

WSSI 2023 Regulatory Updates
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Legal and Regulatory Updates

Justin W. Curtis

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An aerial photograph of a coastal area, showing a large body of water on the right and a narrow strip of land on the left. The land is densely packed with buildings and structures, likely a city or town. The water is a deep blue color. The overall scene is a mix of urban development and natural coastal features.

2. Virginia Marine Resources Commission Permitting

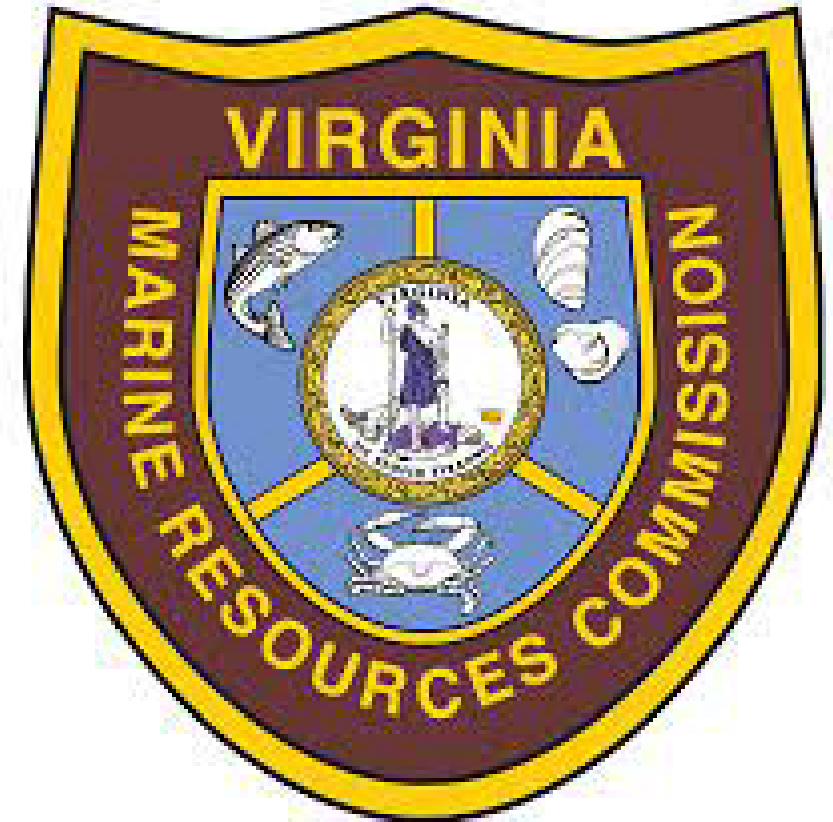
VMRC Permits for Non-Tidal Streams

💧 HB 2181 / SB 1074

- ~ Passed General Assembly
- ~ Signed by Governor on March 22, 2023
- ~ Effective July 1, 2023

💧 No VMRC Permit Required If

- ~ Impacting a **non-tidal stream** (under VMRC jurisdiction); and
- ~ Virginia Water Protection permit obtained from VDEQ




HB 2181 / SB 1074

§ 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:

....

9. Any activity conducted in nontidal waters, provided that the person performing such activity obtains a Virginia Water Protection Permit and complies with all requirements of the Virginia Water Resources and Wetlands Protection Program pursuant to Article 2.2 (§ 62.1-44.15:20 et seq.) of Chapter 50 3.1 of Title 62.1. In determining whether to issue a Virginia Water Protection Permit, the Department of Environmental Quality shall be guided by the factors set forth in subsection A of § 28.2-1205.



Justin W. Curtis
Justin@AquaLaw.com
804.716.9021

AQUALAW

www.AquaLaw.com