

**Virginia Soil and Water Conservation Board
Thursday, March 29, 2018
Old Dominion Electric Cooperative
Glen Allen, Virginia**

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board convened at 10:00 a.m. on Thursday, March 29, 2018 at the Old Dominion Electric Cooperative in Glen Allen, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Richard A. Street, Chair	Cindy Smith
Barry L. Marten, Vice Chair	Adam Wilson
Chuck Arnason	Clyde Cristman, DCR Director, Ex Officio
Gray Coyner	David Kriz for John A. Bricker, NRCS, Ex Officio
Janette Kennedy	Dr. Bobby Grisso, VCE, Invitee
Stephen Lohr	

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS ABSENT

Mario Albritton

DCR STAFF PRESENT

Rochelle Altholz, Deputy Director for Administration and Finance
Russell W. Baxter, Deputy Director for Dam Safety, and Floodplain Management and Soil and Water Conservation
Michael Fletcher, Board and Constituent Services Liaison
Darryl Glover, Director, Division of Soil and Water Conservation
Blair Gordon, Conservation District Coordinator
James Martin, Conservation Data Specialist
Lisa McGee, Policy Director
Isaac Sarver, Deputy for Board and Constituent Services
David Wilmoth, Dam Safety Engineer
Denney Turner, Program Technician
Amy Walker, Conservation District Coordinator
Christine Watlington, Policy and Regulatory Coordinator
Matthew Gooch, Office of the Attorney General

OTHERS PRESENT

Suzanne Brown, Loudoun Soil and Water Conservation District
Sharon Connor, Hanover-Caroline Soil and Water Conservation District
Andrew Gilmer, Clinch Valley Soil and Water Conservation District
Jonathan Harding, Virginia Agribusiness Council
Emily Horsley, USDA – Farm Service Agency
Matt Kowalski, Chesapeake Bay Foundation
Darrell Marshall, Virginia Department of Agriculture and Consumer Services
Dr. Kendall Tyree, Virginia Association of Soil and Water Conservation Districts

ESTABLISHMENT OF A QUORUM

With eight (8) members of the Board present, a quorum was established.

CALL TO ORDER

Chairman Street called the meeting to order at 10:00 a.m. and asked for introductions.

APPROVAL OF MINUTES FROM DECEMBER 6, 2017

BOARD ACTION

Mr. Marten moved that the minutes from the December 6, 2017 meeting of the Virginia Soil and Water Conservation Board be approved as submitted. Mr. Lohr seconded and the motion carried.

DIRECTOR'S REPORT – *Clyde E. Cristman, Director, DCR*

- Russell W. Baxter has joined DCR as Deputy Director for Dam Safety and Floodplain Management and Soil and Water Conservation. Mr. Baxter previously served as DCR Deputy Director and Interim Director and most recently served in the Office of the Secretary of Natural Resources.
- Isaac Sarver is the new Deputy for Board and Constituent Services. Mr. Sarver served on the Board of Conservation and Recreation and worked for the Division of State Parks.
- A copy of the 2018 General Assembly Legislative Report is included as Attachment A.

Mr. Cristman drew special attention to HJ 148 which celebrates the life of David Clark Dowling. This resolution will be presented to Mr. Dowling's family at an upcoming event.

Mr. Cristman noted that the General Assembly adjourned without finalizing a budget. Legislators will return to Richmond in April for a special session. Governor Northam has reintroduced the budget proposed by Governor McAuliffe. Mr. Cristman reviewed the proposed administration and operation funding amounts for Soil and Water Conservation Districts as well as the proposed funding amounts for the Virginia Agricultural Cost-Share Program and associated technical assistance funding. . A summary of those budget numbers is included as Attachment B.

Chairman Street noted that at the meeting of the Virginia Association of Soil and Water Conservation Districts, Deputy Secretary of Natural Resources, Ann Jennings, had mentioned a grant program regarding environmental education.

Mr. Baxter advise that during the 2017 General Assembly, Delegates Bulova and Lingamfelter had proposed a resolution requesting a study of the delivery of environmental education in Virginia; the resolution did not pass. However, in response to a request from the Delegates, the Secretary of Natural Resources and the Secretary of Education convened a stakeholder advisory group to review the issue. The report of the stakeholder group was completed on December 1 and the recommendations were forwarded to Governor Northam. One of the primary recommendations of the stakeholder group was for Virginia to develop a clearinghouse of information for materials related to environmental education.

Mr. Baxter noted that the information in the clearing house would be curated by the Department of Education in consultation with Natural Resources agencies. The information would also be linked to the Standards of Learning.

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board send a letter of support for the development of the Virginia Environmental Science Repository Project. Mr. Arnason seconded and the motion carried.

