

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number HB2434

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Dillard

3. Committee House Agriculture, Chesapeake and Natural Resources

4. Title Silvicultural Activities; best management practices.

5. Summary/Purpose:

Require silvicultural activity to be conducted in accordance with best management practices as established by the State Forester, and prohibit silvicultural activity that causes or is likely to cause pollution. The bill provides the State Forester with authority to issue special orders ceasing silvicultural activities being conducted contrary to best management practices. Under current law, the State Forester may issue such orders only if silvicultural activity is causing or likely to cause pollution, or if such activity is depositing in state waters sediment that presents an imminent and substantial danger to public health, safety or welfare, the health of aquatic life, public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses.

6. Fiscal Impact Estimates are preliminary.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2002-03	0	0.00	N/a
2003-04	2,915,000	53.00	GF
2004-05	2,915,000	53.00	GF

7. Budget amendment necessary:

Yes, item 109.

8. Fiscal implications:

The bill would require landowners and operators to institute best management practices based on technical guidance developed by the Department of Forestry. Under current law, landowners and operators have the discretion to utilize any method to stop erosion and sedimentation. However, the law provides DOF with the authority to prescribe specific methods when appropriate.

DOF conducts approximately 3,500 inspections annually. Under current law, when DOF conducts a harvesting inspection, the focus is on those areas where water quality may be adversely impacted because of a timber harvesting operation. Under the proposed law DOF would be required to conduct a more extensive inspection of the entire tract of land on which harvesting is to occur. The inspectors would look for any potential for soil erosion or movement. Any inspection would include such things as assessing whether roads on the

property are laid in a manner prescribed in the best practices manual and determining whether diversion bridges are in place where appropriate, based on best management practices. Thus the amount of time required per inspection would increase significantly.

To address the additional time requirements and prevent a backlog, DOF estimates that an additional 53 field positions would be required. The cost per position is approximately \$55,000, including personal and nonpersonal services. DOF estimates that the bill would have a fiscal impact of \$2.92 million (GF) annually.

At this time it is not known what if any impact the bill will have on DOF's enforcement activities. Currently, the Code provides DOF with the authority to issue a special order if an operation is causing or likely to cause pollution. The proposed bill would allow DOF to also issue a special order if it is determined that an operation was conducted or is being conducted in a manner inconsistent with best management practices. The Code also provides for a hearing and civil penalties for violations. At this time it is not known whether the proposed bill will result in additional hearings or civil penalty revenue. Any revenue collected is deposited into the Virginia Forest Water Quality Fund.

9. Specific agency or political subdivisions affected:

Department of Forestry.

10. Technical amendment necessary:

None.

11. Other comments:

None.

Date: 01/14/03/tmw

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cc: Secretary of Commerce and Trade
[Secretary of Finance](#)