

**U.S. Army Corps
Of Engineers**
Norfolk District

Fort Norfolk, 803 Front Street
Norfolk, Virginia 23510-1096

DEPARTMENT OF THE ARMY PERMIT

Permittee: Hampton Roads Connector Partners Joint Venture, c/o Jose Ignacio Martin Alos
Permit No.: NAO-1994-1166 / VMRC# 2019-V1577
Issuing Office: U.S. Army Corps of Engineers Norfolk District Regulatory Branch (CENAO-WR-R)

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

Project Description:

You are hereby authorized to impact approximately 12.9 acres/ 7900 linear feet of section 10 waters underneath the Hampton Roads Harbor/ the lower James River to construct two new bored tunnels for the Hampton Roads Bridge-Tunnel expansion. This project includes the following project impacts and elements: you are authorized to impact approximately 19.17 acres of subaqueous bottom in Hampton Roads (including 14.81 acres for the North Island expansion and 3.70 acres for the South Island expansion); dredge approximately 38.23 acres for tunnel island expansion and construction access; permanently impact 0.17 acres of estuarine emergent wetlands, 0.13 acres of estuarine scrub-shrub wetlands, 0.01 acres of submerged aquatic vegetation (with an additional 0.48 acres of permanent shading), 0.87 acres of estuarine intertidal rocky shore, 0.92 acres of estuarine intertidal unconsolidated shore, 0.16 acres of palustrine unconsolidated bottom, 0.28 acres of palustrine emergent wetlands, 0.25 acres of palustrine scrub-shrub wetlands, and 0.12 acres of palustrine forested wetlands (with an additional 0.01 acres of conversion) to widen the Hampton Roads Bridge-Tunnel (HRBT) and Interstate 64, between the Settlers Landing Road interchange in Hampton and the I-564 interchange in Norfolk. The authorized work will

occur in Hampton Roads/the lower James River, and in several of its tributaries including Oastes Creek, Mason Creek, and Willoughby Bay. The total length of the HRBT highway expansion is approximately 9.9 miles, and the bored tunnel segment of the project is approximately 1.5 miles. The project will construct an eight-lane highway with six consistent use lanes.

You are also authorized to temporarily impact the following waters of the United States:

- 26.42 acres of subaqueous bottom (E1OW);
- 1.55 acres of estuarine intertidal rocky shore (E2RS2);
- 3.30 acres of estuarine intertidal unconsolidated shore sand (E2US2);
- 0.01 acres of estuarine intertidal unconsolidated shore mud (E2US3);
- 2.82 acres of estuarine intertidal emergent wetlands (E2EM);
- 0.07 acres of estuarine intertidal scrub-shrub wetlands (E2SS);
- 0.03 acres of estuarine forested wetlands (E2FO);
- 0.57 acres of submerged aquatic vegetation (SAV).

Total temporary tidal impacts of 34.77 acres, and approximately 2.07 acres of shading impacts.

- 0.21 acres of palustrine unconsolidated bottom (PUB);
- 0.37 acres of palustrine emergent wetlands (PEM);
- 0.04 acres of palustrine scrub-shrub wetlands (PSS);
- 0.04 acres of palustrine forested wetlands (PFO);
- 0.01 acres of lower perennial stream (R2).

Total temporary nontidal impacts of 0.67 acres and approximately 0.12 acres of shading impacts.

You are authorized to construct the following project elements: replacement North and South Trestle bridges, two new parallel tunnels using a tunnel boring machine (TBM), expansion of the existing portal islands, widening of the Willoughby Bay trestle bridges, widening of the bridges over Oastes and Mason Creek, replacement of the Mallory Street Bridge, widening of the land-based portions of I-64, and repairs to the existing bulkhead at the Willoughby Spit construction laydown area.

You are also authorized to construct temporary, pile-supported trestles to support construction equipment and to carry vehicular traffic during construction. The primary work trestle used to construct the westbound North trestle-bridge will be approximately 626 feet long by 87 feet wide. A second work trestle, used in construction of the eastbound structures, will be approximately 1,358 feet long by 61 feet wide. The two work trestles used to construct the new bridge spans across Willoughby Bay will be approximately 500 feet long by 45 feet wide. There are two temporary maintenance of traffic (MOT) trestles for the south trestle bridge: the westbound MOT trestle is

approximately 1,234 feet long by 36 feet wide, and the eastbound MOT trestle is approximately 1,638 feet long by 37 feet wide.

