Recommended revisions to the VACS BMP Manual for FY2024 - Guidelines

This table contains the key revisions to the Guidelines section of the Manual. The Department has made editing revisions throughout this section to update dates and to correct spellings, punctuation, and formatting errors.

Pages	***Section Heading***	***Reason for change***
II-1 and II-2	Definition of Applicant	Language has been added that clarifies that Districts are expected to only work within their own service areas. In certain situations, Districts are allowed to accept applications from producers outside of their service areas, but only with approval of the other impacted District.
II-9	Priority Considerations (Statewide Water Quality Considerations)	As the Whole Farm Approach specifications are included in the VACS Manual, this language has been stricken.
II-18	State Environmental Law Compliance	Language has been added to clarify that practices may be eligible to participate in carbon credit programs or other similar programs. However, the credits generated can not be used to satisfy the requirements of any local ordinance, mitigation bank, nutrient trading program, or state or federal law, regulation, or permit.
II-22	Resource Reviews for Maintenance Practices	Language has been added that clarifies that resource reviews are only needed when new components are needed and where ground disturbing work is occurring to maintain an existing component.
II-26	DCR Agricultural BMP Engineering Services Program	Language has been added which clarifies that either a member of DCR's Agricultural BMP Engineering Services Program or an individual with appropriate levels of EJAA must review the project to ensure it meets all VACS Program qualifications and practice specifications prior to District Board approval of the project. This is current procedure for piggyback funded projects.
II-33	Procedures to Request a Variance to Exceed Cost-Share Cap	Language has been added to reflect the recommendation of the AgBMP Technical Advisory Committee related to a bundle variance.
II-41	CREP Documentation	Language has been stricken referencing DCR form 199-071. This is the VACS Contract Part I, II, and III.

II-56		The map of Districts has been removed. The BMP Manual is not the logical place for this reference document to be maintained.
		The names of BMPs have been revised in numerous tables and references to reflect recommendations of the AgBMP Technical Advisory Committee. Language related to “actual or estimated eligible cost” has been revised to reflect the recommendation of the AgBMP Technical Advisory Committee.

*NOTE – There are some page numbers that are not formatting correctly. This is a result of using track-changes to show the recommended revisions to the Manual; it will be corrected once the final version of the Manual has been approved by the Board.

VIRGINIA AGRICULTURAL BMP COST-SHARE (VACS) PROGRAM GUIDELINES

Overview

This Program provides cost-share and technical assistance to landowners and agricultural operators that voluntarily install selected BMPs. The Guidelines set out in this section complement the policy and procedural direction provided in Section I of this guidance document and should be taken together in implementing the Program and its associated BMPs.

Program Eligibility Requirements

Program eligibility requirements are provided in **Section I**. Any financial records supplied by an applicant to verify eligibility will not be duplicated or retained by the District. Participation in Virginia's cost-share or tax credit program does not convey the public's right to access the participant's property.

Definition of Applicant

All individuals at least 18 years of age and privately held business entities operating agricultural land within the boundaries of the Commonwealth of Virginia are eligible to apply and participate in the Virginia Agricultural BMP Cost-Share Program. When an individual or entity operates land not within the boundaries of a Soil and Water Conservation District, the District that has the landowner's hydrologic unit listed in this Manual will administer the program to the landowner. Land owned and managed by municipalities or other federal and state governmental agencies or partitions thereof are **not eligible** to receive Virginia cost-share assistance. Lands located outside of the state are **not eligible** unless a portion of the field or site in need of treatment lies within Virginia's boundary, in which case the entire field or site in need of treatment is eligible.

District service areas approved by the Virginia Soil and Water Conservation Board have historically followed county borders. Agricultural fields may cross county borders and therefore a field may exist in more than one District. Additionally, there may be discrepancies as to which District a given parcel resides in based upon tax parcel maps, boundary surveys, or other bona-fide documentation. In 2016, DCR reviewed county boundaries and tax parcel boundaries and adjusted some county boundaries to better follow legal tax parcel maps. For the purposes of this cost-share program only, Districts are urged to utilize the county boundary layer available in the AgBMP Tracking Module to determine the District that will administer the Virginia Agricultural BMP Cost-Share Program. Absent clarity of cost-share oversight authority for a given field from the revised boundary layer map, the District having the largest amount of acreage within its boundaries should administer the Program for the entire field. Alternatively, if neighboring Districts can cooperatively agree to utilize other existing boundary determination methodologies, those sources may be utilized.

Districts are expected to work within their designated service area. However, for NM-3C, NM-

5N, NM-5P, NM-7, SL-8A, and annual cover crop and nutrient management practices, Districts may take applications outside of their service areas provided that the District where the practice is located has agreed to the arrangement through formal Board action. This agreement must occur before the practice can be approved by the District taking the application. All other types of practices must be signed up with the District that serves the practice location. Practices with components that cross District service areas, such as stream exclusion practices, may be signed up with either District. Pilot practices may only be signed up within the service area of the District participating in the Pilot.

Districts will establish local water quality considerations (see Secondary Considerations) to serve as guidance for determining which applications will receive cost-share and tax credit approvals. These considerations must be consistently administered when considering any BMP for approval.

Cost-share payments are made to the entity (by social security or federal tax identification number) that applies and signs the request form to participate in the program. The applicant must have a current federal W-9 tax form on file with the District to assure that correct tax information for the applicant is available for reporting purposes. Districts will issue cost-share and/or state tax credits, as well as IRS 1099 tax forms, to applicants based upon W-9 data on file with that District. The VACS Program only allows Districts to issue two-party or co-payee (two payee signatures required) cost-share checks to lending institutions. For participants in the Virginia Department of Environmental Quality's Agricultural BMP Loans Program, DCR has approved an Assignment of Payment Form which, if signed by the applicant, allows the cost-share payment to be sent directly to the Virginia Resource Authority. In such situations, the applicant will still receive the IRS 1099 tax forms.

Applicants may self-certify that they meet the eligibility criteria set out in Section I. A self-certification form is included in the Glossary and Forms section of the BMP Manual. Districts may request that applicants provide proof of agricultural production.

When an applicant agrees to implement the approved BMP for the specified lifespan, the applicant is responsible for that BMP regardless of changes in the control of the land including the sale of the property as well as any change in farm lease arrangements. Maintenance agreements between the involved parties can be encouraged, but ultimate responsibility still rests with the applicant. Districts may choose to encourage landowner participation over tenant participation in their information and promotional campaigns.

Failure to maintain the practice for the specified lifespan will result in the applicant being required to refund all or part of the state-provided cost-share and/or tax credit amount. In the case of the death of the participant, this requirement may be waived. This waiver requires an official action of the District Board that must be recorded in the minutes.

Authority for Officers and Employees or Immediate Family Members of an Officer or Employee of Districts to Participate in the VACS Program

The State and Local Government Conflict of Interests Act (COIA) provides an exception to the prohibition against officers and employees of or an immediate family member of an officer or employee to engage a contract with the officer or employee's employing agency.

As of July 1, 2017, contracts are allowed between an officer, an employee, or an immediate family member of an officer or employee of a District to participate in the Virginia Agricultural Best Management Practices Cost-Share Program or to participate in other cost-share programs for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements to provide services for implementation of a cost-share contract established under the Program or other such cost-share programs. A District Director or employee cannot lawfully enter into a contract with a program participant to provide services for the cost-share practice.

History

The VACS Program originated in 1984 with a small number of eligible BMPs and has continually added and revised BMPs in response to ever changing non-point source pollution and agricultural issues. Many of these changes have been influenced by the agricultural non-point source research and BMP development priorities of the Chesapeake Bay Program. For many years, the VACS Program provided funds for the demonstration of BMPs and the education of agricultural operators about innovative management and conservation methods.

The VACS Program continues to evolve with ever increasing emphasis on the implementation of agricultural BMPs in locations that provide the greatest nutrient and sediment reductions for the taxpayer's dollar spent. This focused program mission requires an understanding and commitment by all of those that have a role in program outreach and implementation. Cost-shared BMPs must maximize nutrient and sediment reductions and also protect the taxpayer's interest, by implementing the most cost-effective BMPs possible in locations that achieve the greatest pollutant reductions on a field-by-field basis. Program implementation should be based upon sound conservation planning and best professional judgment.

The 1987 Chesapeake Bay Agreement committed the Environmental Protection Agency (EPA) in collaboration with Pennsylvania, the District of Columbia, Maryland, and Virginia to reduce by 40%, nutrient inputs to the Chesapeake Bay. Virginia has historically supported the Chesapeake Bay restoration effort through program participation, the development of compatible agricultural BMPs, and by dedicating certain funding streams to address identified Bay and tributary non-point source (NPS) pollution issues. The inclusion of the Chesapeake Bay on the federal list of impaired waters and the development of Virginia's Chesapeake Bay Watershed Implementation Plan (WIP) has increased Virginia's efforts to further reduce agricultural non-point source pollution.

Historical Cost-Effective Practices

In December of 2004, the Chesapeake Bay Commission (CBC) published a booklet entitled "Cost Effective Strategies for the Bay." An analysis of BMP applicability, practice cost-

effectiveness, and the availability of land to implement the BMPs has identified practices that have the potential to deliver the largest nutrient and sediment reductions for the least cost to the taxpayer. Virginia identified Nutrient Management Plan Writing and Revisions NM-1 (now NM-1A), side dressing and split nutrient applications, (NM-3C, NM-4), Cover Crop practices, (SL-8, SL-8B, SL-8H, and WQ-4), along with Long Term Vegetative Cover on Cropland (SL-1), and High Residue Tillage Systems (SL-15A, SL-15B) as the "most cost-effective BMPs" available through the VACS Program at that time. Since the identification of this initial list of BMPs, precision nutrient management (NM-5N and NM-5P), livestock exclusion practices (SL-6), as well as riparian buffer practices (FR-3) have been added to the list.

To maximize Virginia's return on stakeholder time and taxpayer funding, as well as to increase cost-effective nutrient and sediment reductions, the above BMPs should be actively promoted by Districts and implemented wherever agricultural land operators are willing to have them applied. Cost-share allocations will be provided to Districts to obligate in the Chesapeake Bay (CB) or Outside of the Chesapeake Bay (OCB) drainage basin as the local District Board believes will best benefit local water quality.

VACS Program Funding Sources and Interest Income Earned

The primary source of funding for the VACS Program is from deposits made to the Water Quality Improvement Fund (WQIF) or directly to the Virginia Natural Resources Commitment Fund (VNRCF), a sub-fund of the WQIF created in 2008 to specifically support implementation of agricultural BMPs. The General Assembly has declared that the purpose of the funds deposited to the WQIF is to provide water quality improvement grants to local governments, Soil and Water Conservation Districts, state agencies, institutions of higher education, and individuals for point and non-point source pollution prevention, reduction, and control programs. The 2010 Virginia General Assembly authorized an increase in the real estate recordation fee collected for recording land transactions. These additional locally collected fees are deposited in the VNRCF on a monthly basis. The projected recordation fee revenues are collected each fiscal year along with any other General Fund, WQIF, and VNRCF deposits, as specified in the Appropriations Act, for implementation of agricultural BMPs.

Other funds from state and federal sources may support the Program and may include monies from federal grants. Some Districts also administer other grant programs or locally funded agricultural incentive programs to encourage owners and operators of agricultural lands to apply BMPs that control sediment, nutrient loss and the transport of pollutants, or protect the health of riparian and aquatic ecosystems, and improve the quality of state waters. Many Districts administer multiple conservation programs focused on the reduction of surface runoff, erosion, leaching, bacterial contaminants, and inadequate animal waste management.

Distributions from sources identified above are set out in Section I and Districts are provided with details about funding allocations at the beginning of the state fiscal year. Details describing administrative and programmatic deliverables are documented in grant agreements signed by DCR and District Boards of Directors.

Program funds will be administered based upon signed cost-share grant agreements. DCR generates the cost-share grant agreement itemizing DCR and District deliverables associated with VACS Program implementation. Districts may supplement the cost-share funds provided by DCR with District funds and/or other sources that may be available to them. However, any cost-share funds issued by DCR to Districts are dedicated to the implementation of VACS practices. Districts must abide by these program guidelines when using these funds. Funds for implementing VACS BMPs in the CB drainage basin and OCB drainage basin shall be managed separately as the proportion of the overall funds for use within each drainage basin is controlled by the Code of Virginia and Appropriations Act language.

All interest monies earned on cost-share funds issued to each District by DCR must be used solely for cost-share purposes. Interest monies may be devoted to reasonable program expenses such as fees charged for bank services that are related to VACS Program monies. Ideally, the interest income earned is dedicated to additional approved VACS BMPs.

Cost-Share Program Funding Allocations

Districts are provided funds for the VACS Program designated to be spent in the Chesapeake Bay (CB) or outside of the Chesapeake Bay (OCB) drainage basins to encourage implementation of BMPs in high-priority hydrologic units in accordance with Section I. District locations are illustrated on the map found on page II-54. Districts should approve and obligate funds emphasizing identified high-priority watersheds and site-specific cost-effective BMPs in accordance with minimum statewide or priority considerations and approved secondary or local water quality considerations to provide the greatest nutrient and sediment reductions at the least cost to the taxpayer.

Conservation District Coordinators (CDC) will confer with District staff at least quarterly to determine their projected needs for cost-share payments for completed and certified BMPs. CDCs will generate a disbursement letter based upon their District's projected ninety-day needs and AgBMP Tracking Module data showing approved and completed practices.

Reallocation of VACS Cost-Share Funds

Details regarding the reallocation process may be found in the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations* as well as the *Department of Conservation and Recreation and Virginia Soil and Water Conservation District Cost-Share and Technical Assistance Grant Agreement*.

Technical Assistance Funding

Details regarding the allocation for technical assistance funds to Districts may be found in the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations* as well as the *Department of Conservation and Recreation and Virginia Soil and Water Conservation District Cost-Share and Technical Assistance Grant Agreement*.

The State and Local Government Conflict of Interests Act

The State and Local Government Conflict of Interests Act (COIA), Va. Code § 2.2-3100 et seq., prohibits a range of behavior relating to impermissible conflicts. COIA, along with federal corruption statutes, applies to public officials and employees of the Soil and Water Conservation Districts. The law provides for both civil and criminal penalties for violations. District officers and District employees who question whether certain conduct would violate COIA should ask legal counsel at the Office of the Attorney General for an opinion and may rely on such advice as a shield to prosecution pursuant to Code § 2.2-3121.

Officers and staff should review COIA. This guidance does not serve as legal advice or a substitute for a review of COIA. For example, a potential conflict of interest exists when an District Director or District staff person (or an immediate family member) has a material personal interest, either direct or indirect, in an application for cost-share or tax credit being considered by a Board of Directors (BOD), or by a committee of the BOD, on which the affected Director or staff person participates, that will discuss or decide if the cost-share or tax credit application is approved. There are many other possible examples including supervising family members who are on staff or securing a contract with the District other than a contract for employment.

When a possible conflict of interest is identified, the Director or staff person must disclose to the Board or other committee members the material facts as to their personal interest in the transaction or in any corporation, partnership, association or other organization that may receive financial benefit as a result of the decision of the BOD or committee.

After disclosure of the possible conflict of interest, the Director or staff person (interested individual) shall leave the room prior to the discussion of the application. The interested individual shall not participate in any discussion or in making any decision or recommendation associated with the application. Such action by the interested individual shall be noted in the minutes of the BOD or committee. The interested individual may return to the room and resume participation in the proceedings once all discussions have concluded and all decisions or recommendations rendered pertaining to the application.

Participant Recruitment, Application Ranking, and BMP Approval

The Virginia Agricultural BMP Cost-Share Program gives Districts the responsibility to determine the recipients of state cost-share funds. Districts recruit and evaluate applications which result in improved water quality. Recruitment involves the establishment of local District criteria, which are important for several reasons. Selection of criteria which address local water quality ensures that the water quality benefits from this program are maximized. Clearly understood priorities make the approval process much easier and minimize possible misunderstandings.

Districts should recruit participants from hydrologic units in descending priority, first recruiting participation of lands within high-priority hydrologic units. Cost-share requests in medium or

low-priority hydrologic units may be considered for funding after high priority hydrologic units have been addressed. A District may shift recruitment efforts from a higher priority hydrologic unit to address a specific site-related water quality problem, such as a Total Maximum Daily Load (TMDL), that can be resolved utilizing available BMPs.

The objective of the VACS Program is to prioritize and address water quality problems. The 2022 agricultural non-point source ranking of the units of the Virginia National Watershed Boundary Database (NWBD) currently provides the most accurate identification, at a landscape scale, of the lands with the greatest potential to contribute agricultural non-point source pollution into Virginia's rivers and streams. These rankings are excerpted from the Virginia Department of Conservation and Recreation's Agricultural Non-Point Source Pollution Assessment (NPS Assessment) which is included in the 305(b)/303(d) Water Quality Assessment Integrated Report prepared by the Virginia Department of Environmental Quality as required under the federal Clean Water Act.

