



VIRGINIA LEAGUE OF
CONSERVATION VOTERS

2017

Virginia General Assembly
Conservation
Scorecard

valcv.org

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2017 General Assembly

Bipartisan progress for conservation

Welcome to the 2017 General Assembly Conservation Scorecard! Much has changed since the Virginia League of Conservation Voters released its last publication.

The election of President Donald Trump ushered in a whole new level of partisanship over conservation issues at the national level with full-on attacks to long-held environmental protections that safeguard clean air, clean water, and protected lands.

This year's General Assembly session here in Virginia, however, proved that this disturbing trend has not made it into the Old Dominion.

From responsible management of coal ash to keeping raw sewage from spewing into the Chesapeake Bay, from expanding solar access in Virginia to standing up to oil and gas developers, elected officials from both sides of the aisle stood up and did the right thing for the environment, their constituents and the commonwealth this session.

Some of the legislative fights were harder than others; some even turned reliable Democratic allies on conservation issues into the opposition. But at the end of the day, we successfully navigated these sometimes turbulent waters to pass vital safeguards for Virginia's environment.

This included defeating our state's electricity monopoly Dominion Power, whose long-held sway over the General Assembly has weakened considerably, on a major piece of legislation (Senate Bill 1398) requiring them to fully assess coal ash sites, disclose pollution issues and outline a full array of options for safe, long-term closure that don't put nearby residents' drinking water at risk or release toxic runoff into our state's cherished waterways. During this process we leaned on Republicans and Democrats in the legislature as well as the Governor to pass a final bill holding Dominion accountable.

Likewise, we relied on bipartisan cooperation in the General Assembly and Governor McAuliffe to pass major legislation (Senate Bill 898 and House Bill 2383) to address

the City of Alexandria's failing sewer infrastructure and their seeming unwillingness to fix a major problem sending 11 million gallons a year of raw, untreated sewage into the Chesapeake Bay. Sponsored by Republican lawmakers downstream of the city's antiquated infrastructure, these bills put in place clear deadlines to start and finish construction bringing Alexandria into compliance with federal law and improving the health of the Chesapeake Bay.

In addition to helping us claim these high-profile wins, Senate Republicans were key in defeating legislative efforts that would have allowed oil and gas companies to keep secret the chemical cocktail they use during fracking operations, and arguably the most important solar legislation of the year came from a Republican senator.

In divided government, there will always be disagreements and the commonwealth is not without its occasional political rancor. But here at Virginia LCV, we work hard to elevate conservation issues above this fray, by communicating and working with both parties to put the public health and safety of their constituents first, and holding Democrats and Republicans alike accountable when they don't. This is how we win year after year, regardless of who's in control of the Governor's mansion or the legislature.

We have our supporters to thank for helping us build this type of lasting power and we sincerely hope you'll be with us heading into a huge election year with big implications for the future of conservation in the commonwealth.

Sincerely,



Michael Town
Executive Director

Virginia LCV recognizes Governor's legacy

In 2013, the Virginia League of Conservation Voters worked hard to elect Terry McAuliffe as the Commonwealth of Virginia's 72nd Governor due to a strong environmental platform that prioritized conservation of our state's clean water resources and open spaces as well as taking bold action to address climate change and grow our clean energy sector.

Now in the final months of his term, Virginia LCV presented Governor McAuliffe with the inaugural "John B. Jaske Virginia Conservation Legacy Award," which bears the namesake of the League's long-time board member and chairman, in recognition of McAuliffe's environmental leadership over the past four years.

Virginia LCV's Interim Board Chair Roy Hoagland, Executive Director Michael Town, and John's widow,

Pam Jaske, presented the Governor with the award during the League's annual Legislative Recognition Event, held Sunday, May 21 in Upperville, Va.

What follows is just a short-list of McAuliffe's environmental achievements to date:

- In May, he released a directive to the Department of Environmental Quality to develop a market-based, "trade-ready" approach that will cap climate-disrupting emissions from new and existing power plants. This is the biggest step Virginia has ever taken to address climate change and the end-result was the culmination of a months-long process, which began last summer via Executive Order 57 and took into account input from multiple stakeholders.

- Reinstated the state's Climate Commission, instituted Virginia's first Solar Development Authority,

secured millions of dollars in federal resiliency funding for the Commonwealth, and negotiated adding climate impacts to the Chesapeake Bay agreement.

- In conjunction with the office of Attorney General Mark Herring and the Department of Justice, led the largest pollution settlement in Virginia history and the eighth largest nationwide for decades of mercury pollution in the Shenandoah Valley by DuPont.

- Signed transfer of deed for Fort Monroe to the National Parks Service, paving the way for this historic site to become a National Monument and oversaw the expansion of Virginia's state parks to include Crow's Nest and Natural Bridge, among other properties.

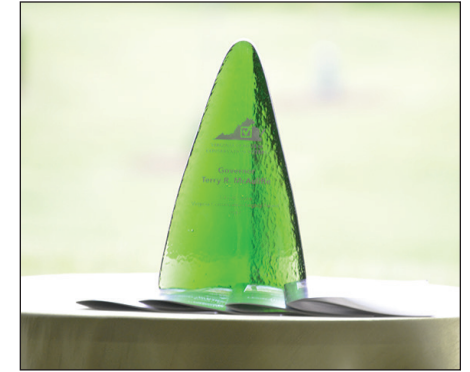
- Held a strong position against fracking in the George Washington National Forest.



Credit: Lee Francis/Virginia LCV

Virginia Governor Terry McAuliffe addresses the crowd at the Virginia League of Conservation Voters' annual Legislative Recognition Event shortly after receiving the League's inaugural John B. Jaske Virginia Conservation Legacy Award.

- Maintained more of an open door for Virginia LCV than any previous Governor, including weekly meetings during session, and the appointment of a Virginia LCV Board member to the state's Air Pollution Control Board.
- Signed letter urging President Trump to honor the Paris Agreement.
- Successfully defended the moratorium on Uranium Mining, which faced legislative and legal threats during his term.
- Halted the McDonnell administration's deeply flawed Route 460 plan and implemented a transportation funding mechanism to prevent future boondoggles.
- Adopted the largest conservation funding budget ever for both water quality programs and land conservation efforts and worked to ensure any cuts to the state's Land Preservation Tax Credit program were budgetary



- and not statutory.
- Vetoed legislative efforts to extend the state's costly and ineffective coal tax credits and also rejected legislative attacks against the Clean Power Plan.
- Championed and had officials in his administration lobby in support of our positions on clean energy, water quality, funding, coal ash management and fracking.

- Placed a one-year moratorium on coal ash closure permits, dismantling Dominion Power's coal ash plans in the process and allowing time to fully assess the threat these sites pose to our water quality and develop safe plans for long-term closure.

- Successfully transformed the argument pitting strong environmental stewardship against economic growth into a dynamic where protecting the environment goes hand in hand with growing jobs in Virginia with regards to the Chesapeake Bay, agriculture, land conservation and parks, tourism, and clean energy development.

For these reasons and more, Virginia LCV is honored to present McAuliffe with the first-ever John B. Jaske Virginia Conservation Legacy Award.

Virginia LCV: Conservation's Political Voice in Va.

The Virginia League of Conservation Voters is the political voice of conservation in the Commonwealth. We work tirelessly to protect all of Virginia's treasured natural resources – clean air and water, thriving communities and rural landscapes, productive farms and forests, historic battlefields and Main Streets, and ample public lands and open spaces.

To do this, we advocate for and secure strong public policy at the state level, hold elected officials accountable for their positions on conservation issues, and endorse conservation-minded candidates to state office. Of the organizations in Virginia's conservation community, Virginia LCV

is unique in that we provide the political power of bringing legislators' records on conservation issues to the forefront of their campaigns and the minds of their voters.

Conservation Accountability

Virginia LCV's annual Conservation Scorecard provides the only comprehensive look at how legislators voted on the year's most important conservation issues. From land conservation, to water quality, to transportation, to energy, the scorecard provides an inside take on what happened in Richmond on a full spectrum of issues. Further, the scorecard provides a distinctive and

useful tool for voters as they choose who represents their conservation values in Richmond. As a constituent and a voter, it is important for you to let your elected officials know you saw their scores. Thank those who helped protect Virginia's natural resources and urge those who didn't to do better.

Conservation Endorsements

As conservation's political voice in the Commonwealth, Virginia LCV proudly endorses and seeks to elect and re-elect candidates to office who prioritize conservation. In addition to using the Conservation Scorecard, we issue an inclu-

sive candidate questionnaire, research the dynamics of races, and lead candidate interviews to determine which candidates deserve our "conservation seal of approval."

