

RESOLUTION 18-8

AUTHORIZING THE ADOPTION OF GUIDELINES ADMINISTERING THE VIRGINIA WATERWAY MAINTENANCE GRANT PROGRAM IN ACCORDANCE WITH SECTION 62.1-132.3:4 OF THE CODE OF VIRGINIA OF 1950 AS AMENDED

WHEREAS, Section 62.1-132.3:3 of the Code of Virginia of 1950 as amended establishes the Virginia Waterway Maintenance Fund (the "Fund") to be administered by the Virginia Port Authority (the "Authority");

WHEREAS, Section 62.1-132.3:4 of the Code of Virginia of 1950 as amended instructs the Authority to develop guidelines establishing an application process, procedures for evaluating the feasibility of a proposed dredging project, and procedures for awarding grants under the Fund;

WHEREAS, the Board of Commissioners have been presented at its meeting the proposed form of the Virginia Waterway Maintenance Grant Program Guidelines (the "Guidelines") in compliance with the requirements of Section 62.1-132.3:4 of the Code of Virginia for consideration and approval.

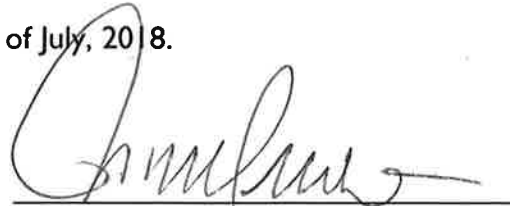
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE VIRGINIA PORT AUTHORITY, as follows:

Section 1. Approval of the Virginia Waterway Maintenance Grant Program Guidelines. The Guidelines presented to the Board are hereby approved in the form presented at this meeting with such changes, omissions and insertions as may be approved by the Executive Director on the advice of the Authority's legal counsel. Any such changes shall be reported to the Board of Commissioners at their next regularly scheduled meeting and be subject to veto by simple majority.

Section 2. Ratification; Further Action. The actions previously taken by the officers and staff of the Authority are hereby ratified and confirmed. The officers and staff of the Authority, any of whom may act, are hereby authorized to take such actions, and deliver such additional documents and certificates, as they may, in their discretion, deem necessary or proper in connection with the adoption of this Resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 24th day of July, 2018.



John G. Milliken
Chairman

Attest:



Debra J. McNulty, Clerk

VIRGINIA PORT AUTHORITY
POLICY ON GRANTS TO LOCAL GOVERNMENTS FOR
FINANCIAL ASSISTANCE FOR DREDGING ACTIVITIES

PREFACE: In May 2018, the Virginia General Assembly established the Virginia Waterway Maintenance Fund for the purpose of supporting shallow-draft dredging projects throughout the Commonwealth. The source of the grant funds shall be the Virginia Waterway Maintenance Grant Fund. The Virginia Port Authority finds it necessary and in the public body interest, and pursuant to its statutory responsibility, to establish the Virginia Waterway Maintenance Grant Program Guidelines. This policy shall be as follows:

I. DEFINITIONS

- A. Applicant – refers to the political subdivision and the governing bodies of Virginia localities.
- B. Study – refers to feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by a political subdivision of the Commonwealth.
- C. Carryover Funds – refers to unused funds for awarded projects. Funds must be reapplied for each year.
- D. Dredging – refers to the removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies.
- E. Items of Local Cooperation – include specific requirements on the applicant for implementation of a federal, state or local project. Such items include but are not limited to lands, easements, rights-of-way, relocations, dredge material disposal sites, and cash contributions.
- F. Beneficial Use – refers to innovative uses and placement alternatives for dredge materials that produce public, economic or environmental benefits.
- G. Shallow draft dredging – refers to rural coastal waterways that have recognized and established navigable channels that are pivotal to the use and enjoyment of docks, marinas, boat yards and working waterfronts. Shallow draft dredge areas can be categorized as primary, secondary (including smaller tributaries and marked and unmarked channels) having a water depth of 14' or less.

