

CHAPTER 371

An Act to amend and reenact § 1-302 of the Code of Virginia, relating to Commonwealth ownership of offshore waters and submerged lands; survey.

[H 813]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 1-302 of the Code of Virginia is amended and reenacted as follows:

§ 1-302. Jurisdiction and ownership of Commonwealth over offshore waters and submerged lands.

A. The jurisdiction of the Commonwealth shall extend to and over, and be exercisable with respect to, waters:

1. Waters offshore from the coasts of the Commonwealth as follows:

~~1. The marginal sea and the high seas to the extent claimed in the Virginia Constitution of 1776 and not thereafter ceded by action of the General Assembly for a distance of three geographical miles as determined by appropriate metes and bounds surveys approved by the Virginia Institute of Marine Science and the Virginia Marine Resources Commission in consultation with the Bureau of Ocean Energy Management pursuant to a decree of the United States Supreme Court in *U.S. v. Maine*, 423 U.S. 1 (1975), and the Submerged Lands Act, 42 U.S.C. § 1301 et seq.~~

2. All submerged lands, including the subsurface thereof, lying under the waters listed in subdivision 1 of this subsection.

B. The ownership of the waters and submerged lands enumerated or described in subsection A of this section shall be in the Commonwealth unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law.

C. Nothing contained herein shall be construed to limit or restrict in any way:

1. The jurisdiction of the Commonwealth over any person or with respect to any subject within or without the Commonwealth which jurisdiction is exercisable by reason of citizenship, residence, or for any other reason recognized by law.

2. The jurisdiction or ownership of or over any other waters or submerged lands, within or forming part of the boundaries of the Commonwealth. Nor shall anything in this section be construed to impair the exercise of legislative jurisdiction by the United States over any area to which such jurisdiction has been validly ceded by the Commonwealth and that remains in the ownership of the United States.

D. Nothing in this section shall alter the geographic area to which any act of the General Assembly applies if the act specifies the area precisely in miles or by some other numerical designation of distance or position. However, nothing in the act or in this section shall be construed as a waiver or relinquishment of jurisdiction or ownership by the Commonwealth over or in any area to which such jurisdiction or ownership extends by virtue of this section or any other provision or rule of law.

2. That the Secretary of Natural Resources shall execute the metes and bounds surveys described in subsection A of § 1-302 of the Code of Virginia and request the filing of appropriate motions by the Attorney General in the Supreme Court of the United States to fix the three-mile boundary, which shall thereafter constitute the seaward boundary of the Commonwealth and the extent of its territorial sea.