

Virginia Association for Parks Advocacy Guidance for 2017 General Assembly Session

Background: Due to budget challenges, there is limited funding available in the 2017 session. It is anticipated some projects will have cuts in funding. With that in mind, it was still determined to try to achieve some VAFP objectives. There are six items of interest. We still do not have Bill numbers for all of them. This will be updated when that occurs. Items of Interest include:

1. **A Budget Amendment increase for \$612,537 in General Funds to support the establishment of 25 Youth Conservation Corps programs.**

EXPLANATION OF AMENDMENT:

EXPLANATION OF CHANGE:

This amendment will allow Virginia State Parks to establish stable funding to sponsor 25 Youth Corps programs in state parks each summer. This would allow the program to serve 36 parks. The youth corps program is comprised of two components, the Youth Conservation Corps (YCC), and the Youth Service Corps (YSC). Each program consists of teams of ten members age 14 – 17 and three leaders (college age or older). The Youth Conservation Corps is an overnight program where the youth and leaders work and live in a park for three weeks. The Youth Service Corps, a companion program, targets at risk teens. The Youth Service Corps does not include overnight lodging for crew members. In both programs the crews perform valuable park work including trail work and natural resource projects such as removal of invasive species, debris removal and view shed clearing. The Youth Corps program is in need of a full time manager. Through the redirection of existing agency funds, state parks have been able to host a limited number of YCC crews. However, the Department is able to select less than 30% of the applicants. The Department is currently working with only one organization for the Youth Service Corps that serves at risk teens, yet there is much need statewide for summer programs for this group. At the same time, there is a tremendous backlog of projects in state parks that can utilize the concentrated efforts of our youth corps members. Many of these projects include improvement to the most popular facilities in parks, such as hiking trails and campgrounds. The Department has relied on part time staff in the past to manage the program, but the logistics, training, recruitment, communications and financial administration of the program have developed into the need for year round manpower. The Virginia State Parks have sought grant funding in the past with only limited success. The few available grants are difficult to obtain and are designed to get a program going rather than for ongoing operation. The alternative to doing most of the work accomplished by the YCC would be to use seasonal wage staff, an alternative that is more costly and lacks the benefits that accrue to the youth who participate in the program. Experience has shown that team members in the program often return as team leaders and some now occupy permanent park positions. Thus, the program provides the Commonwealth an excellent opportunity to develop a cadre of motivated individuals having life-long commitments to natural resource conservation and stewardship.

Proposed/Requested Sponsors:

Delegate Bobby Orrock (R-54).

District Tel: 540-891-1322. Richmond Tel: 804-698-1054

Senator Emmett Hanger (R-24).

District Tel: 540-885-6898. Richmond Tel: 804-698-7524

2. HB 2308 Concealed Carry for Retired Virginia State Park Law Enforcement Officers.

Background: Recent legislation authorized concealed carry authority for a broad spectrum of retired law enforcement officers, however, retired Department of Conservation and Recreation, specifically State Parks, law enforcement professionals were inadvertently left out of the language of the legislation.

EXPLANATION OF AMENDMENT: The corrective action is a legislative amendment to existing law, specifically 18.2-308.016, *Retired Law-Enforcement Officers; Carrying a Concealed Weapon*. The amendment is administrative in nature and no cost. The House sponsor does not anticipate any issues with it as it merely makes existing law more inclusive.

Sponsor:

Delegate Thomas C. Wright, Jr. (R-61)

District Office: 434-696-3061

Richmond Office: 804-698-1061

3. HB 1833/SB 1071 VaLORS inclusion for DCR Conservation Officers

This legislative amendment would add conservation officers of the Department of Conservation and Recreation as members of the Virginia Law Officers' Retirement System. Conservation officers would accrue retirement benefits under the Virginia Law Officers' Retirement System for creditable service on or after July 1, 2017.

Below is updated information that has been provided as previous documentation and background information in regards to this initiative.

The Department firmly believes that the inclusion of its Conservation Officers into VaLORS is appropriate and affordable. When the Virginia Law Officers' Retirement System was originally proposed, Conservation Officers were included in the definition of a law enforcement officer and would have been included in the system. At that time, it was believed that each agency would have to provide funding for the retirement system and the department was unable to commit to the funding at that time. As a consequence Conservation Officers were removed from the legislation. The decision to include or exclude Conservation Officers has been a financial decision based on the increased general fund spending. During the 2016 General Assembly session, Senator Creigh Deeds introduced SB 692 and Delegate Terry Kilgore and Delegate

Terry Austin introduced HB 299 that would have added Conservation Officers of the department into the Virginia Law Officers' Retirement System. The budget impact that was prepared as a result of the bill showed cost to include Conservation Officers of the Department of Conservation and Recreation as members of the Virginia Law Enforcement Officers' Retirement System would result in an increase of \$247,000 per year in general fund spending.