DCR staff will prepare the letter for the Chairman's signature.

AUDIT SUBCOMMITTEE MEMBER APPOINTMENT – *Richard A. Street, Chairman*

Chairman Street appointed Mr. Arnason and Ms. Smith to serve as members of the Audit Subcommittee.

AUDIT SUBCOMMITTEE REPORT – *Barry L. Marten, Audit Subcommittee Chair*

The Audit Subcommittee reviewed the corrective action information submitted by Big Walker Soil and Water Conservation District and directed staff to provide a letter to the District acknowledging that all the audit findings have been fully addressed.

Two Districts have outstanding issues based on the 2017 audit. Those Districts, James River SWCD and Peanut SWCD, will each be sent a letter outlining the concerns and asking the Districts to submit a corrective action plan to the Department no later than June 1, 2018. Those corrective action plans will be reviewed at the next meeting of the Audit Subcommittee.

DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION REPORT

Update on Phase 2 of the Dam Safety Database – James Martin, Conservation Data Specialist

Mr. Martin reviewed components of Phase 2 of the Dam Safety Database.

- Phase 2 Development Timeline
 - 4/1/2018 – 12/31/2018
- Phase 2 Budget
 - \$589,000
- Phase 2 Objectives
 - User guided application filling and payment workflows
 - a. Automated Email Notifications
 - b. Online Fee Payments
 - c. Enhance Communication with Participants
 - Tracking Enhancements
 - a. Events and Enforcement Tracking
 - b. Enhance Landing Page Dashboards
 - c. All Attachments Tab
 - Emergency Preparations Download
 - a. Quickly view and Download Emergency Information

- b. Additional Map Services
- c. Precipitation Analysis

*Revision to Guidance Document on New Probably Maximum Precipitation (BMP) Implementation –
Christine Watlington, Policy and Regulatory Coordinator*

Ms. Watlington reviewed recommended changes to the Board Guidance Document on Probable Maximum Precipitation (PMP) Implementation.

On page 5 of the revision, she noted that a dam owner's engineer must complete several analyses to verify that neither a revised dam break inundation zone map nor a revised emergency action plan was needed based on the new PMP values. Revisions to the language in the certification statement reflect that all the required analyses have been completed.

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the revisions to the Guidance Document on New Probable Maximum Precipitation (PMP) Implementation. Mr. Lohr seconded at the motion carried.

Mr. Baxter advised that the Department was also looking at the issue of exemptions for agricultural dams. The language in the Code of Virginia does not specify if agricultural dams are exempt when constructed or altered. DCR has met with the Dam Owner's Working Group to discuss and will report back to the Board with possible recommendations.

SOIL AND WATER CONSERVATION DIVISION REPORT

Division Update – Darryl Glover, Director, Division of Soil and Water Conservation

Mr. Glover presented the following written report.

Livestock Stream Exclusion Update

As of March 1, 2018, 2,034 SL-6 livestock stream exclusion practices have been installed statewide under the 100% cost reimbursement initiative. These practices have resulted in 7.6 million linear feet of streambank protected and 96,000 animal units excluded from water bodies. Another 314 SL-6 practices have been funded but are not yet completed. This leaves only 186 pending FY2015 SL-6s that need future funding, of which only 34 are within the Chesapeake Bay watershed.

The US Department of Agriculture, Natural Resource Conservation Service (NRCS) has approved an amendment to DCR's sub-recipient livestock stream exclusion grant, which will convert technical assistance funding originally allocated to the Chesapeake Bay Foundation, that they later voluntarily declined, into additional financial assistance for farmers. This has enabled another \$208K to recently become available in Virginia's Chesapeake Bay watershed. NRCS has preapproved six additional projects with this funding. These projects are also supported by a 25% partial match using state funds from DCR.

DuPont Natural Resource Damage Assessment and Restoration Settlement

This settlement, approximately \$50 million in funding for restoration projects, resolves claims against DuPont relating to the release of mercury from the company's former facility in Waynesboro. The settlement sum is divided into different categories, which includes a \$10 million set aside for water quality projects; over \$5 million is being awarded to the Headwaters, Shenandoah Valley, and Lord Fairfax Soil and Water Conservation Districts for specific agricultural best management practices (BMPs) and technical assistance funds to assist with staffing support to implement these BMPs. This settlement will also fund an additional Agricultural BMP Professional Engineer at DCR through 2019. Interviews for that position will be held in April. This position will provide additional assistance to SWCDs with the design and construction phases of agricultural BMPs in assigned areas.

Cost Share Update

Several Districts experienced delays in receipt of cost share payments in February. Although funds were on hand to make these payments on time, the agency's appropriation (spending authority) needed to be increased by the Department of Planning and Budget. This increase was granted only late last week. The two Districts still awaiting cost-share funds for last quarter should receive their expected payments any day.

