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HOUSE BILL NO. 2401

Offered January 21, 1999

A BILL to amend the Code of Virginia by adding in Chapter 11 of Title 28.2 an article numbered 2, consisting of sections numbered 28.2-1103 and 28.2-1104, relating to creating the Virginia Estuarine and Coastal Research Reserve System.

Patrons—Morgan, Bloxom, Cox, Davis and Murphy

Referred to Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 11 of Title 28.2 an article numbered 2, consisting of sections numbered 28.2-1103 and 28.2-1104, as follows:

Article 2.**Virginia Estuarine and Coastal Research Reserve System.**

§ 28.2-1103. Virginia Estuarine and Coastal Research Reserve System created; purpose; Virginia Institute of Marine Science to administer.

A. There is hereby created the Virginia Estuarine and Coastal Research Reserve System ("the System") for the purpose of establishing a system of protected sites representative of the Commonwealth's estuarine and coastal lands and waters in which research and long-term monitoring will be conducted in support of the Commonwealth's coastal resource management efforts.

B. The System shall be established and administered by the Virginia Institute of Marine Science of the College of William and Mary. The Institute shall consult with and seek the advice of the Virginia Coastal Program and of those state agencies responsible for administering programs of the Virginia Coastal Program; the Marine Resources Commission; the Department of Game and Inland Fisheries; the Department of Conservation and Recreation; the Department of Health; the Department of Environmental Quality; and the Chesapeake Bay Local Assistance Department.

C. Sites included within the System shall be within any jurisdiction included in Tidewater Virginia as defined in § 10.1-2101.

D. The Institute may accept the dedication, by voluntary act of the owner, of areas it deems suitable for the System. Dedication may include transfer of fee simple title or other interest in land to the Commonwealth or may be in the form of voluntary agreement with the owner to include the area within the System. Estuarine and Coastal Research Reserve System sites may also be acquired by gift, grant, or purchase.

E. The instrument of dedication may:

1. Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to further the purposes of this article;

2. Define, consistent with the purposes of the article, the respective rights and duties of the owner and of the Commonwealth and provide procedures to be followed in case of violations of the restriction;

3. Recognize and create reversionary right, transfers upon conditions or with limitations, and gifts over; and

4. Vary in provisions from one System site to another, in accordance with differences in the characteristics and conditions of the several areas.

F. Public departments, commissions, boards, counties, municipalities, corporations, colleges, universities and all other agencies and instrumentalities of the Commonwealth and its political subdivisions may enter into agreements with the Institute to dedicate suitable areas within their jurisdictions as Coastal and Estuarine Research Reserve System sites.

G. Subject to the approval of the Governor and the Attorney General, the Commonwealth may enter into amendments to the instrument of dedication upon finding that the amendment will not permit an impairment, disturbance, use, or development of the area that is inconsistent with the provisions of this article. If a fee simple estate in the Estuarine and Coastal Research Reserve System is not held by the Institute under this article, no amendment may be made without the written consent of the owner of the other interests therein.

H. The Institute is empowered to enter into agreements with federal agencies holding title to lands within Tidewater Virginia to include suitable portions of agency holdings in the Virginia Estuarine and Coastal Research Reserve System.

I. All lands and waters within the system shall be used primarily for research and education. Other public uses such as hunting, fishing, navigation, and recreation on those research reserve lands owned

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60 *by the Institute shall be allowed, consistent with these primary uses. Improvements and alterations to*
61 *research reserve lands owned by the Institute shall be limited to those consistent with these uses.*

62 *§ 28.2-1104. Coordination.*

63 *A. To the extent feasible, this system shall be carried out in coordination with the National Estuarine*
64 *Research Reserve System established by 16 U.S.C. § 1461.*

65 *B. To the extent feasible, lands and waters within the Virginia Estuarine and Coastal Research*
66 *Reserve System shall be dedicated as part of the Commonwealth's natural area preserves components*
67 *pursuant to § 10.1-213.*