

Name of Practice:
RESOURCE MANAGEMENT PLAN (RMP) DEVELOPMENT
DCR Specifications for No. RMP-1

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's (DCR) Resource Management Plan development best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

The development of Resource Management Plans (RMPs) is needed to encourage the implementation of BMPs designed to improve water quality. RMPs can be developed for eligible farms throughout the state on crop, pasture, and/or hay acreage.

The purpose of this practice is to offer financial assistance to farmers and certified Resource Management Plan Developers for the development of RMPs.

B. Policies and Specifications

RMPs receiving cost-share funding for development under this practice must meet the RMP minimum standards identified in 4VAC50-70-40, contain the components outlined in 4VAC50-70-50, and be determined to be adequate by the review authority in accordance with 4VAC50-70-10 et seq. to be in compliance with this specification.

Minimum requirements shall include but not be limited to having a nutrient management plan on all acres included in the RMP. A soil loss conservation plan or pasture management plan is required. This plan is required to be written to achieve a maximum soil loss rate to "T" as defined by the Natural Resources Conservation Service (NRCS) and to include best management practices (BMPs) necessary to address gross erosion or other severely eroding conditions on all acres included in the RMP. Additionally, the RMP must include 35' wide buffers on cropland and hayland. Livestock must be excluded from perennial streams on pasture land.

1. Definitions (in addition to those set out in 4VAC50-70-10)
 - i. **Cropland** means land used for the production of grain, oilseeds, silage, or industrial crops.
 - ii. **Hay** means grass, legume, or other plants, such as clover or alfalfa, which is cut and dried for feed, bedding, or mulch.
 - iii. **Operator** means the person or persons with actual managerial controlling interest--which may differ from the named interest--in the land management unit. A change to the Social Security Number (SSN) or Tax ID associated with the management unit may not mean a change in operator where the controlling interest is the same. For example, where a living person controls a land management unit and then subsequently an entity controlled by the same living person is named as operator, the living person remains the operator as he exerts a controlling interest in the entity and the land management unit.
 - iv. **Pasture** means land that supports the growth of forages for grazing of animals.
 - v. **Management unit** means one or more agricultural fields or United States

Department of Agriculture Farm Service Agency tracts under the control of the owner or operator and identified as the appropriate unit for RMP implementation. The management unit may consist of single fields, multiple fields and tracts, or an entire agricultural operation.

- vi. **Review authority** means a soil and water conservation district or the department (DCR), where applicable, that is authorized to determine the adequacy of a Resource Management Plan and perform verification inspections and other authorized programmatic actions.
2. Cost-share funds received for the RMP-1 practice do not count against or otherwise affect an applicant's annual cost-share cap for other cost-shared practices.
 3. Eligibility:
 - i. This practice applies to crop, hay, and pasture lands that are included in an approved RMP.
 - ii. Cost-share payment cannot be made until the RMP is deemed sufficient by the review authority.
 - iii. To be eligible for cost-share funding, RMPs must be submitted in a format approved by DCR.
 - iv. RMPs must contain the signature and certification statement of a certified RMP developer as required by 4VAC50-70-50 C.1.
 - v. When an owner or operator has an RMP deemed sufficient by the review authority but does not yet have a Certificate of RMP Implementation, revision of the RMP is required when a new or modified Watershed Implementation Plan is issued for the Chesapeake Bay or a new or modified local approved TMDL is issued that assigns a load to agricultural uses.
 - vi. Before cost-share payment can be made, the following items must be addressed:
 - a. A complete copy of the approved RMP must be submitted to the SWCD.
 - b. An invoice for planning services provided by the certified RMP developer must be provided to the SWCD.
 - vii. RMPs must contain a current nutrient management plan and a current soil loss conservation plan or pasture management plan with a soil loss of "T" or less.
 - viii. Participants may redirect their cost-share payment to their certified RMP developer by signing a written statement to that effect. A DCR assignment authorization form is attached to this specification.
 - ix. An applicant may apply for a new RMP-1 on land management units which have previously received cost-share for RMP-1 when a Resource Management Plan Certificate of Implementation expires or within the 12 months prior to certificate expiration.

