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HOUSE BILL NO. 1030

Offered January 22, 1996

A *BILL to amend and reenact § 28.2-1207 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 28.2-1205.1, relating to obstruction of navigation and recreational fisheries.*

Patron—Reid (By Request)

Referred to Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1207 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 28.2-1205.1 as follows:

§ 28.2-1205.1. Obstruction of navigation and recreation.

The Commission shall not approve any permit, easement or lease, and it shall prohibit any obstruction, that may: (i) impede navigation or public recreational uses; (ii) destroy a spawning ground or spawning habitat; or (iii) destroy a recreational fishing area in tidal waters found within or adjacent to any locality with a county manager form of government whether or not such tidal waters derive from activities associated with commercial enterprise.

§ 28.2-1207. Authority to approve permits for encroachment on subaqueous beds; notice.

A. Any application for a permit to trespass upon or over or encroach upon subaqueous beds which are the Commonwealth's property may be approved by the Commissioner or his authorized representative if the application meets the requirements of §§ 28.2-1205, § 28.2-1205.1 and 28.2-1206 and the following criteria are satisfied:

1. The total value of the project does not exceed \$50,000;

2. The application is not protested by any citizen or objected to by any state agency; and

3. The project for which the permit is sought will not require any other permit from the Commission.

B. If the permit application is for a shore erosion control project recommended by the soil and water conservation district in which the project is to be located and the criteria listed in subsection A of this section are satisfied, the Commission may, after giving notice of the application to the Virginia Institute of Marine Science, approve the application without giving notice to or awaiting the approval of any other state agency.

INTRODUCED

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