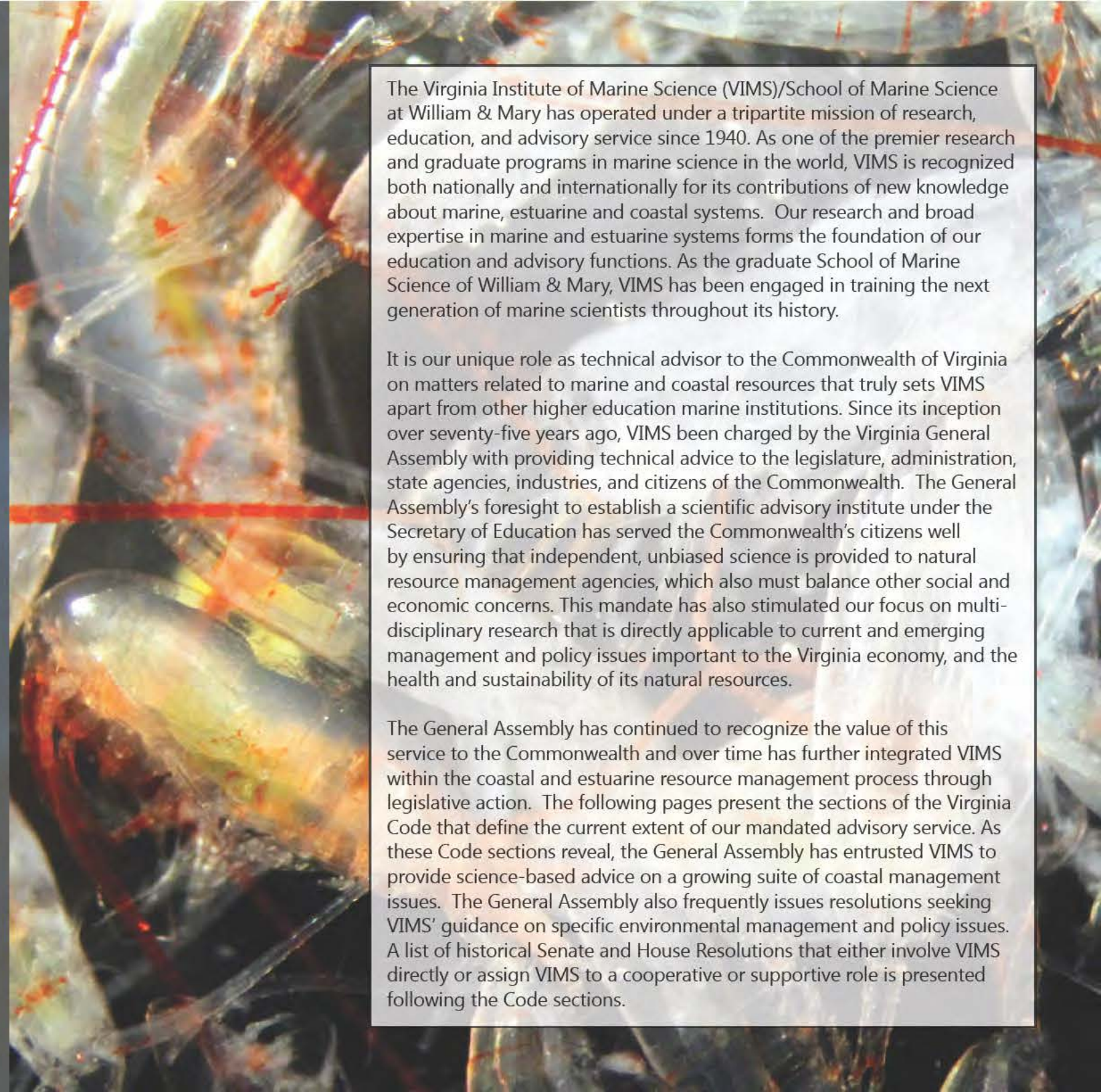
A photograph of a sunset over the ocean, viewed from the deck of a boat. The sun is low on the horizon, creating a bright orange and yellow glow that reflects on the water's surface. In the foreground, the dark silhouettes of the boat's rigging, including masts and ropes, are visible. Several buoys are hanging from the rigging; one is a bright red spherical buoy, while others are dark and cylindrical. The overall scene is serene and evokes a sense of maritime activity and natural beauty.

*The Virginia Institute of Marine Science
and the Commonwealth of Virginia*

***Partners in Natural
Resource Management***

*Virginia Institute of Marine Science
Office of Research & Advisory Services*



The Virginia Institute of Marine Science (VIMS)/School of Marine Science at William & Mary has operated under a tripartite mission of research, education, and advisory service since 1940. As one of the premier research and graduate programs in marine science in the world, VIMS is recognized both nationally and internationally for its contributions of new knowledge about marine, estuarine and coastal systems. Our research and broad expertise in marine and estuarine systems forms the foundation of our education and advisory functions. As the graduate School of Marine Science of William & Mary, VIMS has been engaged in training the next generation of marine scientists throughout its history.

It is our unique role as technical advisor to the Commonwealth of Virginia on matters related to marine and coastal resources that truly sets VIMS apart from other higher education marine institutions. Since its inception over seventy-five years ago, VIMS been charged by the Virginia General Assembly with providing technical advice to the legislature, administration, state agencies, industries, and citizens of the Commonwealth. The General Assembly's foresight to establish a scientific advisory institute under the Secretary of Education has served the Commonwealth's citizens well by ensuring that independent, unbiased science is provided to natural resource management agencies, which also must balance other social and economic concerns. This mandate has also stimulated our focus on multi-disciplinary research that is directly applicable to current and emerging management and policy issues important to the Virginia economy, and the health and sustainability of its natural resources.

The General Assembly has continued to recognize the value of this service to the Commonwealth and over time has further integrated VIMS within the coastal and estuarine resource management process through legislative action. The following pages present the sections of the Virginia Code that define the current extent of our mandated advisory service. As these Code sections reveal, the General Assembly has entrusted VIMS to provide science-based advice on a growing suite of coastal management issues. The General Assembly also frequently issues resolutions seeking VIMS' guidance on specific environmental management and policy issues. A list of historical Senate and House Resolutions that either involve VIMS directly or assign VIMS to a cooperative or supportive role is presented following the Code sections.



VIMS' Duties as Outlined in the Code of Virginia 2016 ***VIMS' General Advisory Mandate***

§ 28.2-1100. Virginia Institute of Marine Science continued; duties.

The *Virginia Institute of Marine Science* shall hereafter be referred to as the Institute. The Institute shall:

1. Conduct studies and investigations of the seafood and commercial fishing and sport fishing industries;
2. Consider ways to conserve, develop and replenish fisheries resources and advise the Marine Resources Commission and other agencies and private groups on these matters;
3. Conduct studies of problems pertaining to the other segments of the maritime economy;
4. Conduct studies of marine pollution in cooperation with the State Water Control Board and the Department of Health and make the data and their recommendations available to the appropriate agencies;
5. Conduct hydrographic and biological studies of the Chesapeake Bay, its tributaries, and all the tidal waters of the Commonwealth and the contiguous waters of the Atlantic Ocean;
6. Engage in research in the marine sciences;
7. Conduct such special studies and investigations concerning these subjects as requested by the Governor;

8. Engage in research and provide training, technical assistance and advice to the Board on Conservation and Development of Public Beaches on erosion along tidal shorelines, the Soil and Water Conservation Board on matters relating to tidal shoreline erosion, and to other agencies upon request; and

9. Develop comprehensive coastal resource management guidance for local governments to foster the sustainability of shoreline resources by December 30, 2012. The guidance shall identify preferred options for shoreline management and taking into consideration the resource condition, priority planning, and forecasting of the condition of the Commonwealth's shoreline with respect to projected sea-level rise.

