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HOUSE BILL NO. 2025

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact §§ 10.1-602 and 29.1-579 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 33.2-264.1 and 33.2-265.1, relating to wildlife corridors or crossings; action plan and programs; Virginia Flood Protection Master Plan; Wildlife Corridor Action Plan; wildlife carcass removal tracking; report.

Patrons—Gardner, Simonds, Anthony, Cousins, Feggans, Henson, Herring, Keys-Gamarra, Krizek, Martinez and Watts

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-602 and 29.1-579 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 33.2-264.1 and 33.2-265.1 as follows:

§ 10.1-602. Powers and duties of Department.

The Department shall:

1. Develop a Virginia Flood Protection Master Plan (the Plan) for the Commonwealth. This Plan shall be a place-specific plan for mitigating severe and repetitive flooding and shall, at a minimum, (i) base decision making on the best-available science; (ii) identify and address socioeconomic inequities and strive to enhance equity through the adaptation and protection measures by considering all areas of recurrent flooding; (iii) recognize the importance of protecting and enhancing natural infrastructure and nature-based approaches to flood mitigation, when possible; (iv) utilize community and regional scale planning to the maximum extent possible, seeking region-specific approaches tailored to the needs of individual communities; and (v) include an understanding of fiscal realities and focus on cost-effective solutions for the protection and adaptation of communities, businesses, and critical infrastructure; and (vi) encourage opportunities to incorporate wildlife-friendly design in flood resilience infrastructure where flood risk priorities align with the Wildlife Corridor Action Plan priorities provided in § 29.1-579, including enhancing culverts and drainage systems to facilitate safe wildlife crossings for terrestrial and aquatic life. The Plan shall include, at a minimum:

- a. An inventory of flood-prone areas;
- b. An inventory of flood protection studies;
- c. A record of flood damages;
- d. Strategies to prevent or mitigate flood damage; and
- e. The collection and distribution of information relating to flooding and flood plain management.

The Plan shall be reviewed and updated by the Department on a regular basis, but at least once every five years, and for each of the items listed in provisions a through e, the plan shall state when that provision was last updated and when the next update is planned. The plan shall be maintained in an online format so as to be easily accessed by other government entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources. All agencies of the Commonwealth shall provide assistance to the Department upon request.

2. Serve as the coordinator of all flood protection programs and activities in the Commonwealth, including the coordination of federal flood protection programs administered by the United States Army Corps of Engineers, the United States Department of Agriculture, the Federal Emergency Management Agency, the United States Geological Survey, the Tennessee Valley Authority, other federal agencies and local governments.

3. Make available flood and flood damage reduction data to localities for planning purposes, in order to assure necessary local participation in the planning process and in the selection of desirable alternatives which will fulfill the intent of this article. This shall include the development of a data base to include (i) all flood protection projects implemented by federal agencies and (ii) the estimated value of property damaged by major floods.

4. Assist localities in their management of flood plain activities in cooperation with the Department of Housing and Community Development.

5. Carry out the provisions of this article in a manner which will ensure that the management of flood plains will preserve the capacity of the flood plain to carry and discharge a hundred year flood.

6. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances, rules and regulations.

7. Coordinate with the United States Federal Emergency Management Agency to ensure current

58 knowledge of the identification of flood-prone communities and of the status of applications made by
 59 localities to participate in the National Flood Insurance Program.

60 8. Establish guidelines which will meet minimum requirements of the National Flood Insurance Program
 61 in furtherance of the policy of the Commonwealth to assure that all citizens living in flood-prone areas may
 62 have the opportunity to indemnify themselves from flood losses through the purchase of flood insurance
 63 under the regular flood insurance program of the National Flood Insurance Act of 1968 as amended.

64 9. Subject to the provisions of the Appropriations Act, provide financial and technical assistance to
 65 localities in an amount not to exceed fifty percent of the nonfederal costs of flood protection projects.

66 10. Serve as the lead administrator for the Virginia Coastal Resilience Master Plan and the Virginia Flood
 67 Protection Master Plan.

68 11. Implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan.

69 12. Ensure that the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan
 70 are integrated.

71 **§ 29.1-579. Wildlife Corridor Action Plan; adoption.**

72 A. The Department, in collaboration with the Department of Transportation, the Department of Forestry,
 73 and the Department of Conservation and Recreation, shall create a Wildlife Corridor Action Plan.

