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# VIRGINIA STATE BUDGET

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2017 Session

## Budget Bill - HB1500 (Chapter 836)

Bill Order » Office of Natural Resources » Item 364

Department of Conservation and Recreation

Item 364	First Year - FY2017	Second Year - FY2018
<b>Land and Resource Management (50300)</b>	<b>\$100,929,773</b>	<b><del>\$35,545,383</del> \$35,500,035</b>
Soil and Water Conservation (50301)	\$20,334,929	<del>\$10,440,719</del> \$10,395,371
Dam Inventory, Evaluation and Classification and Flood Plain Management (50314)	\$6,639,343	\$3,063,753
Natural Heritage Preservation and Management (50317)	\$4,849,820	\$4,749,820
Financial Assistance to Soil and Water Conservation Districts (50320)	\$7,291,091	\$7,291,091
Technical Assistance to Soil and Water Conservation Districts (50322)	\$7,417,751	\$1,200,000
Agricultural Best Management Practices Cost Share Assistance (50323)	\$54,396,839	\$8,800,000
Fund Sources:		
General	\$79,898,205	<del>\$14,513,815</del> \$14,468,467
Special	\$1,101,328	\$1,101,328
Dedicated Special Revenue	\$12,349,829	\$12,349,829
Federal Trust	\$7,580,411	\$7,580,411

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Authority: Title 10.1, Chapters 1, 2, 5, 6, 7, and 21.1; Title 62.1, Chapter 3.1, Code of Virginia.

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$7,191,091 the first year and \$7,191,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support. These funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy. These amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections B. and D. of this item. Of this amount, \$6,209,091 the first year and \$6,209,091 the second year from the general fund shall be distributed to the districts for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) based on identified budget projections and in accordance with the Board's financial allocation policy; \$312,000 the first year and \$312,000 the second year from the general fund shall be distributed at a rate of \$3,000 per dam for maintenance; \$500,000 the first year and \$500,000 the second year from the general fund for small dam repairs of known or suspected deficiencies; and \$170,000 the first year and \$170,000 the second year to the department to provide district support in accordance with Board policy, including, but not limited to, services related to auditing, bonding, contracts, and training. The amount appropriated for small dam repairs of known or suspected deficiencies is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

2. The Department shall provide a semi-annual report on or before February 15 and August 15 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on each Virginia soil and water conservation district's budget, revised budget, previous year's balance budget, and expenditure for the following: (i) the federal Conservation Reserve Enhancement Program, (ii) the use of Agricultural Best Management Cost-Share Program funds within the Chesapeake Bay watershed, (iii) the use of Agricultural Best Management Cost-Share Program funds within the Southern Rivers area, and (iv) the amount of Technical Assistance funding. The August 15 report shall reflect cumulative amounts.

B.1. Notwithstanding § 10.1-2129 A., Code of Virginia, \$61,708,800 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 this amount, \$1,650,000 shall be appropriated to the department for the following specified statewide uses: \$800,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Enhancement Program (CREP), up to \$500,000 may be utilized to develop a financial tracking and reporting module as part of the Agricultural Best Management Practices Database and to make necessary database revisions, \$250,000 shall be transferred to the Department of Forestry for water quality grants, and \$100,000 shall be utilized as cost-share for the development of nutrient management plans for golf courses. The Department of Forestry shall submit a report by August 15, 2017, to the Department of Conservation and Recreation specifying uses of funds received. Pursuant to paragraph B of Item 363, \$8,244,210 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund.

2. Of the remaining amount, \$51,814,590 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$25,990,198 for Agricultural Best Management Practices Cost-Share Assistance where of this amount \$15,594,119 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, \$10,396,079 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed, and \$6,217,751 shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts.

3. Of the remaining amount, \$19,606,641 shall be appropriated for the implementation of previously approved livestock stream exclusion practices. Of this amount, \$9,803,321 shall be used for practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, and \$9,803,320 shall be used for practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed.

4. This appropriation meets the mandatory deposit requirements associated with the FY 2015 excess general fund revenue collections and discretionary year-end general fund balances.

*5. In the second year, \$8,274,474 in the Water Quality Improvement Fund Reserve held by the Department of Conservation and Recreation and established pursuant to Item 363 B of this act shall be deposited to the Virginia Water Quality Improvement Fund. Of this amount, \$500,000 shall be appropriated to the Department for soil and water conservation for the Commonwealth's match for participation in the federal Conservation Reserve Enhancement Program (CREP). Of the remaining amounts, \$7,774,474 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Notwithstanding any other provision of law, the monies transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the Department upon approval by the Virginia Soil and Water Conservation Board in accordance with the Board's developed policies, as follows: of the \$7,774,474, a total of \$992,937 shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts, and \$6,781,537 for Agricultural Best Management Practices Cost-Share Assistance where of this amount \$4,068,922 shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed and \$2,712,615 shall be used for matching grants for agricultural best management*

*practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.*

C. 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.

D.1 Out of this appropriation, \$10,000,000 the first year and \$10,000,000 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 by the Department pursuant to § 10.1-2128.1, Code of Virginia.

