

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB206

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Webert

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Small renewable energy projects; impact on natural resources.

5. Summary: Requires, as a condition for a permit by rule for a small energy project, that the applicant conduct an analysis of the beneficial and adverse impacts of the proposed project on natural resources. The bill requires that if the Department of Environmental Quality (DEQ) determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period, if such a plan was not submitted as part of the initial application. The bill specifies that a disturbance of more than 10 acres of prime agricultural soils, as defined in the bill, or 50 acres of contiguous forest lands, as defined in relevant law, is deemed to be a significant adverse impact on natural resources.

In addition, the bill requires that DEQ, in cooperation with the Department of Energy (DOEN), convene a workgroup that is to work in consultation with the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Historic Resources, the Department of Wildlife Resources, and the Secretary of Commerce and Trade. The bill requires the workgroup to make recommendations concerning the appropriate elements to be addressed in a mitigation plan submitted by an applicant pursuant to the subdivisions amended by this act, as well as concerning the location of brownfield industrial sites and reclaimed surface mines suitable for renewable energy development. In making such recommendations, the bill requires that the workgroup shall consider factors. The bill also requires that DEQ and DOEN prepare a report of the workgroup's findings and recommendations, to be submitted to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Commerce and Energy and the Senate Committees on Agriculture, Conservation and Natural Resources and Commerce and Labor no later than November 1, 2022.

Finally, the bill has an enactment clause that makes the first enactment of this act conditional on reenactment by the 2023 Session of the General Assembly.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See item 8.

- 8. Fiscal Implications:** It is anticipated that any fiscal impact on the Departments of Environmental Quality, Energy, Agriculture and Consumer Services, Wildlife Resources, and the Secretary of Commerce and Trade as a result of this bill can be absorbed within existing resources.

Information from the Departments of Forestry and Historic Resources is not available at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Environmental Quality; Department of Energy; Department of Agriculture and Consumer Services; Department of Forestry; Department of Historic Resources; Department of Wildlife Resources; Secretary of Commerce and Trade

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.