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SENATE BILL NO. 592

Senate Amendments in [] — February 13, 1996

A BILL to amend and reenact § 10.1- 1105 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered, 10.1-1126.1, relating to silvicultural practices.

Patrons—Chichester, Bolling and Hawkins; Delegates: Abbitt, Davies, Deeds, Dickinson, Ruff and Watkins

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1105 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1126.1 as follows:

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

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. He shall take such action as is authorized by law to prevent and extinguish forest fires; enforce all laws pertaining to forest and woodlands; *develop best management practices to be followed by the forestry industry, the owners of private timberland and their assigns in the harvest and transport of forest products*; prosecute any violation of such laws; 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.) of this chapter. In addition, the State Forester shall cooperate with counties, municipalities, corporations and individuals in preparing plans and providing technical assistance 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.

§ 10.1-1126.1. *Silviculture practices; local government authority limited.*

A. *Forestry, when practiced in accordance with accepted silviculture practices constitutes a beneficial and desirable use of the Commonwealth's forest resources.*

B. *Forestry activities, including the harvest and transport of forest products, shall not be unreasonably limited by local government's use of its police, planning and zoning powers or by the unreasonable interpretation of such powers. [The failure of local governments to recognize that forestry, practiced in accordance with applicable laws and regulations, shall be deemed an unreasonable interpretation of their powers. Prohibitions on the traditional, fundamental and accessory uses of forest land are inconsistent with state law and policy. For the purposes of this section "unreasonable interpretation of powers" means utilizing any law, ordinance or regulation to prohibit a use of land (i) that is lawful and performed in accordance with accepted silvicultural practices, and (ii) from which the owner of the land receives economic benefit.]*

ENGROSSED

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