Conservation Plan Program
Stakeholder Advisory Group
Tuesday, January 31, 2017
Old Dominion Electric Cooperative
Glen Allen, Virginia

## **Stakeholder Advisory Group Members Present**

Sara Bottenfield, Shenandoah Valley SWCD Rick Brown, Halifax SWCD Pat Calvert, James River Association Glenn Chappell, III, James River SWCD Al Dews, Mattaponi Resources David Dowling, DCR Todd Groh, VDOF Frank Johnson Northern Neck SWCD Lonnie Johnson, VCE David Kindig, DCR Matt Kowalski, CBF Bonnie Mahl, VASWCD Darrell Marshall, VDACS Liz McKercher, DEQ Marian Moody, Hanover-Caroline SWCD Ben Rowe, Virginia Grain Producers Association Joan Salvati, DEQ Kelly Snoddy, Peter Francisco SWCD Richard Street, Virginia Soil and Water Conservation Board Amy Walker, DCR Brian Walton, Thomas Jefferson SWCD Chad Wentz, NRCS Brittany Wood, Headwaters SWCD Charlie Wooten, Piedmont SWCD Jay Yankey, Prince William SWCD Neil Zahradka, DEQ

### **DCR Staff Present**

Scott Ambler
Michael Fletcher
Barbara McGarry
Roland Owens
Carl Thiel-Goin
Christine Watlington

## Welcome

Ms. McGarry opened the meeting, welcomed attendees and thanked them for their participation.

At their December, 2016 meeting the Virginia Soil and Water Conservation Board (VSWCB) passed a motion authorizing the Department of Conservation and Recreation (DCR) to develop a conservation plan program.

The purpose of the Stakeholder Advisory Group (SAG) is to assist in developing the program by identifying what a program should look like and what goals need to be established and accomplished.

Ms. McGarry stressed that this was the beginning of the process, that no decisions had been made, and that all ideas were both welcomed and encouraged.

## **Introductions and Ground Rules**

Ms. McGarry reviewed the ground rules for the SAG.

- 1. Be respectful
- 2. All members participate
- 3. Stay open to new ways
- 4. Articulate hidden assumptions
- 5. Stay out of the weeds

# **Conservation Planning Overview**

Mr. Thiel-Goin presented an overview of Conservation Planning and Certification.

### **PURPOSE**

- Conservation plans are required to implement existing programs
  - o State Tax Credits (§ 58.1-339.3 and § 58.1-439.5)
    - Soil conservation plan
  - o Resource Management Plans (§ 10.1-104.8)
    - Soil conservation plan or pasture management plan
  - o State Cost Share (VACS BMP Manual)
    - Conservation plan
- Virginia-focused planning components and methodologies
- Increased opportunities for planning certification

# VALUE OF PLANNING

# <u>Producer</u>

- Technical assistance
- Eligibility for VACS, Tax Credit, and RMP participation
- May assist producers with:
  - o Chesapeake Bay Act assessment and plan
  - o DEQ confined animal permits
  - o Agriculture Stewardship Act plans

### Commonwealth

- Water quality improvements
- Nutrient and sediment controls

#### STEPS SO FAR

- Initiated development of DCR conservation planning program
- Survey conducted of District staff
- Timeline for development
- Conservation planning and training coordinator position
- New conservation planning function within tracking module
- Integrated mapping

### **GENERAL PLAN COMPONENTS**

- Narrative
- Site or farm resource assessment
- Maps
- Supporting documents
- Recommended actions
- Signatures and dates
  - o Plan writer
  - o Producer or land owner
  - Soil and Water Conservation District Board

## **PLANNING STEPS**

- Identify problems
- Determine objectives
- Assess resources
- Analyze resource data
- Recommend actions
- Make decisions
- Implement the plan
- Evaluate the plan

## **RESOURCE ASSESSMENT**

- Resources included
  - o Soils
  - o Water quality
  - o Threatened and endangered species
  - Cultural resources
- Resources not included
  - o Energy
  - o Air
  - o Forestry

## o Human

# DCR CONSERVATION PLANNING CERTIFICATION

- Soil and Water Conservation District staff, private consultants, and DCR staff will be able to become DCR conservation planner certified.
- Certification and recertification will be for a period of three years.
- DCR will continue to recognize NRCS conservation planning certification.

