

# 1995 SESSION

INTRODUCED

LD5716132

## HOUSE BILL NO. 391

Offered January 21, 1994

A *BILL to amend and reenact §§ 2.1-1.6, 2.1-504, 9-6.25:1, 10.1-1108, 28.2-1200, 28.2-1201, 28.2-1301, 28.2-1401, 41.1-3, 41.1-5, and 41.1-16 of the Code of Virginia; to amend the Code of Virginia by adding in Title 28.2 a chapter numbered 15, consisting of sections numbered 28.2-1500 through 28.2-1505; and to repeal § 41.1-4 of the Code of Virginia, relating to management of ungranted shores of the sea, marsh, and meadowlands.*

Patrons—Bloxom and Murphy; Senators: Cross, Gartlan and Norment

Referred to Committee on Chesapeake and Its Tributaries

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

1. That §§ 2.1-1.6, 2.1-504, 9-6.25:1, 10.1-1108, 28.2-1200, 28.2-1201, 28.2-1301, 28.2-1401, 41.1-3, 41.1-5, and 41.1-16 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 28.2 a chapter numbered 15, consisting of sections numbered 28.2-1500 through 28.2-1505, as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for  
Aging, Advisory Board on the  
Agriculture and Consumer Services, Board of  
Air Pollution, State Advisory Board on  
Alcoholic Beverage Control Board, Virginia  
Apple Board, Virginia State  
Appomattox State Scenic River Advisory Board  
Aquaculture Advisory Board  
Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for  
Art and Architectural Review Board  
Athletic Board, Virginia  
Auctioneers Board  
Audiology and Speech-Language Pathology, Board of  
Aviation Board, Virginia  
Barbers, Board for  
Branch Pilots, Board for  
Bright Flue-Cured Tobacco Board, Virginia  
Building Code Technical Review Board, State  
Catoctin Creek State Scenic River Advisory Board  
Cattle Industry Board, Virginia  
Cave Board  
Certified Seed Board, State  
Chesapeake Bay Local Assistance Board  
Chickahominy State Scenic River Advisory Board  
Child Abuse and Neglect, Advisory Board on  
Chippokes Plantation Farm Foundation, Board of Trustees  
Clinch Scenic River Advisory Board  
Coal Research and Development Advisory Board, Virginia  
Coal Surface Mining Reclamation Fund Advisory Board  
*Coastal Land Management Advisory Council, Virginia*  
Conservation and Development of Public Beaches, Board on  
Conservation and Recreation, Board of  
Contractors, Board for  
Corn Board, Virginia  
Correctional Education, Board of  
Corrections, State Board of  
Cosmetology, Board for  
Criminal Justice Services Board  
Dark-Fired Tobacco Board, Virginia

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60 Deaf and Hard-of-Hearing, Advisory Board for the Department for the  
61 Dentistry, Board of  
62 Education, State Board of  
63 Egg Board, Virginia  
64 Emergency Medical Services Advisory Board  
65 Employment Agency Advisory Board  
66 Farmers Market Board, Virginia  
67 Film Office Advisory Board  
68 Fire Services Board, Virginia  
69 Forensic Science Advisory Board  
70 Forestry, Board of  
71 Funeral Directors and Embalmers, Board of  
72 Game and Inland Fisheries, Board of  
73 Geology, Board for  
74 Goose Creek Scenic River Advisory Board  
75 Health Planning Board, Virginia  
76 Health Professions, Board of  
77 Health, State Board of  
78 Hearing Aid Specialists, Board for  
79 Hemophilia Advisory Board  
80 Historic Resources, Board of  
81 Housing and Community Development, Board of  
82 Industrial Development Services Advisory Board  
83 Insurance Advisory Board, State  
84 Irish Potato Board, Virginia  
85 Laboratory Services Advisory Board  
86 Marine Products Board, Virginia  
87 Medical Advisory Board, Department of Motor Vehicles  
88 Medical Board of the Virginia Retirement System  
89 Medicare and Medicaid, Advisory Board on  
90 Medicine, Board of  
91 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
92 Migrant and Seasonal Farmworkers Board  
93 Military Affairs, Board of  
94 Mines, Minerals and Energy, Board of Examiners in the Department of  
95 Minority Business Enterprise, Interdepartmental Board of the Department of  
96 Motor Vehicle Dealers' Advisory Board  
97 Networking Users Advisory Board, State  
98 Nottoway State Scenic River Advisory Board  
99 Nursing, Board of  
100 Nursing Home Administrators, Board of  
101 Occupational Therapy, Advisory Board on  
102 Oil and Gas Conservation Board, Virginia  
103 Opticians, Board for  
104 Optometry, Board of  
105 Peanut Board, Virginia  
106 Personnel Advisory Board  
107 Pesticide Control Board  
108 Pharmacy, Board of  
109 (Delayed effective date - See Editor's note) Physical Fitness and Sports, Virginia Board on  
110 Physical Therapy to the Board of Medicine, Advisory Board on  
111 Plant Pollination Advisory Board  
112 Polygraph Examiners Advisory Board  
113 Pork Industry Board, Virginia  
114 Poultry Products Board, Virginia  
115 Private College Advisory Board  
116 Private Security Services Advisory Board  
117 Professional and Occupational Regulation, Board for  
118 Professional Counselors, Board of  
119 Professional Soil Scientists, Board for  
120 Psychiatric Advisory Board  
121 Psychology, Board of

