

Abbreviated Joint Permit Application For Noncommercial Riparian Shellfish Aquaculture Structures

Preface

The attached application is intended to be used by persons applying for permits to deploy up to 160 square feet of aquaculture structures in the tidal waters of Virginia, for the noncommercial culture of shellfish. The Virginia Marine Resources Commission's General Permit #3 defines riparian shellfish gardening as the grow-out of native shellfish species in protective structures such as floats, bags, cages, etc. adjacent to a private, noncommercial pier or otherwise within a waterfront property owner's riparian area, exclusively for private, noncommercial purposes. The General Permit also specifies that the structures shall not adversely impact navigation or existing stands of submerged aquatic vegetation. If you do not believe your project will meet these requirements for the General Permit you should complete the standard Joint Permit Application rather than the attached abbreviated form. You may obtain a standard Joint Permit Application by contacting the Virginia Marine Resources Commission (VMRC) at (757) 247-2252 or the U.S. Army Corps of Engineers (Corps) at (757) 201-7652.

Application Process

The applicant needs only to fill out one copy of the application, including the required drawings, and return it to VMRC for processing. **To expedite the review of your application, please ensure that your application is complete and that the required drawings are clear and contain the requested information.**

VMRC will forward copies of the application to the Health Department and your Local Wetlands Board for their review. The Health Department may contact you regarding shellfish handling and harvesting procedures if your project is being conducted in polluted waters.

If the project qualifies for VMRC's General Permit #3, the Corps of Engineers has determined that it will also qualify for either their Regional Permit Number 17 or Number 19. In most cases, you will not receive any correspondence from the Corps. Should you care to review the conditions contained in the Corps' Regional Permits, you may obtain copies by contacting the Corps at the number listed above.

Please return your completed application to:

Virginia Marine Resources Commission
Shellfish Management Division
Building 96
380 Fenwick Road
Fort Monroe, VA 23651

Application Form**Abbreviated Joint Permit Application For
Noncommercial Riparian Shellfish Aquaculture Structures**

1. Applicant's name and complete mailing address: Phone number:
()
Email address:

2. Physical address of the project site (if different from above):
Street address: _____
OR
Local Tax Map No.: _____

3. Waterbody at the project site:
a tributary to _____ in _____ County/City

4. Please provide accurate directions to the project site from the nearest intersection of two state roads:

5. Description of the aquaculture structures to be employed:

Floats: Size (LxWxH in inches) _____ Number to be used
Bottom Cages: Size (LxWxH in inches) _____ Number to be used

Other structures: Please provide a description including the size and number to be used.

6. (A) Will the structures be secured to an existing private pier?
(B) If yes, will they extend beyond the end of the pier?
(C) If yes, how far channelward of the pier will they extend and what is the distance to the recognized channel? _____ feet. What is the width of the waterway at the project site (mean low water to mean low water)? _____ feet.

7. If you answered **NO** to question 6 (A) above, will they be located in the waters immediately opposite your shoreline? _____ Describe how will the structures be secured.

Note: If new pilings are required to secure the structures, a standard permit may be required. Please call VMRC for details at (757) 247-2252.

Application Form

8. Please go to the VDH website to check your condemnation zone: www.vdh.virginia.gov/shellfish
 Please write your current condemnation zone: _____

9. Please provide the following required drawings:

1. **Vicinity Map** - Use a map to depict the exact location of the project site. Please indicate the name of the map used. USGS quadrangle maps, street maps, or county maps are preferred.
2. **Plan View Drawing** - This drawing must depict the proposed structures as if viewed from above. The drawing must include, a north arrow, the waterway name, the location of mean high water and mean low water, the location of any submerged aquatic vegetation at the site, the width of the waterway, the direction of ebb and flood of the tide, your property lines and shoreline, the opposite shoreline if the waterway is less than 500 feet wide, the depth of water at the project site, and the location of the existing navigation channel. A recent plat of the property, if available, provides a good scaled template for the plan view drawing.
3. **Cross Sectional Drawing** - The cross sectional drawing must show the dimensions of the proposed structures as viewed from the side. It should include the depth of the water and any structures which will be used to secure the floats or cages. **If the application is for floats which will be secured to your existing pier, a cross sectional drawing will not be required.**

ALL APPLICANTS MUST SIGN

I hereby apply for all necessary permits for the activities 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.

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

APPLICANT'S SIGNATURE

APPLICANT'S NAME (PRINTED/TYPED)

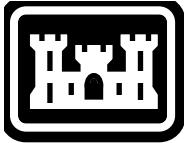
DATE

IF DIFFERENT FROM APPLICANT:

PROPERTY OWNER'S SIGNATURE

PROPERTY OWNER'S NAME
(PRINTED/TYPED)

DATE _____



Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed PRIVATE USE structures that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional>.

YES NO

(1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?

YES NO

(2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?

YES NO

(3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?

YES NO N/A

(4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?

YES NO N/A

(5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?

YES NO N/A

(6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?

YES NO N/A

(7) Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?

YES NO N/A

(8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?

YES NO N/A

(9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?

YES NO N/A

(10) If the proposed structure(s) is to be located within an anadromous fish use area, will the prospective permittee adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline?

YES NO

(11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?

YES NO

(12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?

YES NO

(13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?

YES NO

(14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

YES NO **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES NO **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES NO N/A **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

YES NO N/A **(18)** If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?

YES NO **(19)** Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?

YES NO **(20)** Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?

YES NO N/A **(21)** If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?

YES NO N/A **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission (VMRC)'s Habitat Management Division? Please refer to Appendix D of the Tidewater JPA for more details on VMRC's aquaculture requirements.

YES NO **(23)** Does the permittee recognize this RP does not authorize any dredging or filling of waters the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?

YES NO **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED “NO” TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED “YES” (OR “N/A”, WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Proposed work to be located at:

Signature of Property Owner(s) or Agent

Date _____