

**2013 Summer Study
Performance Measures Subcommittee
Monday, July 8, 2013
2:00 – 4:30 p.m.**

Attendees

Herb Dunford, Virginia Soil and Water Conservation Board
Michael Fletcher, DCR
Michelle Vucci, DCR
Darryl Glover, DCR
Ann Jennings, Chesapeake Bay Foundation
Kendall Tyree, Virginia Association of Soil and Water Conservation Districts
Martha Moore, Virginia Farm Bureau
Katie Frazier, Virginia Agribusiness Council
Adrienne Kotula, James River Association
Brad Copenhaver, Virginia Agribusiness Council
Lindsay Reames, Virginia Agribusiness Council
Luci Coleman, Virginia Association of Soil and Water Conservation Districts
Jack Frye, Chesapeake Bay Commission
Deanna Fehrer, Piedmont SWCD
Chat Wentz, NRCS
James Davis-Martin, DCR

Mr. Glover called the meeting to order at 2:00 p.m.

Mr. Glover said that due a staff emergency and other issues, the cost-share guidance document had been delayed.

Mr. Glover said that the purpose of this meeting was to review the changes to the Operations and Administration Attachment C for FY15 and to review the FY13 Cost Share grant agreement deliverables for recommendations for changes in FY15.

Mr. Glover referred to the June 17, 2013 DRAFT of Attachment C (*Evaluation Guidance for Department/District Fiscal Year XXXX Grant Agreement Performance Deliverables*) that was provided to the subcommittee in advance of the meeting.

Ms. Moore asked if Attachment D, which is the itemized district budget request form that is part of the existing FY14 grant agreement for administrative and operational support and is referenced in Attachment C, covered the budget assumptions in the data.

Mr. Glover said that the budget assumptions provided by DCR were based on estimates of cost share districts will have available for FY15.

Ms. Moore asked if there should be a reference to what the numbers actually are.

Mr. Glover said that the performance measures subcommittee was asked to develop recommendations on what districts should be doing and how they should be evaluated. Funding amounts and/or district funding needs are not within the scope of the Performance Measures subcommittee.

Ms. Moore asked which subcommittee was dealing with the funding and budget issues.

Mr. Glover said that was more in the purview of the cost share group.

Ms. Frazier said that with regard to deadlines for districts to submit budgets that it would be appropriate for DCR to provide an estimated date of when that would be required.

Mr. Glover said that the language in the subcommittee's proposed revisions to Attachment C could say that the districts had to submit their budgets within sixty days of receipt of the budget package from DCR.

Ms. Frazier noted that this time frame would allow districts to have two board meetings to process their budget requests.

Ms. Moore asked if item #11 in the proposed revisions to Attachment C (providing data and other information as requested by DCR) should include a statement about receiving the data request within a reasonable time.

Mr. Glover said that usually DCR will give a specific date.

Ms. Frazier asked what the implications were for districts to receive A, B, or C grade ratings.

Mr. Glover said that the ratings may indicate a need to improve. He said that to date lower ratings have not affected district funding.

Ms. Frazier asked what recourse a district would have if they received a lower grade.

Mr. Glover said that if the issue of concern could not be worked out with the CDC, the district may take the matter to the Soil and Water Conservation Board for resolution.

Mr. Glover moved to a discussion of the current grant agreement measurables for cost share for FY13. He said that some of the requirements might change, but asked the committee to review what was current to determine whether it is reasonable and whether there should be changes or deletions. He said that there is (currently) some redundancy between this document and the operations and administration grant agreement deliverables.

Mr. Glover noted that there would be grant agreements for operations as well as for cost share. He said that there might also be a (third) grant agreement for Resource Management Plans.

Mr. Glover said that the purpose of putting the deliverables into a list was the first step toward determining what should be in the grant agreement for FY15. He noted that this list would be included

in a similar format to (Operations and Administration) Attachment C, which is in a A, B, C grading rating format.

Review of FY 13 Measurables – for District Delivery of State Ag. BMPs

Item 1: *Did the District follow its recruitment priorities to promote cost-share applications?*

Ms. Moore asked for an explanation of “recruitment priority.”

Mr. Glover said that referred to primary and secondary considerations about how the expenditure of money is prioritized.

Ms. Moore asked if specific practices or assessments receive a higher priority.

Mr. Glover said that the state has primary considerations and that every district has secondary considerations. He said the primary considerations are the same for everyone. He said that each district adopts its own secondary considerations (annually).

Item 2: *Did the District submit secondary considerations in time to receive DCR review and prior to the start of the program year?*

Mr. Frye asked if secondary considerations were required.

Ms. Fehrer noted that a district could not begin the program year until secondary considerations were approved by DCR.

Ms. Frazier asked if districts would be comfortable with an established date for submission of primary and secondary considerations.

