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# VIRGINIA STATE BUDGET

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2010 Session

## Budget Bill - HB29 (Chapter 872)

Bill Order » Office of Natural Resources » Item 376

Marine Resources Commission

Item 376 (Not set out)	First Year - FY2009	Second Year - FY2010
<b>Marine Life Management (50500)</b>	<b>\$15,628,121</b>	<b>\$16,460,694</b>
Marine Life Information Services (50501)	\$757,827	\$757,827
Marine Life Regulation Enforcement (50503)	\$7,034,868	\$7,646,427
Artificial Reef Construction (50506)	\$174,612	\$174,612
Chesapeake Bay Fisheries Management (50507)	\$4,974,122	\$5,274,122
Oyster Propagation and Habitat Improvement (50508)	\$2,686,692	\$2,607,706
Fund Sources:		
General	\$7,871,912	\$7,871,912
Special	\$4,999,441	\$5,411,000
Commonwealth Transportation	\$313,768	\$313,768
Dedicated Special Revenue	\$160,000	\$581,014
Federal Trust	\$2,283,000	\$2,283,000

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Authority: Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5 and 7; Title 28.2, Chapters 1 through 10; Title 29.1, Chapter 7; Title 32.1, Chapter 6; Title 33.1, Chapter 1; and Title 62.1, Chapters 18 and 20, Code of Virginia.

A. The appropriation includes annual membership dues to the Atlantic States Marine Fisheries Commission, \$39,000 the first year and \$41,000 the second year from the general fund.

B. This appropriation includes annual membership dues to the Potomac River Fisheries Commission, \$175,000 the first year and \$175,000 the second year from the general fund.

C. Out of the amounts for Marine Life Regulation Enforcement shall be paid into the Marine Patrols Fund, \$139,156 the first year and \$139,156 the second year, pursuant to § 28.2-108, Code of Virginia. For this purpose, cash shall be transferred from the Commonwealth Transportation Fund.

D. Pursuant to § 58.1-2289 D, Code of Virginia, \$174,612 the first year and \$174,612 the second year shall be transferred to Artificial Reef Construction from the Commonwealth Transportation Fund from unrefunded motor fuel taxes for boats.

E. Any unexpended general fund balances designated by the agency for oyster remediation activities remaining in the Item on June 30, 2009, and June 30, 2010, shall be reappropriated and reallocated to the Marine Resources Commission for expenditure.

F. The Commission shall deposit proceeds from the sale of oyster shells, oyster seeds, and other subaqueous materials pursuant to § 28.2-550, Code of Virginia, to the Public Oyster Rock Replenishment Fund established by § 28.2-542, Code of Virginia. The proceeds from such sale shall be used for the same purposes specified in § 28.2-542, Code of Virginia.

G. Out of the amounts appropriated for Chesapeake Bay Fisheries Management, \$40,000 the first year and \$40,000 the second year from the general fund is provided for transfer to the Virginia Institute of Marine Science for continued research and control of the Veined Rapa Whelk, an invasive species of snail that readily consumes commercially valuable shellfish such as hard clams and oysters.

H. Upon the effective date of this act, the Commissioner of Marine Resources shall, as soon as practicable, apply for a permit from the United States Army Corps of Engineers to introduce, on an extensive scale, the oyster *Crassostrea ariakensis* into the waters of the Chesapeake Bay. If necessary, the Commissioner shall expeditiously exhaust all administrative appeals and remedies to obtain such permit. If all such administrative appeals and remedies have been exhausted and the permit described herein has not been granted, the Commissioner shall, as soon as practicable, appeal such denial of the permit in the proper court.

I. By June 30, 2009, or as soon thereafter as practicable, the Commission shall promulgate a general permit to facilitate emergency response activities related to public utility infrastructure located in or near subaqueous beds and wetlands. The general permit shall enable immediate emergency response activities and include appropriate conditions for resource protection.

J. Pursuant to § 28.2-302.3, Code of Virginia, \$389,694 the first year and \$402,244 the second year in nongeneral fund proceeds from the Virginia Saltwater Recreational Fishing Development Fund shall be used each year to supplant a similar amount of general fund support for Marine Life Regulation Enforcement.