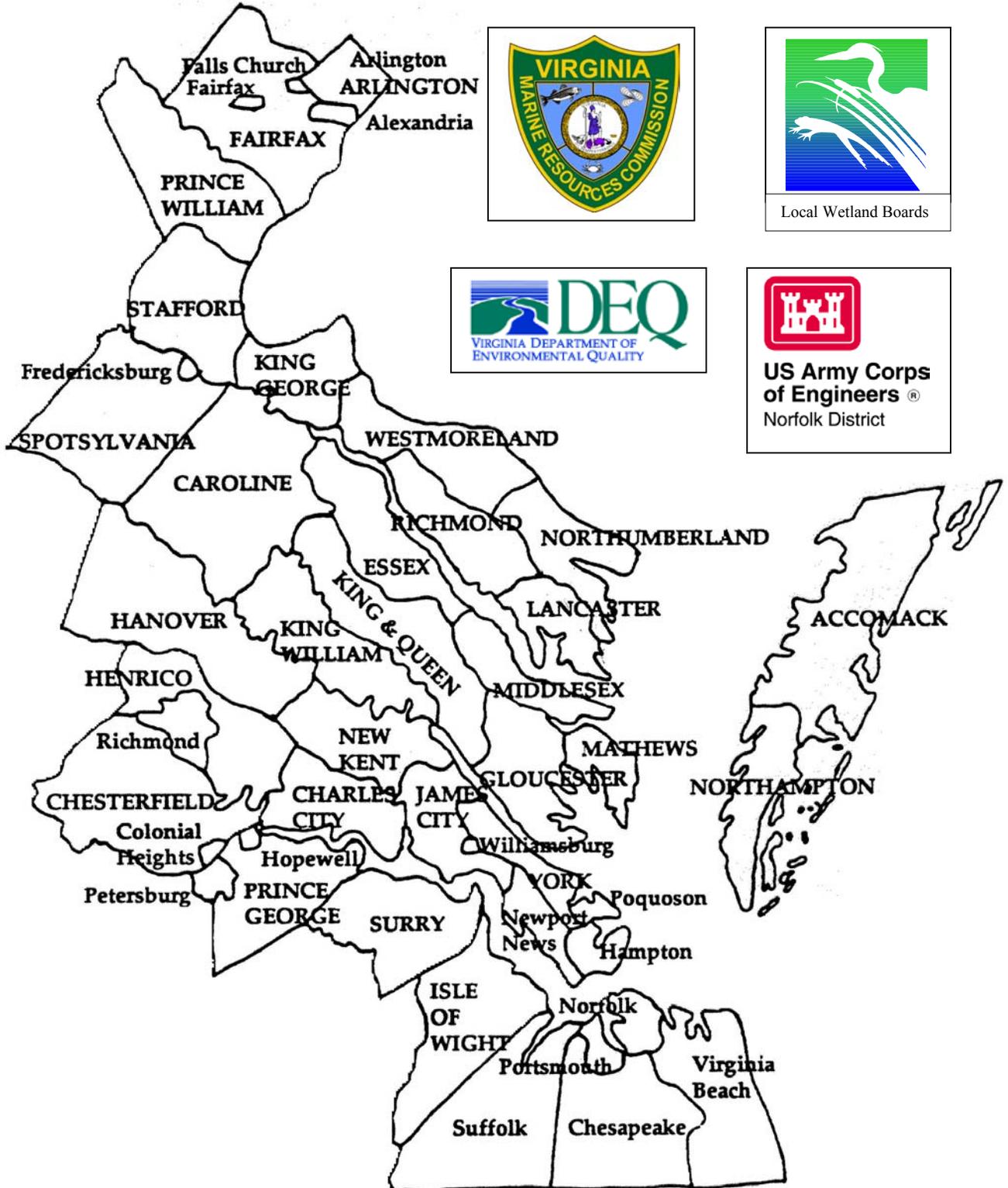


Local/State/Federal Joint Permit Application For Projects In **TIDEWATER VIRGINIA**



