

Approval of Expansion of Partnerships between Soil and Water Conservation Districts and Trout Unlimited

§ 10.1-505. Duties of Board.

In addition to other duties and powers conferred upon the Board, it shall have the following duties and powers:

3. To oversee the programs of the districts.

§ 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Program.

Districts shall locally deliver the Virginia Agricultural Best Management Practices Cost-Share Program described under §10.1-2128.1, under the direction of the Board, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.

Action taken by the Board on September 25, 2019

The Virginia Soil and Water Conservation Board approves the Pilot Project between Headwaters Soil and Water Conservation District and Trout Unlimited as it was presented in the summary document. For this pilot project only, the Board:

1. Waives the bid requirements established for the components that Trout Unlimited is installing; and
2. Allows the assignment of payment to Trout Unlimited for the components that Trout Unlimited installs.

Background Information

Beginning in 2019, Trout Unlimited (TU) partnered with Headwaters Soil and Water Conservation District (District) to further incentivize the installation of livestock stream exclusion practices. TU and the District operate under a Memorandum of Understanding (MOU) that clearly outlines the roles and responsibilities in operating this pilot. The pilot was originally limited to Augusta County and has installed over 17,000 feet of exclusion fence. Trout Unlimited continues to work with new producers in Augusta County. There are currently agreements with producers and landowners to install over 100,000 feet of exclusion fence.

TU is requesting authorization to expand the pilot program (Partnership) to include all of the counties within the Headwaters, Mountain, Mountain Castles, Natural Bridge, and Shenandoah Valley Soil and Water Conservation Districts. TU recently received an RCPPP grant with the Natural Resources Conservation Service (NRCS) for these areas. With the funding available to the Districts through the Virginia Agricultural Best Management Cost-Share (VACS) Program and the RCPPP grant, TU is anticipating a significantly larger number of practices installed.

This partnership will focus on the implementation and installation of agricultural best management practices that meet the water quality improvement goals of the Commonwealth and TU. Livestock

stream exclusion practices, as well as streambank stabilization practices, will continue to be the focus of the Partnership.

Responsibilities

The District

1. The District will utilize the FY2023 VACS Program Manual and the appropriate standards and specifications to implement and install all practices. All practices will be designed in accordance with the Virginia Soil and Water Conservation Board's Engineering Job Approval Authority Procedures.
2. The District will conduct site visits and oversee construction of all practices alongside TU field staff to ensure all requirements of the VACS Program and TU's goals are met.
3. The District will be responsible for ensuring all practices are properly installed per the VACS standards and specifications before any payment is issued.

Trout Unlimited

1. If a producer is willing, TU will serve as the primary contractor and will not charge the VACS participant for its work installing the BMP.
2. While focusing primarily on livestock exclusion and stream restoration practices, TU will be able to partner on all practices approved in the FY2023 VACS Manual in order to meet their water quality improvement goals.
3. TU will provide all costs of materials and provide all necessary labor.
4. TU is not responsible for providing any services related to the drilling of wells and will not serve as the contractor for that component of any BMP.

Standard Operating Procedure

- Districts and TU will conduct outreach in the form of community meetings, mailings, social media, and door to door.
- The Districts will meet with producers to discuss funding opportunities available for the implementation and installation of best management practices. The Districts will offer both (i) the potential for TU funding assistance and (ii) the option to utilize the typical VACS funding options.
- If the producer indicates interest in participating in the Partnerships, TU will visit the site to determine if the proposed BMP will have a positive impact on native trout habitat.
- The Districts will follow all normal operating procedures to approve the practice by utilizing the primary and secondary considerations as approved by the State Agricultural Incentives Program Manager. The application, ranking, and contract processes will follow the established VACS procedures.
- Following approval by the District Board, the participant will sign Part 3 of the contract and will be responsible for all maintenance for the lifespan of the practice.
- The requirement to obtain bids on projects over \$30,000 will be waived to allow TU to be the primary contractor for all projects to ensure the lowest possible cost.
- The VACS cost-share payment will be assigned to TU to provide financial security to TU and to provide a turn-key project for the producer. As the cost-share payment is assigned to TU, TU will receive a 1099-MISC form from the Districts.

- If a well is required for the practice, the landowner may be responsible for the associated cost and installation. In this situation, the landowner will receive the appropriate 1099 related to the funding provided for the well drilling.

Recommended motion:

The Virginia Soil and Water Conservation Board (Board) approves the expansion of the Partnerships between Soil and Water Conservation Districts and Trout Unlimited to include all of the counties within the Headwaters, Mountain, Mountain Castles, Natural Bridge, and Shenandoah Valley Soil and Water Conservation Districts. For these Partnerships, the Board:

- Waives the bid requirements established for the components that Trout Unlimited is installing; and
- Allows the assignment of payment to Trout Unlimited for the components that Trout Unlimited installs.

All Districts choosing to participate in this Partnership with Trout Unlimited must adopt a formal Memorandum of Understanding (MOU) with Trout Unlimited that outlines the roles and responsibilities of both the District and Trout Unlimited and the standard operating procedure.