You are authorized to construct two new parallel tunnels using a TBM. When construction is completed, four subaqueous tunnels will connect to the two expanded portal islands. To provide necessary structural support and protection for the expanded HRBT, you are authorized to expand and modify the North and South Islands. The tunnels will vary in depth from approximately 40-150 feet below the water surface. In the main federal navigation channel, the tunnel will be under 55 feet of water and an additional 60 feet of overburden sediment. To strengthen a geologic stratum with weak geotechnical properties beneath and to the north of the South Island, you are authorized to strengthen soils in this area by jet grouting.

You are also authorized to dredge for construction barge access and to remove unsuitable underlying material within the expansion footprints of the North and South Islands. The dredging for the construction access and other measures will be approximately 21.84 acres in size and the dredging for the North and South Island expansion areas will be approximately 16.39 acres.

You are also authorized to construct the following temporary structures as part of the highway widening and tunnel construction: a TBM platform off of the South Island, which will be 377 feet long by 81 feet wide; two jet grout trestles off of the South Island, one 984 feet long by 66 feet wide and the other 993 feet long by 66 feet wide; a conveyor trestle approximately 337 feet long by 42 feet wide; a spud-supported dock at Willoughby Spit approximately 200 feet long by 41 feet wide; a pile-supported dock at Willoughby Spit approximately 330 feet long by 59 feet wide; and three pontoons on timber piles at Willoughby Spit, each 100 feet long by 20 feet wide. Combinations of pile-supported work trestles and jump trestles with various dimensions will also be required to construct the Mallory Street bridge, the North Trestle Bridge, the South Trestle bridge, the Willoughby Bay bridges, the Bay Avenue/Oastes Creek bridges, and the Mason Creek bridges.

This authorized work is shown on plans titled "Attachment G-1: Joint Permit Application Impact Plates", sheets 1 through 38, prepared by HRCP and dated December 19, 2019; Attachment G-2: Joint Permit Application Impact Tables, Attachment G-3A: Structural Design, Attachment G-3B: Island Design, Attachment G-3C: Roadway Sections, Attachment G-3D: Willoughby Spit Sections, Attachment G-5: Mooring and Anchorage Locations, and Attachment G-6: Dredge Plans.

Project Location: From Settlers Landing Road in Hampton to I-564 interchange in Norfolk, Virginia, including the existing Hampton Roads Bridge-Tunnel (HRBT). Work will occur in and under Hampton Roads/the lower James River, and in several of its tributaries including Willoughby Bay, Oastes Creek, and Mason Creek.

Project Specific Special Conditions:

1. Prior to the commencement of any work authorized by this permit, you shall advise the project manager, George Janek, in writing at least two weeks in advance of starting work authorized by this permit. Alert the project manager of the anticipated start date of the authorized activity and the name and telephone number of all contractors or other persons performing the work. A copy of this permit and drawings must be provided to the contractor and kept on site at all times, available to any regulatory representative during an inspection of the project site.
2. **The time limit for completing the work authorized ends on November 1, 2026.** Should you be unable to complete the authorized activity in the time limit provided, you must submit your request for a time extension to this office for consideration at least one month before the permit expiration date.
3. Enclosed is a “compliance certification” form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.
4. Final Plans and specifications for authorized activities shall be submitted and approved by the Corps prior to initiation of the permitted activities.
5. In incidents where sea turtles, Atlantic sturgeon, marine mammals, or finfish appear to be injured or killed as a result of discharges of dredged or fill material or structures or work (including pile driving activities) in navigable waters of the U.S., you shall contact NOAA Fisheries Office of Protected Resources at 301-713-1401 and the Regulatory Office of the Norfolk District of the U.S. Army Corps of Engineers at 757-201-7652. If such impacts occur, you shall immediately stop work until you implement construction BMPs and/or other operational changes to mitigate the adverse effects to aquatic species. For sea turtles, Atlantic and shortnose sturgeon, and other protected species, the finder should leave the animal or fish alone, make note of the circumstances likely causing the injury or death, note the location and number of individuals involved, and if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some other unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.
6. Injury or death of finfish other than Atlantic sturgeon resulting from construction activities, including pile driving, should be reported immediately to the Regulatory Branch of the Norfolk District Corps of Engineers at 757-201-7652 and NOAA Fisheries Service, Habitat and Ecosystem Services Division at 804-684-7828.

