

# Agricultural Enhancement Program Administration Agreement



**Capitol Conservation District**

**West Virginia Conservation Agency**

Approved: \_\_\_\_\_  
Chairman, G. Steve May, Capitol Conservation District

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Brian Farkas, Executive Director WVCA

Date: \_\_\_\_\_

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## **1. Purpose**

- 1.1. The purpose of the Conservation District (CD) Agricultural Enhancement Program Administration Agreement is to provide conservation districts a format in which to document CD policies. Conservation Districts shall take actions per Legislative Rule *63CSR2 West Virginia Conservation Agency Financial Assistance Program* and follow recommendations outlined in the Agricultural Enhancement Program Guidance Document (include in appendix).

## **2. Program Purpose**

- 2.1. The purpose of the West Virginia Agricultural Enhancement Program (AgEP) is to assist agricultural land owners of West Virginia with the implementation of best management practices to control erosion, conserve soil, and improve overall land quality, water quality and natural resource sustainability for the general welfare of the people of West Virginia. Publicly-owned lands are not eligible to receive financial assistance through AgEP.

## **3. Fiscal**

- 3.1. Funds provided under this agreement are to be used exclusively to meet the purpose and objectives of the West Virginia Agricultural Enhancement Program.
- 3.2. Conservation Districts shall administer funds using Generally Accepted Accounting Principles (GAAP) as set forth by the Governmental Accounting Standards Board (GASB) and the American Institute of Certified Public Accountants (AICPA).
- 3.3. Conservation Districts shall issue a 1099 to cooperators receiving more than \$600 in AgEP funds in a calendar year.
- 3.4. Conservation Districts shall deposit all funds received from the State Conservation Committee (SCC) into a fully insured Federal Deposit Insurance Corporation (FDIC) banking institution within 24 hours of receipt.
- 3.5. Conservation Districts shall ensure that AgEP balances in excess of \$250,000 are protected in accordance with WV Code §12-1- 4 & 5.
- 3.6. Conservation Districts shall comply with instructions contained in SCC fund transmittal documents.
- 3.7. The primary source of funding is legislative appropriated funds to the West Virginia Conservation Agency (WVCA). The WVCA, with the SCC's approval, shall provide funding to CDs on an annual basis based on the availability of funding.
- 3.8. Conservation Districts shall provide an approved Letter of Request (LOR) to the WVCA to receive AgEP funds.
- 3.9. Conservation Districts may supplement the AgEP state allocation received from WVCA/SCC with other available funding sources. While outside funding

sources are encouraged, any outside funding will not be considered in the calculations of future state-funded allocations and will be maintained separately from state-allocated funds in the Sage accounting program. Outside funds are retained by the Conservation District and will not be replenished with state funds. Conservation Districts shall determine and designate by board motion or delegation of authority which funding source to use for AgEP payments.

#### **4. Conservation District Actions (per legislative rule)**

- 4.1. Conservation districts shall annually provide recommendations to the SCC on local resource concerns, needed conservation practices, financial assistance rates and other local priority needs. A program timeline is included in the appendix.
- 4.2. Conservation Districts shall use the SCC's approved practice list to generate and submit a local priority list to the WVCA for approval prior to July 1, the start of the AgEP program year.
- 4.3. Conservation Districts shall administer financial assistance programs in accordance with SCC and district approved policies.
- 4.4. Conservation Districts shall, with the assistance of WVCA employees, update and maintain the WVCA's financial assistance database.
- 4.5. Conservation Districts shall provide annual progress reports to the WVCA/SCC by July 31 detailing how the WVCA's financial assistance programs have benefited the districts' soil and water conservation mission.
- 4.6. Conservation Districts shall advertise the availability of WVCA financial assistance programs and the application periods in their respective districts.
- 4.7. Conservation Districts shall disclose application decisions with fifteen (15) business days of when the district's board has rendered a decision on an application. The 63CSR 2 *WV Conservation Agency Financial Assistance Programs* Legislative Rule details methods for notification and disclosure of approvals.
- 4.8. Conservation Districts shall provide information on how to appeal a financial assistance decision to the State Conservation Committee to unsuccessful qualified applicants.

#### **5. Conservation District Program Administration**

- 5.1. Conservation Districts shall establish application period(s), ranking period(s), and completion deadline(s) within the July 1 – June 30 program year.
- 5.2. Conservation Districts shall establish financial assistance rates and caps/maximums.

- 5.3. Conservation Districts shall format practice application form(s) and landowner/operator agreement (s) to reflect the decisions of the conservation district.
- 5.4. Conservation Districts shall establish a tie-breaker format for applications that are tied after completing the ranking process.
- 5.5. Conservation Districts, per WV Code §19-21A-7(e), may delegate authority to individual supervisors or a committee. If actions under this authority are taken a report shall be given at the next regular board meeting.
- 5.6. Conservation District administrative policies shall be documented in the addendum to this agreement.