These studies shall include consideration of the seafood and other marine resources, such as the waters, bottoms, shorelines, tidal wetlands, and beaches, and all matters related to marine waters and the means by which marine resources might be conserved, developed and replenished.

(Code 1950, §§ 28-248, 28-250, 28-250.1; 1962, c. 406, § 28.1-195; 1979, c. 294; 1980, c. 369; 1992, c. 836; 2003, cc. 79, 89; 2011, c. 885)





Establishing VIMS as an Advisory Resource to the Department of Conservation and Recreation

§ 10.1-703. Cooperation and coordination with *Virginia Institute of Marine Science*.

The Department shall cooperate and coordinate with the *Virginia Institute of*

Marine Science of the College of William and Mary for research, training and technical advice on erosion related problems.

(1980, c. 368, § 21-11.20; 1988, c. 891.)

Establishing VIMS as an Advisory Resource to the Potomac River Fisheries Commission

§ 28.2-1001. Potomac River Compact.

§ 7. Cooperation of state agencies. The Commission may call upon the resources and assistance of the *Virginia Institute of Marine Science*, the University of Maryland System, and all other agencies, institutions and departments of Maryland and Virginia which shall cooperate fully with the Commission upon such request.

(Code 1950, § 28-218.1; 1959, Ex. Sess., cc. 5, 28; 1962, c. 406, § 28.1-203; 1984, c. 637; 1985, c. 102; 1992, c. 836; 1995, c. 257; 1998, c. 216; 2007, c. 885; 2013, cc. 635, 688.)

§ 28.2-1004. Authority to authorize and regulate experimental oyster hatchery program.

The Potomac River Fisheries Commission shall have the power to make, adopt and permit such rules and regulations and to take such action as may be necessary or advisable for authorizing and regulating a pilot program for experimental oyster hatchery seed planting, growing, and harvesting with private planters and public and private scientific agencies engaged in similar work in its jurisdiction, and may set aside available barren natural oyster rocks for this purpose and to allow dredging of same for inspection, sampling and harvesting under the supervision and control of the Potomac River Fisheries Commission and in cooperation with the Maryland or Virginia public scientific agencies, Chesapeake Biological Laboratory and *Virginia Institute of Marine Science*.

(1974, c. 89, § 28.1-228; 1992, c. 836.)



Establishing VIMS' Role in Blue Crab Management

§ 28.2-203.1. Blue crab fishery management plan.

A. The Commission shall prepare, in consultation with the *Virginia Institute of Marine Science*, other educational institutions and representatives of industry and interested parties, and then implement a blue crab fishery management plan.

The plan shall build upon previously developed plans, including consideration of plans adopted by the multi-state Chesapeake Bay Program, and shall be consistent with the standards for fishery conservation and management set out in § 28.2-203.

(1995, c. 356.)

Establishing VIMS' Role in Management of the Fisheries Resource Grant Fund

§ 28.2-246. Fishery Resource Grant Advisory Board established; membership; duties.

A. The Fishery Resource Grant Advisory Board shall be composed of seven members to be selected in the following manner: four members shall be appointed by the Graduate Marine Science Consortium from nominations made by commercial watermen's associations,

one member shall be appointed by the Graduate Marine Science Consortium from nominations made by the aquaculture association, one member shall be appointed by the Commissioner of the Marine Resources Commission, and one member shall be appointed by the Director of the *Virginia Institute of Marine Science*.

(1999, c. 719.)

Establishing VIMS' Role in Oyster Fishery Management

§ 28.2-627. Relief from rent.

The Commissioner may forgive ground rent for oyster leases in any area declared a disaster area for oyster culture. A disaster area may be declared when any natural or man-made condition arises which precludes satisfactory culture of oysters in that area. Such declaration for an area shall be made by the Commissioner upon the advice of the Director of the *Virginia Institute of Marine Science* on

or before July 1 of each year, and ground rent due and payable in September following such declaration may be forgiven for the ensuing tax year. Such relief may continue until the Commissioner with the approval of the *Virginia Institute of Marine Science* declares the area again productive.

(Code 1950, § 28-128; 1962, c. 406, § 28.1-114; 1992, c. 836.)



Establishing VIMS' Role in Alternative Energy

§ 67-600. Virginia Coastal Energy Research Consortium established.

The Virginia Coastal Energy Research Consortium, hereinafter referred to as the Consortium, is hereby created to include Old Dominion University, the *Virginia Institute of Marine Science of The College of William and Mary*, the Advanced Research Institute of Virginia Polytechnic Institute and State University, James Madison University, Norfolk State University, Virginia Commonwealth University, Hampton University, George Mason University, and the University of Virginia and is to be located at Old Dominion University.

(2006, c. 939; 2007, c. 904; 2009, c. 575; 2010, c. 695.)

§ 67-602. Control and supervision.

The Consortium shall be governed by a board of directors, which shall consist of 16 voting members as follows: (i) the Director of the Department of Mines, Minerals and Energy or his designee; (ii) the Commissioner of the Virginia Marine Resources Commission or his designee; (iii) the President of the Virginia Manufacturers Association or his appointed member of the maritime manufacturing industry; (iv) the President of the Virginia Maritime Association or his appointed member of the maritime industry; (v) the Director of the Advanced Research Institute of Virginia Polytechnic

Institute and State University or his designee; (vi) the President of Old Dominion University or his designee; (vii) the Director of the *Virginia Institute of Marine Science of The College of William and Mary* or his designee; (viii) the President of Norfolk State University or his designee; (ix) the President of James Madison University or his designee; (x) the President of Virginia Commonwealth University or his designee; (xi) the President of the University of Virginia or his designee; (xii) the President of Hampton University or his designee; (xiii) the President of George Mason University or his designee; (xiv) the chairman of the Hampton Roads Technology Council or his appointed member of the technology community; (xv) the Director of the Hampton Roads Clean Cities Coalition or his appointed member of the renewable energy industry; and (xvi) the Director of the Department of Environmental Quality or his designee as the lead agency for the Virginia Coastal Zone Management Program.

In addition, a representative of the National Aeronautics and Space Administration's Langley Research Center, to be selected by the director of the Research Center, shall serve as a nonvoting ex officio member of the Consortium's board of directors.

(2006, c. 939; 2007, c. 904; 2009, c. 575; 2010, c. 695.)

Establishing VIMS' Role in Invasive Species Management

§ 10.1-2602. Establishing the Virginia Invasive Species Council (Effective until July 1, 2006)

The Virginia Invasive Species Council is established as a policy council in the executive branch of government. The Council shall provide state leadership regarding invasive species and shall prepare an invasive species management plan.

A. The Council shall consist of nine members that includes the Secretary of Natural Resources and the Directors or Commissioners, or their designees, of the following agencies: the Department of Agriculture and Consumer Services, the Department of Conservation and Recreation, the *Virginia Institute of Marine Science*, the Marine Resources Commission, the Department of Forestry, the Department of Game and Inland Fisheries, the Department of Health, and the Department of Transportation. The Secretary of Natural Resources shall serve as chairman of the Council. The members of the Council shall serve terms coincident with their terms of offices.

(2003, c. 433.)

§ 2.2-220.2. Development of strategies to prevent the introduction of, to control, and to eradicate invasive species.

