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HOUSE BILL NO. 1695

Offered January 17, 2020

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1188.1 and by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 and 29.1-579, relating to Wildlife Corridor Action Plan.

Patrons—Bulova, Keam and Plum

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1188.1 and by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 and 29.1-579, as follows:

§ 10.1-1188.1. Department of Transportation to consider wildlife corridors.

The Department of Transportation (VDOT) shall, as part of the environmental review it conducts for a road or highway construction project, include in an environmental impact statement a list of any existing terrestrial or aquatic wildlife corridor identified in the Wildlife Corridor Action Plan (the Plan) created pursuant to Article 8 (§ 29.1-578 et seq.) of Chapter 5 of Title 29.1 that will be affected by such construction project. In the design options for any road or highway construction project that threatens wildlife connectivity in a corridor identified in the Plan, VDOT shall consider measures for the mitigation of harm caused by such road to terrestrial and aquatic wildlife.

Article 8.

Wildlife Corridors.

§ 29.1-578. Definitions.

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

"Human-caused barrier" means a road, culvert, fence, wall, commercial or residential development, or other human-made structure that has the potential to affect the natural movement of fish or wildlife across a landscape.

"Plan" means the Wildlife Corridor Action Plan established pursuant to this article.

"Wildlife corridor" means an area connecting fragmented wildlife habitats separated by human activities or infrastructure.

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

A. The Department, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, shall create a Wildlife Corridor Action Plan.

B. The Plan shall:

1. Identify wildlife corridors, existing or planned barriers to movement along such corridors, and areas with a high risk of wildlife-vehicle collisions. The Plan shall list habitat that is identified as of high quality for priority species and ecosystem health; migration routes of native, game, and migratory species using the best available science and Department surveys, including landscape-scale data from the ConserveVirginia database or a similar land conservation strategy database maintained by the Department of Conservation and Recreation; lands containing a high prevalence of existing human barriers, including roads, dams, power lines, and pipelines; areas identified as of high risk of wildlife-vehicle collisions; habitat identified by the Department as being occupied by rare or at-risk species; and habitat identified as Critical Habitat under the federal Endangered Species Act of 1973, P.L. 93-205, as amended.

2. Prioritize and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity. The Plan shall describe each such project and include descriptions of wildlife crossing infrastructure or other mitigation techniques recommended to meet Plan goals.

3. Contain maps utilizing the ConserveVirginia public portal, or a similar land conservation strategy public portal maintained by the Department of Conservation and Recreation, and other relevant state databases that detail high-priority areas for wildlife corridor infrastructure and any other information necessary to meet the goals of the Plan.

C. The Secretary of Natural Resources and the Secretary of Transportation shall jointly submit the Plan to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than September 1, 2022, and shall jointly submit an updated version of the Plan every four years thereafter.