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# VIRGINIA STATE BUDGET

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2014 Special Session I

## Budget Bill - HB5001 (Chapter 1)

Bill Order » Office of Agriculture and Forestry » Item 102

Department of Forestry

Item 102	First Year - FY2013	Second Year - FY2014
<b>Forest Management (50100)</b>	<b>\$37,081,956</b>	<b>\$27,660,741</b>
Reforestation Incentives to Private Forest Land Owners (50102)	\$2,104,502	\$2,354,502
Forest Conservation, Wildfire & Watershed Services (50103)	\$31,578,841	\$21,907,626
Tree Restoration and Improvement, Nurseries & State-Owned Forest Lands (50104)	\$2,723,613	\$2,723,613
Financial Assistance for Forest Land Management (50105)	\$675,000	\$675,000
Fund Sources:		
General	\$14,907,209	\$15,025,902
Special	\$7,061,919	\$7,359,871
Trust and Agency	\$100,000	\$102,830
Dedicated Special Revenue	\$10,052,060	\$211,370
Federal Trust	\$4,960,768	\$4,960,768

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Authority: Title 10.1, Chapter 11, and Title 58.1, Chapter 32, Article 4, Code of Virginia.

A. The State Forester is hereby authorized to utilize any unobligated balances in the fire suppression fund authorized by § 10.1-1124, Code of Virginia, for the purpose of acquiring replacement equipment for forestry management and protection operations.

B. In the event that budgeted amounts for forest fire suppression are insufficient to meet forest fire suppression demands, such amounts as may be necessary for this purpose may be transferred from Item 469 of this act to the Department of Forestry, with the approval of the Director, Department of Planning and Budget.

C. This appropriation includes annual membership dues to the Southeast Interstate Forest Fire Protection Compact, \$1,000 the first year and \$1,000 the second year from nongeneral funds.

D. The department shall provide technical assistance and project supervision in the aerial spraying of herbicides on timberland on landowner property. In addition to recovering the direct cost associated with the spraying contract, the department may charge an administrative fee for this service.

E. The Department of Forestry, in cooperation with the Department of Corrections, shall increase the use of inmate labor for routine and special work projects in state forests.

F. The department shall report by December 15 of each year on the progress of implementing the silvicultural water quality laws in Virginia. The report shall be submitted to the Chairmen of the House Appropriations and

Senate Finance Committees.

G. The appropriation in Reforestation Incentives to Private Forest Land Owners include \$697,570 the first year and \$947,570 the second year from the general fund for the Reforestation of Timberlands Program. This appropriation shall be deemed sufficient to meet the provisions of Titles 10.1 and 58.1, Code of Virginia. Out of this appropriation, up to ~~\$240,000~~ \$92,500 over the biennium from the general fund may be used for replacement of the Department of Forestry's accounts receivable fiscal system.

H. Out of this appropriation, \$464,398 the first year and \$394,605 the second year from the general fund is included for the purchase of forest fire protection equipment through the state's master equipment lease purchase program.

I. The department is authorized to enter into an agreement with a private entity for a pilot program to place a communication tower on department-owned property that is designed to blend with the surrounding landscape to the greatest extent practicable. Notwithstanding any other provision of law, any revenues received from such an agreement shall be retained by the department and used for forest land management.

J. The department is authorized to sell property located at the following: 564 Planters Road, Lawrenceville, Virginia, 23868; 2010 Sandy Hook Road, Goochland, Virginia, 23063; and, 717 East Third Street, Farmville, Virginia, 23901. Notwithstanding any other provision of law, the net proceeds of these transactions, estimated at \$498,500, shall be retained by the department, deposited into a nongeneral fund account, and used for costs incurred replacing current information technology equipment with technology and equipment appropriate to the department's operational needs.

K.1.a. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia State Forest Mitigation and Acquisition Fund, which shall be administered by the Department of Forestry. The fund shall be established on the books of the Comptroller. All amounts appropriated and such other funds as may be made available to the fund from any other source, public or private, shall be paid into the state treasury and credited to the fund. Interest earned on moneys in the fund shall remain in the fund and be credited to it. Any moneys remaining in the fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the fund. Moneys in the fund shall be used solely for the i) long term management and stewardship of any mitigation plan, and ii) acquisition of additional state forest lands or conservation easements to be administered by the Department of Forestry.

b. There is hereby created in the state treasury a special nonreverting fund to be known as the Long Term Mitigation Fund, a subfund of the Virginia State Forest Mitigation and Acquisition Fund which shall be administered by the Department of Forestry. The subfund shall be established on the books of the Comptroller. All amounts appropriated and such other funds as may be made available to the subfund from any other source, public or private, shall be paid into the state treasury and credited to the subfund. Interest earned on moneys in the subfund shall remain in the subfund and be credited to it. Any moneys remaining in the subfund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the subfund. Moneys in the subfund shall be used solely for the long term management and stewardship of any mitigation plan administered by the Department of Forestry.

2.a. ~~Included in this appropriation is a~~ An amount estimated at \$9,840,690 ~~in the first year~~ from dedicated special revenue, ~~to~~ shall be deposited into the Virginia State Forest Mitigation Acquisition Fund, contingent upon ratification of a stream mitigation purchase and sale agreement between the Department of Forestry and Henrico County. This amount represents the proceeds from the stream mitigation transaction, which is based upon the Cumberland State Forest Stream Buffer Preservation Stewardship Plan. Such agreement shall be limited to fulfill no more than 75 percent of the required stream credits for the Cobbs Creek Reservoir project. All additional required credits shall be acquired from other sources. With the exception of the amounts prescribed in paragraph K.2.b of this item, these funds shall be used solely for forest land or conservation easement acquisition.

b. Out of these amounts, a minimum of seven percent, or such amount as agreed to by the parties in the purchase and sale agreement shall be deposited into the Long Term Mitigation Fund, and shall be used only for long term management in accordance with the terms of the final mitigation plan, as approved by the U.S. Army Corps of Engineers, the State Water Control Board, and any other applicable authorities.

3. For any such future mitigation projects, no state forest land shall be used to provide compensatory mitigation for wetland or stream impacts of any public or private project until such time as due consideration has been given to the availability of mitigation credits available from private sources. State forest land means all sites, roadways, game food patches, ponds, lakes, streams, rivers, beaches, and lakes to which the Department of Forestry holds title for use, development, and administration.