
VIRGINIA STATE BUDGET

2010 Session

Budget Bill - HB29 (Introduced)

Bill Order » Office of Natural Resources » Item 361

Department of Conservation and Recreation

Item 361	First Year - FY2009	Second Year - FY2010
Land and Resource Management (50300)	\$65,220,655	\$60,738,367 \$75,938,367
Statewide Agricultural and Urban Nonpoint Source Water Quality Improvements (50301)	\$52,795,954	\$48,876,228 \$64,076,228
Dam Inventory, Evaluation and Classification and Flood Plain Management (50314)	\$2,564,174	\$1,951,612
Natural Heritage Preservation and Management (50317)	\$3,591,418	\$3,641,418
Financial Assistance to Soil and Water Conservation Districts (50320)	\$5,347,940	\$5,347,940
Technical and Financial Assistance for Land Management (50322)	\$921,169	\$921,169
Fund Sources:		
General	\$17,670,416	\$16,308,116 \$31,508,116
Special	\$9,441,502	\$3,521,514
Dedicated Special Revenue	\$29,322,136	\$32,122,136
Federal Trust	\$8,786,601	\$8,786,601

Authority: Title 10.1, Chapters 1, 5, 6, 7, and 21.1; Title 62.1, Chapter 3.1, Code of Virginia.

A. The funds provided in this Item for the Soil and Water Conservation Districts shall be distributed to the greatest extent possible to the districts in accordance with program, financial and resource allocation policies established by the Soil and Water Conservation Board. The June 30, 2009, and June 30, 2010, unexpended general fund balances in Financial Assistance to Soil and Water Conservation Districts are hereby reappropriated.

B. It is the intent of the General Assembly that balances in Statewide Agricultural and Urban Nonpoint Source Water Quality Improvements be used for the Commonwealth's statewide match for participation in the federal Conservation Reserve Program. Any unexpended general fund balance designated for Virginia's Conservation Reserve Enhancement Program remaining on June 30, 2009, and June 30, 2010, shall be reappropriated.

C.1. It is the intent of the General Assembly that all interest earnings of the Water Quality Improvement Fund shall be spent only upon appropriation by the General Assembly, after the recommendation of the Secretary of Natural Resources, pursuant to § 10.1-2129, Code of Virginia.

2. Notwithstanding the provisions of §§ 10.1-2128 and 10.1-2129, it is the intent of the General Assembly that the Department of Conservation and Recreation use interest earnings from the Water Quality Improvement Fund to support one position to administer grants from the fund.

D. Included in this Item is \$10,000 the first year and \$10,000 the second year from the general fund to support the

Rappahannock River Basin Commission. The funds shall be matched by the participating localities and planning district commissions.

E. Notwithstanding § 10.1-552, Code of Virginia, Soil and Water Conservation Districts are hereby authorized to recover a portion of the direct costs of services rendered to and for use of district-owned conservation equipment used by, landowners within the district. Such recoveries shall not exceed the amounts expended by a District on these services and equipment.

F.1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, \$600,000 the first year and \$600,000 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Fund, established pursuant § 10.1-603.17, Code of Virginia. The funding provided in this paragraph shall be used for the provision of either grants or loans to localities owning dams in need of renovation and repair or for the provision of loans to private owners of dams in need of renovation and repair.

2. Included in the amounts for this item is \$250,000 the first year from the general fund for the dredging of Aquia Creek to restore a navigable channel in this section of the Captain John Smith Chesapeake National Historic Trail, the first federally-designated national water trail.

G.1. Notwithstanding the provisions of §§ 10.1-2128, 10.1-2129, and 10.1-2132, Code of Virginia, included in this Item is \$20,000,000 the first year from nongeneral funds and *\$15,200,000 the second year from the general fund and \$20,000,000 the second year \$4,800,000 the second year* from nongeneral funds for nonpoint pollution source reduction activities in accordance with the Virginia Water Quality Improvement Act of 1997. The source of the nongeneral funds the first year shall be \$15,000,000 from interest earnings collected by the Department of Environmental Quality on the Water Quality Improvement Fund and \$5,000,000 from the Water Quality Improvement Fund Reserve Fund held by the Department of Conservation and Recreation and established pursuant to Item 360 of this act. The source of the nongeneral funds the second year shall be \$4,800,000 from interest earnings collected by the Department of Conservation and Recreation on the Water Quality Improvement Fund. ~~The Governor shall provide \$15,200,000 the second year for this paragraph from funds received from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009.~~

2. It is the intent of the General Assembly, that notwithstanding the provisions of § 10.1-2132, Code of Virginia, the Department of Conservation and Recreation is authorized to make Water Quality Improvement Grants to state agencies.

3. All funds provided in paragraph G.1. shall be deposited in the Virginia Natural Resources Commitment Fund established by House Bill 1335 and Senate Bill 511 of the 2008 Session of the General Assembly and shall be dispersed pursuant to § 10.1-2128.1, Code of Virginia.

4. Notwithstanding § 10.1-2128.1, Code of Virginia, eight percent of the funds deposited to the Virginia Natural Resources Commitment Fund shall be distributed to soil and water conservation districts to provide technical assistance for the implementation of agricultural best management practices. Of the remaining balance, 55 percent shall be used for matching grants for agricultural best management practices on lands exclusively within the Chesapeake Bay watershed and 37 percent shall be used for matching grants for agricultural best management practices on all other lands outside of the Chesapeake Bay watershed in the Commonwealth.

H. Out of the appropriation for Land and Resource Management, \$362,562 the first year and \$392,574 the second year in special funds is provided from the sale of "Friend of the Chesapeake" license plates to carry out the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.

I.1. Out of the amounts for Statewide Agricultural and Urban Nonpoint Source Water Quality Improvements

\$1,112,300 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Virginia Water Quality Improvement Act of 1997. This appropriation meets the mandatory deposit requirements associated with fiscal year 2008 excess general fund revenue collections.

2. Notwithstanding any other provision of state law, out of this deposit the Department of Conservation and Recreation is authorized to use up to \$500,000 for completion of the project to modernize, simplify, and improve the computerized system utilized by soil and water conservation districts to administer and report on implementation of state agricultural cost share practices initiated by the 2007 Session of the General Assembly.

J.1. Notwithstanding § 10.1-564, Code of Virginia, public institutions of higher education, including community colleges, colleges, and universities, shall be subject to project review and compliance for state erosion and sediment control requirements by the local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Conservation and Recreation, in accordance with § 10.1-564 A (i).

2. The Virginia Soil and Water Conservation Board is authorized to amend the Erosion and Sediment Control Regulations (4 VAC 50-30 et seq.) to conform such regulations with this project review requirement and to clarify the process. These amendments shall be exempt from Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.

K. Pursuant to § 4-1.05 a.4. of this act, \$1,370 of the June 30, 2008, and *\$700,000 of the June 30, 2009*, balances required to be reappropriated have been transferred to the general fund.

L. The Director, Department of Conservation and Recreation, in consultation with the Virginia Resources Authority, is authorized to make cost effective financing available to Orange County or the dam owner for modifications necessary to the Lake of the Woods Dam to meet state dam safety requirements and to reduce the potential loss of life and damage to downstream property for this high hazard dam, with an inundation zone containing multiple dwellings and a major state highway. Notwithstanding § [10.1-603.19](#), Code of Virginia, such authority may be used to provide financial or other assistance from the Dam Safety, Flood Prevention and Protection Assistance Fund to secure funding or to provide a grant not to exceed \$1,000,000.