B. The Secretary of Natural Resources shall establish and serve as chair of an advisory group to develop an invasive species management plan and shall coordinate and implement recommendations of that plan. Other members of the advisory group shall include the Departments of Conservation and Recreation, Game and Inland Fisheries, Environmental Quality, Forestry, Agriculture and Consumer Services, Health, and Transportation; the Marine Resources Commission; the Virginia Cooperative Extension; the *Virginia Institute of Marine Science*; representatives of the agriculture and forestry industries; the conservation community; interested federal agencies; academic institutions; and commercial interests. The Secretary of Agriculture and Forestry shall serve as the vice-chair of the advisory group. The advisory group shall meet at least twice per year and shall utilize ad hoc committees as necessary with special emphasis on working with affected industries, landowners, and citizens, and shall assist the Secretary to:

1. Prevent additional introductions of invasive species to the lands and waters of the Commonwealth;
2. Procure, use, and maintain native species to replace invasive species;





3. Implement targeted control efforts on those invasive species that are present in the Commonwealth but are susceptible to such management actions;
4. Identify and report the appearance of invasive species before they can become established and control becomes less feasible;
5. Implement immediate control measures if a new invasive species is introduced in Virginia, with the aim of eradicating that species from Virginia's lands and waters if feasible given the degree of infestation; and
6. Recommend legislative actions or pursue federal grants to implement the plan.

(2009, cc. 144, 619.)

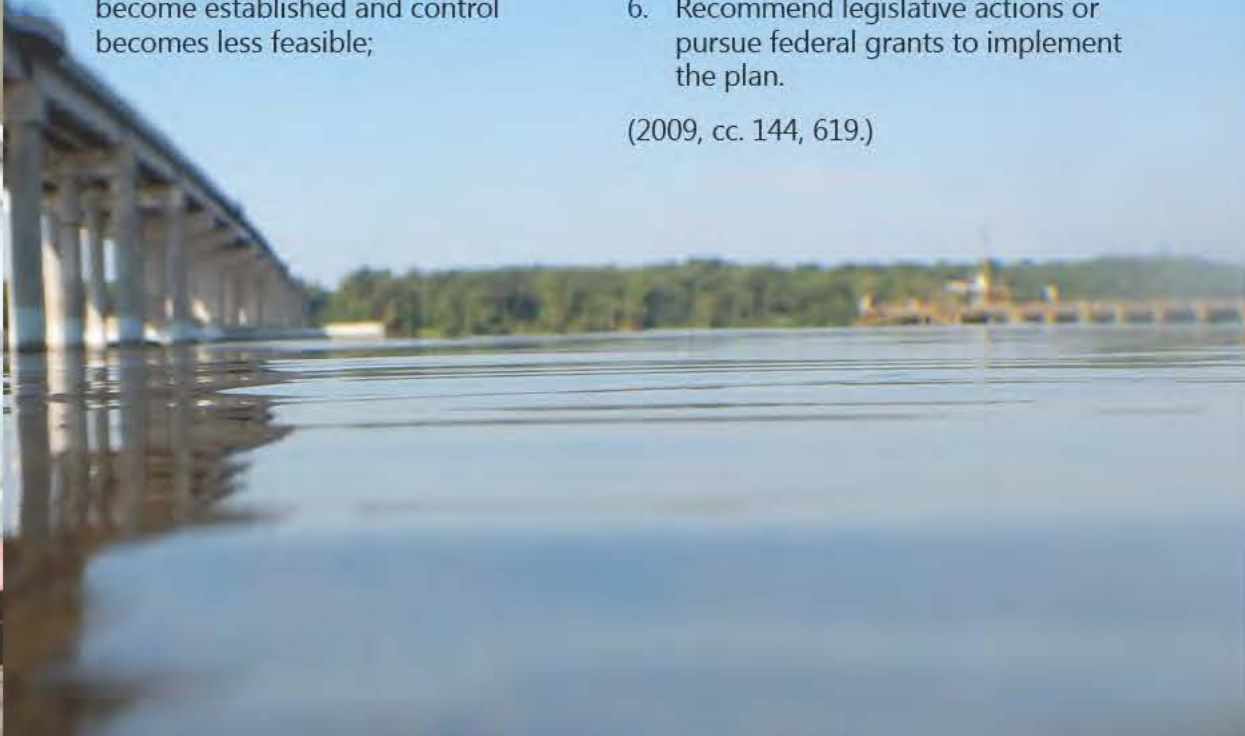
Establishing VIMS' Role in Surface Water Management

§ 62.1-44.15:5.01 and § 28.2-1205.1. Coordinated review of water resources projects.

B. The Commissioner and the Director of the Department of Environmental Quality, in consultation with the *Virginia Institute of Marine Science*, the Department of Game and Inland Fisheries, the Department of Historic Resources, the

Department of Health, the Department of Conservation and Recreation, the Virginia Department of Agriculture and Consumer Services, and any other appropriate or interested state agency, shall coordinate the joint review process to ensure the orderly evaluation of projects requiring both permits.

(2005, c. 49; 2011, c. 842)



Establishing VIMS' Role in State-owned Bottomlands Management

§ 28.2-1205. Permits for the use of state owned bottomlands.

B. The Commission shall consult with other state agencies, including the *Virginia Institute of Marine Science*, the State Water Control Board, the Virginia Department of Transportation, and the State Corporation Commission, whenever the Commission's decision on a permit application relates to or affects the particular concerns or activities of those agencies.

(Code 1950, § 62-2.1; 1960, c. 600; 1962, c. 637; 1966, c. 641; 1968, c. 659, § 62.1-3; 1970, c. 621; 1972, c. 866; 1973, cc. 23, 361; 1974, cc. 92, 385; 1975, c. 431; 1976, c. 579; 1980, c. 253; 1982, c. 102; 1988, c. 868; 1992, c. 836; 1996, c. 228; 1999, c. 741; 2000, c. 167; 2001, c. 72; 2004, cc. 405, 899, 1018; 2005, c. 839.)

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

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 dredging sand from the Chesapeake Bay. All project reviews shall

be completed by state agencies within 45 days of receiving the project review request from the Commission or the Department of Environmental Quality. (2013, cc. 45, 196)

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

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.

(1972, c. 398, § 62.1-3.01; 1973, c. 350, § 62.1-3.02; 1980, c. 312; 1984, c. 246; 1992, c. 836; 1997, c. 845; 2011, c. 451.)

§ 28.2-556. Erosion control devices within the Baylor survey.

The public oyster beds, rocks, and shoals shall not include any area needed for an erosion control structure if the Commission, after considering the comments of the *Virginia Institute of Marine Science* and the Department of Conservation and Recreation, and any other relevant evidence, finds that: (i) shoreline erosion has occurred at the site and is expected to continue; (ii) such





erosion is increasing the sediment load to public waters, causing degradation of water quality; (iii) the proposed project is a technically and environmentally acceptable way to control erosion at the site unless such Baylor ground is productive under § 28.2-630 of the Code of Virginia in which case the environmentally preferable erosion control shall be utilized; and (iv) the Commonwealth's interest in protecting water quality by controlling erosion at the site outweighs the value of the portion of the natural oyster beds, rocks, and shoals affected by the erosion control structure. Whenever the area of the natural oyster beds, rocks, and shoals is so changed, the Commission shall make the changes on its Baylor survey charts.

(1988, c. 308, § 28.1-101.4; 1989, c. 656; 1992, c. 836; 2001, c. 46.)

§ 28.2-638. Authority of Governor to authorize dredging of channel in navigable waters.