In 2008 the JLARC report titled “Review of State Employee Total Compensation” supported the inclusion of Conservation Officers of the Department of Conservation and Recreation. Virginia State Parks are routinely recognized as among the top four best managed systems in the nation and at the same time are among the most frugally supported. Conservation officers are expected to protect and preserve the lives and property of our citizens and their guests while also protecting the unique and irreplaceable natural and cultural resources of the Commonwealth. The Department of Conservation and Recreation is responsible for the management of 104 sites and 125,252 acres representing 41 state park sites (over 70,000 acres) and 61 natural area sites (55,352 acres). Day use and overnight visitation totaled 8.8 million visits in 2016. With over 1 million overnight visits state parks are a major hospitality provider in the Commonwealth and our guests expect on-site police presence around the clock. Park visitors are a microcosm of the general population. Thus, not only does this record setting attendance represent more citizens to protect, but more individuals coming to the state parks and natural areas that are willing to victimize park guests and/or the unique and irreplaceable natural and cultural resources that are entrusted to DCR. Having a constant officer presence deters crime and stops or prevents negative behaviors before they escalate to more serious crimes and or disturbances. During FY 16, Conservation Officers conducted over 9 thousand law enforcement contacts in state parks and natural area preserves across the Commonwealth of Virginia

The General Assembly has recognized the mainstream law enforcement role of officers of the Department of Conservation and Recreation. **§9.1-101** COV defines DCR's Conservation Officers as “law-enforcement officers.” **§10.1-117** also establishes DCR's Conservation Officers as law enforcement officers. They have also recognized the enhanced threat to DCR's officers and in doing so have included them among those officers for which violent acts against them have enhanced penalties. These include **§18.2-57** in which assault on a law enforcement officer has an enhanced penalty; **§18.2-51.1** in which the malicious wounding of a law enforcement officer carries an enhanced penalty; and **§18.2-31** in which the murder of a DCR officer is considered a capital offense. Also, in recognition of the enhanced risk of their duties, they are included in **§9.1-400**, the Line of Duty Act. They are also protected under **§65.2-402.1** in which their death or disability from blood borne pathogens is presumed to be work related. Each of these decisions for inclusion required a determination of enhanced risk for being a Conservation Officer employed by DCR. These enhanced risks and physical demands, come with a high cost to the individual officer. In general law enforcement officers have a life expectancy of 66 years as compared to a life expectancy of 75 years for the general population.

It should also be noted that the Department of Conservation and Recreation is an accredited law enforcement agency by the Virginia Law Enforcement Professional Standards Commission. Accreditation is a rigorous process requiring the establishment of hundreds of written management directives and the documentation of proofs of compliance. Evaluators from other member law enforcement agencies review the directives and proofs and ride with the officers of

candidate agencies to assure actual implementation prior to recommending the agency for accreditation or re-accreditation to their board. DCR and ABC are the only state-wide law enforcement agencies so accredited and it should be noted that ABC is already covered by VaLORS. (The Capitol Police and the campus police forces of several University and Colleges are also accredited agencies. The Department of State Police is accredited by CALEA, the Commission on Accreditation for Law Enforcement.)

Inclusion of its officers in VaLORS will better enable the Department of Conservation and Recreation to recruit and retain Conservation Officers and reduce the loss of highly trained personnel to law enforcement agencies that are able to provide the enhanced retirement benefits that allow an officer to retire with fewer years of service due to the enhanced risk and physical demands required of the position. As one officer stated in their resignation letter;” *With 24 years of law enforcement service, 19 years under LEOS, and apparently no hope for VALORS approval, I am forced to make a decision between a job that I love and a job from which I will be able to afford to retire*”. Inclusion in VaLORS will also have a positive impact on morale for the officers of the department through the enhanced sense of equitability when compared to other law enforcement officers across the Commonwealth of Virginia.