Factors in this NPS Assessment which affect the amount of nutrient loads reaching water from agricultural lands include the erodibility of the soils, types of agricultural practices, types and numbers of farm animals, land cover, stream density, rainfall, seasonal variations in plant growth and nutrient applications, existence and type of agricultural BMPs, manure use, soil saturation, and slope.

Districts should recruit applicants for whom BMP implementation will reduce the greatest amount of nutrient, sediment, and other identified contaminants, while utilizing the least amount of cost-share funds to address site-specific water quality problems in the highest priority watersheds. The District Board should annually review and establish recruitment guidelines. Recruitment guidelines and Secondary Considerations should be District Board-approved several months before the VACS Program Year begins on July 1. Districts may find it valuable to hold public meetings and allow public comment and input in developing these criteria. The District should advertise approved VACS Program ranking criteria and make participants aware of changes in guidance which may impact them.

Districts are strongly encouraged to conduct recruitment of program participants on a continuous basis, thus identifying future funding needs.

Approval of VACS Program funding requests is the responsibility of the local District Board of Directors. All actions taken must be voted upon and the outcome recorded in the minutes of the meeting where such action is taken. Districts should be prepared to verify and document that their cost-share allocations are being spent in accordance with the Priority and Secondary Considerations and according to administrative guidance published in this Manual.

Priority Considerations (Statewide Water Quality Considerations)

These must be used by all Districts to qualify cost-share applications for funding approval consideration by the District Board. Any application that does not meet at least one of these priority considerations discussed below should not receive funding:

1. Priority must be given first to candidates in the highest ranked hydrologic units. See Pages II-56 for the NWBD unit list and the Policy section for rankings. Multi-county Districts may select a priority hydrologic unit from each county for recruitment. Descending priority would be given to those in units ranked "medium", and then units ranked "low".

2. Districts should prioritize the implementation of appropriate BMPs that will reduce the greatest amount of nutrient and sediment contamination while utilizing the least amount of cost-share funds to address site-specific water quality problems in identified high priority hydrologic units with all program cost-share funds.

3. Applications for cost-share funding that are located within a designated NPS impaired waters drainage area (identified as Impairment Type in the AgBMP Tracking Module mapping) shall be prioritized for funding of practices that reduce the identified impairment type (nutrient, bacteria, septic).
4. Applications for cost-share funding on fields that are at least 1/3 HEL (Highly Erodible Land) soils receive priority.
5. Applications for cost-share to implement BMPs that are within an approved Virginia Resource Management Plan management area will also receive priority consideration over similar BMPs outside of the management area. The AgBMP Tracking Module will automatically calculate a 10% reduction in the CEF score for these BMPs.

Exceptions to the priority considerations may be made for animal waste management practices and for actions taken to protect groundwater, gully erosion, or critical areas. The following list of practices are priorities and do not need to meet any other priority consideration in order to be eligible for cost-share funding:

FR-3	Woodland Buffer Filter Area
NM-1A	Nutrient Management Plan Writing and Revisions
NM-5N	Precision Nutrient Management on Cropland – Nitrogen Application
NM-5P	Precision Nutrient Management on Cropland – Phosphorous Application
SL-6F	Stream Exclusion in Floodplains
SL-6N	Stream Exclusion with Narrow Width Buffer and Grazing Land Management
SL-6W	Stream Exclusion with Wide Width Buffer and Grazing Land Management
SL-8B	Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management
SL-8M	Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management with Fall Manure Application
SL-11	Permanent Vegetative Cover on Critical Areas
WFA-CC**	Whole Farm Approach – Cover Crop Bundle
WFA-NM**	Whole Farm Approach – Nutrient Management Bundle
WP-1	Sediment Retention, Erosion or Water Control Structures
WP-3	Sod Waterway
WP-4	Animal Waste Control Facilities

WP-4B	Dairy Loafing Lot Management System
WP-4C*	Composter Facilities
WP-4FP*	Feeding Pad
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations
WP-4LL	Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage
WQ-1	Grass Filter Strips

*WP-4C and WP-4FP may only be treated as priority practices if they are a part of a combined contract that also funds an SL-6N, SL-6W, or WP-4.

**WFA-CC and WFA-NM are only available to select Pilot Districts in Program Year 2023~~3~~4~~; as such, the full practice specification has not been included as part of the PY23 VACS Manual~~.

Secondary Considerations (Local Water Quality Considerations)

Any VACS application which qualifies for funding using primary considerations should then be ranked against a list of Secondary Considerations. Secondary Considerations are utilized by Districts to prioritize applications that address locally-identified water quality concerns. Secondary Considerations should be narrative statements that can be easily understood by any potential participant.

The District Board must identify their local water quality concerns and then develop and approve a list of Secondary Considerations ranking criteria which give priority to those applications which would address those water quality concerns. The Secondary Considerations adopted by a District must be submitted to the Agricultural Incentives Program Manager for review and approval before any cost-share applications are approved. Once approved and accepted, each District will be expected to adhere to these guidelines when authorizing practice approvals for the entire fiscal year. Revised Secondary Considerations may not be implemented until the beginning of the next fiscal year. After such guidelines are in place, VACS recruitment by staff may begin in accordance with the expressed priorities.

The list of criteria adopted as Secondary Considerations by each Board may be as extensive as each District deems appropriate. Districts may choose to develop separate Secondary Considerations for each priority hydrologic unit. Districts may select a combination of these or other factors that will be followed to determine program participants and prioritize funding:

- Fields with a high leaching index or other major impacts upon groundwater (such as sinkholes).
- Land with an existing Conservation Plan, which includes the requested VACS practice.
- Applications with the lowest Conservation Efficiency Factor (CEF) when compared to other applications for the same practice.
- Applications with the highest percentage of a total Conservation Plan that will be implemented.
- Applications with the largest number of acres of Conservation Plan to be implemented.
- Applicants with a history of successful participation in conservation programs.

Successful participation means completing previously approved practices within the time frame identified by the District or maintaining previously installed practices within specifications throughout its lifespan, etc.

- Applications that will exclude the highest density of livestock (defined as the number of 1,000 lb. animal units excluded per linear foot of stream bank protected).
- Applications to implement practices that will reduce contaminated runoff into source water for public drinking water.
- Applications that will protect identified Healthy Waters (based upon INSTAR data).

Additionally, Districts within the Chesapeake Bay basin shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan. Districts outside of the Chesapeake Bay (OCB) basin shall give priority to BMPs in the highest priority agricultural non-point source hydrologic units (as ranked by DCR; high, medium, and low).

Average Cost Lists

Each year, Districts shall develop an Average Cost List for components (e.g. Fence, Pipeline) of commonly used practices within their District, as well as a contingency plan for handling costs for components not included on the list. There may be a statement at the bottom of the Average Cost List that notes the District will use the NRCS Average Cost List for unlisted components.

Average Cost Lists shall be reviewed annually and shall be formally approved by the District Board prior to any VACS cost-share contracts being approved in the new Program Year. The District's approved Average Cost List must be provided to the Department prior to the District approving any cost-share applications for that Program Year.

Due to an unexpected and significant increase in materials costs, Districts may amend their Board-approved Average Cost List once during a Program Year. Increased labor costs are not an eligible reason to amend the Average Cost List. If a District chooses to amend the Average Cost List to address increased materials costs, the following conditions must be adhered to:

1. The District staff must provide justification for amending the Average Cost List to the District Board. Such justification may include bid process sheets, contractor estimates, receipts, or other types of documentation that demonstrate the need to increase the component(s) material costs on the Average Cost List.
2. Based on the justification provided by the District staff, the District Board must recommend or deny the request to increase the component(s) cost on the Average Cost List due to increased material costs through formal action and the action must be recorded in the meeting minutes.
3. If the request is recommended by the Board, all documentation including the Board's recommendation, justification for the amended Average Cost List, and the recommended Average Cost List shall be submitted to the Department's Agricultural Incentives Program Manager. Working with the Department's Engineering Services staff, the Agricultural Incentives Program Manager will review the request and determine the

appropriateness of the recommended amendment(s) to the Average Cost List.

4. Within 45 business days of receiving the request, the Agricultural Incentives Program Manager will respond to the District Board (copying District staff).
5. If the request to amend the Average Cost List is approved by the Department, the District will amend every active contract for that program year (this does not include Carryover Practices) that includes a BMP with the impacted component(s) to reflect the increased component cost. Both the Estimated Instance Cost and the Estimated Cost Share Payment information on each contract shall be amended in the AgBMP Tracking Module.
6. The District Board must formally approve the increased Estimated Instance Cost and the Estimated Cost Share Payment for each impacted contract and the approval(s) must be documented in the meeting minutes.
7. Following the Board's approval, revised payment notification letters must be sent out to the affected participants informing the participant of the increased Estimated Instance Cost and the Estimated Cost Share Payment.

Conservation Efficiency Factor

A Conservation Efficiency Factor (CEF) is calculated by the AgBMP Tracking Module. Districts shall use this tool when ranking cost share practice requests; the lower the CEF value, the higher the conservation efficiency of the project.

The CEF uses eleven different components including soil loss data that is input by the District and environmental information associated with the location of the practice, to generate a factor that can be used to rank the proposed practice compared with other instances of the same BMPs, as well as instances of other BMPs (See Section I.7 discussion on the Targeting of the Expenditure of Cost-Share Funds). Although the CEF can be used to rank different BMPs, it will more accurately rank different BMPs that are oriented toward reduction of the same contaminant. For example, when comparing the same BMP implemented in different locations, the CEF will provide a high degree of confidence in the practice ranking. When comparing two different cropland practices (like an SL-3 to an SL-4), both of which primarily reduce sediment runoff from crop fields, the CEF ranking scores should produce a ranking with a high degree of reliability.

However, it should not be relied upon absolutely but rather should be analyzed to assure that the CEF makes sense given other environmental factors applicable to each specific site and BMP. If the CEF is used to rank two different BMPs that are focused on reducing different contaminants, such as a WP-4 as compared to an SL-1, the factor may provide some guidance as to the anticipated environmental benefits associated with the different geographical locations. However, the level of reliability associated with comparing highly divergent BMPs is acknowledged to be less than perfect.

Beginning in FY2018, the calculation of an installation's cost efficiency includes animal unit counts rather than a count of systems implemented. For FY2023-FY2024, CEF uses the 2020 impairment areas and agricultural loadings from the 2022 NPS Assessment. When BMP

measures request an estimate of erosion reduction anticipated as a result of implementing the practice, the data provided is used to measure program accomplishments. It is in everyone's best interest to provide as accurate and complete an estimate as possible so that the most accurate reflection of program accomplishments can be reported.

Evaluation Worksheets

It is recommended that Districts develop evaluation worksheets. These worksheets should be designed to convert the anticipated environmental benefits of implementing a BMP into standardized scores so that competing cost-share applications can be ranked. Several approaches are possible for Districts to evaluate and rank recruited cost-share applications. An example is included on the following pages. The example provides detailed information regarding the benefits of the proposed project and assigns points associated with those benefits. After the basic location information, the worksheet addresses the priority considerations required to qualify for the program. These items should always be addressed first to determine if a request should receive additional consideration towards approval to receive cost-share funds.

If any of the four statewide priority conditions are met, the practice should then be evaluated according to the District's secondary or local water quality priorities. In this example, a weighted system is used to permit an objective comparison of competing projects. Each area of concern identified by the District is scored according to its rating for significance on the site and its rating for significance to the District. The staff, based on best professional judgment and site specific evaluations, enters the first weighted factor. The District Board determines the second weighted factor. In this example, the public water supply concern has been given highest priority as an issue by giving it a weight of four. The other four areas are given lesser weights of three, two, and one. These values are assigned by the District as deemed appropriate for their jurisdiction.

This format provides space to specify details supporting the rating given. This would be very helpful to a District with a significant number of requests to evaluate. Projects without a significant impact in those areas identified as important by the Board should not be approved.

Example

Cost-Share Evaluation Worksheet

Name _____ Farm Name _____

Address _____ Farm Number _____ OPID # _____

_____ Field(s) _____

Phone #_____ Tract # _____

Primary Considerations

(1) Agricultural non-point source pollution ranking of the .....{ }
NWBD unit where BMP will be implemented.

(High = 5, Medium = 3, Low =0)

Or – Exception for serious animal waste, groundwater, or gully erosion concerns
(Rank from 1 through 5 based upon the amount,
and type of anticipated NPS pollution contributed) .....{ }

(2) Candidate is located within an identified NPS impaired waters drainage area and thus shall be prioritized for funding of practices that reduce the identified impairment type.

Within an Impairment Type area……..... { }

(2 points if yes, 0 if no)

And addressing the impairment cause of

concern……..... { } (2 points if yes, 0 if no)

(3) At least 1/3 HEL (5 if 1/3 HEL, 0 if not HEL).....{ }

(4) Priority NWBD hydrologic unit (yes =3, no = 0).....{ }

Number:

The District's priority hydrologic units in ranked order are:

(5) Total points toward primary considerations .....{ }

Secondary Considerations or District Priorities (Rate significance from 1-4)

(1) Practice will protect source water for a public water supply ..... { } x 4 =

Reasons for rate significance:

(2) Groundwater concerns ..... { } x 3 =

Specify:

These may include sinkholes, highly permeable soils, presence of wellheads or similar considerations.

(3) Animal Waste concerns ..... { } x 3 =

Reasons for rate significance:

Number of (1,000 lb.) animal unit's waste that will be managed_____

Number of Tons of animal waste to be stored and properly utilized_____

(4) Erosion concerns..... { } x 2 =

Greater erosion rates based upon RUSLE 2 calculations will receive a higher rate significance. >2T = 1 points, ≤ 2T = 2points, T = 3 points

(5) Acres to be implemented in plan ..... { } x 1 =

Actual = _____

(6) A Conservation Plan for the entire tract or farm exists,
(5 points if the plan already exists, 3 if it is to be developed, 0 if no Conservation Plan is anticipated.

Existing (Date written:_____) .....{ }

To be developed.....{ }

Total points toward primary considerations .....**{ }**

Total Score toward Secondary Considerations or District priorities = _____

Worksheet
Completed by:_____ Date:_____

Virginia's Healthy Waters Initiative

Traditionally, water quality based programs have emphasized practice implementation to support restoration of streams and improvement of degraded surface waters. This is very important but there are viable opportunities for best management practices to protect streams that are already considered healthy. Recognizing that it is generally less expensive to conserve and protect healthy ecosystems than to restore them after they have been damaged, agricultural BMPs can serve a key role in the protection of healthy waters and healthy watersheds. The integrity (health) of aquatic ecosystems (streams) is tightly linked to the watersheds of which they are a part. There is a direct relationship between land cover, key watershed processes, and the health of streams.

Virginia has identified numerous ecologically healthy streams, creeks and rivers throughout the state, and there are more yet to be identified. Healthy streams are identified by factors that include: high numbers of native species and a broad diversity of species; few or no non-native species; few generalist species that are tolerant of degraded water quality; high numbers of native predators; migratory species whose presence indicates that river or stream systems are not blocked by dams or other impediments; and low incidence of disease or parasites. Healthy streams in Virginia have been identified and ranked through a stream ecological integrity assessment known as the Interactive Stream Assessment Resource (INSTAR at http://instar.vcu.edu/) as "exceptionally healthy," "healthy," or "restoration candidate." INSTAR was originally designed to assist individuals with planning and land use decisions by identifying healthy streams in their communities and encouraging their protection. Districts may choose to prioritize BMP applications from areas with identified healthy waters by specifying healthy waters as a secondary consideration.

Some actions that typically support healthy waters protection:

- Create, maintain, or expand riparian buffers: Vegetative corridors, extending at least 35' in width upland from the top of the stream bank, buffer streams from activities in the watershed by intercepting runoff that would otherwise transport sediment and other pollutants to the stream. This is one of the most effective measures for protecting streams.
- Protecting headwater streams: Often intermittent, and therefore not recognized as a "blue line stream" and underserved by regulation, these streams are extremely important to the natural function of downstream waters. Fencing livestock out of these areas can prevent downstream degradation of high quality perennial streams.
- Maintain natural stream flow: The natural, seasonal pattern of stream flow, the stream's response to storm events, and maintaining minimum flow levels may be as critical to a stream's health as water quality.
- Protect natural stream channels: Denying livestock unlimited access to stream channels reduces direct introduction of some pollution (bacteria) as well as limits the disturbance to habitat and the creation of erosion problems.

Agricultural BMPs that support the protection of healthy waters work in the same fashion as those that are implemented to restore impaired streams. Actions like creating filter strips or

riparian buffers, restoring wetlands, protecting stream banks through fencing, developing alternate water sources for livestock, stabilizing stream banks and channels, and capturing and controlling sediment and erosion all provide important protective measures in watersheds that have identified healthy streams but also see the impact that Virginia's working lands experience daily.

Cost-Share Funding Restrictions

Programmatic caps shall be administered in accordance with the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Allocations*.

The AgBMP Tracking Module provides the District the ability to monitor participant cost-share approval and payment status during the Program Year, both within and across District boundaries. Districts are advised to make use of the "Participants Contracts" function to ensure participants are not overpaid based on statewide caps. District staff should monitor the amount of cost-share funds that have been approved within their own District and cumulatively among all Districts for a given participant.

