2022 Special Session I

Budget Bill - HB30 (Chapter 2)

Bill Order » Office of Natural and Historic Resources » Item 374

Department of Conservation and Recreation

Item 374	First Year - FY2023	Second Year - FY2024
Land and Resource Management (50300)	**$483,960,272**	**$135,547,272**
Soil and Water Conservation (50301)	$327,239,500	$14,226,500
Dam Inventory, Evaluation and Classification and Flood Plain Management (50314)	$124,095,999	$89,095,999
Natural Heritage Preservation and Management (50317)	$6,227,682	$6,227,682
Financial Assistance to Soil and Water Conservation Districts (50320)	$11,847,091	$11,447,091
Technical Assistance to Soil and Water Conservation Districts (50322)	$5,850,000	$5,850,000
Agricultural Best Management Practices Cost Share Assistance (50323)	$8,700,000	$8,700,000
Fund Sources:		
General	$353,228,401	$29,815,401
Special	$1,040,887	$1,040,887
Dedicated Special Revenue	$122,251,202	$97,251,202
Federal Trust	$7,439,782	$7,439,782

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, $11,347,091 the first year and $10,947,091 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. Of this amount, $9,965,091 the first year and $9,565,091 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; $468,000 the first year and $468,000 the second year from the general fund shall be distributed at a rate of $4,500 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; $400,000 the first year from the general fund for the purchase and installation of remote monitoring equipment for District-owned dams; 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 and the purchase and installation of remote monitoring equipment is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

2. Out of the appropriation in this Item, $4,550,000 the first year and $4,550,000 the second year shall be provided

for base technical assistance support for the Virginia Soil and Water Conservation Districts. 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 C of this Item for appropriations in excess of $35,000,000.

3. 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 and Appropriations 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.

4. As part of the semi-annual report, the department shall assess the impact of settlement agreements with the Commonwealth entered into between July 1, 2017, and June 30, 2022, on achieving an effective level of Soil and Water Conservation District technical assistance funding and the implementation of agricultural best management practices pursuant to § 10.1-546.1., Code of Virginia. The department shall include in its report any amounts from the settlements including: 1) estimation of the timeline and amount for each fiscal year to implement agricultural best management practices; and 2) estimation of the timeline and amount for each fiscal year of additional technical assistance provided as a result of the additional funding from the settlements.

B.1. Notwithstanding § 10.1-2129 A., Code of Virginia, $313,013,000 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 in the first year, $40,610,000 shall be appropriated to the Department for the following specified statewide uses: $7,000,000 to the Department to support the Small Herd Initiative as approved by the Virginia Soil and Water Conservation Board, $6,000,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Reserve Enhancement Program (CREP); $5,000,000 to the Department of Environmental Quality to support newly regulated municipal separate storm sewer system (MS4) localities; $3,500,000 shall be provided the Department of Environmental Quality, collaborating with the Department of Health, to conduct studies of Harmful Algal Blooms occuring in the Shenandoah River and Lake Anna; $4,560,000 shall be allocated for special nonpoint source reduction projects to include, but not be limited to, poultry litter transport, grants related to the development and certification of Resource Management Plans developed pursuant to §10.1-104.7, and, in the Chesapeake Bay watershed, grants related to the development and implementation of nutrient management plans developed in accordance with the regulations adopted pursuant to §10.1-104.2; $4,000,000 shall be transferred to the Virginia Association of Soil and Water Conservation Districts to be used for the Virginia Conservation Assistance Program (VCAP); $4,000,000 shall be transferred to the Department of Forestry for the Virginia Trees for Clean Water program; $2,000,000 shall be provided to the Department to provide additional incentives for the maintenance of riparian buffers by agricultural producers; $1,000,000 shall be provided to the Department of Environmental Quality to assist with the implementation of best management practices in accordance with the State Lands Watershed Implementation Plan; $1,500,000 shall be provided to the Department for the development and continued maintenance of the Conservation Application Suite including costs related to servers and necessary software licenses; $700,000 shall be provided to the Virginia Cooperative Extension, collaborating with the Department, to provide enhanced and targeted outreach, education, and technical assistance for agricultural and residential landowners in the Chesapeake Bay watershed; $1,000,000 shall be transferred to the Department of Forestry for water quality grants; $250,000 to the Department for the Small Farm Outreach Program; and $100,000 shall be transferred to the Department of Health, collaborating with the Virginia Institute of Marine Sciences, to conduct analysis on statewide septic hot spots and map communities with failing or failed onsite wastewater treatment. $15,895,679 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund.

2. Of the remaining amount in the first year, $256,507,321 is authorized for transfer to the Virginia Natural

Resources Commitment Fund, a sub fund 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: $164,744,889 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, $70,604,953 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed, and an additional $21,157,479 in addition to the base funding provided in A.1. shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts.

3. Of the funds that are provided in paragraph B.1. to be used for the Virginia Conservation Assistance Program (VCAP) and for the Virginia Trees for Clean Water program, no less than 25 percent shall be used for projects in low-income geographic areas as defined by §10.1-603.24.

D. The appropriations made in paragraph B. meet the mandatory deposit requirements associated with the FY 2021 excess general fund revenue collections and discretionary year-end general fund balances.

E. It is the intent of the General Assembly, that notwithstanding the provisions of § 10.1-2132, Code of Virginia, the department is authorized to make Water Quality Improvement Grants to state agencies.

F.1 Out of the appropriation in this Item, $10,000,000 the first year and $10,000,000 the second year from the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, is hereby appropriated. 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 thirteen percent, or $1,300,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and $8,700,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, seventy percent 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 thirty percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.

G.1. Out of the appropriation in this Item, $2,583,531 in the first year and $2,583,531 in the second year from the funds designated in Item 3-1.01.C. of this act are hereby appropriated to the Virginia Water Quality Improvement Fund and designated for deposit to the reserve fund established pursuant to paragraph B of Item 373. 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 and Historic 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 use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support two positions to administer grants from the fund.

H. Out of the appropriation in this Item, $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.

I. 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.

J. 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).

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

L.1. Out of the appropriation in this Item, $250,000 the first year and $250,000 the second year from the general fund is provided to the department to make available competitive grants to provide Chesapeake Bay meaningful watershed educational experiences. The department may enter into two-year contracts contingent on funding being available in the second year of the biennium.

2. Out of the appropriation in this item, $350,000 the first year and $350,000 the second year from the general fund is provided to the Department to support two positions in the Office of Environmental Education to provide increased opportunities for education programs on environmental issues across the Commonwealth, pursuant to § 10.1-104, Code of Virginia. The Office of Environmental Education shall develop and implement environmental education programs and the Virginia Strategic Plan for environmental literacy in collaboration with the Department of Education, the Science Museum of Virginia STEM program, and other relevant stakeholders.

M. Out of the appropriation in this Item, $200,000 the first year and $200,000 the second year from the general fund is provided to the department for technical assistance to support Shoreline Erosion Advisory Services as established in § 10.1-702, Code of Virginia.

N. Out of the appropriation in this Item, $500,000 the first year and $500,000 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 66 Natural Area Preserves as identified by the Board of Conservation and Recreation.

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.1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, $10,732,147 the first year and $732,147 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.

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.

Q. Out of the appropriation in this Item, $400,000 the first year and $400,000 the second year from the general fund is provided to support lyngbya remediation efforts at Lake Gaston.

R. Out of the appropriation in this item, $25,000,000 the first year from the unobligated balances of the

Community Flood Preparedness Fund (09037) is provided for deposit in the Resilient Virginia Revolving Loan Fund.