



2017 General Assembly Update

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Image: iStock

General Permit for Sand Management and Placement Profiles for Norfolk and Sandbridge Beach Subdivision

[HB1517 reenact and amend §28.2-1408.2](#)

- Virginia Beach and Norfolk Wetlands Boards each to develop and adopt a General Permit
- Include sand management practices that:
 - Protect and enhance value and use of property
 - Preserve and protect coastal primary sand dunes and public beaches
- Specify all permissible sand management practices including manner of sand removal, transportation, and placement

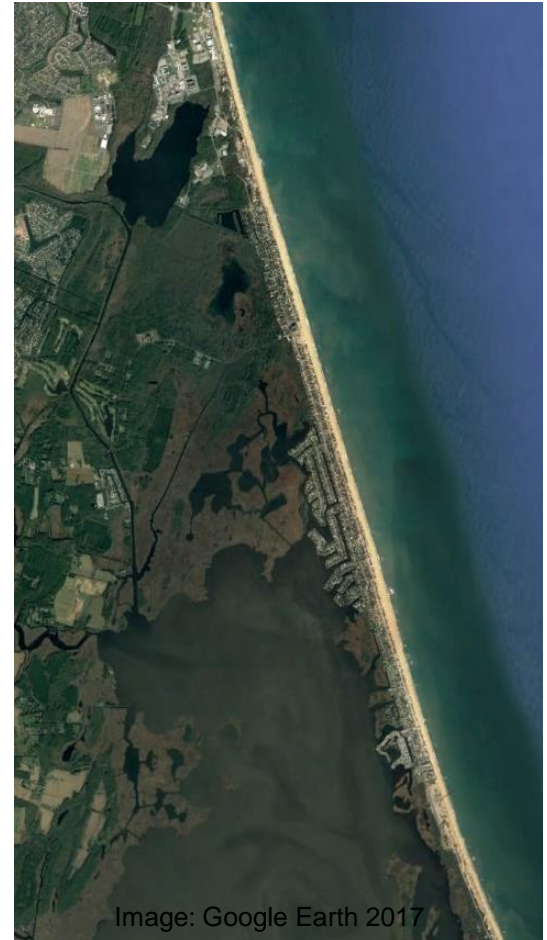


Image: Google Earth 2017

Establishment of working waterfront development areas

SB1203 amend and reenact § 15.2-2201 & § 15.2283, add § 15.2-2306.1



Image: VASG

- Authorizes localities to establish working waterfront development areas
 - Used for water-dependent commercial, industrial, or government activities
 - Includes commercial and recreation fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportations; shipping; marine constructions; military activities
- Potential incentives include reduction of permit fees, user fees, gross receipts tax, waiver of tax liens
- Potential regulatory flexibility includes special zoning, use of a special permit process, exemption from certain ordinances

Stormwater and erosion management; administration of program by third party

[HB2009 amend and reenact §62.1-44.15:27](#)

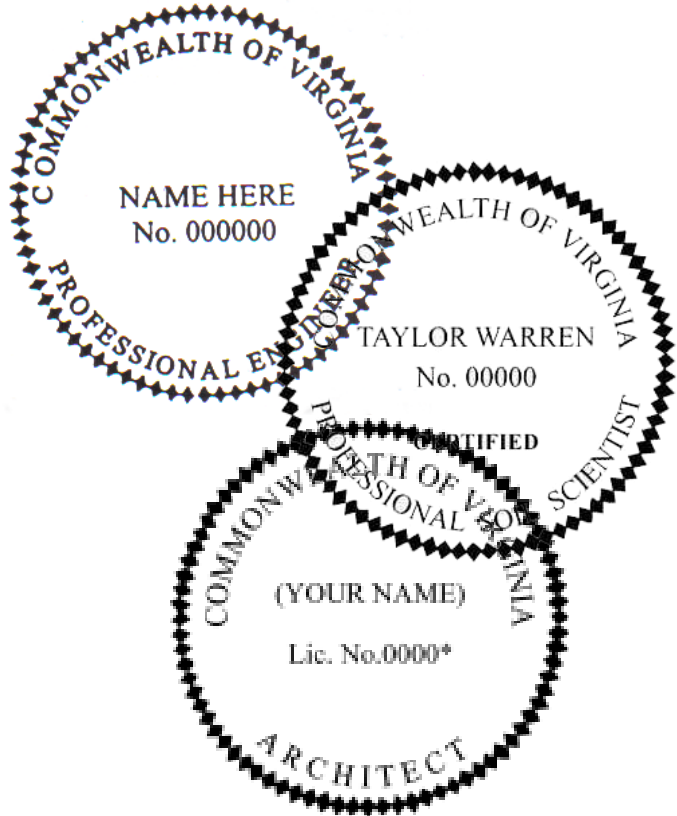


Image: E. Hein

- Virginia Stormwater Management Program (VSMP) authorities can contract with a third party professional to carry out responsibilities
 - Including plan review and inspection
 - Excluding enforcement
- Professional must hold certificates of competence as outlines in §62.1-44.15:30

