



# COMMONWEALTH of VIRGINIA

## *Marine Resources Commission*

2600 Washington Avenue  
Third Floor  
Newport News, Virginia 23607

Douglas W. Domenech  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

October 28, 2011

Michael J. Kelly, Principal Planner  
City of Suffolk  
Department of Parks & Recreation  
Post Office Box 1858  
Suffolk, VA 23439

RE: VMRC #11-1051

Dear Mr. Kelly:

Enclosed is the Marine Resources Commission permit authorizing you to construct a 6-foot by 75-foot, open pile fishing pier structure, which includes a 10-foot by 125-foot T-head, and to install a 6-foot by 10-foot finger pier extension to an existing boat ramp tending pier to include an 8-foot by 12-foot floating platform with gangway access, for non-motorized boat launching, along Bennett's Creek at Bennett's Creek Park in the City of Suffolk.

A yellow placard is also enclosed. This placard reflects the authorized activities for inspection purposes and must be conspicuously displayed at the work site throughout the construction phase. Failure to properly post the placard in a prominent location will be considered a violation of your permit conditions.

**YOU ARE REMINDED THAT ANY DEVIATION FROM THE PERMIT OR ATTACHED DRAWINGS REQUIRES PRIOR AUTHORIZATION FROM THE MARINE RESOURCES COMMISSION. FAILURE TO OBTAIN THE NECESSARY MODIFICATION WILL BE CONSIDERED A VIOLATION AND COULD SUBJECT YOU TO CIVIL CHARGES IN AMOUNTS NOT TO EXCEED \$10,000 PER VIOLATION.**

The work authorized by this permit is to be completed by September 30, 2014. Please note that in conformance with Special Condition 17 of your permit you are to notify the Commission 15 days prior to commencement of your permitted project. The enclosed self-addressed, stamped, postcard is to be used for this purpose. All other conditions of the permit will remain in effect.

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

City of Suffolk  
October 28, 2011

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Please be advised that you may also require issuance of a U. S. Army Corps of Engineers permit before you begin work on this project. You may wish to contact them directly to verify any permitting requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Watkinson", with a horizontal line above it.

Tony Watkinson  
Chief, Habitat Management

TW/jaj  
HM  
Enclosure  
Cc: City of Suffolk Wetlands Board

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION  
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 30th day of September 2011, hereby grants unto:

**Suffolk Department of Parks and Recreation  
Attn: Mike Kelly  
P.O. Box 1858  
Suffolk, VA 23439**

hereinafter referred to as the Permittee, permission to:

- 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 construct a 6-foot by 75-foot, open pile fishing pier structure, which includes a 10-foot by 125-foot T-head, and to install a 6-foot by 10-foot finger pier extension to an existing boat ramp tending pier to include an 8-foot by 12-foot floating platform with gangway access, for non-motorized boat launching, along Bennett's Creek at Bennett's Creek Park in the City of Suffolk. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated July 7, 2009 and drawings dated received July 18, August 10 and September 30, 2011, 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, 2014**. 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.

A permit issuing fee of: \$100.00  
and a royalty of: N/A Governmental Activity  
for a total of \$100.00 This permit consists of 8 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 Suffolk Department of Parks and Recreation

day of Oct 18, 20 11

By Sabita Jragji DIRECTOR  
(Name) (Title)

State of Virginia

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

I, Edward Eugene Matthews, a Notary Public in and for said City (or County) and State hereby certify that Lakita Frazier, Permittee, whose name is signed to the foregoing, has acknowledged the same before me in my City (or County) and State aforesaid.

Given under my hand this 18<sup>th</sup> day of October, 20 11

My Commission Expires:

May 31, 2012

Notary Public [Signature] # 7203626

COMMISSION

IN WITNESS WHEREOF, the Commonwealth of Virginia, Marine Resources Commission has caused these presents to be executed in its behalf by Tony Watkinson, Chief, Habitat Management  
(Name) (Title) Marine Resources Commission

28th day of October, 20 11

By Tony Watkinson

State of Virginia

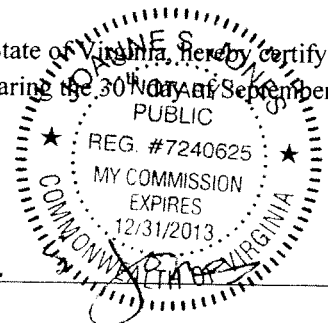
City of Newport News, to wit:

I, JoAnne S. Jones, a Notary Public within and for said City, State of Virginia, hereby certify that Tony Watkinson, whose name is signed to the foregoing, bearing the 30<sup>th</sup> day of September 2011, has acknowledged the same before me in City aforesaid.

