



VIRGINIA LEAGUE OF
CONSERVATION VOTERS

2018

Virginia General Assembly
Conservation
Scorecard

valcv.org

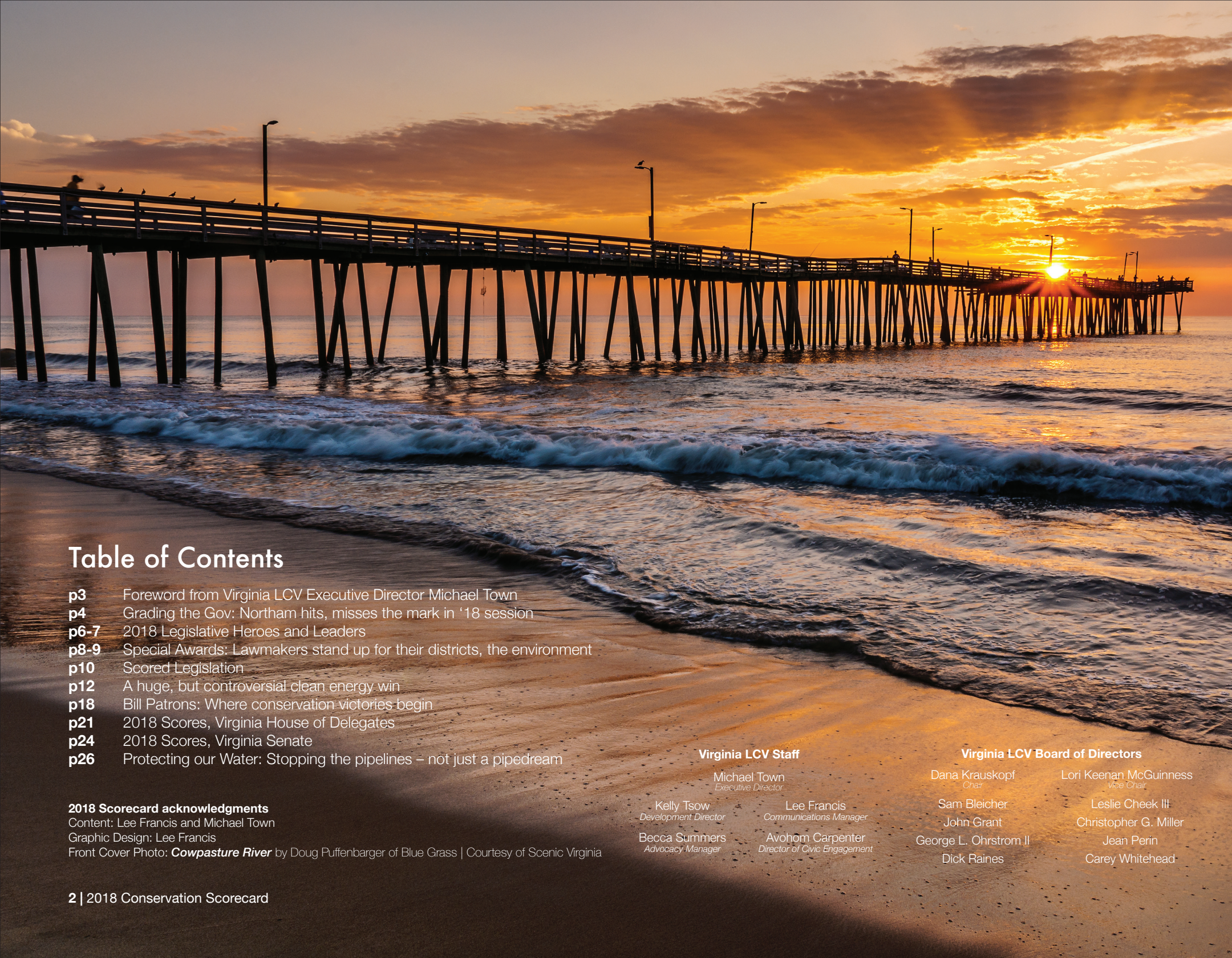


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2018 Scorecard acknowledgments

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New dynamics frame mixed session

As the legislature gaveled in for this year's General Assembly, we ushered in a whole new era of Virginia politics.

Virginia's electorate, especially the environmental community, reacted in force to the Trump administration's extreme agenda in November with a wave election that almost no one saw coming. This meant that come the first day of session, the House of Delegates looked much different than it did last year. With 15 seats – held mostly by members hostile to our issues, though we did lose a few friendly seats – changing parties, Nov. 7, 2017 loomed large over the House this session.

Only days before session started did we even know how things would shake out. Multiple recounts stretched well into January, and at the end of the day, control of the chamber came down to just the flip of a coin in the hotly contested 94th District in Newport News.

The new Speaker of the House, Kirk Cox, made cooperation a new priority in order for the closely divided House of Delegates to serve the voters. And, with new conservation champions in the House of Delegates, we were able to make progress on several important environmental issues this year.

This scorecard gives a full picture of our conservation victories at the General Assembly this year as well as some of the fights we'll have to revisit in 2019.

The legislature passed multiple bills aimed at stronger oversight of gas pipeline construction in Virginia, giving state regulators more tools to halt construction if and when these projects impact our water quality, an unfortunate but inevitable consequence of these unnecessary and destructive projects.

Both chambers also approved extending our state's moratorium on permanent closure of coal ash ponds, an important step forward that gives us another year to work on long-term solutions to handle the millions of tons of toxic coal ash currently being stored on the banks of major waterways in Virginia. The legislation also requires Dominion Energy to evaluate options for recycling its coal ash, an approach that would remove this threat to water quality and a superior op-

tion to leaving this waste in place, Dominion's preferred path forward.

On energy, much of our time went into shaping the massive grid modernization legislation that dominated the legislative session into an end-product that will result in the largest expansion in Virginia's history of clean, renewable energy and energy efficiency. We spend more time inside this year's scorecard taking a deeper dive into this issue, what it means for Virginia, why it isn't reflected in this year's legislator scores, and the work ahead of us we have to do to ensure a final outcome that protects ratepayers and our environment.

With majorities in both chambers that still refuse to come to terms with the need to address climate change, important legislation championed by Governor Northam to make Virginia an official member of the Regional Greenhouse Gas Initiative (RGGI) died on party-line votes in House and Senate committees. Both chambers also advanced legislation, vetoed by Governor Northam, attacking Virginia's ability to cut harmful carbon pollution.

So, in some respects we fought familiar fights on this front in 2018. But with momentum and numbers clearly on our side, an era where lawmakers can get away with doing nothing or pretending the climate crisis isn't occurring is quickly coming to a close.

The task ahead of us is keeping the pressure up. Voters are more engaged than ever; but we'll need to keep this momentum going in order to secure longterm wins for our environment.

We hope this scorecard arms you with the information you need as a conservation voter to help in this fight.

Sincerely,



Michael Town
Executive Director

Northam hits, misses the mark in '18 session

Virginia LCV enthusiastically endorsed Governor Ralph Northam's electoral bid in 2017, and we had high hopes heading into this year's General Assembly that we would see him follow through on key conservation issues. In many instances, Governor Northam came through as the conservation champion we expected; in others, we were left scratching our heads at some missed opportunities.

RGGI

From the outset, Northam made joining the Regional Greenhouse Gas Initiative (RGGI) a top priority. Though Virginia's already pursuing an administrative-level regulation allowing us to cap carbon emissions from power plants and trade

with RGGI, the legislature has to act in order for us to become an official member and direct revenues from the sale of carbon allowances back to the state.

Under the administration's bills, carried by Delegates David Bulova (D) and Gordon Hesel (R) in the House and Lynwood Lewis (D) in the Senate, an estimated \$200 million of annual revenues would have come back to Virginia for coastal resiliency, clean energy and energy efficiency investments, economic development in the coalfields, and conservation practices on farms.

Unfortunately, without friendly majorities in either chamber, these bills died on partisan lines, as has been the case with similar legislative

efforts over the past several years. However, the fact that the administration was championing this bold action on climate change should not be underestimated, and we are confident joining RGGI will happen during Northam's term with his continued leadership on this issue.

Clean Energy

The administration's intervention on the massive grid modernization legislation introduced this session was integral in solidifying a final package that leads us toward the largest expansion of renewable energy and energy efficiency efforts we've ever seen in Virginia.

As this effort was headed in an untenable direction that would have done little to fix the

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 inclusive 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 conservation 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.

worst parts of the flawed rate freeze of 2015 or improve our environment, Northam brought all parties to the table to come up with a final compromise that is certainly not perfect but accomplishes several important policy goals outlined in better detail later in this scorecard (see p. 12).

Pipeline Oversight

After passing the General Assembly with broad bipartisan support, Northam amended two bills giving DEQ more authority to halt construction of the contentious pipelines when water quality has been jeopardized. The amendments made the bills effective immediately, and an enforcement order from DEQ quickly followed over tree-felling activities on the route for the Atlantic Coast Pipeline. Northam has received immense public pressure to do more to slow down or stop these pipelines, and while this effort falls well short of stopping the projects entirely, it does give regulators statutory authority to apply the brakes when our water is at risk.

Coal Tax Credits

Northam's predecessor, Terry McAuliffe, helped end one of our state's most ineffective tax breaks by vetoing efforts numerous times to extend tax credits for coal companies, which expired in 2016 and have done nothing to stem job losses in Southwest Virginia while costing Virginia in the neighborhood of \$600 million.

This year, the legislature passed



Photo Credit: Office of the Governor of Virginia

Governor Northam is sworn into office at the Virginia Capitol Jan. 13, 2018.

a somewhat limited version of the tax credits, which applies only to the mining of metallurgical coal, a higher quality coal used mainly for manufacturing steel. Virginia LCV opposed this legislation and urged Governor Northam to follow McAuliffe's precedent by vetoing any extension of these ineffective subsidies.

However, in an attempt to woo members from the other party who he needed to ensure passage of a Medicaid expansion deal, the coal tax credits became a bargaining tool.

Northam amended the legislation prior to the reconvened session, adding a reenactment clause requiring the General Assembly to vote on the matter again in 2019. This effort failed, sending the bills back to Northam's desk with a deadline of

May 18 for him to sign them into law or utilize what's termed a "pocket veto," where a Governor can veto legislation without requiring further action by the legislature.

