

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 21st day of December 2021 hereby grants unto:

**Mathews County
Post Office Box 839
Mathews, VA 23109**

hereinafter referred to as the Permittee, permission to:

 X Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.

 Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittee is hereby authorized to hydraulically dredge 40,000 cubic yards of State-owned subaqueous bottom along the Hole in the Wall Channel, from Milford Haven to the Chesapeake Bay, to attain depths of minus seven (-7) feet mean low water, place the dredged material upon Haven Beach as beach nourishment, construct three (3) 230-foot long stone breakwaters and elongate an existing breakwater by 50 feet along the Chesapeake Bay shoreline at the terminus of Haven Beach Road in Mathews County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received December 2, 2021, which are attached and made a part of this permit.

This permit is granted subject to the following conditions:

- (1) The work authorized by this permit is to be completed by **December 31st, 2024**. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit, which are not maintained in good repair, shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts that may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.
- (15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation or maintenance of said project.

The following special conditions are imposed on this permit:

- (16) The placard accompanying this permit document must be conspicuously displayed at the work site.
- (17) Permittee agrees to notify the Commission upon the start of the activities authorized by this permit.
- (18) The Permittee shall provide a post-dredging bathymetric survey of the dredged area within 30 days of the completion of the dredging. The survey shall be signed and dated as being accurate and true. The survey shall be referenced to mean low water and shall consist of evenly spaced transects across the width of the dredged channel with soundings taken at intervals not exceeding ten feet. Accurate bathymetric data from each transects shall be used to establish the top width of the dredge cut (+/- 1') and shall include a depth measurement exterior to both sides of the dredge cut.
- (19) The post-dredge survey depths shall vary uniformly around the permitted dredge depths, with the average depth approximating minus seven (-7) feet at mean low water. Any areas dredged deeper than minus seven (-7) will be considered a violation of the permit and subject to enforcement action.
- (20) A pre-dredging conference shall be held on site prior to the commencement of the dredging. The meeting shall be attended by the Permittee, the dredging contractor and a member of the VMRC staff. The meeting shall be held within seven (7) days prior to the commencement of dredging and shall include an inspection of the dredge material placement area, an inspection of the dredge area, and a discussion of the terms and conditions of the permit.
- (21) Maintenance dredging may be conducted through December 31, 2026, provided the Permittee notifies the Commission at least 15 days prior to the commencement of each dredging operation. The maintenance dredging notification shall include a description of the disposal site, a bathymetric survey of the areas to be maintenance dredged, and verification of authorization to use the placement site if it is on property not owned by the Permittee.
- (22) The Permittee shall deploy a turbidity curtain along the border of the channel which is adjacent to submerged aquatic vegetation beds during dredging operations in those areas.

Description of Fees	Amount	Unit of Measure	Rate	Total	Frequency	After-The-Fact
Permit Fee				\$600.00	One-Time	
Total Permit Fees				\$600.00		

This permit consists of 13 Pages

PERMITTEE(S)

BY CHECKING THIS BOX, I certify that I am the Permittee OR the certified agent acting on behalf of all Permittees, that I have read and understood the permit as drafted and accept all of the terms and conditions herein. I agree and understand that checking the box has the same legal authority as a written signature. The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original Permittee(s). In cases where the Permittee is a corporation, agency or political jurisdiction, I certify I have proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

PERMITTEE OR CERTIFIED AGENT

DATE TERMS ACCEPTED

Thomas D. Jenkins, Planning Director, Mathews County
Print Your Name Here

December 15, 2021

PERMITEE

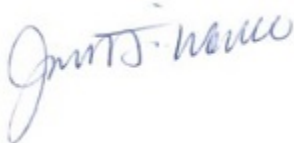
Mathews County
 Post Office Box 839
 Mathews, VA 23109

AGENT

No Agent

COMMISSION

This permit is executed on behalf of the Commonwealth of Virginia, Marine Resources Commission by the undersigned:



Justin Worrell
 Environmental Engineer, Habitat Management

DATE SIGNED
 21st day of December 2021