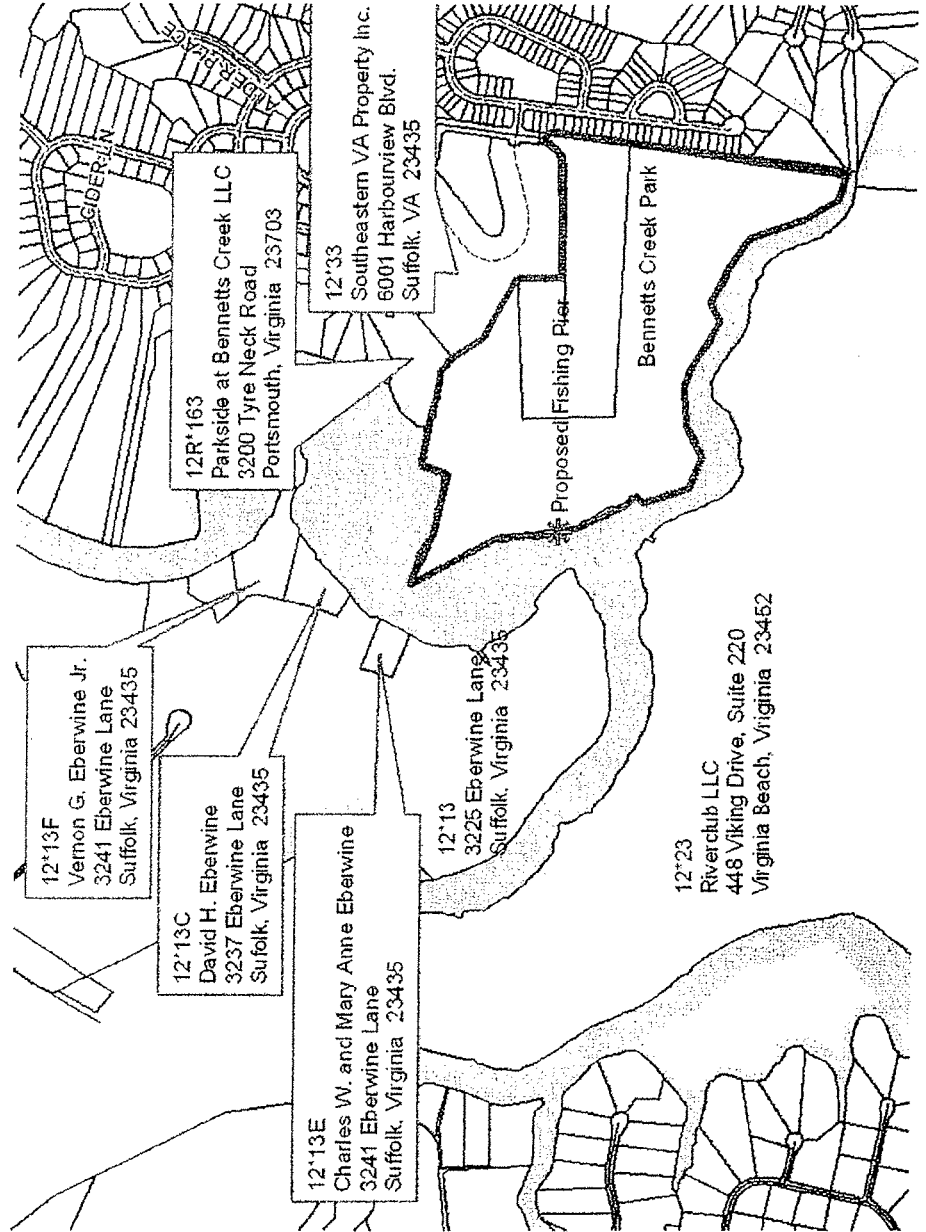
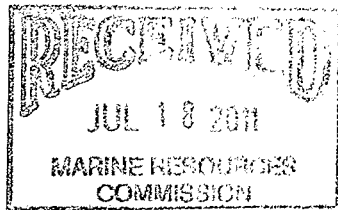
Given under my hand this 28th day of October, 2011

