

LD5354687

SENATE BILL NO. 764

Offered January 16, 1995

A BILL to amend and reenact § 2.1-1.7 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 11.1 of Title 10.1 an article numbered 3, consisting of sections numbered 10.1-1193 through 10.1-1198, relating to promotion and coordination of watershed planning and permitting.

Patrons—Howell; Delegates: Abbitt, Robinson and Wagner

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-1.7 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 11.1 of Title 10.1 an article numbered 3, consisting of sections numbered 10.1-1193 through 10.1-1198 as follows:

§ 2.1-1.7. State councils.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:

Adult Education and Literacy, Virginia Advisory Council for
Agricultural Council, Virginia
Alcohol and Drug Abuse Problems, Governor's Council on
Apprenticeship Council
Blue Ridge Regional Education and Training Council
Child Day Care and Early Childhood Programs, Virginia Council on
Child Day-Care Council
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion
Commonwealth's Attorneys' Services Council
Developmental Disabilities Planning Council, Virginia
Disability Services Council
Equal Employment Opportunity Council, Virginia
Health Services Cost Review Council, Virginia
Housing for the Disabled, Interagency Coordinating Council on
Human Rights, Council on
Human Services Information and Referral Advisory Council
Indians, Council on
Interagency Coordinating Council, Virginia
Job Training Coordinating Council, Governor's
Land Evaluation Advisory Council
Local Debt, State Council on
Long-Term Care Council
Maternal and Child Health Council
Military Advisory Council, Virginia
Needs of Handicapped Persons, Overall Advisory Council on the
Prevention, Virginia Council on Coordinating
Public Records Advisory Council, State
Rate-setting for Children's Facilities, Interdepartmental Council on
Revenue Estimates, Advisory Council on
Southside Virginia Marketing Council
Specialized Transportation Council
State Health Benefits Advisory Council
Status of Women, Council on the
Technology Council, Virginia
Virginia Business-Education Partnership Program, Advisory Council on the
Virginia Recycling Markets Development Council-
Watershed Planning Promotion and Coordination, Council on.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Council on Information Management

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Higher Education, State Council of
Independent Living Council, Statewide
Rehabilitation Advisory Council, Statewide
Rehabilitation Advisory Council for the Blind, Statewide
World Trade Council, Virginia.

Article 3.

Watershed Planning Promotion and Coordination Program.

§ 10.1-1193. Watershed Planning Promotion and Coordination Program.

A. There is hereby created within the Department a Watershed Planning Promotion and Coordination Program, which shall be referred to in this article as the Program, to coordinate watershed-level activities conducted by state and local agencies and authorities and to foster the development of watershed planning by localities. The Program shall have the following functions:

1. To promote and coordinate state and local agencies' and authorities' efforts to undertake watershed planning and watershed permitting;

2. To acquire, maintain and make available informational resources on watershed planning;

3. To promote the continuation of research and dialogue on what is entailed in watershed planning and watershed permitting;

4. To identify sources and methods for providing local officials with technical assistance in watershed planning;

5. To encourage and foster training of local officials in watershed planning;

6. To develop recommendations for needed regulatory and legislative changes to assist local governments in developing and implementing watershed planning;

7. To identify barriers to watershed planning and watershed permitting, including state policies, regulations and procedures, and recommend alternatives to overcome such obstacles;

8. To develop, foster and coordinate approaches to watershed permitting; and

9. To report annually its findings and recommendations to the Governor and the General Assembly.

§ 10.1-1194. Council on Watershed Planning Promotion and Coordination created; membership; duties.

A. There is hereby created the Council on Watershed Planning Promotion and Coordination and shall be referred to in this article as the Council. The Council shall be composed of the Directors of the Department of Environmental Quality, the Department of Conservation and Recreation, and the Chesapeake Bay Local Assistance Department.

B. The Council shall meet at least quarterly on such dates and times as the members determine. A majority of the Council shall constitute a quorum.

C. The Council shall ensure that the functions of the Watershed Planning Promotion and Coordination Program are achieved.

§10.1-1195. Watershed planning and permitting advisory panels.

The Council may name qualified persons to advisory panels to assist it in carrying out the Watershed Planning Promotion and Coordination Program. Panels shall include members representing different areas of interest and expertise in watershed planning and watershed permitting including representatives of local governments, planning district commissions, industry, development interests, education, environmental and public interest groups and the scientific community found in Virginia universities.

§ 10.1-1196. Bureau of Watershed Planning Promotion and Coordination created.

A Bureau of Watershed Planning Promotion and Coordination is hereby created within the Department and shall be referred to in this article as the Bureau. The Bureau shall be staffed by a designee of the Director. The designee shall serve as staff to the Council and shall perform such functions as required by the Council. The Bureau shall be the repository of information on watershed planning and watershed permitting acquired or developed by the Council in carrying out its duties.

§ 10.1-1197. Guiding definition and principles.

A. The Council, the Bureau and any advisory panels appointed by the Council shall be guided by the following definition of watershed planning: "Watershed planning" is the process of studying the environmental and land use features of a watershed to identify those areas that should be protected and preserved, measures to be utilized to protect such areas, and the character of development in order to avoid and minimize disruption of natural systems. Its focus is not on directing development to particular parcels of land but rather to identify critical resources, and measures to protect those resources, so that development, when it does occur, will not negatively impact water resources. In so doing watershed planning uses and protects ecological processes to lessen the need for structural control methods that require capital costs and maintenance. By including consideration of a watershed and its characteristics, cumulative impacts and interjurisdictional issues are more effectively managed than when solely relying on single-site-permit approaches. Watershed planning can be an important tool for maintaining environmental integrity, economic development and watershed permitting.

122 *B. The Council, the Bureau and any advisory panels appointed by the Council shall be guided by the*
123 *principles contained in the following statement: Stream systems tend to reflect the character of the*
124 *watershed they drain. Unchecked physical conversion in a watershed accompanying urbanization leads*
125 *to degraded streams and wetlands. As urbanization continues to spread across the state, natural*
126 *vegetation, slope and water retention characteristics are replaced by impervious surfaces disrupting the*
127 *dynamic balance of the natural hydrologic cycle. Poorly planned development can increase peak storm*
128 *flows and runoff volume, lower water quality and aesthetics, and cause flooding and degradation of*
129 *downstream communities and ecosystems.*
130 *§ 10.1-1198. Cooperation of state agencies.*
131 *All agencies of the Commonwealth shall cooperate with the Council and, upon request, assist the*
132 *Council in the performance of its duties and responsibilities.*