- x. A new owner or operator who purchases or begins to farm land which has a valid Resource Management Plan and/or Certificate may be eligible for the RMP-1 practice if material changes occur that impact the operation's ability to meet minimum standards which require a revision of the RMP. Material changes include:
 - a. A conversion from one type of agricultural operation to another.
 - b. A change in the schedule and type of BMPs implemented.
 - c. An increase or decrease in production acreage.
 - d. An increase or decrease in livestock population.
 - e. Any other change that the RMP developer identifies that would materially impact ability to meet RMP minimum standards.
 - xi. An applicant may apply for multiple RMP-1 practices either within the same cost-share program year or another cost-share program year, but the RMP-1 applications must not include the same land management units included in other RMP-1 applications.
- 4. In order to be eligible for cost-share, RMPs must be prepared by a developer who has been issued a current Resource Management Plan Developer Certificate by the Virginia Department of Conservation and Recreation. Resource Management Plans must be written to comply with all requirements set forth in the Resource Management Plan Regulations (4VAC50-70-10 et seq.)
- 5. In order to be eligible for cost-share, nutrient management plans must be prepared by a certified planner who holds a current Nutrient Management Planner Certificate issued by the Virginia Department of Conservation and Recreation. Nutrient Management Plans must be written to comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4 VAC 50-85-10 et seq.) and the criteria set forth in the Virginia Nutrient Management Standards and Criteria, revised July 2014.
- 6. Ineligible:
 - i. RMP developers will not be paid for plans that are developed without the collaboration, support, and written affirmation of the operator. The plan must be reviewed and signed by the certified RMP Developer when developed, amended, or revised as needed to match planned crop rotations and management practices of the operator.
 - ii. No cost-share payment is available for revisions to an existing RMP, unless there is a change in owner/operator in accordance with B.3.x.
 - iii. No cost-share is available for a new RMP-1 if a payment has been received for a previous RMP-1 on which there has been no substantial progress towards implementation of the BMPs agreed to in the RMP as determined by the review authority.
- 7. If the RMP has not been deemed sufficient by the review authority by the end of the program year, the review authority may, on a case-by-case basis, extend the completion deadline (authorize carryover) into the next program year.

C. Rate(s)

1. The cost-share rate is \$10.00 per acre for all eligible acres within a management unit.
2. Payment for any single RMP-1 practice instance must not exceed \$6,500.00.
3. The SWCD must provide an Internal Revenue Service Form 1099-G to any cost-share program participant who receives \$600 or more in cost-share payment(s) per their federal taxpayer identification number or social security number during the calendar year. If the payment for this practice is redirected at the participant's request to a certified RMP developer, an IRS 1099-Misc tax form should go to the entity receiving the cost-share funds. SWCDs must also file the appropriate IRS Form 1099 and Form 1096 with the Internal Revenue Service in accordance with IRS regulations.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and SWCD staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above, and/or Engineering Job Approval Authority (EJAA), for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Technical responsibility for plan conformance with regulations and assurance that the plan reflects in field conditions is assigned to the Virginia Certified Resource Management Plan Developer who has prepared the RMP.

Revised Feb. 2017

**ASSIGNMENT OF RESOURCE MANAGEMENT PLAN DEVELOPMENT (RMP-1)
COST-SHARE PAYMENT AUTHORIZATION**

I _____, do hereby direct
Name

the _____ Soil and Water

Conservation District (SWCD) to pay any and all cost-share funds disbursed under the

RESOURCE MANAGEMENT PLAN DEVELOPMENT (RMP-1) to

_____, of
Name

_____ for
Business

services provided during development of my Nutrient Management Plan. It is further acknowledged that an IRS form 1099 in the amount of the payment will be sent directly to the above identified contractor.

Signature

Date

Neither the local Soil and Water Conservation District (SWCD) nor the Virginia Department of Conservation and Recreation (DCR) is providing tax advice; both the program participant and the contractor may wish to consult with an independent tax advisor regarding potential tax consequences.