



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Details (With Text)

**File #:** 2080-2007      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/30/2007      **In control:** Utilities Committee

**On agenda:** 1/28/2008      **Final action:** 1/31/2008

**Title:** To authorize the Director of Public Utilities to enter into an agreement with the Delaware Soil and Water Conservation District, Delaware County, Ohio ("Delaware SWCD"), for local practice payments ("LPP") for herbicide reduction provided for in the Ohio 2007/2008 Special Environmental Quality Incentive Program ("EQIP") for the Upper Big Walnut Creek Watershed

### Sponsors:

### Indexes:

### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
1/31/2008	1	CITY CLERK	Attest	
1/30/2008	1	MAYOR	Signed	
1/28/2008	1	Columbus City Council	Approved	Pass
1/28/2008	1	COUNCIL PRESIDENT	Signed	
1/14/2008	1	Columbus City Council	Read for the First Time	
12/7/2007	1	Utilities Drafter	Sent to Clerk's Office for Council	
12/6/2007	1	Auditor Reviewer	Reviewed and Approved	
12/6/2007	1	CITY AUDITOR	Reviewed and Approved	
12/6/2007	1	Utilities Drafter	Sent for Approval	
12/6/2007	1	CITY ATTORNEY	Reviewed and Approved	
12/5/2007	1	Utilities Drafter	Sent for Approval	
12/5/2007	1	EBOCO Reviewer	Sent for Approval	
12/5/2007	1	ODI DIRECTOR	Reviewed and Approved	
12/5/2007	1	Utilities Drafter	Sent for Approval	
12/4/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
12/3/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
12/3/2007	1	Utilities Drafter	Sent for Approval	
12/3/2007	1	Finance Reviewer	Reviewed and Approved	
11/30/2007	1	Utilities Drafter	Sent for Approval	
11/30/2007	1	Utilities Reviewer	Sent for Approval	

### Background

This ordinance authorizes an agreement between the City and the Delaware Soil and Water Conservation District for local practice payments ("LPP") for herbicide reduction provided for in the Ohio 2007/2008 Special Environmental Quality Incentive Program ("EQIP") for the Upper Big Walnut Creek Watershed established by the United States Department of Agriculture ("USDA").

The Upper Big Walnut Creek Watershed ("the Watershed") encompasses portions of Franklin, Delaware, Licking, Morrow, and Knox Counties in Central Ohio. The Watershed drains to Hoover Reservoir, a primary source of drinking water for Columbus.

In 2007, USDA established the EQIP to protect and improve water quality in the Watershed. The EQIP provides for incentive payments to farmers who enter into contracts that require the implementation of the following NRCS approved systems: 1. nutrient management; 2. soil loss; 3. pest management; 4. vegetated buffer; and 5. waste utilization. The 2007 EQIP provides for initial contract periods of 1-2 years and a contract period of 3-5 years for a second contract. A maximum of 8,000 acres will be enrolled in the EQIP, with a maximum of 500 acres per eligible farmer. The enrollment period for the EQIP began on April 27, 2007 and ended on November 2, 2007. The EQIP will terminate on September 30, 2012.

Under the pest management provisions of the EQIP, farmers enrolled in the EQIP are encouraged to reduce herbicide use on their corn crop during a contract term. Although the incentive payments for other approved systems are funded by USDA, the EQIP provides that the LPP incentive payments to farmers for not applying herbicides to the corn crop will be funded by local governments and/or agencies. The EQIP provides LPP herbicide incentive payments of \$20 per acre of corn on which herbicide is not applied for implementation years two through five. Pursuant to an agreement with the USDA, the Delaware SWCD administers the EQIP and enrolls and makes incentive payments to farmers as provided in the EQIP.

**Contract Compliance:** Delaware Soil and Water Conservation District is a governmental agency.

### **Fiscal Impact**

Subject to the approval of the Columbus City Council and the availability of funds, Columbus hereby commits to fund LPP herbicide incentive payments as provided in the EQIP for the herbicide atrazine only. Initial funding of atrazine incentive payments shall be paid from the balance of unspent funds Columbus paid to the Delaware SWCD to fund portions of a 2002 USDA Conservation Reserve Enhancement Program ("CREP"). Columbus paid the Delaware SWCD \$75,000 in 2002, 2003, and 2004 for a total of \$225,000 to fund the 2002 CREP. These payments were authorized by the Columbus City Council in Ordinances 1133-02 (Columbus City Council July 22, 2002), 0052-03 (Columbus City Council February 3, 2003), and 0263-2004 (Columbus City Council March 1, 2004). To date Delaware SWCD has spent \$5,258 of the 2002 CREP funds for incentive payments to farmers for reductions in the use of the herbicide atrazine under the 2007/2008 EQIP.

The Delaware SWCD hereby agrees to use the unspent balance of 2002 CREP funds for the sole purpose of paying LPP incentive payments for reductions in the use of the herbicide atrazine as provided in the EQIP. The amount of unspent 2002 CREP funds to be paid for LPP atrazine incentive payments shall be \$191,362.

Subject to approval of the Columbus City Council and the availability of funds, Columbus commits to further fund LPP atrazine incentive payments that exceed the total of the \$191,362 paid for this purpose from the unspent balance of 2002 CREP funds. Such additional funds shall be paid in the amounts of \$50,000 in 2009 and \$50,000 in 2010. Delaware SWCD shall return to Columbus any unspent portion of funds paid by Columbus for LPP atrazine incentive payments upon the termination of the EQIP on September 30, 2012.