7. You will use a reduced energy, ramp-up procedure when impact hammers are used for all piles, including concrete and hollow steel piles. For hollow steel piles, you will use cushion blocks. To the extent practicable, you will use vibratory hammers during pile installation to reduce underwater noise levels and acoustic impacts to resident, transient and anadromous fish species. For hollow steel piles, vibratory hammers shall be used until refusal, after which impact hammers may be used. Enclosed bubble curtains utilizing a geotextile fabric will be deployed for all impact-driven steel piles installed in water 20 feet or deeper. Steel sheet pile shall be installed and removed using vibratory hammers.
8. You will coordinate with NOAA, VMRC, and VIMS to develop an acoustic sampling and monitoring plan designed to collect underwater acoustic data during several construction activities, including the installation of various sizes of hollow steel pipe piles at various water depths. Because this Hampton Roads-specific information will be used to analyze future projects, you will submit a brief report with your findings by December 31st of each year.
9. Jetting of piles, if required, will be confined within the pile or a hollow steel casing and below the river bottom. Jetting fluids, if required, will not violate Virginia water quality standards. Jetting is not authorized to remove or replace bottom surface sediments.
10. Down-the-hole (DTH) hammer pile driving is authorized for use in areas which require pile driving through existing armor stone or riprap. Use of additives or agents prior to the start of DTH hammer pile driving will require DEQ approval.
11. **408 Conditions:** All conditions of the 408 permission letter (attached) are also conditions of this permit.
12. Dewatering: There will be no direct discharge of construction waters or other effluents which contain jet grout residuals, or other foreign substances, or other substances which may be present in concentrations which would violate Virginia water quality standards.
13. You shall submit to the Corps, at the same time that you submit to the DEQ, all water quality monitoring reports including those required by VPDES permit VA0093084. Any inadvertent discharges must be reported in writing to the DEQ and the Corps within 24 hours.
14. To reduce turbidity associated with dredging activities, you will implement the following dredging BMPs: you will avoid overfilling the bucket to prevent material from sloughing off, you will completely close the bucket prior to its ascent through the water column, you will reduce the bucket ascent rate to minimize the amount of material stripped from the bucket, and you will pause the bucket at the water surface before swinging it onto the barge, truck, or temporary placement site.

Handling and disposal of dredged materials will be conducted in accordance with the Material Management Plan (MMP) approved by the DEQ.

15. To fully contain dredge and other material transported off of this project, you will use covered, lined trucks when transporting fill or spoils with high moisture content.

16. Pre-Construction Meeting

You are not authorized to begin clearing or construction activities in waters of the U.S. (including wetlands) associated with this permit until an on-site preconstruction conference is held to ensure that all affected parties fully understand the requirements of this permit. This meeting must be held prior to the start of land disturbance in wetlands and/or dredging in waters of the U.S. and must be attended by you or a designated representative, your agent/consultant, the contractor, the contractor's foreman, and George Janek, the Corps project manager for your permit. To arrange this meeting, contact George Janek at 757-201-7135.

17. The residual waters of the U.S. (including wetlands) on this property (those areas that will not be impacted under this permit) that are located within 50 feet of any proposed clearing, excavation, and construction activities must be clearly marked in the field with 4 foot high orange silt fencing (or 4 foot orange construction or barrier fencing) prior to commencing work onsite to ensure that additional wetland areas are not inadvertently impacted during clearing and construction activities.

18. The location and extent of all wetland areas and other waters of the U.S. that will be used for temporary construction access must be clearly flagged in the field and identified to the project contractor(s) prior to commencing work in wetlands to ensure that additional waters (including wetlands) are not impacted.

19. Incidental Harassment Authorization and LOA for Marine Mammals

You must comply with any terms and conditions that may be issued or pending issuance as required for project authorization under Section 101(a)(5)(D) and/or Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D) and 16 U.S.C. 1371(a)(5)(A)), including but not limited to all general, mitigation, monitoring, notification and reporting conditions associated with the harassment and/or take of marine mammals incidental to construction activities as may be provided as incidental harassment authorizations (IHA) and/or letter of authorizations (LOA) issued by the National Marine Fisheries Service, and all future modifications or amendments thereto. No work is authorized by this permit until you have received the Incidental Harassment Authorization; once this IHA expires, your future work must be authorized by the Letter of Authorization.