When the approval, consent, or authorization of the Commonwealth is necessary or expedient for any person to dredge a channel of any navigable stream, the bed of which is owned by the Commonwealth, for the purpose of deepening, widening, or relocating such channel and making related improvements, the Governor may, on behalf of the Commonwealth, grant such approval upon such terms and conditions as he deems appropriate after the receipt of advisory reports from the *Virginia Institute of Marine Science*, the State Water Control Board, the Commission, the Board of Game and Inland Fisheries, the Director of the Department of Conservation and Recreation, the Director of the Department of Historic Resources, the State Port Authority, and the Commonwealth Transportation Board.

(Code 1950, § 28-201.3; 1958, c. 302; 1962, c. 406, § 28.1-147; 1964, c. 350; 1989, c. 656; 1992, c. 836.)



§ 28.2-1204.1. Submerged aquatic vegetation.

The Commission shall, in consultation with the *Virginia Institute of Marine Science*, develop guidelines containing criteria for use in:

1. Defining existing beds of submerged aquatic vegetation; and
2. Delineating areas where there is potential for submerged aquatic vegetation restoration.

(1999, c. 547.)

§1-302. Jurisdiction and ownership of Commonwealth over offshore waters and submerged lands.

A. The jurisdiction of the Commonwealth shall extend to and over, and be exercisable with respect to:

1. Waters offshore from the coasts of the Commonwealth for a distance of three geographical miles as determined by appropriate metes and bounds surveys approved by the *Virginia Institute of Marine Science* and the Virginia Marine Resources Commission in consultation with the Bureau of Ocean Energy Management pursuant to a decree of the United States Supreme Court in *U.S. v. Maine*, 423 U.S. 1 (1975), and the Submerged Lands Act, 42 U.S.C. § 1301 et seq.

(Code 1950, § 7-1.1; 1960, c. 518; 1966, c. 102; §7.1-2; 1972, c. 689; 2005, c. 839; 2016, c. 371.)





Establishing VIMS' Role in Shoreline and Tidal Wetlands Management

§ 28.2-104.1. Living shorelines; development of general permit; guidance.

B. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the *Virginia Institute of Marine Science*, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation.

C. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the *Virginia Institute of Marine Science*, shall develop integrated guidance for the management of tidal shoreline systems to provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising authority over a shoreline management project. (2011, c. 885; 2014, cc. 112, 143)

§ 28.2-1301. Powers and duties of the Commission.

C. In order to perform its duties under this section and to assist counties, cities, and towns in regulating wetlands, the Commission shall promulgate and periodically update guidelines which scientifically evaluate vegetated and nonvegetated wetlands by type and de-

scribe the consequences of use of these wetlands types. The *Virginia Institute of Marine Science* shall provide advice and assistance to the Commission in developing these guidelines by evaluating wetlands by type and continuously maintaining and updating an inventory of vegetated wetlands.

(1972, c. 711, §§ 62.1-13.1, 62.1-13.4, 62.1-13.17; 1982, c. 300; 1990, c. 811; 1992, c. 836; 1995, c. 850.)

§ 28.2-1302. Adoption of wetlands zoning ordinance; terms of ordinance.

§ 6. Not later than sixty days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the *Virginia Institute of Marine Science*, the Department of Game and Inland Fisheries, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing.

(1972, c. 711, §§ 62.1-13.1, 62.1-13.5; 1973, cc. 382, 388; 1975, c. 268; 1979, c. 418; 1982, c. 300; 1985, c. 541; 1988, c. 587; 1989, c. 360; 1992, c. 836; 1994, c. 274; 2014, cc. 112, 143.)



Establishing VIMS' Role in Local Comprehensive Planning

§ 15.2-2223.2. Comprehensive plan to include coastal resource management guidance.

Beginning in 2013, any locality in Tidewater Virginia, as defined in §10.1-2101, shall incorporate the guidance developed by the *Virginia Institute of Marine Science* pursuant to subdivision 9 of §28.2-1100 into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the *Virginia Institute of Marine Science* shall provide technical assistance to any such locality upon request. (2011, c. 885)

§ 15.2-2223.3. Comprehensive plan shall incorporate strategies to combat projected sea-level rise and recurrent flooding.

Beginning July 1, 2015, any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. Such review shall be coordinated with the other localities in the Hampton Roads Planning District Commission. The Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the *Virginia Institute of Marine Science* shall provide technical assistance to any such locality upon request. Where federal regulations as effective July 1, 2015 require a local hazard mitigation plan for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. For a locality not participating in the FEMA Community Rating System, the comprehensive plan may include an action plan and time frame for such participation. (2015, c. 186)

Establishing VIMS' Role in the Management of Coastal Primary Sand Dunes

§ 28.2-1401. Powers and duties of Commission.

A. The Commission may receive gifts, grants, bequests, and devises of coastal primary sand dunes, beaches, and money which shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the provisions of this chapter.

B. The Commission shall preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. Whenever practical, the Commission shall accommodate necessary economic development in a manner consistent with the protection of these features. The Commission shall manage any coastal primary sand dunes and beaches it receives as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15 of this title.

C. In order to perform its duties under this section and to assist counties, cities and towns in regulating coastal primary sand dunes and beaches, the Commission shall, with the advice and assistance of the *Virginia Institute of Marine Science*, promulgate guidelines which describe the consequences of use of these dunes and beaches.

(1972, c. 711, § 62.1-13.17; 1980, c. 660, §§ 62.1-13.21, 62.1-13.24; 1984, c. 556; 1989, c. 342; 1992, c. 836; 1994, c. 112; 1995, c. 850.)

§ 28.2-1403. Certain counties, cities and towns authorized to adopt coastal primary sand dune ordinance.

§ 6. Not later than sixty days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the *Virginia Institute of Marine Science*, the Department of Game and Inland Fisheries, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing.

(1980, c. 660, §§ 62.1-13.21, 62.1-13.25; 1984, c. 556; 1989, c. 342; 1992, c. 836; 1994, c. 112; 1998, c. 160; 2008, c. 20; 2014, cc. 112, 143.)





Establishing VIMS' Role in the Management of Nontidal Wetlands

§ 62.1-44.15. Powers and duties.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the *Virginia Institute of Marine Science* in implementing these policies and programs.

(Code 1950, § 62.1-27; 1968, c. 659; 1970, c. 638; 1972, c. 741; 1975, c. 335; 1976, c. 621; 1977, c. 32; 1978, c. 827; 1984, c. 11; 1985, cc. 249, 397; 1988, cc. 167, 328; 1989, c. 389; 1990, c. 717; 1991, cc. 239, 718; 1993, c. 456; 1994, c. 698; 1998, cc. 805, 863; 2000, cc. 972, 1032, 1054; 2002, cc. 49, 396; 2004, c. 431; 2005, c. 706; 2007, cc. 144, 633, 873, 916; 2011, cc. 52, 101; 2012, cc. 574, 581; 2013, cc. 756, 793.)

Establishing VIMS' Role in Tributyltin Management

§ 3.2-3937. Educational programs.

The State Water Control Board, the Board of Game and Inland Fisheries, the Virginia Marine Resources Commission, the *Virginia Institute of Marine Science*, and the Department shall through cooperative programs develop and implement a program to inform interstate and intrastate paint manufacturers and distributors, vessel owners, and commercial boat yards of the properties of tributyltin in marine antifoulant paints and the law to restrict its use.

(1987, c. 15, § 3.1-249.24; 1989, c. 575, § 3.1-249.61; 2008, c. 860.)



Establishing VIMS' Role in the Estuarine 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 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*.

(1999, c. 553; 2005, c. 41.)

Establishing VIMS' Role in Radiation Safety

§ 32.1-233. Radiation Advisory Board; composition; duties generally.