Section 9 of the Board's FY18 Cost-Share/Technical Assistance Policy, states in part: "...On April 1, 2018, following the end of the third quarter, the Department shall reallocate (redistribute) unobligated VACS allocations (keeping cost-share within the drainage basin it was originally allocated within) in an effort to satisfy existing SL-6 "Pending" Practices from FY15. VACS funds that have not been approved by the District's Board of Directors at the end of the third quarter of the fiscal year (March 31, 2018) to fund an existing cost-share application are considered to be unobligated. This action also includes FY17 balances advanced to FY18..."

This reallocation will not affect the remaining balances of earmarked SL-6 funds previously disbursed to Districts. Given the remarkable progress Districts have made in reducing the SL-6 backlog, the delay in passing a state FY2019 budget, and an observed softening in monthly recordation fee revenue, DCR requests that this Board allow all reallocated funds be held in reserve until the first meeting of the Board in state FY2019.

Where feasible, the amount of any cost-share and associated technical assistance funds that are to be reallocated from any affected District will be deducted from the fourth quarter disbursements for cost-share and technical assistance. Operations and administration funding will not be impacted by the upcoming reallocation.

Division Staffing Update

Several DCR staff are to be commended for taking on additional duties during the last several months, in response not only to key staff vacancies, but also extended absences of additional staff for medical reasons. As noted regarding the Ag BMP Engineer position, we are making progress to fill vacancies within the Division.

In late February, Carla Bennett, came to DCR as our new Grants Manager in the Division of Soil and Water Conservation. She has a M.B.A. and possesses considerable detailed financial grant management

and program management experience. She previously worked for 10 years at the Virginia Department of Health as an Administrative Deputy for Clinic Administration.

Interviews have been completed for the vacant Soil and Water Conservation District Liaison position. That position should be filled sometime in April.

BMP Verification

In March, DCR conducted two web-based training sessions for Soil and Water Conservation District staff on new Ag BMP verification procedures beginning in 2018. These training sessions covered the reasons behind the new procedures, the methodology for selecting BMPs for verification, how to use the new verification portion of the AgBMP Tracking Module, and how to use the new mobile application for BMP verification. The mobile application is available for both Apple and Android devices and allows users to collect verification information regardless of connectivity in the field. Under the Chesapeake Bay Program's Phase 6 Model, every BMP, for every sector, must be re-inspected to ensure it continues to function properly. In return, EPA will extend BMP pollution reduction credit lifespans.

Other BMP verification work, both under the Nutrient Management Program by DCR staff and through voluntary supplemental grant agreements that were offered to twenty eight Soil and Water Conservation Districts within the Chesapeake Bay watershed, are ongoing. However, funding for the current project to re-inspect nearly 1,800 selected agricultural best management practices whose pollution reduction credit lifespans either have, or will, expire from 2016 – 2019 is being provided by two separate grants. One of these grants expires in June 2018. Consequently, as explained when these grant agreements were offered last fall, only Districts who have made sufficient progress with their re-inspections can be offered extensions past April 30 and be funded by the second grant.

Resource Management Plan Certification

Pursuant to the work of the Resource Management Plan Stakeholder Advisory Group (RMP SAG), DCR is implementing incentives to increase the number of certified RMPs. RMP operational support payments have been established for Soil and Water Conservation Districts to help cover their costs to perform RMP certification inspections. If the Board approves it for fiscal year 2019, the RMP-2 BMP specification will be amended to ensure payments can only go to participating farmers who achieve RMP certification. Also, per the meetings of the RMP SAG, we are proposing that any cost-share application for a BMP contained within an approved RMP be given an automatic 10% reduction in its Conservation Efficiency Factor (CEF) score.

A Request for Applications (RFA) was released in February, and has since closed, for RMP certification and development projects. DCR will soon award funding to selected project contractors, primarily for the certification of existing RMPs, along with additional development of new RMPs, within Virginia's Chesapeake Bay watershed. To allow affected Districts additional time to review submitted RMPs, the existing RMP development projects have been extended through September 2018 for any RMPs submitted to Districts by May 30, 2018.

Nutrient Management

Integration of the new Agricultural Nutrient Management Planning Module (NutMan Integration) into DCR's existing Agricultural Best Management Practice (AgBMP) Tracking/Conservation Planning/Resource Management Planning system is undergoing final testing and debugging. This new module will allow Nutrient management specialists in DCR's regional offices to more efficiently provide site-specific nutrient management plans to farmers and will significantly simplify the reporting of data to the Chesapeake Bay Program to demonstrate progress in meeting the goals of the Chesapeake Bay Watershed Implementation Plan. The application will also be available to private nutrient management planners.

