

From: Christen Faatz [<mailto:christen@jeffmcwaters.com>]

Sent: Thursday, February 20, 2014 3:54 PM

To: Todd and Jenifer

Subject: Re: McWaters Wins For Property Rights

Todd,

Responses to your questions are below:

[Can you tell me if the bill removes the public easements on these properties?](#)

The bill does not remove public easements on these properties.

[Does the bill impact future sand replenishment on these properties?](#)

I believe the answer is no, but I'm not sure I fully understand your question.

The Army Corp requires consecutive public or construction easements to the east of the Lesner Bridge to place sand that direction from the Lynnhaven inlet dredging. Those of us east of Lynnhaven Dunes hope SB 209 will not impact future replenishment of sand the migrates to our west.

This does not harm the City's ability to perform sand replenishment projects. This simply clarifies that riparian rights aren't severed if they do undertake these projects.

This is the exact language that is added to the Code:

C. Notwithstanding any provision of law to the contrary, where sand or other material is placed upon state-owned beds of the bays, rivers, creeks, or shores of the sea channelward of the mean low-water mark as part of the performance of a properly permitted beach nourishment, storm protection, or dredging project undertaken by a public body, and the public has an established right of use and maintenance upon the adjacent land above mean low water mark, whether such public right is established before or after the sand or other material is placed, such placement shall not be deemed a severance or taking of, or otherwise to have impaired, an adjacent landowner's riparian or littoral rights, and the newly created land channelward of the former mean low-water mark shall be deemed natural accretion for purposes of ownership, but such ownership shall be subject to the public's same right of use and maintenance upon the newly created land as previously existed on the adjacent land above the mean low-water mark. This subsection is retroactively effective beginning January 1, 2009.

Please let me know if you have additional questions.

Christen

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Christen Smith Faatz

Legislative Aide

Senator Jeff McWaters | 8th District | Virginia Beach, Virginia

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