Virginia LCV's endorsed candidates receive our guidance on how to make conservation issues a priority in their races, our financial support, and our outreach efforts to ensure conservation voters in their districts know of our endorsement. All of these factors are important to seeing our candidates win and to seeing a conservation majority in the legislature.

Conservation Advocacy

After candidates are sworn in, Virginia LCV staff and members work diligently to advocate for conser-

vation values in the General Assembly. Our efforts are essential to guaranteeing legislators are best educated on the importance and value of protecting our natural resources and safeguarding our clean air, clean water and open spaces. The more they hear from us, and especially from you, the more victorious we will be.

Join Our Team

Check in at valcv.org to keep updated on what's happening with conservation issues in Virginia. There you can take important conservation actions, get updated on Virginia LCV news, and follow our positions on critical legislation during the General Assembly session.

100 % 2017 Legislative Heroes

Virginia LCV Legislative Heroes demonstrate a strong dedication and prioritization of our conservation values. This year we recognize nine Senators and 19 Delegates for voting with Virginia LCV 100 percent of the time.

Of the hundreds of bills these legislators vote on every session, they deserve a special acknowledgment for getting the conservation vote right every time.

On behalf of conservation voters in Virginia, we thank the Legislative Heroes pictured here and look forward to their continued commitment to protecting the Commonwealth's precious natural resources.



Senator Deeds



Senator Ebbin



Senator Locke



Senator Lucas



Senator Mason



Senator McClellan



Senator McPike



Senator Petersen



Senator Wexton



Delegate J. Bell



Delegate Boysko



Delegate Bulova



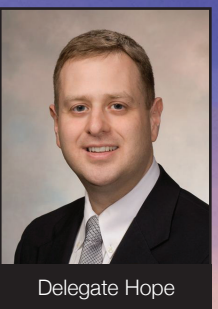
Delegate Carr



Delegate Filler-Corn



Delegate Hester



Delegate Hope



Delegate Kearn



Delegate Kory



Delegate Krizek



Delegate Lopez



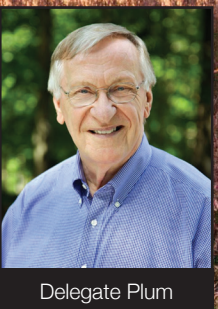
Delegate McQuinn



Delegate Mullin



Delegate Murphy



Delegate Plum



Delegate Toscano



Delegate Sickles



Delegate Simon



Delegate Watts

2017 Legislative Leaders

Virginia LCV Legislative Leaders scored between 75 and 99 percent on this year's scorecard. Sixteen Delegates and nine Senators earned this recognition for making conservation a priority.

Legislative Leaders in the Virginia Senate

Senator Rosalyn Dance – 92%
 Senator Janet Howell – 92%
 Senator Dick Saslaw – 92%
 Senator Scott Surovell – 92%
 Senator Lionell Spruill – 90%
 Senator Barbara Favola – 90%
 Senator Lynwood Lewis – 83%
 Senator Dave Marsden – 80%
 Senator George Barker – 79%

Legislative Leaders in the House of Delegates

Delegate Lashrecse Aird – 92%
 Delegate Lamont Bagby – 92%
 Delegate Cliff Hayes – 92%
 Delegate Stephen Heretick – 92%
 Delegate Charniele Herring – 92%
 Delegate Matthew James – 92%
 Delegate Joseph Lindsey – 92%
 Delegate Marcia Price – 92%
 Delegate Sam Rasoul – 92%
 Delegate Rip Sullivan – 92%
 Delegate Roslyn Tyler – 92%
 Delegate Jeion Ward – 92%
 Delegate Mark Levine – 91%
 Delegate Jeffrey Bourne – 86%
 Delegate Luke Torian – 85%
 Delegate Bob Marshall – 83%



Photo Credit: *Icy Tye River Along Rte 56* by Catherine Wilson of Midlothian | Courtesy of Scenic Virginia

Scored Legislation:

Water Quality

✗ Loopholes for Oil and Gas Drilling Operations

House Bills 1678 and 1679 – Delegate Roxann Robinson (R-Chesterfield)

Senate Bills 1291 and 1292 – Senator Ben Chafin (R-Lebanon)

Over the last few years Virginia developed and promulgated regulations to provide a framework for oil and gas companies’ drilling activity. These regulations provide guidelines for modern hy-

draulic fracturing, which is an extraction process that includes horizontally drilling for thousands of feet and injecting pressurized fluids to remove the oil or gas. Hydraulic fracturing has contaminated water sources in the past, and the state’s new regulations will help to prevent risks to our drinking water and the environment. After Governor McAuliffe signed these regulations, House Bill 1678, House Bill 1679, Senate Bill 1291, and Senate Bill 1292 were introduced in the General Assembly. The bills threatened to circumvent the regulatory process, and all of them failed to pass. The legislation would have initiated broad Freedom of Information Act (FOIA) loopholes by

barring all access to chemicals used in fracking operations that are considered trade secrets. This blanket approach neglected to consider localities needs, public health preparedness, and property rights.

While trade secrets must be protected at times, we know that it’s important for the key state agencies, the Department of Environmental Quality (DEQ) and the Department of Health, to have access to all the information to prevent and plan for serious environmental and health risks. Fracking chemicals have been linked to cancers, birth defects, respiratory and neurological problems, and more. We advocated against these bills

Know the Score:

As an exclusive accountability tool for conservation voters, it is important to know how we arrive at the final scores for each General Assembly session. The Conservation Scorecard gives you a comprehensive understanding of how your elected leaders represented your conservation values in Richmond.

While some sessions carry more contentious, high-stakes debates than others, our scorecard allows you to distinguish between the rhetoric and the reality of a legislator’s record by providing you detailed summaries of what happened inside the State Capitol each session.

How the Votes Were Chosen

With hundreds of bills introduced every session, Virginia LCV carefully tracks and takes

positions on all priority legislation that impacts conservation. As legislation evolves throughout the lawmaking process, we communicate our position at every step along the way – from subcommittee, to full committee, to the floor of each chamber.

After session’s end, we closely examine the votes and determine a selection of votes which best illustrates how legislators prioritized conservation issues. While some votes are easier than others, our look into what happened on the record and behind the scenes gives an encompassing representation of conservation performance.

How the Scores Were Calculated

For every vote recorded on the chosen legislation, legislators receive one “correct vote” for

voting the way of our communicated position. The number of “correct” votes is divided by the total number of possible votes for each legislator, which generates a lawmaker’s percentage score for the session. Legislators that sponsored bills supported by Virginia LCV receive a patron credit, which counts as one additional “possible vote” averaged into their final percentage.

Although some legislators perform more poorly than others from year to year, it is important that they hear from you your encouragement to do better. Conversely, we must not take our Legislative Heroes and Leaders for granted – let them know you appreciate their commitment to conservation and look forward to their continued support.

and for key state agencies to have all the information up front in order to be properly prepared and to prevent future emergencies.

These bills were challenging because various amendments were attempted, confirmed, and retracted during the entire process. House Bill 1678 failed to report out of the Senate General Laws Committee, and House Bill 1679 was stricken at the request of the Patron at the Senate Agricultural, Conservation, and Natural Resources Committee. Senate Bill 1291 and Senate Bill 1292 had financial impacts because the bills would have required the DEQ to implement new groundwater monitoring programs. The state would have to expend more resources without an agreement requiring the industry to share the names, amounts, and concentrations of chemicals or ingredients used during well operations. Therefore, both Senate bills were re-referred to the Senate Finance Committee where they failed to report 8-8. We supported the Administration and DEQ positions during our work on these bills, and collectively we were successful in defeating the bills.

✓ Expand Notification Methods After Spills

House Bill 1870 – Delegate Alfonzo Lopez (D-Arlington)

The conservation community supported the passage of House Bill 1870 to expand notification methods after a deleterious substance spills into waterways. Toxic spills can have widespread problems and appropriate notification systems can prevent unneeded complications. We advocated for stronger, more relevant notification mechanisms to be used after sewage, industrial waste, noxious, or deleterious substances spill into state waters.

This bill would have required any person who

unlawfully discharges these substances to give written notice to the State Water Control Board in addition to the Director of the Department of Environmental Quality (DEQ). Current law requires written notice to be given only to DEQ. In addition, House Bill 1870 would have required the State Water Control Board or DEQ to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. Right now, the State Water Control Board is only required to notify newspapers so this legislation would have helped modernize and expand the state's notification systems after spills. This bill died in a House Agriculture, Chesapeake, and Natural Resources Subcommittee with a 2-4 partisan vote.