DCR and the Poultry Federation worked together to ship 6,000 tons of poultry litter outside of Virginia's Chesapeake Bay watershed in 2017. Another 6,700 tons have been approved for funding to ship outside of the Chesapeake Bay area. DCR will begin to explore cost-effective options for exporting poultry litter from Virginia's Eastern Shore.

DCR staff recently hosted two free workshops to inform dairy and other farmers options on how to maximize the use of livestock manure in their operations. These workshops were free. They took place in Rocky Mount on February 26 and Rockingham County on March 13. Topics included bedded pack management, good sampling techniques, manure value, and services available to help farmers make the best use of stored manure.

The Nutrient Management Specialist from the DCR Tappahannock Regional Office was recently reassigned to begin working with farmers to collect, on a county basis, those acres that employ precision agriculture, i.e. a higher intensity of nitrogen and phosphorus management. This DCR Specialist will verify acres that were zone sampled, had Pre-Side Dress Nitrogen Testing (PSNT), or received either variable rate or zone applications of nitrogen or phosphorus based upon sampling results. This pilot project will encompass the entire service area of the DCR Tappahannock, Suffolk, and Warrenton Regional Offices, most of which is within the Chesapeake Bay watershed. The Nutrient Management Specialist will also visit affected Soil and Water Conservation Districts to inform them about this new initiative that will increase the amount of nutrient reduction credit Virginia can report to the Environmental Protection Agency Chesapeake Bay Program.

Training

DCR's IT Security Awareness Course is now available for all District Directors and Staff free-of-charge. The SANS IT Security Awareness course is designed to enhance IT security, awareness, and the safe handling of data. The IT Security Awareness Course is *OPTIONAL* for District Directors and Staff who do not access the DCR Conservation Application Suite.

Effective January 18th, DCR began providing access to Commonwealth of Virginia Learning Center (COVLC) to all 47 Soil and Water Conservation Districts, at no charge! Within the COVLC, Districts have access to a large offering of available training. Access to the COVLC is available to any District Director or District staff persons.

Engineering Services staff have conducted two engineering training classes for District staff so far this year, and have two more scheduled, one on March 29, in Prince George, covering design of watering systems, and another on design of stream fords on May 1 in Grayson County.

In lieu of Accounting and Book Keeping training, DCR plans to provide training geared more towards specific topics, particularly repetitive difficulties recent audits have shown that several Districts are experiencing.

Horse Pasture Education Project

DCR is pleased to be working again with Virginia Cooperative Extension on a second horse pasture education project. This year's project will expand geographically across Virginia's Chesapeake Bay watershed, in order to share information and lessons learned during the highly successful "Healthy Lands for Healthy Horses" project conducted in northern Virginia in 2017. The project will again be funded by a US Environmental Protection Agency Chesapeake Bay Program grant and will be held in four areas, via one-day workshops, across Virginia's Chesapeake Bay watershed. These workshops are planned for September with specific dates and locations yet to be confirmed.

Conservation Planning

Cultural resources have been a notable concern by a number of Districts over the last few months. Discussions over several months with the Virginia Department of Historic Resources (DHR), Virginia Department of Game and Inland Fisheries, Department of Environmental Quality Chesapeake Bay Preservation Act Program, and DCR-Natural Heritage Division have resulted in agreements on review procedures detailed in the FY2019 Ag BMP Manual.

For program year 2019, the AgBMP Tracking Module will be modified, under a new project recently undertaken, to assist Districts in screening resources (threatened and endangered species, cultural resources, floodplains, etc.) for potential impacts by BMP projects. These screening tools consist of specific spatial queries to indicate when further review may be necessary for archeological sites and preservation easements, Virginia fish and wildlife information, rare species and natural communities; TMDL implementation areas will be flagged. Additionally, the module will also display the FEMA floodplain data layer. For all identified resources of concern, Districts will need to address any related issues identified during the BMP planning process. DCR will also allow access to Districts to use our VCRIS (Virginia Cultural Resource Information System) licenses, which should make individual licenses unnecessary for a majority of Districts.

In order for the additional programming in Ag BMP Tracking to function properly, Districts will now need to digitize specific components that make up practices identified in the FY2019 Ag BMP Manual. The procedure is very easy to do and will be explained during VACS training sessions in June.

Chesapeake Bay WIP III

The Environmental Protection Agency (EPA) has revised the schedule for final nutrient and sediment reduction goals to be used in Chesapeake Bay Watershed Implementation Plan Phase III (WIP III) to the end of May, 2018. Each District Area in the watershed will be asked to project feasible BMP implementation, given land use and farming practices in their respective Districts, to meet year 2025 reduction goals for the agricultural sector. Meanwhile, Chesapeake Bay Planning District Commissions will be working to develop urban sector projections.

