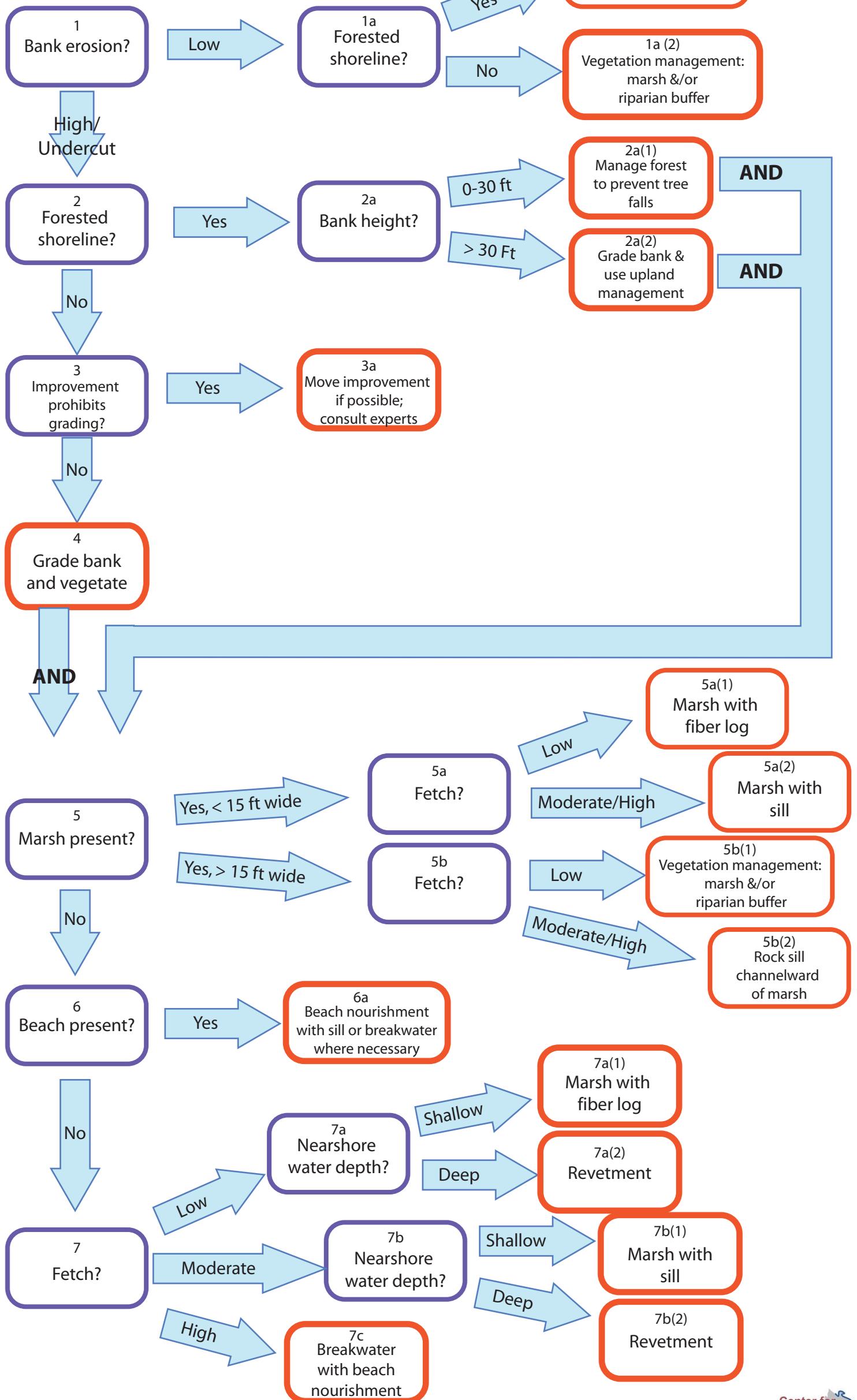


2013



# VIMS-CCRM Coastal Management Decision Tools

## Decision Tree for Undefended Shorelines



|   |  |
|---|--|
| Bank Erosion                                      | The loss of upland soil along a shoreline due to the action of water, ice or wind. Indicators of erosion include bare soil areas, leaning and fallen trees, exposed tree roots, dead tree stumps in the water, and bank slumping.  |
| Bank Erosion - High                               | Evidence of active soil movement, including bare exposed soil areas, numerous leaning and fallen trees, dead tree stumps in the water and/or bank slumping.  |
| Bank Erosion - Low                                | No evidence of active soil movement, indicated by dense wetland and/or upland vegetation, trees growing straight up, trees of different ages, multiple layers of vegetation (canopy, mid-story, groundcover) and a relative absence of exposed soil areas.   |
| Bank Erosion - Undercut                           | Loss of soil only at bank toe due to tidal action or water currents.   |
| Bank Height                                       | Approximate vertical height of the upland bank.  |
| Beach   | Shoreline type dominated by loose, unconsolidated sand   |
| Beach nourishment                                 | Placement of good quality sand along a beach shoreline to increase the beach width and raise the elevation of the nearshore area   |
| Fetch   | The distance across open water over which wind blows and waves are generated. This distance is measured at all angles from the shoreline. For the purposes of the decision tree, use the longest distance.<br><b>Low:</b> 0 – ½ mile; <b>Moderate:</b> between ½ - 2 miles; <b>High:</b> greater than 2 miles                                |
| Fiber log   | Manufactured, biodegradable log that provides temporary erosion and sediment control and provides a medium for growing plants, particularly wetland and bank vegetation.   |
| Forested Shoreline                                | Shoreline type dominated by mature canopy trees and other forest vegetation layers, such as mid-story trees, shrubs and ground cover.  |
| Grade Bank  | Reduce the steepness of a slope to allow for wave run-up and to improve vegetation growing conditions.   |
| Marsh Present                                     | Tidal wetland plants are growing along shoreline in parallel fringe or inland bays and tidal ponds (pocket marshes).   |
