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**COMMONWEALTH of VIRGINIA**  
DEPARTMENT OF CONSERVATION AND RECREATION

TO: All District Chairpersons  
FROM: Clyde E. Cristman  
DATE: April 14, 2020  
SUBJECT: Revisions to the FY2020 BMP Manual, Policies, and Grant Deliverables

On March 12, 2020, Governor Northam issued Executive Order 51 (2020) declaring a state of emergency due to the novel coronavirus (COVID-19). The Department is aware of challenges Soil and Water Conservation Districts (Districts) face in continuing operations during the emergency.

Executive Order 51 authorized "the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation".

To assist Districts in meeting challenges related to the emergency, in concurrence with the Secretary of Natural Resources, and with the support of the state Soil and Water Conservation Board, I am waiving certain requirements for FY2020 agricultural best management practices (BMP) cost-share grants.

The revised grant deliverables are attached with any waivers or associated emergency revisions highlighted. Affected documents include the 2020 Virginia Agricultural Cost-Share Best Management Practices Manual, the *Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2020*, and the *Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2020)*. An additional attached document details how the Department will consider BMP cost-share funds "obligated" and the thresholds for the retention of technical assistance funds for FY2020. These materials will also be posted on the DCR website.

If you have any questions, comments, or concerns about these revisions, please contact either Darryl Glover ([darryl.glover@dcr.virginia.gov](mailto:darryl.glover@dcr.virginia.gov) or 804.627.3278) or Christine Watlington ([christine.watlington@dcr.virginia.gov](mailto:christine.watlington@dcr.virginia.gov) or 804.564.1897).

Thank you again for all of your efforts to assist agricultural producers and improve Virginia's water quality. Please take care of yourselves during this time.

Sincerely

A handwritten signature in blue ink that reads "Clyde E. Cristman".

Clyde E. Cristman

cc: District Administrators  
CDCs

Attachments

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*State Parks • Soil and Water Conservation • Outdoor Recreation Planning  
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*

**ATTACHMENT C** (Evaluation Guidance for Department/District Fiscal Year 2020 Grant Agreement Performance Deliverables)

Grant Agreement Performance Deliverable	Fully Satisfied “A”	Partially Fulfilled “B”*	Did Not Fulfill “C”*
<p>1. Demonstrates leadership by promoting nonpoint source pollution reduction and related conservation efforts through support of, reporting for, and/or implementation of the following programs:</p> <ul style="list-style-type: none"> <li>• The Virginia Agricultural BMP Cost-Share Program</li> <li>• The Virginia Agricultural BMP Tax Credit Program</li> <li>• Conservation Reserve Enhancement Program (CREP)</li> <li>• Voluntary BMP installation</li> <li>• Agricultural Stewardship Act</li> <li>• Resource Management Plan (RMP) Program</li> </ul>	<p>Demonstrates implementation of all but one listed program applicable to the District. Demonstrates leadership in the conservation of soil and water resources.</p>	<p>Implements and supports conservation programs and initiatives applicable to the District but fails to effectively carry out or support two programs.</p>	<p>Fails to deliver and/or support programs and initiatives applicable to the District with multiple deficiencies demonstrated. Leadership in the conservation of soil and water resources is lacking or nonexistent.</p>
<p>2. <b>Wherever applicable</b>, actively participate in the local promotion, development, and implementation of the following programs and initiatives:</p> <ul style="list-style-type: none"> <li>• The Water Quality Improvement Act</li> <li>• Chesapeake Bay and Virginia Waters Clean-Up Plan (§62.1-44.117 of the Code of Virginia) actions</li> <li>• Virginia’s Healthy Waters initiatives</li> <li>• Nutrient Management Training and Certification Program</li> <li>• Conservation Planning Programs</li> <li>• Local TMDL development and implementation processes</li> <li>• Land conservation initiatives (consistent with any state-identified priorities)</li> <li>• Sound land use and watershed planning approaches</li> <li>• Environmental education programs</li> </ul>	<p>Demonstrates implementation of all but one listed program/initiative applicable to the District.</p>	<p>Implements and supports programs and initiatives applicable to the District but fails to effectively carry out or support two programs/initiatives.</p>	<p>Fails to deliver and/or support programs and initiatives applicable to the District when funding is made available, with multiple deficiencies demonstrated by the District.</p>
<p>3. Actively support and foster partnerships to deliver natural resource conservation programs with consideration to resource needs and issues with local governments, the agricultural community, agencies, organizations, councils, roundtables, and others to protect soil resources, improve water quality, and further natural resource conservation.</p>	<p>District is proactive and provides leadership in accomplishment of this goal.</p>	<p>District responsive to situations after problem has developed.</p>	<p>District passive and reluctant or lacks commitment in forming relationships with other conservation groups. Fails to keep abreast of current events that impact soil and water resources locally.</p>
<p>4. <del>Hold monthly meetings with a quorum of District board members present.</del> <u>For the period July 1, 2019 through February 1, 2020, the District held regular meetings with a quorum of District board members present.</u></p>	<p><del>10</del> <u>6</u> or more meetings.</p>	<p><del>8 or 9</del> <u>5</u> meetings</p>	<p><del>7</del> <u>4</u> meetings and fewer.</p>

