

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 637

An Act to amend and reenact §§ 2.2-220, 10.1-202, 10.1-642, 10.1-1193, 10.1-2127, 10.1-2134, and 62.1-44.118 of the Code of Virginia, relating to consolidation of certain natural resources agencies' reports.

[H 2229]

Approved March 20, 2007

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-220, 10.1-202, 10.1-642, 10.1-1193, 10.1-2127, 10.1-2134, and 62.1-44.118 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-220. Annual reporting.

The Secretary shall report by November 1 of each year to the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, the Senate Committee on Finance, and the Virginia delegation to the Chesapeake Bay Commission on progress made in the development and implementation of each plan. *This annual report may be incorporated as part of the report required by § 62.1-44.118.* The annual report shall include, but not be limited to:

1. An analysis of actions taken and proposed and their relation to the timetables and programmatic and environmental benchmarks and indicators.

2. The results and analyses of quantitative or qualitative tests or studies, including but not limited to water quality monitoring and submerged aquatic vegetation surveys, which relate to actual resource improvements in each tributary. The results and analyses are to be clearly related to designated portions of each tributary.

3. A complete summary of public comments received on each plan.

4. The current or revised cost estimates for implementation of the plans.

5. The status of Virginia's strategies as compared to the development, content and implementation of tributary strategies by the other jurisdictions that are signatories to the Chesapeake Bay Agreement.

§ 10.1-202. Gifts, funds, and fees designated for state parks; establishment of funds.

A. The State Park Conservation Resources Fund shall consist of all entrance fees, fees from contractor-operated concessions, civil penalties assessed pursuant to § 10.1-200.2 and under § 10.1-200.3, and all funds accruing from, on account of, or to the use of state parks acquired or held by the Department. This special fund shall be noninterest bearing. The fund shall be under the direction and control of the Director and may be expended for the conservation, development, maintenance, and operations of state parks acquired or held by the Department; ~~but the amount to be expended shall be annually approved by the Secretary of Natural Resources and shall be reported on a quarterly basis to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.~~ Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

B. The State Park Operated Concessions Fund shall consist of revenues generated from state park concessions operated by the Department. This special fund shall be noninterest bearing. The fund shall be under the direction and control of the Director for use in operating such concessions. Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

C. The State Park Acquisition and Development Fund shall consist of the proceeds from the sale of surplus property. This special fund shall be noninterest bearing. The fund shall be under the direction and control of the Director and shall be used exclusively for the acquisition and development of state parks. Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

D. The State Park Projects Fund shall consist of all income, including grants from any source, gifts and bequests of money, securities and other property, and gifts and devises of real property or interests therein given or bequeathed to the Department for the conservation, development, maintenance, or operations of state parks. This special fund shall be interest bearing and any income earned from these gifts, bequests, securities or other property shall be deposited to the credit of the fund. This fund shall be under the control of the Director and may be expended with advice from the Board for the conservation, development, maintenance, or operations of state parks. Unexpended portions of the fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly.

E. The Director is authorized to receive and to sell, exchange, or otherwise dispose of or invest as he deems proper the moneys, securities, or other real or personal property or any interest therein given or

bequeathed to the Department for any of the funds established under this section, unless such action is restricted by the terms of a gift or bequest. The Director may enter into contracts and agreements, as approved by the Attorney General, to accomplish the purposes of these funds. The Director may do any and all lawful acts necessary or appropriate to carry out the purposes for which the above funds were established.

F. These funds shall not include any gifts of money to the Virginia Land Conservation Foundation or other funds deposited in the Virginia Land Conservation Fund.

§ 10.1-642. Record of applications for loans and action taken.

A record of each application for a loan pursuant to § 10.1-639 received by the Board and the action taken thereon shall be open to public inspection at the office of the Board and shall be presented to the Governor and members of the legislature prior to the budgetary sessions of the General Assembly.

§ 10.1-1193. Watershed planning; watershed permitting; promotion and coordination.

