

"PERTAINING TO THE PROMULGATION OF A PUBLIC NOTICE ON APPLICATIONS TO ENCROACH IN, ON, OVER SUBAQUEOUS LANDS OF THE COMMONWEALTH"

REGULATION 4 VAC 20-120-10 ET. SEQ.

§ 4VAC20-120-10 Authority, prior regulation, effective date.

A. This chapter is promulgated pursuant to the authority contained in §28.1-23 [Repealed] of the Code of Virginia.

B. This chapter amends the previous Regulation XV concerning the requirement for public notice on all applications to encroach on subaqueous lands of the Commonwealth, and made effective November 1, 1973.

C. The effective date of this chapter is March 1, 1983.

Statutory Authority §28.2-103 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0015 §1; eff. March 1, 1983.

§ 4VAC20-120-20 General.

The Marine Resources Commission hereby requires a public notice on all applications for encroachment upon the state-owned bottoms made pursuant to Chapter 12 (§28.2-100 et seq.) of Title 28.2 of the Code of Virginia. Such public notice shall be made in accordance with the following provisions.

§ 4VAC20-120-30 Content and publication.

A. The notice shall accurately describe the nature and extent of the proposed project; shall include the location of the project; and shall include the applicant's name and address.

B. For projects which require both a state and federal permit, the district office of the U.S. Army Corps of Engineers will prepare a joint state/federal public notice, with the assistance of the Environmental Division of VMRC, which will be promulgated in accordance with U.S. Army Corps of Engineers chapters and local district policy.

C. For projects which qualify under either a U.S. Army Corps of Engineers nationwide or district general permit, or for which no federal permit is required, the public notice shall be placed in a newspaper having general circulation in the area where the project is proposed.

D. Copies of all comments received will be provided to the appropriate districts of the U.S. Army Corps of Engineers and the State Water Control Board.

§ 4VAC20-120-40 Commissioner's responsibility and authority.

A. The commissioner shall be responsible for seeing that the newspaper notice is published, as described in 4VAC20-120-30 C above, and shall be the sole judge concerning the adequacy of content of the newspaper notice and selection of the newspaper.

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B. The cost of publication of the notice required in 4VAC20-120-30 C shall be borne by the applicant.

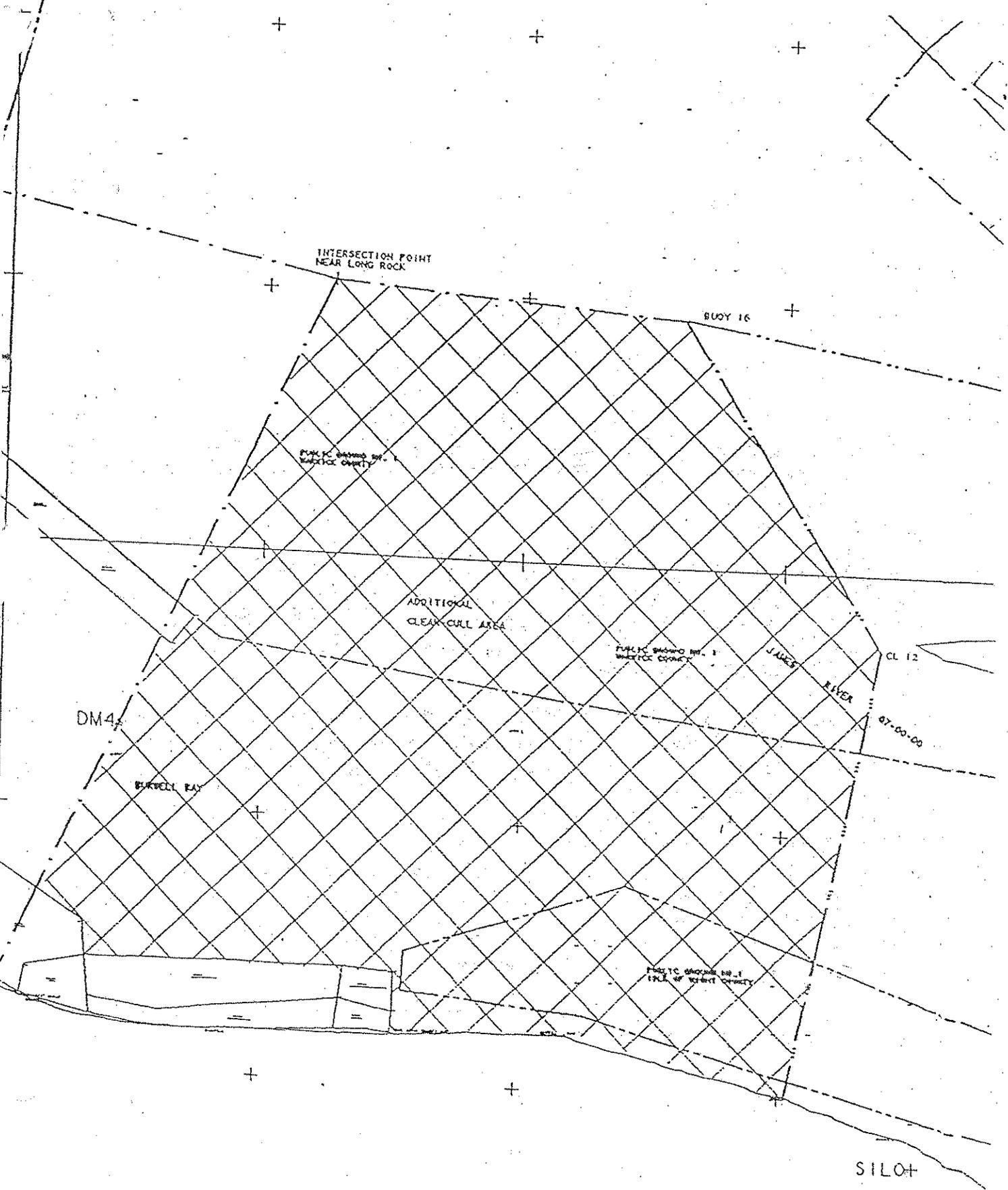
C. Cost of publication of the joint state/federal public notice prepared by the Norfolk and Baltimore districts of the U.S. Army Corps of Engineers will be borne by the district which prepares the notice.

