

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** SB31

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☒ Enrolled

**2. Patron:** Marsden

**3. Committee:** Passed both Houses.

**4. Title:** Virginia Land Conservation Foundation and Fund.

**5. Summary:** This bill makes changes to the allocation and use of funds for grants from the Virginia Land Conservation Fund, including allowing grants to be made to state-recognized and federally recognized Virginia Indian Tribes, and requires that at least one nonlegislative citizen member of the Virginia Land Conservation Foundation Board of Trustees be a member of a state-recognized or federally recognized Virginia Indian Tribe. The bill also increases the Board's biennial reporting obligation to become an annual report with additional reporting requirements. For the grant program, the bill would exempt holders of conservation easements that are accredited by the Land Trust Accreditation Commission from the current public body co-holder requirement.

**6. Budget Amendment Necessary:** Yes, to Item 375 of HB30/SB30 as introduced.

**7. Fiscal Impact Estimates:** Final.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2023	\$117,368	1	GF
2024	\$117,368	1	GF
2025	\$117,368	1	GF
2026	\$117,368	1	GF
2027	\$117,368	1	GF
2028	\$117,368	1	GF
2029	\$117,368	1	GF

**8. Fiscal Implications:** It is anticipated that this will result in an expenditure impact to the Department of Conservation and Recreation (DCR). Currently, DCR utilizes \$250,000 of interest from the VLCF to administer the Virginia Land Conservation Foundation program, which supports one full-time position and one wage position. This bill creates new responsibilities associated with the conservation and restoration of homelands for state and federally recognized Virginia Indian tribes, increases reporting requirements, and eliminates public-body co-holder requirements for accredited land trusts.

Currently, conservation and restoration of tribal lands does not fall within the focus of the Foundation, which is to protect the conservation values of land in perpetuity. According to DCR, the state laws that the Virginia Land Conservation Foundation Board of Trustees relies on to conserve land in perpetuity (the Virginia Conservation Easement Act and the Open-Space Land Act) do not apply to sovereign tribal lands, and by adding tribes to the entities eligible to apply for grant funding the Board must determine the legal mechanism to conserve the land in perpetuity. The Open-Space Land Act is used to conserve state and local government-owned lands. DCR indicates that since this doesn't apply to tribal lands, research, consultation, meetings, and legal advice will be required, staff will have to work with the Foundation, Tribes, and the Attorney General's Office to establish procedures to ensure grants awarded with state funds are protective of the conservation purposes for which the grants were made to protect in perpetuity on sovereign lands to protect the state's financial investment and meet the intent of the Virginia Land Conservation Foundation.

The new annual reporting requirements include estimating the funds needed to achieve goals established by the Board. Presently, the Board does not establish such land conservation goals or estimations of costs. According to DCR, this new responsibility will require regular on-going meetings of the Board, staff and experts, to establish reasonable statewide land conservation goals, statewide maps, GIS expertise, cost estimates for land acquisitions as well as conservation easements, and incorporate the changing needs and landscape from year to year.

In addition, the bill eliminates the public-body co-holder requirement for accredited land trusts, allowing state grant funds to go directly to these private entities. According to DCR, a new administrative system will have to be developed for these grant awards. Currently, the Board relies on the Open-Space Land Act and public body co-holders to provide oversight, stewardship, and monitoring reports on these projects. According to DCR, eliminating this requirement creates new responsibilities for staff to ensure these state-funded projects are protective of the conservation purposes protected within the conservation easements in perpetuity.

DCR estimates the need of one additional full-time position at a general fund cost of \$117,368, which includes salary, benefits, and other expenses, to administer the provisions of this bill.

At this time, any impact to the Office of Attorney General or the Department of Historic Resources is unknown.

**9. Specific Agency or Political Subdivisions Affected:** Department of Conservation and Recreation; Department of Historic Resources; Office of Attorney General.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.