My Commission Expires: December 31, 2013

Notary Public JoAnne

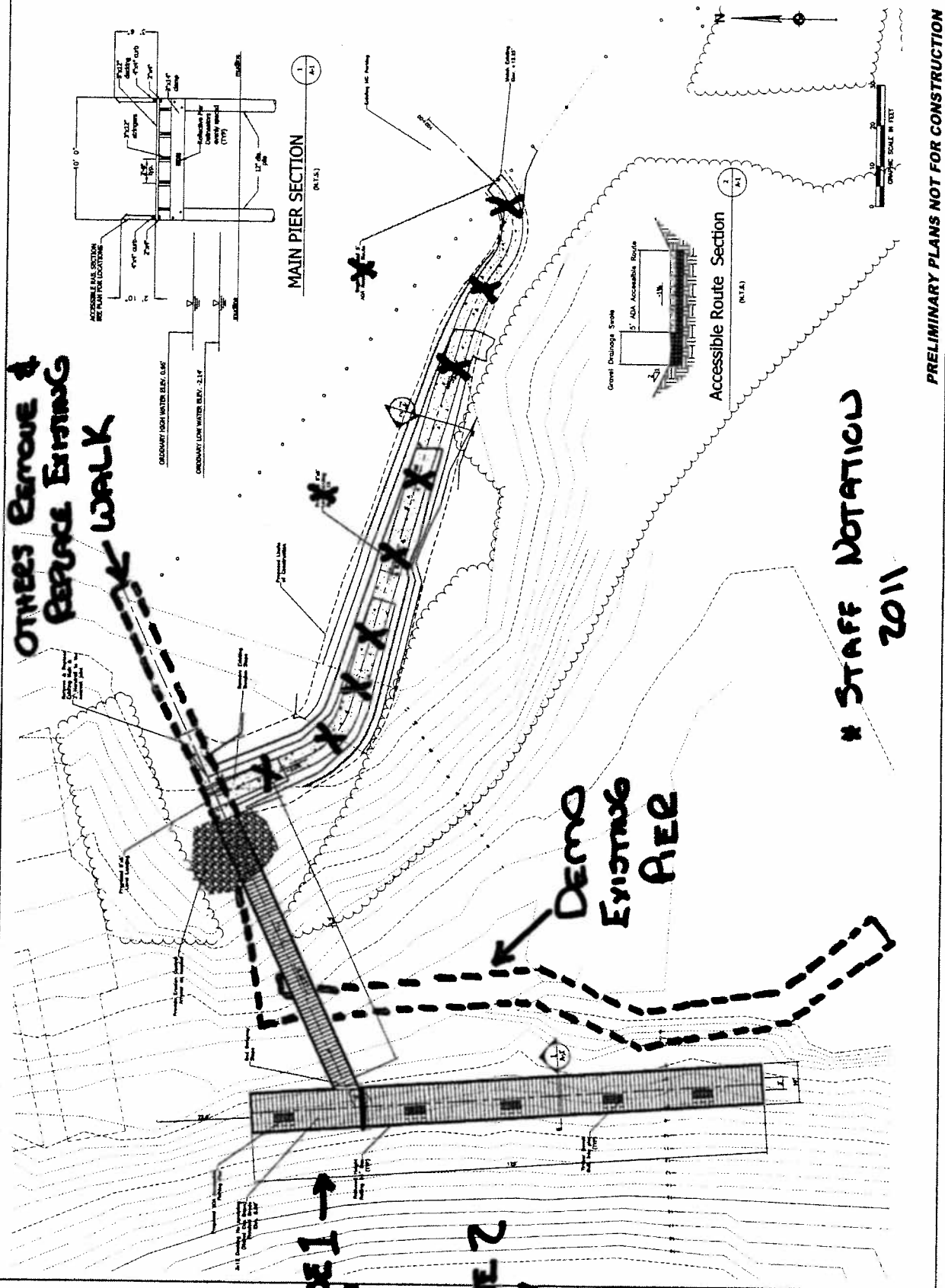


# Adjacent Property Owners Bennett's Creek Fishing Pier



<b>Bennetts Creek Park Fishing Pier</b> SADDON, VA Preliminary Design		WOODBERT 415 Port Centre Parkway Portsmouth, VA 23704 757.399.6882 757.399.6899
PROJECT NO.	DATE	REVISION