DCR will be responsible for facilitating meetings with Soil and Water Conservation Districts (Districts) that have Chesapeake Bay drainage area. Agricultural sector meetings will be held, with possible participation by forestry as well, in Areas I, II, III, and VI. Those Districts in both Areas IV and V that have any Chesapeake Bay drainage area will be invited to participate with one of the areas near their location. These groupings will be provided to applicable Districts this week.

Each Chesapeake Bay District is asked to designate one point of contact who should be invited to the WIP III agricultural meetings. The first round of these meetings will be scheduled in May. The Virginia Department of Environmental Quality (DEQ) will provide a draft BMP scenario for each Area to start from. DEQ will also evaluate each Area's recommended BMP scenario, using the Chesapeake Assessment Scenario Tool (CAST), to determine whether or not pollution reduction goals will be achieved. CAST is a tool that can process data at a variety of scales, including land-river segment, river segment, land segment, county, state and basin, tributary strategy basin or state. Training in the use of CAST will be offered to any interested District.

Each Area will need to meet at least twice between May and November, at which time final recommendations by each sector are due. DCR will staff a team of four internal facilitators (Darryl Glover, Christine Watlington, Wayne Davis, and Jim Echols) to work with Chesapeake Bay Districts on this effort. DCR Conservation District Coordinators (CDCs) will be asked to help provide limited logistical support where needed.

Lake Barcroft Watershed Improvement District – Christine Watlington

Ms. Watlington presented the budget approval request from Lake Barcroft Watershed Improvement District.

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board approve the Lake Barcroft Watershed Improvement District FY2019 budget as submitted by the Northern Virginia Soil and Water Conservation District and presented by the Department. Mr. Wilson seconded and the motion carried.

Transfer of Funds from Chowan to Southside – Darryl Glover

Mr. Glover advised that a number of Soil and Water Conservation Districts have voluntarily transferred funds to other districts. Chowan Basin SWCD agreed to transfer funds to Southside SWCD although no technical assistance funding would be transferred. The Southside District did need to enter into a SL-6 supplemental grant agreement to receive these funds.

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the transfer of cost-share funds from the Chowan Basin Soil and Water Conservation District to the Southside Soil and Water Conservation District. Both Districts agree that cost-share funds will be transferred without the associated technical assistance funds. Mr. Lohr seconded and the motion carried.

Revision of Guidance for Precision Agriculture Equipment for Tax Credit Approval – Christine Watlington

Ms. Watlington requested that due to questions raised by Virginia Cooperative Extension that this item be deferred to the April 19 meeting.

BOARD ACTION

Mr. Wilson moved that the item regarding Guidance for Precision Agriculture Equipment for Tax Credit Approval be deferred until the April 19 meeting. Mr. Lohr seconded and the motion carried.

Agricultural BMP Cost-Share Manual Amendments

Matrix of recommended changes to the BMP specifications – Darryl Glover

Mr. Glover reviewed the matrix of recommended changes to the BMP specifications. He noted that the majority of the changes were editorial. Specific changes were noted as follows:

1. BMP/ Tax Credit

The TAC supported combining two nutrient management clauses into one single requirement in all of the practices requiring NMPs.

Recommend requiring five BMPs to have nutrient management plans; they are not required currently for these practices (SL1, SL-6B, WP-8, WQ-1, and WQ-4).

SL-8B: Participants currently have one year from practice implementation to implement a nutrient management plan; recommendation is to remove this one year delay in nutrient management plan implementation in order to ensure a plan is obtained before cost share for other BMPs are applied for.

2. Voluntary

Nutrient management language has been revised or added to ensure consistency with nutrient management plans requirements for all cost-share and voluntary practices.

3. CCI-FRB-1: Continuing Conservation Initiative Forested Riparian Buffer

The TAC recommends removing the prohibition on receiving additional payments for replanting due to mortality losses.

The Department of Forestry manual only refers to BMPs designed to reduce the impact of forest harvesting activities; the reference to the manual is not appropriate for this practice.

The TAC recommends increasing the rate of payment from \$100 to \$200 per acre.

4. FR-1: Afforestation of crop, hay, and pasture land

The Department of Forestry manual only refers to BMPs designed to reduce the impact of forest harvesting activities; the reference to the manual is not appropriate for this practice.

5. FR-3: Woodland Buffer Filter Area

The Department of Forestry manual only refers to BMPs designed to reduce the impact of forest harvesting activities; the reference to the manual is not appropriate for this practice.

6. **LE-2: Livestock Exclusion with Reduced Setback**

Additional language has been added which allows additional water quality protection options when implementing this practice.

