

**Resource Management Plan Implementation
Stakeholder Advisory Group
Senate Room 3, The Capitol, Richmond, Virginia
May 17, 2017**

Stakeholder Advisory Committee Members Present

Russ Baxter, Deputy Secretary of Natural Resources
Clyde Cristman, Director, Department of Conservation and Recreation
Katie Frazier, Virginia Agribusiness Council
Charles Green, Virginia Department of Agriculture and Consumer Services
Ann Jennings, Chesapeake Bay Commission
Adrienne Kotula, James River Association
Matt Kowalski, Chesapeake Bay Foundation
Martha Moore, Virginia Farm Bureau Federation
Megan Seibel, Office of the Secretary of Agriculture and Forestry
Richard Street, Virginia Soil and Water Conservation Board
Dr. Kendall Tyree, Virginia Association of Soil and Water Conservation Districts
Greg Wichelns, Culpeper Soil and Water Conservation District
Tom Woodward, Tellus Agrinomics

DCR Staff Present

Scott Ambler, Resource Management Program Coordinator
George Chieffo, Special Policy Assistant
David Dowling, Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management
Michael Fletcher, Board and Constituent Services Liaison
Darryl Glover, Director, Division of Soil and Water Conservation
Wendy Howard Cooper, Business and Administration Manager
Stephanie Martin, Soil and Water Conservation District Liaison
Barbara McGarry, Resource Management Program Plan Specialist
Lisa McGee, Director of Policy and Planning
Christine Watlington, Senior Policy and Planning Analyst

Others Present

Peggy Sanner, Chesapeake Bay Foundation
Jim Tate, Hanover-Caroline Soil and Water Conservation District

Director Cristman called the meeting to order at 1:33 and welcomed attendees. He reviewed the purpose of the Stakeholder Advisory Group (SAG). He noted that two legislative studies impacting DCR funding and programs were established by the General Assembly in 2017. The first study examines how to stabilize funding the Water Quality Improvement Fund, and the second explores ways to increase implementation of Resource Management Plans. He provided the following summary:

Resource Management Plan Implementation

Purpose of Stakeholder Advisory Group

Chapter 836 (2017); Item 364 Q
Resource Management Plan (RMP) Implementation

- To encourage additional implementation of resource management plans, the Stakeholder Advisory Group will:
 - Examine funding, training, and resource needs
 - Explore new incentives for additional implementation

2011 General Assembly Session

- HB1830 (Patron- Delegate Scott)
- Established the RMP Program
 - Recognizes efforts of agricultural producers to be good stewards of the land
 - Encourages agriculture producers to install BMPs voluntarily
 - Provides nine years of certainty for producers that implement required RMP standards
 - Method to account for best management practices (BMPs) installed with no use of cost-share funds (voluntary practices)
 - Confidentiality provisions (FOIA exemption) included
 - Required VSWCB to adopt regulations governing program

Development of Regulations

- March 20, 2011 – Virginia Soil and Water Board (VSWCB) initiated regulatory action
- Regulatory Advisory Panel met between Jun 29, 2011 and February 14, 2012
- March 29, 2012 – VSWCB proposed regulations
- April 4, 2014 – VSWCB approved final regulations
- July 1, 2014 – Effective date of regulations

Highlights of Program

- As of May 1:
 - 377 RMPs covering 90,273 acres
 - § Average acreage per plan = 240
 - § 290 plans in implementation phase
 - § 34 being reviewed by Technical Review Committee
 - § 9 certified
 - 2,622 BMPs included in RMPs
 - § 1,356 voluntary BMPs
 - § 1,266 cost-share BMPs



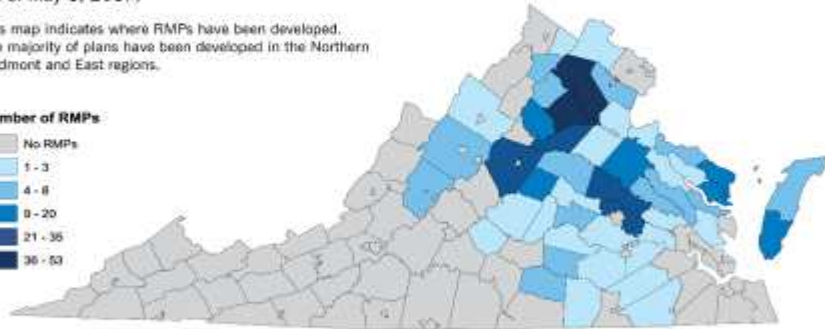
Number of RMPs by Locality

(as of May 1, 2017)

This map indicates where RMPs have been developed. The majority of plans have been developed in the Northern Piedmont and East regions.

