

2020 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1364

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 5, 2020)

(Patron Prior to Substitute—Delegate Hodges)

A *BILL to amend the Code of Virginia by adding a section numbered 62.1-44.15:72.1, relating to Resource Protection Areas; improvement plans.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:72.1 as follows:

§ 62.1-44.15:72.1. Criteria for improvement of Resource Protection Area; pilot program; sunset.

A. In developing criteria pursuant to § 62.1-44.15:72, the Board shall establish a pilot program to allow the Middle Peninsula Chesapeake Bay Public Access Authority (the Authority) established pursuant to Chapter 66 (§ 15.2-6600 et seq.) of Title 15.2 to improve the Resource Protection Area (RPA) using native plants and organic material. The pilot program shall require that prior to carrying out any such improvement, the Authority shall (i) obtain a water quality impact assessment and (ii) develop a water quality improvement plan. Any plan required pursuant to such criteria shall be prepared and certified by a professional engineer as defined in § 54.1-400. Such engineer shall consult with a qualified landscape architect as needed. Such pilot program shall be completed by July 1, 2024.

B. Following the completion of the pilot program, the Department shall review any improvements carried out in the RPA to determine (i) the extent to which such improvements positively affected water quality, (ii) whether any land or property was protected from recurrent flooding, and (iii) the health status of any native plants and grasses that were planted. Prior to conducting such review, the Department shall request that Virginia Sea Grant, based at the Virginia Institute of Marine Science, coordinate any necessary scientific research. The Department shall complete its review and submit a report detailing its findings to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources before January 1, 2025.

C. The provisions of this section shall expire July 1, 2025.

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