Even without a budget deal firmly in place, Northam refused to veto this legislation.

This means that funds that could go toward actually boosting Southwest Virginia, will instead flow back to coal companies, which is likely to continue shedding jobs as miners are increasingly replaced by machines and finite coal reserves get harder and harder to reach.

Budget

Another missed opportunity was funding for priority conservation programs. While Northam has pledged to eventually increase natural

resources funding to 2 percent of the general fund – a goal supported strongly by the conservation community – we saw little progress toward this goal from the Governor this year.

After the legislature failed to reach a budget compromise during this year's regular session because of Medicaid expansion, Northam re-introduced a nearly identical version of McAuliffe's parting spending plan, which did not go nearly far enough in funding critical conservation priorities.

In order to hit our final Chesapeake Bay cleanup goals, Virginia will need to invest seriously in cutting water pollution from urban stormwater runoff and on farms. Likewise, investments in open space conservation yield huge dividends for our environment, by preventing runoff and other harmful pollutants from entering waterways.

While these programs were at least partly funded, Virginia can and must do more to put conservation first. We expect the budget Northam introduces in the middle of his term to do more to fund programs that safeguard Virginia's environment.

Governor Northam still has three legislative sessions ahead of him. We are heartened at the progress he has already made, but know he can and will do more for conservation. We look forward to working with the Northam administration to secure lasting protections for Virginia's environment.

100 % 2018 Legislative Heroes

Virginia LCV Legislative Heroes demonstrate a strong dedication and prioritization of our conservation values. This year we recognize six Senators and 35 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 Favola



Senator Locke



Senator McClellan



Senator McPike



Senator Wexton



Delegate Adams



Delegate Bagby



Delegate Bourne



Delegate Boysko



Delegate Bulova



Delegate Carr



Delegate Carroll Foy



Delegate Carter



Delegate Corvirs-Fowler



Delegate Delaney



Delegate Filler-Corn



Delegate Gooditis



Delegate Guzman



Delegate Herring



Delegate Hope

2018

Legislative Leaders

Virginia LCV Legislative Leaders scored between 75 and 99 percent on this year's scorecard. Twelve Delegates and 14 Senators earned this recognition for making conservation a priority.



Delegate Jones



Delegate Kearn



Delegate Kory



Delegate Levine



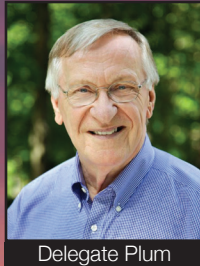
Delegate Lopez



Delegate McQuinn



Delegate Murphy



Delegate Plum



Delegate Price



Delegate Rasoul



Delegate Reid



Delegate Rodman



Delegate Roem



Delegate Simon



Delegate Sullivan



Delegate Toscano



Delegate Tran



Delegate Turpin



Delegate Ward



Delegate Watts

Virginia Senate

Senator Adam Ebbin – 93%
Senator Monty Mason – 92%
Senator Scott Surovell – 91%
Senator Janet Howell – 91%
Senator Louise Lucas – 90%
Senator Lionell Spruill – 90%
Senator Rosalyn Dance – 86%
Senator Lynwood Lewis – 86%
Senator Chap Petersen – 85%
Senator Dave Marsden – 83%
Senator Jill Vogel – 83%
Senator George Barker – 80%
Senator Dick Saslaw – 80%
Senator John Edwards – 75%

House of Delegates

Delegate Joe Lindsey – 89%
Delegate Lashrecse Aird – 88%
Delegate John Bell – 88%
Delegate Chris Hurst – 88%
Delegate Michael Mullin – 88%
Delegate Mark Sickles – 88%
Delegate Schuyler VanValkenburg – 88%
Delegate Hala Ayala – 86%
Delegate Paul Krizek – 86%
Delegate Roslyn Tyler – 86%
Delegate Stephen Heretick – 80%
Delegate Luke Torian – 75%

Special Awards

Lawmakers stand up for their districts, the environment

Every year, Virginia LCV recognizes individual lawmakers who have demonstrated deep commitment to conservation issues above and beyond merely voting alongside our positions. This year, we have chosen to honor three such legislators, who each prioritized environmental issues with clear impacts both to their home districts and to the Commonwealth as a whole.

Virginia LCV sincerely thanks all of our conservation champions, and this year gives special thanks to Delegate Jennifer Carroll Foy, Delegate Chris Hurst, and Delegate Barry Knight.

Delegate Jennifer Carroll Foy (D) *House District 2 – Prince William, Stafford*

Delegate Carroll Foy's district includes Dominion Energy's Possum Point Power Station near Quantico, one of four sites in Virginia where toxic coal ash is currently stockpiled.

Coal ash, the byproduct of burning coal to generate electricity, contains high levels of harmful heavy metals, including known carcinogens. Currently, millions of tons of this waste is stored in shallow pits on the banks of major waterways in Virginia. At Possum Point, these storage sites are adjacent to Quantico Creek, a large tributary to the Potomac River.

Neighbors of this power plant have complained over high heavy metals

levels in their well water, evidence that contaminants from this site are leaching through to groundwater. Though Dominion has denied any wrongdoing, in early 2017 they hooked neighboring homes at Possum Point to a public water source.



A freshman lawmaker, Carroll Foy introduced House Bill 182, which would have addressed this clear threat to public health by requiring full excavation and removal of coal ash from these sites to modern, lined landfills by 2022. The legislation also required remediation

of these sites in line with federal standards for mine reclamation.

This bill was carried over to 2019, but was an important piece of legislation in a broader fight at the General Assembly over how to manage coal ash going forward. Guidelines for closure of these sites allow for the



Photo Credit: *George and Old City Hall* by Bill Piper of Richmond | Courtesy of Scenic Virginia

excavation and removal approach called for under HB 182, as well as another method which repurposes coal ash into concrete – two environmentally acceptable alternatives supported by Virginia LCV – but also allows utilities to bury this waste in place, on-site, where it can continue contaminating water resources, an option we find

completely unacceptable and the one so far floated by Dominion.

Next year, we anticipate answers to the looming question of how we close these facilities, permanently, and we look forward to Carroll Foy's continuing leadership as we work toward long-term solutions that safeguard our clean water.

Delegate Chris Hurst (D)

House District 12 – Radford, Montgomery, Giles, Pulaski

Freshman Delegate Chris Hurst wasted no time addressing the biggest environmental threat in his district and one of the most hot-button conservation issues in the commonwealth – the Mountain Valley Pipeline, one of two massive, 42-inch pipelines planned to be built in Virginia.

On Jan. 11, just the second day of session, Hurst was among a group of Southwest Virginia lawmakers to announce an ambitious suite of legislation aimed at protecting Virginians from the pipeline threat.

Hurst's legislation, House Bill 1187, was an immediate response to one of the loudest complaints about these projects – that citizens' property rights are being stomped on for the benefit of for-profit corporations who are building infrastructure with no clear public benefit. This bill required a public use declaration from the State Corporation Commission before pipeline surveyors could lawfully enter onto private land, among several provisions empowering landowners.

A second bill, House Bill 1188, would have required annual testing of groundwater along the pipeline route to ensure the integrity of drinking water sources and prohibited dangerous

gas discharges that threaten public health.

While these legislative approaches were unsuccessful, Hurst's actions at the General Assembly, as well as his continued engagement on the issue, have helped elevate the many concerns that environmentalists and advocates have with this project and the much larger Atlantic Coast Pipeline proposed by Dominion Energy to cross across Central Virginia.

In late March, the Virginia Department of Environmental Quality gave MVP final permits it needed to begin full construction. Multiple protesters responded in turn by occupying trees or constructing suspended structures along the route. In May, construction was halted after heavy rains coated roadways near construction zones with up to a foot of mud and sediment. In

West Virginia, where this project originates, MVP has already been cited for failing to control sediment along the route; the contractor has faced similar violations on other projects it has worked on.

Though the MVP is moving forward the fight is definitely not over. We're already seeing negative impacts from this project to our environment and more will surely come without intervention. With Delegate Hurst's continuing leadership on this issue, we can slow or stop these unnecessary and destructive pipelines.



Delegate Barry Knight (R)

House District 81 – Chesapeake, Virginia Beach

One of the biggest fights we saw during this year's General Assembly happened to be over a very small fish: Atlantic Menhaden, an oil-rich but inedible fish that plays a significant ecological role in the Chesapeake Bay as a food source for larger species.

Because of their high oil content, menhaden are also fished for use in a number of consumer products, including dietary supplements, pet food, and some cosmetics. The largest of these industrial manufacturers on the East Coast happens to be in Reedville, Va., a small hamlet, which in the late 1800s was America's wealthiest town per capita due to a thriving menhaden fishery.

Today, it's home to just one, Omega Protein, which still accounts for the largest tonnage of fish landed in Virginia every year.

In 2017, the Atlantic States Marine Fisheries Commission, a multi-state body that governs catch limits for a number of aquatic species including menhaden, set a new quota impacting Virginia's share of the total catch. Menhaden are the only fish specifically regulated by the General Assembly, which needed to enact a revised quota or face fines

or even a potential shutdown of the entire fishery.

Legislation introduced by Delegate Knight at the outset of session failed in committee, but due to the very high stakes, Knight carried a second bill, House Bill 1610, sent down by Governor Northam to bring Virginia in line with the federal guidelines.

On one of the tightest votes we watched this session, the bill advanced 11-10 out of committee during a raucous hearing which saw testimony from environmentalists

as well as labor interests and recreational fishermen. The legislation failed to receive support in the full House. With Virginia's quota currently set higher than the one agreed to by the ASMFC, it is unclear with the consequences will be down the road of the legislature's inability to act.

Menhaden are a vitally important species for the health of the Bay, where these fish spawn and grow before making their way to sea, where they are a primary food source for larger sport fish.

The Virginia Beach economy depends on a healthy and strong fishery and the tourism dollars that come with it. By continuing to be a strong advocate for responsible fisheries management, Delegate Knight is doing the right thing for District 81 and the entire Chesapeake Bay.