✓ Cleaning Up Combined Sewer Overflow Pollution

House Bill 2383 – Delegate Scott Lingamfelter (R-Woodbridge)

Senate Bill 898 – Senator Richard Stuart (R-Montross)

The City of Alexandria is one of three cities in Virginia that still use a combined sewer and storm-water overflow system. During every major rain incident, raw sewage flows from the city's sewer system into the Potomac River, adding up to an average approximate of 11.3 million gallons per year. The other two cities, Richmond and Lynchburg, have signed consent orders to bring their systems into compliance with the Presumption Approach described in the Combined Sewer Overflow (CSO) Control Policy of the U.S. Environmental Protection Agency (EPA). House Bill 2383 directs the Department of Environmental Quality (DEQ) to identify the owner of any combined sewer overflow outfall that discharges into the Potomac River Watershed and to determine what

actions are necessary to bring the outfall into compliance with the EPA's Presumption Approach.

House Bill 2383 requires the owner of an outfall to begin construction to bring it into CSO compliance with the EPA policy by July 1, 2023 and complete said work by July 1, 2025. The bill also requires DEQ to provide reports to legislative committees, the Chesapeake Bay Commission's Virginia members, the Secretary of Natural Resources, and the Governor.

Senate Bill 898, the Senate version of House Bill 2383, garnered strong Republican support along its journey showing that reducing sewage pollution is not a partisan issue. It passed through the Senate Agriculture, Conservation and Natural Resources Committee with the help of a vote from every Republican on the committee. Their Committee substitute attempted to tighten the timeline by requiring compliance by 2020. This bill also incorporated Senator Surovell's Senate Bill 818 which had a similar intent.

We continually and firmly supported the strongest and most timely legislative solution to addressing the ongoing pollution into the Potomac River and the Chesapeake Bay. We developed new allies working on this legislation, and continue to emphasize its importance while alleviating concerns from the Northern Virginia region. We actively worked with the patrons and key legislators to ensure that this bill became law this year, and we consistently rejected further delays in addressing this major source of pollution. Governor McAuliffe presented amendments to the General Assembly to be heard during the April veto session. The Senate rejected the Governor's amendments, attempted to pass the bill in enrolled form, and failed to attain the needed 27 votes. We thank the Governor for signing the strongest version of the legislation and we thank all of those who were involved in the passage of this bill.

Senator Stuart receives Virginia LCV's 2017 Legislative Leadership Award

Virginia LCV presents its 2017 Legislative Leadership Award to Senator Richard Stuart, a Republican who represents the 28th District, which spans portions of the Northern Neck up to Stafford, and serves as the chairman of the Senate Committee on Agriculture, Conservation and Natural Resources.

He is receiving the Award for the following:

- Stuart patroned and worked to pass legislation (Senate Bill 898) to address Alexandria's Combined Sewer Overflow (CSO) system. The legislation requires the city of Alexandria to begin improvements to its sewer system by 2023 and finish construction to bring it into compliance by 2025. Alexandria's was the last CSO system in the Commonwealth without a plan for coming into compliance.

- Stuart's early support was integral in helping pass landmark coal ash legislation (Senate Bill 1398), which requires Dominion Power to conduct thorough assessments of each individual coal ash site before December 1 of this year, and with Governor McAuliffe's added amendments, prohibits any permits to be given out until May 2018 at the earliest. Without Senator Stuart's consent and support, the legislation would not have passed out of committee.

- For two years running, Stuart



has fought fracking legislation to allow oil and gas companies to withhold pertinent information from state agencies and the public about what chemicals they were injecting into fracking wells, under the guise of "trade secrets." The legislation passed the House overwhelmingly this year, and appeared to be on a path of narrowly passing the Senate, but Senator Stuart, and his Republican colleagues Emmett Hanger, and Tommy Norment ended up being the deciding votes to kill the legislation in committee.

Overall, we would not have seen the legislative successes we saw in 2017 without Senator Stuart's strong leadership. For these reasons and more, we proudly present Senator Stuart with this year's Legislative Leadership Award.

✓ Expand Testing Radius of Contaminated Wells

Senate Bill 910 – Senator Richard Stuart (R-Montross)

We were pleased that Senate Bill 910 passed the General Assembly this year. The bill expands the radius of groundwater well testing from 750 feet to 1,320 feet, and expands the radius for mandatory water supply replacement when contamination occurs. This bill tracks the Department of Mines Minerals and Energy's recently revised and promulgated oil and gas regulations. The regulatory process took three years and included input from various stakeholders including the oil and gas industry, localities, the environmental community and state agencies. The new regulations require testing of private wells within 1,320 feet of a drilling site before and after drilling. Testing will identify concentrations of certain chemicals and compounds including chlorides, dissolved gases such as methane, pH, sulfate and more. This bill is an example of a comprehensive bipartisan approach to safeguarding our water sources. Senate Bill 910 unanimously passed out of the Senate Agriculture, Conservation, and Natural Resources Committee, the House Agriculture, Chesapeake, and Natural Resources Committee, and then through both chambers.

✓ Increase Orphaned Well Surcharge

Senate Bill 911 – Senator Richard Stuart (R-Montross)

Senate Bill 911 increases the Orphaned Well Fund surcharge, and includes helpful technical amendments. The Orphaned Well Fund helps the state plug and restore wells and it focuses on those posing the most imminent danger to public safety. Virginia currently has ten known orphaned wells, which are wells that were abandoned prior to 1950. It is the responsibility of the Commonwealth to safely plug and restore these wells for those communities. The average cost of plugging and restoring an orphaned well is \$50,000. Virginia previously required each operator applying for a new oil and gas permit to pay a \$50 surcharge to be used for the reclamation of these abandoned wells, and this bill allows the surcharge to be increased to \$200. This year the Department of Mines Minerals and Energy determined that this surcharge must be increased, and this bill was able to pass through the General Assembly. It passed through Senate Agriculture, Conservation, and Natural Resources Committee, and the House Agriculture, Chesapeake, and Natural Resources Committee unanimously and then through the chambers with widespread support.

✓ Responsible & Informed Coal Ash Unit Closure

Senate Bill 1398 – Senator Scott Surovell (D-Mount Vernon)

Across the Commonwealth, coal burning facilities are shutting down as we transition to other sources of energy. The facilities are left with acres of coal ash waste, which is the toxic byproduct from burning coal. Coal ash contains a litany of heavy metals that are known to bioaccumulate up the food chain, causing a potential threat to many Virginians that live downstream from a coal ash polluted waterway. Coal ash waste sits in ponds where the ash has settled to the bottom and is covered

with millions of gallons of water. Often these ponds are unlined, meaning that there is little protection between the toxins and the ground. These ponds hold millions of tons of coal ash, have a bad record of leaking, and present a great risk to nearby surface and groundwater. Contamination has been reported at sites in Virginia, and the risk of excessive heavy metals like selenium, arsenic, and chromium puts communities at risk.

In 2015 the U.S. Environmental Protection Agency acknowledged this concern by issuing a rule to require the safe storage and disposal of coal ash units to protect the environment and public health, thereby giving Virginia the opportunity to lead the

way and close sites in the most responsible and reasonable manner possible.

Senate Bill 1398 stood out this session as it provided a legislative solution to Virginia's coal ash problem. This bill requires Dominion to provide full, site-specific assessments of coal ash sites prior to closure. The assessments must be submitted to the Virginia Department of Environmental Quality and the Chairs of the relevant Senate and House Committees before a coal ash permit is obtained by the utility. The assessments will include information about past contamination and coal ash disposal alternatives. This common-sense and prudent approach allows for more

information to be shared with decision makers prior to closure, and it will help save communities the cost of contamination down the road. The commonwealth has one chance to do this the right way and prevent water contamination risks.

Senate Bill 1398 passed out of the Senate Agricultural, Conservation, and Natural Resources Committee with a bipartisan 9-5 vote. After including substitutes, the House Agriculture, Chesapeake, and Natural Resources Committee passed it unanimously. It passed through both chambers with widespread support. Earlier amendments added during committee meetings did weaken the bill, and we were grateful that Governor McAuliffe strengthened

the legislation to meet its original intent before signing it into law. The passage of Senate Bill 1398 is an impactful step in the right direction.

Climate Change and Clean Energy

✗ Obstructing the Clean Power Plan

House Bill 1974 – Delegate Israel O'Quinn (R-Bristol)

The Clean Power Plan (CPP) was a standard established pursuant to the Clean Air Act with the intent of flexibly allowing states to develop their own state plans to reduce car-

bon dioxide emissions from power plants. A strong state plan would help spur clean energy and energy efficiency development in Virginia while reducing emissions that contribute to climate change. The CPP was a historic attempt to reduce the impacts of climate change on a state and national level, but it has recently faced severe obstacles. Special interests have pushed back against the implementation of the CPP, and opposition from climate change deniers and the fossil fuel industry has grown over the last few years.