- 122 Public Buildings Board, Virginia
- 123 Public Telecommunications Board, Virginia
- 124 Radiation Advisory Board
- 125 Real Estate Appraiser Board
- 126 Real Estate Board
- 127 Reciprocity Board, Department of Motor Vehicles
- 128 Recreational Fishing Advisory Board, Virginia
- 129 Recreation Specialists, Board of
- 130 Reforestation Board
- 131 Rehabilitative Services, Board of
- 132 Respiratory Therapy, Advisory Board on
- 133 Retirement System Review Board
- 134 Rockfish State Scenic River Advisory Board
- 135 Safety and Health Codes Board
- 136 Seed Potato Board
- 137 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 138 Shenandoah State Scenic River Advisory Board
- 139 Small Business Advisory Board
- 140 Small Business Environmental Compliance Advisory Board
- 141 Small Grains Board, Virginia
- 142 Social Services, Board of
- 143 Social Work, Board of
- 144 Soil and Water Conservation Board, Virginia
- 145 Soybean Board, Virginia
- 146 State Air Pollution Control Board
- 147 Substance Abuse Certification Board
- 148 Surface Mining Review, Board of
- 149 Sweet Potato Board, Virginia
- 150 Teacher Education and Licensure, Advisory Board on
- 151 Tourism and Travel Services Advisory Board
- 152 Toxic Substances Advisory Board
- 153 Transportation Board, Commonwealth
- 154 Transportation Safety, Board of
- 155 Treasury Board, The, Department of the Treasury
- 156 Veterans' Affairs, Board on
- 157 Veterinary Medicine, Board of
- 158 Virginia Board for Asbestos Licensing
- 159 Virginia Employment Commission, State Advisory Board for the
- 160 (Delayed effective date - See Editor's note) Virginia Horse Industry Board
- 161 Virginia Manufactured Housing Board
- 162 Virginia Mine Safety Board
- 163 Virginia Retirement System, Board of Trustees
- 164 Virginia Waste Management Board
- 165 Visually Handicapped, Virginia Board for the
- 166 Voluntary Formulary Board, Virginia
- 167 War Memorial Foundation, Virginia, Board of Trustees
- 168 Waste Management Facility Operators, Board for
- 169 Water Resources Research Center Statewide Advisory Board, Virginia
- 170 Waterworks and Wastewater Works Operators, Board for
- 171 Well Review Board, Virginia
- 172 Youth and Family Services, State Board of.
- 173 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 174 referred to as boards:
- 175 Compensation Board
- 176 State Board of Elections
- 177 State Water Control Board
- 178 Virginia Parole Board
- 179 Virginia Veterans Care Center Board of Trustees.
- 180 § 2.1-504. Definitions.
- 181 As used in §§ 2.1-504.1 through 2.1-512, unless a different meaning clearly appears from the context:
- 182 "Institutions" shall include, but not be limited to, any corporation owned by the Commonwealth and

183 subject to the control of the General Assembly.