Scored Legislation:

Water Quality

Expanding trade secrets protections under FOIA

House Bill 904 – Delegate Roxanne Robinson (R-Chesterfield)
Virginia LCV Position: **X**

Citizens have the right to know whether their clean water is at risk. This legislation would have put industry interests above this fundamental right and was a significant expansion of legislation we worked

to defeat last year that dealt specifically with trade secret protections for the chemical cocktail used during hydraulic fracturing.

HB 904 would have created a sweeping blanket exemption to the Freedom of Information Act (FOIA) for any trade secret claimed (not proven as a matter of law) by any private entity or person and submitted to any public body.

Current state law only exempts 17 types of trade secrets from FOIA disclosure. Of these, five have criteria that narrow the scope of the exemp-

tion and another seven require an agency or public body to authorize the trade secret protection and determine the scope of protection. Under HB 904, those criteria and limitations for exemption would have disappeared.

This bill had significant unintended consequences that put our environment at risk. This bill reported out of the House General Laws Subcommittee #4 on a 5-3 vote but went no further. It is currently under review by the state's FOIA Advisory Council. We will continue to oppose

any legislation that puts industry interests above our environment and the public's right to know whether they're at risk.

Adjusting Virginia's quota for menhaden landings

House Bill 1610 – Delegate Barry Knight (R-Virginia Beach)
Virginia LCV Position: **✓**

Referred to as the most important fish in the sea, menhaden are small, oily fish that are a staple food source

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.



Photo Credit: *Aquia Creek Landing on the Potomac* by Buddy Secor of Stafford | Courtesy of Scenic Virginia

for many species in the Chesapeake Bay. Unfit for human consumption, they are widely fished for their high oil content and used to manufacture a number of products, everything from cosmetics to Omega 3 supplements and pet food.

Reedville, Va. is home to the largest industrial menhaden fishery on the East Coast, and menhaden is the only fish regulated specifically by the General Assembly.

In November 2017, the federal Atlantic States Marine Fisheries

Commission (ASMFC) approved changes to the coastwide fishery management plan for the Atlantic menhaden population, changes Virginia needed to implement or face falling out of compliance with federal catch limits.

Earlier legislation (House Bill 822) from Delegate Knight to implement the changes by the ASMFC failed to advance out of committee. Facing the possibility of sanctions or a complete shutdown of the fishery, Governor Northam sent down House

Bill 1610. Under this bill to align Virginia with the ASMFC, Virginia's overall catch limits would have increased, but Virginia's total allocation of Atlantic Menhaden would have declined.

HB 1610 barely advanced to the floor out of the House Committee on Agriculture, Chesapeake and Natural Resources on a tight 11-10 vote, but was referred back to committee where it was left to die. The consequences of the General Assembly's failure to act remain to be seen,

but we believe these quotas were necessary for the health of the Bay and for the economic stability of the fishery itself.

Expanding DEQ's oversight of pipeline construction

Senate Bill 698 and Senate Bill 699
– Senator Creigh Deeds (D-Bath)

Virginia LCV Position: ✓

With two, massive 42-inch natural gas pipelines proposed to make their way across Virginia – the likes of which our state has never had to deal with before – these bills give Virginia's Department of Environmental Quality a pair of enforcement tools they need to protect water quality from these destructive projects.

SB 698 and SB 699, which address erosion and sediment control, and stormwater management, respectively, authorize DEQ to conduct inspections of pipeline construction sites and to issue stop-work orders when the agency determines there "has been a substantial adverse impact to water quality or that a substantial and imminent adverse impact to water quality is likely to occur as a result of such land-disturbing activities."

Both bills easily passed through the General Assembly with broad bipartisan support. The legislature also signed off on emergency clauses added by Governor Northam to make these laws effective immediately.

A huge, but controversial, clean energy win

Virginia LCV was at the center of arguably the most controversial legislation to make its way through this year's General Assembly: Senate Bill 966 from Senator Frank Wagner (R-Virginia Beach), the massive electric utility overhaul legislation that paves the way for the largest investment in clean energy and energy efficiency Virginia's ever seen.

The legislation signed by Governor Northam declares 5000 megawatts of solar and wind energy to be "in the public interest" – enough energy to power more than 1 million homes – and makes an unprecedented \$1 billion investment in energy efficiency over the next decade. The legislation also guarantees that Dominion will invest more in clean energy and energy efficiency than in dirty energy over the next decade.

The legislation also ends the flawed "rate freeze" – Dominion Energy's 2015 push to game the system in a way that ensured electric rates could not be lowered, and to get them out from under State Corporation Commission oversight. By ending the rate freeze, hundreds of millions of dollars in refunds are going back to ratepayers across Virginia, and electric utilities are put back under regulatory accountability before the State Corporation Commission.

Hours upon hours of negotiations got us to this point, and we supported this legislation only after it expressly achieved the above policy goals.

That said, it's still far from perfect. While we supported the bill along with several of our partners because of its many clean energy benefits, other groups remained opposed or neutral due to other concerns. Some felt it didn't go far enough on the environmental and regulatory fronts; others opposed the bill because of consumer issues.

This split was also present in the way lawmakers voted and deliberated on the issue (it passed 26-13 out of the Senate and 65-30, with three members



Photo Credit: **City of Richmond** by Robert Coles of Richmond | Courtesy of Scenic Virginia

abstaining, out of the House), making it an incredibly difficult issue to score in this year's scorecard and the reason why it is not reflected in this year's legislator scores.

Reinvestment model

At this legislation's core, is a somewhat controversial funding formula dubbed a "reinvestment model," which invests future utility overearnings – revenues earned above a utility's agreed upon rate of return for providing electrical service – into approved infrastructure projects instead of returning

these funds back to ratepayers following a rate case review by the SCC.

Base rates won't increase over the next decade, meaning customers won't pay more for investments in cleaner energy and a more resilient grid, but they won't get credits to their bills, either, unless utilities fail to deliver on their promised investments.

Some lawmakers and stakeholders balked at giving utilities this much leeway, even if they supported the policy aims – more clean energy and a smarter, more efficient grid.

Complicating the issue further was a flawed provision in an earlier draft of the bill, dubbed the

“double dip,” that folded infrastructure investments back into the utility’s base rate, meaning not only were customers not getting refunds back, they were also bankrolling these projects through the base rates in their electric bills. The utilities and the bill patrons argued all along that this provision didn’t exist, but the issue was resolved once and for all with a successful and highly dramatic floor amendment on the House side that expressly prohibited the purported “double dip.”

“Dominion” factor

Overall, this bill was a prime target for anti-corporate sentiment in a legislature with completely new political dynamics.

Dominion Energy has overplayed its hand on many fronts. With controversies surrounding how they want to dispose of toxic coal ash to the highly contentious Atlantic Coast Pipeline, lawmakers simply don’t want to be seen as carrying Dominion’s water.

Candidates ran – and won – on anti-Dominion platforms. Some signed pledges refusing to take Dominion political donations.

Other lawmakers still remembered all too well the 2015 rate freeze negotiations and were loathe to get pulled into yet another highly controversial utility regulatory issue after already being tricked into believing the sky was falling.

This sentiment put us at a good negotiating standpoint and hurt Dominion’s ability to push forward its initial, immensely flawed legislative package.

Concerns going forward

We still don’t have a full picture of what a modern grid will look like. Will wooden transmission poles be replaced with concrete? Will self-autonomous drones be deployed into the field to repair power lines? Or, will our grid be updated to address 21st century energy demands and with 21st century technological advancements?

Virginia LCV and our partners are already working with Governor Northam’s administration to ensure our utilities are making the right kinds of investments under this law, ones that pave the way for more renewable energy – from building new solar and wind facilities to ensuring our electric grid is ready to deploy these resources, to reducing harmful carbon pollution, and cutting overall energy usage, and benefiting ratepayers.

We will also be monitoring the undergrounding provisions in the legislation, as well as watching for other loopholes that the utility companies are sure to try to exploit.

Overall, we believe this legislation to be truly transformational in how we generate, use and transmit electricity in Virginia. We are committed to ensuring the successful implementation of its best policy aims, those that benefit our environment, while addressing and remedying problem areas and holding our utilities accountable. And to be certain, this legislation is the first step of Virginia LCV’s efforts to achieve 100 percent clean energy in Virginia by 2050.

Working towards safe, responsible coal ash closure

Senate Bill 807 – Senator Scott Surovell (D-Prince William) and Senator Amanda Chase (R-Chesterfield)

Virginia LCV Position: ✓

This legislative session, lawmakers filed a number of bills aimed at ensuring safe, responsible closure of the multiple coal ash impoundments sited on the banks of waterways within the Chesapeake Bay watershed. Coal ash, the waste that remains after coal is burned to generate electricity, contains harmful, heavy metals that can leach into ground and surface waters, and in many cases, this waste has been stored in impoundments that predate modern, environmental regulations to safeguard public health. Closing these facilities in the safest way possible is paramount and is one of our top priorities here at Virginia LCV.

We had hoped for final solutions this year, but the compromise deal we reached with SB 807 extends the 2017 moratorium on final coal ash closure until July 2019, giving lawmakers more time to study the issue leading up to the 2019 session. The bill

also requires Dominion Energy to issue a “request for proposals” for recycling of its coal ash – one of the safer ways this waste can be dealt with and a solution the utility has resisted up to this point. SB 807, which incorporated Senator Amanda Chase’s Senate Bill 708, easily passed the Senate Committee on Commerce and Labor and sailed through the Virginia Senate and House of Delegates with only three votes against it.

Protecting waterways from future pipelines

Senate Bill 950 – Senator Emmett Hanger (R-Augusta)

Virginia LCV Position: ✓

When the Atlantic Coast and Mountain Valley Pipeline projects were proposed, Virginia regulators were caught somewhat flat-footed. In general, most states’ regulatory environments have not kept pace with the natural gas boom, despite the clear threat the extraction and transportation of this fossil fuel presents to our environment.

SB 950 will not apply retroactively to the ACP and MVP, but does apply to any pipeline greater than a 36-inch diameter going forward.

This legislation gives the state more authority to require additional information about future pipelines, including specific details about sensitive terrain and water tables that pipelines may cross. SB 950 also requires an individual Virginia Water Protection Permit for impacts to state waters from pipeline construction and mandates that these projects be constructed in a manner that minimizes temporary and permanent impacts to state waters and protects water quality.