Regulatory Agency Contact Information

	<p>Virginia Marine Resources Commission (VMRC) Habitat Management Division 2600 Washington Avenue, 3rd Floor Newport News, Virginia 23607-0756 Phone: (757) 247-2200, Fax: (757) 247-8062 Website: http://www.mrc.virginia.gov/index.htm</p>
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 <p>US Army Corps of Engineers Norfolk District</p>	<p>United States Army Corps of Engineers (USACE) Norfolk District 803 Front Street, ATTN: CENAO-TS-G Norfolk, Virginia 23510-1096 Phone: (757) 441-7652, Fax: (757) 441-7678 Website: http://www.nao.usace.army.mil/regulatory/regulatory.html</p>
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	<p>Virginia Department of Environmental Quality (DEQ) Virginia Water Protection Program Post Office Box 10009 Richmond, Virginia 23240 Phone: (804) 698-4000, Fax: (804) 698-4032 Website: http://www.deq.virginia.gov/</p>
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LOCAL WETLANDS BOARD CONTACT INFORMATION: Links to LWB information on the Web can be found at <http://www.nao.usace.army.mil/regulatory/wetlandsboard.htm>. In addition, the following phone numbers can be used to contact the LWB. Please be advised that these phone numbers are subject to change at any time.

Accomack County (757) 787-5721, Cape Charles (757) 331-3259, Charles City County (804) 829-9296, Chesapeake (757) 382-6248, Colonial Heights (804) 520-9275, Essex County (804) 443-4951, Fairfax County (703) 324-1364, Fredericksburg (540) 372-1179, Gloucester County (804) 693-2744, Hampton (757) 727-6140, Hopewell (804) 541-2267, Isle of Wight County (757) 365-6211, James City County (757) 253-6673, King and Queen County (804) 769-4978, King George County (540) 775-7111, King William County (804) 769-4927, Lancaster County (804) 462-5220, Mathews County (804) 725-5025, Middlesex County (804) 758-0500, New Kent County (804) 966-9690, Newport News (757) 247-8437, Norfolk (757) 664-4368, Northampton County (757) 678-0442, Northumberland County (804) 580-8910, Poquoson (757) 868-3040, Portsmouth (757) 393-8836, Prince William County (703) 792-6984, Richmond County (804) 333-3415, Stafford County (540) 658-8668, Suffolk (757) 923-3650, Virginia Beach (757) 427-8246, Westmoreland County (804) 493-0120, West Point (804) 843-3330, Williamsburg (757) 220-6130, York County (757) 890-3774

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

This application may be used for most commercial and noncommercial projects in **tidal waters and tidal wetlands in Virginia** which require review and/or authorization by local wetlands boards, the Virginia Marine Resources Commission, the Department of Environmental Quality, and/or the U. S. Army Corps of Engineers. This application can be used for:

access-related activities, including piers, boathouses, boat ramps (without associated dredging or excavation*), moorings, marinas, aquaculture facilities#, etc.

shoreline stabilization projects including riprap revetments, marsh toe stabilization, bulkheads, breakwaters, beach nourishment, groins, jetties, etc.,

crossings over or under tidal waters and wetlands including bridges and utility lines (water, sewer, electric, etc.).

***Note: for all dredging or excavation projects you must use the standard JPA form.**

#Note: for noncommercial, riparian shellfish aquaculture (i.e. “oyster gardening”) you may use the abbreviated JPA found at <http://www.mrc.virginia.gov/forms/abbrjpa.pdf> or call VMRC for a form.

The Virginia Department of Environmental Quality and the U. S. Army Corps of Engineers uses this form to determine whether projects qualify for certain General, Regional, and/or Nationwide permits. If your project does not qualify for these permits and you need a DEQ Virginia Water Protection permit or an individual Corps permit, you must submit the standard Joint Permit application form. You can find this application at <http://www.nao.usace.army.mil/regulatory/jpa.html>.

The Applicant must complete and submit one copy of **Part 1 – General Information, Part 2 – Signatures, Part 3 - Appendices** (A, B and/or C, as applicable to your project), and **Part 4 – Project Drawings**. The drawings shall include the following for **all** projects:

Vicinity Map (USGS topographic map, road map or similar showing project location)

Plan view drawing (overhead, to scale or with dimensions clearly marked)

Section view drawing (side-view, to scale or with dimensions clearly marked)

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

You may include signed Adjacent Property Owner (APO) Acknowledgement Forms found at the end of this Short Form. You must provide these addresses in Part 1 whether or not you use the APO forms. If not included, VMRC or your local wetlands board must notify all APO’s of your proposal.