A. The Radiation Advisory Board shall consist of ten appointive members and the seven ex officio members specified below. The Governor shall appoint to the Advisory Board individuals from industry, labor and agriculture as well as individuals with scientific training in one or more of the following fields: radiology, medicine, radiation or health physics, or related sciences, with specialization in ionizing radiation. Not more than two individuals shall be specialists in any one of the above named fields. Members of the Advisory Board shall serve at the

pleasure of the Governor. The Commissioner shall be an ex officio member and chairman of the Advisory Board, and the Commissioner of Labor and Industry, the Commissioner of Agriculture and Consumer Services, the chairman of the State Water Control Board or his designee, the Governor's representative on the Southern Interstate Nuclear Board, the Executive Director of the Department of Waste Management and the Director of the *Virginia Institute of Marine Science* shall be ex officio members of the Advisory Board.

(Code 1950, § 32-414.5; 1964, c. 158; 1979, c. 711; 1980, c. 728; 1985, c. 448; 1987, c. 157; 2008, cc. 41, 466.)





Establishing VIMS' Role in Historic Property Preservation

§ 10.1-2214. Underwater historic property; penalty.

B. Underwater historic property shall be preserved and protected and shall be the exclusive property of the Commonwealth. Preservation and protection of such property shall be the responsibility of all state agencies including but not limited to the Department, the *Virginia Institute of Marine Science*, and the Virginia Marine Resources Commission. Insofar as may be practicable, such property shall be preserved, protected and displayed for the public benefit within the county or city within which it is found, or within a museum operated by a state agency.

C. It shall be unlawful for any person, firm or corporation to conduct any type

of recovery operations involving the removal, destruction or disturbance of any underwater historic property without first applying for and receiving a permit from the Virginia Marine Resources Commission to conduct such operations pursuant to § 28.2-1203. If the Virginia Marine Resources Commission, with the concurrence of the Department and in consultation with the *Virginia Institute of Marine Science* and other concerned state agencies, finds that granting the permit is in the best interest of the Commonwealth, it shall grant the applicant a permit.

(1984, c. 750, § 10-262; 1988, c. 891, § 10.1-817; 1989, c. 656.)

Establishing VIMS' Role with the Virginia Land Conservation Foundation

§ 10.1-1021. Powers of the Foundation.

C. Develop a needs assessment for future expenditures from the Fund. In developing the needs assessment, the Board of Trustees shall consider among others the properties identified in the following: (i) Virginia Outdoors Plan, (ii) Virginia Natural Heritage Plan, (iii) *Virginia Institute of Marine Science* Inventory, (iv) Virginia Joint Venture Board of the North American Waterfowl

Management Plan, and (v) Virginia Board of Historic Resources Inventory. In addition, the Board shall consider any information submitted by the Department of Agriculture and Consumer Services on farmland preservation priorities and any information submitted by the Department of Forestry on forest land initiatives and inventories.

(1992, c. 426; 1999, cc. 900, 906; 2000, c. 1053; 2005, c. 633.)





Establishing VIMS' Role in Non-native Introductions

§ 28.2-825. Importing fish, shellfish or crustacea for introduction into waters of the Commonwealth; penalty.

A. It shall be unlawful for any person to import any fish, shellfish or crustacea into the Commonwealth with the intent of placing such fish, shellfish or crustacea into the waters of the Commonwealth unless one of the following conditions exists:

1. The fish, shellfish or crustacea are coming from within the continental United States from a state or waters which are on the Marine Resources Commission's list of approved states and waters, and are species which are on the Marine Resources Commission's list of approved species; or
2. The person has notified the Commissioner of Marine Resources of such intent and has received written permission from the Commissioner of Marine Resources.

The list of approved states and waters shall be published by the Commissioner of Marine Resources, and a state or water shall be placed on or removed from such list only with the concurrence of the Director of the *Virginia Institute of Marine Science*. The Commissioner of Marine Resources, with the concurrence of the Director of the *Virginia Institute of Marine Science*, is authorized to change the list when he determines that it is necessary for the protection of the waters of the Commonwealth.

The list of approved species shall be published by the Commissioner of

Marine Resources, and a species shall be placed on or removed from such list only with the concurrence of the Director of the *Virginia Institute of Marine Science*. The Commissioner of Marine Resources, with the concurrence of the Director of the *Virginia Institute of Marine Science*, is authorized to change the list when he determines that it is necessary for the protection of the waters of the Commonwealth.

B. The notification of intent to import shall be in writing and submitted to the Commissioner of Marine Resources at least thirty days prior to the date of importation. The notice shall state: (i) the specific fish, shellfish or crustacea to be imported, (ii) from what waters the fish, shellfish or crustacea are being taken, (iii) the period of time over which importation is to be accomplished, (iv) the quantities involved, and (v) into what waters the fish, shellfish or crustacea are to be placed.

A violation of this section is a Class 1 misdemeanor.

(1974, c. 327, § 28.1-183.2; 1992, c. 836.)

§ 28.2-826. *Crassostrea ariakensis*.

A. The Commissioner, after consultation with the Director of the *Virginia Institute of Marine Science* and the Fisheries Management Division of the Commission, and subject to the provisions of this section, may authorize, in writing, the placement of oysters of the species *Crassostrea ariakensis* on state-owned bottomlands as described in § 28.2-600 or 28.2-603.

B. The Commissioner's authorization for placement of *C. ariakensis* on state-owned bottomlands pursuant to this section shall be conditioned upon, and subject to, compliance with the following requirements:

1. All nonnative oysters placed on state-owned bottomlands pursuant to this section shall be placed within the bounds of sites established by survey and specifically designated and approved by the Commissioner for the placement of *C. ariakensis*. Before approving any site for the placement of *C. ariakensis*, the Commissioner shall determine that such use of the site shall not conflict with Virginia's native oyster restoration program. The Commissioner shall not approve any submerged aquatic vegetation site designated pursuant to § 28.2-1204.1 for the placement of *C. ariakensis*. Sites designated and approved for the placement of *C. ariakensis* shall be marked as provided in § 28.2-517 or as otherwise specified by the Commissioner in granting the authorization.
2. *C. ariakensis* oysters placed on state-owned bottomlands pursuant to this section shall not be relayed or transferred to other state-owned bottomlands except in compliance with this section.
3. *C. ariakensis* oysters placed on state-owned bottomlands pursuant to this section shall originate at a hatchery located in the Chesapeake Bay region and be certified by the *Virginia Institute of Marine Science* to be currently in compliance with

applicable protocols established by the International Council for the Exploration of the Sea. Documentation of compliance with this requirement shall be submitted to the Commissioner prior to the placement of such oysters on state-owned bottomlands pursuant to this section.

4. *C. ariakensis* oysters placed in state-owned bottomlands pursuant to this section prior to July 1, 2007, or the completion of the Environmental Impact Statement under preparation by the U.S. Army Corps of Engineers and sponsored by Maryland and Virginia concerning the introduction of nonnative oysters, whichever is sooner, shall be rendered incapable of reproduction by a method that has been determined by the *Virginia Institute of Marine Science* as reliably producing not more than one diploid oyster per 1,000 of triploid oysters produced, and shall be deployed in a manner determined by the *Virginia Institute of Marine Science* to protect against inadvertent fertilization. On and after July 1, 2007, or the completion of the Environmental Impact Statement under preparation by the U.S. Army Corps of Engineers and sponsored by Maryland and Virginia concerning the introduction of nonnative oysters, whichever is sooner, the Commissioner, with the concurrence of the Director of the *Virginia Institute of Marine Science*, may authorize the placement of diploid or fertile *C. ariakensis* oysters on state-owned bottomlands. (2005, c. 551.)





