

Division of Soil and Water Conservation
Division Director's Report

September 20, 2017

Presented by Darryl M. Glover;

Director, Division of Soil and Water Conservation

Mr. President, members of the Virginia Association of Soil and Water Conservation Districts Board, please accept this Soil and Water Conservation Division Report.

Legislative Stakeholder Advisory Groups

Both the legislatively called for Water Quality Improvement Fund (WQIF) Stabilization and Resource Management Plan Implementation Stakeholder Advisory Groups (SAGs) met over the course of the summer. Each SAG last met on September 15. Both the Association and the Virginia Soil and Water Conservation Board, are represented on each of these SAGs.

The RMP SAG's report is due October 1. Item 364 Q of the 2017 Acts of the Assembly, directed this SAG to "examine the funding, training, and resource needs, as well as explore new incentives, for additional implementation of Resource Management Plans (RMPs)...."

The RMP SAG meetings, and a survey of producers who have had approved RMPs for a period of time but have not yet achieved RMP certification, demonstrated a need for greater education of producers, RMP developers, and Districts, about the process, roles, and responsibilities related to RMP certification. Each of the SAG's member organizations can play a part by informing their associates about the process for obtaining RMP certification and its benefits. The RMP SAG noted that financial incentives need to be created, especially for Districts, but also for RMP Developers, to work with producers well after RMP approval, to help them achieve RMP certification. This SAG discussed options to better ensure that best management practices within RMPs receive cost-share funding and agreed to continue to periodically meet even after its upcoming report is completed, in order to continue to monitor the progress of the RMP Program.

Districts in Area III have advocated for a RMP signup period in FY 2018. This will allow producers with RMPs to actively work with their District in advancing already recognized BMP needs specified in approved RMPs. This should also make the opportunity to obtain a RMP available to a broader group of farmers and also better enable Districts to educate additional farmers about the RMP Program before they sign up. The Department has developed RMP ranking criteria for Districts to use in FY2018 in order to establish priorities for RMP development funding. Districts in the Chesapeake Bay watershed should submit these RMP sign up lists to the Department for use in developing the next round of RMP contracts in the Chesapeake Bay, which will be in spring 2018.

The Department anticipates a significant increase in RMPs that will need certification during FY2018. We shall be working even more closely with RMP plan developers and affected Districts to help them manage the workload the resulting onsite reviews will create. Some remaining RMP set-aside funding has been prioritized for RMP certification. Further, as a pilot initiative, the

Department has offered to conduct “pre-inspections” of RMPs, in Hanover-Caroline SWCD, that are reportedly ready for an official certification inspection. Finally, contracts the Department issues in FY 2018 will include some for RMP certification in the Chesapeake Bay.

The WQIF SAG has a report due on November 15. Discussions by this SAG have focused on both the consistency of funding amounts for agricultural best management practices, and also its adequacy to meet Chesapeake Bay Watershed Implementation Plan as well as local Total Maximum Daily Load goals. The WQIF SAG has supported \$35 million per year, for best management practices, with both operations/administration and technical assistance funding for SWCDs in addition to this figure. This SAG has not yet reached consensus around any of several potential funding mechanisms, including the second half of the real estate recordation fee (which is currently being recommended to go to the Reserve), or at what level the WQIF reserve should be capped (present suggestion of \$50 M).

Agricultural Needs Assessment

The Environmental Protection Agency’s Chesapeake Bay Program (EPA) is about to finalize the Phase 6 Bay Model. This new model will be used to make potentially significant revisions to nitrogen, phosphorus, and/or sediment reduction targets for each of the states within the Chesapeake Bay watershed to achieve by 2025. The revised pollution reduction targets, along with the new Chesapeake Assessment Scenario Tool (CAST), and any local goals in the Phase III Chesapeake Bay TMDL Watershed Implementation Plan (WIP), are due in draft form by December 2018, and will all be used to develop future bi-annual agricultural needs assessments.

Consequently, only minor modifications were made to last year’s Agricultural Needs Assessment for 2017. The most significant change is further adjustments for additional implemented livestock stream exclusion (SL-6) practices. Excluding remaining pending SL-6 projects, which are summarized below, the projected average need statewide, for cost-share alone during the FY 2019 - 2020 biennium is \$65 million/year. The projected average need, statewide for re-benchmarked base operations and technical assistance funding for SWCDs during the FY 2019 - 2020 is an average of \$21.75 million per year.

