

Permit # 06-0881



Commonwealth of Virginia Marine Resources Commission Authorization

A Permit has been issued to:

Collett Thach, et al.

P.O. Box 255

The Permittee is hereby authorized to:

Ivy, Virginia 22945

Install a 310-foot long by 43-foot wide temporary stone causeway across the Rivanna River to facilitate the removal of the Wollen Mill Dam in Albemarle County.

Issuance Date: September 26, 2006 Expiration Date: September 30, 2009


Commissioner or Designee

This Notice Must Be Conspicuously Displayed At Site Of Work

**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 September 2006, hereby grants unto: **Collett Thach, et al.**

**P.O. Box 255
Ivy, Virginia 22945**

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 310-foot long by 43-foot wide temporary stone causeway across the Rivanna River to facilitate the removal of the Wollen Mill Dam in Albemarle County. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received April 18, 2006 and July 6, 2006, 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 shall be completed by **September 30, 2009**. 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 yellow placard accompanying this permit document must be conspicuously displayed at the work site throughout the construction phase of the authorized activity.
- (17) Permittee agrees to notify the Commission a minimum of 15 days prior to the start of the construction activities authorized by this permit.
- (18) Erosion and sediment control measures shall be employed throughout the construction and shall be in conformance with the 1992 Third Edition of the Virginia Erosion and Sediment Control Handbook.
- (19) The Permittee agrees that the project should be undertaken during low-flow conditions to the greatest extent possible.
- (20) The stone causeway must be removed in its entirety and the stream bed and bank must be restored to its pre-construction conditions following the completion of the project.
- (21) The Permittee agrees to coordinate with the Department of Game and Inland Fisheries to minimize potential impacts to freshwater mussels
- (22) The Permittee agrees to refrain from instream construction activities from April 1 through June 30 to avoid potential adverse impacts on anadromous fish.

A permit issuing fee of: \$100.00

and a royalty of: n/a temporary encroachment

for a total of \$100.00 This permit consists of 9 sheets.

PERMITTEE

Permittee's signature is affixed hereto as evidence of acceptance of all of the terms and conditions herein.

In cases where the Permittee is a corporation, agency or political jurisdiction, please assure that the individual who signs for the Permittee has proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

PERMITTEE

Accepted for **Collett Thach, et al.**

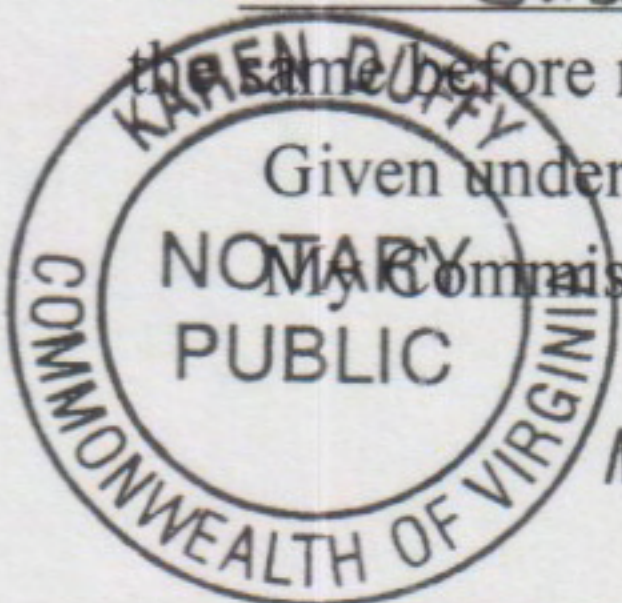
31st day of October, 2006

By [Signature] Chain RES Committee
(Name) (Title)

State of Virginia

City (or County) of Albemarle, to-wit:

I, Karen Duffy a Notary Public in and for said City (or County) and State hereby certify that Jason Halbert, Permittee, whose name is signed to the foregoing, has acknowledged the same before me in said City (or County) and State aforesaid.



Given under my hand this 31st day of October, 2006

NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES
MARCH 31, 2007

Notary Public

Karen Duffy

COMMISSION

IN WITNESS WHEREOF, the Commonwealth of Virginia, Marine Resources Commission has caused these presents to be executed in its behalf by ROBERT W. GRABB, CHIEF, HABITAT MANGEMENT

(Name) (Title) Marine Resources Commission

2ND day of NOVEMBER 20 06

by [Signature]

State of Virginia

City of Newport News, to wit:

I, MOLLY O. JEFFERS a Notary Public within and for said City, State of Virginia, hereby certify that ROBERT W. GRABB, whose name is signed to the foregoing, bearing the 26th day of September 2006, has acknowledged the same before me in City aforesaid.

Given under my hand this 2ND day of NOVEMBER, 20 06

My Commission Expires:

JULY 31, 2007

Notary Public

Molly Jeffers