Establishing VIMS' Role in Preparing the Commonwealth for Sea Level Rise and Coastal Resiliency

An Act to designate the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary.

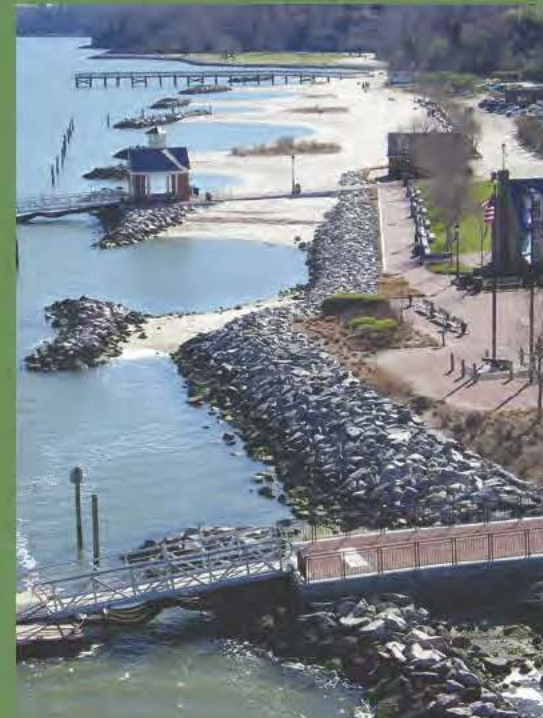
§ 1. That the Commonwealth Center for Recurrent Flooding Resiliency (the Center) be designated jointly at Old Dominion University, the *Virginia Institute of Marine Science*, and The College of William and Mary. The Center shall serve, advise, and support the Commonwealth by conducting interdisciplinary studies and investigations and provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth and its political subdivisions.

The Commonwealth and any agency or political subdivision thereof may designate the Center to conduct special studies and to develop, integrate, coordinate, and share federal, state, local, and nongovernmental data, best practices, regulations, models, plans, projects, and other means for increasing resilience and enabling short-term and long-term decision making in the Commonwealth.

The Commonwealth and any agency or political subdivision thereof may designate the Center to maintain liaison with appropriate agencies of the federal government or respond to opportunities provided by those agencies on behalf of the Commonwealth as may arise.

All state agencies, political subdivisions, and authorities are encouraged to consult with the Center on matters of information, data, and services to improve methods of data sharing, efficiency, and resilience within the Commonwealth.

(2016 Uncodified Act)



VIMS' History of Resolutions Enacted by the Virginia General Assembly

Actions by the Virginia General Assembly directly charging VIMS with issue-specific tasks or assigning VIMS to a cooperative or supportive role.

1968

House Joint Resolution No. 68

Directed the *Virginia Institute of Marine Science* to study and report on the effects of the menhaden fishery on recreational fishing.

House Joint Resolution No. 69

Directed the *Virginia Institute of Marine Science* to study and report on the importance of the Commonwealth's tidal wetlands as information to prepare for management measures.

1972

House Joint Resolution No. 136

Directed the Virginia Port Authority, in cooperation with the *Virginia Institute of Marine Science*, to study the feasibility and determine a location for an offshore dredge spoil disposal site as an alternative to Craney Island.

1976

Senate Joint Resolution No. 45

Directed the *Virginia Institute of Marine Science* to research the impacts of open ocean dredge spoil disposal on marine ecology and to develop guidelines for the disposal of dredged spoils from Hampton Roads.

Senate Joint Resolution No. 57

Directed the *Virginia Institute of Marine Science* to study the question of

ownership of Adams Island (now known as Fisherman Island), a marsh/barrier island located on the seaside of Eastern Shore that was a candidate for a United States Fish and Wildlife Service wildlife refuge.

1978

House Joint Resolution No. 162

Requested the *Virginia Institute of Marine Science* to study the chlorine levels in the Warwick River and their potential effects on local oyster populations.

1980

House Joint Resolution No. 182

Noted the contributions of the *Virginia Institute of Marine Science* to the joint subcommittee formed to study the accuracy, extent, and use of the Baylor Grounds.

1982

House Joint Resolution No. 19

Requested the State Water Control Board and the *Virginia Institute of Marine Science* to expeditiously complete an ongoing assessment of sewage effluent effects for the Potomac River embayments and provide guidance on changes to water quality standards to address any problems.

1985

Senate Joint Resolution No. 104

Appointed a representative from the *Virginia Institute of Marine Science* to





serve on the Subaqueous Minerals and Materials Study Commission; formed to assess the availability, quantity, and commercial value of sands, gravels, shells, oil, gas, and heavy minerals such as titanium and zirconium within state owned sub-aqueous bottomlands.

1986

House Joint Resolution No. 46

Directed the *Virginia Institute of Marine Science* to provide assistance to the joint subcommittee formed herein to study the effectiveness of the Commonwealth's tidal shoreline erosion control policy.

Senate Joint Resolution No. 65

Directed the *Virginia Institute of Marine Science* to provide assistance to the joint subcommittee to continue examining the problems associated with nutrient enrichment and related water quality standards in the water of the Commonwealth and to develop a chlorophyll standard.

1988

House Joint Resolution No. 183

Memorialized Congress to support a cooperative research proposal between the *Virginia Institute of Marine Science* along with other state agencies to assist federal partners to evaluate the sanitary water quality of shellfish harvest areas.

1990

House Joint Resolution No. 111

Requested the *Virginia Institute of Marine Science* to study issues associated with the management of coastal lands.

1992

House Joint Resolution No. 130

Directed the *Virginia Institute of Marine Science*, in cooperation with the Virginia Marine Resources Commission and the Virginia Department of Game and Inland Fisheries, to form an interagency task force to study alternative funding mechanisms for the management and recovery of fishery resources, and to investigate the feasibility of a public/private consortium for production of fish fingerlings that would be used for anadromous fish recovery.

House Joint Resolution No. 150

Requested the *Virginia Institute of Marine Science* to conduct a study on the alternate uses and application of dredged spoils from the Hampton Roads Harbor.

1995

House Joint Resolution No. 449

Requested the Virginia Marine Resources Commission to study its organic statutes and its regulations to identify those that may inhibit the development and operation of shellfish aquaculture facilities.

House Joint Resolution No. 450

Requested the *Virginia Institute of Marine Science* to develop a strategic plan for molluscan shellfish research and begin the process of seeking necessary approvals for in-water testing of non-native oyster species.

House Joint Resolution No. 609

Requested that the Virginia delegation to the Chesapeake Bay Commission and the Virginia Marine Resources Commission

with technical guidance from the *Virginia Institute of Marine Science* jointly study the possible effects of changing minimum size limits of blue crabs allowed to be taken, of requiring cull rings in peeler pots and of preventing the taking of peeler crabs too early in the molting stage.

1997

Senate Joint Resolution No. 338

Requested the Board on Conservation and Development of Public Beaches to study the economic impact of Virginia's public beaches on tourism and economic development within the Commonwealth.

House Joint Resolution No. 555

Requested the Department of Environmental Quality, with the assistance of the Department of Game and Inland Fisheries, to study the environmental contamination of and the costs of cleaning up Back Bay.

1998

House Joint Resolution No. 283

Requested the Virginia Delegation to the Chesapeake Bay Commission, in consultation with the *Virginia Institute of Marine Science*, to study means for the protection of submerged aquatic vegetation.

