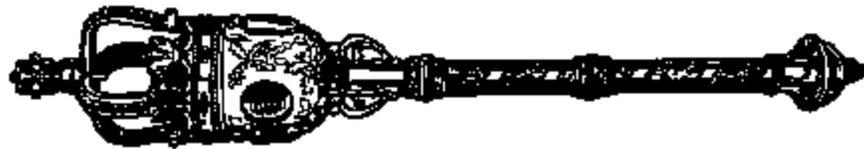


*Report of the  
House Appropriations  
Subcommittee*

*on*

*Natural Resources*



*House Bill 1400*

*February 2, 2003*

**Respectfully Submitted by the House Appropriations Subcommittee  
on Natural Resources:**

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**Riley E. Ingram, Chairman**

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**James H. Dillard, II**

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**Harvey B. Morgan**

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**L. Preston Bryant, Jr.**

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**M. Kirkland Cox**

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**J. Paul Councill, Jr.**

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**Jackie T. Stump**

# **REPORT OF THE SUBCOMMITTEE**

## **on**

# **NATURAL RESOURCES**

Mr. Chairman and Members of the Committee:

As we began our review of funding proposed for Natural Resources agencies in House Bill 1400, as introduced, the Subcommittee quickly and unanimously determined that the level of cuts recommended was simply unacceptable. Even in these most difficult times, protecting our precious natural resources is a core function of state government that is mandated in our Constitution.

Mr. Chairman, I want to thank you and the hard work of all the other subcommittees for supporting our efforts to address this deficiency. Because of your support, I am able to report to you today that we are recommending restoration of over \$8.0 million to Natural Resources agency budgets for the Biennium. I am further pleased to tell you that our recommendations include absolutely no further cuts to any of these agencies.

Last year our state parks were recognized as the best in the nation. This past November, nearly 70 percent of the voters approved our bond package to finance \$119.0 million in park improvements. We can not, and will not approve any plan to close parks or reduce hours of operation. Therefore, we recommend restoring over \$1.5 million in general funds for park operations.

Since 1986, the Museum of Natural History has been a separate agency in the state budget. HB 1400, as introduced, recommends moving the agency out of the Natural Resources Secretariat and merging it with the Science Museum. This action appears to create little, if any savings and has not been thoroughly planned out. We recommend you reject this proposal and restore the funding and positions under the Secretary of Natural Resources.

Our local Soil and Water Conservation Districts, made up of many unpaid but highly dedicated volunteers, are our front line defense in protecting the environment. Without our support, these local efforts will not be successful in protecting state waters from sediment and nutrient pollution. Therefore, we are recommending the restoration of \$1.4 million in general funds for these programs.

As we strive to provide a balance between economic growth and protection of our vital natural resources, am I pleased to report that we have negotiated with the proponents of a planned economic development project on the Elizabeth River in Hampton Roads. If approved, this project will require a substantial dredging operation. Under our proposal, royalties to be paid to the Commonwealth, consistent with state law, will be used to restore funding for a variety of our water quality initiatives.

These royalties will be deposited into the Marine Habitat and Waterways Improvement Fund. We propose that these funds be used for matching federal funds for oyster restoration efforts, restoring funds for the Elizabeth River Project and restoring funds for state-wide citizen volunteer water quality monitoring efforts. As the dredging project removes layers of silt and sediment that once was on land far upstream, we are recommending over \$1.3 million be used for the agricultural Best Management Practices program. These funds will be matched by willing landowners to provide riparian buffers, reforestation efforts, stream bank protection, erosion control and a variety of other methods to reduce sediment and nutrient pollution of our state waters.

Finally, toward our goal of protecting a million acres of open-space lands by 2007, we recommend restoring 50 percent of the budget cuts to the Virginia Outdoors Foundation to assist in this goal. We also recommend restoration of cuts to the Department of Historic Resources.

Following the staff explanation of our amendments, we hope it will be the pleasure of the Committee to adopt our recommendations.

<b>House Bill 1400</b>
<b><u>Amendment</u></b>

<b>2002-04 BIENNIAL TOTAL</b>		
<b>General</b>	<b>Nongeneral</b>	
<b><u>Fund</u></b>	<b><u>Fund</u></b>	<b><u>FTE</u></b>

**Chesapeake Bay Local Assistance Department**

Merger of the Agencies	Language		
CBLAD Merger	Language		

**Department Of Conservation And Recreation**

"Friend of the Chesapeake" License Plates		370,879	
Rappahannock River Basin Commission	Language		
Best Management Practices	0	1,349,722	
Restore SWCD Funding	1,400,000	0	
Restore VOF Funding	200,000	0	
Grand Caverns and Natural Chimneys Parks	Language	0	
Beaumont Property Conveyance	Language	0	
Restore Funding for State Parks	1,500,000	0	
Restore Breaks Interstate Park Funding	50,000	0	
Walnut Valley Farm Donation	Language	0	
Director of DCR to Submit Report	Language	0	

