

987009666

SENATE BILL NO. 290

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 16, 1998)

(Patron Prior to Substitute—Senator Hanger)

A BILL to amend and reenact §§ 10.1-107 and 10.1-200 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-200.1, relating to state park planning.

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-107 and 10.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-200.1 as follows:

§ 10.1-107. General powers and duties of the Board.

A. The Board shall advise the Governor and the Director on activities of the Department. Upon the request of the Governor, or the Director, the Board shall institute investigations and make recommendations.

The Board shall formulate recommendations to the Director concerning:

1. Requests for grants or loans pertaining to outdoor recreation.

2. Designation of recreational and historical sites eligible for recreational access road funds.

3. Designations proposed for scenic rivers, scenic highways, and Virginia byways.

4. Acquisition of real property by fee simple or other interests in property for the Department including, but not limited to, state parks, state recreational areas, state trails, greenways, natural areas and natural area preserves, and other lands of biological, environmental, historical, recreational or scientific interest.

5. Acquisition of bequests, devises and gifts of real and personal property, and the interest and income derived therefrom.

6. *Stage one and stage two plans, and non-substantial amendments to master plans as provided in § 10.1-200.1.*

B. The Board shall have the authority to promulgate regulations necessary for the execution of the Virginia Stormwater Management Act, Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of this title.

C. The Board shall have the authority to adopt master plans as provided in § 10.1-200.1.

§ 10.1-200. Duties related to parks and outdoor recreation; additional powers.

To facilitate and encourage the public use of parks and recreational areas, *to further take advantage of the positive economic impact of outdoor recreational facilities to localities and the Commonwealth, to foster the upkeep and maintenance of such resources, and to provide additional means by which the Governor and the General Assembly may determine necessary general fund appropriations and the need for other funding measures*, the Department shall establish and implement a long-range plan for acquisition, maintenance, improvement, protection and conservation for public use of those areas of the Commonwealth best adapted to the development of a comprehensive system of outdoor recreational facilities in all fields, including, but not limited to: parks, forests, camping grounds, fishing and hunting grounds, scenic areas, waters and highways, boat landings, beaches and other areas of public access to navigable waters. The Department shall have the power and duty to:

1. Administer all funds available to the Department for carrying out the purposes of this chapter, and to disburse funds to any department, commission, board, agency, officer or institution of the Commonwealth, or any political subdivision thereof or any park authority.

2. Study and appraise on a continuing basis the outdoor recreational needs of the Commonwealth; assemble and disseminate information on outdoor recreation; and prepare, maintain and keep up-to-date a comprehensive plan for the development of outdoor recreational facilities of the Commonwealth.

3. Establish and promote standards for outdoor recreational facilities; encourage and assist in the coordination of federal, state, and local recreational planning; aid and advise various state institutions in the use of existing state parks and similar recreational facilities; work with the appropriate state agencies to develop areas for multiple recreational use, including, but not limited to, traditional uses such as hunting, fishing, hiking, swimming, and boating.

4. Study and develop plans and, upon request, provide assistance regarding the establishment and implementation of recreational programs for state institutions, agencies, commissions, boards, officers, political subdivisions, and park authorities.

5. Assist upon request any department, commission, board, agency, officer or institution of the Commonwealth or any political subdivision thereof or any park authority in planning outdoor recreational facilities in conformity with its respective powers and duties and encourage and assist in the coordination of federal, state and local recreational planning.

6. Apply to any appropriate agency or officer of the United States for participation in or receipt of

60 aid from any federal program respecting outdoor recreation, and in respect thereto, enter into contracts
61 and agreements with the United States or any appropriate agency thereof; keep financial and other
62 records relating to contracts and agreements with the United States or any appropriate agency thereof,
63 and furnish appropriate officials and agencies of the United States reports and information necessary to
64 enable the officials and agencies to perform their duties under federal programs respecting outdoor
65 recreation.

66 7. Act either independently or jointly with any department, commission, board, agency, officer or
67 institution of the Commonwealth or any political subdivision thereof or any park authority to carry out
68 the Department's powers and duties; and coordinate its activities with and represent the interests of the
69 above entities having interests in the planning, maintenance, improvement, protection and conservation
70 of outdoor recreation facilities.

