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HOUSE BILL NO. 1715

Offered January 9, 2019

Prefiled December 15, 2018

A *BILL to amend and reenact § 10.1-609.2 of the Code of Virginia, relating to dams; wetland vegetation.*

Patrons—Bulova and Lopez

Referred to Committee on Agriculture, Chesapeake and Natural Resources**Be it enacted by the General Assembly of Virginia:****1. That § 10.1-609.2 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-609.2. Prohibited vegetation; certain wetland vegetation allowed.**

A. Dam owners shall not permit the growth of trees and other woody vegetation and shall remove any such vegetation from the slopes and crest of embankments and the emergency spillway area, and within a distance of 25 feet from the toe of the embankment and abutments of the dam *except as specified in subsection B.*

B. *The Department shall not require the removal of wetland vegetation, including woody shrubs and plants, that is growing on a permanent aquatic or safety bench that has been added to the upstream embankment slope of a regulated impounding structure if such vegetation is associated with a wetland mitigation bank that (i) has been approved by the U.S. Army Corps of Engineers and the Department of Environmental Quality and (ii) is the subject of a restrictive covenant or other permanent instrument that specifically protects the particular wetland vegetation from removal and is recorded among the land records of the locality. In such a case, the Department may allow the removal of trees by flush cutting unless the Department determines that the grubbing of roots is necessary to protect the integrity of the dam.*

C. Owners failing to maintain their dam in accordance with this section shall be subject to enforcement pursuant to § 10.1-613.

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