

**Guidance for Civil Charge Assessments
Pursuant to
Section 28.2-1213 of the Code of Virginia**

The matrix below and factors to determine the degree of impact and degree of deviation or non-compliance are to be used by Commission Staff and the Commission when determining the appropriate Civil Charge that can be assess for unauthorized encroachments that occur in, on or over State-owned bottoms without the required permit from the Virginia Marine Resources Commission pursuant to Chapter 12 of Title 28.2 of the Code of Virginia. Civil Charges may be considered for multiple violations.

Impact*			
Significant	\$9,000	\$10,000	\$10,000
Moderate	\$3,000	\$ 6,000	\$ 9,000
Minimal	\$1,000	\$ 2,000	\$ 3,000
	Minor	Moderate	Major
	Degree of Deviation or Non-compliance		

Deviation and Non-compliance Factors

Minor

- Small deviation relative to other authorized structures or requirements.
- Evidence of factors such that applicant/contractor would not have known project would result in violation.
- All other required permits issued.

Moderate

- Some deviation or non-compliance.
- Evidence that factors ignored by applicant/contractor that a permit should have been required or should have knowledge a permit was required.
- Received some permits but not all.

Major

Large amount of deviation or non-compliance relative to authorized structures or requirements.

Evidence that applicant/contractor knew or ignored that permits were required and should have known a permit was required.

No other permits issued.

Impacts Factors

Minimal

Small encroachment.

Small affect on bottom lands and resources.

No affect on other uses.

Moderated

Limited encroachment considering the surrounding waterway.

Some affect or loss of bottom land and resources.

Some affect on other uses.

Significant

Large encroachment.

Significant affect or loss of bottom land and resources.

Significant affect on other use.

* Changed from "Environmental Impact" to "Impact" since all factors in Code Section 28.2-1205 can be considered.

Approved by the Commission at their March 27, 2012, meeting.