Ms. Moore suggested that a May 1 deadline would provide sixty days for the district and would allow for two cycles of board meetings.

Ms. Frazier noted that if necessary, DCR could issue a variance.

Ms. Jennings asked if it was necessary for DCR to approve secondary considerations as long as primary considerations were being met.

Mr. Glover said that, in approving secondary considerations, DCR would want to ensure that there was nothing inappropriate and that the state priorities were being met.

Ms. Jennings said that it would seem to be a primary consideration to take care of state priorities.

Ms. Frazier asked why the approval of considerations was centralized and not delegated to the CDCs.

Mr. Glover said that the purpose was to establish consistency statewide.

Item 3: *What percentage of the District's VACS (cost-share) allocation was either paid to a producer or obligated to a specific Ag. BMP cost-share practice during this program year?*

It was agreed that the phrase "to a specific Ag. BMP cost-share practice during this program year?" be removed.

Mr. Frye said that the data was needed but this was not technically a performance measure.

Mr. Glover said that the amount allocated might be considered a performance measure. He said that the condition could be reworded. He said that what DCR was seeking to know the percentage of cost-share paid to producers.

There was a discussion of the data ranges for scoring this measure. It was suggested that DCR look at historical data to determine what the breakdown should be. (Note:DCR suggestion is ≥ 90 = fully meets, 75 – 89 = partially meets, < 75 = did not meet).

Item 4: *Did the SWCD have a fully trained conservation technician with NRCS Engineering Job Approval Authority (EJAA) and Conservation Planning Certification (CPC) for the entire program year?*

It was agreed that this question would be stricken because the requirement is covered under administrative and operations grant agreement.

Item 5: *Did the District resolve all identified spot check issues that required follow up activity within 180 days of the identification of the issue?*

Ms. Frazier asked about the 180 day time frame.

Mr. Glover said that came from the DCR BMP cost-share manual.

Ms. Frazier asked at what point an issue would be considered resolved.

Mr. Glover said that the practice would be in compliance or the cost-share would be repaid.

The example noted in item 5 was stricken.

Ms. Jennings said that her understanding was that Districts would spot check about 5% of the projects. She asked if that should be included or if that was in the operating guidelines.

Mr. Glover said that DCR would determine the projects to be spot checked.

It was agreed that this time would be reworded to require a district to take appropriation action.

Item 6: *Did the District maintain an up to date record of BMP applications, approvals, engineering drawings and modifications as well as up to date Ag BMP tracking program records throughout the program year.*

Mr. Glover noted that some Districts do not provide all of the information and that some were not timely with their submissions.

It was suggested that the data entry at least be quarterly.

Item 7: Did the District enter BMP Tracking program data in a timely fashion for modification of a practice or its status?

It was agreed that this item would be deleted as it would be covered in Item 6 above.

Item 8: Did the District meet quarterly and year end reporting deadlines for submission of quarterly reports? Quarterly reports were complete and accurate, and did not require CDC involvement to balance and report on all cost-share data.

It was noted that this requirement was also included in Attachment C.

Ms. Moore suggested that there be bullet points about the specific information required.

Ms. Jennings said it should be noted how the measurable would be used. She said that if Districts with consistent low ratings were going to lose funding that should be specified.

Mr. Glover said that one of the concerns was that some Districts have difficulty submitting reports correctly.

It was agreed that this time would be addressed in two separate questions.

Item 9: Did Districts within the Chesapeake Bay basin, give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan? OR

Did Districts in the Southern Rivers regions of the state fund BMPs in the highest priority agriculture or TMDL watersheds (as ranked by DCR).

Ms. Moore asked how it was determined that this measure was fully satisfied (A), partially satisfied (B) or not fulfilled (C). There was further discussion regarding how one could determine the percentage of funds that a district provides to BMPs associated with the Watershed Implementation Plan (WIP).

Ms. Jennings said there could be more specific reference to the WIP. She said that with certain practices the expectations are that there would be a high level of implementation. It was noted that DCR provides a comprehensive list of example BMP practices in its BMP cost-share manual and there was further discussion regarding whether there was value in listing these practices in association with this question.

Ms. Frazier said that if this was tied back to the primary considerations the distinctions between the Bay and the southern rivers was not needed.

It was agreed that this item would be reworded for clarity and DCR would examine any data available that may be used to assign a grading rating.

Item 10: *Did the District actively identify farm operations that are generating NPS pollution problems and focus recruitment on those owners and/or operators for participation in agriculture BMP incentive programs.*

Mr. Davis-Martin said that if a farm operation was said to be the greatest pollution problem in a district that the implication was that all farms in the district have been evaluated.

Ms. Moore noted that this measure used to be based on new program participants.

Mr. Davis-Martin suggested removing the words “the greatest” in front of “NPS pollution problems”. The subcommittee agreed to this change and agreed to add back to this item additional language that is in the existing cost-share grant agreement for deliverables. This language pertains to engaging new program participants.