5. Develop and maintain a long term plan that enhances District capabilities, on a 4 year cycle through a process that obtains input from stakeholders, including local government(s). A documented review of the plan is expected at least annually during a scheduled meeting of the District Board. This plan should contain, at a minimum, a discussion of district goals and/or objectives and include strategies or action items to achieve each of those goals in order to implement the applicable programs covered in this Agreement.	A current plan (reviewed during this fiscal year) exists that contains applicable District goals, objectives, strategies, and/or action items.	Where a lapsed plan exists, a new plan is actively under development.	The current plan has lapsed, and no action is underway for plan development.
6. Prepare and follow an annual plan of work that demonstrates how the District will implement specific strategies or action items in support of its long term plan.	An annual plan of work was prepared and substantially followed, with Board progress reviews conducted and documented at least twice annually.	An annual plan of work was prepared, but not referenced or substantially followed or only partially completed.	An annual plan of work was not prepared, is substantially incomplete or was not followed.
7. Submit meeting minutes from all routine, special, and committee meetings of the District Board to the District's assigned Conservation District Coordinator (CDC). Submit a copy of District publications including an annual plan of work, an annual report, and the long term 4 year plan to the CDC.	Received all minutes and a copy of an Annual Plan and Annual Report.	Received some portion of minutes and other documents.	CDC received no minutes or documents.
8. Submit a District Board approved, completed Attachment D (Itemized District Budget Request Form) for Fiscal Year 2021 to the Department by the latter of June 15, 2019, or 45 days after receipt of the budget template information from DCR.	Completed Attachment D received by due date and was complete.	Some portion of required Attachment D was late and/or incomplete.	The entire Attachment D was late and/or incomplete.
9. Submit complete and accurate quarterly financial reports to the District's assigned CDC. Quarterly reporting includes utilizing the Fiscal Year 2020 electronic template of the Attachment E (Project Financial Report), submittal of a quarterly Profit and Loss Statement, and submittal of a quarterly Cash Balance Sheet. The Attachment E submittals must be signed by the District Treasurer or a Director/Associate Director with check signing authority. Two different signatures are required. For the 3 <sup>rd</sup> quarter, reports may be submitted without the appropriate signatures; however, signatures must be obtained no later than July 31, 2020. All end-of-year reports must be submitted, with appropriate signatures, no later than July 31, 2020.	Three or more reports were on time, complete, and accurate.	Two reports were on time, complete, and accurate.	One or fewer reports were on time, complete, and accurate.
10. DCR's Desktop Procedures for District Fiscal Operations (Procedures) annually reviewed by the District Board or their Finance Committee and documented in official minutes.	A current copy of the Procedures was maintained in the District Office and was reviewed by the Board or Finance Committee once during the fiscal year.	N/A	A current copy of the Procedures was not maintained in the District Office; the Procedures were not reviewed by the Board or Finance Committee during the fiscal year.
11. When audited, the District acted upon audit findings as directed by the Virginia Soil and Water Conservation Board, the Audit Subcommittee of the Virginia Soil and Water Conservation Board, and the Department.	The District had no findings or resolved all findings from the Audit.	N/A	The District did not resolve findings from the Audit.
12. District staff responsible for the District's financial data management and financial reporting, must attend an Accounting for Districts and QuickBooks training when provided by the Department. Staff may attend either beginner or advanced training.	District staff responsible for the financial data and reporting attended the Accounting for Districts and QuickBooks training.	N/A	District staff responsible for the financial data and reporting did not attend training.
13. Annually review and maintain employee personnel documents including position descriptions, performance expectations, and the District personnel policy; also document Pay Action Authorizations and conduct annual employee evaluations. Provide the District's	All personnel documents and annual review/evaluation processes are current and/or complete.	Some portion of personnel documents and annual review/evaluation processes are current and/or complete.	No personnel documents and review/evaluation processes are current and/or complete. Annual personnel document