Local VACS Program Implementation

All practices listed in the Manual are available to participants in any District in the Commonwealth of Virginia, with the exception of certain pilot practices. Districts must offer all practices to all interested applicants in their area. Districts cannot make modifications or changes to standards and specifications without prior approval from DCR.

Cost-share funds are intended to provide an incentive for the implementation of BMPs or their continuation in future years. Practices considered for funding must be projects that meet and adhere to the standards and specifications as described in this Manual. If there is any question as to the applicability of a particular BMP, the conservation technical staff should review the specification to ensure the particular BMP is appropriate to improve the specific natural resource concern identified on the agricultural operation. BMPs initiated prior to submitting a cost share or tax credit application are not eligible. Authorization to receive cost-share and/or tax credit can only be granted upon approval of an application by the Board of Directors.

Practices will be certified by the participant and an appropriately-qualified individual as meeting VACS practice specifications before issuance of the cost-share payment. If a NRCS practice standard referenced in the VACS specification is in conflict with the Virginia BMP practice specification language, the VACS practice specification language must be followed.

Guidance on Volunteer Hours and the Cost-Share Program

This guidance provides clarification for allowing volunteer hours that have value in the calculations to determine Agricultural BMP cost-share practice reimbursement amounts. The cost-share program does not restrict the source of the labor that a participant may value and submit as a cost associated with the implementation of authorized BMPs. It is important that the

number of hours and value of those hours is appropriate to accomplish the BMP installation. The relationship between the labor suppliers (which may include family, a licensed contractor, non- governmental organization (NGO), or a farm employee) is between the participant and the labor supplier. As with all reimbursable BMPs, the practice participant must provide documentation to support the labor component of the installed practice – meaning the quantity of labor hours and monetary value of the labor performed must be provided.

Districts must ensure that the labor charges submitted are in line with the Total Eligible Estimated Cost that was the original basis for the amount of cost-share approved for BMP installation. Further, Districts must have comfort with the fairness of the labor cost submitted for calculation of the cost-share reimbursement payment. The most pertinent questions to answer when calculating the cost-share payment is whether the labor cost submitted is appropriate for the labor required to implement the practice based upon local labor rates and whether the quantity of hours submitted is reasonable for the amount of work accomplished.

District Directors, District employees, and their immediate families are responsible for ensuring that any contracts and agreements entered into are not in violation with the State and Local Government Conflict of Interests Act. The Office of the Attorney General may provide counsel if there are questions or concerns regarding compliance with the Act.

State Environmental Law Compliance

The following list denotes program eligibility for VACS Program cost-share assistance for operations that fulfill all other VACS Program eligibility requirements:

- *Problems identified with a founded Agricultural Stewardship Act (ASA) complaint* – Participants are eligible as long as the producer elects to implement an agricultural stewardship plan to correct the problem.

- *Problems identified with a founded ASA complaint* – Participants are not eligible if the Commissioner of Agriculture has issued a corrective order as a result of not implementing an approved agricultural stewardship plan.

- *Problems identified as possibly being in violation of a state environmental law or regulation* – Participants are eligible if the producer is working with the Department of Environmental Quality (DEQ) to come into compliance with state requirements, or the producer has identified needed actions independently.

- *Problems identified as being in violation of a state environmental law or regulation* – Participants are not eligible if the producer has received an enforcement order from DEQ, unless cost-share assistance was requested to help correct the problem prior to commencement of the enforcement action.

- Except as otherwise expressly provided in this Manual, the VACS Program is not intended to provide financial assistance for any voluntary actions or any minimum

actions required by local ordinance; mitigation bank; nutrient trading program, or any state or federal law, regulation, or permit. Should any funded practice be used for such purposes during its lifespan, all or part of the financial assistance (including cost-share and tax credit) from the VACS Program shall be refunded on a pro-rata basis. Such restriction shall not apply to the Resource Management Plan Program.

- Enrollment of completed VACS practices in carbon credit programs and other similar programs is permitted under certain conditions. The program must be voluntary and the credits generated cannot be used to satisfy requirements of any local ordinance, mitigation bank, nutrient trading program, or state or federal law, regulation, or permit. Enrollment in such programs must be based on practice benefit(s) outside of the water quality benefits captured through VACS Program reporting. It is the responsibility of the participant to ensure compliance with VACS Program policies.

Compliance with Federal Agricultural Programs

When a District is notified by a USDA agency that an individual or farm operation is in violation of any Farm Bill conservation provision or certain federal farm programs, that individual or farm operation is prohibited from receiving VACS Program cost-share funds. In these cases, an application may be accepted, but the practice will not be approved until the District has approved a Conservation Plan and the individual has regained eligible status with the USDA.

In the event a Virginia Agricultural BMP Cost-Share Program participant is determined by USDA to be out of compliance, the language below is appropriate to use when notifying that individual of his state cost-share status.

The_____Soil and Water Conservation District Board has been notified by USDA staff that your farm operation is determined to be out of compliance with [insert the program or provision] and as a result you now are ineligible to receive funds from the Virginia Agricultural BMP Cost- Share Program. The District Board is unable to [approve your request for cost-share program funds], OR [honor its earlier approval of cost-share funding for your request] for the [name of practice(s) and practice code(s)] under the Cost-Share Program.

Contingent upon available funding, your request(s) for cost-share assistance will be reconsidered by the District Board once you have regained eligible status with the USDA.

You may wish to consider the Virginia Agricultural BMP Tax Credit Program. This program is open to all individuals regardless of eligible status with USDA.

Sincerely,
District
Chairman

Nutrient Management Requirements

Nutrient management plans are required as a prerequisite for animal waste practices and certain

other identified agronomic practices. The individual BMP specifications contain additional information on specific plan requirements. The nutrient management plan must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014). The plan must be prepared and certified by a Virginia certified nutrient management planner, and be on file with the local District before any cost-share payment is made to the participant.

Conservation Plan Requirements

The VACS Program supports and encourages the development and implementation of DCR Conservation Plans, USDA Conservation Plans, and Resource Management Plans (RMPs) on agricultural land in Virginia to provide erosion control or address water quality issues. Best Management Practices included in an RMP receive priority consideration for VACS funding; there are several suggested Secondary Considerations that incentivize the implementation of BMPs in a Conservation Plan.

BMPs may require the development of a Conservation Plan. A DCR Conservation Plan, a USDA Conservation Plan, or a Resource Management Plan will meet this requirement as long as the BMP for which funding is being requested is included in the plan. Prior to any cost-share payment being made to the participant, a required plan must be approved by the District Board.

Language in the Code of Virginia (§ 58.1-339.3 and § 58.1-439.5) differs from VACS Program requirements; the Code requires a participant to have a Soil Conservation Plan approved by the local Soil and Water Conservation District in order to be eligible to receive an Agricultural BMP Tax Credit, regardless of the implemented practice. Additionally, when the participant seeks funding for a practice from federal programs, a USDA plan is required. Forestry practices also require a plan that meets the minimum criteria established by Department of Forestry.

Recognizing the level of BMP implementation that will be required to reduce agricultural non-point source pollution throughout the state, the VACS Program exempts certain agronomic BMPs from the requirement to have an approved Conservation Plan prior to receiving VACS funding approval. Removal of the conservation planning requirement from these practices is an effort to reduce the amount of administrative time and effort required by Districts toward implementing these practices. Specifically these practices are: Nutrient Management practices (NM-1A, NM-3C, NM-4, NM-5N, NM-5P and NM-7), Cover Crop practices, (SL-8, SL-8B, SL-8H, and WQ-4), High Residue Tillage System practices (SL-15A and SL-15B), and all Continuous Conservation Initiative practices.

Location of Practice Instance Point – Distance to Stream and Relief to Stream

Districts are required to digitize a point for all state cost-share practices. Having a point represent the location of a practice instance allows DCR to associate that instance with whatever geographic unit DCR or another organization may require for their program purposes.

A practice instance point should be near the centroid and/or highest point of where the practice is applied and contained within fields associated with the BMP. Separate BMP instances may also be grouped together and represented by a single point as long as the fields containing the BMP instances are contiguous. A measurement is then taken between the practice instance point and the top of the bank of the nearest stream or man-made drainage channel. The distance should be measured along the path of flow between the practice instance point and the top of bank in feet. Sinkholes, being a geological barrier to flow and potential source of groundwater contamination, can be substituted as a delivery point rather than a blue line stream. The AgBMP Tracking Module will display information indicating whether the path to the stream represents an increase or decrease in elevation. If needed, the practice instant point may be adjusted to accurately represent the centroid or highest point of the fields.

State Resource Reviews

Overview

For Program Year 2019, the AgBMP Tracking Module was modified to assist the Districts in screening Commonwealth resources (threatened and endangered species, cultural resources, floodplains, etc.) for potential impacts by BMP projects. These screening tools consist of specific spatial queries to indicate when further review may be necessary for archeological sites and preservation easements, Virginia fish and wildlife information, rare species, natural communities, predicted suitable species habitat, and TMDL implementation areas. Additionally, the module displays FEMA floodplain data. For all identified resources of concern, Districts are expected to address any issues brought forward during the BMP planning process. This Resource Review process shall be completed prior to the Board's approval of a contract.

Requirements for Practices/Components to be Digitized in the AgBMP Tracking Module to Facilitate Resource Reviews

To facilitate the screening of BMP instances for potential impacts to resource concerns, DCR worked with state partner agencies to identify which BMP components may cause an impact to a resource. The agencies have reached agreements on how the AgBMP Tracking Module should conduct screenings. Based on those agreements, and to ensure proper screening of resources, Districts must **digitize all of the components that make up the practices identified in the table below** in the AgBMP Tracking Module using the BMP Mapping tool. This requirement is in addition to locating the BMP instance with a point and, where required, digitizing the path to stream.

Practices Requiring Digitizing of Components

Code	Practice Name
CCI-HRB-1^	Herbaceous Riparian Buffer – Maintenance Practice
CCI-FRB-1^	Forested Riparian Buffer - Maintenance Practice
CCI-SE-1^	Stream Exclusion - Maintenance Practice
CCI-SL-6N^	Stream Exclusion with Narrow Width Buffer – Maintenance Practice

CCI-SL-6W^	Stream Exclusion with Wide Width Buffer – Maintenance Practice
CCI-WP-2N^	Stream Protection with Narrow Width Buffer – Maintenance Practice
CCI-WP-2W^	Stream Protection with Wide Width Buffer – Maintenance Practice
CCI-WP-4^	Animal Waste Control Facilities – Maintenance Practice
CCI-WP-4C^	Composter Facilities – Maintenance Practice
CRFR-3	CREP ~~Riparian Forest Buffer Planting~~Woodland Buffer Filter Area
CRSL-6	CREP ~~Grazing Land Protection~~Stream Exclusion with Grazing Land
CRWP-2	CREP Stream~~bank~~ Protection
CRWQ-1	CREP ~~Grass Filter Strips~~Herbaceous Riparian Buffers
CRWQ-11	CREP Agricultural Sinkhole Protection
CRWQ-6B	CREP Wetland Restoration
EM-1T*	Small Scale Manure Composting for Equine Operations – Static Systems
EM-1AT*	Small Scale Manure Composting for Equine Operations – Aerated Systems
FR-1	Afforestation of Crop, Hay and Pasture Land
FR-3	Woodland Buffer Filter Area
FR-3M^	Woodland Buffer Filter Area Maintenance
FR-4	Woodland Erosion Stabilization
~~LE-1T*~~	~~Livestock Exclusion with Riparian Buffers for TMDL Imp.~~
~~LE-2T*~~	~~Livestock Exclusion with Reduced Setback for TMDL Imp.~~
RB-4	Conventional Onsite Sewage System Installation/Replacement
RB-4P	~~Septic Tank~~Conventional Onsite Sewage System Installation/Replacement
RB-5	~~Installation of~~ Alternative ~~Waste Treatment~~Onsite Sewage System
SE-2	Shoreline Stabilization
~~SL-10T*~~	~~Pasture Management~~
SL-11B	Farm Road, Animal Travel Lane, Heavy Use Area Stabilization
SL-4	Terrace Systems
~~SL-5~~	~~Diversions~~
SL-6F	Stream Exclusion in Floodplains
SL-6N	Stream Exclusion with Narrow Width Buffer
SL-6W	Stream Exclusion with Wide Width Buffer
~~SL-6A~~	~~Small Acreage Grazing System~~
SL-6AT*	Small Acreage Grazing System (TMDL)
SL-6B	Alternative Water System
SL-7	Extension of Watering and Grazing Management Systems
WP-1	Sediment Retention, Erosion or Water Control Structures
WP-2A	Streambank Stabilization
WP-2N	Streambank Protection (fencing with narrow width buffer)
WP-2W	Streambank Protection (fencing with wide width buffer)
WP-2B	Stream Crossing & Hardened Access
WP-2C	Stream Channel Stabilization
~~WP-2D~~	~~Maintenance of Stream Exclusion Fencing~~
~~WP-2T*~~	~~Stream Protection - TMDL~~
WP-3	Sod Waterway

WP-4	Animal Waste Control Facilities
WP-4B	Dairy Loafing Lot Management System
WP-4C	Composter Facilities
WP-4E	Animal Waste Structure Pumping Equipment
WP-4F	Animal Mortality Incinerator
WP-4FP	Feeding Pad
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations
WP-4LL	Loafing Lot Management System with Manure Management
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage
WP-5	Stormwater Retention Pond
~~WP-6~~	~~Agricultural Chemical & Fertilizer Handling Facility~~
WP-7	Surface Water Runoff Impoundment for Water Quality
WP-8	Relocation of Confined Feeding Operations
WQ-1	Grass Filter Strips
WQ-11	Agricultural Sinkhole Protection
WQ-5	Water Table Control Structures
WQ-6	Constructed Wetlands
WQ-6B	Wetland Restoration
WQ-7	Irrigation Water Recycling System
WQ-8	Fuel Storage Treatment
WQ-9	Capping/Plugging of Abandoned Wells

^Maintenance Practice
**TDML Practice*

Resource Reviews for Maintenance Practices

While all components of the BMP should be digitized for Maintenance Practices, Resource Reviews are only required for any new components and where ground disturbing work is occurring to maintain an existing component. Only the area of disturbance required for installing new components or maintenance of existing components should be considered when determining the one-half acre threshold for DHR review.

Specific Resources to be Screened via the AgBMP Tracking Module

The screening and review procedures for each resource are summarized below. More detailed review procedures are provided through the AgBMP Tracking Module. Training will also be made available to District employees on both the new functionality in the AgBMP Tracking Module and on the partner agency systems used to facilitate these reviews.

Department of Conservation and Recreation Floodplain Management Program

DCR Floodplain Management Program staff are currently working to develop guidance for the review of agricultural BMPs in floodplains. Once this guidance is completed, spatial queries will be implemented in the AgBMP Tracking Module similar to the reviews for other resource concerns. Until that time, the FEMA Flood Hazard data has been added to the BMP Map so

District employees can visualize any potential concerns with BMP projects near or intersecting floodplains. Questions about the Floodplain Management Program should be directed to DCR Floodplain Management Program staff or the locality in which the BMP instance is located. Contacts for the specific localities can be found on the Floodplain Management Contacts webpage (http://www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory).

Department of Historic Resources Archeological Sites and Preservation Easements

The AgBMP Tracking Module screens for concerns involving both archeological sites and preservation easements. Screening is based on the locations of digitized BMP components and the calculated total cumulative ground disturbance. Best Management Practices with disturbed areas greater than one- half acre will be flagged for reviews. If a BMP component of concern is within 100' of either an archeological site or a preservation easement, the intersected resource will be flagged for further review. The AgBMP Tracking Module will return a table of flagged resources, both on the Resource Concerns tab and in various reports.

District users will research these flagged resources through the Department of Historic Resources (DHR) Virginia Cultural Resource Information System (VCRIS) and submit a request for review through the Electronic Project Information Exchange (ePIX). Access to VCRIS will be provided through one or more shared accounts. District users will establish ePIX accounts to facilitate any BMP projects that require DHR review. Those registered in the ePIX system are also able to view the project review application and review status of projects. All comments by DHR will be issued electronically and provided via email to project contacts.

DHR has also requested to review any project that has cumulative ground disturbance greater than one-half acre. The AgBMP Tracking Module will automatically buffer digitized BMP components to calculate the area of ground disturbance and will flag BMPs that exceed the half-acre threshold. BMPs that exceed the half-acre threshold will have the area displayed on the Resource Concerns tab and in various reports. These flagged BMPs should also be submitted to DHR for review through the ePIX system.

Department of Wildlife Resources Virginia Fish and Wildlife Information Service (VAFWIS)

The AgBMP Tracking Module screens for Department of Wildlife Resources (DWR) Virginia Fish and Wildlife Information Service (VAFWIS) species and resources based on the locations of digitized BMP components. If a BMP component of concern is within two miles of a VAFWIS species or resource, the intersected species or resource will be flagged for further review. Results and guidance are grouped into three tables, one including listed special status species, one with designated wildlife resources, and the other table listing common wildlife species and resources. Information from these tables will also be available in various reports.

