

Governor Kaine's Natural Resources Agenda

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Natural resources will take center stage in Gov. Timothy M. Kaine's final year in office. While the governor will continue to work on the focal areas of prior years — transportation, education, health care — as well as myriad other important issues, energy and the environment will receive special emphasis. No governor in recent memory has highlighted natural resources for an entire year.

Energy and the environment have been of keen interest to the governor since his term began. Two of his signature initiatives relate to land conservation and energy policy, and they will remain important through 2009.

Land Conservation

Early in his term, the governor set an aggressive goal to permanently conserve more than 400,000 acres of land by 2010. Achieving this goal would require Virginia to almost double the rate at which land was being protected before he took office (about 56,000 acres per year). The effort has been remarkably successful so far, with about 254,000 acres already conserved.

This success has been fueled largely by Virginia's best-in-the-nation land preservation tax

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credit, which has encouraged landowners throughout the commonwealth to donate conservation easements that restrict or extinguish development rights on their properties. Governor Kaine left his mark on the tax credit program shortly after setting his land conservation goal, when he was presented with a legislative proposal that included some severe limitations on the availability of tax credits. The governor worked with the General

Assembly to increase accountability in the program while still providing a powerful inducement to landowners who wish to protect their land.

Since reform of the tax credit in 2006, landowners have been seeking conservation easements in record numbers. Restricting development in perpetuity is nevertheless a significant decision for landowners. Lawyers have an important role to play in helping landowners make conservation decisions regarding their land, as the governor pointed out in his October 2007 article in *Virginia Lawyer*.

While conservation easements are the tool most commonly used to protect important scenic and ecological attributes of open lands, they often do not provide for public access. That is why Virginia's land conservation efforts also include funding for conservation agencies to buy land. In the 2008 legislative session, Governor Kaine proposed a bond issue to finance the largest amount of funding for public land acquisition in state history. As a result, the commonwealth will acquire \$30 million worth of land for state forests, natural area preserves, and wildlife management areas in the following months. The legislature also approved the governor's proposal for an additional \$5 million for Civil War battlefield preservation, which will be matched two-to-one by private preservation groups to protect Virginia's most threatened battlefield sites.

Energy Policy

In April 2007, Governor Kaine issued Executive Order (EO) 48, which required state agencies to reduce the costs of nonrenewable energy purchases by 20 percent. In September of that year, he released Virginia's first comprehensive energy plan. The Virginia Energy Plan (VEP), which had been required by 2006 legislation, highlights four broad energy policy goals for the commonwealth. First, the plan calls for increased energy independence through both expanded conservation and efficiency and increased in-state energy production. Second, the plan capitalizes on economic development opportunities and increases research and development in four strategic areas — nuclear technologies, alternate transportation fuels, coastal energy production, and carbon capture

and storage. Third, the plan calls for expanded consumer education on energy use. Recognizing that the use of energy generated from fossil fuels is contributing to a global problem, the plan's final goal is by 2025 to reduce greenhouse gas emissions by 30 percent below projected levels. Many of the VEP's recommendations regarding energy efficiency and conservation would have the result of reducing emissions. To identify the additional strategies that would be needed to

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reach the 30 percent goal, the plan recommends the creation of a Climate Change Commission.

The VEP contains recommendations on strategies for achieving these four goals, as well as proposals in other areas such as renewable energy and energy infrastructure. Progress has been made on both the state government target in EO 48 and many of the recommendations of the VEP. Continued implementation of the VEP and EO 48 will be a key focus between now and 2010.

Climate Change

Pursuant to the recommendation of the Virginia Energy Plan, Governor Kaine issued Executive Order 59 in December 2007 to establish the Governor's Commission on Climate Change. EO 59 calls on the commission to

- inventory the amount of and contributors to Virginia's greenhouse gas emissions, including emissions projections through 2025;
- evaluate the expected impacts of climate change on Virginia's citizens, natural resources, and economy;
- identify climate change approaches by other states, regions, and the federal government;
- identify what Virginia needs to do to prepare for the likely consequences of climate change;
- identify any actions (beyond those identified in the VEP) that need to be taken to

achieve the 30 percent greenhouse gas reduction goal.

Between February 2008 and June 2008, the commission received presentations from almost forty state and national experts about the impacts of climate change on Virginia's economy and natural resources. In September, the commission issued an interim report that addresses the inventory of emissions, impacts of climate change, and other states' approaches.

In June, the commission formed four work groups to address the remaining two tasks; their work is ongoing. One group is focusing on climate change preparation. The remaining three

groups are identifying actions that need to be taken to achieve the 30 percent greenhouse gas reduction goal. One is focusing on transportation and land use actions, a second is focusing on electricity generation and other energy sources, and a third is focusing on the built environment. Work group recommendations that are accepted by the full commission will be included in the commission's final report, which will be issued in December 2008.

Conclusion

What will the Year of Energy and the Environment hold in store? Some possibilities are still in the development stage. Secretary of Natural Resources L. Preston Bryant Jr. has spent several months seeking ideas from the agencies within his secretariat, as well as a broad range of stakeholders. The focus on natural resources will likely provide an opportunity to take further steps on a number of issues that have been important to the Kaine administration, such as linking transportation and land use, restoring the Chesapeake Bay and maintaining healthy fisheries, and improving water quality throughout the commonwealth. Most certainly, there will be new land acquisitions and conservation easements to celebrate, actions to implement the recommendations of the Commission on Climate Change, and more progress toward the goals of the Virginia Energy Plan. ■