Definitions and standards have been revised to more accurately reflect the process incorporated in the new Nutrient Management Tracking Module processes.

The TAC recommends adding language to clarify when the twelve month requirement timeframe for the plan begins.

DCR recommends striking language in B.2.iv that conflicts with the revised nutrient management plan requirements.

Language in B.2.vii has been stricken; plans are required to be verified at one-year intervals, rather than to just be amended.

Clarifying language has been added that requires a soil analysis to be taken within three years prior to the start date of a plan, rather than prior to plan development.

Language requiring the producer to provide the application rate records ensures that the nutrient management plan writer has the accurate information when writing or modifying a plan.

Duplicative language has been removed;

B.2.vii.a requires a producer to provide the District with a complete copy of the nutrient management plan.

Language has been removed referencing tax documents. Districts must provide the appropriate tax forms for all cost-shared BMPs; this language has been included in the Guidelines Section of the manual.

7. **NM-1A: Nutrient Management Plan Writing and Revisions (Annual)**

Duplicative language has been stricken; nutrient management requirements are included in B.5.

Language has been moved to clarify the payment rate for certain acres. Moving the language removes confusion about whether the payment rate is rate control measure or an incentive payment.

8. **NM-5N: Precision Nutrient Management of Nitrogen on Cropland**

The nutrient management plan requirements are contained in the Resource Management Plan regulations (4VAC50-20-70). There are other requirements that must be met to have a complete Resource Management Plan; it is more appropriate for the Plan developer to refer to the regulations to ensure all standards are met.

Language has been removed referencing tax documents. Districts must provide the appropriate tax forms for all cost-shared BMPs; this language has been included in the Guidelines Section of the manual.

9. **RMP-1: Resource Management Plan (RMP) Development**

Many of these recommendations are from the RMP Stakeholder Advisory Group report that was issued last fall.

Recommending that cost-share payments are no longer allowed to be re-directed to the Resource Management Plan developer.

Language has been removed referencing tax documents. Districts must provide the appropriate tax forms for all cost-shared BMPs; this language has been included in the Guidelines Section of the manual.

10. **RMP-2: Resource Management**

TAC supported modifying the SL-1 to a 5 or 10 year practice, language has been removed allowing for 6,7,8,9 year practice lifespans.

11. **SL-1: Long Term Vegetative Cover on Cropland**

Additional language has been added which allows additional water quality protection options when implementing this practice.

12. **SL-6: Stream Exclusion with Grazing Land Management**

Duplicative language has been stricken; nutrient management requirements are included as B.3.

Virginia Tech recommendation was "all cover crop plantings must maintain a minimum of 50% cover crop plant material on the enrolled acres".

Current language (B.3) states "a good stand and good growth of winter cover must be obtained in sufficient time to protect the area in the fall and winter..."

Language in B.6 allows for "pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14."

Language has been added in B.7 that recommends higher seeding rates when nonincorporation seeding methods are used.

Questions have been asked concerning the planting date standards that the Eastern Shore must meet. Clarifying language has been added to address this.

13. **SL-8B: Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management**

Virginia Tech recommendation was "all cover crop plantings must maintain a minimum of 50% cover crop plant material on the enrolled acres"

The current requirement in B.7 is "or a minimum of sixty percent (60%) of the land area must maintain sufficient cover to intercept rain drops and reduce the impact of wind generated erosion".

Language in B.9 allows for "pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14."

Language has been added in B.11 that recommends higher seeding rates when nonincorporation seeding methods are used.

Questions have been asked concerning the planting date standards that the Eastern Shore must meet. Clarifying language has been added to address this.

14. SL-8H:Harvestable Cover Crop

Language has been added to ensure wetlands are protected from potential impacts.

15. WP-1: Sediment Retention, Erosion, or Water Control Structures

Additional language has been added which allows additional water quality protection options when implementing this practice.

16. WP-2: Stream Protection

Language has been clarified to refer to a transfer plan rather than a market plan; references to a market plan have been revised throughout the specification. Language has been stricken requiring the nutrient management plan or the transfer plan to be approved by the District; this is not the responsibility of the District.

17. WP-4 Animal Waste Control Facilities

Language has been added which requires the District to consider the existing waste storage facilities when an application for additional animal waste storage facilities is received.

Recommendation that the simultaneous construction of mortality bins are authorized for cost-share and tax credits only when those bins are attached to the animal waste storage facility.

The TAC proposed NRCS composter standards (316, animal mortality composting) be added to the standards list.

Language has been revised to allow spotchecks to be conducted by Department and Conservation District staff. Practices installed with federal funds will have separate contracts and separate verification requirements.

18. WP-4B: Dairy Loafing Lot Management System

Language has been added to ensure the stocking rate does not exceed the functional capacity of the paddock.

