

## **2017 LEGISLATIVE POSITIONS AND ISSUES OF CONCERN**

### **GCV Conservation and Beautification Committee**

#### **Summary**

The Garden Club of Virginia is an active association of 47 clubs, whose members together form a group of more than 3,000 civic leaders from around the Commonwealth. Guided by its mission statement, the Garden Club of Virginia considers the following positions and bills currently before the 2017 Session of the Virginia General Assembly commensurate with its mission.

Therefore, the Garden Club of Virginia:

#### **Supports Protecting the Viewshed of the Lower James River**

There is a proposal pending before the Army Corps of Engineers to build transmission towers across the historic lower James River, which would spoil the landscape of Virginia's Historic Triangle. The harm the proposed project would cause to nationally significant natural, historic and cultural resources requires that Dominion Power reevaluate its proposal. There are alternatives which would be less expensive and not as invasive. The GCV recommends that our state and federal legislators ask that the Army Corps of Engineers deny the proposal or, at a minimum, require a full Environmental Impact Study.

In January 2017, GCV opposed two bills that would have given Dominion Resources more control. One bill was signed into law by the Governor. The other was passed by indefinitely.

#### **Supports Continuing the Ban on Uranium Mining**

The Garden Club of Virginia continues to strongly support the continuation of the moratorium on uranium mining in Virginia until the Commonwealth is assured that the mining can be done safely, and that financial resources are available to fund a sufficiently long-term regulatory oversight system to conserve and protect Virginia's natural resources. This is an official position of the GCV.

#### **Supports Environmental Education**

The Garden Club of Virginia is a charter member of the Virginia No Child Left Inside Coalition, which works to improve conservation education so that all Virginia students will graduate from high school environmentally literate.

In January 2017 GCV supported a bill that would have required a study of the delivery of environmental education in Virginia, in light of the elimination of all staff positions within the Department of Conservation and Recreation's Office of Environmental Education.

That bill was tabled.

#### **Opposes Oil and Gas Drilling and Seismic Airgun Testing Off the Coast of Virginia**

In January 2016 the GCV stated its opposition to the Bureau of Ocean Energy Management (BOEM) 2017-2022 oil and gas drilling leasing plan for drilling off the Virginia Coast. In July 2016 the GCV stated opposition to seismic airgun testing off the Virginia coast. In November 2016 all of the Atlantic coast was removed from the final BOEM 2017-2022 plan by the Obama Administration. In December 2016 President

Obama, using his authority under section 12(a) of the Outer Continental Shelf Lands Act, withdrew 3.8 million acres in the north and mid-Atlantic Ocean from future mineral extraction, protecting 31 canyons that extend from Heezen Canyon offshore New England to Norfolk Canyon offshore of the Chesapeake Bay. In January, the Obama Administration denied all pending seismic testing permits in the Atlantic. As a result, no drilling plans will be considered until a possible 2022-2027 program for the Atlantic from North Carolina to Florida, and underwater canyons in the Mid- and North-Atlantic Ocean cannot be considered in future plans. We remain concerned about future drilling plans from North Carolina to Florida.

The Garden Club of Virginia strongly urges Governor McAuliffe and the Virginia General Assembly formally to request the Federal Government to permanently protect all of the Atlantic Coast from oil and gas drilling and seismic airgun testing in order to protect Virginia's coastal economies, communities and important habitat.

There were no bills in the Virginia General Assembly in the December 2016-January 2017 session. However, it was important to let our legislators know our position. Our Governor and our two Senators have since declared opposition to this.

### **Natural Gas Pipelines**

Due to increased hydraulic fracking in nearby states, new pipelines have been proposed which would intersect the Commonwealth. To avoid unnecessary and negative ecological and economic impacts to our communities, our forests and our natural resources and waterways, the GCV calls on our Governor and state and federal officials to request Federal Energy Regulatory Commission (FERC) to improve their process of planning for the transportation of natural gas in Virginia. This would include more stringent Environmental Impact Studies as well as a programmatic study which would lay out a plan for a region wide solution for future pipeline infrastructure so that environmental resources would be minimally impacted through greater collocation of lines and upgrades of existing corridors.

Last September (2016), a third-party study paid for by Southern Environmental Law Center concluded that the existing Columbia gas pipeline, (with some upgrades) is sufficient to transport gas to the various transportation hubs requested by Dominion Power. We ask that our legislators support the request that FERC convene a hearing to evaluate the evidence from the study.

These requests include the Atlantic Coast Pipeline, the Mountain Valley Pipeline, other proposed or pending projects.

### **Supports Legislative Action to Strengthen Land Conservation and Opposes Efforts to Weaken Land Conservation**

After having reduced the size of the Land Preservation Tax Credit program in 2015, the General Assembly should make no changes that would reduce the impact and availability of this important land conservation tool.

