Resource Management Plans

A Voluntary Approach to Agricultural Certainty

DCR
Virginia Department of Conservation & Recreation

Area I
April 22, 2014

Why Resource Management Plans?

The plans are designed to encourage farmers to use a high level of conservation best management practices to reduce pollution to state waters and the Chesapeake Bay. In return for full implementation of these plans, farmers are insured a **"certainty"** from new state nutrient, sediment and bacterial-related water quality requirements.

What is "Certainty"?

Agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan shall be deemed to be in full compliance with any new state regulations for nutrients, sediment, benthic, or bacteria to address:

➢ Any new requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; or

➢ Any new load allocation contained in a local total maximum daily load (TMDL)

Safe harbor does not protect from

➤ Federal permits

➤ Changes to federal regulations or requirements

➤ Chesapeake Bay Preservation Act requirements

➤ Pre-existing TMDLs

➤ VPA&VPDES permits

➤ Some local ordinances
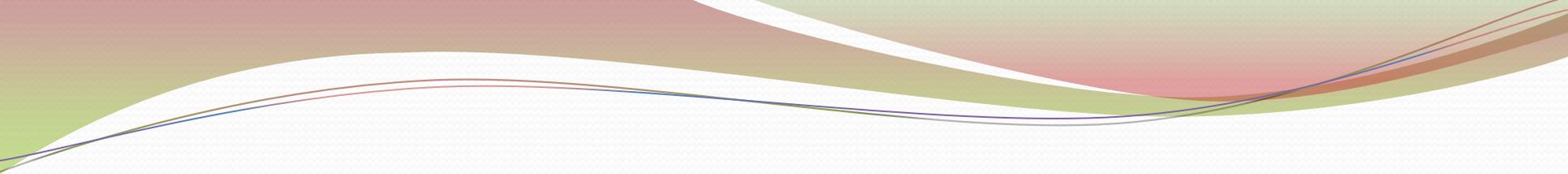
What are the requirements of an RMP?

Cropland

❖Nutrient management plan

❖35′ Buffer along perennial streams

❖Soil conservation to "T"

❖Cover crops (when needed)

Hayland

❖Nutrient management plan

❖35′ Buffer along perennial streams

❖Soil conservation to "T"

Pasture

❖Nutrient management plan

❖Fencing along perennial streams

❖Pasture management/soil conservation to "T"

RMP Process

➢ Certification of RMP Developer – DCR

➢ Plan development - RMP developer

➢ Plan review and approval – District or DCR

➢ Implementation - Owner

➢ Verification of implementation – District or DCR

➢ Certificate of RMP implementation issued – DCR

➢ Inspections every 3 years (minimum) - District or DCR

Plan Developer Certification

➢ **1st option**

❖ Certified Nutrient Management Planner (DCR)

and

❖ Certified Conservation Planner (NRCS)

Plan Developer Certification

➤ **2nd option**

❖ Certified Nutrient Management Planner (DCR)

and

❖ thru a demonstration of academic/applied proficiencies

Plan Review and Approval

➢Districts **are** required to act as the approval authority if an employee or director did not develop the RMP (4VAC 50-70-70)

➢Districts may develop RMPs, but are **not** required to develop RMPs

Plan Review and Approval

➢ If the RMP is developed by an employee, director, or associate director of the District, DCR becomes the plan review and approval authority

➢ If the plan is developed by a private planner, the District becomes the plan review and approval authority

➢ The District can develop and review RMPs, but not both on the same RMP

➢ The District with the largest portion of an RMP should coordinate the review with other Districts

Plan Review and Approval

➢ RMP submitted to the review authority

- District's Technical Review Committee (TRC)
- TRC makes recommendations to District Board, or their designee, for approval, revision, or denial

➢ Reviewing for plan components and the minimum standards

TRC

➢Technical Review Committee is a committee established by a District Board to review RMP Plans and provide recommendations to the District Board. A TRC may include, but is not limited to, the following members: District directors, associates, and staff; Virginia Cooperative Extension personnel; certified nutrient management specialists; and such other technical resources available to the District.

TRC

➢ Members can be from outside of the District

➢ Should include a member certified in nutrient management planning and a member certified in conservation planning

➢ Should be a minimum of three people

➢ TRC makes recommendations to the District Board for approval, revision or denial

➢ DCR will provide TRC training and some funding for travel

Will RMP information be public?

Any personal or proprietary information collected pursuant to this article shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that the Director of DCR may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information.

What does this mean for a SWCD?