Hyperlinks to the DWR Virginia Fish and Wildlife Information Service for each species and resources will be provided in the table where available. Listed species, tier species, freshwater mussels and listed reptiles not in the "semi-aquatic" category "hits" will require additional project review by appropriate DWR staff for the species taxonomic group. Results of this review

will be documented for the BMP in the AgBMP Tracking Module as an attachment.

Department of Conservation and Recreation, Division of Natural Heritage, Rare Species and Natural Communities

The AgBMP Tracking Module will screen for DCR Division of Natural Heritage (DNH) rare, threatened and endangered species and Natural Heritage predicted suitable habitat based on the locations of digitized BMP components. If a BMP component of concern is within the determined buffer, the intersected resource will be flagged for further review. The AgBMP Tracking Module will return a table of flagged resources, both on the Resource Concerns tab and in various reports.

Districts users will submit a request for review of flagged resources through the Virginia Natural Heritage Data Explorer. District users may establish Data Explorer accounts to facilitate any BMP projects that require DNH review. This review by DNH will also provide the District user feedback regarding whether further review may be needed by DGIF and/or the U.S. Fish and Wildlife Service.

Department of Environmental Quality TMDL Implementation Areas

The AgBMP Tracking Module will identify the active Department of Environmental Quality (DEQ) TMDL implementation area (i.e. approved or completed reports) in which a BMP instance falls based on the point location. The system will return a list of the intersected report areas with a link to the TMDL Implementation Plan(s) on DEQ's website. Districts users should review the TMDL Implementation Plan Report(s) to ensure that the BMP instance addresses water quality concerns to the extent possible.

Resource Concerns Tab in the AgBMP Tracking Module

The Resource Concerns tab in the AgBMP Tracking Module for a BMP instance will display the results of the resource screenings as described above with the date of last update. Individual summary tables are displayed for each resource concern with a link to documentation on the steps to be taken if or when a resource of concern is identified. The BMP component(s) that resulted in the resource to be flagged as a concern are also displayed.

An 'Update' button available on this tab allows District users to run the Resource Review queries again at any time so that results can be updated as the BMP is moved from the planning stages to implementation. This update will occur automatically when a planned BMP instance is moved from a Conservation Plan or Resource Management Plan in proposed status to a cost-share or tax credit contract. All resources must be addressed before the contract is approved by the SWCD and changed to Approved status in the AgBMP Tracking Module.

Two reports are also available from this tab. The Resource Concerns Report will include a summary of all information on the tab. This information will also be appended onto the Conservation Planning and Resource Management Planning reports that contain BMP data. The

Resource Concerns Change Report will include any changes (additions or deletions of resource concerns) since the last time the data was updated. This report will be helpful identifying new issues that will need to be addressed as a BMP moves from the planning stage to implementation.

Any BMP modifications as a result of the review should be discussed with the participant and any design adjustments made prior to SWCD Board approval of the contract.

Conservation Planning Module

DCR has developed a conservation planning module within the DCR Conservation Application Systems Suite. District conservation planning staff will be provided training related to the planning module.

DCR Agricultural BMP Engineering Services Program

This program provides engineering assistance to the 47 Soil and Water Conservation Districts across the Commonwealth. Engineering assistance includes: engineering support with designs, training of District staff, and the implementation of various quality control mechanisms. The most notable of these quality control mechanisms is the implementation of DCR's Engineering Job Approval Authority (EJAA) for District staff. See the glossary in this Manual for a definition of EJAA. The process and criteria for issuance of EJAA is detailed in the *Virginia Soil and Water Board Guidance Document on Engineering Job Approval Authority Procedures*, which can be found at http://www.dcr.virginia.gov/soil-and-water/des-ejaa.

DCR has Professional Engineers who have the ability to issue EJAA to District staff who have demonstrated competency in the design and construction of various agricultural best management practices per USDA-NRCS standards and specifications. **If a District staff person does not have DCR EJAA for any of the practice components being designed/installed as part of the VACS practice, they are not authorized by DCR to proceed to construction of those practice components. They should contact the DCR Agricultural BMP Engineer/Technician servicing their District for further instructions on what requirements will be needed to complete the practice.**

All practices designed by a private engineer shall be submitted to Agricultural BMP Engineering Services Program for a functional review. The practice shall not proceed to construction until the design has been formally approved by the Agricultural BMP Engineering Services Program. Additionally, As-Built drawings shall be submitted to Agricultural BMP Engineering Services Program, which may conduct a final onsite checkout of the project to ensure the constructed project matches the As-Built drawings. Payment shall not be issued to a participant until the Agricultural BMP Engineering Services Program has completed a final construction review of the completed project and the As-Built drawings.

Various levels of EJAA will be delegated to an individual District employee for each practice component based on increasing levels of complexity. For example, EJAA may be issued to a given District staff person for a Livestock Pipeline based on a design that utilizes a maximum

pipe diameter size of 1.5". The District staff person cannot design a system with a pipeline that exceeds 1.5" diameter.

An individual EJAA sheet will be issued for each District staff person who holds DCR EJAA. This sheet fully defines the various levels for EJAA as well as their limits. Please see the DCR EJAA chart below to determine which practice components require DCR EJAA and which components require design by a Professional Engineer. If a VACS practice is not listed in this chart, the practice does not contain components that require EJAA or a Professional Engineer and the practice can proceed to completion without the EJAA requirement.

All DCR EJAA and completed designs will be subject to annual reviews and engineering spot checks.

For any practice that is funded with ~~at least~~more than 50% federal funds, NRCS may have the lead for all engineering services, although the Agricultural BMP Engineering Services Program will continue to assist with providing engineering services if requested by either the District or NRCS. Either an individual from DCR Agricultural BMP Engineering Services Program or an individual with appropriate EJAA must review the project to ensure it meets all VACS Program qualifications and practice specifications prior to District Board approval of the project.

VACS Practice Components Requiring EJAA or PE Review and Approval

VACS Practice Code	VACS Practice Name	NRCS Practice Code	NRCS Practice Name	Professional Engineer (PE) or Engineering Job Approval Authority (EJAA) Required as indicated below
FR-4	Woodland Erosion Stabilization	362	Diversion	EJAA
SE-2	Shoreline Stabilization	580	Streambank and Shoreline Protection	PE
SL-4	Terrace Systems	600	Terrace	EJAA
~~SL-5~~	~~Diversion~~	~~362~~	~~Diversion~~	~~EJAA~~
SL-6F, SL-6N and SL-6W	Stream Exclusion with Grazing Land Management Protection practices	516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		561	Heavy Use Area Protection	EJAA
		574	Spring Development	EJAA
		575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		614	Watering Facility	EJAA
		642	Water Well	EJAA
SL-7	Extension of Watering and Grazing Management System	516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		614	Watering Facility	EJAA
WP-1	Sediment Retention, Erosion or Water Control Structure	350	Sediment Basin	PE
		362	Diversion	EJAA
		410	Grade Stabilization Structure	PE
		468	Lined Waterway or Outlet	EJAA
		638	Water and Sediment Control Basin	PE
WP-2N and WP-2W	Stream Protection (with either narrow or wide width buffers)	575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
WP-2A	Streambank Stabilization	575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		580	Streambank and Shoreline Protection	PE

WP-3	Sod Waterways	412	Grassed Waterway	EJAA
		606	Subsurface Drain	EJAA
		620	Underground Outlet	EJAA
WP-4	Animal Waste Control Facilities	313	Waste Storage Facility	PE
		359	Waste Treatment Lagoon	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
WP-4B	Dairy Loafing Lot Management System	313	Waste Storage Facility	PE
		356	Dike	EJAA
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		412	Grassed Waterway	EJAA
		516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		558	Roof Runoff Structure	EJAA
		575	Trails and Walkways	EJAA
		580	Streambank and Shoreline Protection	PE
		614	Watering Facility	EJAA
		620	Underground Outlet	EJAA
		632	Solid Liquid Separation Facility	PE
		633	Waste Recycling	PE
		634	Waste Transfer	PE
		642	Water Well	EJAA
WP-4C	Composting Facilities	313	Waste Storage Facility	PE
		316	Animal Mortality Facility	PE
		317	Composting Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		558	Roof Runoff Structure	EJAA

		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
WP-4F	Animal Mortality Incinerator Facility	316	Animal Mortality Facility	PE
		317	Composting Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
WP-4FP	Feeding Pad	362	Diversion	EJAA
		561	Heavy Use Area Protection	EJAA
WP-4LC	Animal Waste Control Facilities for Confined Livestock Operations	313	Waste Storage Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	EJAA
		412	Grassed Waterway	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	EJAA
		634	Waste Transfer	EJAA
WP-4LL	Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)	313	Waste Storage Facility	PE
		362	Diversion	EJAA
		367	Roof and Covers	PE
		412	Grassed Waterway	EJAA
		516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA

		578	Stream Crossing	EJAA
		614	Watering Facility	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
		642	Water Well	EJAA
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage	313	Waste Storage Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		412	Grassed Waterway	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Water Well	EJAA
~~WP-6~~	~~Agricultural Chemical & Fertilizer Handling Facility~~	~~309~~	~~Agrichemical Handling Facility~~	~~PE~~
WQ-1	Grass Filter Strips	466	Land Smoothing	EJAA
		572	Spoil Spreading	EJAA
WQ-5	Water Table Control Structure	587	Structure for Water Control	PE
WQ-11	Agricultural Sinkhole Protection	362	Diversion	EJAA
		500	Obstruction Removal	EJAA
WQ-12	Roof Runoff Management System	362	Diversion	EJAA
		412	Grassed Waterway	EJAA
		468	Lined Waterway or Outlet	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		606	Subsurface Drain	EJAA
		620	Underground Outlet	EJAA

Land Conservation Easements and BMP Cost-Share Program Eligibility

Open Space and Conservation Easements that restrict certain land uses by a property owner are promoted methods of long-term land protection. The Commonwealth of Virginia offers a state tax credit (the Land Preservation Tax Credit, or LPTC) to any landowner who donates an open-space or conservation easement for the benefit of conservation. The value of the tax credit is determined through a professional land appraisal process that establishes the land's values before and after the easement is recorded and determines the value of the donation. The difference in value becomes the basis for the amount of the tax credit. The Commonwealth and DCR wish to support the protection of agricultural lands by encouraging permanent conservation easements. Questions have arisen about the relationship between open space and conservation easements and the Virginia Agricultural Best Management Practices Cost-Share Program.

The Commonwealth funds the maximum amount of NPS reductions by assuring that each conservation effort provides maximum impact for the taxpayer's dollar. It may appear at first glance that the Commonwealth would be paying twice for the same conservation treatment if cost-share incentives or BMP tax credits apply to the same land that is eligible for tax credits as a result of a permanent conservation easement. In fact, the appraisal process for such easements analyzes only the development potential of the land; the valuation of the land does not take into account any BMPs that may be in place. Even though the LPTC and cost-share incentives may apply to the same property, they have entirely different purposes. The LPTCs are primarily an incentive to reduce subdivision and development of land, while cost-share payments or BMP tax credits are incentives to help landowners implement best management practices that reduce NPS pollution from agricultural operations. When a donated conservation easement requires livestock exclusionary fencing, the landowner may apply to receive cost-share when the fence is built later. The existence of easement language that requires livestock exclusion from riparian buffers does not render the landowner or land ineligible to receive cost-share or tax credits for the implementation of BMPs.

If the landowner applies and receives cost-share from the District and/or a BMP tax credit for their out-of-pocket expenses related to installing riparian exclusion fence and an alternative watering system prior to the recording of the conservation easement, the landowner must honor the ten-year commitment to maintain the practice. After the ten-year lifespan of the practice, there is no further obligation to the cost-share and/or BMP tax credit programs, and the landowner may manage the land in keeping with the recorded easement. During the lifespan of the practice, the more stringent requirements apply.

If, after the installation of the exclusionary fence, the landowner elects to record an easement with a private conservancy or a conservation agency that restricts livestock from the riparian areas, then the maintenance of the exclusionary fence or removal of the livestock from the property may be extended depending on the requirements set out in the easement.

Cost-Share Rates

Each VACS practice specification contains a payment rate for that particular practice. The payment rate may be a percent-based rate or a flat, per acre payment rate, or both. Percent-based

cost-share payments should be calculated to reimburse the participant for the percentage of reimbursement of the approved eligible cost. Cost-share payments shall be made based upon the lesser of ~~actual or estimated eligible cost~~the approved estimated cost or eligible actual cost, unless otherwise explicitly allowed within this Manual (see BMP specification rates sections).

Certain practices may be funded solely with state funds or in combination with other cost-share assistance programs (i.e. piggy-back funding). Other assistance programs include but are not limited to DEQ-administered Section 319 NPS Management Implementation Grant Program, the Environmental Quality Incentive Program (EQIP), the Emergency Watershed Protection (EWP) Program, and other USDA programs. The Department of Forestry Conservation programs, like Reforestation of Timberland, may only be used for combined funding with the forestry practices FR-1, FR-3, and FR-4.

Districts and federal agencies may choose to combine resources to fund mutually high priority practices up to a maximum state and federal cost-share rate as listed in the VACS BMP specifications. Other sources of funding, including funding from local sources, private sources, and non-profit conservation organizations, may provide additional reimbursement opportunities in addition to the rates listed in the VACS BMP specifications, up to 100% total cost-share or greater. Experience has shown that a contribution towards implementing the practice by the participant encourages the long-term maintenance of the practice. Districts are encouraged to meet with local conservation workgroups to discuss funding options, priorities, and program administration. In addition, Districts may use locally-approved current commercial rates (e.g. seed, lime, fertilizer, machinery, and labor), District approved unit cost, or statewide average costs to establish estimates for eligible practice components.

Participant Notification

Prior to funding approval, the District must calculate a maximum cost-share payment amount based on the estimated practice cost. After approval, Districts **must** notify each applicant of the maximum dollar amount approved as well as the cost-share rate for the practice. The following sample language can be used: "*Your application to install a [Practice Name and Number] under the Virginia Agricultural BMP Cost-Share Program has been approved for percent of the total eligible cost, not to exceed _____ dollars*."

Landowners need to be informed that the authorized amount of cost-share assistance is the maximum they can receive and that disbursal of funds is not expected before a specified date. Participant notification of approved funding must also include a copy of the DCR practice specifications to ensure the participant is aware of all aspects of the commitment.

Payments that exceed the estimated total cost due to additional incurred expenses that arise after the original District authorization are allowed for constructed practices under the following conditions:

1. Site conditions unforeseen during the design of the practice warrant design or construction changes that create an additional expense; if the condition had been known at the time of the original design, it would have been addressed in the original design

and cost estimate.

2. Additional material expenses must be directly related to the unforeseen site condition altering material quantity or structural specification.

District Board action may approve additional cost-share funds up to the specified practice cost-share rate as allowed within this Manual for additional eligible component expenses related to the unforeseen condition. The sum of additional cost-share and the cost-share amount originally approved cannot exceed the specified cost-share rate for the practice as provided in this Manual. When funds are available, District Board action may approve such requests for additional cost-share on an individual basis throughout the Program Year and only for those practices installed during the same Program Year. Authorization of additional cost-share must be recorded in the District meeting minutes. Appropriate changes should be made and noted on the request application and the AgBMP Tracking Module.

Procedures to Request a Variance to Exceed Cost-Share Cap

Districts may request a Variance for an applicant to exceed the current participant cap per Program Year for the following eligible practices or combinations of practices:

- SE-2
- SL-6W
- WP-4
- WP-4B
- WP-4LC
- WP-4LL
- WP-4SF
- WP-4/WP-4C combination projects
- SL-6N/SL-6W combination projects
- SL-6N/WP-4B combination projects
- SL-6N/WP-4FP combination projects
- SL-6N/WP-4LL combination projects
- SL-6N/WP-4SF combination projects
- SL-6W/WP-4B combination projects
- SL-6W/WP-4FP combination projects
- SL-6W/WP-4LL combination projects
- SL-6W/WP-4SF combination projects

In preparing for a Variance request, the District staff must first compile the following documentation that will first be presented to their Board:

1. Narrative outlining the Resource Concerns (AWMS Plan-System Description and Resource Concerns)
2. Contract Number
3. Tract Number
4. BMP Specification

5. Conservation Plan
6. Animal Type(s)
7. Animal Numbers
8. Quantity Waste Treated
9. Sizing Calculations
10. Size of Storage Facility
11. If Feeding Facility: What is being fed, How it is being fed, Percent confinement used for sizing
12. Needs Determination Worksheet or Risk Assessment Form
13. Copy of Topo with proposed location of facility
14. Plan Map with proposed location of facility and all associated components
15. Detailed Total Estimated Project Cost of the Practice
16. Estimated Cost-Share and Tax Credit (Documentation to demonstrate ability to fund project)
17. Other Sources of Funding (Partner Agencies)

Additional documentation (such as pictures) to support the request is encouraged.

If the applicant qualifies for a Variance request and wishes to apply for additional non-Variance-eligible practice(s) in the same Program Year (e.g., a Variance is being requested for a WP-4 that exceeds the participant cap ~~for that year~~ and the participant also wants to apply for cover crop ~~cost share~~practices), the District may request a "Bundle Variance". A Bundle Variance request includes one or more Variance-eligible practices as well as non-Variance-eligible practice(s). All practices for consideration under a Bundle Variance must be included in a single request, with all required Variance documentation provided for each practice as applicable. The Variance Committee may consider each practice separately for approval of the Variance request.

