

The Chesapeake Bay Preservation Act: Overview

**DCR Conservation Planning Stakeholder Meeting
January 31, 2017**



Chesapeake Bay Preservation Act Background

- **Virginia's Commitment:**
1987 Chesapeake Bay Agreement;
Chesapeake 2000 Agreement
- **Statutory Authority:**
1988 Chesapeake Bay Preservation Act
Code of Virginia Sec. 10.1-2100 through 10.1-2115
- **Regulatory Authority:**
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



84 Bay Act Localities

17 Cities

29 Counties

38 Towns



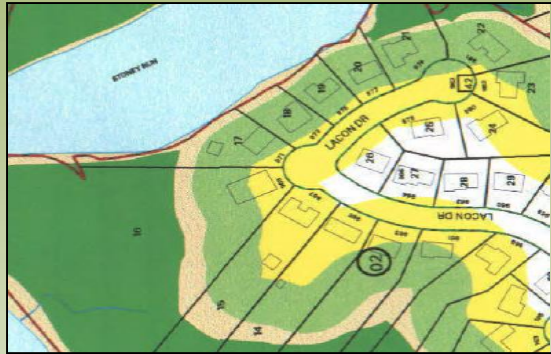
Chesapeake Bay Preservation Act

Key Elements

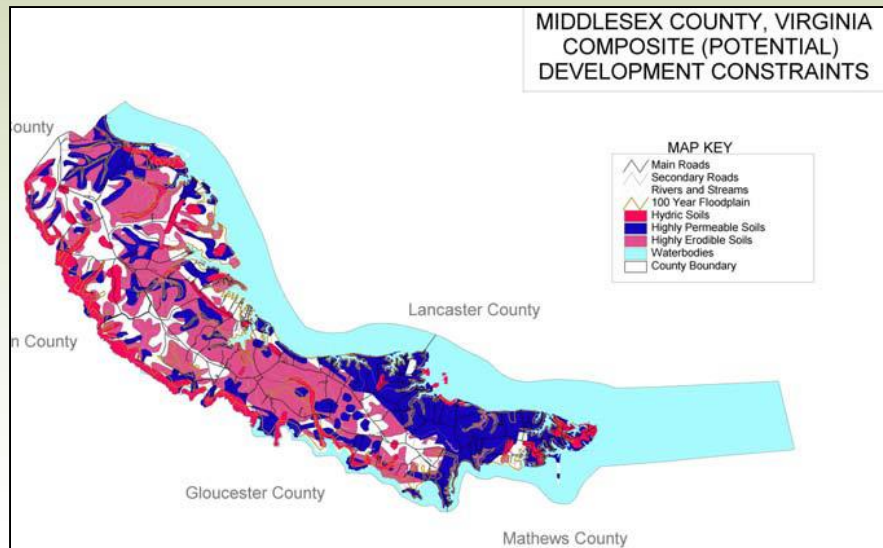
- Established:
 - ✓ Chesapeake Bay Local Assistance Board
 - ✓ Chesapeake Bay Local Assistance Department (merged as a division of DCR in July 2004)
- Authorized:
 - ✓ *Chesapeake Bay Preservation Area Designation and Management Regulations*
- Regulations include specific requirements:
 - ✓ Resource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

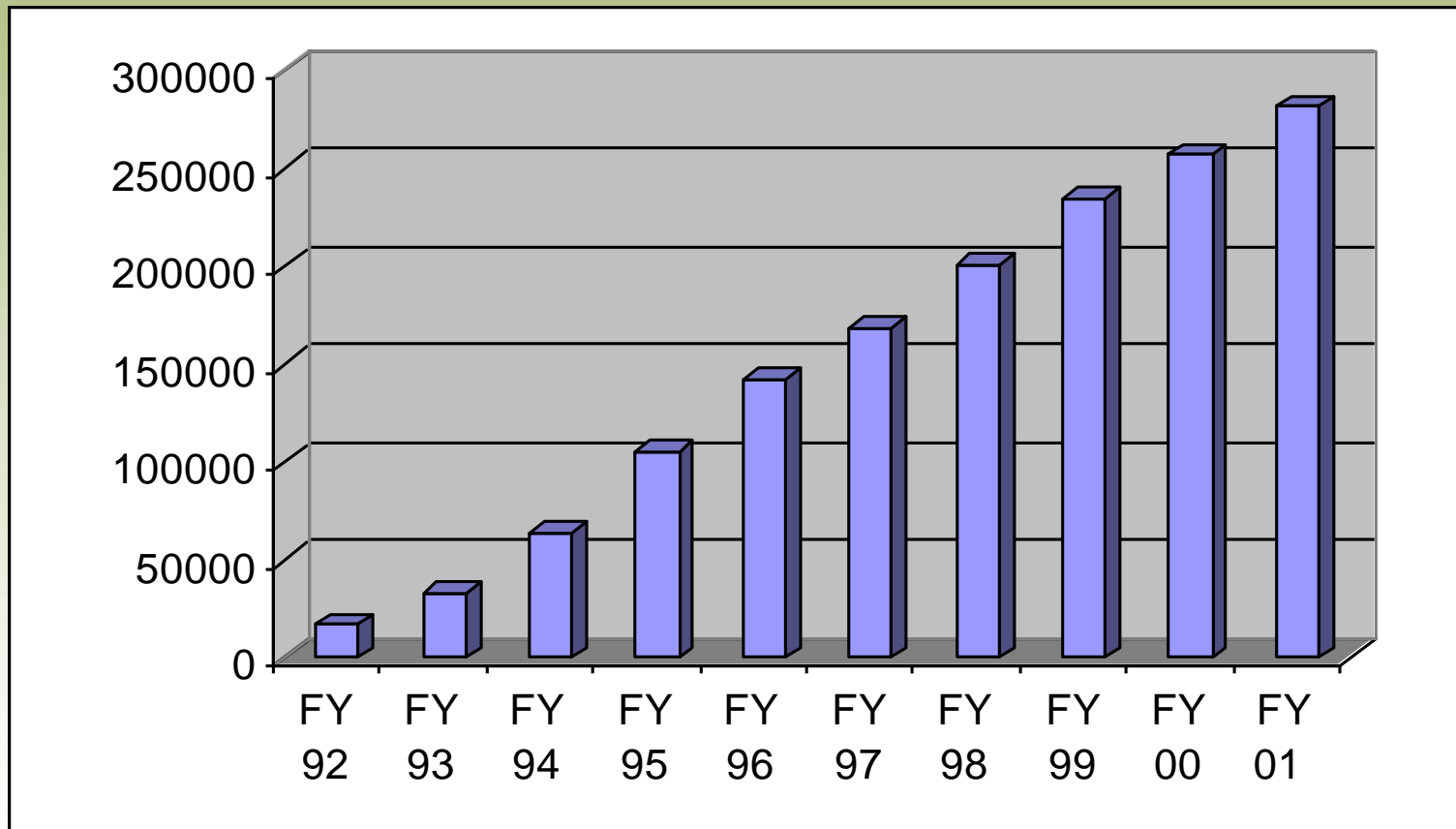
- Active agricultural pollution

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
 - Review for implementation of three performance criteria
 - Review for conformance with conservation assessment/plan requirements

Compliance Status – Ag Conditions

- 16 Compliance Evaluations initiated or 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”