SB 950 received only minimal opposition in the Senate, where it passed 34-6. The bill passed out of the House unanimously.

Banning fracking in Eastern Virginia

Senate Bill 951 – Senator Scott Surovell (D-Prince William)

Virginia LCV Position: ✓

Most of Eastern Virginia sits on top of a giant, underground freshwater source called the Potomac Aquifer, which supplies fresh drinking water for many of the commonwealth's citizens. This freshwater source would be severely impacted by hydraulic fracturing, or "fracking," activities in this region where there are multiple leases for fracking but no active natural gas wells.

During the fracking process, a proprietary mix of chemicals, water and sand is used to dislodge subterranean pockets of combustible

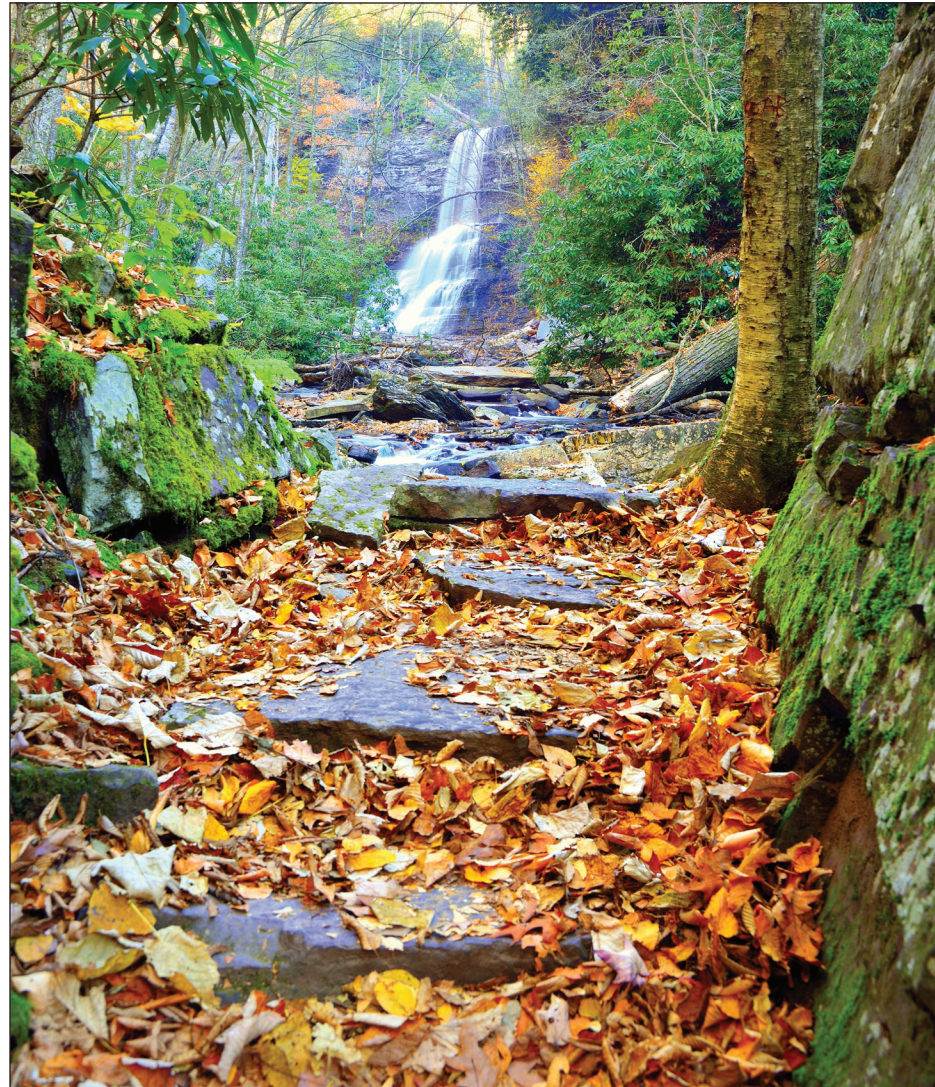


Photo Credit: *Cascade Falls in Autumn* by Joseph Broyles of Yorktown | Courtesy of Scenic Virginia

methane. The wastewater from this process poses significant threats to clean drinking water, especially if a well is compromised during fracking.

SB 951 attempted to get ahead of this major issue by banning fracking in Eastern Virginia altogether. The

legislation that passed out of the Senate Committee on Agriculture, Conservation and Natural Resources on a 9-5-1 vote limited its scope to four years – still a significant step forward on a major water quality issue.

SB 951 hit a snag on the Senate floor, however, and was referred to the Senate Committee on Finance where it failed on a split 8-8 vote over whether the ban qualified as a "taking" from property owners who otherwise would be due royalties from natural gas extraction on their land.

We look forward to revisiting this issue in 2019 to ensure the Potomac Aquifer remains unencumbered by fracking wells

Climate Change and Clean Energy

Expanding state agencies' use of LEDs

House Bill 58 – Delegate John Bell (D-Chantilly)

Virginia LCV Position: ✓

The cleanest form of energy is electricity we never use. This bill would have required state agencies to transition toward more economical and efficient LED bulbs in exterior fixtures as an easy step to reduce energy usage.

Under HB 58, any state agency that installed, replaced, or maintained an outdoor lighting fixture would have been required to use LEDs instead of traditional incandescent light bulbs, unless the appropriate agency authority determined it wasn't cost efficient to do so.

The bill created an exception for

properties listed individually on the Virginia Landmarks Register or certified as contributing to the historic significance of a historic district listed on the Virginia Landmarks Register.

HB 58 also directed the Department of General Services to include the requirement for the use of LEDs in the agency's future purchasing regulations.

LED light bulbs use less energy than traditional fluorescent light bulbs and last up to 10 years.

Despite the clear benefits to the environment and to state coffers, HB 58 was tabled in the House Appropriations subcommittee on General Government and Capital Outlay on a 6-2 vote.

Reinstating tax handouts for coal companies

House Bill 665 – Delegate Terry Kilgore (R-Scott)

Senate Bill 378 – Senator Ben Chafin (R-Lebanon)

Virginia LCV Position: **X**

Over the several decades Virginia's tax credits for coal companies were in effect, this industry received millions upon millions of taxpayer dollars while continuing to decline in production and shed jobs. This inverse relationship between the amount of money the commonwealth has invested versus the economic gains Virginia has received in return was highlighted in a report



Photo Credit: **Flood Stage** by Scott Adams of Richmond | Courtesy of Scenic Virginia

by the Joint Legislature Audit and Review Commission, which dubbed these credits some of Virginia's most ineffective.

Governor McAuliffe rightfully ended the Coalfield Employment Enhancement Tax Credit during his term by allowing the credits to sunset in July 2016. HB 665 and SB 378 reinstate these failed handouts but limit their scope to metallurgical coal, a higher quality coal used mainly in the production of steel and the type most commonly mined here in the commonwealth. Under this legislation, the credits expire at the end of 2022.

Introduced by patrons from South-

west Virginia needed to support expansion of Medicaid, these bills took on a different political calculus than much of the other legislation we worked on this session.

Despite our best efforts these bills passed both the House and Senate. During the reconvened session, the legislature rejected an effort by Governor Northam to add a clause requiring the General Assembly to pass the measure again in 2019 before it could take effect.

With the bill back on his desk to veto or sign into law, Governor Northam reinstated these tax credits on May 18.

Blocking Virginia from linking with RGGI

House Bill 1270 – Delegate Charles Poindexter (R-Franklin)

Virginia LCV Position: **X**

With Virginia on track to be the first southern state to place a cap on harmful carbon pollution, this bill would have taken us in the opposite direction by barring any participation with a highly successful carbon-trading program without General Assembly approval.

Currently, Virginia is moving forward at the agency level with a plan to cut carbon emissions from power plants 30 percent by 2030 and to trade carbon allowances with the Regional Greenhouse Gas Initiative (RGGI), a coalition of northeastern and Mid-Atlantic states that has been working to cut emissions since 2008. At the same time RGGI has worked to cut back emissions, economic growth in those states has outpaced the rest of the nation while costs for electricity consumers have fallen. In linking with RGGI, Virginia is joining a proven, highly successful, market-based approach to addressing climate change.

HB 1270, however, ignored these important facts, following a disturbing trend in the General Assembly of standing in the way of solutions to our climate crisis.

This bill passed on party-line votes in the House and Senate Commerce and Labor Committees

and in the full chambers. Governor Northam rightfully vetoed this legislation and his veto was easily upheld during the April 18 reconvened session.

Virginia Alternative Energy and Coastal Protection Act

House Bill 1273 – Delegate David Bulova (D-Fairfax)
Senate Bill 696 – Senator Lynwood Lewis (D-Accomac)

Virginia LCV Position: ✓

This legislation would've made Virginia a full-fledged member of the Regional Greenhouse Gas Initiative (RGGI). By doing so, the Commonwealth would have been able to utilize revenue from the sale of carbon allowances for important conservation programs in the state. Specifically, this legislation would have steered revenue toward clean energy deployment and energy efficiency, helped coastal communities deal with dangerous sea level rise, bolstered Southwest Virginia economic development efforts, and funded best management practices on farms throughout the state.

As someone who ran and won on addressing climate change and expanding clean energy, these bills were among Governor Northam's top priorities heading into the 2018 General Assembly and would've opened many doors toward a cleaner, more sustainable energy future for Virginia. Unfortunately, lawmakers left

millions of dollars of revenue on the table by rejecting this legislation on party-line votes in the House Commerce and Labor Subcommittee #3 and Senate Committee on Agriculture, Conservation and Natural Resources.

Establishing a pilot program for school net metering

House Bill 1451 – Delegate Rip Sullivan (D-Arlington)

Virginia LCV Position: ✓

With school systems always looking to reduce overhead costs as a way to return more money where it belongs – the classroom – HB 1451 gives them a way to do that while also incentivizing school systems to deploy more clean energy and rewarding those who have already invested in solar.

HB 1451 directs the State Corporation Commission to establish a six-year pilot program in Dominion's territory allowing schools with solar panels that generate more energy than they use to send bill credits to other schools within the school division without any service charges or fees, or to use their energy excess as a revenue source.