Once the necessary documentation has been compiled by the District staff, the District Board must recommend or deny the request for a Variance by formal action recorded in the minutes. However, the Board shall not approve the practice for funding at this time.

If the request is recommended by the Board, all documentation including the Board's recommendation shall be submitted to the Agricultural Incentives Program Manager as a single PDF document. The Agricultural Incentives Program Manager will then convene the DCR Variance Committee to consider the request. The DCR Variance Committee will consist of the Agricultural Incentives Program Manager, a Conservation District Coordinator, and a DCR Agricultural BMP Engineer.

In reviewing the request, the DCR Variance Committee will:

1. Ensure the proposed practice is eligible for funding and meets all applicable standards and specification requirements;
2. Review the information submitted to ensure accuracy of all calculations, plans, and other documentation as required above; and
3. Ensure the proposed practice is the lowest cost, technically-feasible solution to the water quality issues.

The DCR Variance Committee may request additional information if needed, but will review

the Variance request and respond to the District Board (copying District staff) within 45 business days of receipt of the request. DCR Data Services will also be notified in order to allow the Variance in the AgBMP Tracking Module. The District Board shall only approve such practice after the Variance has been approved by the DCR Variance Committee.

If additional eligible component expenses are requested by the participant due to unforeseen site conditions (as referenced on Page II-31-II-32), the District Board must submit an additional request to the Agricultural Incentives Program Manager for approval before such additional funds may be approved.

Payment

Any BMP application must meet technical standards and specifications for that practice before cost-share payment is made. Payment is issued after the participant and a qualified technical representative have certified the practice installation on Part III of the Virginia BMP Incentives Contract. Federal (e.g. USDA) staff may not sign the Technical Practice Certification as written in the Part III of the VACs contractual documents when they have not been involved in assuring that all federally required documentation has been accomplished.

The amount of the cost-share payment is calculated based upon the approved estimated cost or ~~total~~ eligible actual cost, whichever is less. The approved estimated ~~Estimated~~ cost should include engineering cost for structural practices or other professional services required to properly design and implement the BMP. Engineering cost may include survey, design, and/or post-construction certification and as-built drawings.

Costs related to conducting state resource evaluations reviews (e.g. survey for cultural resources, survey for threatened, endangered, or rare species, analysis for floodplain review) should also be included in the approved estimated costs. The approved estimated costs should include any costs related to obtaining necessary permits, including permits related to the Chesapeake Bay Preservation Act, erosion and sediment control, and stormwater management. This includes third-party engineering and design costs associated with the obtaining of an approved permit from the locality as well as the costs associated with the implementation of the permitted plan. Any engineering, design and implementation costs that are unrelated to the actual installation of the VACS practice (i.e. for other projects on the applicant's property) shall not be included as a reimbursable expense, even if the other projects are included in the same approved permit.

When installed practices are receiving combined funding from a District and other sources, the District cost-share payment must reflect the balance due, not to exceed the amount approved by the District for the cost-share payment, after payment has been approved or issued by the other sources. Total combined state and federal conservation program cost-share payments must not exceed state cost-share rates specified in this Manual (i.e. see Rates section of each BMP specification) or as otherwise explicitly allowed within this Manual.

Districts must provide an Internal Revenue Service Form 1099-G to any individual installing an agricultural practice who receives $600 or more in payment(s) from cost-share or other funding sources (such as settlement funds) per their federal taxpayer identification number or social

security number during the calendar year. If the payment for an NM-1A, NM-5N, NM-5P, or RMP-1 practice is redirected at the participant's request to a Certified Nutrient Management Planner or Resource Management Plan Developer, then the appropriate 1099- MISC should be issued to the entity receiving the cost-share funds (see NM-1A and RMP-1 specifications). Districts that issue payments for non-agricultural practices (such as DEQ 319 septic practices or Virginia Conservation Assistance Program practices) must provide a 1099-MISC to participants. Districts must also file the appropriate IRS Form 1099 and Form 1096 with the Internal Revenue Service in accordance with IRS regulations. Neither the local Soil and Water Conservation District nor DCR provides tax advice; the program participant may wish to consult with an independent tax advisor regarding any potential tax consequences.

Documentation

Districts must complete their data input in the AgBMP Tracking Module according to their program schedule and will retain all billing and the following supporting data in their files, unless otherwise notified by DCR:

- DCR Contract Parts I, II and III, completed accurately.
- A copy of the approval letter/memo that was sent to the participant.
- A copy of the Carryover approval letter/memo that was sent to the participant for each Carryover, if applicable.
- A copy of the tax credit certificate, if applicable.
- Conservation plans, Nutrient Management Plans, Grazing Management Plans, Agricultural Waste Management System Plans, and/or Dry Manure Storage Structure Agreement, as required by the BMP specification.
- Practice design sheets and as-built designs.
- Documentation of a Resource Review having been completed (Ex. a printout of the resource concerns page from the Tracking Module is sufficient; an NRCS CPA-52 does not meet this requirement).
- If resource concerns were identified, documentation of the concern being addressed. (Ex: an NRCS CPA 52, or other documents/communications from DCR-DNH, DGIF, or DHR).
- Conservation Planning notes (Con-6 Notes).
- Location map with road names or route numbers and/or driving directions.
- DCR Bid Solicitation Sheet, if applicable.
- Copies of all of the bills/invoices of eligible components submitted by the participant.
- A payment calculation spreadsheet.
- Copies of the issued checks for payment to the participant.

Minimum document retention for cost-share application forms will be three years. Canceled applications may be discarded after the three year period if not needed for future reference by the District.

If the practice is installed, documentation should be retained for three years beyond the lifespan of the practice.

For any practice cost-shared with VACS funds on a percentage basis, the District will require bills for all eligible practice components to determine total actual installation cost. Authorizing personnel will examine supporting data to determine eligible components and proper cost-share rates. The participant must sign Virginia BMP Incentives Program Contract Parts I and III; Part III includes the participant's certification that the practice is completed according to specifications.

Cost-Share Program Bid Process

The Cost-Share Program Bid Process is applicable to the list of VACS cost-share practices found below and must be used when the cost of any one component of a VACS contract is estimated to equal or exceed a billable expense of $50,000. For contracts where the estimated billable expense for each component is less than $50,000, the Bid Process is not required.

VACS Practices with Applicable Components:

- FR-1 Afforestation of Crop, Hay and Pasture Land
- FR-3 Woodland Buffer Filter Area
- FR-4 Woodland Erosion Stabilization
- SE-1 Vegetative Stabilization of Marsh Fringe Areas
- SE-2 Shoreline Stabilization
- SL-1 Long Term Vegetative Cover on Cropland
- SL-3 Stripcropping Systems (only if obstruction removal/subsurface drainage is required)
- SL-4 Terrace Systems
- ~~SL-5 Diversions~~
- SL-6F Stream Exclusion in Floodplains
- SL-6N Stream Exclusion with Narrow Width Buffer and Grazing Land Management
- SL-6W Stream Exclusion with Wide Width Buffer and Grazing Land Management
- SL-7 Extension of Watering and Grazing Management Systems
- SL-11 Permanent Vegetative Cover on Critical Areas
- WP-1 Sediment Retention, Erosion or Water Control Structures
- WP-2A Streambank Stabilization
- WP-2N Stream Protection (Fencing with Narrow Width Buffer)
- WP-2W Stream Protection (Fencing with Wide Width Buffer)
- WP-3 Sod Waterway
- WP-4 Animal Waste Control Facilities
- WP-4B Dairy Loafing Lot Management System
- WP-4C Composter Facilities
- WP-4F Animal Mortality Incinerator Facilities
- WP-4FP Feeding Pad
- WP-4LC Animal Waste Control Facility~~ies~~ for Confined Livestock Operations

- WP-4LL Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)
- WP-4SF Seasonal Feeding Facility with Attached Manure Storage
- ~~WP-6 Agricultural Chemical & Fertilizer Handling Facility~~
- WQ-1 Grass Filter Strips
- WQ-5 Water Table Control Structures
- WQ-11 Agricultural Sinkhole Protection
- WQ-12 Roof Runoff Management System

For purposes of the Bid Process, project components are equivalent to the corresponding NRCS Standards as outlined in each specification. For example, the SL-6W includes the following NRCS Standards, each of which will be considered as a component for the purposes of the Bid Process: 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 516 Livestock Pipeline, 533 Pumping Plant, 561 Heavy Use Area Protection, 574 Spring Development, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility, and 642 Water Well.

The FR-1, FR-3, and SE-1 specifications do not reference explicit NRCS Standards; therefore, Districts shall use the NRCS 382 Fence and 612 Tree/Shrub Establishment standards as the FR-1 and FR-3 components that require bids if the eligible billable expense is estimated to equal or exceed $50,000. Districts shall use the NRCS 580 Streambank and Shoreline Protection standard as the SE-1 component that requires bids if the eligible billable expense is estimated to equal or exceed $50,000.

Documentation Requirements:
The District must retain the completed Virginia Agricultural Cost-Share Bid Solicitation Sheet (Bid Solicitation Sheet) in the cost-share file to document: (i) whether the Bid Process was required; (ii) whether an applicant completed the work on his/her own; or (iii) the applicant did not complete the work on his/her own and bid solicitation was required for each component with an estimate of $50,000 or greater.

Step #1:
When the local SWCD Board approves any cost-share contract where the cost of any one component is estimated to equal or exceed a billable expense of $50,000, the District will mark the project in the AgBMP Tracking Module with the status of "Conditionally Approved Pending Bids."

The District will use the appropriate Form Letter in the AgBMP Tracking Module to notify the applicant that their request is eligible for cost-share assistance and that funds have been conditionally approved pending the completion and return of the Bid Solicitation Sheet. In the Form Letter, the District should clearly state each component of the project (e.g. Fence, Well, etc.) that will require bids based on estimated costs. The District should also state that the applicant will have 120 days from the receipt of the Form Letter to obtain a minimum of three bids for each applicable component, complete the Bid Solicitation Sheet, and return it to the District. If the Bid Solicitation Sheet is not received within 120 days, the project will be cancelled.

Step #2:
The applicant will complete the Bid Solicitation Sheet. For projects where the applicant is doing their own work, the applicant should simply check the second selection at the top of the Bid Solicitation Sheet, sign on the second page, and return to the District. If the applicant will not be doing his/her own work, the participant is required to obtain a minimum of three bids for each necessary component. The applicant should fill out the Bid Solicitation Sheet completely. Part 1 includes applicant information such as the applicant's name, address and telephone number. Part 2 includes vendor information such as the name, tax identification number, telephone number and mailing address of each vendor as well as the date and time when each bid was obtained. Part 3 includes the actual vendor estimates, component by component, as well as estimated start and completion dates.

After all three portions of the Bid Solicitation Sheet are completed by the applicant, the applicant should also select which contractor they intend on hiring and, in the event that the applicant does not desire to award the project to the lowest bidder, the applicant will provide suitable justification in writing to the District explaining why the low bid will not be accepted. Additionally, when a minimum of three bids cannot be obtained from sources within a 50 mile radius of the BMP location, the applicant will provide documentation for this in the Comment section of the Bid Solicitation Sheet. Once the Bid Solicitation Sheet is complete, the applicant will return a signed copy to the District.

Step #3:
After the District receives the required Bid Solicitation Sheet, the District must keep a copy in the cost-share file. No further District Board action is required. District staff must switch the status of the project from "Conditionally Approved Pending Bids" to "Approved" in the AgBMP Tracking Module and send the applicant a notice of final approval using the appropriate form letter found in the AgBMP Tracking Module.

Step #4:
The applicant will notify the successful bidder that the project has been approved and therefore construction can begin. Should the bidder accept the job, the applicant will notify the District of the anticipated construction start date.

Any future requested increase in authorized cost-share funding must be approved by the District Board and recorded in the minutes of the meeting where the increase in funding is approved.

PART 1: APPLICANT INFORMATION

Applicant Name:_____ **Soil and Water Conservation District:**_____

Applicant Address:_____

Applicant Email Address: _____ **Applicant Telephone Number:**_____

Specifications Prepared by:_____ **Quotes Secured By (if applicable)**:_____

□ Check here if the Bid Process is not required; stop here.

□ Check here if the applicant will complete the work on his/her own. Bid solicitation is not required; stop here.

□ Check here if the applicant will not complete the work on his/her own. Bid solicitation is required for each component with an estimate of $50,000+ as indicated by the District.

PART 2. VENDOR INFORMATION

Information	Vendor #1	Vendor #2	Vendor #3	Vendor #4
Vendor Name				
Person Contacted and Title				
Phone Number and/or Email Address				
Mailing Address				
Date and Time that Bid was Obtained				

PART 3. VENDOR ESTIMATES

	Project Component(s) Requiring Bids (e.g. Pipeline, Watering System, Well)	Vendor #1	Vendor #2	Vendor #3	Vendor #4
1					
2					
3					
4					
5					
6					
7					
	Grand Total if Multiple Component Bids:				
	Estimated Project Start Date:				
	Estimated Project Completion Date:				

Selected Vendor: _____

Reasoning if Lowest Bid is not Selected: _____

Reasoning if the Minimum Three Bids are not Obtained: _____

Other Comments: _____

Applicant Signature: _____

Signature Date: _____

CREP Documentation

Districts must file their copy of all CREP-related forms within the participant's folder. Conservation Plans and practice design sheets should be kept with individual case files.

Districts shall keep copies of the appropriate FSA forms (CRP-1 and appropriate 848(s)), the USDA Conservation Plan, and ~~a copy of DCR form 199-071 or~~ Parts I, II and III of the Virginia BMP Incentives Program Contract in the participant's folder. The District should reference the signed 848 on the Virginia BMP Incentives Program Contract Part II (statement of technical need) and Part III (participant and technical practice certification signature areas).

FSA will keep all billings and expense records.

Data Reporting

In order to adequately track program effectiveness and to make necessary management decisions, it is vital that all data requested on the Virginia BMP Incentives Programs Contract be entered and updated into the AgBMP Tracking Module in a timely fashion. The AgBMP Tracking Module will be maintained on the Richmond server and will be available for generating reports through Logi Ad Hoc software accessible by District staff.

DCR Data Services staff will collect VACS Program data quarterly. All necessary data must be entered into the AgBMP Tracking Module by the identified cost-share program schedule for each quarter and the close of the Program Year. Districts must submit an estimated funding need based upon data entered into the AgBMP Tracking Module for the coming quarter to their Conservation District Coordinators (CDCs) before quarterly disbursement letters can be generated.

Completion Dates and Carryover Practice Status

Unless otherwise stated in the Manual, VACS practices must be completed within the Program Year in which they were approved; therefore, they have a One-Program Year completion date. However, many structural practices have a Two-Program Year completion date, all of which are eligible for Carryover. Please see the tables below for details.

Districts shall set and enforce completion dates for approved practices and inform the successful applicant of their required completion date. The "Required Completion Date" must be entered by the District in the General tab of the AgBMP Tracking Module when approving practices. Practices shall be monitored by District staff until completion.

Approved practices not started, not under construction, or not complete by the applicable completion date (i.e. One or Two-Program Years) are to be canceled in order to reauthorize funds from canceled practice for other applicants. Practices canceled for lack of completion effort should not be eligible for funding in future Program Years. When mitigating circumstances influence a participant's ability to complete an approved practice, cancelled practices may be reconsidered by the District Board in a new Program Year.