1999

Senate Joint Resolution No. 397

Requested the Secretary of Natural Resources, in consultation with the *Virginia Institute of Marine Science* and Old Dominion University, to establish a task force to study the effects of winter dredging on the long-term sustainability of the blue-crab fishery.

House Joint Resolution No. 660

Requested the Virginia Delegation to the Chesapeake Bay Commission to study issues relating to the uses of state-owned bottomlands and the water column, including leases for aquaculture operations and submerged aquatic vegetation restoration, with the assistance from the *Virginia Institute of Marine Science*.

2001

House Joint Resolution No. 627

In response to a water quality report by the *Virginia Institute of Marine Science*, the Department of Conservation and Recreation and the Chesapeake Bay Local Assistance Department were requested to work with the City of Virginia Beach, the United States Army Corps of Engineers, other appropriate federal, regional, and state agencies, citizen and civic groups, the development and environmental communities, and watermen and the fisheries industry on preparation of a request for approval of the Lynnhaven watershed study.

House Joint Resolution No. 765

Requested the *Virginia Institute of Marine Science*, in consultation with the Virginia Coastal Management Program's policy team, which includes the Virginia Economic Development Partnership, the Virginia Marine Resources Commission, the Department of Environmental Quality, and the Chesapeake Bay Local Assistance Department, the Department of Conservation and Recreation, the Department of Game and Inland Fisheries, other appropriate state and federal agencies, local governments, and interested stakeholders, including but not





limited to, representatives of the intensive aquaculture industry, to prepare a management plan for shallow water areas in the Chesapeake Bay and the tidal portion of its tributaries.

2002

House Joint Resolution No. 164

Proclaimed support for the continuation of efforts to establish commercial aquaculture production of genetically sterile *Crassostrea ariakensis*.

2003

House Joint Resolution No. 633

Directed the Virginia Delegation to the Chesapeake Bay Commission to study the collection of rents and royalties for use of state-owned bottomlands.

2007

House Joint Resolution No. 650

Requested the Center for Coastal Resources Management at the *Virginia Institute of Marine Science* to continue its study on abandoned and discarded crab traps.

House Joint Resolution No. 694

Requested the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts, including the *Virginia Institute of Marine Science*, to study the impact of land application of biosolids (sewage sludge) on human health and the environment.

2010

Senate Joint Resolution No. 35

Requested the *Virginia Institute of Marine Science* to study tidal shoreline management in the Commonwealth.

2011

Senate Joint Resolution No. 330

Requested the *Virginia Institute of Marine Science* and the Virginia Marine Resources Commission to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized.

2012

House Joint Resolution No. 50

Senate Joint Resolution No. 76

Requested the *Virginia Institute of Marine Science* to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia locations.

2014

House Joint Resolution No. 16

Senate Joint Resolution No. 3

Established a joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding based on the need indicated by the *Virginia Institute of Marine Science* report.

2016

House Joint Resolution No. 84

Senate Joint Resolution No. 58

Continued the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding as the Joint Subcommittee on Coastal Flooding.

Virginia Administrative Code

Title 4. Conservation and Natural Resources

Agency 20. Marine Resources Commission

The Commission is authorized to issue permits for the use of state-owned subaqueous beds, to issue permits to recover underwater historic property, and to establish bulkhead lines and private pier lines on or over waters subject to the Commonwealth's jurisdiction. It may require removal or repair of abandoned or hazardous structures or boats in or upon state waters. The Commission is required to develop, in consultation with the *Virginia Institute of Marine Science*, guidelines containing criteria for use in defining existing beds of submerged aquatic vegetation and delineating areas where there is potential for restoring such vegetation. Code of Virginia, Title 28.2, Chapter 12.

Chapter 252. Pertaining to the Taking of Striped Bass

4VAC20-252-30. General Prohibitions and Requirements.

L. Nothing in this chapter shall preclude any person, who is legally eligible to fish, from possessing any striped bass tagged with a *Virginia Institute of Marine Science (VIMS)* fluorescent green tag. Possession of these *VIMS*-tagged striped bass shall not count towards the personal recreational possession limit, and permitted commercial striped bass individual

transferable quota (ITQ) holders shall not be required to apply a tamper evident, numbered tag provided by the commission, in order to possess any striped bass tagged with a *VIMS*-inscribed green fluorescent tag. It shall be unlawful for any person to retain any of these *VIMS*-tagged striped bass for a period of time that is longer than necessary to provide the *VIMS*-tagged striped bass to a *VIMS* representative. Under no circumstance shall any *VIMS*-tagged striped bass be stored for future use or sale or delivered to any person who is not a *VIMS* representative.

Chapter 333. Virginia General Permit #1 (VGP#1) for Projects Undertaken by the Virginia Department of Transportation in, on or over State-Owned Subaqueous Lands Anywhere within the Commonwealth

4VAC20-333-40. Procedures.

C. Those projects located within a nontidal drainage basin of less than five square miles can be undertaken without the review process outlined in 4VAC20-333-20 F, unless the project involves one or more of the following resources:

e. Any spawning area designated by the *Virginia Institute of Marine Science* or the Department of Game and Inland Fisheries.





Chapter 337. Submerged Aquatic Vegetation (SAV) Transplantation Guidelines

4VAC20-337-20. Background.

B. The commission's Subaqueous Guidelines, in effect since 1976, stress the need to avoid impacts to SAV when permitting projects over state-owned bottom. In addition, since 1987, various governmental agencies around the Bay have adopted policies and laws to help protect and restore SAV from further loss. In an effort to mitigate the unavoidable impacts of permitted projects on SAV and assist interested parties in designing SAV restoration projects, the *Virginia Institute of Marine Science (VIMS)* has developed general and specific criteria for transplantation activities designed to enhance or restore the Bay's SAV resources. These guidelines are designed to ensure that any such proposed activities have the highest likelihood of success while minimizing the potential for adversely impacting this sensitive and valuable marine resource.

Chapter 390. Wetlands Mitigation-Compensation Policy

4VAC20-390-20. Policy.

In spite of the passage of the Virginia Wetlands Act and the Federal Water Pollution Control Act in 1972, the pressures to use or develop tidal wetlands along Virginia's shoreline, have continued to accelerate as evidenced by the increasing number of permit applications being submitted. While losses are controlled by existing permit programs, data compiled by the *Virginia Institute of Marine Science*

(*VIMS*) over the last 11 years (1993-2004) has shown a total permitted loss of 132 acres of tidal wetlands. Of these losses, most are associated with shoreline stabilization projects where each individual project may account for only a few hundred square feet of impact. Compensation for these losses has not usually been required. In fact, during the same period only 20.3 acres of mitigation have been required. Research, however has demonstrated that certain wetlands can be established or reestablished in areas where wetlands are not presently found. As such, compensation for permitted wetland losses is viewed as a means of offsetting impacts of necessary projects.

4VAC20-390-50. Supplemental Guidelines.

B. Use of on-site and off-site compensation. When on-site or off-site compensation is required as a condition of permit approval, the following items should be considered. The commission or wetlands board may wish to condition any approval on the receipt of an acceptable compensation plan before issuance of the final permit for an approved project.

5. The compensation marsh should be designed to replace as nearly as possible, the functional values of the lost resource on an equal or greater basis. In general this means creating a marsh of similar plant structure to that being lost. This may not be the case where a lesser value marsh is involved (i.e. Group 4 or 5 wetlands). A minimum 1:1 areal exchange is required in all cases. The ratio of required compensation to approved loss should be specified by the commission

or wetlands board and may be based on the use of the Function Specific Credit Calculation Method established by the *Virginia Institute of Marine Science (VIMS)* and contained in the Guidelines for the Establishment, Use and Operation of Tidal Wetland Mitigation Banks in Virginia.