184 "Property" shall mean an interest in land and any improvements thereon held by the Commonwealth  
185 and under the control of or occupied by any of its departments, agencies or institutions, but shall not  
186 include (i) real estate or rights-of-way acquired by the Department of Transportation for the construction  
187 of highways and (ii) *ungranted shores of the sea, marsh, and meadowlands as defined in § 28.2-1500*.

188 "Recommend," "recommended," or "recommendation," when used with reference to a  
189 recommendation by the Department of General Services to the Governor, shall mean to advise either for  
190 or against a proposed action.

191 § 9-6.25:1. Advisory boards, commissions and councils.

192 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the  
193 following advisory boards, commissions and councils within the executive branch:

194 Advisory Board for the Department for the Deaf and Hard-of-Hearing

195 Advisory Board for the Department for the Aging

196 Advisory Board on Child Abuse and Neglect

197 Advisory Board on Medicare and Medicaid

198 Advisory Board on Occupational Therapy

199 Advisory Board on Physical Therapy to the Board of Medicine

200 Advisory Board on Respiratory Therapy to the Board of Medicine

201 Advisory Board on Teacher Education and Licensure

202 Advisory Council on Revenue Estimates

203 Advisory Council on the Virginia Business-Education Partnership Program

204 Appomattox State Scenic River Advisory Board

205 Aquaculture Advisory Board

206 Art and Architectural Review Board

207 (Effective until July 1, 1994) Board for the Visually Handicapped

208 Board of Directors, Virginia Truck and Ornaments Research Station

209 Board of Forestry

210 Board of Military Affairs

211 (Effective until July 1, 1994) Board of Rehabilitative Services

212 Board of Transportation Safety

213 Board of Trustees of the Family and Children's Trust Fund

214 Board of Visitors, Gunston Hall Plantation

215 Board on Veterans' Affairs

216 Catoctin Creek State Scenic River Advisory Board

217 Cave Board

218 Chickahominy State Scenic River Advisory Board

219 Clinch Scenic River Advisory Board

220 Coal Surface Mining Reclamation Fund Advisory Board

221 *Coastal Land Management Advisory Council, Virginia*

222 Council on Indians

223 Council on the Status of Women

224 Emergency Medical Services Advisory Board

225 Falls of the James Committee

226 Film Office Advisory Board

227 Forensic Science Advisory Board

228 Goose Creek Scenic River Advisory Board

229 Governor's Council on Alcohol and Drug Abuse Problems

230 Governor's Mined Land Reclamation Advisory Committee

231 Hemophilia Advisory Board

232 Human Services Information and Referral Advisory Council

233 Industrial Development Services Advisory Board

234 Interagency Coordinating Council on Housing for the Disabled

235 Interdepartmental Board of the State Department of Minority Business Enterprise

236 Laboratory Services Advisory Board

237 Local Advisory Board to the Blue Ridge Community College

238 Local Advisory Board to the Central Virginia Community College

239 Local Advisory Board to the Dabney S. Lancaster Community College

240 Local Advisory Board to the Danville Community College

241 Local Advisory Board to the Eastern Shore Community College

242 Local Advisory Board to the Germanna Community College

243 Local Advisory Board to the J. Sargeant Reynolds Community College

244 Local Advisory Board to the John Tyler Community College

245	Local Advisory Board to the Lord Fairfax Community College
246	Local Advisory Board to the Mountain Empire Community College
247	Local Advisory Board to the New River Community College
248	Local Advisory Board to the Northern Virginia Community College
249	Local Advisory Board to the Patrick Henry Community College
250	Local Advisory Board to the Paul D. Camp Community College
251	Local Advisory Board to the Piedmont Virginia Community College
252	Local Advisory Board to the Rappahannock Community College
253	Local Advisory Board to the Southwest Virginia Community College
254	Local Advisory Board to the Thomas Nelson Community College
255	Local Advisory Board to the Tidewater Community College
256	Local Advisory Board to the Virginia Highlands Community College
257	Local Advisory Board to the Virginia Western Community College
258	Local Advisory Board to the Wytheville Community College
259	Long-Term Care Council
260	Maternal and Child Health Council
