

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1129

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Hanger

3. Committee: Passed both Houses.

4. Title: Chesapeake Bay Watershed Implementation Plan; effective date.

5. Summary: Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan provisions to allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices. The effective date of the provisions shall be extended for a period of one calendar year for each calendar year that the Commonwealth has not fully funded the amount calculated pursuant to § 10.1-2128.1, Code of Virginia, for effective Soil and Water Conservation District technical assistance and implementation of agricultural best management practices pursuant to § 10.1-546.1, Code of Virginia, 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 required. However, in no case can the effective date be extended beyond July 1, 2030, unless sufficient funding for effective Soil and Water Conservation District technical assistance and implementation of agricultural best management practices has not been provided pursuant to § 10.1-2128.1, Code of Virginia, in any calendar year. The bill requires the Secretary of Agriculture and Forestry and the Secretary of Natural and Historic Resources to convene a stakeholder advisory group to review annual progress, report on specific annual percentages for nutrient management plan and stream exclusion, 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. A preliminary report is required on December 1, 2023, and the first annual report is due on July 1, 2024. Additionally, the Secretaries of Natural and Historic Resources and Agriculture and Forestry are to review the workgroup's July 1, report and other relevant information to determine in their judgment whether work accomplished to date as well as planning and resource allocation are sufficient to substantially reach the allocated goals by July 1, 2028, and whether additional initiatives or resources or both will be necessary to continue an incentive-based effort. The bill adds reporting requirements to soil and water conservation districts and that no regulatory action shall be imposed on agricultural practices prior to July 1, 2028, provided that reasonable progress is being achieved.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final.

8. Fiscal Implications: It is anticipated that both the Department of Conservation and Recreation (DCR) and the Department of Environmental Quality (DEQ) can implement the provisions of this bill within current resources. DCR has stated that the agency does not currently separate the required data by river basin, and that developing this information, or additional new reports and metrics, may create an additional workload for existing staff.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation; Department of Environmental Quality; Secretaries of Natural and Historic Resources, and Agriculture and Forestry.

10. Technical Amendment Necessary: No.

11. Other Comments: HB1485 is the companion to this bill.