**Department Of Environmental Quality**

CSO Local Matching Funds	Language	0	
On-road Testing of Motor Vehicle Emissions	Language	0	
Elizabeth River Cleanup	0	325,000	
Smith Mt. Lake Vol. Water Quality Monitoring	35,000	0	
WTRLF for Staunton Correctional Center	Language	0	
Save Our Streams	0	25,000	
Restore Funding for Citizen Monitoring	0	106,000	
Brownfield Remediation for Staunton CC	Language	0	

**Department Of Game And Inland Fisheries**

Montebello Fish Hatchery	0	363,000	
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**Department Of Historic Resources**

Historic Survey Cost-Share Funds	0	100,000	2.00
Care of Confederate Graves HB 1419	65	0	

**Marine Resources Commission**

Restore Funds for Oyster Reef Restoration		580,000	
Dredging Royalty Fees	Language		

**Virginia Museum Of Natural History**

Restore Museum of Natural History to SNR	1,513,966	444,601	33.00
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<b>Total Natural Resources</b>	4,699,031	3,664,202	35.00
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Natural Resources Subcommittee

Item 377 #1g

**Natural Resources**

Chesapeake Bay Local Assistance  
Department

Language

**Language:**

Page 370, strike lines 11 through 14.

**Explanation:**

(This amendment strikes language delaying the merger of the Chesapeake Bay Local Assistance Department, as a separate division, into the Department of Conservation and Recreation until fiscal year 2005. Striking the language will permit the merger prior to fiscal year 2005.)

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Natural Resources Subcommittee

Item 377 #5h

**Natural Resources**

Chesapeake Bay Local Assistance  
Department

Language

**Language:**

Page 370, line 5, strike "Planning and Budget" and insert:  
"Conservation and Recreation".

**Explanation:**

(This amendment changes the requirement for preparing a report on the merger of CBLAD into DCR.)

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Natural Resources Subcommittee

Item 380 #2h

**Natural Resources**

Department Of Conservation And  
Recreation

Language

**Language:**

Page 373, line 5, after "sources.", insert:

"If the Commission elects as its chairman a member of the General Assesbly, the Division of Legislative Services is hereby authorized to provide reasonable staff and technical assistance to the Commission."

**Explanation:**

(This amendment provides staffing and technical support for the Rappahannock River Basin Commission to address issues of common and regional interest.)

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Natural Resources Subcommittee

Item 381 #4h

**Natural Resources**

Department Of Conservation And  
Recreation

Language

**Language:**

Page 375, after line 8, insert:

"L. The Upper Valley Regional Park Authority shall submit a plan for the inclusion of the Grand Caverns and Natural Chimneys Parks into the State Park system to the Secretary of Natural Resources and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2003. The plan shall include an update of the projected capital improvement and operational costs to the Commonwealth as stated in Senate Document No. 32 (2000). The plan shall propose conditions for conveyance of the properties to the Commonwealth and continued possible local support for operation of the facilities. The Department of Conservation and Recreation shall cooperate with the Authority in developing the plan. Nothing in this paragraph shall be construed as to obligate the Commonwealth to accept conveyance of the properties."

**Explanation:**

(This amendment is self-explanatory.)

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Natural Resources Subcommittee

Item 381 #6h

**Natural Resources**

Department Of Conservation And  
Recreation

Language

**Language:**

Page 375, after line 8, insert:

"L. On or before June 30, 2003, the Department of Conservation and Recreation shall complete the transfer of title to a minimum of 1,500 acres, to include river frontage, of property adjacent to the Beaumont Juvenile Correctional Center in

Powhatan County from the Department of Juvenile Justice for the development of a state park as previously authorized by Item 440 of Chapter 899 of the 2002 Acts of Assembly. The transfer shall be accomplished pursuant to the Department's report dated December 3, 2003, to the Secretaries of Natural Resources and Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees. The Department of Conservation and Recreation shall notify the Chairmen of the House Appropriations and Senate Finance Committees once the transfer is complete."

**Explanation:**

(This amendment completes transfer of property from the Department of Juvenile Justice to the Department of Conservation and Recreation as previously authorized by the 2002 Appropriation Act.)

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Natural Resources Subcommittee

Item 381 #12h

**Natural Resources**

Department Of Conservation And  
Recreation

Language

**Language:**

Page 375, after line 8, insert:

"L. The Director of the Department of Conservation and Recreation is authorized to accept on the behalf of the Commonwealth, a gift from the Reasor family of Walnut Valley Farm, of property adjacent to the Chippokes Plantation State Park in Surry County."

**Explanation:**

(This amendment authorizes DCR to accept a gift of property contiguous to Chippokes State Park. The property, known as Walnut Valley Farm, is a 265 acre historic farm between Chippokes and Bacon's Castle. The Reasor family has owned the property for some 30 years and want to preserve it from development.)

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Natural Resources Subcommittee

Item 381.15 #1h

**Natural Resources**

Department Of Conservation And  
Recreation

Language

**Language:**

Page 375, line 20, strike "Planning and Budget", and insert "Conservation and Recreation".

**Explanation:**

(This amendment changes the requirement for preparing a report on the merger of Chippokes into DCR.)

