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SENATE BILL NO. 1274

Senate Amendments in [] - January 22, 2021

A BILL to amend and reenact §§ 10.1-207, 10.1-1105, 29.1-579, and 33.2-353 of the Code of Virginia, relating to government planning; wildlife corridors.

Patron Prior to Engrossment—Senator Marsden; Delegate: Edmunds

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-207, 10.1-1105, 29.1-579, and 33.2-353 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-207. Cooperation of other departments, etc.

All departments, commissions, boards, agencies, officers, and institutions of the Commonwealth, or any political subdivision thereof and park authorities shall cooperate with the Department in the preparation, revision and implementation of a comprehensive plan for the development of outdoor recreational facilities, and such local and detailed plans as may be adopted pursuant thereto. *The comprehensive plan shall consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan developed pursuant to § 29.1-579.*

§ 10.1-1105. Additional powers and duties of State Forester.

A. The State Forester shall supervise and direct all forest interests and all matters pertaining to forestry within the Commonwealth. He shall have charge of all forest wardens and shall appoint, direct and supervise persons he employs to perform labor in the forest reservations or the nurseries provided for herein, and he is authorized to employ temporary forest wardens to extinguish forest fires in the Commonwealth. He shall take such action as is authorized by law to prevent and extinguish forest fires; develop a program to promote the use of prescribed burning for community protection and ecological, silvicultural, and wildlife management; enforce all laws pertaining to forest and woodlands; prosecute any violation of such laws; develop silvicultural best management practices, including reforestation, prevention of erosion and sedimentation, and maintenance of buffers for water quality, pursuant to Article 12 (§ 10.1-1181.1 et seq.); collect information relative to forest destruction and conditions; direct the protection and improvement of all forest reservations; and, as far as his duties as State Forester will permit, conduct an educational course on forestry at the University of Virginia for credit toward a degree, at farmers' institutes and at similar meetings within the Commonwealth. He shall provide for the protection of state waters from pollution by sediment deposition resulting from silvicultural activities as provided in Article 12 (§ 10.1-1181.1 et seq.). In addition, the State Forester shall cooperate with counties, municipalities, corporations and individuals in preparing plans and providing technical assistance, based on generally accepted scientific forestry principles, for the protection, management and replacement of trees, wood lots and timber tracts and the establishment and preservation of urban forests, under an agreement that the parties obtaining such assistance shall pay the field and traveling expenses of the person employed in preparing such plans. The State Forester also shall assist landowners and law-enforcement agencies with regard to reported cases of timber theft. *In the development of any strategic plan, the State Forester shall consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan developed pursuant to § 29.1-579.*

B. Records of the Department composed of confidential commercial or financial information supplied by individuals or business entities to the Department in the course of an investigation of timber theft are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 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

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59 species; and habitat identified as Critical Habitat under the federal Endangered Species Act of 1973, P.L.
60 93-205, as amended.

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

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

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

72 *D. The Department shall assist state agencies and political subdivisions, and by request any federal*
73 *agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations*
74 *of the Plan when developing any governmental strategic plan, map, or action. [The Department shall*
75 *publish the plan and any subsequent updates on its website.]*

76 **§ 33.2-353. Commonwealth Transportation Board to develop and update Statewide**
77 **Transportation Plan.**

78 A. The Board shall, with the assistance of the Office of Intermodal Planning and Investment, conduct
79 a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting
80 forth assessment of capacity needs for all corridors of statewide significance, regional networks, and
81 improvements to promote urban development areas established pursuant to § 15.2-2223.1. The
82 assessment shall consider all modes of transportation. Such corridors shall be planned to include
83 multimodal transportation improvements, and the plan shall consider corridor location in planning for
84 any major transportation infrastructure, including environmental impacts and the comprehensive land use
85 plan of the locality in which the corridor is planned. In the designation of such corridors, the Board
86 shall not be constrained by local, district, regional, or modal plans.

87 The Statewide Transportation Plan shall be updated as needed but no less than once every four years.
88 The plan shall promote economic development and all transportation modes, intermodal connectivity,
89 environmental quality, accessibility for people and freight, and transportation safety.

90 B. The Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at
91 least a 20-year planning horizon, in accordance with federal transportation planning requirements. The
92 plan shall include quantifiable measures and achievable goals relating to, but not limited to, congestion
93 reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and
94 housing access to transit and pedestrian facilities, air quality, movement of freight by rail, and per capita
95 vehicle miles traveled. The Board shall consider such goals in evaluating and selecting transportation
96 improvement projects for inclusion in the Six-Year Improvement Program pursuant to § 33.2-214.

97 C. The plan shall incorporate the measures and goals of the approved long-range plans developed by
98 the applicable regional organizations. Each such plan shall be summarized in a public document and
99 made available to the general public upon presentation to the Governor and General Assembly.

100 D. It is the intent of the General Assembly that this plan assess transportation needs and assign
101 priorities to projects on a statewide basis, avoiding the production of a plan that is an aggregation of
102 local, district, regional, or modal plans.

103 *E. The plan shall consider and incorporate, where applicable, wildlife corridors and any*
104 *recommendation of the Wildlife Corridor Action Plan developed pursuant to § 29.1-579.*

105 **[2. That in the development of the Virginia Wildlife Action Plan, or any successor publication, the**
106 **Department of Wildlife Resources shall consider and incorporate, where applicable, wildlife**
107 **corridors and any recommendation of the Wildlife Corridor Action Plan developed pursuant to**
108 **§ 29.1-579 of the Code of Virginia, as amended by this act.]**