261	Medical Advisory Board, Department of Motor Vehicles
262	Medical Board of the Virginia Retirement System
263	Migrant and Seasonal Farmworkers Board
264	Motor Vehicle Dealer's Advisory Board
265	Nottoway State Scenic River Advisory Board
266	Personnel Advisory Board
267	Plant Pollination Advisory Board
268	Private College Advisory Board
269	(Effective July 1, 1994) Private Enterprise Commission
270	Private Security Services Advisory Board
271	Psychiatric Advisory Board
272	Radiation Advisory Board
273	Rappahannock Scenic River Advisory Board
274	Recreational Fishing Advisory Board, Virginia
275	Reforestation Board
276	Retirement System Review Board
277	Rockfish State Scenic River Advisory Board
278	Shenandoah State Scenic River Advisory Board
279	Small Business Advisory Board
280	Small Business Environmental Compliance Advisory Board
281	St. Mary's Scenic River Advisory Committee
282	State Advisory Board on Air Pollution
283	State Advisory Board for the Virginia Employment Commission
284	State Building Code Technical Review Board
285	State Council on Local Debt
286	State Health Benefits Advisory Council
287	State Insurance Advisory Board
288	State Land Evaluation Advisory Council
289	State Networking Users Advisory Board
290	State Public Records Advisory Council
291	Staunton Scenic River Advisory Committee
292	Telecommunications Relay Service Advisory Board
293	Tourism and Travel Services Advisory Board
294	Toxic Substances Advisory Board
295	Virginia Advisory Commission on Intergovernmental Relations
296	Virginia Advisory Council for Adult Education and Literacy
297	(For effective date - See Editor's note) Virginia Board on Physical Fitness and Sports
298	Virginia Coal Research and Development Advisory Board
299	Virginia Commission for the Arts
300	Virginia Commission on the Bicentennial of the United States Constitution
301	Virginia Council on Coordinating Prevention
302	Virginia Equal Employment Opportunity Council
303	Virginia Interagency Coordinating Council
304	Virginia Military Advisory Council
305	Virginia Mine Safety Board

306 Virginia Public Buildings Board  
 307 Virginia Recycling Markets Development Council  
 308 Virginia Transplant Council  
 309 Virginia Water Resources Research Center, Statewide Advisory Board  
 310 Virginia Winegrowers Advisory Board.

311 § 10.1-1108. Waste and unappropriated lands.

312 Any waste and unappropriated land, other than ~~unappropriated~~ *ungranted* marsh or meadowlands  
 313 ~~lying on the eastern shore of Virginia~~ exempted from entry and grant by the provisions of § ~~41.1-4~~  
 314 ~~41.1-3~~, may be set apart permanently for use as state forest land, by a grant and proclamation signed by  
 315 the Governor upon the receipt from the State Forester of an application requesting that a certain piece,  
 316 tract or parcel of waste and unappropriated land be so set apart. The State Forester shall submit with the  
 317 application a copy of a report describing fully the location of the land, its character and suitability for  
 318 forestry purposes together with a complete metes and bounds description of the boundary of the tract.  
 319 The Department of General Services shall review the application and recommend either approval or  
 320 disapproval of the transaction to the Governor. If the Governor determines that the land is more valuable  
 321 for forestry purposes than for agricultural or any other purposes, he may authorize the preparation of a  
 322 grant which shall be reviewed for legal sufficiency by the Attorney General for the Governor's signature  
 323 and the lesser seal of the Commonwealth.

324 All lands so granted shall be subject to statutes and regulations relating to the regulation,  
 325 management, protection and administration of state forests.

326 § 28.2-1200. Ungranted beds of bays, rivers, and creeks to remain in common.

327 All the beds of the bays, rivers, *and* creeks ~~and the shores of the sea~~ within the jurisdiction of the  
 328 Commonwealth, not conveyed by special grant ~~or compact according to law of the General Assembly~~,  
 329 shall remain the property of the Commonwealth and may be used as a common by all the people of the  
 330 Commonwealth for the purpose of fishing, fowling, *hunting*, and taking and catching oysters and other  
 331 shellfish. No grant shall be issued by the State Librarian to pass any estate or interest of the  
 332 Commonwealth in any natural oyster bed, rock, or shoal, whether or not it ebbs bare.

