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SENATE BILL NO. 1198

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 10.1-1018.1, 10.1-1020, and 10.1-1021 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:3, relating to Department of Conservation and Recreation; Virginia Land Conservation Fund; land conservation goals and needs assessment.

Patron—Deeds

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1018.1, 10.1-1020, and 10.1-1021 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:3 as follows:

§ 10.1-104.6:3. Land conservation goals and needs assessment.

A. It shall be the goal of the Commonwealth to achieve permanent conservation of 20 percent of the land area of Virginia by 2035. The Department shall (i) monitor progress toward such goal and (ii) every five years beginning in 2030, establish additional goals for 2040, 2045, and 2050. The Department shall consult the Department of Forestry and all agencies administered by the Secretary of Natural and Historic Resources in establishing such goals. Such goals may address land area or other metrics and shall be informed by gaps and trends identified in the annual reports prepared pursuant to subsection B.

B. The Department shall submit an annual land conservation goals and needs assessment report that includes (i) progress made toward the goals established pursuant to subsection A and (ii) an estimate of state funding required to achieve the goals established pursuant to subsection A no later than November 1 of each year to the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations. Such report shall also include information regarding the following metrics:

1. For each land conservation project completed during the reporting year, the population of the locality of such project and all adjacent localities;

2. For state-owned public lands, identification of:

a. The counties that neither contain a state park nor are adjacent to a county containing a state park;

b. The counties that neither contain a wildlife management area nor are adjacent to a county containing a wildlife management area;

c. The counties that neither contain a state forest nor are adjacent to a county containing a state forest; and

d. The counties that neither contain a state natural area preserve nor are adjacent to a county containing a state natural area preserve;

3. For each county and city in the Commonwealth:

a. The total acreage of local park land, including county and city parks, parks operated by regional park authorities, trail organizations, or other private conservation groups that own and manage land for public access;

b. The total acreage of land under conservation easement or open space easement;

c. The number of public access points to rivers and streams; and

d. The number of publicly accessible trail miles; and

4. Changes in the metrics established in subdivisions 1 through 3 from the previous year and since the first annual report.

C. The Department, the Department of Forestry, and all agencies administered by the Secretary of Natural and Historic Resources shall cooperate with private conservation organizations, landowners, and other stakeholders to pursue the goals established pursuant to this subsection A.

§ 10.1-1018.1. Reporting.

The chairman of the Board shall submit to the Governor and the General Assembly, including the Chairmen of the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Finance and Appropriations, and the Senate Committee on Agriculture, Conservation and Natural Resources, and to the Director of the Department of Planning and Budget an executive summary and report of the activity and work of the Board on or before December 15 of each year. The document shall report on the status of the Foundation and its Fund, including (i) land

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59 conservation targeting tools developed for the Foundation; (ii) descriptions of projects that received funding;  
 60 (iii) a description of the geographic distribution of land protected as provided in § 10.1-1021.1; (iv)  
 61 expenditures from, interest earned by, and financial obligations of the Fund; and (v) progress made toward  
 62 recognized state and regional land conservation goals, including what percentage of properties conserved  
 63 were identified by ConserveVirginia, pursuant to § 10.1-104.6:1, and a summary of the conservation values  
 64 that were protected. ~~The report shall also estimate the funds needed to achieve goals established by the Board~~  
 65 ~~for (a) natural area protection, (b) open spaces and parks, (c) farmland preservation, (d) forest land~~  
 66 ~~preservation, (e) historical and cultural sites, (f) meeting the needs of under-resourced communities, and (g)~~  
 67 ~~any other goal determined by the Board.~~ The executive summary and report shall be submitted as provided in  
 68 the procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
 69 and reports and shall be posted on the General Assembly's website.