You may include the **RP-17 Certificate of Compliance** form **only** if you are building a private pier **and** have read, understand and are in compliance with this U. S. Army Corps of Engineers Regional Permit. The Regional Permit can be found at <http://www.nao.usace.army.mil/regulatory/rbregional.htm> or you may contact them directly to obtain this information. You may also need a local building permit prior to commencing your private pier. Contact your local building officials to determine permit needs.

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

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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: _____ Waterway at project site: _____
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- | | |
|--|---|
| 1. Applicant’s name and complete mailing address:

(If multiple applicants, each must sign the applicant signature page) | Contact Information:
Home (____) _____
Work (____) _____
Fax (____) _____
Cell/ Pager (____) _____
e-mail _____ |
| 2. Property owner(s) name and complete address, if different from applicant | Contact Information:
Home (____) _____
Work (____) _____
Fax (____) _____
Cell/ Pager (____) _____
e-mail _____ |
| 3. Authorized agent name and complete mailing address (if applicable): | Contact Information:
Home (____) _____
Work (____) _____
Fax (____) _____
Cell/ Pager (____) _____
e-mail _____ |
| 4. Provide a <u>detailed</u> description, in the space below, of the project. For example, a description <u>may</u> be “ construction of a timber bulkhead, 125 linear feet long, 6 feet high etc”. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required. | |

FOR AGENCY USE ONLY	
	Notes:
	JPA #

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 (____)_____

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

(____) _____

7a. Give the following project location information:

Street Address (911 address if available) _____

Lot/Block/Parcel# _____

Subdivision _____

City / County _____

7b. If the project is located in a rural area, please provide driving directions.

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.”

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.

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>Application No.</u>	<u>Action** & Date</u>
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(**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.): \$ _____
Approximate cost of that portion of the project which is below mean low water: \$ _____

14. 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).

Part 2 - Signatures

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

NOTE: REQUIRED FOR ALL PROJECTS

Applicant's Name (printed/typed)

(use if more than one applicant)

Applicant's Signature

(use if more than one applicant)

Date

Property owner's name (if different)

(use if more than one owner)

Property owner's signature

(use if more than one owner)

Date

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I, _____, hereby certify that I have authorized _____
(Applicant's name) (Agent's name)

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)

(Date)

(Applicant's Signature)

(Use if more than one applicant)

(Date)

Part 2 – Signatures (continued)

3. Applicant's having contractors (if applicable)

CONTRATOR ACKNOWLEDGEMENT

I, _____, have contracted _____

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
(Printed/typed)

Contractor's or firms address

Contractor's license number

Contractor's signature and title

Applicant's signature

(use if more than one applicant)

Date

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER’S ACKNOWLEDGEMENT FORM

I, _____, own land next to (across
(Print adjacent/nearby property owner’s name)

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

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

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, _____, own land next to (across
(Print adjacent/nearby property owner’s name)

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

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

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.

Army Corps of Engineers Regional Permit 17 Certificate of Compliance (for private, noncommercial piers and open-sided boathouses only)

Yes No 1. Is the proposed pier for private use only?

Yes No 2. Does the proposed pier extend less than ¼ the width of the waterway as measured from MHW to MHW or OHW to OHW (including channelward wetlands) based on the narrowest distance across the waterway regardless of the orientation of the proposed pier? (MHW = mean high water line; OHW = ordinary high water line)

Yes No 3. Does the proposed pier and/or mooring structures extend less than 300 feet from mean high water or ordinary high water?

Yes No 4. If the proposed structure crosses wetland vegetation, is it an open-pile design that is no more than a maximum 5-foot wide and a not less than a minimum 4-foot high between the decking and the wetlands substrate?

Yes No 5. If the proposed pier is to include an attached open-sided roof designed to shelter a single boat slip or lift, is it less than 700 square feet?

Yes No 6. Have you confirmed that the proposed construction will not be constructed in one of the reaches, as listed in Provision (g) of the permit, which serve as habitat for federally listed threatened or endangered species?

Yes No 7. If the proposed pier and/or mooring piles is in one of the waterways, which have Corps Federal Project Channels as listed in Provision (h), is there the required 85-foot setback from the toe of the slope of the federally maintained channel unless otherwise noted?

Yes No 8. If the proposed work is in portions of any waterways listed in Special Condition 3, have you obtained an easement to cross government property from the Army Corps of Engineers Real Estate Branch?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, THE REGIONAL PERMIT 17 WILL NOT APPLY AND YOU WILL NEED TO SUBMIT A JOINT PERMIT APPLICATION AND OBTAIN A SEPARATE PERMIT FROM THE CORPS BEFORE COMMENCING CONSTRUCTION.