In January 2017 the GCV opposed a bill that would have reduced limits on tax credits for land conservation. That bill was left (tabled) in committee. The GCV also opposed a bill that would have reduced tax credits for historic rehabilitation. That bill was approved and signed into law by the Governor.

The GCV also continued to support Grant programs that would fund land conservation and to support measures that would provide more funding for the Virginia Outdoors Foundation:

- The GCV continued to support Grant programs as enacted under HB1398 in 2013. The General Assembly had appropriated \$10 million for FY17 and \$10 million for FY18. For FY18, the amount should be \$20 million, the promised funding under HB1398. It should be allocated as follows: \$16

million for the Virginia Land Conservation Foundation, \$2 million for the Office of Farmland Preservation and \$2 million for the Civil War Sites Preservation Fund. These grant programs were severely cut about in half in the final FY18 budget.

- The GCV supported measures that provide additional funding for the Virginia Outdoors Foundation to ensure it can accept, hold, and provide adequate stewardship of conservation easements.

### **Supports Legislative Initiatives to Address Climate Change and Recurrent Flooding**

In January 2017 GCV supported HB2018 Ron Villanueva Virginia Alternative Energy and Coastal Protection Act. Requires the Governor to seek to join the Regional Greenhouse Gas Initiative or other carbon trading program with an open auction of carbon allowances. The Department of Environmental Quality is directed to establish a carbon dioxide cap and trade program to reduce emissions released by electric generation stations. The revenues from the sale of carbon allowances are to be deposited in the Virginia Shoreline Resiliency Fund, a revolving fund established in 2016 for the purposes of mitigating future flood damage and creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding. This bill was left in the House Committee on Commerce and Labor.

The GCV also supported HB1964 Chris Stolle Secretary for Coastal Protection and Flooding Adaptation, and SB1349 Linwood Lewis (identical bills) Creates the position of Secretary for Coastal Protection and Flooding Adaptation (the Secretary). The Secretary shall be responsible for consolidating into a single office the resources for coastal flooding threats and adaptation. The House bill was left in House Appropriations. The Senate bill was defeated.

### **Supports Energy Legislation that Conserves and Protects our Natural Resources and Opposes Efforts to Weaken Them**

The Garden Club of Virginia supports the Clean Power Plan and urges the General Assembly to comply with it.

The GCV opposed HB1974 Israel O'Quinn Clean Power Plan; State Implementation Plan; General Assembly Approval. Requires the Department of Environmental Quality to receive approval from the General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. This bill, with amendments, failed to pass.

The GCV supported SB1208 Jennifer Wexton Electric Utilities; Community Renewable Projects, and HB2112 Mark Keam (Identical Bills) Requires the State Corporation Commission to adopt rules under which solar and/or wind-powered community renewable projects are authorized to operate. The Senate bill was incorporated into SB1393(Wagner) and passed, signed by Governor. The House bill was left in House Committee on Commerce and Labor

### **Supports Water Quality Efforts**

The GCV supported HB1423 David Albo; Potomac River Watershed; DEQ to Identify Owner of any Combined Sewer Overflow Outfall, etc. Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Potomac River Watershed and to determine what actions by the owner are necessary to bring the outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill was left in the House Committee on Agriculture, Chesapeake, and Natural Resources.

The GCV supported SB 898 Richard Stuart Department of Environmental Quality (DEQ); Combined Sewer Overflow (CSO) Outfalls; Potomac River Watershed. Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Potomac River Watershed and to determine what actions by the owner are necessary to bring the outfall into compliance with the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to bring it into compliance with the EPA policy by July 1, 2020. When the owner is a locality and it fails to meet the 2020 compliance deadline, the bill directs the Governor to withhold all state appropriations from the locality until it brings the outfall into compliance. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a TMD.

This bill passed and was signed by the Governor.

The GCV opposed HB1678 Roxann Robinson-Virginia Freedom of Information Act (FOIA); Trade Secrets. Submitted to the Department of Mines and SB1292 A. Benton Chafin (identical bills): Would exempt from mandatory FOIA the chemicals used to stimulate wells, and give authority to the Dept of Mines, Minerals and Energy to make determination of entitlement to such protection.

Both bills were defeated.

The GCV opposed HB1679 Roxann Robinson -Well Permit Applications; Disclosure of Trade Secrets, and SB1291 A. Benton Chafin (identical Bills) Authorizes the Department of Mines, Minerals, and Energy to require disclosure of chemical ingredient names, chemical abstracts numbers, or the amount or concentration of chemicals or ingredients used to stimulate a well notwithstanding exclusion from mandatory disclosure under the Virginia Freedom of Information Act as a trade secret. The bill authorizes the Director of the Department of Mines, Minerals and Energy to disclose such information to additional Department staff or state or local officials to assist the Department in responding to an emergency. The bill prohibits such individuals from disseminating such information further. The bill requires the Director to notify the party that submitted the trade secret of disclosure as soon as practicable.