19. WP-4C: Composting Facilities

Language has been added which ensures that state funds are used for the most efficient and cost-effective options.

20. **VFR-1: Voluntary Woodland Erosion Stabilization**

The Department of Forestry manual only refers to BMPs designed to reduce the impact of forest harvesting activities; the reference to the manual is not appropriate for this practice.

21. **VR-F3: Woodland Buffer Filter Area**

The Department of Forestry manual only refers to BMPs designed to reduce the impact of forest harvesting activities; the reference to the manual is not appropriate for this practice.

22. **VNM-5N: Voluntary Precision Nutrient Management of Nitrogen on Cropland**

Cost share payment language not required in voluntary practices.

23. **VSL-1: Voluntary Long-Term Vegetative Cover on Cropland**

The reference has been revised to cite the appropriate standard.

24. **VSL-6: Voluntary Stream Exclusion with Grazing Land Management**

Additional language has been added which allows additional water quality protection options when implementing this practice.

25. **VSL-8B: Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management**

Virginia Tech recommendation was "all cover crop plantings must maintain a minimum of 50% cover crop plant material on the enrolled acres".

Current language (B.4) states "a good stand and good growth of winter cover must be obtained in sufficient time to protect the area in the fall and winter..."

Language in B.7 allows for "pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14."

Language has been added in B.8 that recommends higher seeding rates when nonincorporation seeding methods are used.

Questions have been asked concerning the planting date standards that the Eastern Shore must meet. Clarifying language has been added to address this.

26. **VSL-8D: Voluntary Cover Crop**

Virginia Tech recommendation was "all cover crop plantings must maintain a minimum of 50% cover crop plant material on the enrolled acres".

Current language (B.2) states "a good stand and good growth of winter cover must be obtained in sufficient time to protect the area in the fall and winter..."

Language in B.5 allows for "pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14."

Language has been added in B.6 that recommends higher seeding rates when nonincorporation seeding methods are used.

Questions have been asked concerning the planting date standards that the Eastern Shore must meet. Clarifying language has been added to address this.

27. VSL-8H: Voluntary Harvestable Cover Crop

As this practice is voluntary, the reference to cost-share funding has been stricken.

Virginia Tech recommendation was "all cover crop plantings must maintain a minimum of 50% cover crop plant material on the enrolled acres"

The current requirement in B.6 is "or a minimum of sixty percent (60%) of the land area must maintain sufficient cover to intercept rain drops and reduce the impact of wind generated erosion".

Language in B.9 allows for "pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14."

Language has been added in B.9 that recommends higher seeding rates when nonincorporation seeding methods are used.

Questions have been asked concerning the planting date standards that the Eastern Shore must meet. Clarifying language has been added to address this.

28. VWP-1: Voluntary Sediment Retention, Erosion, or Water Control Structures

Language has been added to ensure wetlands are protected from potential impacts.

29. VWP-4: Voluntary Animal Waste Control Facilities

The TAC proposed NRCS composter standards (316, animal mortality composting) be added to the standards list.

30. VWP-4B: Voluntary Dairy Loafing Lot Management System

Language has been added to ensure the stocking rate does not exceed the functional capacity of the paddock.

31. VWP-4C Voluntary Composting Facilities

Language has been added which expands the type of facility that may be considered part of the voluntary practice. Additional references to NRCS standards have been included.

32. Revisions for language and formatting consistency

Edits have been made to ensure consistency in formatting and language usage throughout the specifications. Revisions have been made to make the specifications more user-friendly.

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board accept the changes to the BMP specifications as presented by staff. Mr. Lohr seconded and the motion carried.

Proposed revisions to other sections of the manual – Christine Watlington

Conservation Reserve Enhancement Program

Ms. Watlington reviewed proposed changes to the Conservation Reserve Enhancement Program section of the BMP manual. She noted that references to the Outside of the Chesapeake Bay Area (OCB) were clarified and noted that the FSA still uses the terminology Southern Rivers.

Virginia Agricultural BMP Cost-Share (VACS) Program Guidelines

Ms. Watlington reviewed the proposed changes to the Guidelines Section. She noted that many of the changes were simply moving the various sections so that the guidelines more closely followed the District process.

Virginia Agricultural Best Management Practice Tax Credit Program

Ms. Watlington noted that the discussion regarding the guidance document had been deferred until the April meeting.

Glossary of Terms

Several of the definitions in this section were clarified.

Ms. Watlington noted that information regarding the Agricultural BMP Technical Advisory Committee was now posted on the DCR website.

Conservation plan now refers to a DCR Conservation Plan or an NRCS USDA Conservation Plan.

2019 Cost-Share Program Schedule

Ms. Watlington reviewed the following schedule.