Number of RMPs

- No RMPs
- 1 - 3
- 4 - 8
- 9 - 20
- 21 - 35
- 36 - 53



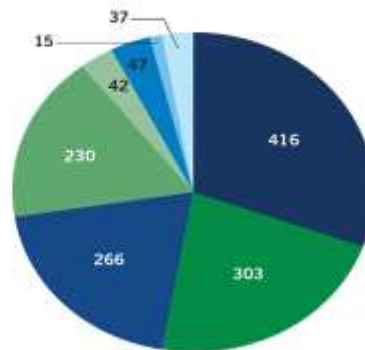
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Best management practices in RMPs without public funding

- 416 Cover Crops (VSL-8B and VSL-8H)
- 303 Continuous/High Residue Tillage System (VSL-15A)
- 266 Split Application of Nitrogen on Corn (VNM-3 and VNM-3C)
- 230 Late Winter Split Application of Nitrogen on Small Grain (VNM-4)
- 42 Grass Filter Strips (VWQ-1)
- 47 Permanent Vegetative Cover on Critical Areas (VSL-11)
- 15 Stream Exclusion Practices (VSL-6, VSE-5)
- 37 Other BMPs

1,356 Total



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Mr. Glover gave an overview of the current Regulations.

Regulatory Overview (4VAC50-70)

- Regulations contain provisions on:

- Minimum standards of an RMP
- Processes for development, approval, and inspection of an RMP
- How certificates of implementation are to be issued
- Requirements for recognition as a certified BMP planner
- Procedures for the program review by SWCDs

RMP Overview

- Can be written for single field, tract, farm, or whole operation
- Either owner or operator can request RMP
- Completely voluntary program; no penalty for opting out at any time (except for BMP maintenance responsibilities required by Cost-Share program)
- Certainty:
 - Deemed in full compliance with TMDLs for nutrients, sediment, benthic, or bacteria
 - Chesapeake Bay TMDL Implementation Plan
 - State water quality requirements for nutrients and sediment

RMP Requirements

Mr. Glover noted that, while the RMP program is voluntary, once a farmer agrees to participate there are certain requirements that have to be met.

- Variation in requirements depending on type of farm operation
- Set out in Code (§ 10.1-104.8)
- Cropland requires:
 - Nutrient Management Plan
 - 35-foot buffer along perennial streams
 - Soil conservation to “T” (Tolerance)
 - Cover crops (when required by the nutrient management plan or to meet “T” requirement)
- Hayland
 - Nutrient Management Plan
 - 35-foot buffer along perennial streams
 - Soil conservation to “T”
- Pasture
 - Nutrient Management Plan
 - Fencing along perennial streams
 - Pasture management or soil conservation to “T”



RMP Step-By-Step



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Farm Assessment and Plan Development

- Assessment performed by certified RMP planner
 - Gathers basic information about the management unit including:
 - § Location and description;
 - § Type of agricultural operation;
 - § Water features; and
 - § Any environmental concerns
- Plan developed from assessment
 - Includes:
 - § List of existing BMPs;
 - § List of recommended BMPs; and
 - § Schedule of implementation

Plan Review and Approval

- After development of RMP, participant submits RMP for approval to review authority
 - If RMP is developed by private planner, SWCD is review authority
 - § SWCD establishes Technical Review Committee to review RMPs
 - If RMP is developed by SWCD, DCR is review authority
- Once plans meet minimum standards, RMPs must be approved within 90 days of receipt

Issuance of Certificate

- After all BMPs fully implemented, participant requests certificate of implementation

- Review authority conducts verification inspection
- Certificate of Implementation valid for 9 years
- Inspection to ensure continued implementation at least once every 3 years by SWCD



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Cost-Share Funding Opportunities

- RMP-1
 - Assists with cost of RMP development
 - \$10 per acre with \$6,500 maximum
- RMP-2
 - Assists with implementation of RMP
 - \$5 per acre with \$3,250 maximum
- Both cost-share practices can be paid directly to planner if participant waives payment

RMP Funding

- Within Chesapeake Bay watershed
 - \$583,843 spent on RMP contracts
 - \$120,000 allocated for contracts through May 31, 2018
- Outside Chesapeake Bay watershed
 - \$93,961 spent on RMP contracts
- Nearly \$210,000 balance in Cost-Share Program set-aside for RMP-1 and RMP-2

RMP Developers

- To date, 13 certified developers
 - Only 2 actively developing plans
 - Most became certified at beginning of program
 - Only 2 applications received since summer 2015
- Developer qualifications
 - Two options to be considered qualified
 - § Option 1 (must meet both criteria)
 - Certified nutrient management planner
 - Certified conservation planner (NRCS)
 - § Option 2 (must meet all criteria)
 - Certified nutrient management planner
 - Has knowledge and proficiency in:
 - Agricultural conservation planning
 - State and federal environmental laws, regulations, and local ordinances
 - State and federal laws concerning historic resources
 - Standards and specifications for agricultural BMPs
 - Soil erosion processes and skills
 - Fundamentals of water quality and nonpoint source pollution, pest management, and fire management
 - Site assessment tools; and
 - Other proficiencies identified by the Department

Director Cristman asked if NRCS' conservation planner certification is offered to privately-employed technical service providers in other states. Mr. Woodward noted that in Tennessee the certification is handled differently by NRCS; how privately-employed individuals are certified varies from state to state.

