

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB129

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Pollard

3. Committee: Agriculture, Chesapeake, and Natural Resources

4. Title: **Land-disturbing activities; exempts certain activities from Erosion and Sediment Control Law.**

5. Summary: This bill amends the regulations to exempt certain activities as land-disturbing activities from the Erosion and Sediment Control Law (E&S). Specifically, this bill exempts the harvesting of forest crops as being considered a land-disturbing activity if the area on which harvesting occurs is reforested artificially or naturally in accordance with: (i) a forest management plan developed by a professional forester, or (ii) converted to agricultural or improved pasture use by following a conservation plan approved by the soil and water conservation district. Currently, such harvested areas can be exempted from the E&S law if they are deemed to be in accordance with the provisions of (i) Title 10.1, Chapter 11 (Forest Resources and the Department of Forestry), or (ii) subsection B of 10.1-1163; regulations detailing exemption from E&S law for bona fide agricultural or improved pasture purposes or for the purpose of subdividing such land for sale for building sites.

6. Fiscal Impact Estimates: Preliminary.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: This bill amends the Erosion and Sediment Control law to require specific verification in the form of either (i) a forest management plan developed by a professional forester, or (ii) a conservation plan approved by a soil and water conservation district (SWCD), before the harvesting of forest crops can be considered exempt.

- (i) Under current law a forest management plan is not required; this type of land-clearing activity is considered exempt if done in accordance with the provisions of (i) Title 10.1, Chapter 11 (Forest Resources and the Department of Forestry). In order to be exempt under the proposed bill, landowners would have to hire a professional forester to examine their forest lands and create a forest management plan. This may result in added costs to landowners. Currently, Department of Forestry (DOF) is not required to approve any plans unless there is a cost share involved with the practice, and as such, does not anticipate that this bill will result in additional costs to the agency. However, should DOF be required to review and approve all forest management plans, this could result in significant additional costs to the agency, as the agency estimates the approximate number of additional plans to be addressed would be around 5,000.

- (ii) Under current law, this type of land-clearing activity is considered exempt if done in accordance with the provisions of subsection B of 10.1-1163 of the Code of Virginia (regulations detailing exemption from E&S law for bona fide agricultural or improved pasture purposes or for the purpose of subdividing such land for sale for building sites). In order to be exempt under the proposed bill, the proposed bill, landowners would have to have the local soil and water conservation district (SWCD) board examine their forest lands and approve a conservation plan. This may result in added costs to landowners, as well as added costs to the local SWCDs. The Department of Conservation and Recreation, the state agency responsible for overseeing SWCDs, does not anticipate that this bill will result in additional costs to the agency.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation, Department of Forestry, local Soil and Water Conservation Districts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/21/2010 dpbaek

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