Not only does this bill save school systems – and taxpayers – money through reduced utility costs, it also incentivizes and rewards increased use of clean energy and gives students a great learning opportunity about the benefits of solar power.

This commonsense legislation passed unanimously out of both the House and Senate.

Expanding retail competition for electricity

House Bill 1528 – Delegate Mike Mullin (D-Newport News)

Virginia LCV Position: ✓

When Virginia re-regulated electric utility service in 2007, customers were supposed to be able to continue purchasing their power from competitive suppliers. However, because of barriers in the statute, 11 years later, most Virginia electric customers lack the ability to purchase 100-percent renewable energy.

HB 1528 was an attempt to cut the red tape preventing true retail competition from taking place through the following changes: cutting the requirement for large consumers to give advance notice if they want to return to utility service from the current five years to three months; reducing the "shopping eligibility" threshold – how much power a large consumer uses – from 5 megawatts to 1 megawatt for large users; and giving all electric customers the ability to purchase 100 percent renewable energy even if the existing utility offers its own renewable tariff.

Had this legislation passed, it would have fulfilled the original intent of the 2007 re-regulation, while

empowering large and residential users to purchase truly green energy and allowing Virginia to continue attracting businesses who demand renewable generation.

Unfortunately, HB 1558 failed to report on a 3-6 vote in the House Commerce and Labor Subcommittee #3.

Land Conservation

Terminating land conservation easements

Senate Bill 499 – Senator Charles Carrico (R-Grayson)

Virginia LCV Position: ✗

By allowing a landowner who had donated or sold a conservation easement to reverse that action in the event of financial hardship, this legislation would have rendered unworkable a successful program that Virginia landowners voluntarily use to protect open space and parks throughout the state.

If this proposal had passed, Virginia's conservation easements would no longer have been considered "perpetual" under Internal Revenue Service regulations, and therefore landowners would have been ineligible for the federal income tax deduction available for the donation of conservation easements as well as Virginia's Land Preservation Tax Credit.

The implications for the future



Photo Credit: **Big Meadows Sunset** by Edward Episopo of Fredericksburg | Courtesy of Scenic Virginia

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 their final scores. Note that though some members introduce multiple bills that receive Virginia LCV support, each member receives acknowledgment for only one patron credit.

Water Quality

Delegate Jennifer Carroll Foy – HB 182; Coal combustion residuals unit; closure by 2022.

Delegate Charnielle Herring – HB 195; Alexandria, City of; amending charter, tree planting and replacement.

Delegate Keith Hodges – HB 494; Land development; replacement of trees; locality within Chesapeake Bay watershed.

Delegate Patrick Hope – HB 447; Chesapeake Bay Preservation Areas; mature trees.

Delegate Chris Hurst – HB 1187; Natural gas companies; right of entry upon property HB 1188; Natural gas pipelines; contingency plan; operation; discharge; penalty.

Delegate Mark Keam – HB 400; Replacement of trees during development process; Chesapeake Bay watershed.

Delegate Barry Knight – HB 822 and HB 1610; Menhaden; total landings.

Delegate Alfonso Lopez – HJ 93; Study; stormwater best management practices; planting and preservation of trees; report.

Delegate Sam Rasoul – HB 1141; Interstate natural gas pipeline; Virginia Water Protection Permit; regulations. HB 1294; Interstate natural gas pipeline construction; water quality impact bond; statewide halt.

Delegate Kathy Tran – HB 1059; Deleterious substances; discharge into state waters.

Delegate Tony Wilt – HB 1150; Pavement sealants containing coal tar prohibited.

Senator Amanda Chase – SB 708; Coal combustion residuals unit; closure.

Senator Creigh Deeds – SB 698; Erosion and sediment control; inspections; natural gas pipelines; stop work instructions; emergency. SB 699; Stormwater management; inspections; natural gas pipelines; stop work instructions; emergency.

Senator Emmett Hanger – SB 950; Pipeline construction; upland impacts; supplemental review.

Senator Jeremy McPike – SB 646; Electric utilities; fuel factor; gas pipeline capacity.

Senator Scott Surovell – SB 765; Coal ash ponds; mandatory testing of drinking water wells. SB 766; Citizen water quality monitoring; use as evidence in enforcement actions. SB 767; Coal ash ponds; flaws in closure plans; delay of permit. SB 768; Electric utilities; recovery of costs associated with closure in place of coal ash facilities. SB 807; Electric utilities; rate adjustment clause costs of coal ash beneficiation facility. SB 951; Eastern Virginia; hydraulic fracturing prohibited.

Budget Amendments:

Delegate Robert Bloxom – Budget amendment; Watermen and oyster reefs; increase funding each year by \$1.5 million for oyster replenishment and by \$500,000 for oyster restoration activities.

Delegate David Bulvoa – Budget amendment; Stormwater Management; Provide \$50 million to the Stormwater Local Assistance Fund grant program for fiscal year 2019.

Delegate Steve Landes – Budget amendment; directs excess revenues from marine

fuels tax to Agriculture Cost Share Program. Budget amendment; Agriculture Cost Share Program; \$10 million in additional funding per year.

Delegate Steve Landes – Budget amendment; Stormwater Management; Provide \$25 million in each fiscal year of the next biennial budget for the Fund.

Delegate Michael Webert – Budget amendment; Agriculture Cost Share Program; \$57.5 million in additional funding each year.

Senator Emmett Hanger – Budget amendment; stabilizes funding for the Agriculture Cost Share Program. Budget amendment; Redirects \$10 million generated by the Recordation Tax Fee from the general fund to the Virginia Natural Resources Commitment Fund. Budget amendment; Stormwater Management; Provides \$50 million to the Stormwater Local Assistance Fund grant program for fiscal year 2019. Budget amendment; Agriculture Cost Share Program; \$10 million in additional funding per year.

Senator Lynwood Lewis – Budget amendment; Agriculture Cost Share Program, \$57.5 million in additional funding each year. Budget amendment; Watermen and oyster reefs; increase funding each year by \$1.5 million for oyster replenishment and by \$500,000 for oyster restoration activities.

Senator Frank Wagner – Budget amendment; Watermen and oyster reefs; increase funding each year by \$1.5 million for oyster replenishment and by \$500,000 for oyster restoration activities.

Climate Change & Clean Energy

Delegate John Bell – HB 58; State agencies; use of light-emitting diodes (LEDs) on

outdoor lighting fixtures.

Delegate David Bulvoa – HB 922; Electric vehicle charging stations; local and public operation. HB 1273; Virginia Alternative Energy and Coastal Protection Act.

Delegate Tim Hugo – HB 1261; Energy efficiency programs; programs proposed by an electric utility.

Delegate Mark Keam – HB 392; Electric utility regulation; solar energy. HB 393; Electric utilities; net energy metering; program cap. HB1573; Authorize the State Corporation Commission to adjust base rates of electric utilities for changes.

Delegate Terry Kilgore – HB 1252; Renewable energy power purchase agreements; pilot programs. HB 1558; Electric utility regulation; grid modernization, energy efficiency.

Delegate Joe Lindsey – HJ 32; Coal dust blown from moving trains.

Delegate Mike Mullin – HB 1528; Electric utilities; retail competition.

Delegate Sam Rasoul – HB 54; Renewable energy property; tax credit for property placed in service. HB 96; Electric utility regulation; suspension of reviews of earnings, transitional rate period.

Delegate Rip Sullivan – HB 421; Multi-family residential building; sale of electricity to occupants. HB 1451; Public school divisions; SCC to establish pilot program for schools generating electricity.

Delegate David Toscano – HB 1503; Community solar generation; establishment of facilities. HJ 101; Study; Department of Mines, Minerals and Energy; use of energy storage devices; report.

Delegate Kathy Tran – HB 1253; Net energy metering by municipalities.

Senator John Edwards – SB 313; Community solar generation; establishment of facilities.

Senator Barbara Favola – SB 191; Net energy metering; eligibility limits.

Senator Lynwood Lewis – SB 696; Virginia Alternative Energy and Coastal Protection Act.

Senator Jennifer McClellan – SB 908;

Electric vehicle charging stations; local and public operation.

Senator Glen Sturtevant – SB 855; Energy efficiency programs; programs proposed by an electric utility.

Senator David Suetterlein – SB 837; Electric utilities; retail competition.

Senator Frank Wagner – SB 966; Electric utility regulation; grid modernization, energy efficiency.

Senator Jennifer Wexton – SB 711; Electric utilities; community renewable projects.

Land Use & Transportation

Delegate Tim Hugo – HB 1539; Mass transit; establishing various Funds to improve transportation.

Senator Dick Saslaw – SB 856; Mass transit; establishing various Funds to improve transportation.

Land Conservation

Delegate Wendy Gooditis – Budget amendment; \$2 million annually for Farmland Preservation purchase of development rights (PDR) program.

Delegate Barry Knight – Budget amendment; increase Battlefield Preservation Fund to \$2.5 million per year.

Delegate Paul Krizek – Budget amendment; add \$11.5 million to Virginia Land Conservation Foundation in the second year of the biennium.

Senator Emmett Hanger – Budget amendment; add \$11.5 million to Virginia Land Conservation Foundation in the second year of the biennium.

Senator Janet Howell – Budget amendment; adds \$11.5 million to Virginia Land Conservation Foundation in the second year of the biennium.

Senator Bryce Reeves – Budget amendment; establishing a state battlefield park at Brandy Station.

Senator Jill Vogel – Budget amendment; increase Battlefield Preservation Fund to \$2.5 million per year.

of Virginia's highly successful land conservation efforts would have been completely undermined by this legislation.

Fortunately, Virginia LCV and our partners were able to successfully kill SB 499 early on in the Senate Committee on Agriculture, Conservation and Natural Resources.

Land Use and Transportation

Protecting property rights from gas companies

House Bill 1187 – Delegate Chris Hurst (D-Blacksburg)

Virginia LCV Position: ✓

As one of a suite of bills aimed at protecting Virginians' property rights from natural gas companies, HB 1187 addressed many of the concerns of landowners in the path of the Mountain Valley Pipeline and Atlantic Coast Pipeline.