The following BMPs may need more than one program year to complete and should be maintained in the AgBMP Tracking Module in accordance with the Carryover rules contained in these Guidelines:

Practices with One-Program Year completion dates eligible for Carryover	
FR-4	Woodland Erosion Stabilization
NM-3C	Split Application of Nitrogen on Corn ~~Using Pre-Sidedress Nitrate Test~~at the 6-Leaf Stage or at Least 15" in Height and/or Grain Sorghum at the 5-Leaf Stage or at Least 12" in Height
NM-5N	Precision Nitrogen Management on Cropland - Nitrogen Application
NM-5P	Precision Nitrogen Management on Cropland – Phosphorous Application
NM-7	Cover Crop for Managing Liquid or Semi-Solid Manure
RMP-1	Resource Management Plan Development
RMP-2	Resource Management Plan Implementation
SL-1	Long Term Vegetative Cover on Cropland (May not be carried over more than two planting seasons, i.e. spring and fall.)
SL-8A	Protective Cover for Agricultural Cropland
WFA-NM	Whole Farm Approach – Nutrient Management Bundle
WQ-12	Roof Runoff Management System

Practices with Two-Program Year completion date (all are eligible for Carryover)	
FR-1	Afforestation of Crop, Hay and Pasture Land
FR-3	Woodland Buffer Filter Area
SE-1	Vegetative Stabilization of Marsh Fringe Areas
SE-2	Shoreline Stabilization
SL-4	Terrace Systems
~~SL-5~~	~~Diversions~~
SL-6F	Stream Exclusion in Floodplains
SL-6N	Stream Exclusion with Narrow Width Buffer and Grazing Land Management
SL-6W	Stream Exclusion with Wide Width Buffer and Grazing Land Management
SL-7	Extension of Watering and Grazing Management Systems
SL-~~9~~10	Grazing Land Management
SL-11	Permanent Vegetative Cover on Critical Areas
SL-11B	Farm Road, Animal Travel Lane, Heavy Use Area Stabilization
WP-1	Sediment Retention, Erosion or Water Control Structures
WP-2A	Streambank Stabilization
WP-2B	Stream Crossings & Hardened Access
WP-2C	Stream Channel Stabilization
WP-2N	Stream Protection (Fencing with Narrow Width Buffer)
WP-2W	Stream Protection (Fencing with Wide Width Buffer)

WP-3	Sod Waterway
WP-4	Animal Waste Control Facilities
WP-4B	Dairy Loafing Lot Management System
WP-4C	Composter Facilities
WP-4F	Animal Mortality Incinerator Facilities
WP-4FP	Feeding Pad
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations
WP-4LL	Loafing Lot Management System with Manure Management
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage
~~WP-4B~~	~~Dairy Loafing Lot Management System~~
~~WP-4C~~	~~Composter Facilities~~
~~WP-4F~~	~~Animal Mortality Incinerator Facilities~~
WP-5	Stormwater Retention Pond
~~WP-6~~	~~Agricultural Chemical & Fertilizer Handling Facility~~
WP-7	Surface Water Runoff Impoundment for Water Quality
WQ-5	Water Table Control Structures
WQ-11	Agricultural Sinkhole Protection

Carryovers for practices with One-Program Year completion dates

Just prior to the end of a Program Year, the District must assess all approved BMPs that have not been completed and determine which approved practices will be carried over for completion in the next Program Year. For eligible practices only, the District Board may extend the completion date if justified (i.e. under construction) for up to one additional Program Year; the District Board must take formal action to approve the BMP status being changed to "Carryover." The date of formal Board action is the "Carryover Signature Date" and should be recorded on the General Tab of the AgBMP Tracking Module.

The original "Required Completion Date" field on the General Tab of the AgBMP Tracking Module should remain; however, the "Carryover Date" field should be updated with the new required completion date. Since Carryovers are only given on a full program year basis, the "Carryover Date" should automatically be June 30th of the following program year.

Completion and certification of carried over practices should be achieved as quickly as possible during the One-Year Carryover period. Practices that are carried over but not completed by the end of the additional Program Year will be canceled; no further extension will be granted.

Carryovers for practices with Two-Program Year completion dates

Just prior to the end of a Program Year in which a practice with a Two-Program Year completion date is approved, the District will need to change the status of all eligible contracts to "Carryover" in the AgBMP Module. This does not require a formal Board motion.

At the end of the second Program Year, the District must assess Carryover BMPs that have not been completed and determine which practices will be carried over for completion in the third

Program Year. For all practices that are approved with a Two-Program Year completion date, the District Board may only extend the completion date for one additional Program Year (i.e. the third Program Year) if justified by substantial construction. The District Board must take formal action to approve the extended BMP completion date. The date of formal Board action is the "Carryover Signature Date" and should be recorded on the General Tab of the AgBMP Tracking Module.

The original "Required Completion Date" field on the General Tab of the AgBMP Tracking Module should remain; however, the "Carryover Date" field should be updated with the new required completion date. Since Carryovers are only given on a full program year basis, the "Carryover Date" should automatically be June 30th of the following program year. Completion and certification of carried over practices should be achieved as quickly as possible during the approved Carryover period.

Additional Carryover requests for Two-Program Year practices

If a Two-Program Year practice is still not completed by the end of the third Program Year, an additional Carryover may be requested by the District for approval by the Agricultural Incentives Program Manager**. All requests for DCR-approved carryovers should be made by May 15th in order for them to be processed before June District Board Meetings.** Each second Carryover request will be considered on a case-by-case basis. A request should only be made if the need for a new completion deadline can be justified as documented in the Carryover Measures on the Measurements tab in the AgBMP Tracking Module. Approval of an additional Carryover request is at the discretion of the Agricultural Incentives Program Manager. If approved, an additional Carryover shall be granted for one additional Program Year (i.e. the fourth Program Year).

If DCR approves an additional Carryover, the District Board must still take formal action to approve the extended BMP completion date. The date of formal Board action is the "Carryover Signature Date" and should be recorded on the General Tab of the AgBMP Tracking Module.

The original "Required Completion Date" field on the General Tab of the AgBMP Tracking Module should remain; however, the "Carryover Date" field should be updated with the new required completion date. Since Carryovers are only given on a full program year basis, the "Carryover Date" should automatically be June 30th of the following program year. **Approved practices not completed by the end of this additional Program Year date will be canceled; no further extension will be granted.**

Process for all Carryover practices

For all Carryover practices, District staff should complete the Carryover Measures section on the Measurements tab in the AgBMP Tracking Module. This includes entering the "Estimated Completion Date" and a justification statement in the AgBMP Tracking Module in the "Justification" box for each contract instance.

District Boards should review and grant preliminary approval for Carryovers at their June Board

meetings. Subsequently, a signed Carryover report generated in Logi shall be submitted by the District to the District's Conservation District Coordinator (CDC) by July 15th. The CDC will review the report and forward the signed report to the Agricultural Incentives Program Manager.

An Extreme Act of Nature (EAN) for SL-8B Practices Only-Definition and Process

For this Program, an "Extreme Act of Nature" (EAN) shall mean some sudden and irreversible act of nature that could not have reasonably been foreseen or prevented. Examples include floods, drought, fire, and exceptional storms like hurricanes and tornados. Generally, such events should be supported or documented by actions that could include a Governor's disaster designation or weather records that document excessive rainfall, floods, tornados or other such events.

For an SL-8B practice only, any local District Board of Directors (BOD) may authorize a one-time per planting season extension of up to 14 days beyond the specified standard planting dates cited within the practice specifications. However, once planted, those cover crops must satisfy the required performance criteria included in the practice specification. When an EAN planting date extension is approved for up to 14 days, the date for meeting the performance criteria is automatically extended for the same length of time. Payments approved under the EAN extension shall only apply to the standard planting date. The EAN extension is not intended to extend the early planting dates or authorize early payment amounts beyond those contained within the BMP specifications.

The BOD's actions for the extension of the planting and performance criteria dates must be supported by documentation. There are two options that allow the BOD to approve an extension for an entire county, city, or multiple jurisdictions. The BOD must have one of the following to document such an action:

1. Documentation of the Governor's request for a disaster designation. The disaster declaration must directly impact the germination or growth of cover crops in the counties or cities included in the designation; or
2. Documentation of a Farm Service Agency (FSA) disaster declaration. The disaster declaration must directly impact the germination or growth of cover crops in the counties or cities included in the designation.

If there is no disaster declaration request from the Governor or disaster designation issued by FSA, the BOD may extend the planting and performance criteria dates by hydrologic units (HUCs). To do so, the BOD must have both:

1. Documentation from a local credible source such as the local Virginia Cooperative Extension Agent who serves the applicable HUCs impacted or the local Agricultural Research and Extension Center (if applicable), which clearly references the unusual EAN circumstances in the HUCs impacted; and
2. Documentation from a professionally recognized climatology expert which clearly references the unusual EAN circumstances in the HUCs being considered for an extension. For drought conditions, this could include the United States Drought Monitor, State

Climatology Office or the Palmer Drought Severity Index.

The BOD may grant an EAN extension for one or more hydrologic units (HUCs) within their District boundaries that will apply to all SL-8B contracts that are wholly within those HUCs. Note that in the case of HUCs that fall within multiple Districts boundaries, the District's EAN designation of the HUC only applies to the portion of the HUC within the District's jurisdiction.

After any actions are taken by the BOD to grant an EAN extension to SL-8B standard planting dates using any of the three allowable options, the DCR Agricultural Incentives Program Manager must be notified. Additionally, such documentation supporting actions taken by the BOD must be included in each impacted participant's folder and included in the minutes of the BOD meeting. Compliance with the performance criteria through the District technical employee's best professional judgment is required to ensure Virginia taxpayers do not pay for cover crop plantings that do not provide water quality benefits.

If the BOD determines that EAN circumstances exist during the recognized planting period and that the participant could not reasonably fulfill planting deadline requirements, the participant may decide not to plant the cover crop practice and the practice should be canceled. The participant's decision to cancel the practice should not negatively affect future cost-share application requests. If the participant chooses to plant the cover crop prior to the extended deadline, but the cover crop fails to meet the practice performance criteria, the practice will not be certified as complete and the participant will not be paid for the practice.

<u>An Extreme Act of Nature (EAN) for Other Cover Crop Practices (Including SL-8H, NM-7 and WQ-4) – Definition and Process</u>

In the case of an Extreme Act of Nature with statewide implications, the Director of the Virginia Department of Conservation and Recreation, in consultation with the Virginia Soil and Water Conservation Board, may authorize District Boards to provide an extension for certain cover crop planting dates of up to 14 days beyond the planting date. Once planted, all practices must satisfy the required performance criteria included in the practice specification. When a planting date extension is authorized, the date for meeting the practice's performance criteria will be automatically extended.

<u>Practice Failures Due to an Extreme Act of Nature (EAN)</u>

A producer may be eligible to receive cost-share funding for practice failures or damage to a practice resulting from an irreversible Extreme Act of Nature such as a flood, drought, fire, hurricane or tornado in order to assist with the costs of the necessary repairs to ensure the practice is fully functioning. The practice must have been certified and the failure or damage due to the EAN must have occurred during the lifespan requirement of the practice in order for the producer to be eligible for funding. If the failure or damage occurs during the Program Year in which the practice was funded and certified, the participant must wait until the next fiscal year to apply for additional funds.

Practice failures or damage that results from other causes are not eligible for cost-share funding

unless specifically authorized in the practice specification. Failures or damages that occur to practices that are the result of a lack of routine maintenance are also not eligible to receive cost-share funding. Routine maintenance is the responsibility of the applicant for the lifespan of the practice.

Conditions of Receiving Cost-Share Funding for an EAN

If a participant receives cost-share funding via the EAN practice failure process, the participant will (i) receive the cost-share rate established in the current equivalent VACS practice specification and (ii) will be responsible for a newly reset lifespan requirement for that practice based upon the current equivalent VACS practice specification. Previously established buffers shall not receive a buffer payment. District staff shall inform the participant that there is no guarantee of funding.

Process for Requesting Cost-Share Funding for an EAN

A. If the participant requests cost-share funding in response to an EAN, District staff shall proceed as follows:
    1. If the practice requires Engineering Job Approval Authority (EJAA), the District staff person with the appropriate EJAA shall schedule a site visit to inspect the practice and ensure that the practice failure is eligible for assistance under the EAN provisions. District staff shall work with the participant and DCR Engineering Services as needed to plan an acceptable least cost, technically feasible solution for repairing the practice;
    2. District staff shall contact the applicable CDC or DCR Data Services staff to set the original instance to Unapproved in the AgBMP Tracking Module, develop a map of the project, including the solution to the practice failure, digitize the additional or changed components of the practice and run Resource Reviews in the AgBMP Tracking Module as applicable per the VACS Manual, and formulate the new Estimated Instance Cost, new Estimated Cost-Share Payment and Tax Credit for the project repair;
    3. District staff shall notify the applicable Conservation District Coordinator (CDC) that they have a previous Program Year BMP instance that has been determined to have failed due to an EAN during the lifespan of the practice. District staff should provide project details to their CDC as to why additional cost-share is warranted, including a Narrative, the Map of Practices, Estimated Instance Cost, Estimated Cost-Share Payment and Tax Credit.

B. The CDC will review and, when all necessary information is received, route the request to the Agricultural Incentives Program Manager for review and approval if warranted. If approved by the Agricultural Incentives Program Manager, DCR Data Services staff will be notified and the following steps will be taken in the AgBMP Tracking Module:

    1. DCR Data Services staff will create the appropriate budget in the Program Year of the BMP instance which failed;
    2. The CDC will transfer the requested funds from the current Program Year back to this new budget;
    3. District staff will add the new budget (i.e. program) on the Programs tab and enter the

new Estimated Instance Cost (which is the total cost of the original practice plus the needed repair), new Estimated Cost-Share Payment (which is the total cost of the original practice plus the needed repair), and new Tax Credit for the project repair;
4. District staff will make detailed notes on the General tab regarding the original and additional Estimated Instance Costs and Estimated Cost Share Payments

C. The District Board shall only approve the use of the cost-share funds for the practice failure after the Agricultural Incentives Program Manager approves and the appropriate steps are taken by both DCR Data Services staff and the District as outlined above.

D. The participant may not begin construction until the District Board has authorized the use of cost-share funds and any other necessary requirements, such as an approved Design and the Bid Process, are completed. Any BMPs utilized to address the Practice Failure that are initiated or installed prior to contract approval are not eligible for funding.

E. Following Board approval, District staff will follow the normal data entry process in the AgBMP Tracking Module as the BMP instance is returned to a fully functioning practice. When the repairs are completed, District staff will:
1. Complete the data entry on the Programs tab;
2. Update the Technical Certification Date to the date the repairs were certified as completed (this step is what resets the lifespan);
3. On the General tab, enter a detailed comment describing why the additional funds were provided;
4. Change the status of the BMP practice to complete;
5. Issue the additional payment to the participant; and
6. Notify their CDC that the payment has been issued. The CDC will review the data entry for completeness.

Reapplication for Practice Failure can be authorized only once for the specific practice on the specified acreage (except where not eligible as stated in specifications). If the practice fails for the second time after certification and payment, reestablishment will be at the participant's expense and must be maintained for the specified life span.

A District Board may also approve additional cost-share funds up to the specified practice cost-share rate as allowed within this Manual for additional eligible component expenses when such components are damaged or destroyed by an EAN during construction or prior to certification. Such funds shall only be paid upon project completion and certification.

Practices Not Maintained or Destroyed During Lifespan

Participants found, at any time of year, to have practices not meeting specifications, practices not being maintained, or practices destroyed during the designated lifespan of the practice will be contacted by the District, informed of the nature of the deficiency, and notified of pending repayment requirements if the deficiency is not corrected. This should initially be a verbal notice (with the date documented in a case file). Verbal notice should be followed with a written notice (by certified mail) within two weeks. This notice must indicate the observed nature of the

problem and allow the participant the opportunity to respond within two weeks.

Participants may be given a maximum grace period of six months from the date of the written notification for practice compliance. At the end of the grace period, the practice will be re-inspected. If still not in compliance, the District will notify the participant in writing that repayment of state cost-share funds is required.

Participants will have 60 days from the date of the District's notification of repayment to refund the state cost-share funds. If restitution has not been made at the end of this 60-day period, the District will notify the Office of the Attorney General (OAG) for assistance to reclaim state funds. It is recommended that the OAG be apprised of the need for assistance as soon as the deadline for recovery has passed.

Practice Failures Due to Unknown Causes

Very rarely, a conservation practice fails during lifespan in the absence of an Extreme Act of Nature (EAN) or lack of maintenance. In such situations, the producer may be eligible for additional cost-share in order to assist with the costs of the necessary repairs to ensure the practice is fully functioning. The practice must have been certified and the failure must have occurred during the lifespan requirement of the practice in order for the producer to be eligible for funding.

If a participant receives cost-share funding for a practice failure due to unknown causes, the participant will (i) receive the cost-share rate established in the current equivalent VACS practice specification and (ii) will be responsible for a newly reset lifespan requirement for that practice based upon the current equivalent VACS practice specification. Previously established buffers shall not receive a buffer payment. District staff shall inform the participant that there is no guarantee of funding.

If the participant requests cost-share funding in response to such circumstances, District staff shall proceed as follows:

1. If the practice requires Engineering Job Approval Authority (EJAA), the District staff person with the appropriate EJAA shall schedule a joint site visit with DCR Engineering Services staff to inspect the practice and ensure that the practice failure is eligible. If so, District staff shall work with the participant and DCR Engineering Services to plan an acceptable least cost, technically feasible solution for repairing the practice;
2. The District Board must make the ultimate determination as to whether or not the additional funding is warranted or if the failure was due to lack of maintenance. A formal vote by the local District Board is required as to whether or not the District should move the request forward to DCR;
3. If the District Board votes to move the request forward, District staff shall contact the applicable CDC or DCR Data Services staff to set the original instance to Unapproved in the AgBMP Tracking Module, develop a map of the project, including the solution to the practice failure, digitize the additional or changed components of the practice and run Resource Reviews in the AgBMP Tracking Module as applicable per the VACS Manual, and formulate the new Estimated Instance Cost, new Estimated Cost-Share

Payment and Tax Credit for the project repair;

4. District staff shall notify the applicable Conservation District Coordinator (CDC) that they have a previous Program Year BMP instance that has been determined to have failed due to an EAN during the lifespan of the practice. District staff should provide project details to their CDC as to why additional cost-share is warranted, including a Narrative, the Map of Practices, Estimated Instance Cost, Estimated Cost-Share Payment and Tax Credit.

