

SENATE BILL NO. 145

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Senator Cosgrove)

A BILL to amend and reenact § 28.2-1203 of the Code of Virginia, relating to unlawful use of subaqueous beds; replacement of piers.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1203 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1203. Unlawful use of subaqueous beds; penalty.

A. It shall be unlawful for any person to build, dump, trespass or encroach upon or over, or take or use any materials from the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth, unless such act is performed pursuant to a permit issued by the Commission or is necessary for the following:

- 1. Erection of dams, the construction of which has been authorized by proper authority;
- 2. Uses of subaqueous beds authorized elsewhere in this title;
- 3. Construction and maintenance of congressionally approved navigation and flood-control projects undertaken by the United States Army Corps of Engineers, the United States Coast Guard, or other federal agency authorized by Congress to regulate navigation, navigable waters, or flood control;
- 4. Construction of piers, docks, marine terminals, and port facilities owned or leased by or to the Commonwealth or any of its political subdivisions;
- 5. Except as provided in subsection D of § 28.2-1205, placement or replacement, after submission of an application to the Commission for review and processing, of private piers for noncommercial purposes by owners of the riparian lands in the waters opposite those lands, provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not