333 § 28.2-1201. Ungranted islands which rise from ~~common~~ *lands which are the property of the*  
 334 *Commonwealth*.

335 A. All *ungranted* islands which rise by natural or artificial causes from lands which are a ~~common~~  
 336 *ungranted* under § 28.2-1200 shall remain in ~~public ownership and continue as a common~~ *the property*  
 337 *of the Commonwealth and shall be managed by the Commission as provided in Article 2 (§ 28.2-1503 et*  
 338 *seq.) of Chapter 15 of this title*. This section shall not apply to accretions to privately owned lands or  
 339 islands, whether or not they are used as commons.

340 B. Any ~~unappropriated~~ *ungranted* island or land, whether currently in existence or subsequently  
 341 created, that hereafter abuts a barrier island of the Eastern Shore is ~~hereby dedicated as a natural area~~  
 342 ~~preserve within the meaning of § 10.1-213~~ *shall remain the property of the Commonwealth and shall be*  
 343 *managed by the Commission as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15 of this title*.

344 § 28.2-1301. Powers and duties of the Commission.

345 A. The Commission may receive gifts, grants, bequests, and devises of wetlands and money which  
 346 shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the  
 347 provisions of this chapter. The Commission shall manage any wetlands it receives so as to maximize  
 348 their ecological value *as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15.1 of this title*.

349 B. The Commission shall preserve and prevent the despoliation and destruction of wetlands while  
 350 accommodating necessary economic development in a manner consistent with wetlands preservation.

351 C. The Commission shall manage all ~~unappropriated marsh or meadowlands lying on the Eastern~~  
 352 ~~Shore of Virginia which remain ungranted pursuant to the provisions of § 41.1-4~~.

353 D. C. In order to perform its duties under this section and to assist counties, cities, and towns in  
 354 regulating wetlands, the Commission shall promulgate and periodically update guidelines which  
 355 scientifically evaluate vegetated and nonvegetated wetlands by type and describe the consequences of  
 356 use of these wetlands types. The Virginia Institute of Marine Science shall provide advice and assistance  
 357 to the Commission in developing these guidelines by evaluating wetlands by type and continuously  
 358 maintaining and updating an inventory of vegetated wetlands.

359 E. D. In developing guidelines or regulations under this chapter the Commission shall consult with  
 360 all affected state agencies. Consistent with other legal rights, consideration shall be given to the unique  
 361 character of the Commonwealth's tidal wetlands which are essential for the production of marine and  
 362 inland wildlife, waterfowl, finfish, shellfish and flora; serve as a valuable protective barrier against  
 363 floods, tidal storms and the erosion of the Commonwealth's shores and soil; are important for the  
 364 absorption of silt and pollutants; and are important for recreational and aesthetic enjoyment of the  
 365 people and for the promotion of tourism, navigation and commerce.

366 § 28.2-1401. Powers and duties of Commission.

367 A. The Commission may receive gifts, grants, bequests, and devises of coastal primary sand dunes;

beaches, and money which shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the provisions of this chapter.

B. The Commission shall preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. Whenever practical, the Commission shall accommodate necessary economic development in a manner consistent with the protection of these features. The Commission shall manage any coastal primary sand dunes and beaches it receives so as to maximize their ecological value as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15 of this title.

C. In order to perform its duties under this section and to assist counties and cities in regulating coastal primary sand dunes and beaches, the Commission shall, with the advice and assistance of the Virginia Institute of Marine Science, promulgate guidelines which describe the consequences of use of these dunes and beaches.

D. In developing guidelines or regulations under this chapter, the Commission shall consult with all affected state agencies. Consistent with other legal rights, consideration shall be given to the importance of coastal primary sand dunes with their unique physiographic features which, in their natural state, serve as protective barriers from the effects of flooding and erosion caused by coastal storms, thereby protecting life and property; provide an essential source of natural sand replenishment for beaches and an important natural habitat for coastal fauna; and enhance the scenic and recreational attractiveness of Virginia's coastal area.

