VIRGINIA WATERWAY MAINTENANCE FUND GUIDELINES FOR MARINE RESOURCES COMMISSION

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. In March 2025, the Virginia General Assembly transferred the administration of the Virginia Waterway Maintenance Grant Program and Fund from the Virginia Port Authority to the Virginia Marine Resources Commission, with an effective date of July 1, 2025. The Virginia Marine Resources Commission 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-feet or less.

II. ADMINISTRATION

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

a. FOR ALL PROJECTS FOR WHICH VIRGINIA WATERWAY MAINTENANCE GRANT FUNDS ARE REQUESTED:

   i. The Virginia Marine Resources Commission will serve as the responsible agency for administering the Virginia Waterway Maintenance Grant Fund and shall award grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Virginia Marine Resources Commission.

   ii. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities.

   iii. Funds will be used to support:

      1. Feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the political subdivisions and the governing bodies of Virginia localities.
      2. 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.
      3. The Commonwealths' maintenance of shallow-draft navigable waterway channel maintenance dredging and the design, lease, or purchase of upland containment areas where the material can be selectively excavated and used beneficially for environmental restoration or for mitigation of coastal erosion.
      4. The beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by the political subdivisions and the governing bodies of Virginia localities.

iv. Special consideration shall be given to any political subdivision or governing bodies of Virginia localities which provides a three-to-one match for any requested funding.

v. For a project to be eligible for funds, the Virginia Marine Resources Commission, in its sole discretion, shall evaluate each application to determine its completeness, the sufficiency of its justification for the proposed project, the status of any necessary permits, the adequacy of its project management organization, and the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding, or other purposed for the common good.

vi. Requests for funding and their disposition shall be made by February 1st. Applicants may be required to make oral presentation of the requests to the Virginia Marine Resources Commission Board. Funds will be allocated by the Virginia Marine Resources Commission at its April Board meeting and available for successful applicants by July 1st of that year.

vii. Application Guidelines: The applicant shall submit a completed application to the Virginia Marine Resources Commission 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.

viii. Prior to the receipt of a grant, the applicant shall enter a memorandum of understanding with the Virginia Marine Resources Commission establishing the requirements for the use of grant funds.

ix. Disbursements: The applicant shall submit a requisition to the Virginia Marine Resources Commission 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 monthly or at the completion of the project. When the project is completed, the applicant shall certify its completion date to the Virginia Marine Resources Commission.

x. Requests not made within the schedule of Paragraph vi 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 vi above could not be met. Requests must be received no later than three weeks prior to the next regular Virginia Marine Resources Commission Board meeting to be considered at that meeting.

xi. The Virginia Marine Resources Commission will allocate an amount appropriated by the General Assembly for projects which are judged to meet the criteria above.

xii. The Virginia Marine Resources Commission, 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.

xiii. No grant award shall support any dredging project for a solely privately owned marina or dock. However, the Virginia Marine Resources Commission may award a grant to a political subdivision or governing body for the dredging of a waterway channel with a bottom that is privately owned if such political subdivision or governing body holds a lease of such bottom with a term of 25 years or more.

xiv. Any funding remaining at the end of the fiscal year shall be carreied forward for the same purpose.

b. FOR PROJECTS WITH POTENTIAL FEDERAL INTEREST

i. Applicant must have made previous, or must make simultaneous, “application” for federal funds.

ii. The Virginia Marine Resources Commission 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. The Virginia Marine Resources Commission agreement to provide support necessary to allow for the initiation of any project is conditional upon the later determination of the Virginia Marine Resources Commission that the standards in II.a.v above are met and that the funds are available.

iii. The Virginia Marine Resources Commission 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.

iv. If undertaken prior to 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. FOR NON-FEDERALLY FUNDED PROJECTS

i. There will be no financial contribution requirement for the applicant.

ii. Special consideration will be given to any project application that supports waterway enhancement in rural coastal Virginia as defined by §15.2-7600 of the Code of Virginia. Localities as defined by §15.2-7600 of the Code of Virginia will provide evidence of working waterfront businesses or commercial fishing or seafood businesses and the need for dredging projects.