

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 26th day of April 2022 hereby grants unto:

**Amherst County Service Authority
113 Phelps Road
Madison Heights, VA 24572**

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 install a water intake structure with 1 mm mesh screens, 24-inch intake line, and a 6-inch backwash line, on the James River near Trents Landing Road in Amherst County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received February 8, 2022, 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 **April 30th, 2025**. 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 agrees to conduct mollusk and fish surveys and relocation efforts, as recommended by the Department of Wildlife Resources in their comments dated March 17, 2022, unless specifically waived in writing. All surveys should be performed by a qualified, permitted biologist, no more than six months prior to the start of construction. Any relocations should be coordinated with the Department of Wildlife Resources and no federally listed species should be relocated without first coordinating with the US Fish and Wildlife Service.
- (19) The instream construction activities shall be accomplished during low flow periods and within cofferdams constructed of non-erodible materials in such a manner that no more than 60% of the width of the waterway is obstructed at any point in time.
- (20) All area of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into State waters.
- (21) Erosion and sediment control measures shall be in conformance with the 1992 Third Edition of the Virginia Erosion and Sediment Control Handbook and shall be employed throughout construction.
- (22) Permittee agree to an instream time of year work restriction from April 15 through June, and August 15 through September 30 of any given year to protect endangered mussel species unless waived in writing by the Department of Wildlife Resources.

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 9 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**

Robert A. Hopkins, PE, Executive Director, Amherst County Service Authority April 29, 2022

Print Your Name Here

PERMITEE

Amherst County Service Authority
113 Phelps Road
Madison Heights, VA 24572

AGENT

Hurt and Proffitt
Ben Leatherland
2524 Langhorne Road
Lynchburg, VA 24501

COMMISSION

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



Randy Owen
Chief, Habitat Management Division

DATE SIGNED

3rd day of May 2022