This opposition on the national scale trickled down to Virginia during this General Assembly session as well as seen in House Bill 1974. Yet again, a bill was brought as an

attempt to set a new precedent by diminishing authority that has historically and constitutionally rested with the Executive Branch and its agencies to develop proposals to comply with federal rules and standards. The current process allows citizen voices to be heard during the state's approval process for a carbon reduction plan and engaged key stakeholders. Had this bill passed, it would have infringed on the authority of the Governor to develop a plan with the agencies that are experts in protecting our environment and public health.

House Bill 1974 passed the House, and then after a reconsidered vote it passed the Senate 21-19. The bill was sent to a Con-

ference and no further action was taking, meaning it failed to pass the General Assembly this year. The Governor vetoed bills with the same intent in prior years to help the national carbon reduction plan to move forward as efficiently and effectively as possible in Virginia.

✗ Extension of Coal Industry Subsidies

House Bill 2198 – Terry G. Kilgore (R-Gate City)

Senate Bill 1470 – Senator Ben Chafin (R-Lebanon)

From 1988 until 2016 the coal employment and production incentive tax credit was implemented with

Dominion loses, water quality wins during '17 General Assembly

Our most high-profile legislative fight in 2017 was over the passage of Senate Bill 1398, which now requires full site-by-site assessments of Dominion's coal ash storage sites and prevents the utility from getting a state permit for long-term closure until May 2018 at the earliest.

Patroned by Senator Scott Surovell (D-Mount Vernon) and Senator Amanda Chase (R-Chesterfield), the bill cleared the Senate committee and the full Senate with broad bipartisan support – 10 Republicans voted alongside Democrats from the

floor to require Dominion to disclose ongoing pollution from these sites and outline a full array of closure options, including repurposing this waste into usable concrete for roads and building construction.

The bill was weakened on the House side with the removal of a key provision linking the completion of site assessments to Dominion's ability to obtain state permits for closure – essentially, they would have been able to have final permits in hand even with major red flags.

The weakened bill sailed through

the House on block vote, making its way to the Governor's desk without the teeth holding Dominion's feet to the fire. Leading up to April's reconvened session, Governor McAuliffe amended the bill restoring much of its original language, which passed both chambers with overwhelming support. The final bill places a moratorium on closing coal ash storage sites until May 2018 and requires the completion of site assessments by December of this year. This timeline allows legislators to revisit the issue during the 2018 General As-

sembly if need be and arms regulators with a vital tool in ensuring coal ash storage sites are closed safely and responsibly.

If left unchecked, we would have been faced with a perennial source of toxic pollution in Virginia - contamination that would have put our clean water and health at risk. Coal ash is laden with heavy metals and known carcinogens and needs to be taken seriously. Under Dominion's original plans, millions of tons of this waste would have remained buried on the banks of major waterways,

including the James and Elizabeth Rivers and Quantico Creek, a large artery that feeds into the Potomac. This bill lays the groundwork for safer, more responsible solutions instead and slows down the process to ensure we get it right the first time.

More importantly, passage of this legislation sends the clear message that Dominion no longer has free reign to pollute in Virginia. They tried, and lost, to defeat this bill at every turn – putting our drinking water at risk in the process.

As the vote tallies show, more and more legislators are waking up to the fact that supporting Dominion's

position on bills like this one is tantamount to putting their constituents in harm's way.

What we now have is a tool – we look forward to using this tool to ensure Dominion cleans up the mess they caused in the best way possible for public health and the environment.

A view of the North Carolina storage site that sent millions of gallons of coal ash slurry into the Dan River and downstream into Virginia in 2010. Legislation passing the 2017 General Assembly in Virginia aims to ensure we are armed with full information about these toxic sites, to safely guide their longterm closure.



Credit: USFWS/Steven Alexander



Photo Credit: *Road to Westover Plantation* by Shannon Schojan of Toano | Courtesy of Scenic Virginia

the intent of increasing production and job growth in the coalfields. The state's 2012 Joint Legislative Audit and Review Commission study showed that neither goal has been met. In fact, after spending over \$635 million dollars of taxpayer money on this subsidy, the coal industry's production and job rate dropped the same rate or even faster than anticipated in Virginia largely due to market forces.

The tax credit was set to expire. House Bill 2198 and its companion, Senate Bill 1470, would have extended the date by which the tax credits must be earned to 2022 in order to be allocated to the industry. There is no reason to extend an ineffective tax credit that is wasting millions of taxpayer dollars, and yet this legislation passed the House and Senate. In lieu of this tax credit, the state should streamline resources to stimulate economic growth in regions that are no longer experiencing growth or support from the coal industry. We encourage the General Assembly to support the development of new jobs and industries, such as those related to clean energy development, in the regions that need the most help to recover from coal industry's downfall. It would be fiscally irresponsible to extend this tax credit any further, and we applaud the Governor for once again vetoing a bill to extend it again. This

year the House of Delegates and the Senate did not have the votes to override the Governor's veto, meaning that the veto held and House Bill 2198 and Senate Bill 1470 did not become law.

✓ **Community Solar Pilot Programs Established**

Senate Bill 1393 – Senator Frank Wagner (R-Virginia Beach)

Senate Bill 1393 was the product of a collaborative stakeholder process working to develop effective solar energy legislation in Virginia. By requiring utilities to develop a solar pilot program, this bill helps jumpstart the solar industry's growth. Senate Bill 1393 will expand consumer access to clean, solar power and open the doors for future solar expansion down the road. New solar facility construction will be initiated because pre-existing facilities are not included in the programs laid out in the legislation. Thereby, the pilot programs will expand solar in the Commonwealth by having the utilities combine energy from community solar generation opportunities and resell the energy to customers. The programs will help to provide access for those who would like to use solar energy but either cannot afford the upfront cost or whose homes are not

suitable for solar power. In addition, the potential customer benefits include long-term bill savings and the ability to transfer the solar subscriptions within a service area. Senate Bill 1393 also includes a requirement for an examination of options for low-income customers' abilities to subscribe to the community solar pilot programs.

Senate Bill 1393 reported from the Senate Commerce and Labor Committee 14-0 and House Commerce and Labor Committee 21-0 helping to pave its way through both chambers. We see the passage of this bill is an indicator of future support for the expansion of clean energy in Virginia to help mitigate climate change, protect our environment, and protect public health.

✓ **Virginia Alternative Energy and Coastal Protection Act**

*Senate Bill 1471
Mamie E. Locke (D-Hampton)*

Climate change puts Virginia at risk, and presents opportunities for Virginia to lead. The Hampton Roads area is the second most vulnerable region to climate change in the country. The threat to our coastal communities from recurrent flooding to extreme weather events presents risks. The Virginia Alternative Energy and Coastal Protection Act (the Act)

presented an opportunity for Virginia to lead. The Act was an effort to tackle climate change and help the communities that are most vulnerable. The method of approach was to include Virginia in the Regional Greenhouse Gas Initiative (RGGI), which is a flexible multi-state carbon trading program. After Virginia joined RGGI, its carbon trading proceeds would flow into a fund to mitigate climate change impacts and help Virginia adapt to changes already underway. The Act's purpose included establishing a fund with a revenue stream to serve areas affected by recurrent flooding and severe weather events, to invest in renewable energy and energy efficiency programs, to curb greenhouse gases, and to help Southwest communities recover from the reduction of fossil fuel production. Virginia could have created hundreds of millions of dollars in auction allowances and provide financial support to regions facing climate change impacts today with the passage of this bill. Nine states are already part of RGGI and have received well over one billion dollars in auction proceeds.

This legislation has failed the past few years, and this year it failed to report out of the Senate Agriculture, Conservation and Natural Resources Committee on a 7-8 party line vote.

Behind the Scenes:

Conservation wins, losses at the 2017 GA

The 2017 Conservation Scorecard highlights significant votes taken by members of the General Assembly. The scores are reflective of the legislator's individual positions, and together represent the collective sentiment towards conservation issues this year. In addition, there were many policy battles that took place behind the scenes where Virginia LCV was present advocating for environmental victories.

Land Preservation Tax Credit

Virginia's Land Preservation Tax Credit (LPTC) is a landmark program that has helped conserve over 740,000 acres in the commonwealth. It was established 1999 and has garnered bipartisan

support along the way. The LPTC offers a meaningful incentive for landowners to voluntarily donate or conserve easements. This popular mechanism to protect land helps meet local, state, and federal policy requirements as well. House Bill 1470 threatened to cut this successful program by lowering the number of credits that may be issued each year from \$75 million to \$50 million, imposing a cap of \$2 million per deal on transactions, limiting the number of redeemable tax credits, and increasing fees during the transference of LPTC tax credits. Virginia LCV joined together with diverse stakeholders carefully watching this legislation and working with legislators to help keep

the LPTC program alive and strong. We advocated for this program's consistent funding to ensure that it continues to be a noteworthy, reliable, and clear option for landowners to use when they are interested in conserving land. Program fluctuation shakes the LPTC foundation that people rely on across the commonwealth, and we urge the General Assembly to fully maintain the LPTC program.