20. VMRC Artificial Reefs Program: Subject to the approval of VMRC, concrete and other appropriate materials from the demolition of the existing bridge trestles may be donated to the VMRC Artificial Reefs Program. You shall coordinate with that Program to create a plan for the placement of appropriate materials onto VMRC's artificial reefs. If such material cannot be placed on an approved artificial reef, it shall be disposed of at an approved upland site.
21. FHWA is the designated lead federal agency for this project. Previous consultation conducted by FHWA and VDOT under Section 106 with the Virginia Department of Historic Resources resulted in a finding of no adverse effect for the HRBT Expansion Project through the 2017 execution of a *Programmatic Agreement Among the Federal Highway Administration, the Virginia State Historic Preservation Officer, and the Virginia Department of Transportation Regarding the Hampton Roads Crossing Study, Cities of Hampton and Norfolk, Virginia*. As a condition of this permit, you must adhere to all terms and conditions of this programmatic agreement, including the following: you will participate in ongoing coordination with DHR regarding the agreement, you will meet specific design commitments for avoidance of adverse effects, you will complete efforts to identify archaeological sites eligible for listing in the National Register of Historic Places (NRHP) within the Area of Potential Effect (APE) for the project, and you will assess effects on identified historic properties.
22. Restoration of Temporary Access/impact areas
- a. Wetland matting and/or low ground pressure equipment will be used for temporary construction access.
 - b. Wetland matting will be removed and access areas will be restored to pre-construction elevations. As needed, pile holes will be backfilled with clean fill to match adjacent preconstruction elevations
 - c. To the greatest extent practicable, cutting of woody vegetation will be avoided and existing vegetation will be left in place as natural matting.
 - d. Where clearing of woody vegetation is required, vegetation will be cut at ground level and stumps and roots will be left in place (i.e. no grubbing).
 - e. Temporary impact areas will be revegetated through seeding, sprigging (for tidal emergent species), and live staking and/or planting of container-grown stock as needed.
 - f. Sprigging, live staking, and planting of container-grown stock will be conducted with appropriate salt-tolerant native vegetation to match local wetlands to the maximum extent practicable based on the availability of commercial nursery stock. Sprigging will be done with *Spartina alterniflora* in the low marsh and *Spartina patens* for the high marsh areas. Areas in which common reed (*Phragmites australis*) or cattails is the predominant vegetation, pre-disturbance, will be seeded with an appropriate native wetland seed mix and planted with salt bush (*Iva frutescens*) in one-gallon containers on two-foot centers. This will introduce species diversity and may shade out or slow the spread of the original invasive species. *Spartina* sprigging will consist of nursery stock peat plugs planted on one-

foot centers. If necessary, you will be responsible for replacing plant stock removed by Canada geese or other wildlife species.

- g. The soils of any temporary construction access areas located in wetlands that are cleared, grubbed, filled and/or compacted through the use of wetland construction mats or other construction methods must be loosened by ripping or chisel plowing the soil surface to a depth of 8-12" once each access is no longer needed. The resulting grades shall be replanted with bare root native woody plants or scrub-shrub species at a rate of 200 plants per acre. Acceptable woody plants include but are not limited to 2-4 of the following native species: wax myrtle (*Myrica cerifera*), red maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), black willow (*Salix nigra*), black gum (*Nyssa sylvatica*), spicebush (*Lindera benzoin*) tag alder (*Alnus serrulata*), groundsel shrub (*Baccharis halimifolia*), salt bush (*Iva frutescens*), sweet pepperbush (*Clethra alnifolia*), and Eastern red cedar (*Juniperus virginiana*). Substitution of other native woody species, including species from HRCP's Potential Plant List, is subject to Corps review and approval. This restoration work must be completed incrementally as construction access activities are completed in certain areas of the project
- h. You will monitor all temporary wetland impact areas and document your findings with disturbance inspection forms. You will note the date of disturbance and the date that restoration activities are completed on the form. After pre-construction grades have been restored and the restored areas have been planted, the restored areas will be monitored for one year. Every six months during construction, HRCP will conduct site inspections with the regulatory agencies (USACE, DEQ, and VMRC) to inspect temporary impact areas where construction has concluded. Any additional corrective measures deemed appropriate by the regulatory agencies based on the site inspections will be implemented by HRCP. HRCP will confirm restoration success by delineating wetland restoration areas using the methodology described in the Army Corps of Engineers Wetland Delineation Manual (1987) and subsequent guidance included in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0).
- i. If the temporary WOUS impact areas fail to exhibit all three wetland parameters after the first full growing season post-construction, these areas will be considered permanent wetland impacts. HRCP will provide additional compensatory mitigation for these areas through the purchase of commercial credits from an authorized wetland bank at standard compensation ratios based on the pre-disturbance cover type.
- j. For the temporary stream impacts, within 15 days of completing work, you will restore stream channel grade and banks to pre-existing conditions, matching upstream and downstream stream profiles.
- k. Denuded stream banks will be seeded with an approved riparian seed mixture that compares to plant species found in adjacent reference waters, such as a Coastal Plain riparian seed mix. The seed mix shall be

free of invasive plant species. After seeding the area, you will stabilize the channel banks with an appropriate biodegradable erosion control matting.

