

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1422

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Plum

3. Committee: Passed both Houses.

4. Title: Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans.

5. Summary: Requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to submit a nutrient management plan for such cropland to the Department of Conservation and Recreation (DCR). The bill also requires any person who owns 20 or more bovines in the watershed to install stream and maintain exclusion practices sufficient to exclude all such bovines from any perennial stream in the watershed.

The bill provides that the provisions of the act will not become effective unless, on or after July 1, 2026, the Secretary of Agriculture and Forestry and the Secretary of Natural Resources jointly determine that the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have not been satisfied. The bill requires the Secretary of Agriculture and Forestry and the Secretary of Natural Resources to convene a stakeholder advisory group (the Group) to review annual progress toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan.

The fourth enactment clause of the bill requires DCR, no later than July 1, 2021, to establish through the Soil and Water Conservation Technical Advisory Committee and with stakeholder input a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

Lastly, the fifth enactment clause of the bill requires the Virginia Soil and Water Conservation Board to establish, no later than December 31, 2020, the methodology for identifying perennial streams, as defined in § 62.1-44.122 of the Code of Virginia, as created by this act.

6. Budget Amendment Necessary: Yes, to Item 373 of the introduced budget, HB30/SB30.

7. Fiscal Impact Estimates: Final.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	\$150,000	n/a	GF

- 8. Fiscal Implications:** This bill requires DCR to establish a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program no later than July 1, 2021. It is anticipated that any costs associated with this effort can be absorbed within current resources.

The fifth enactment clause of the bill requires the Virginia Soil and Water Conservation Board to establish, no later than December 31, 2020, the methodology for identifying perennial streams that do not require field verification. Currently, state regulations provide for field verification methods. Non-field verification methods include remotely sensed data, including geographic information systems (GIS) technologies and aerial photography. According to DCR, the acquisition and interpretation of aerial or other remote means will require additional resources. Based on a similar study utilizing aerial methods conducted in Rockingham County, DCR anticipates a one-time cost of \$150,000 to develop a methodology for the entire Chesapeake Bay area. While HB30/SB30 includes additional funds for deposit to the Water Quality Improvement Fund, such funds are provided for specific purposes and cannot be utilized for the purpose of this bill.

If the provisions become effective July 1, 2026, as provided for in the bill, it is anticipated that there may be costs to DCR in FY 2027. These costs are indeterminate at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Conservation and Recreation; Department of Environmental Quality; Secretary of Natural Resources.

10. Technical Amendment Necessary: No.

11. Other Comments: SB704 is the companion to this bill.