SHEET NO. **C200**



PRELIMINARY PLANS NOT FOR CONSTRUCTION

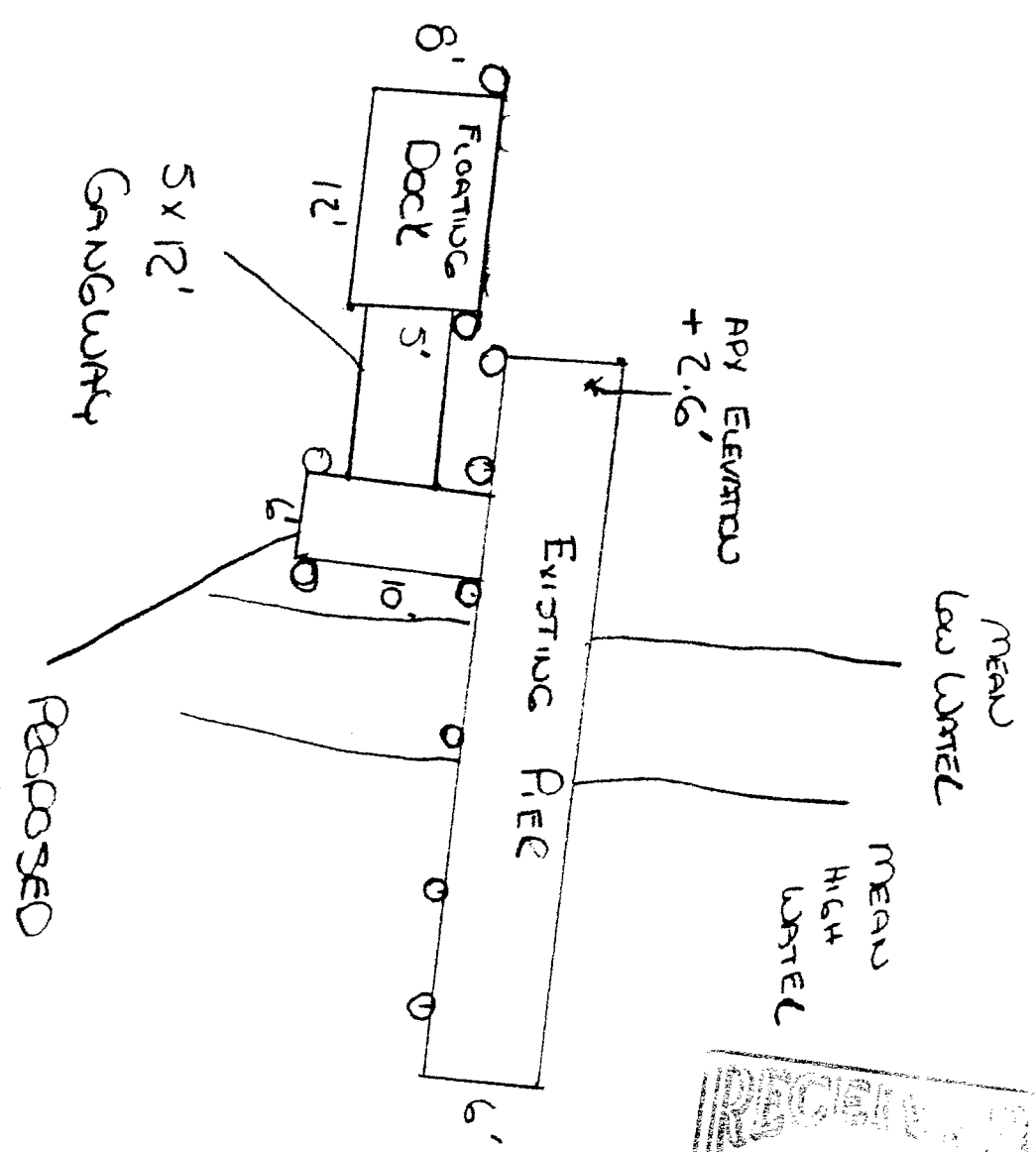
# STAFF NOTATION  
2011

PHASE 1 →  
30'

