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## HOUSE BILL NO. 1485

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Chesapeake and Natural Resources)  
on January 18, 2023)

(Patron Prior to Substitute—Delegate Webert)

A BILL to amend and reenact § 62.1-44.119:1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 3.8 of Title 62.1 sections numbered 62.1-44.119:2, 62.1-44.119:3, and 62.1-44.119:4, relating to Chesapeake Bay Watershed Implementation Plan; effective date.

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.119:1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 3.8 of Title 62.1 sections numbered 62.1-44.119:2, 62.1-44.119:3, and 62.1-44.119:4 as follows:

§ 62.1-44.119:1. Effective date.

The provisions of this chapter shall not become effective unless, on or after July 1, 2026, the 2030:

1. The Secretary of Agriculture and Forestry and the Secretary of Natural and Historic Resources jointly determine that the Commonwealth's agriculture sector commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have not been satisfied by a combination of (i) agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices and (ii) other point or nonpoint source pollution reduction commitments; and

2. The Commonwealth has fully funded the amount calculated pursuant to § 10.1-2128.1 for effective soil and water conservation district technical assistance and implementation of agricultural best management practices pursuant to § 10.1-546.1 from July 1, 2023, through the end of the biennial period in which the Secretary of Agriculture and Forestry and the Secretary of Natural and Historic Resources have made the joint determination pursuant to subdivision 1. Nothing in this subdivision shall prohibit adding additional funding to the Virginia Natural Resources Commitment Fund established in § 10.1-2128.1 in any year from July 1, 2023, to the year the joint determination is made as required in subdivision 1 for distribution in another program year in order to achieve full funding.

§ 62.1-44.119:2. Annual report on Virginia Agricultural Best Management Practices Cost-Share Program.

The Secretary of Agriculture and Forestry and the Secretary of Natural and Historic Resources shall convene a stakeholder advisory group, hereinafter referred to as the Group, to review annual progress and make recommendations toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan. The Group shall develop (i) a process to assist any operator of 50 or more acres of Chesapeake Bay cropland in developing a nutrient management plan that meets the requirements of the goals to be achieved by the target date and (ii) a plan for the stream exclusion program in the Chesapeake Bay watershed. Such plans and progress reports shall include the number of practices completed in the prior program year and practices needed to complete the agriculture sector nutrient load reductions, identification of priority regions, the farmers and landowners affected within each region, initiatives to enhance progress, an accounting of funding received toward the agricultural commitments, any funding shortfalls remaining, and the consequences of such funding shortfalls.

§ 62.1-44.119:3. Natural Resources Commitment Fund; reporting requirements.

Each soil and water conservation district shall report to the Department of Conservation and Recreation recommendations for improving the disbursement of funding and for program efficiencies that would expedite disbursement of funds provided through the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1.

§ 62.1-44.119:4. Regulatory format on agricultural practices before effective date.

Notwithstanding the provisions of this chapter, no regulatory action pursuant to §§ 62.1-44.121 and 62.1-44.123 shall be imposed on agricultural practices prior to July 1, 2030, provided that reasonable progress is being achieved and a detailed plan to include full funding, as provided under subsection C of § 10.1-2128.1, for reaching the needed number of voluntary incentivized practices has been developed.

2. The stakeholder advisory group (the Group) created by the Secretary of Agriculture and Forestry and the Secretary of Natural and Historic Resources pursuant to § 62.1-44.119:2 of the Code of Virginia, as created by this act, shall make recommendations to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and Senate

60 Committee on Agriculture, Conservation and Natural Resources to ensure that the  
61 Commonwealth's commitments are achieved in accordance with the Chesapeake Bay Total  
62 Maximum Daily Load Phase III Watershed Implementation Plan. The Group shall include  
63 representatives from the Department of Conservation and Recreation, soil and water conservation  
64 districts, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Chesapeake  
65 Bay Commission, the Chesapeake Bay Foundation, the James River Association, the Virginia  
66 Cooperative Extension, the Virginia Cattlemen's Association, the Virginia Association of the  
67 Commissioners of the Revenue, and the Virginia Association of Counties. The Group shall also  
68 include two legislative members, one each from the Senate and the House of Delegates appointed  
69 by the Senate Committee on Rules and the Speaker of the House of Delegates, respectively. Such  
70 legislative members shall be members of the Virginia delegation of the Chesapeake Bay  
71 Commission.