## CHAPTER 15.

### UNGRANTED SHORES OF THE SEA, MARSHES AND MEADOWLANDS.

#### Article 1.

##### General Provisions.

##### § 28.2-1500. Definitions.

*As used in this chapter, unless the context requires a different meaning:*

"Beach" has the same meaning ascribed thereto in subsection A of § 28.2-1400. "Beach" also includes any property referred to, defined, or labeled as such in any deed, grant, map, plat, or other historical document establishing or supporting a claim of state ownership.

"Marsh" or "meadowland" has the same meaning ascribed to vegetated wetlands in § 28.2-1300. "Marsh" or "meadowland" also includes any property referred to, defined, or labeled as such in any deed, grant, map, plat, or other historical document establishing or supporting a claim of state ownership.

"Shores of the sea" means a beach or any unvegetated lands lying contiguous to mean low water and between mean low water and mean high water. "Shores of the sea" also includes any property referred to, defined, or labeled as such in any deed, grant, map, plat, or other historical document establishing or supporting a claim of state ownership.

"Ungranted shores of the sea, marsh or meadowlands" means (i) shores of the sea which were not conveyed by special grant or compact according to law prior to April 1, 1873, and which have not been conveyed by special grant of the General Assembly on or after that date and (ii) marsh or meadowlands which were not appropriated and remained ungranted prior to February 24, 1888, and which have not been conveyed by special grant of the General Assembly on or after that date.

"Virginia Coastal Land Management Advisory Council" or "Council" means the Virginia Coastal Land Management Advisory Council created pursuant to § 28.2-1505.

##### § 28.2-1501. Powers and duties of Commission.

A. The Commission may receive gifts, grants, bequests, and devises of shores of the sea, marsh, meadowlands, and money which shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the provisions of this chapter. The Commission shall manage any shores of the sea, marsh or meadowlands it receives as prescribed in Article 2 (§ 28.2-1503 et seq.) of this chapter.

B. The Commission may promulgate regulations and guidelines necessary to carry out the provisions of this chapter.

##### § 28.2-1502. Ownership of ungranted shores of the sea, marsh and meadowlands.

All ungranted shores of the sea, marsh and meadowlands shall remain the property of the Commonwealth. Such ungranted marsh and meadowlands which have been used as a commons by the people of the Commonwealth shall continue as a commons for the purpose of fishing, fowling, hunting, and the taking and catching of oysters and other shellfish. All ungranted shores of the sea may be used as a commons for the purpose of fishing, fowling, hunting, and the taking and catching of oysters and other shellfish. The Commission shall manage all ungranted shores of the sea, marsh and meadowlands as provided in Article 2 (§ 28.2-1503 et seq.) of this chapter.

#### Article 2.

##### Management of Ungranted Shores of the Sea, Marshes and Meadowlands.

##### § 28.2-1503. Management of lands.

The Commission shall manage all ungranted shores of the sea, marsh, and meadowlands, and all

other lands of the Commonwealth for which management duties have been given to the Commission, as steward for the property interests of the Commonwealth. All agencies of the Commonwealth shall cooperate with the Commission and, upon request, shall assist the Commission in the performance of its duties and responsibilities under this article.

§ 28.2-1504. Preparation of management plan.

The Commission shall prepare and implement a plan for the management of the Commonwealth's shores of the sea, marsh, and meadowlands. The management plan, and any regulations and guidelines promulgated to implement the management plan, shall reflect a balancing of the following goals: (i) the long history of traditional uses of the properties should be respected; (ii) tourism and commerce should be promoted; and (iii) the unique ecological values of the property should be protected. The management plan shall provide that all ungranted shores of the sea, marsh, and meadowlands that have been used as a commons by the people of the Commonwealth may continue to be used as a commons by all the people of the Commonwealth for the purpose of fishing, fowling, hunting, and the taking and catching of oysters and other shellfish. The Commission shall review the management plan every five years.

B. In developing regulations, guidelines, or management plans under this chapter, the Commission shall consult with the Virginia Coastal Land Management Advisory Council.

