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HOUSE BILL NO. 2450

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 10.1-660, 15.2-2223.2, 28.2-104.1, and 28.2-1100 of the Code of Virginia, relating to research university collaborative; Virginia Institute of Marine Science; reassigning coastal resource management duties.

Patron—Hodges

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-660, 15.2-2223.2, 28.2-104.1, and 28.2-1100 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-660. Coastal resilience policy; research university collaborative.

A. The Secretary of Natural and Historic Resources (the Secretary) and all relevant agencies, when setting coastal resilience policies, may seek input and consultation from the Commonwealth's research university collaborative, including the Virginia Coastal Resilience Collaborative at The College of William and Mary in Virginia, Virginia Sea Grant, Virginia Cooperative Extension, and the Institute for Coastal Adaptation and Resilience. The Secretary and all relevant agencies may utilize such research university collaborative's expertise, research, and data analysis for the implementation of water management techniques and coastal resilience strategies.

B. The research university collaborative shall be the scientific advisor to the Commonwealth on matters of coastal resilience. In the performance of its duties, the research university collaborative shall develop comprehensive coastal resource management guidance for local governments to foster the sustainability of shoreline resources by December 31, 2026. Such guidance shall identify preferred options for shoreline management and take into consideration the resource condition, priority planning, and forecasting of the condition of the Commonwealth's shorelines with respect to projected sea-level rise.

C. The research university collaborative shall have a Board of Directors appointed by the Secretary from members of each member of the research university collaborative every four years. The Commonwealth's Chief Resilience Officer shall be an ex officio member. The research university collaborative Board of Directors shall elect a chairman and vice-chairman from among its members and shall meet at least twice annually.

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

Beginning in 2013 2026, any locality in Tidewater Virginia, as defined in § 62.1-44.15:68, shall incorporate the guidance developed by the Virginia Institute of Marine Science research university collaborative pursuant to subdivision 9 of § 28.2-1100 subsection B of § 10.1-660 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 research university collaborative shall provide technical assistance to any such locality upon request.

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

A. As used in this section, unless the context requires a different meaning:

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge.

"Other structural and organic materials" means materials or features that provide added protection or stability for the natural shoreline habitat components of a living shoreline that attenuate wave energy and do not interfere with natural coastal processes or the natural continuity of the land-water interface. "Other structural and organic materials" may be composed of a variety of natural or man-made materials, including rock, concrete, wood fiber, oyster shells, and geotextiles; however, structural features shall be free from contaminants and shall be adequately secured to prevent full or partial dislodging or detachment due to wave action or other natural forces.

B. The Commission, in cooperation with the Department of Conservation and Recreation, the Department of Environmental Quality, and local wetlands boards, and with technical assistance from the Virginia Institute of Marine Science research university collaborative, as described in § 10.1-660, 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. The regulation shall provide for an expedited permit review process for qualifying living shoreline projects requiring authorization under

59 Chapters 12 (§ 28.2-1200 et seq.), 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.). In developing the
60 general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the
61 minimization of conflicts with federal law and regulation.

62 C. The Commission, in cooperation with the Department of Conservation and Recreation and with
63 technical assistance from the ~~Virginia Institute of Marine Science~~ *research university collaborative, as*
64 *described in § 10.1-660*, shall develop integrated guidance for the management of tidal shoreline systems to
65 provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising
66 authority over a shoreline management project. The guidance shall:

67 1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth to
68 support living shorelines as the preferred alternative for stabilizing tidal shorelines;

69 2. Identify preferred shoreline management approaches for the shoreline types found in the
70 Commonwealth;

71 3. Explain the risks and benefits of protection provided by various shoreline system elements associated
72 with each management option; and

73 4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities
74 exercising authority over a shoreline management project.

75 D. The Commission shall permit only living shoreline approaches to shoreline management unless the
76 best available science shows that such approaches are not suitable. If the best available science shows that a
77 living shoreline approach is not suitable, the Commission shall require the applicant to incorporate, to the
78 maximum extent possible, elements of living shoreline approaches into permitted projects.

79 **§ 28.2-1100. Virginia Institute of Marine Science continued; duties.**

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

81 1. Conduct studies and investigations of the seafood and commercial fishing and sport fishing industries;

82 2. Consider ways to conserve, develop and replenish fisheries resources and advise the Marine Resources
83 Commission and other agencies and private groups on these matters;

84 3. Conduct studies of problems pertaining to the other segments of the maritime economy;

85 4. Conduct studies of marine pollution in cooperation with the State Water Control Board and the
86 Department of Health and make the data and their recommendations available to the appropriate agencies;

87 5. Conduct hydrographic and biological studies of the Chesapeake Bay, its tributaries, and all the tidal
88 waters of the Commonwealth and the contiguous waters of the Atlantic Ocean;

89 6. Engage in research in the marine sciences;

90 7. Conduct such special studies and investigations concerning these subjects as requested by the
91 Governor; *and*

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

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

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

102 **2. That the comprehensive coastal resource management guidance for local governments developed by**
103 **the Virginia Institute of Marine Science that are in effect as of the effective date of this act shall remain**
104 **in full force and effect until amended or rescinded by the research university collaborative. The**
105 **research university collaborative shall develop such guidance to local governments as required by**
106 **subsection B of § 10.1-660, of the Code of Virginia, as amended by this act, as soon as practicable.**