All commitments by Columbus are subject to the availability of funds and approval by the Columbus City Council. In the event Columbus is subject to a funding limitation, it will notify the other parties expeditiously and make any necessary modifications to this MOU.

To authorize the Director of Public Utilities to enter into an agreement with the Delaware Soil and Water Conservation District, Delaware County, Ohio ("Delaware SWCD"), for local practice payments ("LPP") for herbicide reduction provided for in the Ohio 2007/2008 Special Environmental Quality Incentive Program ("EQIP") for the Upper Big Walnut Creek Watershed

Whereas, The agreement authorized by this legislation sets forth the commitments of the parties as to local practice payments ("LPP")

for herbicide reduction provided for in the Ohio 2007/2008 Special Environmental Quality Incentive Program ("EQIP") for the Upper Big Walnut Creek Watershed established by the United States Department of Agriculture ("USDA"), and

Whereas, The Upper Big Walnut Creek Watershed ("the Watershed") encompasses portions of Franklin, Delaware, Licking, Morrow, and Knox Counties in Central Ohio. The Watershed drains to Hoover Reservoir, a primary source of drinking water for Columbus, and

Whereas, In 2007, USDA established the EQIP to protect and improve water quality in the Watershed. The EQIP provides for incentive payments to farmers who enter into contracts that require the implementation of the following NRCS approved systems: 1. nutrient management; 2. soil loss; 3. pest management; 4. vegetated buffer; and 5. waste utilization. The 2007 EQIP provides for initial contract periods of 1-2 years and a contract period of 3-5 years for a second contract. A maximum of 8,000 acres will be enrolled in the EQIP, with a maximum of 500 acres per eligible farmer. The enrollment period for the EQIP began on April 27, 2007 and ended on November 2, 2007. The EQIP will terminate on September 30, 2012, and

Whereas, Under the pest management provisions of the EQIP, farmers enrolled in the EQIP are encouraged to reduce herbicide use on their corn crop during a contract term. Although the incentive payments for other approved systems are funded by USDA, the EQIP provides that the LPP incentive payments to farmers for not applying herbicides to the corn crop will be funded by local governments and/or agencies. The EQIP provides LPP herbicide incentive payments of \$20 per acre of corn on which herbicide is not applied for implementation years two through five. Pursuant to an agreement with the USDA, the Delaware SWCD administers the EQIP and enrolls and makes incentive payments to farmers as provided in the EQIP, and

Whereas, Subject to the approval of the Columbus City Council and the availability of funds, Columbus hereby commits to fund LPP herbicide incentive payments as provided in the EQIP for the herbicide atrazine only. Initial funding of atrazine incentive payments shall be paid from the balance of unspent funds Columbus paid to the Delaware SWCD to fund portions of a 2002 USDA Conservation Reserve Enhancement Program ("CREP"). Columbus paid the Delaware SWCD \$75,000 in 2002, 2003, and 2004 for a total of \$225,000 to fund the 2002 CREP. These payments were authorized by the Columbus City Council in Ordinances 1133-02 (Columbus City Council July 22, 2002), 0052-03 (Columbus City Council February 3, 2003), and 0263-2004 (Columbus City Council March 1, 2004), and

Whereas, The Delaware SWCD hereby agrees to use the unspent balance of 2002 CREP funds for the sole purpose of paying LPP incentive payments for reductions in the use of the herbicide atrazine as provided in the EQIP. The amount of unspent 2002 CREP funds to be paid for LPP atrazine incentive payments shall be \$191,362, and \$5,258 in incentive payments Delaware SWCD made for atrazine incentive payments under the EQIP to date.

Whereas, Subject to approval of the Columbus City Council and the availability of funds, Columbus commits to further fund LPP atrazine incentive payments that exceed the total of the \$191,362 paid for this purpose from the unspent balance of 2002 CREP funds. Such additional funds shall be paid in the amounts of \$50,000 in 2009 and \$50,000 in 2010. Delaware SWCD shall return to Columbus any unspent portion of funds paid by Columbus for LPP atrazine incentive payments upon the termination of the EQIP on September 30, 2012, and

Whereas, All commitments by Columbus are subject to the availability of funds and approval by the Columbus City Council. In the event Columbus is subject to a funding limitation, it will notify the other parties expeditiously and make any necessary modifications to this MOU, and

Whereas, This MOU shall remain in force and effect until terminated by the parties hereto assigned. Any party upon appropriate written notice may terminate this MOU, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Public Utilities is hereby authorized to enter into an agreement with the Delaware Soil and Water Conservation District, Delaware County, Ohio ("Delaware SWCD"), for local practice payments ("LPP") for herbicide reduction provided for in the Ohio 2007/2008 Special Environmental Quality Incentive Program ("EQIP") for the Upper Big Walnut Creek Watershed.

Section 2. That the Delaware SWCD is hereby authorized to use the unspent balance of 2002 CREP funds for the sole purpose of paying LPP incentive payments for reductions in the use of the herbicide atrazine as provided in the EQIP. The amount of unspent 2002 CREP funds to be paid for LPP atrazine incentive payments shall be \$191,362, and \$5,258 in incentive payments Delaware SWCD made for atrazine incentive payments under the EQIP to date.

Section 3. That funding for program expenses for 2009 and 2010 will be subject to approval of Columbus City Council and the availability of funds.

Section 4. That is ordinance shall take effect and be in force from and after the earliest period allowed by law.