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HOUSE BILL NO. 870

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact §§ 28.2-1208, 45.1-161.5, and 45.1-383 of the Code of Virginia, relating to changing the name of the Division of Mineral Resources.

Patrons—Johnson and Carrico

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-1208, 45.1-161.5, and 45.1-383 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-1208. Granting easements in or leasing the beds of certain waters.

A. The Marine Resources Commission may, with the approval of the Attorney General and the Governor, grant easements over or under or lease the beds of the waters of the Commonwealth outside of the Baylor Survey. Every easement or lease executed pursuant to this section shall be for a period not to exceed five years and shall specify the rent and such other terms deemed expedient and proper. Such easements and leases may include the right to renew the same for an additional period not to exceed five years, and, in addition to any other rights, may authorize the grantees or lessees to prospect for and take from the bottoms covered thereby, oil, gas, and other specified minerals and mineral substances; provided, however, that any easement or lease granting the right to prospect for oil, gas, and other minerals shall require a royalty. The purchase payment for any easement granted to a public service corporation, certificated telephone company, interstate natural gas company or provider of cable television or other multichannel video programming service shall be \$100 and shall be for a period of 40 years. However, no easement or lease shall in any way affect or interfere with the rights vouchsafed to the people of the Commonwealth concerning fishing, fowling, and the catching and taking of oysters and other shellfish in and from the leased bottoms or the waters above.

B. All easements granted and leases made pursuant to this section shall be executed for, and in the name and on behalf of, the Commonwealth by the Attorney General and shall be countersigned by the Governor.

C. All oil, gas and other minerals royalties collected from such easements or leases on and after July 1, 2000, shall be paid into the state treasury to the credit of the Marine Habitat and Waterways Improvement Fund.

D. Prior to December 1 of each year, the Commissioner and the Attorney General shall make reports to the General Assembly on all easements and leases executed pursuant to this section during the preceding 12 months.

E. The Commission shall, in cooperation with the Division of *Geology and Mineral Resources* of the Department of Mines, Minerals and Energy and with the assistance of affected state agencies, departments and institutions, maintain a State Subaqueous Minerals Management Plan that shall supplement the State Minerals Management Plan set forth in § 2.2-1157. The State Subaqueous Minerals Management Plan shall include provisions for (i) the holding of public hearings, (ii) public advertising for competitive bids or proposals for mineral leasing and extraction activities, (iii) preparation of environmental impact reports to be reviewed by the appropriate agency of the Commonwealth, and (iv) review and approval of leases by the Attorney General and the Governor as required by subsection A. The environmental impact reports shall address, but not be limited to:

1. The environmental impact of the proposed activity;
2. Any adverse environmental effects that cannot be avoided if the proposed activity is undertaken;
3. Measures proposed to minimize the impact of the proposed activity;
4. Any alternative to the proposed activity; and
5. Any irreversible environmental changes which would be involved in the proposed activity.

For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

§ 45.1-161.5. Establishment of divisions; division heads.

The following divisions, through which the functions, powers, and duties of the Department may be discharged, are established in the Department: a Division of Mines, a Division of Mined Land Reclamation, a Division of *Geology and Mineral Resources*, a Division of Gas and Oil, a Division of Mineral Mining, and a Division of Energy. The Director may establish other divisions as he deems

59 necessary. Except as provided in § 45.1-161.15 with respect to the Chief of the Division of Mines, the
60 Director shall appoint persons to direct the various functions and programs of the divisions, and may
61 delegate to the head of any division any of the powers and duties conferred or imposed by law on the
62 Director.

63 § 45.1-383. Division of Geology and Mineral Resources; State Geologist.

64 In the Department there shall be a Division of *Geology and* Mineral Resources. The chief executive
65 and head officer of the Division shall be called the Commissioner of Mineral Resources and State
66 Geologist, hereinafter referred to as the State Geologist. The State Geologist shall be appointed by the
67 Director, shall be a geologist of established reputation and shall receive such compensation as may be
68 provided in accordance with law for the purpose.