2. The source of an amount estimated at \$10,000,000 the first year and \$10,000,000 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 this amount, a total of eight percent, or \$1,200,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and \$8,800,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, distributions between watersheds shall be in accordance with the allocation percentages set out in § 10.1-2128.1 B., Code of Virginia.

E.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, Code of Virginia, 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.

F. Out of this appropriation, \$15,000 the first year and \$15,000 the second year from the general fund is provided to support the Rappahannock River Basin Commission. The funds shall be matched by the participating localities and planning district commissions.

G. 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.

H. Unless specified otherwise in this Item, it is the intent of the General Assembly that balances in Soil and Water Conservation be used first, and then balances from Agricultural Best Management Practices Cost Share Assistance be used for the Commonwealth's statewide match for participation in the federal Conservation Reserve Enhancement Program (CREP).

I.1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, \$4,039,884 the first year and \$464,294 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, established pursuant § 10.1-603.17, Code of Virginia. Out of these amounts, \$633,100 in the first year from the general fund shall be provided to match federal and local funding for the rehabilitation of the Hearthstone Lake Dam in Augusta County and \$2,942,490 in the first year from the general fund shall be provided to match federal and local funding for the rehabilitation of the Lake Pelham and Mountain Run dams in Culpeper County

2. Unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund may be utilized in an amount not to exceed \$60,000 to perform activities necessary to update the flood protection plan for the Commonwealth and to make the plan accessible online. Once these activities are complete, the department will maintain and update the plan as needed within existing resources.

J. 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, then the program may be transferred to another state agency.

K. Out of this appropriation, \$80,000 the first year and \$80,000 the second year from the general fund is provided to the Department of Conservation and Recreation to make available a competitive grant to provide Chesapeake Bay meaningful watershed educational on-the-water field services. The department may enter into a two-year contract contingent on funding being available in the second year of the biennium.

L. The Department of Conservation and Recreation, in collaboration with Soil and Water Conservation Districts, shall develop a plan containing cost estimates, for the rehabilitation of high hazard Soil and Water Conservation District owned and managed impounding structures. An interim plan shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016, with a final plan due by November 1, 2017.

M. Included in this appropriation is \$200,000 in the first year and \$200,000 in the second year from the general fund for the Department of Conservation and Recreation to provide technical assistance to support Shoreline Erosion Advisory Services as established in § 10.1-702, Code of Virginia.

N. Out of the amounts in this item, \$500,000 in the first year and \$500,000 in the second year from the general fund shall be provided to the Natural Heritage Program in support of active preserve management activities across Virginia's 61 Natural Area Preserves as identified by the Board of Conservation and Recreation in October 2014.

O. Notwithstanding § 54.1, Chapter 4, the U.S. Department of Agriculture's Natural Resources Conservation Service and Department of Conservation and Recreation Central Office staff may provide engineering services to the Department of Conservation and Recreation and the local Soil and Water Conservation Districts for design and construction of agriculture best management practices.

P. Out of the amounts in this item, \$100,000 the first year from the general fund shall be made available for the construction, improvement, and marking of trails along the lower Appomattox River from the Lake Chesterfield Dam to Appomattox Manor.

*Q. The Director, Department of Conservation and Recreation, shall convene a stakeholder group consisting of, but not limited to, designees of the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, the Department of Agriculture and Consumer Services, the Virginia Association of Soil and Water Conservation Districts, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Chesapeake Bay Commission, and the Chesapeake Bay Foundation to examine the funding, training, and resource needs, as well as explore new incentives, for additional implementation of Resource Management Plans (RMPs), pursuant to §§ 10.1-104.7 through 10.1-104.9, Code of Virginia. The stakeholder group is directed to conduct their review and make recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2017.*

*R.1. The Department of Conservation and Recreation shall convene a stakeholder group to include, at a minimum: two members of the House of Delegates and one member of the Senate from the membership of the Chesapeake Bay Commission who will be selected by the Joint Rules Committee, representatives of the Virginia Farm Bureau Foundation, the Virginia Association of Soil and Water Conservation Districts, the Virginia Agribusiness Council, and the Chesapeake Bay Foundation, the Director, Department of Conservation and Recreation or his designee, the Secretary of Natural*

*Resources or her designee, and staff from the House Appropriations and Senate Finance Committees to evaluate methods to stabilize the fluctuations in funding for Agricultural Best Management Practices (BMPs).*

*2. Such a review shall, at a minimum, (i) consider increasing the portion of any deposit to the Water Quality Improvement Fund (WQIF) directed to the WQIF reserve, (ii) limiting the portion of the WQIF reserve that may be utilized in any given year, (iii) evaluating the combined revenues available from the WQIF and the Natural Resources Commitment Fund as a step in establishing appropriate expenditures from the combined funds in a given fiscal year, and (iv) distributing any funds to be deposited into the WQIF pursuant to the provisions of Chapter 21.1 of Title 10.1, Code of Virginia, across a biennial period. Such review shall also consider the impact on the staffing and technical assistance needs of the Soil and Water Conservation Districts to ensure that staffing requirements do not fluctuate or exceed their annual ability to fully implement and oversee practices with the funding made available.*

*3. The Stakeholder Group shall report any recommendations to the Chairmen of the House Appropriations, Senate Finance and House and Senate Agriculture, Conservation and Natural Resources Committees no later than November 15, 2017.*