House Bill 1470 was defeated by voice vote in the House Finance Committee. We can expect efforts to cut the LPTC to continue, and we will be on the front lines ensuring that these successful programs stay strong and fully intact each year at the General Assembly.



Photo Credit: *Rolling Pastures of Hay* by Bill Knarr of Verona | Courtesy of Scenic Virginia

Land Preservation Budget Cuts

Each year we work at the General Assembly to ensure that the funding for natural resource conservation efforts, farmlands, and battlefields is robust. In 2016 Governor McAuliffe introduced a budget with \$20 million dollars in land conservation funding for these programs each year for two years. After working its way through session, the biennial budget received \$10 million dollars in land conservation funding each year.

We then started the 2017 session with a \$1.5 billion dollar shortfall and legislators worked to close the gap in various ways. The land conservation grants faced significant cuts despite our work to maintain full funding. This session the Governor's \$10 million dollar allocation for land conservation efforts in the second year was cut, and we received just over \$5 million dollars for key grant programs. The Virginia Land Conservation Fund was cut by approximately \$3 million dollars. The Farmland Preservation Fund was cut by approximately \$750,000. The Battlefield Preservation Fund was restored in the House's budget to \$1 million. Looking forward, our next Governor will introduce the 2018 biennial budget and we will be advocating for full funding of these crucial land conservation programs.

Water Quality Efforts

Stormwater pollution runoff is a serious problem in Virginia, and we need to implement the best mech-



Photo Credit: *Alleghany Highlands* by Chuck Almaraz of Clifton Forge | Courtesy of Scenic Virginia

anisms to use to prevent this type of pollution and protect the Chesapeake Bay. The Stormwater Local Assistance Fund (SLAF) delivers grants to localities for water quality improvement projects. SLAF received \$20 million in the 2016 session but, despite our efforts, additional funding was not appropriated this year. Advocates, local officials, and legislators must work together to help ensure that this program is fully funded this year.

Another flagship water quality

improvement initiative is the Agricultural Cost Share Program. This program allocates funding to farmers to help them implement best practices to keep waterways clean. We were pleased that the Agricultural Cost Share Program was appropriated \$60 million dollars during the 2016 session, but now it faces a hurdle because it was allocated just \$16 million this session. We are hopeful that our collective efforts will help restore full funding for these practices in the future.

Transmission Line Local Control

Senate Bill 110 (Stanley, R- Mone-ta) would have allowed the State Corporation Commission (SCC) to issue a certificate of public convenience and necessity for constructing an electrical transition line's associated facilities. This certificate or approval would be applied to lines with 138 kilovolts, and the bill expanded the SCC's reach to include associated facilities that satisfied local requirements and zoning ordinances. The problem with the legislation is that it would have shifted the decision-making authority regarding the transmission line associated facilities, such as stations, substations, and switchyard transition facilities, from local governments to the SCC.

The General Assembly has long recognized that decisions on zoning to protect public health, safety, and welfare are best left to local governments. The site-specific nature of each transmission line facility brings different localized impacts, and local governments are best equipped to deal with oversight of the impacts.

Senate Bill 110 reported out of the Senate Commerce and Labor Committee 12-2 and then passed the Senate 30-9. The bill then passed out of the House Commerce and Labor Committee 18-3, and went to the House floor where it was amended and referred back to the Committee. The House Commerce and Labor Committee then left it on the table and it failed to pass this session.

Land Use and Transportation

✗ Circumvention of the Transportation Prioritization Process

Senate Bill 806 – William “Bill” Stanley (R-Moneta)

In 2014, the General Assembly passed House Bill 2 which required a comprehensive overhaul for the planning and funding process for transportation projects in Virginia. This legislation set up a multifaceted procedure in which individual projects are evaluated through a weighted scoring process to provide a clear and transparent process. This legislation was a positive step forward for transportation planning in Virginia.

Senate Bill 806 was introduced to circumvent this process to fast track the construction and development of Interstate 73 by directing \$40 million each year to the project for construction from funding currently earmarked for Route 58. The funding commitment to Route 58 should be honored at the General Assembly, and the funding for Interstate 73 should depend on the outcome of the transportation prioritization process set up by House Bill 2.

Aside from Senate Bill 806’s negative impact on Route 58’s



Photo Credit: **Spring Ride** by Jack Beilhart of Midlothian | Courtesy of Scenic Virginia

development, the passage of the bill is concerning because it sets a bad precedent to allow other transportation projects to circumvent the process and receiving funding without fair competition. Senate Bill 806 passed through the Senate Finance Committee 13-3, the Senate 26-13, and then through the House Transportation Committee 12-9, and the House 67-32. This legislation was enacted into law, but we will continue to advocate for transportation projects to compete in the fair framework developed and authorized by the 2014 General Assembly members.

✓ Participation in the Washington Metrorail Safety Commission Interstate Compact

House Bill 2136 – James LeMunyon (R-Chantilly)

The Washington Metropolitan Area Transit Authority (WMATA) rail system is an essential piece of the movement to increase smart growth practices and reduce pollution from cars. However, WMATA’s benefits have been overshadowed by severe safety problems putting its riders and employees at risk. Ongoing reports of flawed infrastructure, poor communication, and the decline of a safety culture have culminated in

past problems and future risks for those who encounter the rail system. Virginia, Maryland, and Washington, DC needed to work together and pass identical legislation this year to enact the Washington Metrorail Safety Commission Interstate Compact into law. House Bill 2136’s goal is to increase safety, prosperity, and commerce through the development of an oversight authority. The authority is called the Washington Metrorail Safety Commission, and this Commission will have safety and regulatory authority over the WMATA rail system and it will work to fix its problems.

The passage of House Bill 2136 was needed in Virginia to ensure that our federal government transit funding remains intact and that the severe WMATA safety problems are fixed in a collaborative and effectual manner. The authorities’ purpose includes providing oversight, developing and adopting safety standards, reviewing and approving safety plans, investigating problems, and engaging in corrective actions. The Commission will have a newly developed governing structure composed of a tri-state Board to avoid past mistakes, and it will publish annual safety and operations reports. The passage of this comprehensive legislation will help keep Virginians and others safe on the rail system that we depend upon. House Bill

2136 received bipartisan co-patron support, passed through the House Transportation Committee 21-0, the Senate Transportation Committee 13-0, and passed unanimously through the full chambers.

Good Government

✗ Broad Regulatory Rollback Efforts

*Senate Joint Resolution No. 295
Jill Holtzman Vogel (R-Fauquier)*

Senate Joint Resolution No. 295 proposed an amendment to the Constitution of Virginia to give the General Assembly the ability to review any administrative rule to ensure it is consistent with the legislative intent of the statute it relates too. After that review, the legislature may approve or reject part of the rule or the entire rule. However, there is not language clarifying that any legislative action taken on regulations would need to be based on the review.

Senate Joint Resolution No. 295 circumvents traditional constitutional requirements and has separation of powers concerns by stripping the Governor of executive branch authority. Regulations have the force of law, and any related legislative actions would not be not subject to a gubernatorial veto pursuant to Article V Section 6 of the Constitution of

Virginia. It is unclear whether they would be subject to judicial review.

In addition, the legislature already has the authority to pass laws to overturn unreasonable regulations or request agencies to fix regulations. This amendment grants excessive authority to the General Assembly without reliance on foundational checks and balances. Agencies, such as the Department of Environmental Quality, employ experts in rulemaking that use the best science and knowledge to provide regulatory environmental protections. Rulemaking is a highly technical process and usually involves public input. This resolution is looking for a shortcut and risks removing environmental regulations that protect our water, conserve our land, and keep our air clean.

Constitutional amendments like Senate Joint Resolution No. 295 must be passed by the Senate and House two years in a row and then agreed to by voters at the ballot. This year the resolution reported from the Senate Privileges and Elections Committee with an 8-6 party line vote and reported out of the Senate on a 21-19 party line vote. The House adopted the resolution 53-42 with just a few legislators crossing party lines to vote against it.

Bill Patrons

Where conservation victories begin

Virginia LCV recognizes the efforts of legislators that promote and lead on conservation issues each session. These patrons are acknowledged for the value of their commitment in each of the final scores. Note that though some members introduce multiple bills that receive Virginia LCV support, each member receives acknowledgment for only one patron credit.