Sponsors:

Senator Creigh Deeds (D-25)

District Office 434-296-5491

Richmond Office – 804-698-7525

Status-Referred to Senate Committee on Finance

Delegate Terry Kilgore (R-1)

District Office 276-386-7011

Richmond Office 804-698-1001

Status-Referred to the House Committee on Appropriations

4. A Budget Amendment for \$487,945 and 4 FTE’s for the maintenance and operation of Widewater State Park.

In order to adequately manage the daily operations and to prepare for the expected high visitation, funding for an additional 4 positions, initial equipment needs, and park operational costs is necessary.

Widewater State Park has received funding to begin phase 1A development. In early 2018, the construction of the day-use facilities at Widewater State Park is projected to be complete. The A & E design is completed and construction has begun. The project should be substantially completed in early 2018. Upon funding being appropriated for staff, equipment and operations, the park will be under full, daily operation by April 2018. This proposal is to fund a Park Manager beginning in July 2017 and the Chief Ranger Law Enforcement, Office Manager and Park Ranger of maintenance in January of 2018. In addition to the staffing needs, funding for the initial startup for equipment procurement and ongoing operational costs are included. Many of

the items are prorated due to only being open to the public for part of the fiscal year. Other items are one-time costs that are needed for operation of the site regardless of the amount of time the park is open to the public.

Widewater will provide an additional recreational public access point to the Potomac River which are limited and is anticipated to quickly receive high attendance due to its location in the Northern Virginia area. Our experience shows that the agency benefits if there are staff members assigned to the park while development occurs. It is even more critical in this case to prepare for the heavy visitation.

Staff members will plan for the daily operation of the park, develop community relations, promote the upcoming opening, and provide construction oversight assistance to the limited resources of the Design and Construction Section. Funds are needed for mowing, park start-up activities, maintenance operations, administrative functions, cash management and revenue collection, procurement, enterprise operations, and environmental education/interpretive program opportunities.

Agency increase of 4 FTE's @ \$168,681 for FY18*
Agency increase for operations of \$319,264 for FY 18**

*These are for partial year operation. Cost for FTE's will increase for following fiscal year

**Cost for operations will decrease some since some of the operational expenses are for one-time purchases (tractor, etc.)

Projected Sponsor:

Delegate L. Mark Dudenhefer (R-2)
804-698-1002

5. A Budget Amendment for \$2,500,000 for the limited opening and development of Biscuit Run State Recreation Area

To provide public access to Biscuit Run State Recreation Area, the Department of Conservation and Recreation needs additional capital funding to provide limited day use facilities including gravel road and parking areas, trails, signage, vault toilet, and a maintenance shed.

Biscuit Run State Recreation Area will be available for use by the public on a limited basis until additional funding becomes available to fully develop the area into a state park as outlined by a typical park master plan. The limited opening of Biscuit Run State Recreation Area will include minimal staffing and recreation facilities such as hiking trails, gravel parking areas, and directional signage. The initial start-up costs will be \$389,355 for FY18. This amount includes expenses for one Chief Ranger – LE (1), & (1) Park Ranger, two (2) wage maintenance position, and approximately \$194,578 in (one-time) start-up costs that will be utilized to purchase operational equipment & initial materials for opening of the recreation area. Initial development costs for infrastructure such as main entrance from VDOT, interior roads, small maintenance building, parking areas, vault restrooms etc. are anticipated to be \$2,110,645.

Projected Sponsors:

Senator R. Creigh Deeds (D-25)

District Office – 434-296-5491

Richmond Office – 804-698-7525

Delegate David Toscano (D-57)

District Office 434-220-1660

Richmond Office-804-698-1057

6. Provision to create a Brandy Station/Cedar Mountain State Park

This amendment would create a Brandy Station and Cedar Mountain State Park comprised of land now owned by the Brandy Station Foundation and the Civil War Trust. The Civil War Trust has prepared a feasibility study assessing the opportunities and economic advantages to creating this state park. The feasibility study clearly shows that these Battlefields present an opportunity to advance an already well preserved and interpreted history and preliminary projections suggest that park visitation would increase under the management of Virginia State Parks. When fully established the park would hold the potential to bring visitor expenditures in excess of \$4 million annually to the local economy. These Battlefields will provide passive and active recreation programs to an underserved region of Virginia's State Park system. The Battlefields once transformed to a state park will provide a significantly broader and more comprehensive period of Civil War history and events than the State Park system's current battlefield holdings and will create significant opportunities for local public-private partnerships and investments.

Sponsors:

Brandy Station & Cedar Mountain State Park Alliance and the Civil War Trust are currently working with the Culpepper area delegation to decide whether to pursue the objective in this session and, if so, to decide on the best legislative vehicle.