#### CONSERVATION PLANNING CERTIFICATION TRANSITION

The DCR effective dates and requirements for certification are listed in the table below.

<u>Situation</u>	<u>Action</u>
1. Have never been NRCS conservation	Must take DCR's required certification
planner certified.	coursework (DCR-provided or DCR-approved)
	and initial plan review/approval requirement.
2. Have taken NRCS required certification	Must finish all DCR certification course work,
courses since January 1, 2013 or are in	submit a plan for review and approval, and
the process of taking them.	provide a copy of all courses taken and when
	taken.
3. Currently NRCS-certified or NRCS-	Certification will be recognized and given a
certified as of January 1, 2016.	DCR certification date matching the NRCS
	certification date.

# WHAT'S NEXT?

# December 2016

• Virginia Soil and Water Conservation Board approves the development of Program and establishment of stakeholder group.

#### January 2017

Stakeholder group holds first meeting.

#### May 2017

• Additional guidance and program details brought to Board for approval.

### STAKEHOLDER GROUP INVOLVEMENT

- Plan component
  - o What does each component require?
  - o Impact to threatened and endangered species and cultural resources
  - o Review of agriculture tracking database module
  - Policy considerations
- Certification and recertification
  - o Review of NRCS curriculum
  - o Review of survey completed by SWCDs
  - o Required coursework
  - o CEUs
  - Plan review

### **Stakeholders Discussion Framework and Agenda Topics**

Ms. McGarry presented an overview of discussion topics for the SAG. She reviewed a list of questions developed from the Virginia Association of Soil and Water Conservation Districts (VASWCD) meeting in December. Questions for initial consideration by the SAG were:

- 24. How does this interact with NPS TMDL program at DEQ?
- 25. Will Districts be able to use the Conservation Planning Module to develop the plan to meet these "T" BMP requirements?
- 26. Will DEQ still be able to continue to require Districts to do Conservation Plans for our "T" BMPs most of which are listed in VACS manual for Tax credit and all of which are tracked in DCR tracking program?

Md. McGarry reviewed discussion plans for this and upcoming meetings as follows:

#### January

- 1. Stakeholders Framework
- 2. Current Resource Planning
- 3. Potential DCR Components
- 4. Preliminary Discussions of Resource Assessment

### <u>February</u>

- 1. Assessments
- 2. Tracking Module
- 3. Plan Approval Process
  - a. Bay Act Plans require approval

- b. Private planners submitting could affect District review workload
- c. Potential for customer signature page, depending on the situation

### March

- 1. Certification
- 2. Re-certification
- 3. RPA Training

## April

1. Guidance and Policy Documents

Ms. McGarry encouraged participants to offer additional comments and suggestions throughout the day. She asked that the committee focus on big picture items.

### **Current Resource Planning Efforts and Components/Requirements**

Agency representatives who currently have a conservation plan program were asked to present to the committee to address what programs they have, what programs require a plan, what components need to be included in plans, and what resources are needed.

Presentations were made by the Natural Resources Conservation Service (NRCS), the Virginia Department of Forestry (DOF), the Department of Environmental Quality (DEQ), and the Virginia Department of Agriculture and Consumer Services (VDACS).

### NRCS – *Chad Wentz*

## NRCS Conservation Planning Process

Conservation planning began in the United States following the Dust Bowl, a time of severe dust storms that wreaked havoc on the U.S. environment and agriculture during the 1930s. In the early 1900's cheap land prices and soaring wheat prices lead to turning the grasslands in the southern plains into wheat fields. Droughts, high winds, and hot summers combined to create one of the worst man-made ecological disasters in U.S. history. Some of these storms picked up more dirt in one day than the 10 years of excavation for the Panama Canal. Many principles of conservation began in the 1920s and 1930s and remain in place today.

Hugh Hammond Bennet led the soil conservation movement beginning in the 1920s and 1930s and called soil erosion a "national menace." Bennett set up the Soil Erosion Service within the Department of the Interior in 1933. Bennett recognized the need for grass roots support and locally led conservation which was the foundation for the establishment of local soil and water conservation districts.