| Marsh with fiber log                              | A treatment that uses fiber logs for temporary stabilization of a planted marsh area.  |
| Marsh with sill                                   | A low revetment placed near the mean low water elevation then backfilled with sand to create a tidal marsh where it does not occur naturally.  |
| Nearshore water depth                             | The vertical distance between the water surface and the submerged bottom usually referenced in feet below the mean low water elevation (e.g. – 2 ft MLW)<br><b>Shallow:</b> at 30 ft. channelward from MLW, water depth is ≤ 3 ft.<br><b>Deep:</b> at 30 ft. channelward from MLW, water depth is > 3 ft.                                    |
| Revetment   | A sloped structure constructed with large, heavy stone or other material (riprap) placed against the upland bank for erosion protection. The size of a revetment is dictated by the wave height expected to strike the shoreline.  |
| Rock sill channelward of marsh                    | A low revetment placed near the mean low water elevation adjacent to an existing tidal marsh.  |
| Sill or Breakwater with beach nourishment         | A structure usually built of rock positioned offshore to deflect the force of incoming waves and to contain a sand beach. Sill is generally of lower elevation & closer to shore. A breakwater is generally larger & further from shore.   |
| Upland Management                                 | Capture rainfall and runoff from impervious surfaces rather than allowing it to flow or be directed toward the waterway.<br>Re-locate or elevate buildings that are routinely flooded or threatened by erosion.  |
| Vegetation Management: Forest Stewardship         | Enhance the existing forest condition by selectively removing dead, dying and severely leaning trees, pruning branches with weight bearing load over the water, planting mid-story and ground cover vegetation, controlling invasive upland species introduced by previous clearing.   |
| Vegetation Management, Marsh &/or riparian buffer | Enhance the existing marsh condition by periodically removing excessive tidal debris and solid waste, repairing storm damaged areas, or adding new wetland vegetation.<br>Enhance the existing riparian buffer condition by adding new trees, shrubs and ground covers; replace lawn with ornamental grasses, native shrubs and small trees. |