§ 28.2-1505. Virginia Coastal Land Management Advisory Council established.

A. There is hereby created the Virginia Coastal Land Management Advisory Council. The Council shall advise the Commission on issues relating to the management of ungranted shores of the sea, marsh, and meadowlands, and shall advise the Commission on the development of the management plan prepared pursuant to § 28.2-1504.

B. The Council shall consist of six members appointed by the Commissioner, who shall be residents of a county in which there are ungranted shores of the sea, marsh or meadowlands, and who shall represent tourism and commerce, traditional uses of shores of the sea, marsh and meadowlands, and conservation interests. In appointing these members, the Commissioner shall consider recommendations submitted by the boards of supervisors of counties in which the Commission is managing the largest portions of the ungranted shores of the sea, marsh, or meadowlands. The Council shall also include (i) the Director of the Department of Conservation and Recreation or his designee, (ii) the Director of the Department of Game and Inland Fisheries or his designee, and (iii) the Commissioner or his designee.

C. The term of office of each member shall be for three years. Appointments to fill vacancies shall be made to fill the unexpired term.

D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses.

E. The Council shall meet at the call of the Commissioner or at least once per year.

§ 41.1-3. Grants of certain lands, etc., to be void; such lands, etc., under control of Governor.

No grant shall be valid or effectual in law to pass any estate or interest in (i) any lands unappropriated or belonging to the Commonwealth, which embrace the old magazine at Westham, or any stone quarry now worked by the Commonwealth, or any lands which are within a mile of such magazine, or any such quarry; (ii) any lands which are a common ungranted beds of bays, rivers and creeks under § ~~62.1-4~~ 28.2-1200; (iii) any natural oyster bed, rock, or shoal, whether such bed, rock, or shoal shall ebb bare or not; (iv) any islands created in the navigable waters of the Commonwealth through the instrumentality of dredging or filling operations; or (v) any islands which rise from any beds lands which are a common property of the Commonwealth under § ~~62.1-4~~ 28.2-1201; or (vi) any ungranted shores of the sea, marsh or meadowlands as defined in § 28.2-1500. Every such grant for any such lands, islands, bed, rock, or shoal shall be absolutely void; however, this section shall not be construed to affect the title to grants issued prior to March 15, 1932. Such magazine and every such stone quarry and the lands of the Commonwealth adjacent to or in their neighborhood, shall be under the control of the Governor, who may make such regulations concerning the same as he may deem best for the interests of the Commonwealth.

§ 41.1-5. Circuit courts authorized to dispose of waste and unappropriated lands.

The circuit courts of the counties and cities in which waste and unappropriated lands are alleged to lie are vested with authority to sell and dispose thereof in proceedings brought under §§ 41.1-16 through 41.1-20; however, no sale or disposition shall be made of lands mentioned in § ~~62.1-4~~ 28.2-1200 or of lands as to which a grant could not have been issued by the State Librarian under §§ 41.1-3, ~~41.1-4~~, or § ~~41.1-4.1~~.

§ 41.1-16. Sale of wastelands; proceeding by citizen resident; motion and deposit for costs; parties; copy of plat.

Any citizen, resident of this Commonwealth, who has reason to believe that there are waste and unappropriated lands in this Commonwealth (not being a common under § ~~62.1-4~~ or excluded under §§ 41.1-3 and ~~41.1-4~~ from grant), shall have the right to file a proceeding in the name of the county or city seeking the sale and disposition of such land. The venue for such a proceeding shall be as specified in



491 subdivision 3 of § 8.01-261. The proceeding shall be instituted by motion signed by the party who  
492 institutes the proceeding, or on his behalf, and shall be accompanied with a deposit to cover the costs of  
493 the proceeding but in no event to exceed \$100. Each landowner adjoining the tract in question shall be  
494 made a party to the proceedings.

495 He shall file with the motion a copy of a plat prepared by a licensed land surveyor giving the metes  
496 and bounds of the land alleged to be waste and unappropriated. A copy of the motion and plat shall be  
497 served upon each of the landowners adjoining the tract in question.

498 **2. That § 41.1-4 of the Code of Virginia is repealed.**