All SWCD's in Virginia have an agreement with NRCS to work together to accomplish natural resources conservation objectives.

### What is a conservation plan?

- It is voluntary, site specific, comprehensive, and action oriented...
- It is based on natural resource information and is a record of decisions made by the client...
- Which describes a system of practices and activities needed to solve identified natural resource problems and take advantage of opportunities.

#### What a conservation plan is not...

- It is not just for inventories to document practices for reporting purposes.
- It is not to only meet program requirements to qualify for financial assistance or the installation of a single practice.

## **Conservation Planning Process**

- The conservation planning process used by NRCS is based on the premise that clients will
  make and implement sound decisions if they understand their resources, their natural
  resource problems and opportunities, and the effects of their decisions.
- So the success of conservation planning and implementation depends on the voluntary participation of the client.

### **Conservation Plans**

• The conservation plan is a written record of the client's management decisions and the conservation practices and systems the client plans to use and maintain on their farm.

# Conservation Planning is Complex and Dynamic

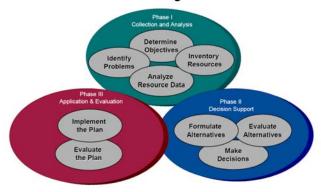
## A fundamental truth:

- To do conservation planning right, real conservation planning, it is complicated, interactive, and a time consuming process.
- Automating our assessment tools, developing new planning software, streamlining program rules, having the eFOTG and digital ortho-imagery (and the list goes on)...will NOT change that fact.

So how do we get there?

NRCS has a nine (9) step planning process.

# NRCS Planning Process



### NRCS Technical Criteria

- National Planning Procedures Handbook
- Field Office Technical Guide (FOTG)
  - o General Resource References
  - Natural Resource Information
  - o Conservation Management Systems
  - o Practice Standards and Specifications
  - Conservation Effects

## Planning Criteria

NRCS had 31 Planning Criteria for SWAPA+H (Soil, Water, Air, Plants, Animals) + Humans by land use. Tools like the erosion calculators (RUSLE2, WEP, WEPs, Gully calculator) PCS, C-Graze, water quality risk assessments are all maintained to assess resource concerns.



Mr. Wentz noted that there are no specific time frames on plans. Plans are good as long as they work for the client.

## A Conservation Plan includes:

- Producer/landowner determined objectives and goals;
- An aerial photo and diagram of your farm;
- A soil map and soil descriptions of your property;
- Resource inventory data, forage crop potentials, livestock carry capacity, etc.
- A list of treatment decisions:
- A location and schedule for applying conservation practices you want to install on your land; and
- A plan of operation and maintenance of your conservation system.

### Benefits of a Conservation Plan

- Save money as your land becomes more productive;
- Increase sustainability by protecting natural resources that support your business;
- Increase the value of your property;
- Conserve soil and water resources;
- Prevent off site impacts and comply with environmental regulations;
- Create habitat for wildlife;
- Reduce time and labor;
- Promote health and safety for your family;
- Make your land more attractive and promote good stewardship; and
- Help you become eligible for USDA program including crop insurance.



**Historical Perspectives** 

"We cannot depend on windshield surveys and office planning to carry out a job of the complexity and magnitude of safeguarding our farmland and controlling floods."

Hugh Hammond Bennett

"There is no virtue in planning merely for the sake of planning. Unless plans can be translated into action, planning becomes only a profitless mental exercise."

Hugh Hammond Bennett

### DOF - Todd Groh

The Department of Forestry celebrated 100 years in 2014. Originally the state forester was assigned to stop fires and replant trees. There are several types of plans that the Department of Forestry provides:

### **PRACTICE PLANS**

Practice plans are management plans for a single stand or area of a tract, particular management concern, or landowner area of interest. These plans are valuable in addressing more immediate landowner needs and can lead to more comprehensive planning in the future. The plan can include small incidental areas (example Special Management Zones) that may be associated with the stand or area of interest. A practice plan is not generally developed for an entire tract unless the tract is small and/or supports one timber type that will be managed as a single parcel. Practice plans are often used to document existing conditions and make management recommendations for Federal or State cost share programs.