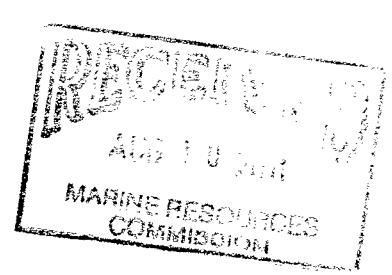
PHASE 2  
95'

NOTE: THE NAME AT 1: SCALE CORRECTING: DPOC1224-DPO101-01-2011-01-01  
 LAST REVISION: 8/20/2009 10:23:22 AM  
 C:\20\Projects\Bennetts Creek Park\Fish\Bennetts Creek Pier\Fish\Bennetts Creek Pier.dwg

DENNIS CREEK FISHING PIER - FLOATING DOCK  
 AUGUST 2011

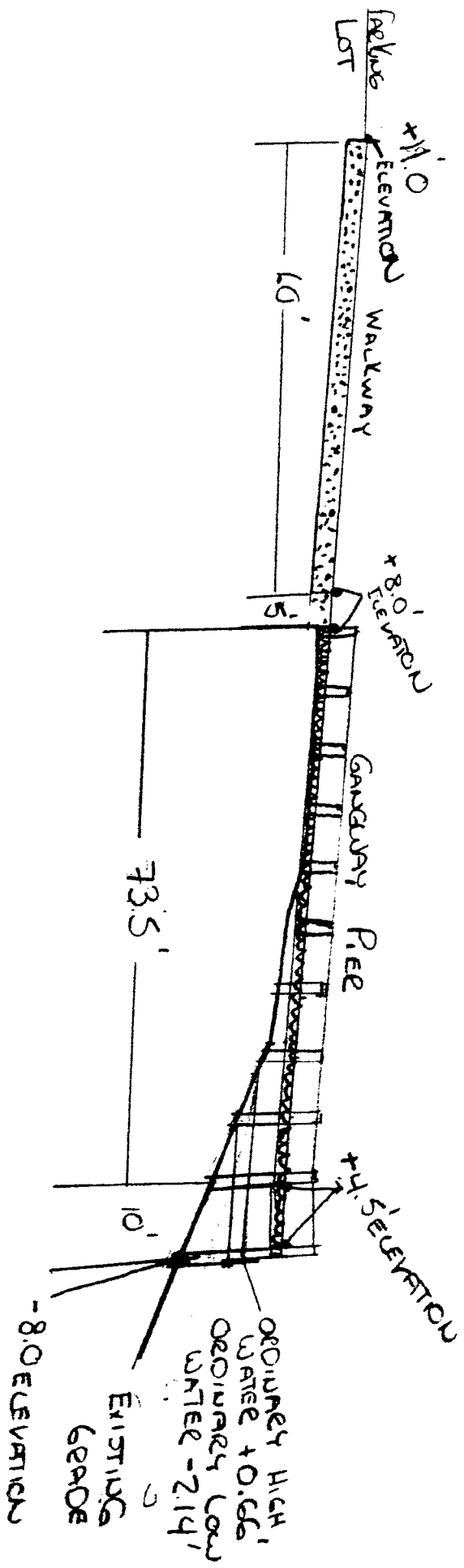


6' x 10'  
 REPOSED  
 SCALE 1" = 10'