Livestock Stream Exclusion Update

As of September 1, 2017, the backlog in SL-6 practices that remain in pending status (i.e. awaiting funding) was further reduced to approximately \$13 million, consisting of \$3.5 million in the Chesapeake Bay watershed and \$9.5 million in the Southern Rivers/Outside the Chesapeake Bay. \$69 million of SL-6 practices have been completed statewide and another \$25 million have been approved by local Soil and Water Conservation Districts (Districts) and are awaiting completion. Through September 1st, roughly 1,900 completed SL-6 practices have resulted in 7 million linear feet of streambank protected and over 89,000 animal units excluded. A few Districts have retired all of their SL-6 backlog.

The Department is awaiting approval of a modification of its US Department of Agriculture (USDA), Regional Conservation Partnership Program (RCPP) stream exclusion grant be modified to shift \$171,534 in technical assistance, which the Chesapeake Bay Foundation has elected to not request, into additional financial assistance for farmers. This number is lower than previously

reported due to \$57,138 of the original request being withheld for technical assistance to the Natural Resources Conservation Service (NRCS). If approved, financial assistance to producers for livestock exclusion from this grant would total \$1,621,534.75. With match from the Department, these best management practices will be funded at or near 100%.

Signup for Conservation Reserve Enhancement Program (CREP) in Virginia has resumed. The Department has committed match for all CREP applications submitted to the Farm Service Agency (FSA) prior to the suspension of the program on March 1, 2017. All CREP applications approved by FSA prior to March 1, 2017, have received 50% state match. Those not yet approved, including any new applications in FY 2018, will receive the historical rate of 25% state match.

To better achieve an early warning in the future, FSA and the Department are working together to ensure CREP signup through FSA is shared much earlier in the approval process than it had previously. However, since initial CREP cost estimates are not fully itemized, the Department will need to over-estimate state match in order to ensure available state match is not exhausted.

Engineering

Department staff met with the Department of Professional Occupational Regulation (DPOR) Board on September 14, 2017 to discuss DCR's plan to delegate Engineering Job Approval Authority (EJAA) to Virginia's 47 Soil and Water Conservation Districts (Districts). In that meeting, staff noted applying both the agricultural exemption and the exemption for political subdivisions of the Commonwealth to the DPOR Board. No objections to DCR moving forward were raised; however, they advised us that every Professional Engineer, whether private sector or at any level of government, must sign and seal every engineering design they produce in Virginia, regardless of whether or not it is for an exempted activity. This will not affect any District staff with delegated DCR EJAA unless they are also a Professional Engineer. The first round of the Department's EJAA reviews of District staff will be completed soon and DCR will soon advertise for a second Agricultural BMP Professional Engineer to help administer DCR EJAA. A guidance document on the administration of DCR EJAA will be developed for consideration by the Soil and Water Conservation Board at their December meeting.

BMP Verification

The Department has completed development of a web application that will facilitate the more detailed documentation that will be required for BMP verification spot checks in the Chesapeake Bay watershed, beginning in calendar year 2018, in accordance with the state's BMP Verification Plan. This project includes a mobile application with which to conduct BMP verification spot checks. These data application enhancements are available to all Districts statewide.

The Department will offer supplemental (separate) grant agreements in late October to affected Districts in the Chesapeake Bay watershed to recertify structural BMPs whose contractual lifespans end from 2016 - 2019 in order to continue to receive pollution reduction credit from the U.S. Environmental Protection Agency. Payment for each completed inspection will be increased, as compared to the previous project to re-verify practices, from \$125 to \$150. Adequately documented unsuccessful efforts to conduct an inspection will be paid \$50 each. Modifications to the Ag BMP Tracking System will be completed soon to help DCR administer this project.

Other Training for Districts

The Department again provided accounting and bookkeeping training for both beginners and advanced District Administrative staff in June. This training was introduced in 2016 and will be offered regularly. Annual training on the Virginia Agricultural Cost-Share (VACS) Program training was also conducted, at several locations, in June. The Department is working with the Department of Human Resource Management on a training session on the Commonwealth's on-line Learning Center. This training will be offered at the Association's Annual Meeting this December. District staff and Directors will then be able to request their own Learning Center account, which will enable them to take administrative and other training on-line, at no cost. In order to prepare for the launch of this opportunity in December, the Department seeks input from Districts, by October 13, on the attached list of classes. Please note that while most of the training listed will be on-line, there are also a few classes that will be offered in person, e.g. the aforementioned accounting and book keeping training.

Appointments to the VSWCB

Previously submitted candidates for appointments to the Virginia Soil and Water Conservation Board (Board), for Areas V and VI, are being held, pending the Association's recommendations for an appointment to represent Area IV as well. Nominations for all three areas, pending the concurrence by the Board on the nominations for Area 4, will be acted upon as a group by the Governor's Office. It is anticipated that these appointments will be made, and new Board Directors will also receive orientation, in time to hold Board elections at a special meeting in November.