70 **§ 10.1-1020. Virginia Land Conservation Fund; purposes of Foundation.**

71 A. The Foundation shall establish, administer, manage, including the creation of reserves, and make  
 72 expenditures and allocations from a special, nonreverting fund in the state treasury to be known as the  
 73 Virginia Land Conservation Fund, hereinafter referred to as the Fund. The Foundation shall establish and  
 74 administer the Fund solely for the purposes of:

75 1. Acquiring fee simple title or other rights, including the purchase of development rights, to interests or  
 76 privileges in property for the protection or preservation of ecological, cultural or historical resources, lands  
 77 for recreational purposes, state forest lands, and lands for threatened or endangered species, fish and wildlife  
 78 habitat, natural areas, agricultural and forestal lands and open space, and for conservation and restoration of  
 79 homelands for state-recognized and federally recognized Virginia Indian Tribes; and

80 2. Providing grants to state agencies, including the Virginia Outdoors Foundation and state-recognized  
 81 and federally recognized Virginia Indian Tribes, and matching grants to other public bodies and holders for  
 82 acquiring fee simple title or other rights, including the purchase of development rights, to interests or  
 83 privileges in real property for the protection or preservation of ecological, cultural or historical resources,  
 84 lands for recreational purposes, and lands for threatened or endangered species, fish and wildlife habitat,  
 85 natural areas, agricultural and forestal lands and open space. The Board shall establish criteria for making  
 86 grants from the Fund, including procedures for determining the amount of each grant and the required match.  
 87 The criteria shall include provisions for grants to localities for purchase of development rights programs.

88 Interests in land acquired as provided in subdivision 1 may be held by the Foundation, state agencies,  
 89 state-recognized or federally recognized Virginia Indian Tribes, other public bodies, and appropriate holders.  
 90 Whenever a holder acquires any interest in land other than a fee simple interest as a result of a grant or  
 91 transfer from the Foundation, such interest shall be held jointly by the holder and a public body. Whenever a  
 92 holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation, a public  
 93 body shall hold an open space easement in such land.

94 B. The Fund shall consist of general fund moneys and gifts, endowments or grants from the United States  
 95 government, its agencies and instrumentalities, and funds from any other available sources, public or private.  
 96 Such moneys, gifts, endowments, grants or funds from other sources may be either restricted or unrestricted.  
 97 For the purposes of this chapter, "restricted funds" shall mean those funds received by the Board to which  
 98 specific conditions apply; "restricted funds" shall include, but not be limited to, general obligation bond  
 99 moneys and conditional gifts. "Unrestricted funds" shall mean those received by the Foundation to which no  
 100 specific conditions apply; "unrestricted funds" shall include, but not be limited to, moneys appropriated to the  
 101 Fund by the General Assembly to which no specific conditions are attached and unconditional gifts.

102 C. In any fiscal year for which the Fund is appropriated less than \$10 million, and after an allocation for  
 103 administrative expenses has been made as provided in subsection G, the remaining unrestricted funds in the  
 104 Fund shall be allocated as follows:

105 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands  
 106 Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

107 2. Seventy-five percent shall be divided equally among the following four grant uses: (i) natural area  
 108 protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing or wildlife  
 109 watching; (iii) farmlands and forest preservation; and (iv) historic area preservation. Of the amount allocated  
 110 as provided in this subdivision, at least one third shall be used to secure easements to be held or co-held by a  
 111 public body.

112 D. In any fiscal year for which the Fund is appropriated \$10 million or more, and after an allocation for  
 113 administrative expenses has been made as provided in subsection G, the remaining unrestricted funds in the  
 114 Fund shall be allocated as follows:

115 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands  
 116 Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

117 2. The remaining funds shall be divided equally among the following five grant uses: (i) natural area  
 118 protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing, or  
 119 wildlife watching; (iii) farmland preservation; (iv) forestland conservation; and (v) historic area preservation.

120 E. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund, and shall not

121 revert to the general fund. Interest earned on moneys received by the Fund other than bond proceeds shall  
 122 remain in the Fund and be credited to it. Any funds transferred to the Open-Space Lands Preservation Trust  
 123 Fund pursuant to this section and not disbursed or committed to a project by the end of the fiscal year in  
 124 which the funds were transferred shall be returned to the Virginia Land Conservation Fund and shall be  
 125 redistributed among the authorized grant uses during the next grant cycle.

126 F. A portion of the Fund, not to exceed 20 percent of the annual balance of unrestricted funds, may be  
 127 used to develop properties purchased in fee simple, or through the purchase of development rights, with the  
 128 assets of the Fund for public use including, but not limited to, development of trails, parking areas,  
 129 infrastructure, and interpretive projects or to conduct environmental assessments or other preliminary  
 130 evaluations of properties prior to the acquisition of any property interest.