Under this bill, a gas company would have to first obtain a public use certification from the State Corporation Commission before being allowed to enter on to private property to conduct surveys or other tests.

The SCC awards these certifications only after they find, among other things, that a company has demonstrated that their project is for a public use – one of the most hotly contested points of opposition



Photo Credit: *Route 250, Highland County* by Robert Coles of Richmond | Courtesy of Scenic Virginia

over the MVP and ACP, which are claiming eminent domain over projects intended to benefit corporate shareholders, not Virginians.

Despite the clear benefits to landowners, this bill unfortunately died on a split 4-4 vote in the House Commerce and Labor Subcommittee #3.

Securing dedicated funding for Metro

Senate Bill 856 – Senator Dick Saslaw (D-Springfield)

Virginia LCV Position: ✓

If we will ever address traffic congestion in Northern Virginia while also curtailing greenhouse gas emissions from the transportation

sector, we need to be getting more cars off the road and more people into mass transit.

This legislation was an important step forward to this end by identifying dedicated revenue for Virginia's share of funding for the Washington Metropolitan Area Transit Authority (Metro); however, the legislation as it passed the General Assembly was not as strong as we had hoped. Instead of finding independent sources of revenue to fund Virginia's \$154 million annual obligation to Metro, this legislation strips funding from other regional, transportation priorities in Northern Virginia. Knowing the legislation was a vital step forward, yet still flawed, we urged the legislature to get the

bill to Governor Northam's desk.

The governor significantly amended the legislation leading up to the reconvened session, including dedicated, independent revenue sources, namely modest tax increases on lodging and real estate transactions in the counties where Metro operates. Although many of the Governor's changes were agreed to – improving the legislation – the important funding amendments were rejected by the House of Delegates.

Fast-tracking construction of Interstate 73

Senate Bill 31 – Senator Bill Stanley (R-Franklin)

Virginia LCV Position: **X**

After being amended with a reenactment clause in 2017, this misguided legislation was back before the General Assembly in 2018.

SB 31 aimed to bypass Virginia's transportation funding process in order to build an unnecessary highway in southside Virginia.

This bill would repurpose a pre-SMART SCALE earmark, directing \$40 million each year from the General Fund for Route 58 to instead go toward a \$4 billion new I-73.

There are many reasons the I-73 project has not advanced, including its tremendous cost and the availability of less expensive alternatives as well as concerns over its adverse

impacts. Our position all along has been that regardless of the merits of this or any other transportation project, they should all follow the same process.

This legislation passed 24-13 out of a divided Senate but was never taken up in the House Committee on Appropriations.

Overriding local control of wireless infrastructure

Senate Bill 405 – Senator Ryan McDougle (R-Hanover)

Virginia LCV Position: **X**

While the conservation community supports wireless policies that promote responsible, sustainable deployment of innovative technologies for expanding broadband access, SB 405 sets horrible precedent by overriding localities' zoning authority.

This bill makes it easier for wireless infrastructure developers to get projects approved at the local level by bypassing the normal zoning process for these structures, a process that gives the community the chance to weigh in before their local legislative bodies.

Instead, this bill automatically exempts from this process any structure 50-feet tall or smaller so long as it's within an existing right-of-way.

By robbing communities and local governments of their ability to

provide oversight of these projects, SB 405 creates the potential for the fast-tracking of 50-foot towers that will alter the character of communities across Virginia and impact our scenic and historic resources.

This legislation passed narrowly out of the House and Senate, and while we had requested amendments from the governor that addressed our issues with the bills, the changes he eventually sent down for the April 18 reconvened session did nothing to protect communities from the negative impacts and unintended consequences of this legislation.

Good Government

Broad regulatory rollback efforts

House Joint Resolution 111 – Delegate Chris Head (R-Roanoke)

Senate Joint Resolution 69 – Senator Jill Vogel (R-Fauquier)

Virginia LCV Position: **X**

Both of these dangerous resolutions would have amended Virginia's constitution to give the legislature the power to override regulations implemented at the administrative level.

Both resolutions circumvented traditional constitutional requirements and threatened the separation of powers by stripping the Gov-

ernor of executive branch authority.

For example, legislative action to overturn a regulation would not be subject to a gubernatorial veto pursuant to Article V Section 6 of the Constitution.

Even though the legislature already has the authority to pass laws to overturn unreasonable regulations or request agencies to fix regulations, these resolutions granted even more authority to the General Assembly without reliance on foundational checks and balances.

Agency-level rulemaking is a highly technical process and usually involves public input. HJ 111 and SJ 69 were looking for a shortcut and risked removing environmental regulations that protect our water, conserve our land, and keep our air clean.

After having passed the General Assembly last year, these resolutions needed to pass again this year to make the ballot for Virginia voters to ultimately decide on in the next General Election. Fortunately, they won't get that far.

HJ111 reported out of the House Committee on Privileges and Elections on a 12-10 vote but was re-referred back to committee from the House floor where it died. SJ 69 was passed by indefinitely on a unanimous vote in the Senate Committee on Privileges and Elections.

House Scorecard

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

| Delegate | District | Party | 2018 Score | 2017 Score | Career Score Since 2000 | HB 58: State agencies; use of LED bulbs | HB 665: Coalfield employment tax credit | HB 904: FOIA; general exclusion for trade secrets | HB 1187: Natural gas companies; right of entry | HB 1270: RGGI; prohibition on participation by Virginia | HB 1273: Va. Alternative Energy & Coastal Protection Act | HB 1451: Net metering; pilot program for schools | HB 1528: Electric utilities; retail competition | HB 1610: Menhaden; revised quota for Virginia | HJ 111: Constitutional amendment; powers of G.A. | SB 405: Wireless communications; zoning | SB 699: Stormwater; pipelines, stop work orders | SB 856: Mass transit; dedicated funding source | SB 950: Pipelines; DEQ review, upland construction |
|----------------|----------|-------|------------|------------|----------------------------|--|--|--|---|--|---|---|---|--|---|--|--|---|---|
| Adams, D. | 68 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Adams, L. | 16 | R | 25% | 58% | 38% | | X | | | X | | ✓ | | | X | X | X | X | ✓ |
| Aird | 63 | D | 88% | 92% | 93% | ✓ | ✓ | | | ✓ | | ✓ | | | | X | ✓ | ✓ | ✓ |
| Austin | 19 | R | 50% | 54% | 50% | | X | | | NV | | ✓ | | | | X | ✓ | X | ✓ |
| Ayala | 51 | D | 86% | N/A | 86% | | ✓ | | | ✓ | | ✓ | | | | X | ✓ | ✓ | ✓ |
| Bagby | 74 | D | 100% | 92% | 96% | | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| ✓ Bell, J. | 87 | D | 88% | 100% | 97% | | ✓ | | | ✓ | | ✓ | | | | X | ✓ | ✓ | ✓ |
| Bell, R.B. | 58 | R | 43% | 50% | 38% | | X | | | X | | ✓ | | | | X | ✓ | X | ✓ |
| Bell, R.P. | 20 | R | 38% | 50% | 40% | ✓ | X | | | X | | ✓ | | | | X | X | X | ✓ |
| ✓ Bloxom | 100 | R | 56% | 46% | 50% | | X | | | X | | ✓ | | X | | ✓ | ✓ | X | ✓ |
| Bourne | 71 | D | 100% | 86% | 94% | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | NV | ✓ |
| Boysko | 86 | D | 100% | 100% | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Brewer | 64 | R | 43% | N/A | 43% | | X | | | X | | ✓ | | | | ✓ | X | X | ✓ |
| ✓ Bulova | 37 | D | 100% | 100% | 95% | ✓ | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Byron | 22 | R | 30% | 50% | 39% | | X | | X | X | ✓ | ✓ | X | | | X | ✓ | X | ✓ |
| Campbell | 6 | R | 20% | 40% | 39% | | X | | | X | | ✓ | | | | X | NV | X | NV |
| Carr | 69 | D | 100% | 100% | 100% | ✓ | ✓ | ✓ | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| ✓ Carroll Foy | 2 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Carter | 50 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Cline | 24 | R | 29% | 50% | 35% | | X | | | X | | ✓ | | | | X | X | X | ✓ |
| Cole | 88 | R | 38% | 50% | 47% | | X | | | X | | ✓ | | | X | ✓ | X | X | ✓ |
| Collins | 29 | R | 57% | 55% | 48% | | X | | | X | | ✓ | | | | ✓ | ✓ | X | ✓ |
| Convirs-Fowler | 21 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cox | 66 | R | 43% | 50% | 43% | | X | | | X | | ✓ | | | | X | ✓ | X | ✓ |
| Davis | 84 | R | 43% | 42% | 42% | X | X | X | | X | | ✓ | | | | AB | ✓ | NV | ✓ |
| Delaney | 67 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Edmunds | 60 | R | 38% | 58% | 55% | | X | | | X | | ✓ | | X | | X | ✓ | X | ✓ |
| Fariss | 59 | R | 38% | 63% | 49% | | X | | | X | | ✓ | | X | | X | ✓ | X | ✓ |
| Filler-Corn | 41 | D | 100% | 100% | 99% | | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Fowler | 55 | R | 40% | 55% | 48% | ✓ | X | X | | X | | ✓ | | | X | X | ✓ | X | ✓ |
| Freitas | 30 | R | 29% | 42% | 25% | | X | | | X | | ✓ | | | | X | X | X | ✓ |
| Garrett | 23 | R | 43% | 58% | 46% | | X | | | X | | ✓ | | | | X | ✓ | X | ✓ |
| Gilbert | 15 | R | 38% | 42% | 31% | X | X | | | X | | ✓ | | | | X | ✓ | X | ✓ |

