

# VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

## CHAPTER 45

*An Act to amend the Code of Virginia by adding a section numbered 28.2-1205.2, relating to sand dredging and beach replenishment on the public beaches abutting the Chesapeake Bay.*

[S 946]

Approved February 22, 2013

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

**1. That the Code of Virginia is amended by adding a section numbered 28.2-1205.2 as follows:**

***§ 28.2-1205.2. Coordinated review of public beach replenishment projects using Chesapeake Bay sand; expedited process.***

*A. Applications for sand replenishment projects on public beaches abutting the waters of the Chesapeake Bay that involve the dredging of sand from the Chesapeake Bay and require a permit from the Marine Resources Commission or the Department of Environmental Quality, or both, shall be reviewed and a decision on the issuance of the permit shall be made within 90 days thereafter, or as soon as practicable. These agencies shall establish a working group consisting of representative stakeholders in an effort to develop an effective and efficient process for review and approval of sand replenishment projects.*

*B. In developing such an expedited review process, the agencies and working group shall consider a requirement that the application include the submission of a dredging plan by the locality for the areas within the Chesapeake Bay from which the dredged material will be taken and the location of the beach replenishment project. Such a dredging plan, if approved, shall not require a new review procedure if any subsequent removal of bottomland involves material obtained from the area documented in the dredging plan. Any new site proposed for the dredging of sand from the Chesapeake Bay shall require a new or amended dredging plan. A permit issued shall be valid for 10 years.*

*C. Any dredging plan required to be submitted with an application shall include the following information:*

- 1. Geotechnical analysis of the proposed area to be dredged;*
- 2. Analysis of the benthic, marine, and fishery resources, including a specific analysis of the impact on the crab population;*
- 3. Current recreational and commercial fishing activity in the proposed dredge area;*
- 4. Impact on any historical artifacts in the proposed dredge area;*
- 5. Impact on other uses of the state waters and bottomlands at the dredge site;*
- 6. Location of the beach areas to be replenished; and*
- 7. Environmental impact of the dredge material being placed on the beach area.*

*D. The Commissioner, in consultation with the Department of Environmental Quality, the State Health Department, the Department of Historic Resources, the Virginia Institute of Marine Science, and any other appropriate or interested state agency, shall coordinate a joint review process to ensure the orderly evaluation of sand replenishment projects requiring a permit for dredging sand from the Chesapeake Bay. All project reviews shall be completed by state agencies within 45 days of receiving the project review request from the Commission or the Department of Environmental Quality.*