Mr. Glover then turned to a recap of the first meeting (on May 30) and asked questions about what the committee should cover at the next meeting. He noted that at the first meeting, the following issues were identified for this subcommittee to address:

- What is the expectation for the 8%
There was a discussion regarding whether this issue was related to the work of this subcommittee or whether it should be addressed by another subcommittee. There were questions regarding the specific charge of each subcommittee. It was agreed that the subcommittee could raise this issue to the full SAG so that it could be addressed.
- Measurement of effort outside of the cost-share money
There was discussion regarding how the workload associated with the agricultural BMP tax credit program affects the Cost-Share Program. It was agreed this issue would be discussed further.
- Conservation vs. program dollars. What is best for the land, not where the money is coming from?
It was agreed that this issue did not need to be discussed further by this sub-committee.
- Performance measures for districts and programs related to market saturation.
There was a discussion regarding how market saturation is defined. It was agreed that this issue would be discussed further.
- When is a practice reportable
It was agreed that this issue did not need to be discussed further by this sub-committee.

Ms. Moore asked if the subcommittee was supposed to address peer review.

Ms. Vucci said that she would check the notes from the first subcommittee meeting to see if this issue was addressed.

There was a brief discussion regarding the timing of the next cost-share subcommittee and whether it would take place prior to full Summer Study meeting on July 19. Ms. Frazier asked if it is possible to shift the focus of a subcommittee if it completed its work early.

The next meeting of the subcommittee will be on the afternoon of July 19 following the meeting of the full committee.

During the subcommittee meeting, the following revisions to the FY13 Measurables were made:

FYXXX Measurables – for District Delivery of State Ag. BMPs

The following cost share District performance measures were excerpted from either the (FY13) Ag BMP Manual or the self-assessment questionnaire that most Districts will use for (FY13) end of year reporting procedures. Once a FY14 cost share policy becomes final, this list can be augmented. In the interim, it provides an initial discussion point on contractual measures for a future (FY15) cost share grant agreement.

1. Did the District submit secondary considerations by May 1, in time to receive DCR review and prior to the start of the program year? [see Secondary Considerations (local water quality considerations) page I-8 of Manual]
2. Did the District follow its recruitment priorities to promote cost-share applications? [see Participant Recruitment and BMP Approval page I-6 of Manual]
3. What percentage of the District's VACS (cost-share) allocation was either paid to a producer or obligated to a specific Ag. BMP cost share practice during this program year?
 - >90% fully meets
 - 75 – 89% partially meets
 - <75 % does not meet
4. Did the SWCD have a fully trained conservation technician with NRCS Engineering Job Approval Authority (EJAA) and Conservation Planning Certification (CPC) for the entire program year?
 - If not did the conservation technician take advantage of all offered training to advance his/her receipt of EJAA and/or CPC?
5. Did the District take appropriate action to resolve all identified spot check issues that required follow up activities within 180 days of identification of the issue? ~~(For example: Did the District receive repayment from a program participant for a practice that was destroyed during its identified life span within 120 days of notification to the participant that the practice was not being maintained to standards according to existing procedures?)~~ [see Practice Failures I-22 of Manual]
6. Did the District maintain an up to date record of BMP applications, approvals engineering drawings and modifications, as well as up to date Ag BMP tracking program records no less than quarterly throughout the program year? [see Ag BMP Tracking Program Users Guide]
7. ~~Did the District enter BMP Tracking program data in a timely fashion for modification of a practice or its status?~~ [see Ag BMP Tracking Program Users Guide]
8. Did the District meet quarterly and end of year reporting deadlines for submission of quarterly reports? [see page 4; front of Manual]

9. Quarterly reports were complete and accurate, and did not require CDC involvement to balance and report on all cost-share data.

10. Did Districts act consistently with both primary and secondary considerations while also demonstrating the following priorities during the program year:

~~Did Districts within the Chesapeake Bay basin, give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan?~~ OR

~~Did Districts within the Southern Rivers regions give priority to of the state fund BMPs in the highest priority agricultural and TMDL watersheds (as ranked by DCR). [Exceptions will be allowable when justified by the district's approved secondary considerations.]~~

~~11. Did the District actively identify farm operations that are generating the greatest NPS pollution problems and focus recruitment on those owners and/or operators for participation in agricultural BMP incentive programs.~~

Did the District actively identify farm operations that are generating NPS pollution problems and focus recruitment on those owners and/or operators for participation in agricultural BMP incentive programs? From those agricultural producers whose farms are contributing NPS loads, did the District strive to engage as many new program participants as is possible (agricultural producers that have not received program funds within the past 5 years).

12. Did the District provide written comments or other documentation to explain any measures in their grant agreements there were not fully met?