Marketing Strategies

- Designed new logo for program
- Program participants may purchase sign
- RMP sign could be used in conjunction with Virginia's Finest sign
- Revised and updated RMP brochure
- Participation in Field Days



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Challenges to RMP Implementation

- Lack of RMP developers
- Conservation planner training through NRCS not available for private developers
- Previous focus on plan development, not implementation
- Focus on SL-6 backlog remaining needs
- Additional workload on SWCDs
- Marketing difficult; no niche market for RMP-certified farms

Potential Administrative Solutions

- Expand DCR conservation plan training to private developers
- Devote remaining RMP set-aside funds primarily to RMP-2
- Revise Bay Grant contract to include implementation of RMPs, not just plan development
- Strengthen VSWCB policy giving priority consideration to RMPs
- Potential pilot project utilizing DCR staff to help with verification
- Increase RMP-2 payment rate and/or payment cap
- Additional marketing efforts for RMPs

Mr. Dowling noted that one of the challenges is to move from having a plan written to implementing the BMPs in a plan. He recognized that there was potential for more producers to be involved with the RMP program.

Ms. Frazier commented that she works with farmers who are not fully invested in the RMP program; she expressed a concern that recommendations between farmers about the program is not very high.

Mr. Woodward noted that there is a gap between the plan development stage and the plan certification stage. There is confusion about who should assist the producer through the RMP process. RMP developers work in the geographical areas where there is an existing client base, which may create a shortage of developers in other areas of the state.

Two additional challenges were noted:

- How to expand the program statewide; and
- How to move producers with an approved RMP to certification.

Mr. Ambler reported that for the requests for proposals that the DCR has issued related to RMP plan writing, funding requests have been for more than twice the amount of funding available.

Mr. Woodward noted that the terminology used in the RMP program is often confusing, as it is a regulatory program. He focuses his conversations with producers on implementation and certification requirements of the program. When he works with a client, he first explains the process of developing a plan.

Director Cristman asked the SAG what issues needed to be considered and what needed to be provided to the SAG at the next meeting. The following questions and suggestions were offered.

- Is the goal to expand the footprint of the RMP program or the number of the BMPs that are implemented? The purpose of the study is to focus on increasing implementation throughout the state and increasing the number of BMPs implemented.
- How does DCR address a lack of certified nutrient management planners and certified RMP developers across the state?
- Are there any incentives or administrative solutions to increase the number of approved RMPs that are fully implemented and receive certificates?

Regarding the use of state cost-share funds, it was noted that the CEF (Conservation Efficiency Factor) does not rank the RMP; it ranks the individual BMP. The SAG asked for further explanation of the CEF score and how it is related to the RMP priority consideration.

Director Cristman asked about better incentivizing cost-share money going toward BMPs. Is there a way to set aside a specific amount of money for BMPs that are included in an RMP?

Other questions raised include:

- Are there opportunities to receive funding through other sources to assist producers with implementing BMPs? Are there more funds available besides state cost-share funds?
- Are voluntary BMPs contained in a RMP reported into the model? Voluntary BMPs are only included in the information provided to the Chesapeake Bay Program model if the BMPs are verified.
- Ms. Jennings expressed concern that only 10% of approved RMPs have been certified. She noted that this program is a signature component of Virginia's Phase I WIP (Watershed Implementation Plan). This program could allow Virginia to meet the Bay goals in a more cost efficient manner, but having so few fully implemented plans does not send a strong message of accomplishment.

Additional questions raised:

1. What are other incentives that could be offered to aid Districts or producers in fully implementing all BMPs in the plan?
2. Can DCR confidentially reach out to producers who have RMPs but haven't fully implemented all of the BMPs in the plan and ask them why all the BMPs have not been implemented?

Director Cristman thanked attendees for their participation. Additional questions and items for discussion at the next meeting should be sent to Ms. Watlington. He noted that the report of this SAG is due to the General Assembly on October 1, 2017.

The next meeting will be on Tuesday, June 13, at 1:30 p.m. in the West Reading Room of the Patrick Henry Building.

The meeting was adjourned at 4:00 p.m.