A. The Department, with the assistance of the Watershed Planning and Permitting Coordination Task Force, shall undertake such efforts it deems necessary and appropriate to coordinate the watershed-level activities conducted by state and local agencies and authorities and to foster the development of watershed planning by localities. To aid in the coordination and promotion of these activities, the Department shall to the extent practicable in its discretion:

1. Promote and coordinate state and local agencies' and authorities' efforts to undertake watershed planning and watershed permitting;
2. Acquire, maintain and make available informational resources on watershed planning;
3. Promote the continuation of research and dialogue on what is entailed in watershed planning and watershed permitting;
4. Identify sources and methods for providing local officials with technical assistance in watershed planning;
5. Encourage and foster training of local officials in watershed planning;
6. Develop recommendations for needed regulatory and legislative changes to assist local governments in developing and implementing watershed planning;
7. Identify barriers to watershed planning and watershed permitting, including state policies, regulations and procedures, and recommend alternatives to overcome such obstacles; and
8. Develop, foster and coordinate approaches to watershed permitting.

B. The Department shall report annually its watershed planning and permitting activities, findings and recommendations and those of the Task Force to the Governor and the General Assembly. *This annual report may be incorporated as part of the report required by § 62.1-44.118.*

C. Nothing in this article shall be construed as requiring additional permitting or planning requirements on agricultural or forestal activities.

§ 10.1-2127. Nonpoint source pollution water quality assessment.

A. The Department, in conjunction with other state agencies, shall evaluate and report on the impacts of nonpoint source pollution on water quality and water quality improvement to the Governor and the General Assembly. This evaluation shall be incorporated into the § 305(b) water quality report of the Clean Water Act developed pursuant to § 62.1-44.19:5. The evaluation shall at a minimum include considerations of water quality standards, fishing bans, shellfish contamination, aquatic life monitoring, sediment sampling, fish tissue sampling and human health standards. The report shall be produced in accordance with the schedule required by federal law, but shall incorporate at least the preceding five years of data. Data older than five years shall be incorporated when scientifically appropriate for trend analysis. The report shall, at a minimum, include an assessment of the geographic regions where water quality is demonstrated to be impaired or degraded as the result of nonpoint source pollution and an evaluation of the basis or cause for such impairment or degradation.

B. The Department and a county, city or town or any combination of counties, cities and towns comprising all or part of any geographic region identified pursuant to subsection A as contributing to the impairment or degradation of state waters may develop a cooperative program to address identified nonpoint source pollution impairment or degradation, including excess nutrients. The program may include, in addition to other elements, a delineation of state and local government responsibilities and duties and may provide for the implementation of initiatives to address the causes of nonpoint source pollution, including those related to excess nutrients. These initiatives may include the modification, if necessary, of local government land use control ordinances. All state agencies shall cooperate and provide assistance in developing and implementing such programs.

C. The Department and a county, city or town or any combination of counties, cities and towns comprising all or part of any geographic region not identified pursuant to subsection A as contributing to the impairment or degradation of state waters may develop a cooperative program to prevent nonpoint source pollution impairment or degradation. The program may include, in addition to other elements, a delineation of state and local government responsibilities and duties and may provide for the implementation of initiatives to address the nonpoint source pollution causes, including the modification, if necessary, of local government land use control ordinances. All state agencies shall cooperate and provide assistance in developing and implementing such programs.

D. The Department shall, on or before January 1 of each year, report to the Governor and the General Assembly on whether cooperative nonpoint source pollution programs, including nutrient reduction programs, developed pursuant to this section are being effectively implemented to meet the objectives of this article. *This annual report may be incorporated as part of the report required by § 62.1-44.118.*

§ 10.1-2134. Annual report by Directors of the Departments of Environmental Quality and Conservation and Recreation.

The Directors of the Departments of Environmental Quality and Conservation and Recreation shall, by January 1 of each year, report to the Governor and the General Assembly the amounts and recipients of grants made from the Virginia Water Quality Improvement Fund and the specific and measurable pollution reduction achievements to state waters anticipated as a result of each grant award, together with the amounts of continued funding required for the coming fiscal year under all fully executed grant agreements. *This annual report may be incorporated as part of the report required by § 62.1-44.118.*

§ 62.1-44.118. Status reports on progress; legislative oversight.

The Secretary of Natural Resources shall submit the impaired waters clean-up plan as described in § 62.1-44.117 no later than January 1, 2007, to the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance. Thereafter, a progress report on the implementation of the plan shall be submitted semiannually to these committees of oversight. *This report may include reports required by §§ 2.2-220, 10.1-1193, 10.1-2127, and 10.1-2134.* If there are questions as to the status of the clean-up effort the chairman of any of these committees may convene his committee for the purpose of receiving testimony. The executive branch departments and the Secretary of Natural Resources may request a meeting of any of the committees to inform them as to the progress of the clean-up or to propose specific initiatives that may require legislative action.