assigned CDC with a copy of employee position descriptions and the District personnel policy once documents are annually reviewed and updated.			reviews, Pay Action Authorizations, and evaluations are not occurring.
<del>14. New directors are expected to attend orientation training within six months of qualifying for office.</del>	<del>New directors attended Director Orientation training sessions within 6 months.</del>	<del>A majority of new directors attended Director Orientation within 6 months.</del>	<del>New director(s) fail to attend Director Orientation training.</del>
<del>15. All Directors are required to complete Conflict of Interest (COIA) training every other year, as provided by the Office of the Attorney General.</del>	<del>Directors completed COIA training every other year, as provided by the Office of the Attorney General.</del>	<del>A majority of Directors completed COIA training.</del>	<del>Directors failed to complete COIA training.</del>
<del>16. One or more Directors from the District attend VASWCD Annual Meeting (held in December) and the Area Spring meeting.</del>	<del>One or more SWCD directors attended each of the meetings.</del>	<del>One or more SWCD directors attended one of the meetings.</del>	<del>Meetings were not attended by SWCD Director(s).</del>
17. In accordance with the Freedom of Information Act (FOIA), the District designated a FOIA officer and the FOIA Officer completed annual FOIA training. A copy of the training certificate was provided to the District's assigned CDC, and contact information was submitted to the FOIA Council.	The District designated a FOIA Officer and the FOIA Officer completed annual FOIA training.	N/A	The District did not designate a FOIA officer OR the FOIA Officer did not complete annual FOIA training.
18. The District has a designated Records Officer on file with the Library of Virginia and the Records Officer has completed the Library of Virginia Record Retention course(s) within the first year of hire or within the last three years. A copy of the training certificate(s) was provided to the District's assigned CDC.	The District designated Records Officer has completed a Library of VA Record Retention course within the first year of hire or within the last three years	N/A	The District does not have a Records Officer and/or the designated Records Officer has not completed a Library of VA Record Retention course within the first year of hire or within the last three years
19. Provide data and other information needed for preparation of legislative studies and reports that pertain to programs and services delivered by Districts, as requested by the Department to support nonpoint source pollution reduction initiatives that improve water quality including information necessary to fulfill reporting specified within the Virginia Natural Resources Commitment Fund [§ 10.1-2128.1 of the Code of Virginia.]	All Department and/or the Virginia Soil and Water Conservation Board requests for information/assistance were fully addressed.	The Department's and/or the Virginia Soil and Water Conservation Board's requests were partially addressed with shortcomings that could include incomplete information; response delays, and other factors.	No cooperation and/or assistance provided when requested by the Department and/or the Virginia Soil and Water Conservation Board.

\* The basis for the ratings that are scored "Partially Fulfilled" or "Did Not Fulfill" will be documented through written comments by the CDC and discussed during a meeting of the District Board and staff. Such results will be shared with the Virginia Soil and Water Conservation Board for their review and consideration.