State Water Control Board: stormwater management programs, regulations, professional license

[HB2076/SB1127 amend and reenact §62.1-44.15:28](#)



Requires all final plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession (under §54.4-400 or §54.1-2200) be signed and sealed by a professional licensed in Virginia

Images: Stamp Shop Central

Watershed general permit; review of nutrient discharge allocations

HB1619 amend and reenact §62.1-44.19:14



- Beginning in 2020, every 10 years, the State Water Control Board shall:
 - Review nutrient load allocations to determine if changes in facility use have halted or reduced nutrient discharge
 - Determine, prior to reissuing the general permit, the need for reallocations based on factors including changes in treatment technologies and land use

Stormwater management; work group to examine ways to improve

HB1774 as a Section 1 Act

- Commonwealth Center for Recurrent Flooding Resiliency to form working group to examine ways to improve stormwater management in rural localities in Tidewater Virginia
- Review and consider alternative methods including:
 - creation of rural development growth areas
 - development of volume credit program
 - payment of fees to support regional BMPs
 - allowance of use of stormwater in highway ditches to generate volume credits
- CCRFR shall report results and recommendations for legislative or regulatory action by Jan 1, 2018



Constitutional amendment; property tax, exemption for flooding remediation, abatement, and resiliency

[SJ331 amend Section 6 of Article X \(Taxation & Finance\) of the Constitution](#)



Image: Virginia Pilot

A partial exemption from local property taxes upon conditions of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.

Oyster planting grounds; notice of application for lease

[SB1144/HB2297 amend and reenact §28.2-606](#)

- Reduces length of time notice of oyster planting ground application to 30 days (from 60)
- Posting shall occur on the VMRC website (instead of at the courthouse)
- VMRC shall provide written notice by mail to the holder of a current lease that is contiguous to the ground applied for and the owner of any riparian property located within 200 feet of the ground applied for
- Notice of the application shall be published for 2 (from 4) consecutive weeks in the newspaper
- Notice shall invite written comments on the application

