VIRGINIA BMP INCENTIVES PROGRAMS CONTRACT
(Part I – Application for Program)

Application/Contract Number:			**Application Date:**
First Name: **Middle Initial:** **Last Name:** **Farm Name:**			**Program Year:** **2027**
Address: (must match W-9)			**City/County:**
State:	**Zip code:**		**S.S. Number or Tax ID:**
Telephone Number: Home:		**Work:**	**Mobile:**
Email Address:			

APPLICANT' S REQUEST:

The following information is applicable to all of the following incentive programs: Virginia Agricultural Best Management Practices (BMP) Cost-Share Program (VACS or cost share Program), Virginia Conservation Reserve Enhancement Program (CREP), and/or the Virginia Agricultural BMP Tax Credit Program. I agree to install and maintain all practices receiving financial incentives according to Program Specifications required at the time of approval of my application by the Board of Directors of the local Soil and Water Conservation District (the "Board"). I agree to allow appropriate agency personnel or their designee access to land under my control for the purpose of evaluation, design, construction and inspection of said practice(s) from this date forward through the required lifespan. I understand that the sale, lease, or changed use of the property will not exempt me from fulfilling the requirement(s) described herein. I also understand that my period of responsibility begins with the acceptance of payment and/or tax credit and extends through the lifespan of the practice in accordance with Program requirements. Lifespan is defined as "the number of years a BMP must be maintained in accordance with Program standards. The lifespan begins on January 1 of the calendar year following the year of certification of completion." A BMP is subject to verification checks throughout the practice lifespan. The voluntary participation in one or more of the state agricultural incentive programs does not relieve or relinquish me and my farm operation from compliance with ordinances, laws and regulations that may exist at any level of government. I understand that applying to participate in any of the above listed program(s) does not guarantee that any or all of my request will be funded. I understand that if the practice I am requesting cost-share funding or tax credit for is located within the Chesapeake Bay watershed, nutrient and sediment reduction information related to that practice will be submitted to the Virginia Department of Environmental Quality for reporting to the Chesapeake Bay Program to determine progress made towards Chesapeake Bay pollution reduction targets.

REMEDIES IF THIS AGREEMENT IS BREACHED:

If my practice(s) is/are found not to meet Program Specifications required at the time of approval of my application by the Board, then I agree to refund all of the cost-share financial assistance or tax credit I have received. If the practice(s) is/are removed (in whole or in part) or not properly maintained during the lifespan of the practice(s), then I agree to refund all of the cost-share financial assistance or tax credit I have received, minus a pro rata portion of the assistance or tax credit from the number of months that my practice(s) had been previously in compliance, out of the number of months in the lifespan of the practice. Any refund shall be calculated with a penalty of 6% APR from the date of breach to the date of judgment, apart from post-judgment interest. In the event that demand is made for reimbursement and I fail or refuse to pay such reimbursement within 90 days of the demand, then I agree to pay any and all attorneys' fees for enforcement of this agreement.

Applicant Self-Certification of Eligibility:

For the purposes of the Virginia Agricultural BMP Cost-Share Program agricultural land shall be defined as "land being used in a BONA FIDE program of agricultural management and engaged in the production of agricultural, horticultural or forest products for market. The real estate must consist of a minimum of five contiguous acres and have verifiable gross receipts in excess of $1,000 per year from the production or sale of agricultural, horticultural or forest products produced on the applicant's agricultural land for each of the past three years.

Districts may request that applicants provide proof of agricultural production. To be considered an agricultural producer there must be an annual minimum of $1,000 of agricultural products being produced, sold or both from the applicant's agricultural land (non-industrial private forest lands are exempt from the $1,000 requirement when managed for commercial production according to a plan prepared by a professional forester). Any financial records supplied by an applicant to verify eligibility will not be duplicated or retained by the District.

I certify that I meet the above defined qualifications to participate in the Virginia Agricultural Best Management Practice Cost-Share Program. I certify that I am not contracted to receive cost-share funding from any other source for the same conservation practice on the same acres of land during this fiscal year, unless multiple funding sources are being used to share the costs for my practice. I certify that the practice(s) for which I am requesting cost-share funding or tax credit are not, and will not, be used to satisfy any minimum actions required by local ordinance; in a mitigation bank, nutrient trading program, or to comply with any state or federal law, regulation, or permit.

REQUIREMENTS APPLICABLE TO SPECIFIC INCENTIVE PROGRAMS:

VACS Program (if applicable to this request): The VACS Program has a $300,000 per applicant per Program year (July 1 thru June 30) cost-share limit. Cost-share funds are considered income. Recipients of these funds are responsible for compliance with all applicable tax requirements including requirements of the Internal Revenue Service.

Soil and Water Conservation Districts (SWCDs) share information concerning VACS/VNRCF funding limits and cost share funding that approved participants have received from other SWCDs to ensure the Program applicant cap is not exceeded.

[ ] Yes [ ] No Have you received or will you receive cost share funding from another SWCD during the current Program year? If yes, which one(s)?

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I certify that I will not accept VACS/Program funds that exceed established limits whether funds I receive are issued by a single SWCD or multiple SWCDs during a single Program year. Furthermore, I understand the limits of the tax credit I am eligible to receive.

VA Agricultural Tax Credit Program (if applicable to this request): The VA Agricultural Tax Credit Program (§§ 58.1-339.3 and 58.1- 439.5) allows agricultural producers a tax credit equal to 25% of the first $100,000 expended for all eligible agricultural best management practices completed in any single tax year. If the agricultural producer has an approved resource management plan, the producer is eligible for a tax credit equal to 50% of the first $100,000 expended for all eligible agricultural best management practices completed in any single tax year. If the amount of the certified tax credit exceeds the taxpayer's liability for the tax year in which the BMP was completed as certified by the SWCD Board, the excess may be refunded by the Tax Commissioner.

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Signature of Applicant **Date**

COMMONWEALTH OF VIRGINIA:

Department of Conservation and Recreation activities and employment opportunities are available to all people regardless of race, color, religion, sex, age, national origin or political affiliation. An equal opportunity/affirmative action employer.

(Original to be retained by the SWCD. Copy with signature provided to the applicant). Date stamp: _____