#### **Plan Criteria**

Each practice plan should be prepared by a professional forest resource manager and include the:

- Landowner's and plan writer's contact information
- Property identification and location information
- Landowner's objectives
- Description of existing site conditions
- Listing of any recent management activities
- Detailed management recommendations
- Detailed map of the property

## **FOREST MANAGEMENT PLANS**

Forest management plans create opportunities for landowners to meet their forestry objectives. These plans generally cover an entire ownership, but are less comprehensive than Forest Stewardship Management Plans. The primary focus of the plan is to provide forest management information and recommendations.

### **Plan Criteria**

A management plan will include several key elements that will help the landowner make good decisions about forest management. Management plans should be prepared by a professional forest resource manager and should include:

• The landowner's and plan writer's contact information

- The property identification and location information
- A listing of the landowner's stated goals and objectives
- Detailed forest stand conditions
- Detailed recommended practices
- A detailed map of the property

#### FOREST STEWARDSHIP MANAGEMENT PLANS

A Forest Stewardship Management Plan serves as the foundation for engaging forest landowners in a plan that addresses individual landowner objectives while adhering to National and State Forest Stewardship Management Plan guidelines. State guidelines must consider the NASF Principles and Guides for a Well- Managed Forest. A general outline for plans, actions and progress, as relating to these principles, can be found in NASF's A Stewardship Handbook.

#### Criteria

All Forest Stewardship Management Plans must:

- Be prepared or verified by a professional resource manager, and be approved by the State Forester or a representative of the State Forester.
- Document authorship.
- Include landowner information.
- Include location and plan maps.
- Clearly state landowner objectives.
- Describe current forest condition or condition class.
- Describe desired forest condition or condition class.
- Include practices and activities aimed at reaching the desired forest condition or condition class.
- Document a feasible strategy and timeline for practice and activity implementation.
- Describe any suggested monitoring activities to be done by the forester or landowner.
- Be developed for a specified management period that adequately allows for progress with the landowner's long term stewardship objectives.
- Be reviewed and renewed, revised or rewritten at the end of the specified management period or sooner as needed, to be considered current.

### **Plan Elements**

The plan preparer will consider, describe, and evaluate plan elements and their importance to the ownership when they are present. Plan elements to be considered include:

- Soil and water
- Biological diversity
- Range
- Agroforestry
- Aesthetic quality and desired species
- Recreation
- Wood and fiber production
- Fish and wildlife
- Threatened and endangered species
- Forest health and invasive species
- Conservation-based estate planning / legacy planning information
- Archeological, cultural, and historic sites

- Wetlands
- Fire
- Carbon sequestration
- Forests of Recognized Importance (FORI)

#### **Additional Information**

The landowner's understanding may be improved by including additional information appendices. Appendices might include:

- Descriptions of assistance available and financial incentive programs
- Description of Conservation-based estate planning and a list of available resources
- Educational materials
- A glossary of terms
- An explanation of applicable Federal, State, and/or county regulatory programs, especially as they apply to:
- Archeological, cultural, and historical sites
- Wetlands
- Threatened and Endangered Species

### DEQ – Joan Salvati

The Chesapeake Bay Preservation Act: Overview

#### BACKGROUND:

- Virginia's Commitment:
  - o 1987 Chesapeake Bay Agreement;
  - o Chesapeake 2000 Agreement
- Statutory Authority:
  - o 1988 Chesapeake Bay Preservation Act
  - o Code of Virginia §10.1-2100 through 10.1-2115
- Regulatory Authority:
  - o 1989 Chesapeake Bay Preservation Area Designation and Management Regulations, amended in 1991 and 2001.
- Focus:
  - Prevention/reduction of NPS pollution by providing a comprehensive approach to protecting water quality through the management of land uses on sensitive lands in the Chesapeake Bay Watershed.



