

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 164

An Act to amend and reenact § 10.1-1022.1 of the Code of Virginia, relating to expenditure of funds for natural area protection.

[S 1012]

Approved March 13, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1022.1 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1022.1. Expenditure of funds for natural area protection.

A. No matching grant shall be made from the Fund to any holder or public body for purchasing an interest in land for the protection of a natural area unless:

1. ~~The holder or public body has been in existence and operating in Virginia for more than five years;~~

2. The holder or public body has demonstrated the necessary commitment and financial capability to manage the property; and

~~3.~~ 2. The Department has, after reviewing the grant application as provided in subsection B, recommended that the grant be made.

B. Natural area grant applications shall be submitted to the Foundation, which shall forward the application to the Department. The application shall include a budget for the proposed purchase and for the management of the property. The Department shall consider the following in making its recommendation on whether the grant should be made:

1. Whether the project will make a significant contribution to the protection of habitats for rare, threatened, or endangered plant or animal species, rare or state-significant natural communities, other ecological resources, or natural areas of Virginia;

2. Whether the area addresses a protection need identified in the Virginia Natural Heritage Plan;

3. The rarity of the elements targeted for conservation;

4. The size and viability of the site; and

5. Whether the holder or public body has the capability to protect the site from short-term and long-term stresses to the area.

C. Matching grant funds provided pursuant to this section shall be expended by the holder or public body within two years of receiving the funds, except that the Department may grant an extension of up to one year.

D. All property for which a matching grant is made pursuant to this section shall be dedicated as a natural area preserve as provided in § 10.1-213. Any such preserve that was purchased in fee simple by the holder or public body shall be open for public access for a reasonable amount of time each year, except as is necessary to protect sensitive resources or for management purposes, as determined by the holder or public body pursuant to an agreement with the Department.