

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 193

An Act to amend and reenact § 2.2-220.2 of the Code of Virginia, relating to native plant species; state agencies.

[H 1998]

Approved March 22, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-220.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-220.2. Invasive species management plan for strategic actions by state agencies and related advisory group; strategic actions by state agencies to prioritize the use of native plant species.

A. The Secretaries of Natural and Historic Resources and Agriculture and Forestry shall coordinate the development of strategic actions to be taken by the Commonwealth, individual state and federal agencies, private businesses, and landowners related to invasive species prevention, early detection and rapid response, control and management, research and risk assessment, and education and outreach. Such strategic actions shall include the development of a state invasive species management plan. The plan shall include a list of invasive species that pose the greatest threat to the Commonwealth. The primary purposes of the plan shall be to address the ~~rising cost~~ *increasing threats* of invasive species, to improve coordination among state and federal agencies' efforts regarding invasive species prevention and management and information exchange, and to educate the public on related matters. The Secretaries of Natural and Historic Resources and Agriculture and Forestry shall update the state invasive species management plan at least once every four years. The Department of Conservation and Recreation shall provide staff support.

B. The Secretary of Natural and Historic Resources shall establish and serve as chair of an advisory group to develop an invasive species management plan and shall coordinate and implement recommendations of that plan. Other members of the advisory group shall include the Departments of *Agriculture and Consumer Services*, Conservation and Recreation, ~~Wildlife Resources~~, Environmental Quality, Forestry, ~~Agriculture and Consumer Services~~, Health, and Transportation, *and Wildlife Resources*; the Marine Resources Commission; the Virginia Cooperative Extension; the Virginia Institute of Marine Science; representatives of the agriculture and forestry industries; the conservation community; interested federal agencies; academic institutions; and commercial interests. The Secretary of Agriculture and Forestry shall serve as the vice-chair of the advisory group. The advisory group shall meet at least twice per year ~~and~~, shall utilize ad hoc committees as necessary with special emphasis on working with affected industries, landowners, and citizens, and shall assist the Secretary to:

1. Prevent additional introductions of invasive species to the lands and waters of the Commonwealth;
2. Procure, use, and maintain native species to replace invasive species;
3. Implement targeted control efforts on those invasive species that are present in the Commonwealth but are susceptible to such management actions;
4. Identify and report the appearance of invasive species before they can become established and control becomes less feasible;
5. Implement immediate control measures if a new invasive species is introduced in Virginia, with the aim of eradicating that species from Virginia's lands and waters if feasible given the degree of infestation; and
6. Recommend legislative actions or pursue federal grants to implement the plan.

Nothing in this section shall affect the authorities of any agency represented on the advisory group with respect to invasive species.

C. *The Secretaries of Natural and Historic Resources, Agriculture and Forestry, and Administration shall coordinate the development of strategic actions to be taken by state agencies to prioritize the use of native plant species. Such strategic actions shall (i) identify state properties appropriate to restore to natural communities and native species habitats, (ii) encourage all state agencies to prioritize native plants and trees when planting or propagating on state properties, and (iii) provide guidance to state agencies that manage state properties on restoration of properties degraded by invasive plants by planting more natural communities and native species habitats.*

D. As used in this section, "invasive species" means a species, including its seeds, eggs, spores or other biological material capable of propagating that species, that is not native to the ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health; however, ~~this definition shall~~ *"invasive species" does not include* (i) any agricultural crop generally recognized by the ~~United States~~ *U.S.* Department of Agriculture or the Virginia Department of Agriculture and Consumer Services as suitable to be grown in the Commonwealth; or (ii) any aquacultural organism recognized by the Marine Resources Commission or the Department of Wildlife

Resources as suitable to be propagated in the Commonwealth.

~~Nothing in this section shall affect the authorities of any agency represented on the advisory group with respect to invasive species.~~