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SENATE BILL NO. 946

Offered January 9, 2013

Prefiled January 7, 2013

A BILL to amend the Code of Virginia by adding a section numbered 28.2-1205.2, relating to sand mining and beach replenishment on the public beaches abutting the Chesapeake Bay.

Patron—Wagner

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 28.2-1205.2 as follows:

§ 28.2-1205.2. Coordinated review of public beach replenishment projects using Chesapeake Bay sand; expedited process.

A. Applications for sand replenishment projects on public beaches abutting the waters of the Chesapeake Bay that involve the mining of sand from the Chesapeake Bay and require a permit from the Marine Resources Commission or the Department of Environmental Quality, or both, shall be reviewed and a decision on the issuance of the permit shall be expedited as provided in this section. These agencies shall establish a working group consisting of representatives from the affected local governments in an effort to develop an effective and efficient process for review and approval of sand replenishment projects.

B. In developing such an expedited review process the agencies and working group shall consider a requirement that the application include the submission of a mining plan by the locality for the areas within the Chesapeake Bay from which the dredged material will be taken and the location of the beach replenishment project. Such a mining plan, if approved, shall not require a new review procedure if any subsequent removal of bottomland involves material obtained from the area documented in the mining plan. Any new site proposed for the mining of sand from the Chesapeake Bay shall require a new or amended mining plan.

C. Any mining plan required to be submitted with an application shall include the following information:

1. Geotechnical analysis of the proposed area to be dredged;
2. Analysis of the benthic, marine, and fishery resources, including a specific analysis of the impact on the crab population;
3. Current recreational and commercial fishing activity in the proposed dredge area;
4. Impact on any historical artifacts in the proposed dredge area;
5. Impact on other uses of the state waters and bottomlands at the dredge site; and
6. Environmental impact of the dredge material being placed on the beach area.

D. The Commissioner, in consultation with the Department of Environmental Quality, the State Health Department, the Department of Historic Resources, the Virginia Institute of Marine Science, and any other appropriate or interested state agency, shall coordinate a joint review process to ensure the orderly evaluation of sand replenishment projects requiring a permit for mining sand from the Chesapeake Bay. The joint review process shall be completed within 45 days of the submission of the application or any subsequent amendment to the mining plan.

INTRODUCED

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