The House bill was stricken by the patron.

The Senate bill failed in Senate Finance.

Senate Referral: Committee on Agriculture, Conservation and Natural Resources

The GCV supported HB1454 Terry Austin James River State Scenic River Designation. Extends the scenic river designation of a portion of the James River located in Botetourt County from 14 miles to 49 miles. This bill would protect that portion from dam or other structure that would impede the natural flow of the James River.

This bill was passed and signed by the Governor.

The GCV urges that General Assembly not to allow any further weakening of existing state protections related to coal ash. All coal ash impoundments should be subject to strict permitting and siting requirements. The State should require the removal of all coal ash to modern dry storage facilities, away from our rivers and drinking water supplies.

The GCV supported SB1398 Scott Surovell Coal Combustion Residuals Unit; Closure Permit; Assessments Required. Prohibits the Director of the Department of Environmental Quality (DEQ) from issuing a draft permit for the closure of a coal combustion residuals unit (CCR unit) until he has reviewed an assessment of closure options prepared by the owner or operator of the CCR unit. The bill requires the owner or operator to identify water pollution and address corrective measures to resolve it, evaluate the clean closure of the CCR unit by

recycling the ash for use in cement or moving it to a landfill, and demonstrate the long-term safety of the CCR unit and its ability to keep ash out of wetlands and other sensitive areas.

This bill passed and was signed by the Governor.

The GCV supported SB1383 Scott Surovell Coal Ash; Treatment by Utilities; Recycling. Requires electric utilities to recycle as much of their stored coal ash as is imported into the Commonwealth each year, on a pro rata basis. This bill was stricken by the patron.

The GCV supported SB1399 Scott Surovell Coal Combustion By-Product Impoundments; Closure Requirements. Directs the Department of Environmental Quality to require the closure of surface impoundments of coal combustion by-products, commonly called coal ash ponds, by July 1, 2021. This bill was stricken by the patron.

### **Supports Managing Polluted Runoff to Protect Virginia's Waterways**

The Stormwater Local Assistance Fund provides matching funds for localities for stormwater improvement projects.

The GCV supported funding by the General Assembly of the Stormwater Local Assistance Fund, at a level of at least \$20million in addition to the current appropriated funds. For FY18 the General Assembly provided no funding for this program.

Agricultural Best Management Practices Cost Share Program offers financial and technical support to farms to implement practices to restore and improve water quality such as stream exclusion systems and cover crops.

The GCV supported funding of \$45 Million for Agricultural Best Management Practices Cost Share Program in addition to the \$18Million still in the fund.

An additional \$16Million was appropriated for FY18 by the General Assembly,

### **Supports Legislation Allowing for Control of Proliferation of Disposable Plastic Bags**

The GCV supported **SB925 Petersen** - Plastic Bag Tax in the Chesapeake Watershed "Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax." This bill was passed by indefinitely.

### **Supports Legislative Action that Protects and Enhances Virginia State Parks**

The GCV continues to support increased funding for our State Parks.

- Support a Budget Amendment increase for \$612,537. in General Funds to support the establishment of 25 Youth Conservation Corps programs. This amendment will allow Virginia State Parks to establish stable funding to sponsor 25 Youth Corps programs in state 36 parks each summer.
- Support a Budget Amendment for \$487,945 and 4 FTE's for the maintenance and operation of Widewater State Park. In order to adequately manage the daily operations and to prepare for the expected high visitation, funding for an additional 4 positions, initial equipment needs, and park operational costs is necessary.

- Support a Budget Amendment for \$2,500,000 for the limited opening and development of Biscuit Run State Recreation Area To provide public access to Biscuit Run State Recreation Area, the Department of Conservation and Recreation needs additional capital funding to provide limited day use facilities including gravel road and parking areas, trails, signage, vault toilet, and a maintenance shed.
- Support a Provision to create a Brandy Station/Cedar Mountain State Park This amendment would create a Brandy Station and Cedar Mountain State Park comprised of land now owned by the Brandy Station Foundation and the Civil War Trust. The Civil War Trust has prepared a feasibility study assessing the opportunities and economic advantages to creating this state park. The feasibility study clearly shows that these Battlefields present an opportunity to advance an already well preserved and interpreted history and preliminary projections suggest that park visitation would increase under the management of Virginia State Parks. When fully established the park would hold the potential to bring visitor expenditures in excess of \$4 million annually to the local economy.

### **Billboards**

The Board of Directors of the GCV recommends continued vigilance over the placement/replacement permitting of large roadside advertising, including LED advertising.