IF YOU HAVE ANSWERED "YES" TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH THE REGIONAL PERMIT 17. PLEASE SIGN BELOW. THIS SIGNED CERTIFICATE IS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS. YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (RP-17), DATED AUGUST 14 2003, ISSUED BY THE ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT, NORFOLK, VIRGINIA.

Signature of Property Owner or Agent

Date

Proposed work to be located at:

Copies of the RP-17 can be obtained on our website at www.nao.usace.army.mil/Regulatory/RP-17_2003 or by contacting the Corps at (757) 441-7652.

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: Projects for Access to the water (private and community piers, boathouses, marinas, moorings, boat ramps, aquaculture facilities, etc). Answer all questions that apply.

1) Briefly describe your proposed project.

2) **For private, noncommercial piers:**

What is the overall length of the structure? _____ feet.
channelward of Mean High Water? _____ feet.
channelward of Mean Low Water? _____ feet

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

For boathouses, what is the overall size of the roof structure? _____ sq. ft. Will your boathouse have sides? _____ Yes _____ No.

(Note: to meet the exemption for VMRC permits, **private piers** must not exceed 6 feet in width and L-head or T-head protrusions must not exceed 250 square feet in size; private **boathouse** roof dimensions must not exceed 700 square feet in size, the boathouse must be open-sided and the project must be unprotected by the adjacent property owners, pursuant to Section 28.2-1203(5) of the Code of Virginia).

3) Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4) For **Marinas, Commercial Piers, Community Piers and other non-private piers**, provide the following information:

- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205C of the Code of Virginia).
- B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
- C) Will the facility be equipped to off-load sewage from boats? _____.
- D) How many wet slips are proposed? _____. How many are existing? _____.
- E) What is the area of the piers and platforms that will be constructed over
 - Tidal wetlands _____ square feet
 - Submerged lands _____ square feet

Part 3 – Appendices (continued)

Appendix A (Continued)

- 5) For **boat ramps**, what is the overall length of the structure? _____ feet.
from Mean High Water? _____ feet.
from Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

- 6) For **aquaculture-related structures**, Will the activity be commercial? _____ Yes _____ No
Will the proposed structures be attached to an existing pier or other structure? _____ Yes _____ No
What is the maximum area (square feet) of submerged land that will be occupied by the proposed structures? _____ square feet.

Describe the activity from time of acquisition of seed or other source material to the time of harvest, the source of the animals/plants, and clearly show distance to all proposed and existing structures and lease boundaries (if applicable) in your drawings. Include bathymetry (depths), relative to mean low water in your plan view drawing and any Submerged Aquatic Vegetation (SAV) in the project vicinity.

(NOTE: the presence or absence of SAV will be field verified during the project review).

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands and tidal waters (including riprap revetments, marsh toe stabilization, bulkheads, breakwaters, beach nourishment, groins, jetties, etc). Answer all questions that apply. Please provide any reports from the Shoreline Erosion Advisory Service. **(NOTE: Information on non-structural, vegetative alternatives for shoreline stabilization is available at <http://ccrm.vims.edu/specreps/thinkgreen.pdf>**

1) For **riprap, bulkheads, marsh toe, breakwaters, groins, jetties**, what is the overall length of the structure(s)? _____ linear feet.

2) What is the maximum encroachment channelward of mean high water? _____ feet.
channelward of mean low water? _____ feet.

3) Please calculate the square footage of encroachment over:
vegetated wetlands _____ square feet
nonvegetated wetlands _____ square feet
subaqueous bottom _____ 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, is it possible to construct the new bulkhead no further than two (2) feet channelward of the existing bulkhead? _____.

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

Area to be covered _____ square feet channelward of mean low water
_____ square feet landward of mean low water

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

_____. Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. _____

Part 3 – Appendices (continued)

Appendix C: Crossings over, under, or on tidal wetlands and/or waters (including bridges, walkways, utility lines).

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

2) What is the width of the waterway and/or wetlands to be crossed?

from mean high water to mean high water? _____ feet.

from mean low water to mean low water? _____ feet.

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

4a) For overhead crossings, what will be the height above mean high water? _____ feet.

If there are other overhead crossings in the area, what is the minimum height? _____ feet.

4b) For buried crossings, what will be the depth below the substrate? _____ feet.

5) Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned bottom or tidal wetlands? _____ Yes _____ No.

a) If yes, please give the amount of excavation in wetlands _____ cubic yards
_____ square feet

Amount of excavation in submerged land _____ cubic yards
_____ square feet.

b) Amount of fill in wetlands _____ cubic yards
_____ square feet

Amount of fill in submerged lands _____ cubic yards
_____ square feet.

Part 4- Project Drawings

Plan view and section view drawings are required for all projects. Application drawings do not need to be prepared by a professional draftsman, but they must be clear, accurate, and should be to an appropriate scale. If a scale is not used, all dimensions must be clearly depicted in the drawings. If available, a plat of the property should be included, with the existing and proposed structures clearly indicated. Distances from the proposed structure(s) to fixed points of reference (benchmarks) and to the adjacent property lines must be shown. A vicinity map (County road map, USGS Topographic map, etc.) must also be provided to show the location of the property.

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

- north arrow
- waterway name
- existing and proposed structures, labeled as such
- dimensions of proposed structures
- mean high water and mean low water lines
- limits of vegetated wetlands (if applicable)
- ebb/flood direction
- adjacent property lines and owner's name
- distances from proposed structures to fixed points of reference (benchmarks) and adjacent property lines

NOTE: The sample drawings have been included at the end of this section to provide guidance on the information required for different types of projects. Clear and accurate drawings are essential for project review and compliance determination. Incomplete or unclear drawings may cause delays in the processing of your application.

NOTE: DO NOT USE SAMPLE DRAWINGS ENTITLED: "FILLING WATERS/WETLANDS", "INTAKE/OUTFALL STRUCTURES" OR "IMPOUNDMENTS/DAMS" WHEN USING THIS TIDEWATER APPLICATION FORM. THESE ACTIVITIES MUST USE THE STANDARD JOINT PERMIT APPLICATION FORM.

Part 5 - Chesapeake Bay Preservation Act Information

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

Because the 84 local governments within Tidewater Virginia are responsible for enforcing the CBPA Regulations the completion of the JPA process does not constitute compliance with the Bay Act Regulations nor does it guarantee that the local government will issue land-disturbing permits for this project. Applicants should contact their local government as early in the design process as possible to ensure that the final design and construction of the proposed project meets all applicable CBPA requirements. Early cooperation with local government staff can help applicants avoid unnecessary and costly delays to construction. Applicants should provide local government staff with information regarding existing vegetation within the Resource Protection Area (RPA) as well as a description and site drawings of any proposed land disturbance, construction, or vegetation clearing. Local government staff will evaluate project the proposed project and advise the Local Wetlands Boards and other appropriate parties of applicable CBPA concerns or issues.

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

- Tidal Wetlands
- Nontidal wetlands connected and contiguous to tidal wetlands or water bodies with perennial flow
- Tidal shorelines
- Water bodies with perennial flow (stream, river, creek, etc)
- 100-foot buffer area landward of any of the above features
- “other lands” as designated by the locality (contact the local government for specific information)

Notes for all projects in RPAs

1. Development, construction, land disturbance, or placement of fill within the RPA features listed above requires a review from the locality and may require an exception or variance from the local Bay Act program or zoning ordinance. Please contact the appropriate local government to determine the types of development or land uses that are permitted within RPAs.
2. Pursuant to § 9VAC 10-20-105, on-site delineation of the RPA is required for all projects in CBPAs. Because USGS maps are not always indicative of actual “in-field” conditions, they may not be used to determine the site-specific boundaries of the RPA.

Notes for shoreline erosion control projects in RPAs

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

Pursuant to § 9VAC 10-20-130.5.a(4), § 9VAC 10-20-130.1, and § 9VAC 10-20-120 of the Virginia Administrative Code, the locality will use the information provided in this Part V and in the project drawings, along with other information in this permit application and a WQIA, to make a determination that:

1. Any proposed shoreline erosion control measure is necessary and consistent with the nature of the erosion occurring on the site, and the measures have employed the “best available technical advice”
2. Indigenous vegetation will be preserved to the maximum extent practicable
3. Proposed land disturbance has been minimized
4. Appropriate mitigation plantings will provide the required water quality functions of the buffer (§ 9VAC 10-20-130.3)
5. The project is consistent with the locality’s comprehensive plan
6. Access to the project will be provided with the minimum disturbance necessary.

JURISDICTIONAL BOUNDARIES