II. ADMINISTRATION

The following elements will guide the application, allocation, and distribution of the Virginia Waterway Maintenance Grant Fund:

- A. FOR ALL PROJECTS FOR WHICH VIRGINIA WATERWAY MAINTENANCE GRANT FUNDS ARE REQUESTED.

- 1) The Virginia Port Authority will serve as the responsible agency for administering the Virginia Waterway Maintenance Grant Fund.
- 2) Funds will be used to support: (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by a political subdivision of the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealths' maintenance of shallow-draft navigable waterway channel maintenance dredging and the construction and management of areas for the placement of dredged material; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by a political subdivision of the Commonwealth.
- 3) For a project to be eligible for funds, VPA, in its sole discretion, must determine that the proposed project is economically feasible based on preplanning study or current level of business, will not directly competitively disadvantage existing publicly-owned port facilities, and will further the interests of the Commonwealth of Virginia. Development and presentation of the information needed to determine project eligibility will be the responsibility of the applicant.
- 4) Requests for funding and their disposition shall be as follows:

Requests for funding shall be made by March 1st. Applicants may be required to make oral presentation of the requests to the VPA. Funds will be allocated by VPA at its May Board of Commissioners meeting and available for successful applicants by July 1st of that year.

- 5) Application Guidelines: The applicant shall submit a completed application to the VPA that contains the following information: statement of need and urgency, total project cost, timeline and phases of project, feasibility of the proposed planning and/or dredging project, status of any necessary permits, the adequacy of the applicants project management, the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding or other purposes, potential beneficial impact to the community, and total amount of funding being requested.
- 6) Prior to the receipt of a grant, the applicant shall enter into a memorandum of understanding with the VPA establishing the requirements for the use of grant funds.
- 7) Disbursements: The applicant shall submit a requisition to the VPA for payment. The requisition shall be accompanied by supporting invoices or other documentation as well as a certification of the applicant that the work has been performed or that payment is otherwise properly due. The requisition shall further set forth the name of the person or entity to whom payment is to be made, the amount of payment, and the project for which the payment is to be made. Requisitions may be submitted quarterly or at the completion of the

project. When the project is completed, the applicant shall certify its completion date to the VPA.

- 8) Requests not made within the schedule of Paragraph 4 above, shall be considered only when accompanied by a statement declaring the need for funds an emergency, with consequences of non-funding clearly specified, or a statement explaining why the schedule in Paragraph 4 above could not be met. Requests must be received no later than three weeks prior to the next regular Board of Commissioners meeting to be considered at that meeting.
- 9) VPA will allocate an amount appropriated by the General Assembly for projects which are judged to meet the criteria above.
- 10) VPA, in its sole discretion, may allocate the total amount requested to an applicant, any portion thereof, or may decline to allocate funds for the project. These funds may not be used for any dredging project for a solely privately owned marina or dock. Additionally, special consideration will be given in the first year to applicants who can provide a 3 to 1 match for requested funds.

B. ADDITIONALLY, FOR PROJECTS WITH POTENTIAL FEDERAL INTEREST

- 1) Applicant must have made previous, or must make simultaneous, "application" for federal funds.
- 2) VPA recognizes that local sponsors for federal projects must agree to share with the federal government in the cost of studies and construction as a condition necessary for the initiation of federal study of the project. VPA agreement to provide support necessary to allow for the initiation of any project is conditional upon the later determination of VPA that the standards in II.A.3 above are met and that funds are available.
- 3) VPA shall be given the opportunity to review and comment on all cost sharing agreements between the local sponsor and federal government prior to releasing any funds.
- 4) If undertaken prior to the receipt of federal funds, but for which federal funds are committed, projects must be completed within the time frame determined reasonable by the Corps of Engineers in project studies.

C. ADDITIONALLY, FOR NONFEDERALLY FUNDED PROJECTS:

- 1) There will be no financial contribution requirement for the applicant.
- 2) Special consideration will be given to any project application that supports waterway enhancement in rural coastal Virginia as defined by §15.2-7600. Localities as defined by §15.2-7600 will provide evidence of working waterfront businesses or commercial fishing or seafood business and the need for dredging project.