

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 28.2-104.2, relating to Marine*  
 3 *Resources Commission; Habitat Policy Oversight Committee established; powers and duties; report.*

4 [H 390]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 28.2-104.2 as follows:**8 **§ 28.2-104.2. *Habitat Policy Oversight Committee; powers and duties; report.***9 *A. For the purposes of this section:*10 *"Committee" means the Habitat Policy Oversight Committee established in subsection B.*11 *"Division" means the Habitat Management Division of the Commission.*

12 *B. There is hereby established within the Commission the Habitat Policy Oversight Committee, which*  
 13 *shall advise the Commission and the Division on policies within their jurisdiction and support the*  
 14 *Commission's coastal resilience efforts. The Commission shall retain ultimate regulatory authority, but the*  
 15 *Division and the Commission shall consider and give due weight to the Committee's recommendations in*  
 16 *decision-making processes. The Division shall report to the Commission on Committee activities and how the*  
 17 *Committee's recommendations have informed policy and program development, and the Division shall*  
 18 *consult with the Committee on all updates or revisions to policy matters not requiring formal Commission*  
 19 *approval.*

20 *C. The Committee shall have 11 voting members appointed by the Secretary of Natural and Historic*  
 21 *Resources. Vacancies shall be filled in the same manner as the original appointments and all members may*  
 22 *be reappointed. Members shall receive no compensation for their services but shall receive reimbursement*  
 23 *for actual expenses. In addition to the Chief of the Division and the Deputy Commissioner of the Commission,*  
 24 *who shall serve as nonvoting ex officio members, membership of the Committee shall be as follows:*

25 *1. One member who is a current Associate Commissioner of the Commission, who shall be the chair;*26 *2. One member who represents the Virginia Institute of Marine Science;*27 *3. One member who is an employee of the Institute for Coastal Adaptation and Resilience at Old*  
 28 *Dominion University;*29 *4. One member appointed to a local wetlands board;*30 *5. One member who represents the private marine construction or consulting sector;*31 *6. One member from the conservation or nonprofit environmental advocacy community;*32 *7. One member from the aquaculture or commercial fisheries industry;*33 *8. One member of local or regional government within the coastal areas of the Commonwealth;*34 *9. One member from the Virginia Coastal Zone Management Program at the Department of*  
 35 *Environmental Quality;*36 *10. One member representing the mitigation banking or environmental restoration sector; and*37 *11. One member from industry subject to the Commission's authority pursuant to Chapter 12 (§ 28.2-1200*  
 38 *et seq.) or Chapter 13 (§ 28.2-1300 et seq.).*

39 *D. Initially, members of the Committee established in (i) subdivisions C 1 through 5 shall be appointed to*  
 40 *serve a term of two years and (ii) subdivisions C 6 through 11 shall be appointed to serve a term of four*  
 41 *years. After the initial staggering of terms, members of the Committee shall be appointed to serve for terms of*  
 42 *four years each.*

43 *E. The Committee shall have the following powers and duties:*44 *1. Review and provide recommendations on Division policies, procedures, and priorities;*

45 *2. Review and make recommendations on appropriate mitigation strategies for all natural resources*  
 46 *under the purview of the Division to provide a clear, consistent, and science-based path to granting permits.*  
 47 *As part of such review, the Committee shall consider additional project benefits such as flood prevention,*  
 48 *resilience, and habitat improvements, and alternatives when mitigation banking is not feasible, consistent*  
 49 *with 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; and*  
59       8. *Recommend strategies and actions the Commission may pursue to contribute to and advance the goals*  
60 *of the Chesapeake Bay Agreement.*