

---

# VIRGINIA STATE BUDGET

---

2012 Special Session I

## Budget Bill - HB1300 (Chapter 2)

Bill Order » Office of Natural Resources » Item 351

Department of Conservation and Recreation

Item 351 (Not set out)	First Year - FY2011	Second Year - FY2012
<b>Land and Resource Management (50300)</b>	<b>\$95,701,178</b>	<b>\$64,706,830</b>
<del>Statewide Agricultural and Urban Nonpoint Source Water Quality Improvements (50301)</del> Stormwater Management (50301)	\$86,751,305	\$53,935,235
Dam Inventory, Evaluation and Classification and Flood Plain Management (50314)	\$1,528,671	\$1,542,213
Natural Heritage Preservation and Management (50317)	\$3,178,567	\$3,978,567
Financial Assistance to Soil and Water Conservation Districts (50320)	\$3,487,091	\$4,487,091
Technical and Financial Assistance for Land Management (50322)	\$755,544	\$763,724
Fund Sources:		
General	\$44,416,227	\$13,439,249
Special	\$3,838,087	\$3,820,717
Dedicated Special Revenue	\$39,422,136	\$39,422,136
Federal Trust	\$8,024,728	\$8,024,728

---

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.

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.

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, 10.1-2129, and § 10.1-2128.1 it is the intent of the General Assembly that the Department of Conservation and Recreation use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support one position to administer grants from the fund.

D. Included in this Item is \$8,500 the first year and \$8,500 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 landowners within the district and to recover a portion of the cost for use of district-owned conservation equipment. Such recoveries shall not exceed the amounts expended by a district on these services and equipment.

F. 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.

G. 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.

H.1. Included in the amounts for Statewide Agricultural and Urban Nonpoint Source Water Quality Improvement is \$9,100,000 the first year and \$9,100,000 the second year from nongeneral funds to be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds shall be dispersed pursuant to § 10.1-2128.1, Code of Virginia.

2. The source of an amount estimated at \$9,100,000 the first year and \$9,100,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment fund shall be the recordation tax fee established in Part 3 of this Act.

3. Out of these amounts, a total of 8 percent, or \$1,200,000, whichever is greater, shall be provided to Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices.

I.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), Code of Virginia.

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.

J. Included in the amounts for this item is \$329,147 the first year and \$311,777 the second year in special funds provided from the sale of "Friend of the Chesapeake" license plates to carry out the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.

K. The Water Quality Agreement Program shall be continued in order to protect the waters of the Commonwealth through voluntary cooperation with lawn care operators across the state. The Department shall encourage lawn care operators to voluntarily establish nutrient management plans and annual reporting of fertilizer application. If appropriate, the program may be transferred to another state agency in order to ensure its continuation.

L.1. Out of this appropriation, \$32,798,700 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of the total amount deposited, \$4,919,805 shall be deposited to the Virginia Water Quality Improvement Fund Reserve pursuant to paragraph B. of Item 349 of this act.

2. Out of the \$32,798,700 designated for deposit to the Virginia Water Quality Improvement Fund, \$27,878,895 shall be transferred to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund. These monies shall be disbursed in accordance with § 10.1-2128.1, Code of Virginia, including the eight percent for distribution to soil and water conservation districts to provide technical assistance.

3. This appropriation, together with the amounts included in Item 357 D of this act, meets the mandatory deposit requirements associated with the FY 2010 excess general fund revenue collections and discretionary year-end general fund balances.

M. The Department of Conservation and Recreation, with assistance from the Department of Agriculture and Consumer Services, shall report on the number of farmers active in Virginia by region and type of farming operation, the number of acres farmed by region and type of farming operation, how many of those acres are using one of the five priority agricultural best management practices by type of farming operation, the total percentage of agricultural best management practices in use on the number of acres by type of farming operation, and the increased need and type of agricultural best management practices that would be required to be implemented on the number and type of acres farmed to achieve the nutrient and sediment reductions required by the Watershed Implementation Plan. This report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2011.

N. It is the intent of the General Assembly that based on the Commonwealth's commitment to safe dams in Virginia, the Department of Conservation and Recreation, with cooperating agencies, shall evaluate the costs to repair regulated dams owned by the state, soil and water conservation districts, local governments, and the private sector in order to upgrade them to state safety standards. A prioritization of known high hazard dams in need of repairs to meet minimum safety standards based on hazard to life and property from a dam failure shall be considered. The results of the evaluation shall be submitted to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 30, 2011.