23. If a project specific condition of this permit cannot be met, then you must apply for a permit modification. Any proposed permit modification will be coordinated with DEQ, USFWS, VMRC, the localities, and EPA Region III.

24. Project specific conditions for Compensatory Mitigation

a. Use of a Mitigation Bank

i. Tidal

1. For the permanent impacts to tidal wetlands, you will compensate at the following ratios:

0.13 acres of E2EM wetlands (from fill) at 1:1 = 0.13 credits;
1.92 acres of E2EM wetlands (permanent shading) at 1:1 = 1.92 credits;

0.04 acres of E2EM wetlands (Mallory Street, fill) at 2:1 = 0.08 credits;

0.09 acres of E2EM wetlands (Mallory Street, perm shading) at 2:1 = 0.18 credits;

0.06 acres of E2SS wetlands (Mallory Street, perm shading) at 2:1 = 0.12 credits;

0.05 acres of E2SS wetlands (Mallory Street, fill) at 3:1 = 0.15 credits;

0.08 acres of E2SS wetlands (from fill) at 1.5:1 = 0.12 credits.

Total of tidal wetland compensation required = 2.70 credits

2. You shall purchase these tidal mitigation credits from an approved bank authorized to sell commercial credits within the affected HUC(s). Evidence that you have purchased these credits must be provided to the Corps prior to commencing the authorized activities in jurisdictional waters and wetlands.

ii. Nontidal

1. For the permanent impacts to non-tidal wetlands, you will compensate at the following ratios:

0.12 acres of PFO wetlands (from fill) at 2:1= 0.24 credits;

0.01 acres of PFO wetlands (permanent conversion) at 1:1= 0.01 credits;

0.25 acres of PSS wetlands (from fill) at 1.5:1= 0.38 credits;

0.11 acres of PSS wetlands (permanent shading) at 1:1= 0.11 credits;
0.28 acres of PEM wetlands (from fill) at 1:1= 0.28 credits;
0.01 acres of PEM wetlands (permanent shading) at 1:1 = 0.01 credits.

Total of non-tidal wetland compensation required = 1.03 credits.

2. You have indicated that mitigation for the proposed nontidal impacts will be accomplished by using advance purchase credits from the Lewis Farm Mitigation Bank. As compensation for the permanent wetland impacts listed above, a total of 1.03 credits will be debited from credits previously purchased by the Virginia Department of Transportation from the Lewis Farm Mitigation Bank. Evidence that you have purchased these credits must be provided to the Corps prior to commencing the authorized activities in jurisdictional waters and wetlands.

b. Use of In-lieu Fee Contribution

- i. As compensation for 0.48 acres of extended shading impacts and 0.01 acres of permanent impacts to submerged aquatic vegetation, you will purchase 0.49 acres of oyster reef credits (a 1:1 areal ratio) from the Living River Restoration Trust (LRRT). Additional compensation for SAV impacts will be provided in accordance with the SAV restoration plan implemented by the Virginia Institute of Marine Science.
- ii. As compensation for the permanent conversion of 14.22 acres of subaqueous (E1OW) and intertidal (E2RS2 and E2US2) to upland (12.32 acres for the North Island; 1.42 acres for the South Island; and 0.48 acres for other upland conversion throughout the project including bulkhead repair, grading, culvert extension, abutments, outfall repair, and slope stabilization) and the loss of 0.37 acres of subaqueous habitat due to the placement of permanent piles, you will purchase 14.59 acres (a 1:1 areal ratio) of subaqueous bottom credits from the LRRT. No compensation is required for the permanent placement of piles in E2RS2 or E2US2 areas. Proof of credit purchase must be provided to this office prior to the commencement of construction in jurisdictional waters, including wetlands and estuarine open waters.

25. Dredging

- a. This permit does not authorize any double handling of dredged material in waters and/or wetlands.