131 G. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's  
 132 administrative expenses, including, but not limited to, the expenses of the Board and its members,  
 133 development of the Foundation's strategic plan, development and maintenance of an inventory of properties  
 134 as provided in subdivision 1 b of § 10.1-1021, ~~development of a needs assessment for future expenditures as~~  
 135 ~~provided in subdivision 1 e of § 10.1-1021~~, and fulfillment of reporting requirements. All such expenditures  
 136 shall be subject to approval by the Board of Trustees.

137 H. The Comptroller shall maintain the restricted funds and the unrestricted funds in separate accounts.

138 I. For the purposes of this section, "public body" shall have the meaning ascribed to it in § 10.1-1700, and  
 139 "holder" shall have the meaning ascribed to it in § 10.1-1009.

140 **§ 10.1-1021. Powers of the Foundation.**

141 In order to carry out its purposes, the Foundation shall have the following powers and duties:

142 1. To prepare a comprehensive plan that recognizes and seeks to implement all of the purposes for which  
 143 the Foundation is created. In preparing this plan, the Foundation shall:

144 a. Establish criteria for the expenditure of unrestricted moneys received by the Fund. In making grants for  
 145 the expenditure of such unrestricted moneys, the Board of Trustees shall consider the following criteria, not  
 146 all of which need to be met in order for a grant to be awarded:

147 (1) The ecological, outdoor recreational, historic, agricultural, and forestal value of the property;

148 (2) An assessment of market values;

149 (3) Consistency with local comprehensive plans;

150 (4) Geographical balance of properties and interests in properties to be purchased;

151 (5) Availability of public and private matching funds to assist in the purchase;

152 (6) Imminent danger of loss of natural, outdoor, recreational, or historic attributes of a significant portion  
 153 of the land;

154 (7) Economic value to the locality and region attributable to the purchase;

155 (8) Advisory opinions from local governments, state agencies, or others;

156 (9) Whether the property has been identified by ConserveVirginia and whether the proposal seeks to  
 157 preserve the conservation values identified by ConserveVirginia; and

158 (10) Whether the property is in an area lacking outdoor recreation facilities;

159 b. Develop an inventory of those properties in which the Commonwealth holds a legal interest for the  
 160 purpose set forth in subsection A of § 10.1-1020;

161 c. ~~Develop a needs assessment for future expenditures from the Fund. In developing the needs assessment,~~  
 162 ~~the Board of Trustees shall consider among others the properties identified in the following: (i)~~  
 163 ~~ConserveVirginia, (ii) Virginia Outdoors Plan, (iii) Virginia Natural Heritage Plan, (iv) Virginia Institute of~~  
 164 ~~Marine Science Inventory, (v) Virginia Joint Venture Board of the North American Waterfowl Management~~  
 165 ~~Plan, and (vi) Virginia Board of Historic Resources Inventory. In addition, the Board shall consider any~~  
 166 ~~information submitted by the Department of Agriculture and Consumer Services on farmland preservation~~  
 167 ~~priorities and any information submitted by the Department of Forestry on forest land initiatives and~~  
 168 ~~inventories; and~~

169 d. Maintain the inventory ~~and needs assessment~~ on an annual basis.

170 2. To expend directly or allocate the funds received by the Foundation to the appropriate state agencies for  
 171 the purpose of acquiring those properties or property interests selected by the Board of Trustees. In the case  
 172 of restricted funds the Board's powers shall be limited by the provisions of § 10.1-1022.

173 3. To enter into contracts and agreements, as approved by the Attorney General, to accomplish the  
 174 purposes of the Foundation.

175 4. To receive and expend gifts, grants and donations from whatever source to further the purposes set  
 176 forth in subsection B of § 10.1-1020.

177 5. To sell, exchange or otherwise dispose of or invest as it deems proper the moneys, securities, or other  
 178 real or personal property or any interest therein given or bequeathed to it, unless such action is restricted by  
 179 the terms of a gift or bequest. However, the provisions of § 10.1-1704 shall apply to any diversion from  
 180 open-space use of any land given or bequeathed to the Foundation.

181 6. To conduct fund-raising events as deemed appropriate by the Board of Trustees.

182 7. To do any and all lawful acts necessary or appropriate to carry out the purposes for which the

183 Foundation and Fund are established.