The CDC will review and, when all necessary information is received, route the request to the Agricultural Incentives Program Manager for review, consultation with DCR Engineering Services, and approval if warranted. If approved by the Agricultural Incentives Program Manager, the District shall proceed utilizing the steps recorded in the VACS Guidelines section titled: "*Process for Requesting Cost-Share Funding for an EAN*".

Transferring a BMP Cost-Share Instance or Contract

Where ownership or leasehold of property has changed, the original applicant is still the individual responsible for the maintenance of the practice and, failing that, for the return of the cost-share funds or state tax credits. The terms of any sales agreement, lease agreement, or other transaction document for any property with a cost-shared practice present or any practice that received tax credits should address this responsibility and be legally effective to transfer it to the new property owner or operator. Upon the transfer of ownership or leasehold of the property, the original applicant must present to the District for their approval an executed copy of the "*Agricultural Best Management Practice Maintenance Agreement Transferring Responsibility for Best Management Practice*," thereby transferring legal responsibility for maintenance of the practice to the new property owner or lessee or a pro-rated return of cost-share funds. If tax credits were received, the original applicant must provide documentation to the District that written notification was provided to the Virginia Department of Taxation of the property's sale or transfer.

When a BMP contract or a BMP instance must be transferred to a new participant prior to the completion of the BMP, District staff will complete the form "*Agricultural Best Management Practice Maintenance Agreement Transferring AgBMP Contract to a New Participant before Practice Completion*." District Board approval is not necessary unless the BMP contract or instance being transferred has been approved by the Board of Directors to receive cost-share. If one or more of the instances requesting a change in the participant has been approved by the Board to receive VACS cost-share or certain tax credits, then the District Board must approve the transfer. A Board of Director's member must sign the Transfer form upon approval by the Board. The appropriate CDC must also sign this transfer form. After changes are completed within the AgBMP Tracking Module, District staff will have the new participant sign a new Part I form for the file.

Once all signatures and approvals have been obtained for any Transfer of Responsibility form, the District should attach the form and the W-9 for the new participant to the contract or instance, whichever is most appropriate, in the AgBMP Tracking Module. District staff should then contact DCR Data Services staff or the SWCD Liaison with the contract and/or instance number

where the transfer of responsibility forms can be found to request the participant change.

Commonwealth of Virginia
Agricultural Best Management Practice
Transferring AgBMP Contract to a New Participant Before Practice Completion

This agreement is intended to designate the transfer of an AgBMP Contract from one participant to another. This form is only to be used in cases where the BMP instances under the contract have not been certified as complete. If the BMP has been completed use the *Agricultural Best Management Practice Agreement for Transferring Maintenance Responsibility* form. The present participant (owner or operator) of the property has requested a change in his/her information entered into the AgBMP Tracking Module. In cases where BMP instances under the contract have been approved by the District Board, this request must also be approved by the District Board.

Contract No. _____

PRESENT PARTICIPANT NAME AND ADDRESS and SSN or TAX ID	NEW PARTICIPANT NAME AND ADDRESS and and SSN or TAX ID
_____	_____
_____	_____
_____	_____
_____	_____
Phone No._____	Phone No. _____

The undersigned hereby certify that the Present Participant has requested the Contract be transferred to the New Participant. The New Participant will be required to sign an updated Part I – Application for Program form, and if any BMP instances under the Contract have been approved by the District Board, an updated Part II – Technical Determination and District Approval form.

_____	_____
(SIGNATURE OF PRESENT PARTICIPANT)	(SIGNATURE OF NEW PARTICIPANT)
_____	_____
DATE	DATE

APPROVED BY:_____ DATE: _____
(District Staff or District Board Member) (Approval Date)

CDC Concurrence:_____ DATE: _____

Commonwealth of Virginia
Agricultural Best Management Practice
AGREEMENT TRANSFERRING MAINTENANCE RESPONSIBILITY FOR
BEST MANAGEMENT PRACTICE

This agreement is intended to designate the transfer of maintenance responsibility for a Best Management Practice that received cost-share or tax credit. The present participant (owner or operator) of the property has received funding from the Commonwealth of Virginia to implement a Best Management Practice on the below-referenced land unit. In return he/she has agreed to maintain the practice until_____. Completion of this agreement acknowledges assumption of this responsibility by the new participant, including the requirement to repay cost-share and tax credit received by the present participant if the BMP is not maintained according to state specifications.

Farm No._____ Tract No._____ Field No. (s)_____

VACS Specification No._____ Extent Installed_____

Or

Contract No. _____

PRESENT PARTICIPANT NAME AND ADDRESS	NEW PARTICIPANT NAME AND ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
Phone No._____	Phone No. _____

The undersigned hereby certify that the present participant has transferred to the new participant his or her right and interest in the land unit described above. In consideration of this transfer of ownership or leasehold, it is hereby agreed:

1. The New Participant hereby assumes the duties and obligations of the Present Participant under Contract No. to maintain the above BMP for its lifespan in accordance with state specifications, and to refund all or part of the cost-share assistance or tax credit if the practice is found not to meet state specifications, or if the practice is removed or not properly maintained during its lifespan. The New Participant agrees to allow District personnel access to property for the purpose of verifying maintenance of the BMP.
2. The_____District acknowledges the transfer of the maintenance responsibility. Any cost-sharing or assistance provided under this transfer agreement shall be in accordance with applicable program rules and regulations of the Virginia Agricultural BMP Manual.

_____	_____
(SIGNATURE OF PRESENT PARTICIPANT)	(SIGNATURE OF NEW PARTICIPANT)
_____	_____
DATE	DATE
_____	_____
SSN or Federal Tax ID #	SSN or Federal Tax ID #
APPROVED BY:_____	DATE: _____
(District Board Member)	(Board Member Approval Date)

Return of Cost-Share Funds

All or part of the cost-share funds may be returned based upon a straight-line pro-rata basis if appropriate. This should be calculated on a monthly basis. For example: XYZ District made a $12,000 cost-share payment for an SL-6W practice to Farmer Green on October 10, 2014. The practice guidelines stipulate that the lifespan of the practice begins on January 1 of the calendar year following the certification of completion (see definition of Lifespan in the Glossary). This practice is spot checked in August of 2017 and it is discovered that the land was sold in June 2017 for development and the practice has been destroyed. The District should calculate the landowner's pro-rata share as follows:

- Installation date: October 10, 2014
- Lifespan of practice: 10 Years- January 1, 2015 through December 31, 2024: 120 months
- Spot Check Date: August 2017
- Practice in Compliance: January 2015 through June 2017: 30 months
- Cost Share to Landowner: $12,000
    - $12,000 divided by 120 months = $100/month
- Repayment Calculation: 120 months – 30 months = 90 months
- Landowner repayment to District: 90 months X $100/months = $9,000.00 (District will deposit funds to the appropriate cost-share account)

In the case of the death of the applicant, this requirement may be waived but an official action of the District Board waiving this requirement must be recorded in the minutes.

When a District has determined that a practice has failed or been destroyed and has followed all of the practice failure and repayment procedures, and the participant claims that, due to an unforeseen hardship, they are unable to repay the cost-share funds, the hardship process may be initiated.

Hardship Process (Including Highly Unusual Situations)

This process may be utilized in highly unusual situations where a participant requests that the District Board forgive repayment of cost-share funds due to failure or destruction of a BMP. The District Board must determine that, due to highly unusual circumstances beyond the participant's control, it is reasonable to forgive repayment of cost-share funds normally associated with a practice failure. The circumstances must be severe, such as a life-threatening illness, bankruptcy, or some other highly unusual situation. This process may not be used to provide relief associated with planting dates, lack of cover for cover crop practices, or other modifications to practice specifications.

If appropriate in "hardship" cases, the District Board may make alternative recommendations for DCR's consideration. All requests for hardship shall be submitted in writing to the Agricultural Incentives Program Manager and copied to the appropriate Conservation District Coordinator (CDC).

When a hardship request is received by DCR, an ad hoc committee composed of the following

three members will be convened:

- The Conservation District Coordinator
- The Agricultural Incentives Program Manager
- Another DCR Manager

The District may act as an advocate for the program participant or the participant may present his own case either in writing, via conference call, or in person.

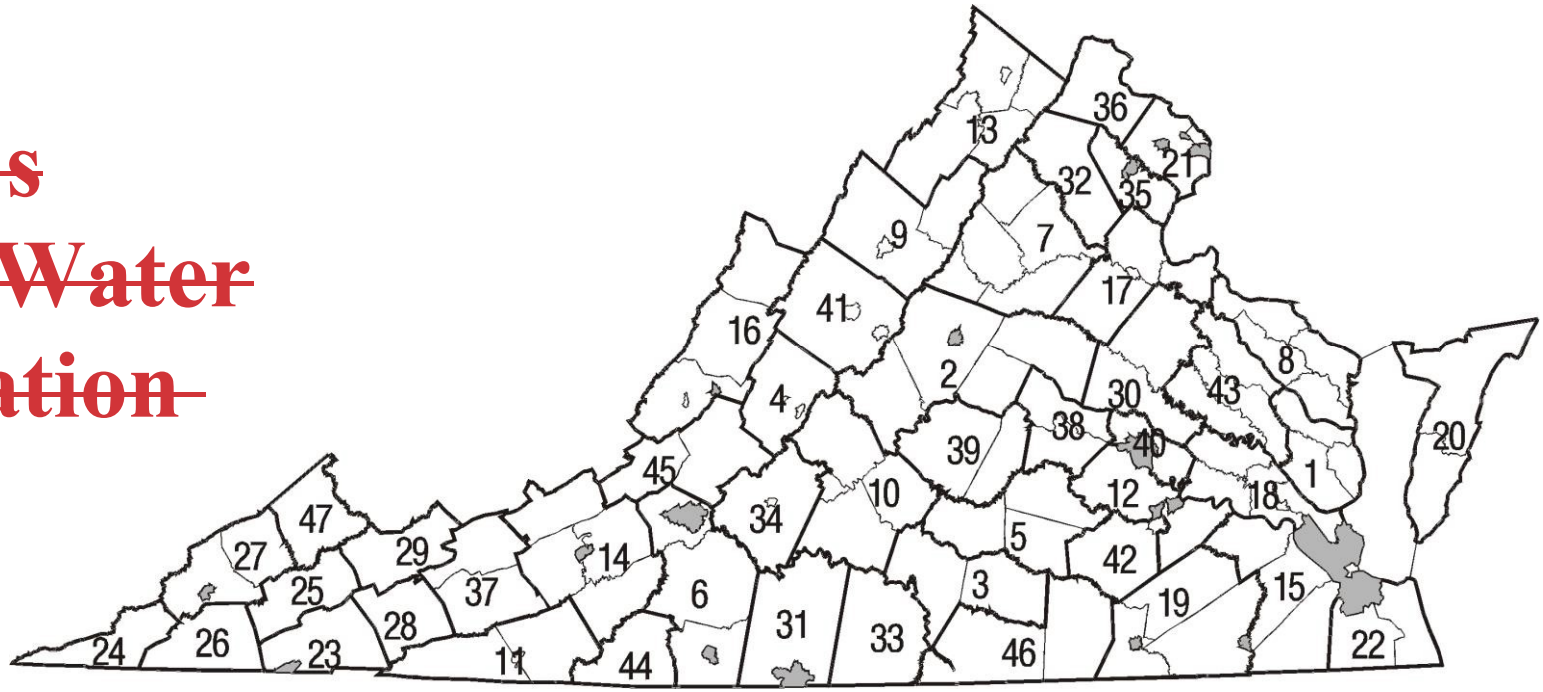
Documentation certifying the existence of a highly unusual circumstance or hardship that provides a clear reason why the participant should (i) be relieved of his responsibility to repay, (ii) be granted a reduced repayment, or (iii) be allowed to restructure repayment of the cost-share amount due to the District must be provided to the committee. The ad hoc committee will render its decision whether or not to grant a hardship exemption in writing to the District and participant citing its reasoning and referencing the documentation provided.

The regional CDC must be copied on all correspondence and be kept informed of any related activities.

VACS Program Questions

Questions concerning any aspect of the VACS Program that are not addressed in this Manual should be directed to either the regional Conservation District Coordinator or to the Agricultural Incentives Program Manager.

~~Virginia's Soil and Water Conservation Districts~~



1	Tidewater	(804) 693-3562	13	Lord Fairfax (Winchester)	(540) 465-2424	25	Clinch Valley	(276) 889-4650	37	Big Walker	(276) 484-9365
2	Thomas Jefferson (Charlottesville)	(434) 975-0224	14	Skyline	(540) 381-0071	26	Scott County	(276) 386-3951	38	Monacan	(804) 556-4936
3	Southside	(434) 542-5405	15	Peanut (Suffolk)	(757) 357-7004	27	Lonesome Pine	(276) 926-6621	39	Peter Francisco	(434) 983-7923
4	Natural Bridge (Buena Vista, Lexington)	(540) 319-6453	16	Mountain (Covington)	(540) 839-4616 1-(800)-254-3854	28	Evergreen	(276) 706-3064	40	Henricopolis	(804) 501-5175
5	Piedmont	(434) 392-3782	17	Tri County/City (Fredericksburg)	(540) 656-2401	29	Tazewell	(276) 979-4190	41	Headwaters (Staunton, Waynesboro)	(540) 248-0148
6	Blue Ridge (Roanoke)	(540) 483-5341	18	Colonial (Williamsburg)	(757) 645-4895	30	Hanover-Caroline	(804) 537-3009	42	Appomattox River (Petersburg)	(804) 469-7297
7	Culpeper	(540) 825-8591	19	Chowan Basin	(434) 336-6251	31	Pittsylvania	(434) 432-9455	43	Three Rivers	(804) 443-2327
8	Northern Neck	(804) 313-9102	20	Eastern Shore	(757) 787-0918	32	John Marshall	(540) 347-3120	44	Patrick	(276) 694-3121
9	Shenandoah Valley (Harrisonburg)	(540) 534-3049	21	Northern Virginia	(703) 324-1460	33	Halifax	(434) 476-7923	45	Mountain Castles	(540) 400-0707
10	Robert E. Lee (Lynchburg)	(434) 352-2819	22	Virginia Dare (Chesapeake, Virginia Beach)	(757) 382-6616 (757) 385-8589	34	Peaks of Otter	(540) 587-7645	46	Lake Country	(434) 738-0150
11	New River (Galax)	(276) 236-7191	23	Holston River	(276) 525-6685	35	Prince William	(571) 379-7514	47	Big Sandy	(276) 935-7750 (276) 935-7751
12	James River	(804) 732-6550	24	Daniel Boone	(276) 346-1531	36	Loudoun	(571) 918-4530			

Note: Cities within Districts are listed in parentheses after the appropriate District.

Hydrologic Unit Geography

A true watershed is an area of land and water defined by a boundary such that all surface drainage within this boundary converges to a single point. This point of convergence is usually the exit point, where the collected waters leave the watershed. In contrast, hydrologic units are drainage areas that are delineated into a multi-level hierarchical drainage system. Many hydrologic units are watersheds. Some, however, have multiple points of surface drainage entering and/or exiting the unit.

The NRCS, USGS, EPA, and state environmental partner agencies teamed up with the Subcommittee on Spatial Water Data as part of the Advisory Committee on Water Information (ACWI) and the Federal Geographic Data Committee (FGDC) to develop Federal Standards for the Delineation of Hydrologic Unit Boundaries beginning in 2001. The standards were used for creating seamless 5th and 6th level hydrologic units for the entire nation as part of the Watershed Boundary Dataset (WBD).

In Virginia, the digital product resulting from the delineation and capture of these units is the National Watershed Boundary Dataset (NWBD). Sixth level units were delineated by DCR to preserve as much of the intent of the 1995 pre-WBD Virginia hydrologic unit boundaries as possible while creating the Virginia NWBD. This hydrologic unit product, arising from compliance with the continually updated WBD standards, currently contains 1,251 6th level units that are wholly or partially in Virginia. Sixth level NWBD hydrologic units are typically from 10,000 to 40,000 acres each.

To uniquely identify NWBD units in Virginia without requiring the use of 10 or 12 digits, DCR developed a 4-character internal coding scheme for the 5th (VAHU5) and 6th (VAHU6) level units of the NWBD. The first two characters of the VAHU6 code are based on the major stream name in the basin, or portion of the basin, where the unit is located (see table below). The two digits that follow are a numbering scheme based on the drainage flow upstream to downstream. More information about the hydrologic unit systems of Virginia can be found at the DCR Hydrologic Unit Geography web page: http://www.dcr.virginia.gov/soil_and_water/hu.shtml.

