

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 10.1-1163 of the Code of Virginia, relating to hardwood exemption to*
3 *seed tree law.*

4 [H 2095]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 10.1-1163 of the Code of Virginia is amended and reenacted as follows:**

8 § 10.1-1163. Exemptions from article.

9 A. This article shall not apply to any acre of land on which there are present at the time of final
10 cutting of the timber 400 or more loblolly or white pine seedlings, singly or together, four feet or more
11 in height.

12 B. This article shall not apply to any person who clears or who procures another to clear his land for
13 bona fide agricultural or improved pasture purposes or for the purpose of subdividing such land for sale
14 for building sites. For the purpose of this article, evidence of intent of bona fide agricultural or
15 improved pasture use shall require, as a minimum and within twelve months from the date of
16 completion of commercial cutting, that the land intended for such use be cleared of all trees, snags,
17 brush, tree tops, and debris by piling and burning or otherwise disposing of same, or by enclosing the
18 area with a well-constructed fence and planting grass seed thereon so as to make a bona fide improved
19 pasture. In the case of clearing for building sites evidence of intent shall be the construction of
20 dwellings or other bona fide structure in progress or completed within two years from the date of
21 completion of commercial cutting.

22 C. This article shall not apply to land which has been zoned for a more intensive land use than
23 agricultural or forestal use.

24 D. The provisions of this article shall not apply to any acre or acres of forest land for which a
25 planting, cutting or management plan has been prepared, designed to provide conservation of natural
26 resources, and which plan has been submitted to and approved by the State Forester previous to the
27 cutting of any trees on the acre or acres concerned. If such plan has been submitted to the State Forester
28 by registered or certified mail and he has not approved the plan, or disapproved it with a statement in
29 writing of his reasons therefor, within a period of sixty days from the date of submission, the plan shall
30 be deemed approved and shall be effective for the purposes of this section.

31 E. *The State Forester may grant exemptions from this article to individual landowners who wish to*
32 *grow hardwoods on their property. The State Forester may place conditions on the exemption as he*
33 *deems advisable for the conservation of natural resources.*

ENROLLED

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