

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 46

*An Act to amend and reenact § 28.2-556 of the Code of Virginia, relating to erosion control devices within the Baylor survey.*

[H 1877]

Approved March 2, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-556 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-556. Erosion control devices within the Baylor survey.

The public oyster beds, rocks, and shoals shall not include any area needed for an erosion control structure if the Commission, after considering the comments of the Virginia Institute of Marine Science and the Department of Conservation and Recreation, and any other relevant evidence, finds that: (i) shoreline erosion has occurred at the site and is expected to continue; (ii) such erosion is increasing the sediment load to public waters, causing degradation of water quality; (iii) the proposed project is a technically and environmentally ~~preferable~~ *acceptable* way to control erosion at the site *unless such Baylor ground is productive under § 28.2-630 of the Code of Virginia in which case the environmentally preferable erosion control shall be utilized*; and (iv) the Commonwealth's interest in protecting water quality by controlling erosion at the site outweighs the value of the portion of the natural oyster beds, rocks, and shoals affected by the erosion control structure. Whenever the area of the natural oyster beds, rocks, and shoals is so changed, the Commission shall make the changes on its Baylor survey charts.