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SENATE BILL NO. 461

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 28, 2024)

(Patron Prior to Substitute—Senator Marsden)

A *BILL* to amend the Code of Virginia by adding in Article 1 of Chapter 11 of Title 10.1 a section numbered 10.1-1103.1, relating to Department of Forestry; Forestland and Urban Tree Canopy Conservation Plan required.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 11 of Title 10.1 a section numbered 10.1-1103.1 as follows:

§ 10.1-1103.1. Forestland and Urban Tree Canopy Conservation Plan.

A. The Department shall establish a Forestland and Urban Tree Canopy Conservation Plan (the Plan) to conserve the Commonwealth's forestland and incentivize the protection of forests and other similar sensitive natural areas as an integral part of state forestry planning and the local comprehensive planning process. The Plan shall be reviewed by the Board of Forestry. In developing the Plan, the Department shall include elements determined by the State Forester, including the following:

1. Examine the current status and trends of forests and tree canopies in the Commonwealth;
2. Identify challenges to forest health, forestland, and tree canopy conservation efforts, including land use, climate change, and invasive species and other challenges identified by the stakeholder group;
3. Identify priority forests for conservation emphasizing protection of streams or wetlands, areas with steep slopes or highly erodible soils, wildlife corridors, and large contiguous blocks of forest;
4. Develop forest-related and tree canopy-related goals;
5. Identify current and potential funding streams and state and local entities that will be vital to achieve forest and tree canopy conservation goals; and
6. Ensure consistency with the objectives of the Board of Forestry with respect to forest management, including forest protection, management, and replacement.

B. The Plan, reviewed by the Board of Forestry, shall be developed in coordination with a Technical Advisory Committee that shall include representatives from the Department of Environmental Quality, Department of Wildlife Resources, Department of Conservation and Recreation, agricultural and forestry industries, environmental and conservation organizations, local governments, the Virginia Cooperative Extension, professional environmental technical experts, residential and commercial development industries, and other stakeholders as the Department deems appropriate.

C. The Department shall update the Plan at least once every five years and shall reconvene the Technical Advisory Committee and seek input prior to approval of any updates to the Plan. The Department shall hold a 30-day public comment period on the Plan and any subsequent updates to the Plan. Following any such update, the Plan shall be made available on its website and submitted to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

2. That the initial Forestland and Urban Tree Canopy Conservation Plan required by § 10.1-1103.1 of the Code of Virginia, as created by this act, shall be established by November 1, 2026. The Department of Forestry shall post the Plan on its website and submit the Plan to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 30, 2026.