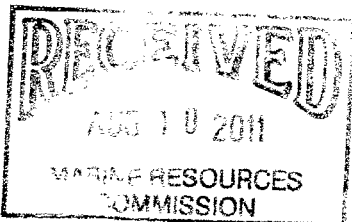




BENNETT'S CREEK FISHING PIER - CROSS SECTION  
 AUGUST 2011

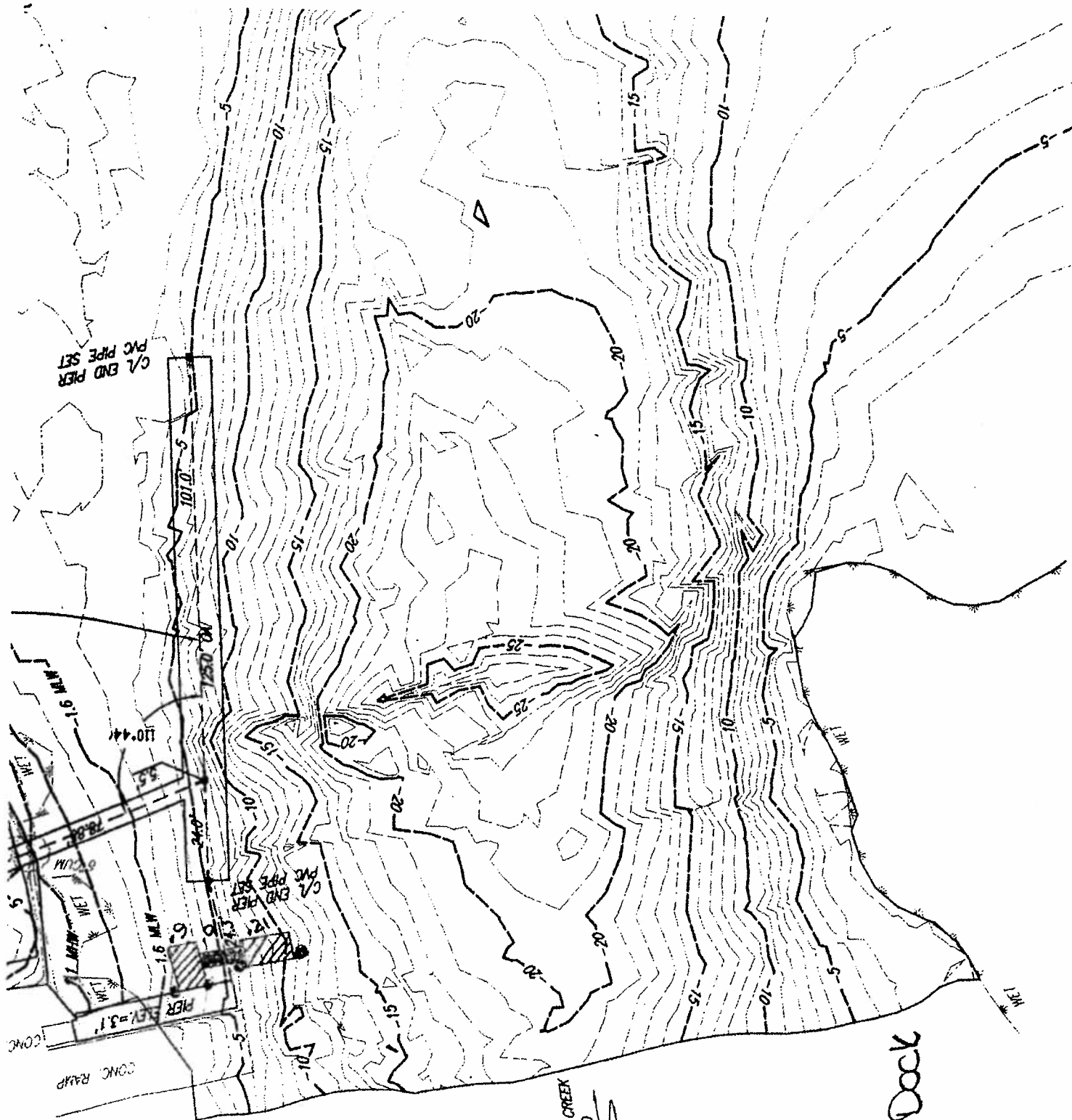


ADDITIONAL INFO  
 REVISION



#11-1051

1" = 20'  
 SCALE



ADDITIONAL INFO

REVISION  
**RECEIVED**  
 SEP 30 2011  
 MARINE RESOURCES  
 COMMISSION

DISK FOUND  
 RYAN CONSTRUCTION  
 NO INFORMATION

BENNETT'S CREEK  
 FISHING PIER  
 CANOE / KAYAK DOCK  
 SEPT. 2011  
 1" = 30'