

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 28.2-1205 of the Code of Virginia, relating to permits for use of*  
3 *bottomlands.*

4 [H 530]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 28.2-1205 of the Code of Virginia is amended and reenacted as follows:**

8 § 28.2-1205. Permits for the use of state-owned bottomlands.

9 A. When determining whether to grant or deny any permit for the use of state-owned bottomlands,  
10 the Commission shall be guided in its deliberations by the provisions of Article XI, Section I of the  
11 Constitution of Virginia. In addition to other factors, the Commission shall also consider the public and  
12 private benefits of the proposed project and its effect on the following:

13 1. Other reasonable and permissible uses of state waters and state-owned bottomlands;

14 2. Marine and fisheries resources of the Commonwealth;

15 3. Tidal wetlands, except when this has or will be determined under the provisions of Chapter 13 of  
16 this title;

17 4. Adjacent or nearby properties; ~~and~~18 5. Water quality; *and*19 6. *Submerged aquatic vegetation (SAV).*

20 B. The Commission shall consult with other state agencies, including the Virginia Institute of Marine  
21 Science, the State Water Control Board, the Virginia Department of Transportation, and the State  
22 Corporation Commission, whenever the Commission's decision on a permit application relates to or  
23 affects the particular concerns or activities of those agencies.

24 C. No permit for a marina or boatyard for commercial use shall be granted until the owner or other  
25 applicant presents to the Commission a plan for sewage treatment or disposal facilities which has been  
26 approved by the State Department of Health.

27 D. All permits issued by the Commission for the use of state-owned bottomlands or to recover  
28 underwater historic property shall be in writing and specify the conditions, terms and royalties which the  
29 Commission determines are appropriate.

30 E. Any person aggrieved by a decision of the Commission under this section is entitled to judicial  
31 review in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.).

ENROLLED

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