### **KEY ELEMENTS**

- Established
  - Chesapeake Bay Local Assistance Board
  - Chesapeake Bay Local Assistance Department (merged as a division of DCR in July 2004)
- Authorized:
  - Chesapeake Bay Preservation Area Designation and Management Regulations
- Regulations include specific requirements:
  - o Resource Protection Areas (RPAs)
  - Resource Management Areas (RMAs)
  - o Local Ordinance Requirements and ordinance reviews
  - o Evaluation of local program implementation

#### **ELEMENTS OF A LOCAL BAY ACT PROGRAM**

- Phase I: Mapping of Chesapeake Bay Preservation Areas and adoption of management program in local ordinances, including 11 land use performance criteria.
- Phase II: Adoption of Comprehensive Plan components.
- Phase III: Review and revision of local codes for inclusion of specific standards that implement water quality performance criteria.

### CHESAPEAKE BAY PRESERVATION ACT AGRICULTURAL REQUIREMENTS

Soil and Water Quality Conservation Assessments

9 VAC 10-20-120 9 states: Land upon which agricultural activities are conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, or lands otherwise defined as agricultural land by the local government, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices

pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality is being accomplished consistent with the Act and this chapter.

### RPA Buffer Requirements

9 VAC 10-20-130 5 b 1 states: Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land-erosion control or nutrient management-is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area.

9 VAC 10-20-130 5 b 2 states: Agricultural activities may encroach into the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which addresses erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land.

## Bay Act Agricultural Requirements

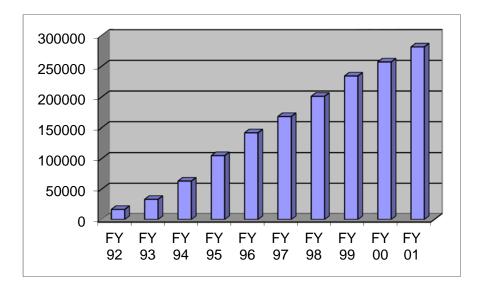
## Active Agricultural Pollution

9 VAC 10-20-130 5 b 4 states: If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the local government, in cooperation with soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule.

# • Landowner refusal of assistance

9 VAC 10-20-130 5 b 5 states: In cases where a landowner or his agent or operator has refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the local government.

Total Acreage Covered by Soil & Water Quality Conservation Plans (FY '92-'01)



### Local Government Compliance Evaluations

- Evaluation of the implementation of a locality's Bay Act program
- Occur approximately every five years
- Review is based on requirements in the Regulations
- Formal Review by the Chesapeake Bay Local Assistance Board
- Board will be asked to approve a revised compliance evaluation program that includes some adjustments to current approach, including:
  - Review of Comprehensive Plans
  - o Review for implementation of three performance criteria
  - Review for conformance with conservation assessment/plan requirements

## Compliance Status - Ag Conditions

- 160 Compliance Evaluations initiated for completed
- 9 localities assessed conditions to:
  - "develop and begin implementation of a plan to ensure that a Soil and Water Quality Conservation Assessment is conducted on all active agricultural lands within the County's Chesapeake Bay Preservation Areas"

## **VDACS** - Darrell Marshall

### CONSERVATION PLANNING FOR THE AGRICULTURAL STEWARDSHIP ACT PROGRAM

### Agricultural Stewardship Plan

 "Agricultural stewardship plan" or "plan" means a site-specific plan for an agricultural activity to manage, through use of stewardship measures, one or more of the following: soil, water, plants, plan nutrients, pest controls, wastes, and animals." (Va. Code § 3.2-400)

- "Stewardship measures" or "measures" means the measures for controlling the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution...(Va. Code § 3.2-400)
- If, after investigating a complaint, the Commissioner determines that substantial evidence exists to prove that an agricultural activity is creating or will create pollution, the Commissioner shall notify the owner or operator... (and) the notice shall state within 60 days of receipt of the notice, the owner or operator shall submit...a stewardship plan that includes stewardship measures needed to prevent or cease the pollution. (Va. Code § 3.2-402 [C.])
- Producers are encouraged (but not required) to participate in state and/or federal conservation programs to address the identified water pollution.

# Follow up discussion from agency presentations.

- DEQ noted that there are no permits issued that require a conservation plan. There may be components of a plan required for a permit. It is important for the conservation planner to be aware of these components.
- Are all planners aware of the RPA requirement in the Chesapeake Bay Act? Should that knowledge be made a requirement of the certification process?