**ATTACHMENT C (Evaluation Guidance for Department/District Fiscal Year 2020 Grant Agreement Performance Deliverables)**

Grant Agreement Performance Deliverable	Fully Satisfied “A”	Partially Fulfilled “B”*	Did Not Fulfill “C”*
<p>1. Did the District implement the Virginia Agricultural BMP Cost-Share program (§10.1-546.1 Code of Virginia) in accordance with the provisions of:</p> <ul style="list-style-type: none"> <li>• The POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020);</li> <li>• This Grant Agreement;</li> <li>• The <i>Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual</i>; and</li> <li>• All state laws and regulations.</li> </ul>	<p>Effectively delivers the Agricultural BMP Cost-Share Assistance Program in accordance with program requirements.</p>	<p>Generally delivers the Agricultural BMP Cost-Share Assistance Program in accordance with program requirements.</p>	<p>Fails to deliver the Agricultural BMP Cost-Share Assistance Program in accordance with program requirements, with multiple deficiencies demonstrated by the District.</p>
<p>2. Did the District submit secondary considerations prior to the beginning of the fiscal year and receive Department approval prior to the District approving cost-share applications?</p>	<p>Secondary considerations were submitted to the Department prior to the beginning of the fiscal year and were approved by the Department prior to the District approving cost share applications.</p>	<p>Secondary Considerations were submitted after the beginning of the fiscal year, and were approved by the Department prior to the District approving cost share applications.</p>	<p>Secondary Considerations were not submitted or approved by the Department prior to the District approving cost share applications.</p>
<p>3. Did the District act consistently with both primary and secondary considerations and act consistently with Virginia Soil and Water Conservation Board policies while also demonstrating the following priorities during the program year:</p> <ul style="list-style-type: none"> <li>• For Districts within the Chesapeake Bay basin, Districts shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan and;</li> <li>• For Districts in basins outside the Chesapeake Bay, priority shall be given to BMPs in the highest priority agricultural TMDL watersheds (as ranked by the Department; high, medium, and low).</li> </ul>	<p>100% District ranked all cost-share applications consistent with primary and secondary considerations and other applicable program priorities.</p>	<p>District ranked some cost-share applications consistent with primary and secondary considerations and was generally consistent with other applicable program priorities.</p>	<p>District ranked no cost-share applications inconsistent with primary and/or secondary considerations and/or was generally inconsistent with other applicable program priorities.</p>

4. Was data entered in the AgBMP Tracking Module to the satisfaction of the Department, including the entry of a practice location point, path to stream (where required), digitized practice components to facilitate resource reviews, and accurate practice measurements including soil loss rate value based upon site specific soil type(s).	Yes	Score of Partially Fulfilled N/A	No
5. What percentage of the District's VACS (cost-share) <b>total adjusted</b> allocation for this grant period was obligated to participants?	≥ 90%	< 90% >75%	≤ 75%
6. Did the District take appropriate action <b>within 180 days by June 30, 2020</b> to address all verification or spot check issues once identified?	100%	< 100% > 75%	≤ 75%
7. Did the District maintain the Agricultural BMP tracking program within one month of payments being rendered, and other financial records by the reporting deadline for each quarter?	Yes	Score of Partially Fulfilled N/A	No
8. Did the District submit complete and accurate End of Year Cash Balance Reports, Carry Over Reports, and SL-6 Pending Reports, <del>by the End of Year reporting deadline no later than July 31, 2020?</del>	Reports were submitted <b>by the End of Year reporting deadline no later than July 31, 2020</b> and were complete and accurate.	Reports were submitted after <b>the End of Year reporting deadline July 31, 2020</b> but were complete and accurate.	Reports were submitted after <b>the End of Year reporting deadline July 31, 2020</b> and were incomplete or inaccurate.
9. Were tax credit applications submitted pursuant to §58.1-339.3 or §58.1-439.5 approved and was there a corresponding District Board approved conservation plan on file at the District for each tax credit? Were tax credits issued after practices received technical certification and did the tax credit issue date fall in the same calendar year as the technical certification date?	Yes or N/A	Score of Partially Fulfilled N/A	No
10. Were applications for cost-share and tax credits approved by District Board action, <b>or by persons who were delegated authority by the District Board,</b> and individually documented in their District Board minutes (identified by contract/instance #)?	Yes	Score of Partially Fulfilled N/A	No
11. Each District technical staff responsible for utilizing any component of the Department's application suite completed the IT Security Course	All District staff completed the IT Security Course	Some of the staff completed the IT Security Course	No staff complete the IT Security Course

