

# VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

## CHAPTER 734

*An Act to authorize the Virginia Marine Resources Commission to grant easements and rights-of-way across and in the beds of Hampton Roads Harbor (Lower James River), including a portion of the Baylor Survey, to the Virginia Port Authority, for the Eastward Expansion of Craney Island.*

[H 1125]

Approved March 27, 2008

Whereas, the forecasted demand for containerized cargo capacity in the Port of Virginia will exceed 10 million TEUs (twenty-foot equivalent units) by 2040; and

Whereas, the Eastward Expansion of Craney Island will double the future capacity of the Port of Virginia; and

Whereas, as the Eastward Expansion of Craney Island through construction, marine terminal operations, and distribution center operations will generate 54,000 jobs annually with wages of \$1.7 billion and state and local tax revenues of \$155 million; and

Whereas, future marine terminal operations are projected to generate \$2.5 billion in total state and regional economic activity, create 28,000 new port-related jobs paying over \$870 million in annual wages; and

Whereas, the construction and operation of a new marine terminal at Craney Island will result in \$6 billion in transportation cost savings over a 50-year period; and

Whereas, the federal government approved the environmental impact statement for the project in October 2006 and authorized the construction of the eastward expansion of Craney Island with the approval of the 2007 Water Resources Development Act on November 8, 2007; and

Whereas, this location will cross within the Baylor Survey Grounds Number 1, therefore necessitating an act of the General Assembly; now, therefore,

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

1. § 1. *That the Marine Resources Commission (MRC) is hereby authorized to grant and convey to the Virginia Port Authority, its successors, and assigns, upon such terms and conditions as the MRC, with the approval of the Governor and the Attorney General, shall deem proper, permanent easements and rights-of-way and a temporary right-of-way of a reasonable width as needed for the purpose of the eastward expansion of Craney Island. Beginning at a point in the Elizabeth River generally located north and east of the northeast corner of Craney Island having a latitude/longitude of 36° 55' 36" N, 76° 21' 07" W and Virginia State Plane South Coordinates of X (E) = 12110738.48028 and Y (N) = 3504066.33386. Thence from said point of beginning running nearly parallel to the east shore of Craney Island S 09° 07' 06" E a distance of 9749.03 feet to a point having a latitude/longitude of 36° 54' 01" N, 76° 20' 50" W and Virginia State Plane South Coordinates of X (E) = 12112283.46163 and Y (N) = 3494440.50575. Thence running away from Craney Island into the Elizabeth River N 78° 47' 46" E a distance of 2244.15 feet to a point having a latitude/longitude of 36° 54' 04" N, 76° 20' 23" W and Virginia State Plane South Coordinates of X (E) = 12114484.83888 and Y (N) = 3494876.54446. Thence turning nearly parallel to the east shore of Craney Island N 11° 14' 27" W a distance of 5919.59 feet to a point having a latitude/longitude of 36° 55' 02" N, 76° 20' 36" W and Virginia State Plane South Coordinates of X (E) = 12113330.90398 and Y (N) = 3500682.57319. Thence continuing nearly parallel to the east shore of Craney Island N 10° 30' 31" W a distance of 3781.26 feet to a point having a latitude/longitude of 36° 55' 39" N, 76° 20' 43" W and Virginia State Plane South Coordinates of X (E) = 12112641.26785 and Y (N) = 3504400.4148. Thence turning to Craney Island away from the Elizabeth River S 80° 02' 31" W a distance of 1931.89 feet to the point and place of beginning, containing an area of 462.75 acres +/- as shown on map dated 08/27/2007 by Moffatt & Nichol Engineers.*

§ 2. *That the public interest of this project outweighs the public interest in maintaining the sanctity of the Baylor Survey at this location, and this location only, because of its non-productivity for shellfish.*

§ 3. *None of the property described in § 1 that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks, and shoals in the waters of the Commonwealth.*

§ 4. *The instrument granting and conveying the easements and rights-of-way from the Commonwealth to the Virginia Port Authority shall be in a form approved by the Attorney General.*