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

| Delegate | District | Party | 2018 Score | 2017 Score | Career Score Since 2000 | HB 58: State agencies; use of LED bulbs | HB 665: Coalfield employment tax credit | HB 904: FOIA; general exclusion for trade secrets | HB 1187: Natural gas companies; right of entry | HB 1270: RGGI; prohibition on participation by Virginia | HB 1273: Va. Alternative Energy & Coastal Protection Act | HB 1451: Net metering; pilot program for schools | HB 1528: Electric utilities; retail competition | HB 1610: Menhaden; revised quota for Virginia | HJ 111: Constitutional amendment; powers of G.A. | SB 405: Wireless communications; zoning | SB 699: Stormwater; pipelines, stop work orders | SB 856: Mass transit; dedicated funding source | SB 950: Pipelines; DEQ review, upland construction |
|--------------|----------|-------|------------|------------|----------------------------|--|--|--|---|--|---|---|---|--|---|--|--|---|---|
| ✓ Gooditis | 10 | D | 100% | N/A% | 100% | | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Guzman | 31 | D | 100% | N/A% | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Habeeb | 8 | R | 40% | 40% | 40% | | X | | ✓ | X | NV | ✓ | X | | X | X | ✓ | X | ✓ |
| Hayes | 77 | D | 71% | 92% | 84% | | X | | | ✓ | | ✓ | | | | X | ✓ | ✓ | ✓ |
| Head | 17 | R | 43% | 45% | 42% | | X | | | X | | ✓ | | | | X | ✓ | X | ✓ |
| Helsel | 91 | R | 63% | 50% | 55% | ✓ | X | | | X | | ✓ | | | | ✓ | ✓ | X | ✓ |
| Heretick | 79 | D | 80% | 92% | 87% | | X | | ✓ | ✓ | ✓ | ✓ | ✓ | | | X | ✓ | ✓ | ✓ |
| ✓ Herring | 46 | D | 100% | 92% | 96% | | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ |
| ✓ Hodges | 98 | R | 40% | 55% | 49% | X | X | X | | X | | ✓ | | | | X | ✓ | X | ✓ |
| ✓ Hope | 47 | D | 100% | 100% | 100% | ✓ | ✓ | ✓ | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| ✓ Hugo | 40 | R | 36% | 50% | 48% | | X | | NV | X | X | ✓ | X | | X | X | ✓ | X | ✓ |
| ✓ Hurst | 12 | D | 88% | N/A% | 88% | | X | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Ingram | 62 | R | 38% | 50% | 43% | | X | | | X | | ✓ | | | X | X | ✓ | X | ✓ |
| James | 80 | D | 71% | 92% | 82% | | X | | | ✓ | | ✓ | | NV | | X | ✓ | ✓ | ✓ |
| Jones, J. | 89 | D | 100% | N/A% | 100% | ✓ | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Jones, S.C. | 76 | R | 38% | 55% | 43% | | X | | | X | | ✓ | | | X | X | ✓ | X | ✓ |
| ✓ Keam | 35 | D | 100% | 100% | 99% | | ✓ | | | ✓ | | ✓ | | ✓ | | AB | ✓ | ✓ | ✓ |
| ✓ Kilgore | 1 | R | 44% | 27% | 39% | | X | | | X | X | ✓ | | | | X | ✓ | X | ✓ |
| ✓ Knight | 81 | R | 50% | 46% | 43% | X | X | | | X | | ✓ | | ✓ | | X | ✓ | X | ✓ |
| Kory | 38 | D | 100% | 100% | 100% | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | | NV | ✓ | ✓ | ✓ |
| Krizek | 44 | D | 86% | 100% | 97% | | ✓ | | | ✓ | | ✓ | | | | X | ✓ | ✓ | ✓ |
| ✓ Landes | 25 | R | 44% | 54% | 45% | | X | | | X | | ✓ | | | X | X | ✓ | X | ✓ |
| LaRock | 33 | R | 43% | 58% | 42% | | X | | | X | | ✓ | | | | ✓ | X | X | ✓ |
| Leftwich | 78 | R | 40% | 50% | 46% | ✓ | X | X | | X | | ✓ | | | X | X | ✓ | X | ✓ |
| Levine | 45 | D | 100% | 91% | 96% | | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| ✓ Lindsey | 90 | D | 89% | 92% | 94% | | X | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| ✓ Lopez | 49 | D | 100% | 100% | 100% | | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ |
| Marshall, D. | 14 | R | 27% | 50% | 38% | | X | | X | X | X | ✓ | X | X | | X | ✓ | X | ✓ |
| McGuire | 56 | R | 43% | N/A | 43% | | X | | | X | | ✓ | | | | X | ✓ | X | ✓ |
| McQuinn | 70 | D | 100% | 100% | 94% | ✓ | ✓ | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Miyares | 82 | R | 33% | 50% | 40% | X | X | X | | X | | ✓ | | | | X | ✓ | X | ✓ |
| Morefield | 3 | R | 44% | 67% | 44% | ✓ | X | | | X | | ✓ | | | X | X | ✓ | X | ✓ |
| ✓ Mullin | 93 | D | 88% | 100% | 95% | | ✓ | | | ✓ | | ✓ | | | | X | ✓ | ✓ | ✓ |
| Murphy | 34 | D | 100% | 100% | 100% | ✓ | ✓ | ✓ | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| O'Quinn | 5 | R | 27% | 40% | 44% | | X | | X | X | X | ✓ | X | | X | X | ✓ | X | ✓ |

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

| Delegate | District | Party | 2018 Score | 2017 Score | Career Score Since 2000 | HB 58: State agencies; use of LED bulbs | HB 665: Coalfield employment tax credit | HB 904: FOIA; general exclusion for trade secrets | HB 1187: Natural gas companies; right of entry | HB 1270: RGGI; prohibition on participation by Virginia | HB 1273: Va. Alternative Energy & Coastal Protection Act | HB 1451: Net metering; pilot program for schools | HB 1528: Electric utilities; retail competition | HB 1610: Menhaden; revised quota for Virginia | HJ 111: Constitutional amendment; powers of G.A. | SB 405: Wireless communications; zoning | SB 699: Stormwater; pipelines; stop work orders | SB 856: Mass transit; dedicated funding source | SB 950: Pipelines; DEQ review; upland construction |
|-------------------|----------|-------|------------|------------|----------------------------|--|--|--|---|--|---|---|---|--|---|--|--|---|---|
| ✓ = Patron Credit | | | | | | | | | | | | | | | | | | | |
| Orrock | 54 | R | 50% | 50% | 46% | | X | | | X | | ✓ | | X | | ✓ | ✓ | X | ✓ |
| Peace | 97 | R | 50% | 58% | 51% | ✓ | X | | | X | | ✓ | | | X | ✓ | ✓ | X | ✓ |
| Pillion | 4 | R | 43% | 50% | 45% | | X | | | X | | ✓ | | | X | ✓ | ✓ | X | ✓ |
| Plum | 36 | D | 100% | 100% | 94% | | ✓ | | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Pogge | 96 | R | 43% | 54% | 38% | | X | | | X | | ✓ | | | X | ✓ | ✓ | X | ✓ |
| Poindexter | 9 | R | 38% | 50% | 37% | | X | | | X | | ✓ | | X | X | ✓ | ✓ | X | ✓ |
| Price | 95 | D | 100% | 92% | 97% | ✓ | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Ransone | 99 | R | 25% | 46% | 35% | | X | | X | X | X | ✓ | X | X | X | X | ✓ | ✓ | ✓ |
| ✓ Rasoul | 11 | D | 100% | 92% | 95% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Reid | 32 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Robinson | 27 | R | 57% | 50% | 51% | | X | | | X | | ✓ | | | ✓ | ✓ | ✓ | X | ✓ |
| Rodman | 73 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Roem | 13 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Rush | 7 | R | 38% | 50% | 43% | | X | | | X | | ✓ | | | X | X | ✓ | ✓ | ✓ |
| Sickles | 43 | D | 88% | 100% | 95% | | X | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Simon | 53 | D | 100% | 100% | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Stolle | 83 | R | 43% | 50% | 48% | | X | | | X | | ✓ | | | X | ✓ | ✓ | X | ✓ |
| ✓ Sullivan | 48 | D | 100% | 92% | 97% | | ✓ | | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Thomas | 28 | R | 57% | N/A | 57% | | X | | | X | | ✓ | | | ✓ | ✓ | ✓ | X | ✓ |
| Torian | 52 | D | 75% | 85% | 89% | ✓ | X | | | ✓ | | ✓ | | | X | ✓ | ✓ | ✓ | ✓ |
| ✓ Toscano | 57 | D | 100% | 100% | 98% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| ✓ Tran | 42 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Turpin | 85 | D | 100% | N/A | 100% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Tyler | 75 | D | 86% | 92% | 86% | | X | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| VanValkenburg | 72 | D | 88% | N/A | 88% | | ✓ | | | ✓ | | ✓ | | ✓ | X | ✓ | ✓ | ✓ | ✓ |
| Ward | 92 | D | 100% | 92% | 87% | ✓ | ✓ | | NV | ✓ | ✓ | ✓ | NV | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Ware | 65 | R | 50% | 58% | 50% | | X | | | X | | ✓ | | ✓ | X | ✓ | ✓ | X | ✓ |
| Watts | 39 | D | 100% | 100% | 87% | | ✓ | | | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| ✓ Webert | 18 | R | 63% | 67% | 56% | | X | | | X | | ✓ | | | ✓ | ✓ | ✓ | X | ✓ |
| ✓ Wilt | 26 | R | 44% | 46% | 43% | | X | | | X | | ✓ | | X | X | ✓ | ✓ | X | ✓ |
| Wright | 61 | R | 44% | 45% | 43% | X | X | | | X | | ✓ | | X | ✓ | ✓ | ✓ | X | ✓ |
| Yancey | 94 | R | 43% | 69% | 54% | | X | | | X | | ✓ | | | X | ✓ | ✓ | X | ✓ |
| Average | | | 68% | 67% | | | | | | | | | | | | | | | |