Land Use & Transportation

Senator George Barker (D) – SB 1251; Wash-ington Metrorail Safety Commission Interstate Compact; Virginia authorized to become signatory.
 Senator Bill Carrico (R) – SB 1322; Public-Private Transportation Act of 1995; changes name of Advisory Committee.

Delegate Ron Villanueva (R) – HB 2023; High-way maintenance payments; bicycle lanes.
 Delegate James LeMunyon (R) – HB 2136; Washington Metrorail Safety Commission Inter-state Compact; Virginia authorized to become signatory.

Delegate Chris Jones (R) – HB 2244; Pub-lic-Private Transportation Act of 1995; changes name of Advisory Committee.
 Speaker Bill Howell (R) – Budget amendment; restores funding to the Battlefields Preservation Fund.

Delegate Matthew James (D) – Budget amendment; restores funding to the Virginia Land Conservation Fund and Virginia Farmland Preservation Fund and removes language changes governing the allocations to the Virginia Outdoors Foundation’s Open-Space Lands Preservation Trust Fund.

Delegate Matthew James (D) – Budget amend-ment; restores \$750,000 cut from the Office of Farmland Preservation’s Purchase of Develop-ment Rights Program.

Delegate Matthew James (D) – Budget amend-ment; fully restores funding for the Battlefields Preservation Fund appropriated by the 2016 General Assembly.

Senator Emmett Hanger (R) – Budget amendments; restores funding to the Virginia Land Conservation Fund and Virginia Farmland Preservation Fund and removes language changes governing the allocations to the Virginia Outdoors

Foundation’s Open-Space Lands Preservation Trust Fund.

Senator Frank Ruff (R) – Budget amendment; restores level funding for the Virginia Battlefield Preservation Fund.

Water Quality

Delegate Dave Albo (R) – HB 1423; Potomac River Watershed; DEQ to identify owner of any combined sewer overflow outfall.
 Delegate Terry Austin (R) – HB 1454; James River; designation as component of Virginia Scenic Rivers System.

Delegate David Bulova (D) – HB 1619; Water-shed discharge permits; review of allocations.
 Delegate Alfonso Lopez (D) – HB 1870; Delete-rious substances; discharge into state waters.
 Delegate Kaye Kory (D) – HB 2089; School boards, local; lead testing of potable water in schools.

Delegate Scott Lingamfelter (R) – HB 2383; Combined sewer overflow outfalls; DEQ to identify owner that discharges into Chesapeake Bay.
 Delegate Barry Knight (R) – HJ 572; Study; regulation of menhaden fishing; report.

Senator Richard Stuart (R) – SB 898; DEQ; combined sewer overflow (CSO) outfalls; Potomac River Watershed.
 Senator Richard Stuart (R) – SB 910; Virginia Oil and Gas Act; sampling and replacing contami-nated wells.

Senator Richard Stuart (R) – SB 911; Or-phaned Well Fund; surcharge.
 Senator Creigh Deeds (D) – SB 1196; James River; designation as component of Virginia Scenic Rivers System.

Senator Jeremy McPike (D) – SB 1359; School boards, local; lead testing of potable water in schools.

Senator Scott Surovell (D) – SB 1383; Coal ash; treatment by utilities, recycling.
 Senator Scott Surovell (D) – SB 1398; Coal combustion residuals unit; closure permit, assess-ments required.
 Senator Scott Surovell (D) – SB 1399; Coal combustion by-product impoundments; closure requirements.

Delegate Steve Landes (R) – Budget amend-ment; transfer of \$8.3 million from the Water Quality Improvement Fund Reserve to fund tech-nical assistance to local soil and water conserva-tion districts and agricultural best management practices.

Delegate Steve Landes (R) – Budget amend-ment; provides \$20 million from the general fund in the second year for the stormwater assistance fund.

Delegate Scott Lingamfelter (R) – Budget amendment; increases the share the recordation tax filing fee dedicates to the Natural Resources Commitment Fund for agricultural best manage-ment practices.

Delegate Scott Lingamfelter (R) – Budget amendment; provides a total of \$10 million from the general fund for agricultural best management practices.

Delegate Scott Lingamfelter (R) – Budget amendment; provides \$20 million from the general fund in the second year for the stormwater assistance fund.

Delegate John O’Bannon (R) – Budget amendment; transfers \$8.3 million from the Water Quality Improvement Fund Reserve to fund tech-nical assistance to local soil and water conserva-tion districts and agricultural best management practices.

Delegate Michael Webert (R) – Budget amend-ment; provides level funding for agriculture best management practices cost share program from fiscal year 2017 to fiscal year 2018.
 Delegate David Yancey (R) – Budget amend-ment; increases appropriation for the Stormwater Local Assistance Fund.

Senator Emmett Hanger (R) – Budget amend-ment; transfer of \$8.3 million from the Water Quality Improvement Fund Reserve to fund tech-nical assistance to local soil and water conserva-tion districts and agricultural best management

practices.
 Senator Emmett Hanger (R) – Budget amend-ment; provides \$20 million in Virginia Public Building Authority bonds for the Stormwater Local Assistance Fund in FY 2018.

Senator Lynwood Lewis (D) – Budget amend-ment; provides level funding for agricultural best management practices cost share program from FY 17 to FY 18.

Senator Frank Ruff (R) – Budget amendment; amend the Recordation Tax Fee to provide an addi-tional \$10 million in second year of the biennium to support the agricultural best management practices cost share program.

Climate Change & Clean Energy

Delegate Mark Keam (D) – HB 2112; Electric utilities; community renewable projects.
 Delegate Rip Sullivan (D) – HB 1636; Energy Efficiency programs; total resource cost test.
 Delegate Rip Sullivan (D) – HB 1703; Electric and natural gas utilities; energy efficiency goals.

Delegate Ron Villanueva (R) – HB 2018; Virginia Alternative Energy and Coastal Protection Act; estab-lished, report.
 Delegate Randy Minchew (R) – HB 1712; Energy, performance-based contract; cooperative procure-ment.

Senator John Edwards (D) – SB 918; Renewable Energy; third-party power purchase agreements.
 Senator Jennifer Wexton (D) – SB 1208; Electric utilities; community renewable projects.

Senator Frank Wagner (R) – SB 1393; Electric Utilities; community solar pilot programs.
 Senator Lynwood Lewis (D) – SB 1496; Virginia Alternative Energy and Coastal Protection Act; estab-lished, report.
 Senator Mamie Locke (D) – SB 1471; Virginia Alternative Energy and Coastal Protection Act; estab-lished, report.

Good Government

Delegate Mark Sickles (D) – HB 2182; Voter registration at the Department of Motor Vehicles; opt-out voter registration.
 Delegate Steve Landes (R) – HJ 763; Constitu-tional amendment (first resolution); apportionment; political considerations prohibited.

Senator Adam Ebbin (D) – SB 1051; Voter regis-tration at the Department of Motor Vehicles; opt-out voter registration.
 Senator Janet Howell (D) – SJ 290; Constitution-al amendment; criteria for electoral districts (first reference).