NWBD Hydrologic Unit Codes (VAHU6)	DRAINAGE
PL01-PL74	POTOMAC RIVER, LOWER
PU01-PU22	POTOMAC RIVER, UPPER
PS01-PS87	POTOMAC RIVER-SHENANDOAH RIVER
CB01-CB47	CHESAPEAKE BAY/CHESAPEAKE BAY COASTAL
AO01-AO26	ATLANTIC OCEAN COASTAL
RA01-RA74	RAPPAHANNOCK RIVER
YO01-YO69	YORK RIVER
JL01-JL59	JAMES RIVER, LOWER (TIDAL)
JM01-JM86	JAMES RIVER, MIDDLE (PIEDMONT)
JR01-JR22	JAMES RIVER- RIVANNA RIVER
JU01-JU86	JAMES RIVER, UPPER (MOUNTAIN)
JA01-JA45	JAMES RIVER- APPOMATTOX RIVER
CM01-CM32	CHOWAN RIVER-MEHERRIN RIVER
CU01-CU70	CHOWAN RIVER, UPPER
CL01-CL05	CHOWAN RIVER, LOWER
AS01-AS20	ALBEMARLE SOUND COASTAL
RU01-RU94	ROANOKE RIVER, UPPER
RD01-RD77	ROANOKE RIVER- DAN RIVER
RL01-RL24	ROANOKE RIVER, LOWER
YA01-YA07	YADKIN RIVER-ARARAT RIVER
NE01-NE90	NEW RIVER
TH01-TH46	TENNESSEE-HOLSTON RIVER
TC01-TC35	TENNESSEE-CLINCH RIVER
TP01-TP19	TENNESSEE-POWELL RIVER
BS01-BS35	BIG SANDY RIVER

Hydrologic Unit Reporting

Since 1995, Virginia has been reporting BMP implementation utilizing the 6th level Hydrologic Unit Codes (HUCs). Virginia state agencies and federal funding agencies now use the NWBD hydrologic unit codes (VAHU6) as the 12 digit unit identifier.

Tables which identify the VAHU6 codes that exist within each county and city in Virginia may be found on DCR's website. To assist in making HUC determinations, Districts may also use the Virginia Hydrologic unit Explorer web map service at: http://consapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm. Any BMP Tracking Program

entry now includes the appropriate VAHU6 code.

The Virginia NPS Assessment is utilized to direct cost-share funding toward hydrologic units with the greatest potential to contribute agricultural non-point source pollution into Virginia's rivers and streams. The 2020 NPS Assessment agricultural ranking data layers are incorporated into the AgBMP Tracking Module Mapping System to assist Districts in targeting and ranking VACS applications.

BMP Verification Procedures Overview

BMP verifications are meant to determine practice viability and lifespan. For BMPs in the Chesapeake Bay watershed, verifications also allow the Commonwealth to continue to receive nutrient and sediment loss reduction credit in the EPA Chesapeake Bay Program Phase 6 Model. Technical accuracy was determined at the time of certification by personnel assigned technical certification responsibilities. If technical problems exist, the District and the appropriate technical agency should be notified. Annual practices such as WQ-4, SL-8, etc., are not subject to verification, but technical certification inspections will be carried out during the fiscal year as appropriate. Any verification inspections conducted by other local, state, and federal agencies may be considered by DCR in developing the verification inspection schedule and the results of those verification inspections may be used for DCR reporting requirements.

- BMP verifications are conducted by District personnel under the guidance of DCR staff. Technical agencies involved (NRCS and DOF) should be notified that verification inspections are to occur but staff from these agencies are not required to be present at the inspection. BMP inspections are intended only to verify the practice's existence on the farm and that the practice meets basic specifications.

- For structural and land management practices, BMP verifications should be conducted after the close of the Program Year but early enough to allow modification and vegetation to be re-established (if needed).

- Random BMP verification inspections will be conducted by the District Conservation Specialist/Technician under the guidance of DCR staff to determine that the individual practice is still viable. The CDC will also conduct administrative reviews periodically.

- The list of BMPs selected for verification will be made available to Districts through the BMP Verification portion of the AgBMP Tracking Module.

- Upon the completion of the BMP verifications, District personnel must inform the appropriate technical agency if any corrective action is needed and when such action can begin; the District Board must be informed of the results of the verification inspections at its next regularly scheduled meeting after the verifications are completed. BMP verification information may be accessed by the Conservation District Coordinator through the AgBMP Tracking Module and DCR's Logi reporting system. The BMP Verification portion of the AgBMP Tracking Module is considered the source system of record by DCR for this information.

- Results of the BMP verification inspections for practices receiving cost-share from other sources should be shared with the appropriate agency.

- BMP verification data will be consolidated into a table via DCR's Logi reporting system; the table will indicate how many inspections were conducted, how many practices were in compliance, and how many practices require additional District follow up. The report will be used by the CDC to ensure that Districts follow-up on practices needing additional attention, that all issues are resolved, and, if needed, a pro-rata return of cost share and tax credits are returned to the District.

- Practices installed under the CREP program are not subject to random selection for District verification.

- Cover crop and nutrient management practices are technically certified during their single year of VACS Program lifespan and thus are not subject to random selection.

Selection Methodology for BMP Verification

For BMPs located in the Chesapeake Bay Drainage:

Verification procedures for BMPs are subdivided into groups based primarily on the risk of failure as demonstrated by the verification inspection histories for each type of BMP (structural or land management), as well as program type (cost-share or voluntary), whether the BMP is still in VACS Program lifespan, and applicability to the Chesapeake Bay Watershed Implementation Plan.

BMPs will be randomly selected for verification in this manner:

- 2% of structural BMPs still in VACS Program lifespan, which were not verified in the previous calendar year;
- 5% of land management BMPs still in VACS Program lifespan, which were not verified in the previous calendar year;
- 4% of voluntary structural BMPs still in lifespan, which were not verified in the previous calendar year, that meet VACS Program design standards (i.e. the voluntary BMP specification matches the equivalent cost-share specification);
- 7.5% of voluntary land management BMPs still in lifespan, which were not verified in the previous calendar year, that meet VACS Program design standards (i.e. the voluntary BMP specification matches the equivalent cost-share specification);
- 5% of voluntary structural BMPs still in lifespan, which were not verified in the previous calendar year, that do not meet program design standards (i.e. the voluntary BMP specification does not match a cost-share specification);
- 10% of voluntary land management BMPs still in lifespan, which were not verified in the previous calendar year, that do not meet program design standards (i.e. the voluntary BMP specification does not match a cost-share specification); and
- For BMPs not included in the EPA BMP Verification Plan, 5% of all practices in VACS

Program lifespan, which were not verified in the previous calendar year, and 5% of practices installed in the previous calendar year.

While not a part of the random selection of BMPs for verification, it should be noted that:

- For BMPs under VACS contract but two years before the last year of their VACS Program lifespan, DCR will work with the District to verify these BMPs (based on available resources) so that they may continue to receive credit in the EPA Chesapeake Bay Program Phase 6 model.
- For BMPs under an extended "credit" lifespan in the EPA Chesapeake Bay Program Phase 6 model due to a verification, DCR will work with the District to verify these BMPs (based on available resources) in their last year of the extended "credit" lifespan.

For BMPs located outside the Chesapeake Bay Drainage:

BMPs will be randomly selected for verification in this manner to monitor long-term compliance:

- 5% of all practices in lifespan which were not verified in the previous calendar year; and,
- 5% of practices installed in the previous calendar year.

Biosecurity Considerations

If there is any potential for a biosecurity risk, contamination, or spread of disease, please contact the farm owner or operator before going onsite at any animal operation. The following are minimal guidelines; some operations may have additional biosecurity requirements.

Biosecurity Procedures for Farm Visits to any Animal Operations

Contact the farm owner or operator prior to visiting any farming operation. Biosecurity should be discussed with the farm operator or manager. If farms have more stringent biosecurity measures in place, staff should abide by these additional measures.

Always be aware of the possibility of carrying disease from one operation to another by unknowingly transporting infectious material or agents. The most common transporting material is manure, which may be found on the farmstead in walkways, farm lanes, and applied in fields. Staff can easily come in contact with manure and have it stick to boots and clothing. Less obvious vectors are flies and other bugs, dust on clothing, and even unwashed hands. Opening and closing gates and doors, brushing against walls and piles of manure, and windblown dust which covers staff and their clothing are routine occurrences which can result in the transport of a contaminant.

It is the responsibility of staff to know and follow biosecurity procedures which are appropriate for the species of animal on the farms they are visiting. Practicing these procedures reflects a level of professionalism to clients and will gain their respect.

The Office of Veterinary Services, located within the Department of Agriculture and Consumer Services, and the integrator with whom the client may participate both have biosecurity procedures established to be used during farm visits. The following biosecurity procedures have

been reviewed by the office of the Virginia State Veterinarian and USDA-Animal Plant Health Inspection Service (APHIS) and are an acceptable biosecurity procedure for visits to animal operations.

Biosecurity Farm Hygiene Procedures

- Respect all entrance prohibitions on animal farms and/or barns.
- Only enter animal barns or houses if there are no birds or animals in the houses or barns and a total clean out is pending. No entrance on infected premises or in an infected barn is allowed under any conditions.
- Upon arrival at any animal farm, report to the farm manager or responsible party. Call ahead if possible.
- Wash/sanitize hands immediately upon arrival before putting on disposable gloves and again before leaving farm.
- Leave vehicles outside of animal service areas (any area that might contain manure). Walk! Keep vehicle windows closed.
- Avoid visiting two animal farms of the same species within 48 hours if possible.
- Wear boots that can be disinfected or use disposable boot covers and use disposable gloves.
- Put all manure samples into sealed plastic bags, spray outside of the bag with Lysol, and then put sample into second sealable plastic bag.
- All materials used on the site must be disinfected before and after use.
- Boots should be dipped at the entrance and exit of every farm with household bleach solution or other approved disinfectant.
- Spray all equipment with a mix of 8 oz. of household bleach per gallon of water until wet. Leave on for 30 seconds. Allow to air dry or dry off with disposable paper towels. Put gloves and paper towels in plastic trash bag and keep tightly sealed.
- Keep cleaned materials away from contaminated materials.
- Remove all dry litter, mud, straw, etc., from vehicle, especially wheels and wheel wells.
- Spray wheels, tires and wheel wells with disinfection solution. Let drain and dry before moving. If dusty or wet, spray underside of vehicle. Alternative: park vehicle outside farm entrance and walk!
- Process vehicle through car wash at the end of the day.

A disinfectant currently approved for use by EPA against Foot and Mouth Disease is Virkon-S®. Some other USDA recommended disinfectants are listed below. Please note that minimum contact time (5 to 10 minutes) is necessary, as well as thorough cleaning and scrubbing, to ensure the effectiveness of disinfectants.

For equipment and vehicles (if appropriate):

- 3 parts household bleach (sodium hypochlorite) to 2 parts water; and
- 1.3 ounces Virkon-S® (broad spectrum) disinfectant (or similarly approved products) to 1 gallon of water.

Biosecurity for Poultry

The impact of the recent Avian Influenza (AI) epidemic in the Mid-West has brought greater attention to ensure biosecurity measures are being practiced in the field.

The protocol above only applies for a routine biosecurity level. At an elevated level, entrance to the poultry production area, including litter or manure storage and applications sites, is prohibited and visiting with two animal operations of the same species within 48 hours is also prohibited. At a high threat level, entrance to any portion of the animal operation, including the residence, is prohibited and visiting two animal operations of the same species within 48 hours remains prohibited.

Biosecurity, as it pertains to poultry farm inspections, is for the protection of poultry flocks from any type of infectious agent, whether viral, bacterial, fungal, or parasitic in nature. Due to the number of birds confined in one place and the speed at which many infectious agents travel through flocks, outbreaks may have catastrophic results for poultry growers and processors. Biosecurity has three major components: 1) isolation, 2) traffic control, and 3) sanitation.

Below are basic guidelines Districts should make use of when providing technical assistance and inspecting VACS practices:

- All poultry farms are biosecure areas. All traffic must be kept to a minimum. If any business can be conducted over the phone, please do so. If a visit MUST be made to a farm, coordinate it with the farm owner or operator and follow the steps below at all times.
- Plan your onsite farm visits such that your vehicle or person does not become a vector to spread disease. Never travel directly from one poultry farm to another on the same day.
- All vehicles entering a poultry farm must stop at the farm entrance and fill out the visitor log in the mailbox (for farms that have boxes). Please include your name, date, time, company association, reason for visit, and farms visited previously on that day.
- All vehicles must thoroughly disinfect their tires before entering and before leaving a poultry farm. An acceptable disinfectant recommended by USDA and the Office of Veterinary Services is Virkon or Virkon-S (or similarly approved products). Remember, surfaces must be adequately cleaned in order for disinfectants to work.
- Personnel driving or riding in a vehicle that goes on the farm must have protective boots. Either rubber or plastic boots must be put on before getting out of the vehicle. These boots must be worn the whole time on the farm and be discarded onsite before re-entering your vehicle.
- Vehicle windows should be rolled up at all times while on the poultry farm in order to prevent flies from getting into the vehicle.
- In service vehicles, the floorboard area, including pedals and the entire floor, must be cleaned and disinfected daily. Keep rubber floor mats in vehicles that can be effectively cleaned and disinfected. This is needed even if wearing disposable plastic boots.
- Establish clean and dirty zones in the vehicle. If the trunk is the dirty zone, do not move items between trunk and passenger compartments. If the entire trunk cannot be designated as dirty, use a covered rubber or plastic container to hold dirty items.

- Entry into the poultry houses is strictly forbidden unless pre-authorized by the owner, operator, or the poultry company.
- Any activity that requires entry into poultry houses must include clean coveralls, hair nets, clean boots, and use of the disinfect stations provided at the door.
- When exiting the farm, disposable boots should be put in a receptacle provided at the farm. Then spray shoes with disinfectant before entering your vehicle. Hands, rubber boots, and any tools used on the farm must be washed and disinfected.
- Vendor vehicles must be kept clean at all times.
- If you are in any questionable disease situations on a farm, please call before going to other farms.

The following list of biosecurity equipment is recommended as a minimum to be available to District employees:

Spray tank	Mixing bucket
Large water container	EPA Approved disinfectant – Virkon-S® (or similarly approved products)
Long handled scrub brush	Liquid or gel antibacterial soap
Paper towels	Latex gloves
Disposable boots	Trash bags
Safety goggles	Protective Outerwear - overalls, Tyvek suits
A plastic crate or storage bin	

Footbaths

In areas of the state with a health issue identified by the Office of Veterinary Services, Districts should consider in-office footbaths as an important biosecurity tool to be used by clients visiting the office. Clients may be asked to utilize the footbath if they are wearing footwear that has been worn unprotected in an animal production area in the last five days. Encourage clients not to wear clothes or footwear that could potentially harbor contaminants to offices or businesses where such visits may facilitate the spread of contaminants. A simple batch can be effective, but the baths need to be free of excess organic material, re-charged according to label instructions, and used by agricultural producers co-mingling at the District office.

Make an Easy Footbath

1. A low plastic pan or bin, wide enough to fit an adult's foot, shallow enough to step into easily
2. A plastic doormat (the "fake grass" mats work well)
3. A disinfectant that works when manure or dirt is present, such as Virkon or Virkon S (or similarly approved products)
4. Water

Mix the disinfectant with water following label instructions. Put the doormat in the plastic pan. Add disinfectant so that the bottom of the "grass" is wet. Ask visitors to walk through the

footbath, wiping their feet on the mat. The "grass" scrubs their shoes a bit as they wipe them, and applies the disinfectant. When the liquid starts to get dirty, empty it and put in new disinfectant.

Response to Suspected or Confirmed FMD Outbreak

The Commonwealth has an Emergency Action Plan for Foot and Mouth Disease. Highlights of the draft document appear as bulleted items below.

- The Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Wildlife Resources (DWR) will be the primary agencies in investigating, containing, and eradicating an FMD outbreak.
- In the event of a suspected FMD outbreak, prompt notification is critical to a rapid response. Notification of a suspected outbreak must be made to the Virginia State Veterinarian, the Virginia Emergency Operations Center (EOC), the DWR, and the Federal Area Veterinarian-In-Charge. If the initial notification is received by any agency other than the Virginia Department of Emergency Management (VDEM), it is imperative that the agency notified contact the Virginia EOC.
- Once the Virginia EOC is notified of a suspected FMD outbreak, normal standard operating procedures will allow for the appropriate notifications to be made to the primary and support state and federal agencies. Laboratory tests must be conducted to confirm FMD at the USDA Plum Island Animal Disease Center, located in New York.

As soon as DCR is made aware of a suspected outbreak in the Commonwealth or surrounding states, all inspections and site visits to farms should cease until the suspected outbreak is confirmed not to be FMD. It is anticipated that this will be accomplished within 24 hours after the lab receives the sample; however, sampling and transport time may add a few days to this process. If the suspected outbreak is ruled not to be FMD, then inspections will continue with staff following the biosecurity procedures outlined above.

- VDEM will request a state Declaration of Emergency from the Governor once it is determined that confirmed Foot and Mouth Disease exists to susceptible domestic and wildlife animals in the Commonwealth, based on a recommendation from the Commissioner of Agriculture and Consumer Services and the State Veterinarian.
- The USDA will support state initiatives to identify, seize, quarantine, eradicate, and dispose of animals and associated contaminated materials. The federal declaration may be issued: (i) prior to the state's declaration if an outbreak occurs in another state or (ii) concurrent with the state emergency declaration if an FMD outbreak occurs first in the Commonwealth.

Farm inspections and visits will cease until such time as the State Veterinarian, in coordination with the USDA Area Veterinarian-In-Charge, determines it safe to resume normal operations.