## **6. WVCA/SCC Program Administration**

- 6.1. The State Conservation Committee shall consider the Conservation Districts' recommendations when developing the annual criteria for financial assistance programs.
- 6.2. The WVCA, with the SCC's approval, may provide funding to Conservation Districts on an annual basis to aid financial assistance programs. Annual allocations shall be based on the availability of funding. Funds will be provided to a CD upon receipt of a letter of request (LOR).
- 6.3. The WVCA shall provide technical assistance and oversight to the Conservation Districts to ensure proper use of allocated state funds.
- 6.4. WVCA staff, in cooperation with the federal Natural Resources Conservation Service (NRCS) and/or partnering agency staff, shall evaluate and rank each application received by the Conservation District based on SCC-approved criteria.
- 6.5. The WVCA shall evaluate and approve or reject the AgEP applications from conservation district supervisors per WV Code §19-21A-4(a) and 63CSR 2 *WV Conservation Agency Financial Assistance Programs* Legislative Rule.
- 6.6. WVCA staff, in cooperation with NRCS and/or partnering agency staff, shall perform technical inspection and certification of practice completion prior to the issuance of payment by the conservation district.
- 6.7. WVCA staff will update and maintain the financial assistance database.

## **7. Mutual Responsibilities:**

- 7.1. Parties shall submit unresolved issues in the interpretation or performance of this agreement to the Chairman of the SCC for committee resolution.
- 7.2. This agreement may be amended in writing upon signature of each signatory.
- 7.3. Cooperate to facilitate and complete the purpose and objectives.
- 7.4. All media releases related to this agreement shall be coordinated with the WVCA

Public Relations Specialist prior to release to media representatives.

7.5. Maintain records for a 3-year standard period or 1 year from resolution of litigation, whichever is longer.

7.6. In the event of non-compliance, this agreement may be suspended in whole or in part upon written notice sent to each signatory address of record. Notice must describe the non-compliance and request remedy.

7.7. A failure to comply with agreement provisions will result in termination of the agreement. After exhaustion of administrative remedy, 30-day written notice of termination will be sent by certified mail to each signatory address of record.

7.8. Participation in the agreement may be terminated by written notice sent by certified mail to each signatory address of record at least 30 days in advance of the effective termination date. Reason for termination must be stated within the notice.

**Addendum to AgEP Agreement - Conservation District Program Administration**

1. Conservation Districts shall establish:

Application period(s)

<b>Application Period One: July 1st – July 31<sup>st</sup> 2017</b>
<b>Application Period Two: January 1st – January 19<sup>th</sup> 2018</b>
<b>Frost Seed Application Period: July 1 – October 31<sup>st</sup> (Legumes ONLY)</b>

Ranking period(s)

<b>One: July 31<sup>st</sup> – Aug 18<sup>th</sup></b>
<b>Two: January 22<sup>nd</sup> – February 9<sup>th</sup></b>
<b>Frost Seed: By December meeting and complete project by March 1st</b>

Completion deadline(s)

<b>One: December 31<sup>st</sup></b>
<b>Two: June 1st</b>

2. Conservation Districts shall establish financial assistance rates and caps/maximums and cooperator cap.

Practice	Payment Rate	Cap	Cooperator Cap
<b>ALL</b>			<b>\$1000.00</b>
<b>ALL</b>			<b>Only two programs per sign up period</b>
<b>ALL</b>			<b>CCD does not cover sales taxes</b>

## Addendum to AgEP Agreement - Conservation District Program Administration

3. Conservation Districts shall establish:

Tie-breaker

**Drawing Names: Name cards will be placed into a container and a card will be drawn by an independent person not included in AgEP ranking.**

4. Conservation Districts may delegate authority

Authority is delegated to:	What authority is delegated:	Date
<b>Clyde Bailey</b>	<b>Represent and vote on behalf of the CCD board at State AgEP committee meetings</b>	<b>FY18</b>
<b>Elected individual</b>	<b>Same as above</b>	<b>July 1<sup>st</sup> 2018 Start of FY19</b>

5. Additional Decisions:

- a) **If the Capitol Conservation District is owed monies by any cooperator, that cooperator cannot apply for district programs. DM will send a reminder letter first.**
  - a. **Reminder Program: Bill is due in 30 days**
  - b. **If bill is not paid within 60 days the cooperator becomes illegible**
- b) **Leased farms are treated underneath the umbrella of ONE cooperator.**



**Annual AgEP Timeline:**

December – State AgEP meeting

January 31 - Deadline for CDs to submit program comments

February - Comments reviewed and forms revised

Late February - Revisions sent to CDs/staff for review

Mid-March - CDs submit recommendations for FY 18 practices

Late March - State AgEP committee to meet and review proposed changes for FY 18 and establish allocation formula

April - Presentation of FY 18 AgEP to SCC

June – CDs review and update policy addendum

June 15 – Deadline for CDs submit final practice list to WVCA (CDs can submit final list after SCC approval)

July 1 - Start of FY program

July 31 - CDs submit annual progress report (per legislative rule)