12. Did each technical staff attend trainings, certification or recertification courses?	All technical staff attended trainings, certification, or recertification courses.	Some staff attended trainings, certification, or recertification courses.	No staff attended training courses.
13. Was District technical staff present at an annual VACS training sponsored by the Department and did staff attend a VACS Program Manual course when offered by the Department?	All of the technical staff attended an annual VACS training and a VACS Program Manual course (when offered by DCR)	Some of the technical staff attended an annual VACS training and/or a VACS Program Manual course. OR some staff attended only one of the trainings	No technical staff attended an annual VACS training or a VACS Program Manual course

Does the District have documentation to explain any measures in their Grant Agreements that were not fully met? If so, please provide to CDC.

## **Cost-share funding and technical assistance funding policy**

Recognizing the impact of the current public health emergency, the Department is revising the current guidance established in the *FY2020 Virginia Agricultural BMP Cost-share Manual*, the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2020)*, and the *Cost-share and Technical Assistance Grant Agreement (FY2020)* related to carryover practices and the retention of cost-share and technical assistance funding.

### ***Increased use of carryover status***

For FY2020, the Department is expanding the use of carryover practices to ensure that producers who have committed to install or implement best management practices will be able to receive cost-share funding. Districts will be able to retain the necessary cost-share funding and associated technical assistance funding for any best management practice that meets the following conditions:

1. A producer has signed Part 1 of the cost-share contract by July 15, 2020;
2. The District has entered the best management practice information into the AgBMP Tracking Module no later than July 15, 2020; and
3. The best management practice has been appropriately marked as a “carryover” practice as directed by the Department.

The District Board does not need to formally approve the contract prior to July 15, 2020 for the District to retain funding as long as the conditions included above are met. Meeting the above conditions will be considered equivalent to obligating FY2020 cost share. However, the District Board should approve the contract as quickly as possible after the current health emergency ends.

### ***Retention of technical assistance funding***

1. Any District that obligates 90% or more of its total adjusted cost-share allocation will be eligible to retain any remaining technical assistance funds.
2. Any District that obligates at least 75% but does not obligate 90% of their total adjusted cost-share allocation will be eligible to retain (a) an amount equivalent to the base technical assistance funding approved for FY2021 and (b) retain a prorated percentage of technical assistance that was allocated by the *FY2020 Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2020)* that exceeds the base technical assistance funding approved for FY2021; and
3. Any District that obligates less than 75% of their total adjusted cost-share allocation will be eligible to retain the lesser of either (a) an amount equivalent to the base technical assistance funding approved for FY2021 or (b) the total technical assistance that was allocated by the *Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2020)*.

### ***Reallocation of cost-share and technical assistance funds***

As of July 31, 2020, any cost-share funds that are (i) not formally obligated by District Board action; or (ii) are not set aside to be utilized for a carryover practice will be considered unobligated and will be returned to the Department, along with the appropriate technical assistance funds, for reallocation by the Board.

***Assessment of District allocation obligation***

Districts will continue to be assessed on the amount of funds obligated as follows:

Grant Agreement Performance Deliverable	Fully Satisfied "A"	Partially Fulfilled "B"	Did Not Fulfill "C"
What percentage of the District's VACS (cost-share) total adjusted allocation for this grant period was obligated to participants?	≥ 90%	< 90% >75%	≤ 75%

Districts may continue to voluntarily transfer funds between Districts and are able to return cost-share funds, and the associated technical assistance funds, to the Department. Funds returned to the Department will be utilized for programmatic priorities or to provide additional cost-share funding in FY2021.