71 8. *Develop a standard against which the public can determine the extent to which the*
72 *Commonwealth is meeting park and recreational needs. The standard shall be based on park usage,*
73 *population trends and densities, and outdoor recreational facility demands. The standard shall be*
74 *expressed in terms of acres and facilities needed on a regional and a statewide level to serve existing*
75 *and projected needs and conservation goals. The standard shall be developed by July 1, 1999. The*
76 *Department shall annually report by November 1 of each year to the Governor and the General*
77 *Assembly on (i) the development of the standard; (ii) where the Commonwealth's park system falls short*
78 *of, meets or exceeds the standard; and (iii) the methodology used for determining clause (ii).*

79 § 10.1-200.1. *State park master planning.*

80 A. *The Department shall undertake a master planning process (i) for all existing state parks, (ii)*
81 *following the substantial acquisition of land for a new state park, and (iii) prior to undertaking*
82 *substantial improvements to state parks. A master plan shall be considered a guide for the development,*
83 *utilization and management of a park and its natural, cultural and historic resources and shall be*
84 *adhered to closely. Each plan shall be developed in stages allowing for public input.*

85 *Stage one of the plan shall include the development of a characterization map indicating, at a*
86 *minimum, boundaries, inholdings, adjacent property holdings, and other features such as slopes, water*
87 *resources, soil conditions and types, natural resources, and cultural and historic resources. The stage*
88 *one plan shall include a characterization of the potential types of uses for different portions of the parks*
89 *and shall provide a narrative description of the natural, physical, cultural and historic attributes of the*
90 *park. The stage one plan shall include the specific purposes for the park and goals and objectives to*
91 *support those purposes.*

92 *Upon completion of a stage one plan, a stage two plan shall be developed by the Department which*
93 *shall include the potential size, types and locations of facilities and the associated infrastructure*
94 *including roads and utilities, as applicable. Proposed development of any type shall be in keeping with*
95 *the character of existing improvements, if appropriate, and the natural, cultural and historic heritage*
96 *and attributes of the park. The stage two plan shall include a proposed plan for phased development of*
97 *the potential facilities and infrastructure. The Department shall project the development costs and the*
98 *operational, maintenance, staffing and financial needs necessary for each of the various phases of park*
99 *development. Projections shall also be made for the park's resource management needs and related*
100 *costs. The projections shall be made part of the stage two plan.*

101 *Upon completion of the stage two plan, the stage one and stage two plans along with supporting*
102 *documents shall be combined to form a master plan for the park. Development of a park shall not begin*
103 *until the master plan has been adopted by the Board.*

104 B. *All members of the General Assembly shall be given notice of public meetings and, prior to their*
105 *adoption, the availability for review of stage one, stage two and master plans and proposed amendments*
106 *for substantial improvements.*

107 C. *The master planning process shall not be considered an impediment to the acquisition of*
108 *inholdings or adjacent properties. Such properties, when acquired, shall be incorporated into the master*
109 *plan and their uses shall be amended into the master plan.*

110 D. *Stage one and stage two plans shall be considered complete following review and adoption by the*
111 *Director. Stage one and stage two plans may only be adopted by the Director following public notice*
112 *and a public meeting. The Director may make non-substantial, as that term is used in subsection I,*
113 *amendments to master plans following public notice. A master plan may only be adopted by the Board*
114 *following public notice and a public meeting.*

115 E. *The Department shall solicit and consider public comment in the development of the stage one*
116 *and two plans as well as the master plan and any amendments thereto.*

117 F. *Master plans shall be reviewed and updated by the Department and the Board no less frequently*
118 *than once every five years and shall be referenced in the Virginia Outdoors Plan.*

119 G. *Materials, documents and public testimony and input produced or taken for purposes of park*
120 *planning prior to January 1, 1999, may be utilized in lieu of the process established in this section*
121 *provided that it conforms with the requirements of this section and that a master plan shall be*

122 developed that conforms with this section which shall not be deemed complete until reviewed and
123 approved in accordance with subsection D.

124 H. The planning process contained in this section satisfies the Department of General Services
125 master planning requirements for lands owned or managed by the Department of Conservation and
126 Recreation. The Department of Conservation and Recreation's Facility Development Plans shall continue
127 to meet the Department of General Service's requirements.

128 I. For purposes of this section, unless the context requires a different meaning:

129 "Development of a park" means any substantial physical alterations within the park boundaries other
130 than those necessary for the repair or maintenance of existing resources or necessary for the
131 development of the master plan.

132 "Substantial acquisition" means the purchase of land valued at \$500,000 or more or the acquisition
133 of the major portion of land for a new state park whichever is less.

134 "Substantial improvement" means physical improvements and structures valued at \$500,000 or more.