C. Use of mitigation banks. Pursuant to § 28.2-1308 of the Code of Virginia, when any activity involving the loss of tidal wetlands authorized by the commission or a wetlands board is conditioned upon compensatory mitigation the applicant may be permitted to satisfy all or part of such mitigation requirements by the purchase or use of credits from any approved wetlands mitigation bank. Guidelines for the Establishment, Use and Operation of Tidal Wetland Mitigation Banks in Virginia have been promulgated by the commission. Unless the applicant can demonstrate compliance with specific criteria contained in § 28.2-1308 for use of a compensatory mitigation bank outside the watershed where a permitted project is located, the use of a mitigation bank for permitted activities requiring compensation must be in the same USGS cataloging unit or adjacent USGS cataloging unit in the same watershed. When approving the use of a compensatory mitigation bank the ratio of required compensation to approved loss must be specified by the commission or wetlands board and should incorporate the use of Function Specific Credit Calculation Method established by the *Virginia Institute of Marine Science (VIMS)* and contained in the Guidelines for the Establishment, Use and Operation of Tidal Wetland Mitigation Banks in Virginia.

Chapter 440. Coastal Primary Sand Dune/Beaches Guidelines: Barrier Island Policy

4VAC20-440-10. Barrier Island Policy.

A. Introduction.

1. Definitions. For the purpose of this chapter, the definitions contained within § 62.1-13.22 of the Code of Virginia apply. In addition, the following words and terms when used in this chapter,

"Dune crest" means the highest elevation of the coastal primary sand dune on the lot as determined in consultation with the *Virginia Institute of Marine Science*.

B. Permits required.

1. Applications for new development.
(1) A certified survey of the site which is representative of current conditions showing: (i) one foot contours relative to local mean high water, commencing at the line and proceeding through the site to the first wetlands vegetation, (ii) specific location for all proposed structures including septic system and drainfields, (iii) size, configuration and design of access points, (iv) location of any other activity which may affect coastal primary sand dunes or state-owned shore, and (v) a dune crest, determined in consultation with the *Virginia Institute of Marine Science*, which identifies the highest elevation of the coastal primary sand dune on the lot.





Chapter 1030. Management Plan for the Ungranted State Lands in Accomack and Northampton Counties

4VAC20-1030-40. The Management Plan.

B. Administrative framework—management responsibility. Under Chapter 15, Article 2 of Title 28.2 of the Virginia Code, specifically §§ 28.2-1503 and 28.2-1504, the Virginia Marine Resources Commission is designated as the lead agency to manage the ungranted state lands on the Eastern Shore. This management plan will be implemented primarily through a cooperative effort among the Virginia Marine Resources Commission, the *Virginia Institute of Marine Science*, the Department of Conservation and Recreation, the Department of Game and Inland Fisheries, other participating and affected state agencies, the local governments and residents of Northampton and Accomack Counties, and any other legislatively designated entity.

5. *Virginia Institute of Marine Science (VIMS)*. The *Virginia Institute of Marine Science* shall provide advice and assistance to the VMRC under its general legislative mandate by evaluating wetlands by type and maintaining and updating an inventory of wetlands on the ungranted state lands on the Eastern Shore.

Chapter 1130. General Permit No. 4 for Temporary Protective Enclosures for Shellfish

4VAC20-1130-40. General Conditions.

I. This permit authorizes no claim to archaeological or historic artifacts that

may be encountered during the placement of temporary protective enclosures. If, however, archaeological remains are encountered, the permittee agrees to notify the commissioner who will in turn notify the Department of Historic Resources and the *Virginia Institute of Marine Science*. The permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

4VAC20-1130-50. Special Conditions.

C. No temporary protective enclosure shall be placed in or upon submerged aquatic vegetation beds, and consideration by the commissioner for authorizing the placement of protective enclosures in currently unvegetated areas that are documented as historically supporting submerged aquatic vegetation (SAV) beds shall include consultation with the *Virginia Institute of Marine Science* in order to determine the potential for impacts on SAV, within the term of the prospective lease. If SAV colonizes within the boundaries of the area designated for the temporary protective enclosures, the authorization for those structures under this general permit shall remain in effect only for the remainder of the term of the lease. The general permit shall be renewed only upon a finding by the commissioner that the placement of the temporary protective enclosures within the lease will not significantly interfere with the continued vitality of the SAV.



Title 9. Environment

Agency 25. State Water Control Board

Chapter 210. Virginia Water Protection Permit Program Regulation

9VAC25-210-75. Preapplication Procedures for a New or Expanded VWP Permit for Major Surface Water Withdrawals.

PART II. VWP PERMIT APPLICATION AND DEVELOPMENT

A. Preapplication review panel. At the request of an applicant for a surface water supply project, a preapplication review panel shall be convened prior to submission of a VWP application upon request by a potential applicant to the Department of Environmental Quality. The preapplication review panel shall assist potential applicants that are proposing surface water supply projects with the early identification of issues related to the protection of beneficial instream and offstream uses of state waters and the identification of the affected stream reach. The DEQ shall notify the Virginia Marine Resources Commission, the *Virginia Institute of Marine Science*, the Virginia Department of Game and Inland Fisheries, the Virginia Department of Conservation and Recreation, the Virginia Department of Health, the Corps of Engineers, the U.S. Fish and Wildlife Service, the

Environmental Protection Agency and any other appropriate local, state, and federal agencies of the preapplication review panel request. These agencies shall participate to the extent practicable in the preapplication review panel by providing information and guidance on the potential natural resource impacts and regulatory implications of the options being considered by the applicant and shall provide comments within 60 days of the initial meeting of the preapplication panel.

Chapter 260. Water Quality Standards

9VAC25-260-270. Shellfish Buffer Zones; Public Hearing.

Before acting on any proposal for a project that, while not contravening established numeric criteria for shellfish waters, would result in condemnation by the State Health Department of shellfish beds, the board shall convene a public hearing to determine the socio-economic effect of the proposal. Such proposals include discharge of treated waste or proposals to otherwise alter the biological, chemical or physical properties of state waters. If the Marine Resources Commission or the *Virginia Institute of Marine Science* certify that the project would have no effect on the shellfish use now and in the foreseeable future, the board may dispense with such hearing.

Chapter 370. Policy for the Protection of Water Quality in Virginia's Shellfish Growing Waters

9VAC25-370-10. Socio-Economic Hearings Management.

In the conduct of these hearings, as required by the board's water quality standards on projects that may result in shellfish condemnations, it will be the board's policy to request information from appropriate state agencies such as the Department of Health, Virginia Marine Resources Commission, and the *Virginia Institute of Marine Science*, from the Virginia Seafood Council membership and from private owners and others as appropriate.

Chapter 380. Wetlands Policy

9VAC25-380-30. Policy.

D. To promote the most environmentally protective measures for the wetlands, it shall be the policy of the board to advise those applicants for waste treatment facilities that the selection of the most environmentally protective alternative should be made, and to advise those applicants for discharge permits for all other activities which may affect the wetlands that those activities should be carried in the most environmentally protective manner. The *Virginia Institute of Marine Science*, the Marine Resources Commission, and any other appropriate state or federal agency will be consulted to aid in the determination of the probable impact on the pertinent fish and wildlife resources of wetlands. In the event of projected significant adverse environmental impact, a public hearing on the wetlands issue may be held to aid in the selection of the most appropriate action, and the board may deny the issuance of a discharge permit, and may recommend against the furnishing of appropriate state or federal grant funds.





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Updated Jan. 2017

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