

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 451

An Act to amend and reenact § 28.2-1207 of the Code of Virginia, relating to Virginia Marine Resources Commission; subaqueous beds; permitting requirements.

[H 1723]

Approved March 24, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1207 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1207. Authority to approve permits for encroachment on subaqueous beds; notice.

A. Any application for a permit to trespass upon or over or encroach upon subaqueous beds which are the Commonwealth's property may be approved by the Commissioner or his authorized representative if the application meets the requirements of §§ 28.2-1205 and 28.2-1206 and the following criteria are satisfied:

1. The total value of the project does not exceed ~~\$50,000~~ \$500,000;
2. The application is not protested by any citizen or objected to by any state agency; and
3. The project for which the permit is sought will not require any other permit from the Commission.

B. If the permit application is for a shore erosion control project recommended by the soil and water conservation district in which the project is to be located and the criteria listed in subsection A of this section are satisfied, the Commission may, after giving notice of the application to the Virginia Institute of Marine Science, approve the application without giving notice to or awaiting the approval of any other state agency.

C. The Commission shall, in conjunction with affected state and federal agencies, develop an expedited process for issuing general permits for activities that are intended to improve water quality such as bioengineered streambank projects and livestock stream crossings, and for activities required during emergencies in which a determination has been made that there is a threat to public or private property, or to the health and safety of the public. The development of the general permit shall be exempt from Article 2 (§ 2.2-4007 et seq.) of the Administrative Process Act.