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HOUSE BILL NO. 1950

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 28.2-1301 of the Code of Virginia, relating to powers and duties of the Virginia Marine Resources Commission; wetland mitigation site; improving and enhancing tidal wetlands.

Patron—Bloxom

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-1301 of the Code of Virginia is amended and reenacted as follows:****§ 28.2-1301. Powers and duties of the Commission.**

A. The Commission may receive gifts, grants, bequests, and devises of wetlands and money which shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the provisions of this chapter. The Commission shall manage any wetlands it receives so as to maximize their ecological value as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15 of this title.

B. The Commission shall preserve and prevent the despoliation and destruction of wetlands while accommodating necessary economic development in a manner consistent with wetlands preservation and any standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including guidelines and minimum standards promulgated by the Commission pursuant to subsection C.

C. In order to perform its duties under this section and to assist counties, cities, and towns in regulating wetlands, the Commission shall promulgate and periodically update (i) guidelines that scientifically evaluate vegetated and nonvegetated wetlands by type and describe the consequences of use of these wetlands types and (ii) minimum standards for protection and conservation of wetlands. The Virginia Institute of Marine Science shall provide advice and assistance to the Commission in developing these guidelines and minimum standards by evaluating wetlands by type and continuously maintaining and updating an inventory of vegetated wetlands.

D. In developing guidelines, standards, or regulations under this chapter the Commission shall consult with all affected state agencies. Consistent with other legal rights, consideration shall be given to the unique character of the Commonwealth's tidal wetlands which are essential for the production of marine and inland wildlife, waterfowl, finfish, shellfish and flora; serve as a valuable protective barrier against floods, tidal storms and the erosion of the Commonwealth's shores and soil; are important for the absorption of silt and pollutants; and are important for recreational and aesthetic enjoyment of the people and for the promotion of tourism, navigation and commerce.

E. The Commission shall provide for the generation of wetland mitigation credits from wetland restoration and wetland enhancement in the establishment of a wetland mitigation site. The Commission shall consider wetland enhancement as including the manipulation of the composition of the wetland plant species of an existing wetland plant community provided such manipulation is for the purpose of removing invasive wetland species, such as *phragmites australis*, and replacing invasive species with native species. The Commission shall provide for unvegetated tidal wetland credits when the establishment of unvegetated tidal wetlands, such as open water channels, is made part of, or required during, the establishment of a wetland mitigation site. The Commission shall consider wetland creation as including wetlands created landward of offshore structures utilized for living shorelines as defined in § 28.2-104.1.

INTRODUCED

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