### **Discussion of Potential DCR Plan Components**

Following the review of the agency plans, Ms. McGarry led a discussion of plan components and asked what may need to be considered or added to the framework. The following items were discussed.

Regarding questions 25 & 26:

- 25. Will Districts be able to use the Conservation Planning Module to develop the plan to meet these "T" BMP requirements?
- 26. Will DEQ still be able to continue to require Districts to do Conservation Plans for our "T" BMPs most of which are listed in VACS manual for Tax credit and all of which are tracked in DCR tracking programs?
- In general with these sorts of modules "T" is a specific ag practice that has specifications pertaining to the TMDL program. Since 2013 expertise was lost but DEQ continues to mimic the ag practices.
- SL-6 is now being funded through DCR.

Mr. Owens noted that when the RMP plan was developed the Conservation Plan module was also developed. The Conservation Plan is a simpler version of the RMP Plan.

DCR is also getting ready to develop a Nutrient Planning Module. The goal is to have one integrated system to do the planning.

#### **Discussion of Plan Components**

What are the components of a plan?

- 1. Narrative
- 2. Site/farm resource assessment
- 3. Conservation Planning Notes
- 4. Maps
- 5. Supporting Documents
- 6. Recommended Actions
- 7. Signatures and Dates

## Narrative

- Description of operation
  - o Check boxes, but can be customized
  - Crop rotations
- Inventory of Concerns
- Practices
- Farmer's Goals and Objectives
- Timeline/Implementation Schedule
- Purpose of Plan
  - o Cost-share
  - o Technical Assistance
  - o To meet specific program needs
- General location/watershed
- Acreage by land use
- Big picture
- Everyday language
- Summary

## Resource Assessment

- Soils
- Water Quality
- Threatened and Endangered Species
- Cultural Resources
- Energy
- Air
- Forestry harvest schedule (impact to rest of farm)
- Wildlife
- Human
- Pesticide
- Soil, Water, Air, Plants, Animals + Human & Energy (while considering social, cultural and economic conditions)

A member suggested this was similar to the NRCS Environmental Assessment.

Conservation Planning Notes

- Discuss with client what to do and timeline
- Don't need to use DCR module
- Some District using NRCS CPA-6
- Should include crop rotations

Questions/concerns about a conservation plan:

- The Districts noted that farmers work with NRCS, DOF, and other departments that have their own planning. A plan should be developed to meet the needs of the agencies.
- There should be some type of visual that shows where current plans overlap from varying agencies.
- What is the scope of the program?

DCR staff noted that the SAG input was needed to determine what a conservation plan should be. Statutory language calls for a soil conservation plan.

Concern was expressed about confusing farmers with multiple plans requirements.

Members were encouraged to review the assessment process and to be prepared to discuss at the February 22 meeting.

#### Maps

What kind of maps should be included in the plan?

- Location
  - o VDOT, aerial
- Land units
  - Aerial, topo, hydrology (surface and ground water)
  - o Further identify land use type, such as forest stand determination
- Soils
- Existing Practices
- Digitized Streams
- Resource Concerns
- RMA/RPA from locality a possibility?
- Infrastructure
- There should be an ability to import maps from other software.

### Supporting documents

- Nutrient Management Plan
- Forestry Plan
- Erosion Calculations
- Pest Management
- Photos
- Environmental Evaluation

- Grazing/Pasture Plan
- Cost Estimates
- Ag Stewardship Act history?

# **Additional Questions and Concerns**

- Does the language include funding sources?
- What is the timeline?
- What is the maintenance schedule?
- Who needs to sign the Conservation Plan?

### For Future Consideration

- Visual/Programmatic Overlap
- Timeframe for Plan
- Report for Producer vs. Plan in File/Module
- Name of Plan

## Wrap Up and Next Steps

Mr. Dowling thanked attendees for coming together at the meeting. He recognized that this will not be an easy tasked but noted that DCR wants to make certain that the right tool is developed.

At some point there should be a decision regarding what the actual plan will be called. The Statute references soil conservation plan and pasture management plan.

Ms. McGarry will email the minutes from the meeting, along with the plans document from the Department of Forestry and the resource assessment document from NRCS.

The next meeting of the SAG is Wednesday, February 22, 2017 at the DEQ Piedmont Regional Office.