- b. No dredging may begin until an on-site pre-dredging conference is held to ensure all affected parties fully understand the requirements of the permit, and to inspect the disposal site(s). This meeting will be held prior to the start of dredging, but after the disposal site(s) have been prepared and all erosion and sedimentation controls are in place. The meeting must be attended by you or your representative, the contractor, the contractor's foreman, DEQ, VMRC, and George Janek, the Corps project manager for your permit. To arrange this meeting, contact George Janek at 757-201-7135 at least 15 days prior to the proposed meeting date. The dewatering area, disposal site, and erosion and sedimentation controls must be in compliance with the permitted plans prior to the commencement of dredging.
- c. The enclosed drawings (Attachment G-6: Dredge Plans) indicate variable project depths as follows:
 - i. At the North Island Expansion, maximum dredge depths of -23 feet and -34 feet NAVD88, including overdepth allowance.
 - ii. At the South Island Expansion, maximum dredge depths range from -35 feet to -42 feet NAVD88, including overdepth allowance.
 - iii. For temporary construction access at the South Trestles, maximum dredge depths to -7.5 feet, including overdepth allowance.
 - iv. You are authorized to dredge to the permitted depths shown on the attached drawings. These permitted depths include any advance maintenance, allowable overdepth, and/or margins of error, and must not be exceeded in order to comply with this permit. Exceeding the project depths shown on the drawings will be considered a violation of the terms and conditions of the permit. In order to ensure permit compliance, if you contract for this work, the terms of the agreement shall not require dredging depths that exceed the permitted depths.
- d. If needed, you are authorized to dredge an initial construction access area near at the South Trestle location, and you are authorized one maintenance dredging cycle if that area shoals up. You must advise this office in writing, at least two weeks before you start maintenance dredging activities under the authority of this permit.
- e. Barges and scows used to transport dredged material may be filled only to a point where no overflow occurs. No overflow pipes are allowed.
- f. Within 60 days of completion of the dredging, an after-dredge hydrographic survey for areas that will not ultimately be filled, prepared by a state-certified engineer or surveyor, must be provided to the Corps. The hydrographic survey should reference a local tidal or geodetic datum.

26. National Ocean Service Notification

- a. National Ocean Service (NOS) has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which

certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notifications to NOS will be sent to the following address: National Oceanic and Atmospheric Administration, National Ocean Service, ATTN: Ms. Lyn Preston, Silver Springs Metro Center Building #3, National Ocean Service Headquarters, 1315 East West Highway, Silver Springs, MD 20910.

27. Coast Guard Lighting and Signals

- a. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities, including your mooring facilities and moored vessels. The USCG may be reached at the following address and telephone number: Commander (dpw), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, ATTN: Mr. Douglas Simpson. You can contact Mr. Simpson via telephone at (757) 398-6346 or via email at Douglas.C.Simpson@uscg.mil.

General Conditions:

1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition **3** below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
2. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

6. No discharge of dredged or fill material may consist of unsuitable material (e.g.: trash, debris, car bodies, asphalt etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
8. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be temporarily and permanently stabilized at the earliest practicable date.
9. The construction or work authorized by this permit will be conducted in a manner so as to minimize any degradation of water quality and/or damage to aquatic life. Also, you will employ measures to prevent or control spills of fuels or lubricants from entering the waterway.
10. Any heavy equipment working in wetlands other than those permitted for permanent impact must be placed on mats or other measures must be taken to minimize soil disturbance.
11. Failure to comply with the terms and conditions of this permit can result in enforcement actions against the permittee and/or contractor.
12. In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.
13. All dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water which tend to degrade water quality and damage aquatic life.
14. Your use of the permitted activity must not interfere with the public's right to reasonable navigation on all navigable waters of the United States.
15. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required upon due notice from the Corps of Engineers to remove, relocate, or alter the structural work

or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alternation.

Further Information:

1. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.

2. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

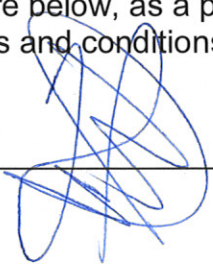
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR

209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- 5. Extensions: Project Specific Condition #2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as a permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(Permittee)



08/10/2020
(Date)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

William T. Walker

FOR _____
Patrick V. Kinsman, PE
Colonel, U.S. Army
Commanding

Aug 10, 2020
(Date)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date) _____