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1 **HOUSE BILL NO. 390**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 A BILL to amend the Code of Virginia by adding a section numbered 28.2-104.2, relating to Marine
5 Resources Commission; Habitat Policy Oversight Committee established; powers and duties; report.
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7 Patron—Askew

8 Committee Referral Pending
910 **Be it enacted by the General Assembly of Virginia:**11 **1. That the Code of Virginia is amended by adding a section numbered 28.2-104.2 as follows:**12 **§ 28.2-104.2. Habitat Policy Oversight Committee; powers and duties; report.**13 *A. For the purposes of this section:*

14 "Committee" means the Habitat Policy Oversight Committee established in subsection B.

15 "Division" means the Habitat Management Division of the Commission.

16 *B. There is hereby established within the Commission the Habitat Policy Oversight Committee (the
17 Committee), which shall advise the Commission and the Division on policies within their jurisdiction and
18 support the Commission's coastal resilience efforts. The Commission shall retain ultimate regulatory
19 authority, but the Division and the Commission shall consider and give due weight to the Committee's
20 recommendations in decision making processes. The Division shall report to the Commission on Committee
21 activities and how the Committee's recommendations have informed policy and program development, and
22 the Division shall consult with the Committee on all updates or revisions to policy matters not requiring
23 formal Commission approval.*24 *C. The Committee shall meet no less than three times per year and shall have nine voting members
25 appointed by the Secretary of Natural and Historic Resources. Vacancies shall be filled in the same manner
26 as the original appointments and all members may be reappointed. Members shall receive no compensation
27 for their services but shall receive reimbursement for actual expenses. In addition to the Chief of the Division
28 and the Deputy Commissioner of the Commission, who shall serve as nonvoting *ex officio* members,
29 membership of the Committee shall be as follows:*30 *1. One member who is a current Associate Commissioner of the Commission, who shall be the chair;*31 *2. One member who represents the Virginia Institute of Marine Science;*32 *3. One member who is an employee of an institution of higher education in the Commonwealth other than
33 the Virginia Institute for Marine Science with expertise in marine, environmental, or coastal sciences;*34 *4. One member appointed to a local wetlands board;*35 *5. One member who represents the private marine construction or consulting sector;*36 *6. One member from the conservation or nonprofit environmental advocacy community;*37 *7. One member from the aquaculture or commercial fisheries industry;*38 *8. One member of local or regional government within the coastal areas of the Commonwealth; and*39 *9. One member from the Virginia Coastal Zone Management Program at the Department of
40 Environmental Quality.*41 *D. Initially, members of the Committee established in (i) subdivisions 1 through 5 of subsection C shall be
42 appointed to serve a term of two years and (ii) subdivisions 6 through 9 of subsection C shall be appointed to
43 serve a term of four years. After the initial staggering of terms, members of the Committee shall be appointed
44 to serve for terms of four years each.*45 *E. The Committee shall have the following powers and duties:*46 *1. Review and provide recommendations on Division policies, procedures, and priorities;*47 *2. Review and make recommendations on appropriate mitigation strategies for all natural resources
48 under the purview of the Division and alternatives when mitigation banking is not feasible, consistent with
49 applicable laws and regulations;*50 *3. Recommend process improvements to enhance efficiency, transparency, and scientific rigor;*51 *4. Provide advisory input on major habitat-related rulemaking and regulatory amendments prior to
52 Commission consideration;*53 *5. Review actions of the Division to ensure consistency with state resilience and coastal policy plans and
54 objectives;*55 *6. Review and provide comment on proposed regulatory or procedural changes affecting tidal wetlands,
56 subaqueous lands, and dune and beach permitting;*57 *7. Recommend opportunities for interagency collaboration, grant alignment, policy integration, and
58 permit efficiency;*

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59 8. Recommend strategies and actions the Commission may pursue to contribute to and advance the goals
60 of the Chesapeake Bay Agreement; and
61 9. Submit an annual oversight report summarizing the Committee's recommendations and action
62 outcomes to the full Commission and the Chief Resilience Officer of the Commonwealth.