Senate Scorecard

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

| Senator | District | Party | 2018 Score | 2017 Score | Career Score (Since 2000) | SB 31: I-73 Corridor Development Fund established | SB 378: Coalfield employment tax credit | SB 405: Wireless communications; zoning | SB 499: Conservation easements; termination | SB 696: Va. Alternative Energy & Coastal Protection Act | SB 698: E&S control; pipelines, stop work orders | SB 699: Stormwater; pipelines, stop work orders | SB 807: Coal ash; permits, request for proposals | SB 856: Mass transit; dedicated funding source | SB 950: Pipelines; DEQ review, upland construction | SB 951: Eastern Virginia; fracking prohibited | SJ 69: Constitutional amendment; powers of G.A. | HB 1270: RGGI; prohibition on participation by Virginia | HB 1451: Net metering; pilot program for schools |
|-------------------|----------|-------|------------|------------|---------------------------|---|---|---|---|---|--|---|--|--|--|---|---|---|--|
| ✓ = Patron Credit | | | | | | | | | | | | | | | | | | | |
| Barker | 39 | D | 80% | 79% | 82% | X | X | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Black | 13 | R | 42% | 42% | 36% | NV | X | X | ✓ | X | X | X | ✓ | ✓ | X | ✓ | | X | ✓ |
| Carrico | 40 | R | 10% | 46% | 35% | X | X | X | | | X | X | X | X | X | | | X | ✓ |
| Chafin | 38 | R | 50% | 45% | 43% | X | X | X | ✓ | X | ✓ | ✓ | X | ✓ | ✓ | X | ✓ | X | ✓ |
| ✓ Chase | 11 | R | 58% | 55% | 52% | X | X | X | | | ✓ | ✓ | ✓ | X | ✓ | | ✓ | X | ✓ |
| Cosgrove | 14 | R | 45% | 60% | 47% | X | X | X | | | ✓ | X | ✓ | ✓ | X | | ✓ | X | ✓ |
| Dance | 16 | D | 86% | 92% | 82% | ✓ | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| ✓ Deeds | 25 | D | 100% | 100% | 88% | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| DeSteph | 8 | R | 40% | 64% | 54% | X | X | AB | | | X | X | ✓ | X | ✓ | | ✓ | X | ✓ |
| Dunnavant | 12 | R | 50% | 46% | 50% | X | X | X | | | ✓ | ✓ | ✓ | X | ✓ | | | X | ✓ |
| Ebbin | 30 | D | 93% | 100% | 98% | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| ✓ Edwards | 21 | D | 75% | 73% | 82% | X | X | X | | | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| ✓ Favola | 31 | D | 100% | 90% | 98% | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| ✓ Hanger | 24 | R | 57% | 64% | 48% | X | X | X | ✓ | X | ✓ | ✓ | ✓ | ✓ | ✓ | X | | X | ✓ |
| ✓ Howell | 32 | D | 91% | 92% | 88% | ✓ | ✓ | X | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| ✓ Lewis | 6 | D | 86% | 83% | 86% | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ |
| Locke | 2 | D | 100% | 100% | 87% | NV | ✓ | NV | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Lucas | 18 | D | 90% | 100% | 77% | ✓ | ✓ | X | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Marsden | 37 | D | 83% | 80% | 85% | NV | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ |
| Mason | 1 | D | 92% | 100% | 98% | ✓ | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ |
| ✓ McClellan | 9 | D | 100% | 100% | 98% | ✓ | ✓ | AB | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ |
| McDougle | 4 | R | 50% | 42% | 45% | X | X | X | | | ✓ | ✓ | ✓ | X | ✓ | | | X | ✓ |
| ✓ McPike | 29 | D | 100% | 100% | 100% | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Newman | 23 | R | 56% | 33% | 36% | X | X | X | | | ✓ | ✓ | ✓ | NV | ✓ | | | X | ✓ |
| Norment | 3 | R | 60% | 58% | 51% | X | X | X | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | X | ✓ |
| Obenshain | 26 | R | 45% | 38% | 37% | X | X | X | | X | ✓ | ✓ | ✓ | X | ✓ | AB | | X | ✓ |
| Peake | 22 | R | 45% | 50% | 48% | X | X | ✓ | | | X | X | ✓ | X | ✓ | | ✓ | X | ✓ |
| Petersen | 34 | D | 85% | 100% | 89% | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ |
| ✓ Reeves | 17 | R | 42% | 36% | 44% | X | X | ✓ | | | X | X | ✓ | X | X | | ✓ | X | ✓ |
| Ruff | 15 | R | 43% | 40% | 38% | X | X | X | X | X | ✓ | ✓ | ✓ | X | ✓ | X | ✓ | X | ✓ |
| ✓ Saslaw | 35 | D | 82% | 92% | 73% | ✓ | X | X | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Spruill | 5 | D | 90% | 90% | 74% | ✓ | ✓ | AB | | | ✓ | ✓ | ✓ | ✓ | X | | ✓ | ✓ | ✓ |
| Stanley | 20 | R | 25% | 55% | 44% | X | X | X | X | X | X | X | ✓ | NV | ✓ | X | | X | ✓ |

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| Senator | District | Party | 2018 Score | 2017 Score | Career Score (Since 2000) | SB 31: I-73 Corridor Development Fund established | SB 378: Coalfield employment tax credit | SB 405: Wireless communications; zoning | SB 499: Conservation easements; termination | SB 696: Va. Alternative Energy & Coastal Protection Act | SB 698: E&S control; pipelines, stop work orders | SB 699: Stormwater; pipelines, stop work orders | SB 807: Coal ash; permits, request for proposals | SB 856: Mass transit; dedicated funding source | SB 950: Pipelines; DEQ review, upland construction | SB 951: Eastern Virginia; fracking prohibited | SJ 69: Constitutional amendment; powers of G.A. | HB 1270: RGGI; prohibition on participation by Virginia | HB 1451: Net metering; pilot program for schools |
|-------------------|----------|-------|------------|------------|---------------------------|---|---|---|---|---|--|---|--|--|--|---|---|---|--|
| ✓ = Patron Credit | | | | | | | | | | | | | | | | | | | |
| Stuart | 28 | R | 67% | 62% | 53% | ✓ | X | AB | ✓ | X | ✓ | ✓ | ✓ | X | ✓ | ✓ | | X | ✓ |
| ✓ Sturtevant | 10 | R | 55% | 50% | 48% | X | X | X | | | ✓ | ✓ | ✓ | X | ✓ | | | X | ✓ |
| ✓ Suetterlein | 19 | R | 43% | 42% | 35% | X | X | X | ✓ | X | ✓ | ✓ | X | X | ✓ | X | | X | ✓ |
| ✓ Surovell | 36 | D | 91% | 92% | 92% | X | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| ✓ Vogel | 27 | R | 83% | 38% | 80% | ✓ | X | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | X | ✓ |
| ✓ Wagner | 7 | R | 45% | 46% | 42% | X | X | X | | | | ✓ | ✓ | ✓ | X | | | X | ✓ |
| ✓ Wexton | 33 | D | 100% | 100% | 98% | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Average: | | | 68% | 69% | | | | | | | | | | | | | | | |

Photo Credit: *Dawn at Colonial Beach* by Mary Lynne Wolfe of Spotsylvania | Courtesy of Scenic Virginia





Protecting our Water

Stopping the pipelines: Not just a pipedream

This year's scorecard cover proudly features a view of the scenic Cowpasture River captured in rural Bath County. We feature this photograph predominantly in this year's scorecard, because this river might not look the same in the years to come.

The Cowpasture River, widely hailed as one of Virginia's cleanest waterways, if not its most pristine river outright, is in the path of Dominion Energy's 42-inch Atlantic Coast Pipeline, planned to bisect this waterway and its tributaries dozens of times as it slices across more than 300 miles of Virginia heartland.

During the course of construction, we can expect sediment and runoff to clog waterways like the Cowpasture and hundreds of other streams, creeks, rivers and wetlands, environmental degradation that threatens aquatic species – even some classified as endangered or threatened – clean drinking water sources Virginians rely on for their daily lives, and our ability to simply enjoy access to our commonwealth's waters for fishing, boating and recreation.

Conservation groups across Virginia, including us here at Virginia LCV, are working hard to ensure this environ-

mental disaster never comes to pass. A path to success, though steep, is achievable. But it will take groups from across the environmental spectrum working in tandem in the legal, political and regulatory realms.

This year saw more legislation filed at the General Assembly to address the pipeline threat than we've seen since these projects were proposed, efforts that elevated the issue politically. The end result is that our state agencies have new tools to halt these projects if and when water quality violations occur and that Virginia is better armed against future pipelines.

Though these are good steps forward, in rejecting several other legislative approaches lawmakers failed to answer several basic questions. For example, does Virginia need this glut of natural gas for its energy needs, and if not, should utilities be allowed to pass costs onto captive ratepayers? Should corporations be allowed eminent domain privileges to survey on private land against landowners' wishes without first proving a clear need for this project? How will utilities protect water quality during construction and operation of these pipelines or prevent gas leakage?

While these questions remain unanswered, they have been posed. It's clear lawmakers are listening to concerned citizens. It's even clearer that we need to keep the pressure up heading into the 2019 session with elections right around the corner.

There are several ongoing efforts that could ensure we have time to revisit the issue. A favorable court ruling recently found that permits awarded by the U.S. Fish and Wildlife Service failed to adequately protect endangered or threatened species in the ACP path. A full opinion had not been issued as of the publication of this scorecard, but this decision has the potential to impact federal permitting across the board.

As we were preparing this scorecard, the State Water Control Board was accepting public comment on whether using a blanket, federal permit to safeguard our waterways was appropriate. Environmentalists have contended all along that Virginia needed to use more of its own authority under the Clean Water Act, and it appears that this argument is gaining momentum with our citizen board, which makes the final determination over water permitting.

While there is strong momentum in the pipeline fight, the buck stops with our governor and we need Governor Northam to do the right thing for our clean water. Early on in his campaign, Northam is on record calling for stream-by-stream reviews along the pipeline routes. What we're asking for isn't outrageous and a failure to act has the potential to overshadow, as well as define, his environmental legacy as governor.

While we are doing everything within our power to move this administration and our elected officials toward better outcomes for our environment, we hope you remain engaged.

We urge you, our members, to keep up your individual advocacy. Call your lawmakers, call the Governor's office, write your local newspaper.

Without continued pressure, pristine waters like the Cowpasture River might be past saving.

Photo Credit: **Powell Valley** by Liz Clayton of Midlothian | 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.

Virginia LCV is a nonpartisan, nonprofit advocacy organization and gifts to it and its Political Action Committee are non-tax deductible.



VIRGINIA LEAGUE OF
CONSERVATION VOTERS

Photo Credit: *Light in the Woods* by John Ernst of Fairfax | Courtesy of Scenic Virginia

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