

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1157

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Krizek

3. Committee: Appropriations

4. Title: Consultation with federally recognized Tribal Nations in the Commonwealth; permits and reviews.

5. Summary: Requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth and requires the Ombudsman to develop by September 1, 2024, a list of localities in which federally recognized Tribal Nations in the Commonwealth shall be consulted to effectuate the provisions of the bill. The bill requires the Departments of Conservation and Recreation, Environmental Quality, and Historic Resources and the Marine Resources Commission to adopt regulations, and such regulations shall provide that when consultation with federally recognized Tribal Nations in the Commonwealth has been or is being conducted pursuant to federal law for a particular undertaking, and the Commonwealth is already involved in such consultation, such actions shall suffice to meet the requirements of this act. The bill codifies Executive Order 82 (2021).

6. Budget Amendment Necessary: Yes, to Item 55 of HB30/SB30.

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2024	n/a	n/a	n/a
2025	\$160,250	1	GF
2026	\$160,250	1	GF
2027	\$160,250	1	GF
2028	\$160,250	1	GF
2029	\$160,250	1	GF
2030	\$160,250	1	GF

- 8. Fiscal Implications:** This bill directs the Secretary of the Commonwealth (SOC) to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. It is anticipated the costs associated with a Tribal Ombudsman position will be \$160,250, including salary, benefits, and operating expenses. A general fund budget amendment to the SOC is required.

The Departments of Environmental Quality, Conservation and Recreation, Historic Resources, Aviation, as well as the State Corporation Commission, and the Marine Resources Commission, anticipate that any costs associated with this bill can be absorbed within current resources.

- 9. Specific Agency or Political Subdivisions Affected:** Secretary of the Commonwealth; Departments of Environmental Quality, Conservation and Recreation, Historic Resources, Transportation and Aviation; State Corporation Commission; Marine Resources Commission.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.