74 B. The Plan shall:

75 1. Identify wildlife corridors, existing or planned barriers to movement along such corridors, and areas
 76 with a high risk of wildlife-vehicle collisions. The Plan shall list habitat that is identified as of high quality
 77 for priority species and ecosystem health; migration routes of native, game, and migratory species using the
 78 best available science and Department surveys, including landscape-scale data from the Conserve Virginia
 79 database or a similar land conservation strategy database maintained by the Department of Conservation and
 80 Recreation; lands containing a high prevalence of existing human barriers, including roads, dams, power
 81 lines, and pipelines; areas identified as of high risk of wildlife-vehicle collisions; habitat identified by the
 82 Department as being occupied by rare or at-risk species; and habitat identified as Critical Habitat under the
 83 federal Endangered Species Act of 1973, P.L. 93-205, as amended.

84 2. Prioritize and recommend wildlife crossing projects intended to promote driver safety and wildlife
 85 connectivity. The Plan shall describe each such project and include descriptions of wildlife crossing
 86 infrastructure or other mitigation techniques recommended to meet Plan goals.

87 3. Contain maps utilizing the Conserve Virginia public portal, or a similar land conservation strategy
 88 public portal maintained by the Department of Conservation and Recreation, and other relevant state
 89 databases that detail high-priority areas for wildlife corridor infrastructure and any other information
 90 necessary to meet the goals of the Plan.

91 4. *Address the financial needs of the Plan by (i) ensuring the existence of one or more dedicated funding*
 92 *sources to meet such needs; (ii) determining how to secure diverse competitive grants; (iii) creating a*
 93 *mechanism for accepting and utilizing private funds for wildlife crossings; (iv) supporting localities in*
 94 *implementing Plan priorities; (v) exploring and implementing opportunities to allocate funding to*
 95 *overburdened communities as referenced by the Centers for Disease Control and Prevention Social*
 96 *Vulnerability Index; and (vi) establishing at least one full-time, permanent position to manage Plan*
 97 *initiatives and coordinate federal grants.*

98 C. The Secretary of Natural and Historic Resources and the Secretary of Transportation shall jointly
 99 submit the Plan to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and
 100 the Senate Committee on Agriculture, Conservation and Natural Resources no later than September 1, 2022,
 101 and shall jointly submit an updated version of the Plan every four years thereafter.

102 D. The Department shall assist state agencies and political subdivisions, and by request any federal
 103 agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of
 104 the Plan when developing any governmental strategic plan, map, or action. The Department shall publish the
 105 plan and any subsequent updates on its website.

106 **§ 33.2-264.1. Wildlife crossing program; report.**

107 A. *The Department shall establish and administer a program for the implementation of wildlife crossings*
 108 *of highways in the Commonwealth that complies with any such guidance issued by the Federal Highway*
 109 *Administration. Such program shall include a requirement that large animal crash risk in the project area be*
 110 *considered during the planning and scoping phase of any highway project administered or funded by the*
 111 *Department. The Department shall develop and maintain a guidance document for determining such crash*
 112 *risk and strategies for mitigating such crash risk.*

113 B. *The Department shall incorporate the recommendations of the Wildlife Corridor Action Plan (the*
 114 *Plan) established pursuant to § 29.1-579 in the policies and procedures of the Department. The Department*
 115 *shall submit a report to the General Assembly by November 1 of each even-numbered year explaining (i) the*
 116 *Department's actions and initiatives related to implementation of the Plan and the policies established*
 117 *pursuant to subsection A, (ii) any updates related to establishing wildlife corridors or crossings, and (iii)*
 118 *goals and timelines of future actions and initiatives related to the requirements of this section and*

119 *establishing wildlife corridors or crossings.*

120 **§ 33.2-265.1. Wildlife carcass removal tracking; data collection.**

121 *The Department and the Board shall include in all highway maintenance contracts a requirement for such*
122 *contractor to identify (i) the latitude and longitude coordinates of the site of each wildlife carcass removal*
123 *from a highway in the Commonwealth and (ii) the type of animal of such carcass that was removed. Such*
124 *requirement may be accomplished by using the Department's Wildlife Carcass Removal Tracking application*
125 *or a subsequent application developed by the Department.*

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