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Natural Resources Subcommittee

Item 382 #1h

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 376, line 31, after "projects.", insert:

"These local matching funds shall include, but not be limited to, costs for ongoing maintenance, personnel, inspection functions, outside service contracts, administrative functions, purchase or value of land or easements, debt service payments and any other costs related to the Combined Sewer Overflow projects for which the U.S. Environmental Protection Agency will accept to meet match requirements."

**Explanation:**

(This amendment broadens the definition of local matching funds to be considered by the EPA to meet the match requirement for federal CSO grants.)

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Natural Resources Subcommittee

Item 383 #1h

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 378, after line 10, insert:

"F.1. The Department of Environmental Quality shall initiate, beginning January 1, 2004, a program for on-road testing of motor vehicle emissions pursuant to § 46.2-1178.1, Code of Virginia, in all areas designated nonattainment for the 1-hour ozone air quality standard as of January 1, 2003. The Department shall develop a plan for implementation of this program and shall include a schedule to phase in

on-road testing to replace the current emissions inspection program, consistent with the federal Clean Air Act. The Department may also initiate programs for on-road testing of motor vehicle emissions as part of a plan developed pursuant to an Early Action Compact for Ozone. The State Air Pollution Control Board may promulgate any regulations necessary to implement these provisions. Such regulations shall be adopted as final prior to the January 1, 2003 implementation.

2. The Department shall also develop a plan to implement a program for on-road testing of motor vehicle emissions pursuant to § 46.2-1178.1, Code of Virginia, in all areas designated nonattainment for the 8-hour ozone air quality standard as of July 1, 2004. This plan may also include on-road testing of emissions in areas that opt into Early Action Compacts for ozone and jurisdictions that are contiguous to designated ozone nonattainment areas. The plan shall include recommendations as to any amendments necessary to the Code of Virginia to implement and provide adequate funding for the program.

3. The Department shall work with the U.S. Environmental Protection Agency to secure approval of on-road sensing to replace the current emissions inspection program and shall identify any barriers to such approval.

4. In completing these plans and implementing the provisions of subparagraph 1, the Department is authorized to expend such funds as may be required from the Vehicle Emissions Inspection Program Fund. All such expenditures shall be approved by the Secretary of Natural Resources. In completing these plans, DEQ shall contract with a private sector vendor that has experience in remote vehicle emission testing.

5. The Department shall provide these plans to the Governor and the Chairmen of the House Agriculture, Chesapeake and Natural Resources, Appropriations, Science and Technology and Transportation Committees and the Senate Agriculture, Conservation and Natural Resources, Finance and Transportation Committees, and the Joint Commission on Technology and Science by October 1, 2003."

**Explanation:**

(This amendment requires DEQ to implement a remote vehicle emission testing program in current ambient air quality nonattainment areas and develop a plan for implementing a similar program in areas that will likely become nonattainment areas in the next year. The goal of the program is to more efficiently identify those vehicles violating emission standards and causing the most pollution while phasing out the requirement for biennial testing of all other vehicles operating in compliance

with standards in the current nonattainment areas of Northern Virginia. The program is further proposed to avoid imposing a requirement to test all vehicles in those areas that are likely to be declared nonattainment in the future. The remote on-road testing program can be accomplished utilizing the latest technology and equipment while vehicles are in their normal operation and without any inconvenience or requirement for the driver to stop for the test.)

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Natural Resources Subcommittee

Item 386 #8h

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 379, after line 55, insert:

"E. The Department of Environmental Quality is authorized to make a loan to the City of Staunton from the Wastewater Treatment Revolving Loan Fund to assist in the environmental clean-up for the reuse of the property at the former Staunton Correctional Center."

**Explanation:**

(This amendment is self-explanatory.)

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Natural Resources Subcommittee

Item 389 #1h

**Natural Resources**

Department Of Environmental  
Quality

Language

**Language:**

Page 381, line 15, before "It", insert "A."

Page 381, line 15, after "intent", insert "of the General Assembly".

Page 381, after line 18, insert:

"B. It is the intent of the General Assembly that all qualified environmental remediation costs for redevelopment of the former Staunton Correctional Center property in the City of Staunton shall be a high priority for any such funds available through the Brownfield Restoration and Land Renewal Act of 2002."

**Explanation:**

(This amendment is self-explanatory.)

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Natural Resources Subcommittee

Item 391 #1h

**Natural Resources**

**FY 02-03**

**FY 03-04**

Department Of Game And Inland  
Fisheries

\$0

\$363,000 NGF

**Language:**

Page 382, line 24, strike "\$29,594,490" and insert "\$29,957,490".

Page 382, after line 55, insert:

"C. The Department of Game and Inland Fisheries shall continue to operate the Montebello Fish Hatchery in Nelson County."

**Explanation:**

(This amendment requires DGIF to continue operation of the Montebello Fish Hatchery with existing resources. The Governor's October reduction plans indicated the fish hatchery was to be closed to meet budget reductions. The amendment further appropriates funds anticipated from the passage of House Bill 1663.)