➢A District or TRC cannot release any information about a RMP to the public

➢District Board and TRC meetings will need to refer to the RMP as a "plan number"

➢DCR is working with the AG's office to develop specific guidance

Payments
(final funding plan subject to Soil and Water Conservation Board approval)

➤ Developers – for writing RMP plans

➤ Districts – for RMP plan review and inspection

➤ Owners/operators – VACS funding for BMPs in RMP plan

Issuance of a Certificate of Implementation

➢ Owner requests the District conduct an inspection

➢ District verifies the RMP and minimum standards have been met and requests DCR issue a Certificate of Implementation

➢ If deficiencies are found, the operator will be notified within 30 days by the District

Inspections

After a Certificate has been issued, the District is responsible for:

➢ Giving a minimum of 48 hours notice before an inspection

➢ Conducting an inspection at least every 3 years during the 9-year life of the Certificate of Implementation

➢ Providing a copy of the inspection to DCR within 10 days, confirming all BMPs are installed and maintained or identifying any deficiencies

Compliance

- DCR will notify Certificate holder of deficiencies found within 30 days
- DCR will require RMP developer to draft a corrective action agreement (CAA) within 90 days
- DCR will review the CAA within 30 days
- DCR will revoke the Certificate of Implementation if a satisfactory CAA cannot be achieved within 90 days

Review of the District

➢Guidance documents and review checklist will be forthcoming

➢DCR will review each District at least once every five years

➢The review will include the District's handling of the review authority components:

- ▪ Plan review
- ▪ Verification process – initial and inspections every 3 years

What is next?

➢ Began stakeholder meetings on module development February 2014

➢ VSWCB will set a new effective date at the April 2014 meeting

➢ Begin TRC training for Districts in May 2014

➢ Training for Districts and RMP developers will begin upon RMP & Soil Conservation module completion

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Technical Review Committee Training Sessions

This training by DCR staff provides guidance to
Soil and Water Conservation District directors, staff, associates
and others for the formation and operation of their
Resource Management Plan Technical Review Committees.

Training topics include:
- TRC roles and responsibilities
- FOIA compliance
- RMP plan review
- RMP compliance inspection
- Open question and answer session

Date	Location	Registration
May 6, 2014 10 am – 3 pm *Lunch not provided*	Olde Dominion Ag Complex 18783 US Highway 29 South Chatham, VA 24531 Directions: **http://tiny.cc/tyzddx**	Contact: Stacy Horton, 540-384-2585; stacy.horton@dcr.virginia.gov Deadline: Tuesday, April 29
May 13, 2014 10 am – 3 pm *Lunch not provided*	Prince George County Library 6402 Courts Drive Prince George, VA 23875 Directions: **http://tiny.cc/rezddx**	Contact: Art Kirkby, 757-825-3581; arthur.kirkby@dcr.virginia.gov Deadline: Tuesday, May 8
May 22, 2014 10 am – 3 pm *Lunch not provided*	Department of Forestry Fontaine Research Park 900 Natural Resources Drive Charlottesville, VA 22903 Directions: **http://tiny.cc/szzddx**	Contact: Carol Fitzgerald, 540-332-8881; carol.fitzgerald@dcr.virginia.gov Deadline: Thursday, May 15
May 29, 2014 10 am – 3 pm *Lunch not provided*	Wytheville Community College Galax Hall, Rooms 201 and 202 1000 East Main Street Wytheville, VA 24382 Directions: **http://tiny.cc/u0zddx** *Please park in Lot A*	Contact: Angela Bell, 276-451-5821; angela.bell@dcr.virginia.gov Deadline: Thursday, May 22

For more information contact your local DCR conservation district coordinator.

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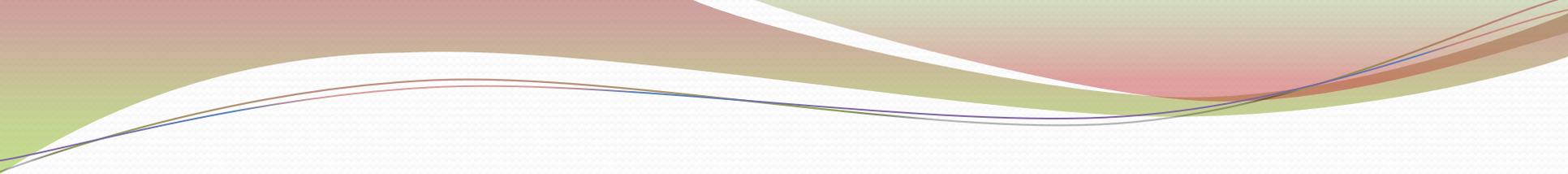
Questions?

Additional Information on RMPs

➢RMP Regulation Development
- http://www.dcr.virginia.gov/laws_and_regulations/lr7.shtml

➢RMP Program Development
Scott.Ambler@DCR.Virginia.gov
540 332-9231

or

Barbara.McGarry@DCR.Virginia.gov
804 371-0297