House Scorecard

✓ = right X = wrong NV = Not Voting AB = Abstained

Delegate	District	Party	2017 Score	2016 Score	Career Score (Since 2000)	HB 1678: FOIA exemption for fracking chemicals	HB 1679: DMME; trade secrets withheld for fracking	HB 1870: Harmful spills into waterways; public notice	HB 1974: Clean Power Plan; General Assembly approval	HB 2136: Va. to sign Metrorail safety compact	HB 2198: Coal tax credits; extension of sunset	HB 2383: Combined sewer overflow; compliance	SB 806: I-73 Corridor Development Fund established	SB 910: Sampling, replacing contaminated wells	SB 911: Orphaned gas wells, increased surcharge	SB 1393: Community solar pilot program established	SB 1398: Coal Ash closure; assessments required	SJ 295: Legislative review of administrative rules
Adams	16	R	58%	13%	42%	✓	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Aird	63	D	92%	100%	95%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Albo	✓	42	R	54%	44%	45%	X	X		X	✓	X	✓	X	✓	✓	✓	X
Anderson	51	R	45%	38%	44%	X	X		X	✓	X	✓	X	✓	✓	✓	NV	X
Austin	✓	19	R	54%	33%	50%	X	X		X	✓	X	✓	X	✓	✓	✓	X
Bagby	74	D	92%	100%	95%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Bell, J.	87	D	100%	100%	100%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bell, R.B.	58	R	50%	0%	37%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Bell, R.P.	20	R	50%	0%	40%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Bloxom	100	R	46%	44%	48%	X	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X
Bourne	71	D	86%	N/A	86%							✓	X	✓	✓	✓	✓	✓
Boysko	86	D	100%	100%	100%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bulova	✓	37	D	100%	100%	94%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Byron	22	R	50%	22%	40%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Campbell	6	R	40%	44%	43%	X	X		X	✓	X	✓	X	NV	NV	✓	X	✓
Carr	69	D	100%	100%	100%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cline	24	R	50%	0%	35%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Cole	88	R	50%	0%	48%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Collins	29	R	55%	33%	45%	X	X		X	✓	NV	✓	X	✓	✓	✓	✓	X
Cox	66	R	50%	33%	43%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Davis	84	R	42%	33%	42%	X	X		X	✓	X	✓	X	✓	X	✓	✓	X
Dudenhefer	2	R	58%	33%	48%	X	X		X	✓	X	✓	✓	✓	✓	✓	✓	X
Edmunds	60	R	58%	38%	57%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	✓
Fariss	59	R	63%	33%	51%	X	NV		NV	NV	X	✓	X	✓	✓	✓	✓	NV
Farrell	56	R	63%	33%	44%	✓	X		AB	✓	AB	✓	X	✓	✓	AB	AB	X
Filler-Corn	41	D	100%	100%	98%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fowler	55	R	55%	33%	50%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	NV
Freitas	30	R	42%	0%	24%	X	X		X	✓	X	✓	X	✓	✓	X	✓	X
Garrett	23	R	58%	33%	46%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	✓
Gilbert	15	R	42%	0%	30%	X	X		X	✓	X	✓	X	✓	✓	X	✓	X
Greason	32	R	50%	22%	48%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Habeeb	8	R	40%	36%	40%	X	X		X	✓	X	✓	X	NV	NV	✓	✓	X
Hayes	77	D	92%	N/A	92%	✓	✓		✓	✓	X	✓	✓	✓	✓	✓	✓	✓

✓ = right X = wrong NV = Not Voting AB = Abstained

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Head	17	R	45%	22%	42%	X	X	X	✓	X	✓	X	✓	✓	NV	✓	X	
Helsel	91	R	50%	33%	54%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
Heretick	79	D	92%	89%	90%	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	
Herring	46	D	92%	100%	95%	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	
Hester	89	D	100%	100%	95%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Hodges	98	R	55%	40%	51%	X	X	X	✓	NV	✓	X	✓	✓	✓	✓	X	
Holcomb	85	R	36%	N/A	36%	X	X	X	✓	X	✓	X	✓	X	NV	✓	X	
Hope	47	D	100%	100%	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Howell ✓	28	R	62%	33%	49%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	✓	
Hugo	40	R	50%	40%	49%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
Ingram	62	R	50%	33%	43%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
James ✓	80	D	92%	89%	83%	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	
Jones ✓	76	R	55%	13%	43%	X	X	X	✓	X	✓	X	✓	✓	AB	AB	✓	
Keam ✓	35	D	100%	100%	99%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Kilgore	1	R	27%	45%	39%	X	X	X	✓	X	✓	X	✓	X	NV	X	X	
Knight ✓	81	R	46%	40%	42%	X	X	X	✓	X	✓	X	✓	X	✓	✓	X	
Kory ✓	38	D	100%	100%	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Krizek	44	D	100%	100%	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Landes ✓	25	R	54%	20%	45%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
LaRock	33	R	58%	22%	42%	X	X	X	✓	X	✓	✓	✓	✓	✓	✓	X	
Leftwich	78	R	50%	33%	48%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
LeMunyon ✓	67	R	69%	44%	57%	X	X	X	✓	X	✓	✓	✓	✓	✓	✓	✓	
Levine	45	D	91%	100%	95%	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	NV	✓	
Lindsey	90	D	92%	100%	96%	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Lingamfelter ✓	31	R	54%	40%	52%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
Lopez ✓	49	D	100%	100%	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Loupassi	68	R	58%	40%	48%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	✓	
Marshall, D.	14	R	50%	40%	38%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
Marshall, R.	13	R	83%	33%	61%	✓	✓	X	✓	X	✓	✓	✓	✓	✓	✓	✓	
Massie	72	R	50%	33%	44%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
McQuinn	70	D	100%	100%	93%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Miller	50	R	58%	10%	39%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	✓	
Minchew ✓	10	R	70%	67%	70%	NV	✓	X	✓	X	✓	✓	NV	NV	✓	✓	X	
Miyares	82	R	50%	33%	43%	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X	
Morefield	3	R	67%	0%	44%	NV	NV	NV	NV	NV	✓	X	✓	✓	✓	X	NV	

✓ = right X = wrong NV = Not Voting AB = Abstained

Delegate	District	Party	2017 Score	2016 Score	Career Score (Since 2000)	HB 1678: FOIA exemption for fracking chemicals	HB 1679: DMME; trade secrets withheld for fracking	HB 1870: Harmful spills into waterways; public notice	HB 1974: Clean Power Plan; General Assembly approval	HB 2136: Va. to sign Metrorail safety compact	HB 2198: Coal tax credits; extension of sunset	HB 2383: Combined sewer overflow; compliance	SB 806: I-73 Corridor Development Fund established	SB 910: Sampling, replacing contaminated wells	SB 911: Orphaned gas wells, increased surcharge	SB 1393: Community solar pilot program established	SB 1398: Coal Ash closure; assessments required	SJ 295: Legislative review of administrative rules
Morris	64	R	40%	0%	31%	X	X		X	✓	X	✓	X	✓	✓	NV	NV	X
Mullin	93	D	100%	N/A	100%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Murphy	34	D	100%	100%	100%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
O'Bannon ✓	73	R	54%	33%	46%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
O'Quinn	5	R	40%	25%	48%	X	X		X	✓	X	✓	X	NV	NV	✓	✓	X
Orrock	54	R	50%	33%	46%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Peace	97	R	58%	33%	52%	X	X		X	✓	X	✓	✓	✓	✓	✓	✓	X
Pillion	4	R	50%	33%	46%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Plum	36	D	100%	100%	94%	✓	✓		✓	✓	✓	✓	✓	NV	NV	✓	✓	✓
Pogge	96	R	54%	22%	38%	✓	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X
Poindexter	9	R	50%	22%	37%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Price	95	D	92%	100%	95%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Ransone	99	R	46%	22%	38%	X	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X
Rasoul	11	D	92%	100%	94%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Robinson	27	R	50%	44%	50%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Rush	7	R	50%	33%	44%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Sickles ✓	43	D	100%	100%	96%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Simon	53	D	100%	100%	100%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Stolle	83	R	50%	40%	49%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Sullivan ✓	48	D	92%	100%	97%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Torian	52	D	85%	89%	91%	✓	✓	✓	✓	✓	X	✓	X	✓	✓	✓	✓	✓
Toscano	57	D	100%	100%	98%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tyler	75	D	92%	100%	86%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Villanueva ✓	21	R	54%	45%	51%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Ward	92	D	92%	100%	86%	✓	✓		✓	✓	✓	✓	X	✓	✓	✓	✓	✓
Ware	65	R	58%	36%	50%	X	X	NV	X	✓	X	✓	X	✓	✓	✓	✓	✓
Watts	39	D	100%	100%	86%	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Webert ✓	18	R	67%	11%	55%	NV	✓	NV	X	✓	X	✓	X	✓	✓	✓	✓	X
Wilt	26	R	46%	33%	43%	X	X	X	X	✓	X	✓	X	✓	✓	✓	✓	X
Wright	61	R	45%	33%	43%	X	X		X	✓	X	NV	X	✓	✓	✓	✓	X
Yancey ✓	94	R	69%	44%	56%	✓	X		X	✓	X	✓	X	✓	✓	✓	✓	✓
Yost	12	R	50%	56%	53%	X	X		X	✓	X	✓	X	✓	✓	✓	✓	X
Average			67%	53%														