Dam Rehabilitation

David Warriner, joined the Department as the Dam Rehabilitation Engineer on August 10 to work on the Dam Rehabilitation Report. He is a graduate of Virginia Military Institute and is a licensed Professional Engineer in the Commonwealth of Virginia. A second dam rehabilitation staff member is now under recruitment.

Nutrient Management

Department records show that nearly 300 golf courses have obtained a nutrient management plan; however, a few dozen others had neither submitted a nutrient management plan nor contacted one of our contractors about getting a plan prepared as required by State law as of the June 30, 2017 deadline to do so. As a result, the Department notified the operators of those golf courses who had not begun the process of obtaining a nutrient management plan that these golf courses may be subject to a civil penalty if they do not take prompt action to obtain a plan. A number of them have since begun to do so.

Shoreline Erosion Advisory Service

The Department, working with the Virginia Department of Environmental Quality the Virginia Marine Resources Commission, and the Virginia Institute of Marine Science, have begun work on a project to reviewing shoreline management projects permitted by the Virginia Marine Resource Commission since 2008, in order to calculate sediment and nutrient reduction credits for Chesapeake Bay Program approved shoreline management types, including living shorelines, breakwaters, and revetments. Bulkheads are not eligible. This project will result in additional sediment and nutrient reduction credits towards the targets the Commonwealth will be required to meet.

In June, Department staff participated in a Virginia Conservation Assistance Program (VCAP) technical training on Living Shorelines at VIMS in Gloucester Point. VCAP, a program of the Virginia Department of Environmental Quality and the Virginia Association of Soil and Water Conservation Districts (VASWCD), is an urban cost-share program that provides technical assistance and financial incentives to property owners installing eligible Best Management Practices in the Chesapeake Bay watershed. The purpose of this training was to provide District staff with the fundamental knowledge necessary to guide the proper siting, selection, design, installation, and maintenance of Living Shorelines as they implement VCAP.

Conservation Planning

NRCS has invited a representative from the Department (Carl Thiel-Goin), and from Soil and Water Conservation Districts (Charlie Wooten – Piedmont SWCD), to represent Virginia on a national committee formed to advise the NRCS Conservation Planning and Technical Assistance Division (CPTAD) on a path forward to assist in implementing the NRCS Conservation Planning Policy, which was amended in January 2017. Virginia and other selected states were asked to join this advisory committee “...to explore the barriers and potential successes in implementing the (national) Conservation Planning Policy, and to assist in defining the areas where resources are needed and available to support conservation planners throughout the Partnership during the transition period...”

The DCR Conservation Planning and Certification Stakeholder Advisory Group will meet on October 3 at Pocahontas State Park in Chesterfield County. The Farm Summary and Resource Guide sheet, initial certification courses, and recertification requirements will be finalized at this meeting.

Horse Stewardship Workshops

Working with Dr. Bridgette McIntosh (Virginia Cooperative Extension), the horse stewardship project, “Healthy Land for Healthy Horses,” was completed for FY 2017 on June 5. The project focused on small lot owners in Fairfax, Prince William, Loudoun, and Fauquier counties. The workshops included six sessions on consecutive Monday nights with an additional bus tour and was designed to help small horse farm owners protect water quality. The sessions included a short lecture on topics such as pasture management and manure management, followed by field visits to various best management practices at the Middleburg Agricultural and Research and Extension (MARE) Center. Approximately 50 individuals participated and roughly 90 percent of the respondents on evaluations indicated, because of the program, they would modify some part of

their operation to improve water quality. The Department has dedicated EPA Chesapeake Bay Program grant funding to conduct a similar project in 2018.

In addition, a letter has been received, dated August 30, 2017, from Jim Gehlsen, representing VASWCD Area II, requesting that “either the eligibility language for owners of equines found in the tax credit program guidance be added to the cost-share program guidance, or the creation of a cost-share fund to address these operations.” This letter also proposes, as an alternative, “to handle funds for recreational equines as a separate funding source with the VACS program. Districts would receive a regular allocation for our traditional producers and a second allocation to be used for recreational equines.”

Given that the suggestions in the letter from Area II would result in a major change to the agricultural cost-share program, and might also require a change to the statutory definitions of “agricultural activity” and/or “farmer” in state law (Title 3.2, Chapter 4, Sections 3.2-300 and 3.2-400; Chapter 5, Section 3.2-500), the Department wishes to refer this matter to the Agricultural Technical Advisory Committee (TAC) for their deliberation. The next meeting of the TAC is scheduled for October 26.