

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 62.1-132.3:4 of the Code of Virginia, relating to Waterway Maintenance*
3 *Grant Program.*

4 [S 357]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 62.1-132.3:4 of the Code of Virginia is amended and reenacted as follows:**8 **§ 62.1-132.3:4. Virginia Waterway Maintenance Grant Program.**

9 A. Once each fiscal year, the Authority shall award a grant of funds to a qualified applicant or
10 applicants to support a dredging project or projects that have been approved by the Authority. The
11 source of the grant funds shall be the Virginia Waterway Maintenance Fund created pursuant to
12 § 62.1-132.3:3. Applicants shall be limited to political subdivisions and the governing bodies of Virginia
13 localities.

14 B. The Authority shall develop guidelines establishing an application process, procedures for
15 evaluating the feasibility of a proposed dredging project, and procedures for awarding grants. The
16 guidelines and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). The
17 guidelines and procedures shall provide that:

18 1. The Authority shall evaluate each application to determine its completeness, the sufficiency of its
19 justification for the proposed project, the status of any necessary permits, the adequacy of its project
20 management organization, and the potential beneficial use of dredged materials for the purpose of
21 mitigation of coastal erosion, flooding, or other purposes for the common good.

22 2. The Authority shall not require any level of matching contributions from the applicant.

23 3. No award of a grant shall support any dredging project for a solely privately owned marina or
24 dock. *However, the Authority may award a grant to a political subdivision or governing body for the*
25 *dredging of a waterway channel with a bottom that is privately owned if such political subdivision or*
26 *governing body holds a lease of such bottom with a term of 25 years or more.*

27 4. Prior to receipt of a grant, the applicant shall enter into a memorandum of understanding with the
28 Authority establishing the requirements for the use of the grant funds.

29 C. Projects for which the Authority may award grant funding include (i) feasibility and cost
30 evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway
31 project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding
32 requirement for a federal project, which may include the beneficial use of dredged materials that are not
33 covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway
34 channel maintenance dredging and the construction and management of areas for the placement of
35 dredged material; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal
36 erosion or flooding, of dredged materials from waterway projects conducted by the Commonwealth.

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