Statutory Authority §28.2-103 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0015 §4; eff. March 1, 1983.

MAP 5



REGULATION XV

PERTAINING TO THE PROMULGATION OF A PUBLIC NOTICE ON APPLICATIONS TO ENCROACH IN, ON OR OVER SUBAQUEOUS LANDS OF THE COMMONWEALTH

1. AUTHORITY, PRIOR REGULATION, EFFECTIVE DATE: (a) This Regulation is promulgated pursuant to the authority contained in Section 28.1-23 of the Code of Virginia, as amended.

(a) This Regulation amends the previous Regulation XV concerning the requirement for public notice on all applications to encroach on subaqueous lands of the Commonwealth, and made effective November 1, 1973 and October 1, 1980.

(b) The Effective Date of this Regulation is March 1, 1983.

2. GENERAL: The Marine Resources Commission hereby requires a Public Notice on all applications for encroachment upon the State-owned bottoms made pursuant to Section 62.1-3 of the Code of Virginia, as amended. Such Public Notice shall be made in accordance with the following provisions.

3. CONTENT AND PUBLICATION: (a) The notice shall accurately describe the nature and extent of the proposed project; shall include the location of the project; and shall include the applicant's name and address.

(b) For projects which require both a State and Federal permit, the District Office of the U. S. Army Corps of Engineers will prepare a Joint State/Federal Public Notice, with the assistance of the Environmental Division of VMRC, which will be promulgated in accordance with U. S. Army Corps of Engineers Regulations and local District policy.

(c) For projects which qualify under either a U. S. Army Corps of Engineers Nationwide or District General Permit, or for which no Federal permit is required, the Public Notice shall be placed in a newspaper having general circulation in the area wherein the project is proposed.

(d) Copies of all comments received will be provided to the appropriate Districts of the U. S. Army Corps of Engineers and the State Water Control Board.

4. COMMISSIONER'S RESPONSIBILITY AND AUTHORITY: (a) The Commissioner shall be responsible for seeing that the newspaper Notice is published, as described in paragraph 3(c) above, and shall be the sole judge concerning the adequacy of content of the newspaper Notice and selection of the newspaper.

(b) The cost of publication of the Notice required in paragraph 3c shall be borne by the applicant.

(c) Cost of publication of the Joint State/Federal Public Notice prepared by the Norfolk and Baltimore Districts of the U. S. Army Corps of Engineers will be borne by the District which prepared the Notice.

* * * * *

This is to certify that the foregoing is a true and accurate copy of Regulations passed by the Marine Resources Commission, pursuant to authority vested in the Commission by Section 28.1-23 of the Code of Virginia as amended, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on November 23, 1982.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

By: *Robert D. Long*
Acting Commissioner

Subscribed and sworn to before me this 24th day of November, 1982

My Commission Expires
March 9, 1983

Helma S. Roberts
NOTARY PUBLIC