Senate Scorecard

✓ = right X = wrong NV = Not Voting AB = Abstained

Senator	District	Party	2017 Score	2016 Score	Career Score (Since 2000)	HB 1678: FOIA exemption for fracking chemicals	HB 1974: Clean Power Plan; General Assembly approval	HB 2136: Va. to sign Metropolitan safety compact	SB 806: I-73 Corridor Development Fund established	SB 898: Combined sewer overflow; compliance	SB 910: Sampling, replacing contaminated wells	SB 911: Orphaned gas wells; increased surcharge	SB 1291: FOIA exemption for fracking chemicals	SB 1292: DMME; trade secrets withheld for fracking	SB 1393: Community solar pilot program established	SB 1398: Coal ash closure; assessments required	SB 1470: Coal tax credits; extension of sunset	SB 1471: Va. Alternative Energy & Coastal Protection Act	SJ 295: Legislative review of administrative rules
✓ = Patron Credit																			
Barker	✓	39	D	79%	71%	82%	✓	✓	✓	X	X	✓	✓	✓	✓	✓	X		✓
Black		13	R	42%	22%	36%	X	X	✓	X	✓	✓			✓	X	X	X	X
Carrico	✓	40	R	46%	29%	37%		X	✓	✓	✓		X	X	✓	X	X		X
Chafin		38	R	45%	22%	41%		X	✓	✓	✓				✓	X	X	X	X
Chase	✓	11	R	55%	33%	47%		X	✓	✓	X				✓	✓	X		X
Cosgrove		14	R	60%	50%	47%		X	✓	✓	✓				✓	✓	X		X
Dance		16	D	92%	89%	81%		✓	✓	✓	✓				✓	✓	✓	✓	✓
Deeds	✓	25	D	100%	100%	87%		✓	✓	✓	✓				✓	✓	✓		✓
DeSteph		8	R	64%	50%	59%	✓	X	✓	✓	✓				✓	✓	X		X
Dunnavant		12	R	46%	57%	50%	X	X	✓	✓	✓		X	X	✓	✓	X		X
Ebbin	✓	30	D	100%	100%	98%	✓	✓	✓	✓	✓				✓	✓	✓	✓	✓
Edwards	✓	21	D	73%	71%	83%		✓	✓	X	X	✓	✓		✓	✓	X		✓
Favola		31	D	90%	100%	98%		✓	✓	✓	X	✓	✓		✓	✓	✓		✓
Hanger	✓	24	R	64%	50%	47%		X	✓	✓	✓	✓		✓	✓	✓	X	X	X
Howell	✓	32	D	92%	100%	88%		✓	✓	✓	X	✓	✓		✓	✓	✓		✓
Lewis	✓	6	D	83%	89%	86%		✓	✓	✓	X	✓	✓		✓	✓	X	✓	✓
Locke	✓	2	D	100%	100%	86%	✓	✓	✓	✓	✓	✓			✓	✓	✓		✓
Lucas		18	D	100%	100%	76%		✓	✓	✓	✓	✓		✓	✓	✓	✓		✓
Marsden		37	D	80%	100%	85%		✓	✓	✓	NV	X	✓	✓	✓	✓	X	✓	✓
Mason		1	D	100%	100%	100%	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓
McClellan		9	D	100%	100%	98%		✓	✓	✓	✓	✓			✓	✓	✓		✓
McDougle		4	R	42%	43%	44%		X	✓	✓	X	✓	X	X	✓	X	X		X
McPike	✓	29	D	100%	100%	100%	✓	✓	✓	✓	AB	✓	✓		✓	✓	✓		✓
Newman		23	R	33%	50%	35%		X	✓	X	✓	✓	X	X	✓	X	X		X
Norment		3	R	58%	57%	50%		X	✓	X	✓	✓	✓	✓	✓	✓	X	X	X
Obenshain		26	R	38%	20%	36%		X	✓	X	✓	✓	✓	X	X	✓	X	X	X
Peake		22	R	50%	N/A	50%		X	✓	X	✓	✓	X		✓	✓	X		X
Petersen		34	D	100%	100%	90%		✓	✓	✓	✓	✓			✓	✓	✓		✓
Reeves		17	R	36%	33%	45%	X	X	✓	X	✓	✓	X		✓	X	X		X
Ruff	✓	15	R	40%	40%	37%	X	X	✓	X	✓	✓	X	X	✓	X	X	X	X
Saslaw		35	D	92%	100%	72%		✓	✓	✓	X	✓	✓		✓	✓	✓		✓
Spruill		5	D	90%	100%	73%		✓	✓	✓	X	✓	✓		✓	✓	✓		✓
Stanley		20	R	55%	50%	48%		X	✓	X	✓	✓			✓	✓	X	X	X

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Senator	District	Party	2017 Score	2016 Score	Career Score (Since 2000)	HB 1678: FOIA exemption for fracking chemicals	HB 1974: Clean Power Plan; General Assembly approval	HB 2136: Va. to sign Metropolitan safety compact	SB 806: I-73 Corridor Development Fund established	SB 898: Combined sewer overflow; compliance	SB 910: Sampling, replacing contaminated wells	SB 911: Orphaned gas wells; increased surcharge	SB 1291: FOIA exemption for fracking chemicals	SB 1292: DMME; trade secrets withheld for fracking	SB 1393: Community solar pilot program established	SB 1398: Coal ash closure; assessments required	SB 1470: Coal tax credits; extension of sunset	SB 1471: Va. Alternative Energy & Coastal Protection Act	SJ 295: Legislative review of administrative rules
Stuart	✓	28	R	62%	27%	51%			X	✓	✓	✓	✓	✓	AB	✓	X	X	X
Sturtevant		10	R	50%	33%	44%			X	✓	✓	X			✓	✓	X		X
Suetterlein		19	R	42%	13%	30%	X	X	✓	✓	✓	✓			✓	X	X	X	X
Surovell	✓	36	D	92%	86%	93%	✓	✓	✓	✓	✓	✓			✓	✓	✓		✓
Vogel		27	R	38%	75%	79%	X	X	✓	✓	✓	X	X	X	✓	✓	X		X
Wagner	✓	7	R	46%	63%	41%			X	✓	✓	✓	X	X	✓	X	X		X
Wexton	✓	33	D	100%	100%	97%	✓	✓	✓	✓	✓	✓			✓	✓	✓		✓
Average:				69%	66%														

Photo Credit: *Sunrise on the Marsh* by Deb Snelson of Henrico | Courtesy of Scenic Virginia





Standing strong against anti-regulation assaults

Decades of science, knowledge, and expertise have contributed to the development of the laws and regulations that provide a framework for environmental protection in Virginia and across the United States. On a state level, laws and regulations play a key role in protecting our public land, the air we breathe, and the water we drink. These safeguards have become more efficient and effective throughout time.

However, we are now experiencing overly broad legislative efforts to rollback regulations in Richmond. Not only do these rollbacks threaten constitutional requirements and our sound system of checks and balances, they are also unnecessary. State laws and regulations already undergo robust review from state agencies, commissions, departments, citizen boards, legislators, the Governor's office, the Attorney General's office, and the public. There is robust review to ensure the intent of environmental regulations aligns with statutes and with Article XI, Section 1 of the Constitution of Virginia, which states that we have the right to "...clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources..." These

safeguards contribute to our environmental successes and collectively, they are bigger than one administration – in Richmond or Washington – and we must stand strong against broad and politically charged policies aimed at rolling laws and regulations back.

During the 2017 General Assembly session we saw several examples of anti-regulatory and anti-legislation attacks. These initiatives were more than simply proposing technical reviews; they were efforts to fundamentally alter the progress we've made. One proposed piece of legislation would have created a new division to approve additions to existing regulations and recommend reducing current baseline efforts. Another approach was that, if the General Assembly expressed intent for a law not to be incorporated into the Code of Virginia, then a commission would ensure that the law would neither be codified nor incorporated into the Code. Legislation also attempted to change requirements for regulations to be promulgated by giving the General Assembly members authority to determine whether technical regulations were efficient, cost-effective, burdensome, and interfered with people's lives on their

journey into code.

With a part-time legislature that must hear thousands of bills in just two or three months, these approaches are unrealistic and would be burdensome in and of themselves. Most of the aforementioned bills were unsuccessful, but a constitutional resolution (SJ 295 from Senator Vogel) with similar intent did pass. It will allow the General Assembly to review any regulation to determine if it is aligned with the intent of the statute and after that review, it may be revoked in full or part. It does not clarify the type of finding needed to revoke a regulation, and could be interpreted to read that the General Assembly may revoke a regulation regardless of whether the review determines that it has the proper intent. In addition to all the reviews that regulations undergo, the legislature also already has the authority to overturn unreasonable regulations or require agencies to fix regulations. This resolution is beyond imperfect.

We all want efficient and helpful laws and regulations. While there is always room for improvement, the blanket, widespread approaches we are seeing now do not unveil targeted solutions. Virginia should stand strong against falling privy to using shallow, broad legislation to make political points instead of solving problems. We can lead with more thoughtful and specific approaches that keep our constitutional checks and balances in place, and the 2018 General Assembly session provides us the opportunity to stand strong against these attempted rollbacks.



Photo Credit: *Morning Fog on the Battlefield* by Theresa Rasmussen of Fredericksburg | Courtesy of Scenic Virginia



Photo Credit: **Chickahominy Sunset** by Shannon Schojan of Toano | Courtesy of Scenic Virginia

The Virginia League of Conservation Voters is the political voice of conservation in the Commonwealth. We work tirelessly to protect all of Virginia's treasured natural resources – clean air and water, thriving communities and rural landscapes, productive farms and forests, historic battlefields and Main Streets, and ample public lands and open spaces.

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