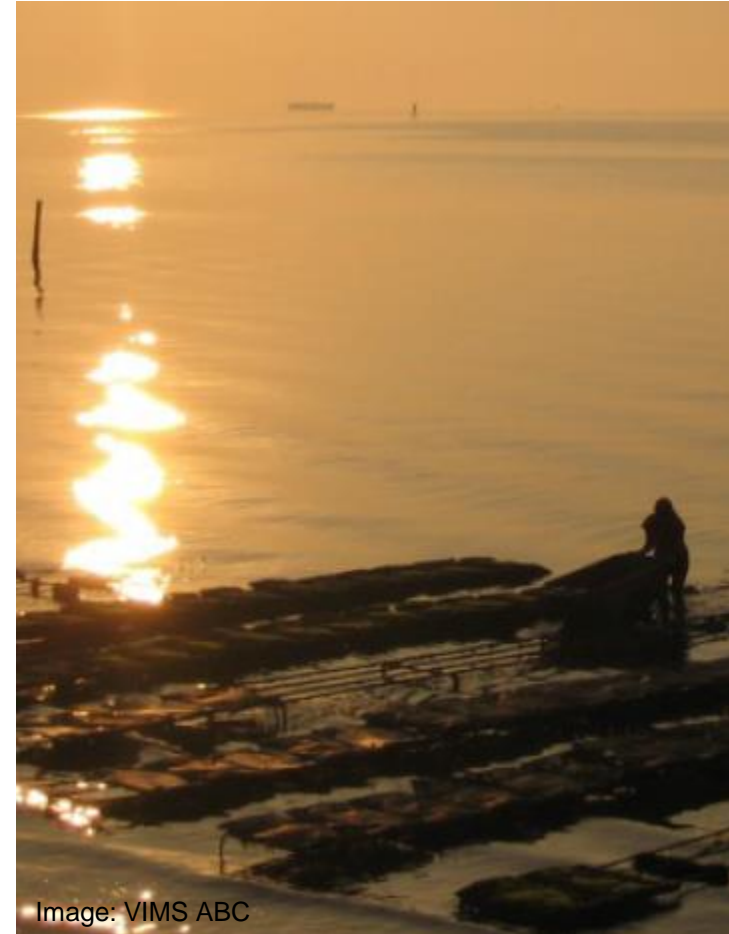
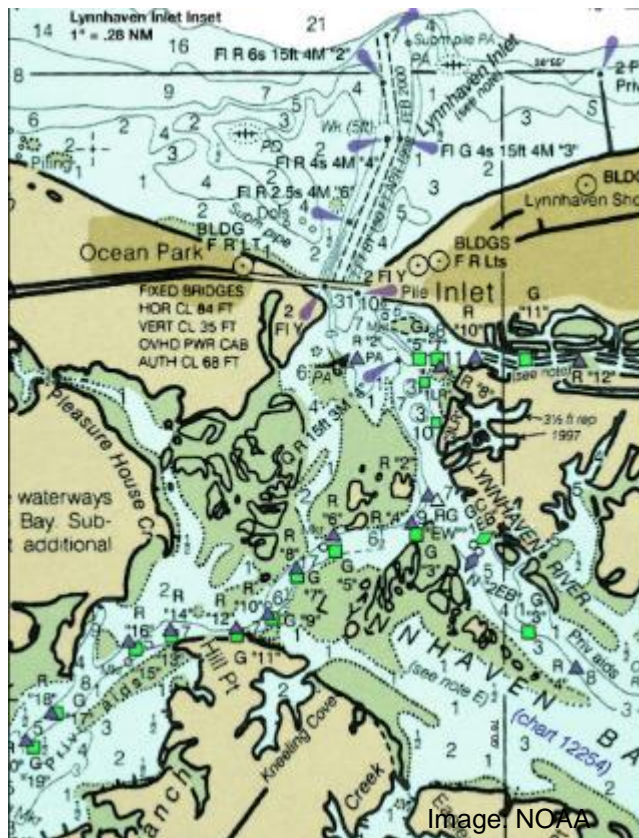


Image: VIMS ABC

Oyster ground lease; certain dredging projects in the Lynnhaven River

[HB1796/SB1143 amend and reenact §28.2-618](#)



- Certain oyster ground leaseholders in the Lynnhaven River and its tributaries are subject to the conduct of approved municipal dredging projects to restore existing navigation channels
- Projects limited to oyster grounds that are condemned, restricted, or otherwise nonproductive
- Locality required to compensate lessee
- Bill expires July 1, 2019

Stormwater erosion and sediment control; 10,000 square foot minimum disturbance

HB2008: House Chesapeake subcommittee recommends laying on the table; stricken from docket by Committee on Agriculture, Chesapeake and Natural Resources

Increases from 2,500 square feet to 10,000 square feet the minimum area of land disturbance within a CBPA that triggers applicability of erosion or stormwater management programs

Stormwater; failed best management practice

HB2012: House Chesapeake subcommittee recommends laying on the table; stricken from docket by Committee on Agriculture, Chesapeake and Natural Resources

Defines a failed best management practice (Failed BMP), establishes criteria for determining if an installed BMP qualifies as Failed, directs DEQ to assume, by contract with the locality, the responsibility for enforcing the operation and maintenance obligations of the owner of the Failed BMP.

Secretary for Coastal Protection and Flooding Adaptation, creates position

SB1349: Reported from Senate Committee on Agriculture, Conservation and Natural Resources and Finance; defeated by Senate (19-Y 21-N)

Creates secretary position responsible for resources for coastal flooding threats and adaptation. The Secretary shall also lead in providing direction, ensuring accountability, and developing a statewide coastal flooding adaptation strategy.

Riparian planting ground lease eligibility

HB2298: Reported from House Committee on Agriculture, Chesapeake and Natural Resources; left in House Committee on Appropriations

SB1145: Passed Senate; Reported from House Committee on Agriculture, Chesapeake and Natural Resources; left in House Committee on Appropriations

Reduces from 205 feet to 105 feet the minimum low-water shore front that makes the landowner eligible for riparian planting grounds (contingent on funding in a general appropriation act).



Image: VIMS/D. Malmquist