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HOUSE BILL NO. 2331

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend the Code of Virginia by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578, 29.1-579, and 29.1-580, relating to Wildlife Corridor Action Plan; advisory council.*

Patrons—Keam and Rasoul

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578, 29.1-579, and 29.1-580, as follows:

*Article 8.**Wildlife Corridors.***§ 29.1-578. Definitions.**

As used in this article, unless the context requires a different meaning:

"Core habitat" means high-quality habitat of sufficient size and integrity to protect wildlife from natural and man-made disturbances and to support the resiliency of wildlife in response to climate change and land development.

"Human-caused barrier" means a human-made structure, including a road, dam, culvert, or commercial or residential development, that affects the movement of fish or wildlife across a landscape.

"Linkage weak spot" means (i) a wildlife corridor that is threatened by human-caused barriers or (ii) two core habitats that lack an identified wildlife corridor connecting them.

"Plan" means the Wildlife Corridor Action Plan established by § 29.1-579.

"Species of greatest concern" means a species of wildlife that is indicative of the diversity and health of wildlife of Virginia, including a species with a low or declining population.

"Wildlife corridor" means a habitat linkage that joins two or more areas of wildlife habitat, allowing for fish passage or the movement of terrestrial wildlife from one habitat to another.

§ 29.1-579. Wildlife Corridor Action Plan; adoption.

A. Using the best available data, the Department shall create a Wildlife Corridor Action Plan that includes:

1. An assessment of the current connectivity of core habitats and linkage weak spots that (i) identifies human-caused barriers that harm connectivity; (ii) identifies species of greatest concern and their habitats, including species at risk of population decline; (iii) outlines the status of current, former, and ideal migration and dispersal corridors of such species; (iv) discusses the effect that climate change is having and is anticipated to have on such habitats and species; (v) includes an updated map of the Commonwealth that identifies existing populations of species of greatest concern, existing wildlife corridors, potential sites for future corridors, and potential sites for connections between existing corridors; and (vi) identifies opportunities for the acquisition by the Commonwealth of land and conservation easements to preserve, restore, and create wildlife corridors and link together existing wildlife corridors.

2. A prioritized project list that identifies potential projects for the designation and maintenance of wildlife corridors. In creating such project list, the Department shall consider (i) the status of the species at issue as a native species of the mid-Atlantic region or a species that suffers population decline due to habitat fragmentation; (ii) the relative current population size and likelihood of extirpation of the species; (iii) the status of the species as endangered or threatened at the federal or state level; (iv) the likelihood that the threat to the species from climate change is being or will be exacerbated; (v) the value of a wildlife corridor to multiple species; (vi) the potential to reduce wildlife-vehicle collisions or to increase driver safety by reducing collisions with deer and black bear; and (vii) the feasibility, including the consideration of economic factors, of establishing the potential corridor. The Department shall create an action plan for completion of the projects named on such list.

B. Following a review of the Plan by the Wildlife Corridor Advisory Council, created pursuant to § 29.1-580, and approval of the Plan by the Director, the Department shall submit the Plan to the Governor and General Assembly no later than July 1, 2020. The Department shall update its action plan for the completion of projects listed on the prioritized project list required by subdivision A 2 every five years following the initial submission of the Plan.

§ 29.1-580. Wildlife Corridor Advisory Council established.

INTRODUCED

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59 A. *The Wildlife Corridor Advisory Council (the Council) is established as an advisory council in the*
60 *executive branch of state government. The purpose of the Council is to review and make*
61 *recommendations regarding the Wildlife Corridor Action Plan created pursuant to § 29.1-579.*

62 B. *The Council shall have a total membership of nine members that shall consist of five*
63 *nonlegislative citizen members and four ex officio members. Nonlegislative citizen members shall be*
64 *appointed as follows: one to be appointed by the Speaker of the House of Delegates; one to be*
65 *appointed by the Senate Committee on Rules; and three to be appointed by the Governor, subject to*
66 *confirmation by the General Assembly, one of whom shall be a representative of the Virginia Safe*
67 *Wildlife Corridors Collaborative. The Director or his designee, the Director of the Virginia Department*
68 *of Conservation and Recreation or his designee, the State Forester or his designee, and the*
69 *Commissioner of the Virginia Department of Transportation or his designee shall serve ex officio with*
70 *voting privileges.*

71 C. *Nonlegislative citizen members of the Council shall be citizens of the Commonwealth. Ex officio*
72 *members of the Council shall serve terms coincident with their terms of office. Appointments to fill*
73 *vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled*
74 *in the same manner as the original appointments. All members may be reappointed.*

75 D. *The Council shall elect a chairman and vice-chairman from among its membership. A majority of*
76 *the members shall constitute a quorum. The meetings of the Council shall be held at the call of the*
77 *chairman or whenever the majority of the members so request.*

78 E. *Members shall receive such compensation for the performance of their duties as provided in §*
79 *2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the*
80 *performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of*
81 *compensation and expenses of the members shall be provided by the Department.*

82 F. *The Council shall have the power and duty to:*

83 1. *Review the Wildlife Corridor Action Plan (the Plan) created pursuant to § 29.1-579 and make*
84 *recommendations, subject to the approval of the Director, regarding its contents, its consistency with*
85 *other state wildlife plans, and its adoption;*

86 2. *Make recommendations, subject to the approval of the Director, to the Virginia Department of*
87 *Transportation regarding a road project that is proposed for construction in a corridor that is identified*
88 *in the Plan. The Council may recommend avoiding the corridor, constructing a crossing to facilitate the*
89 *movement of terrestrial or aquatic wildlife above or beneath the road, or taking other actions; and*

90 3. *Submit an annual report to the Governor and the General Assembly for publication as a report*
91 *document as provided in the procedures of the Division of Legislative Automated Systems for the*
92 *processing of legislative documents and reports. The chairman shall submit to the Governor and the*
93 *General Assembly an annual executive summary of the interim activity and work of the Council,*
94 *including the grants awarded by it, no later than the first day of each regular session of the General*
95 *Assembly. The executive summary shall be submitted as a report document as provided in the*
96 *procedures of the Division of Legislative Automated Systems for the processing of legislative documents*
97 *and reports and shall be posted on the General Assembly's website.*

98 H. *Staffing of the Council shall be provided by the Department.*