May 31, 2018	Deadline to submit preliminary suggestions and issues related to the VACS Program to the DCR Agricultural Incentives Program Manager for consideration by the Agricultural Best Management Practice Technical Advisory Committee (TAC) in development of their Program of Work
June 2018	TAC sets Program of Work for the upcoming fiscal year.
July 1, 2018	2019 Cost-Share Program begins.
June/July 2018	CDCs inform districts of program allocations.

July 2018	Districts may begin practice approval after Secondary Considerations have been approved.
September 30, 2018	End of First Quarter. Quarterly reports due including requests for disbursements in 2 nd quarter due to CDCs by 10/15/2018.
December 31, 2018	End of Second Quarter. Quarterly reports due including requests for disbursements in 3 rd quarter due to CDCs by 1/15/2019.
March 31, 2019	End of Third Quarter. Quarterly reports due including request for disbursements in 4 th quarter due to CDCs by 4/17/2019.
March 2019	Matrix of TAC suggested Changes for Fiscal Year 2020 to Soil and Water Conservation Board for approval.
May 2019	Review and update of secondary considerations and submit to CDC by June 30, 2019.
June 30, 2019	End of Program Year. All applications entered into the BMP Tracking Program are to be identified as; (1) Complete or (2) Canceled, or (3) SL-6 Pending Lack of Funding or (4) Carry Over with an approved carry over date (only if practice is on the approved list and under construction). All completed projects must be paid by June 30, 2019. Final 2019 Cost-Share Program quarterly reports are due to CDCs by 7/17/2019.

NOTE: All BMP payment data for a quarter must be entered into the Tracking Program by the 15th of the next month in order to qualify for a quarterly disbursement. Tracking Program reports will be run by the DCR CDC on the 18th of the month.

No action regarding the BMP Cost-Share Manual was needed at this time.

District Director Resignations and Appointments – Christine Watlington

Ms. Watlington presented the following District Director Resignations and Appointments.

Culpeper

Resignation of Michael Peterson, Rappahannock County, effective 10/04/2017, elected director position (12/31/2019)

Appointment of Michael Biniek, Rappahannock County, to fill the unexpired term of Michael Peterson (term of office expires 12/31/2019).

Peanut

Appointment of Afton (Livvy) Preisser, Isle of Wight County, to fill the unexpired term of Janet Spencer, (term of office expires 12/31/2020).

Pittsylvania

Resignation of Jamie Stowe, Pittsylvania County, effective 01/03/2018, (term of office expires 12/31/2020)

Appointment of Stephen Barts, Pittsylvania County, to fill the unexpired term of Jamie Stowe (term of office expires 12/31/2020).

***Note: To qualify, an appointed Director shall complete and file the Oath of Office prior to assuming the title and responsibilities of District Director. An appointed Director may not act in the office or function before taking the Oath.**

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the list of District Director appointments as submitted by staff. Mr. Lohr seconded and the motion carried.

VIRGINIA ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS' BOARD APPOINTMENT RECOMMENDATIONS TO THE BOARD FOR CONSIDERATION (NOMINATIONS FOR AREAS I AND IV) – Dr.

Kendall Tyree, VASWCD

Dr. Tyree noted that terms for Mr. Lohr and Mr. Wilson expire at the end of June 2018. Mr. Lohr is not eligible for reappointment. Mr. Wilson is completed a partial term and is eligible for reappointment.

Dr. Tyree noted that the VASWCD consulted with the Virginia Farm Bureau Federation and the Virginia Agribusiness Council and submitted the following recommendations.

AREA I

Charles Newton
Shenandoah Valley SWCD
Stanley, Virginia

W. Kenneth Sheets
Farmer
McGaheysville, VA

AREA IV

Adam Wilson
Holston River SWCD and Clinch Valley SWCD
Lebanon, VA

Charles Shorter

Skyline SWCD
Blacksburg, VA

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board accept the nominations of the Virginia Association of Soil and Water Conservation Districts and that staff be directed to forward these nominations to the Secretary of the Commonwealth for consideration for appointment. Ms. Smith seconded and the motion carried.

COIA/FOIA Training – Matthew Gooch, Office of the Attorney General

Mr. Gooch provided the annual COIA/FOIA training for the Board.

OLD BUSINESS

There was no additional old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

Dr. Tyree thanked the members who participated in the quarterly Board meeting of the Virginia Association of Soil and Water Conservation Districts. She noted that the Association has signed a Memorandum of Understanding with the Commonwealth to receive funds for mitigation for forest fragmentation associated with the Mountain Valley Pipeline and the Atlantic Coast Pipeline. She also noted that this was a busy season for the Association with the Envirothon and other events on the calendar.

NEXT MEETINGS

- April 19, 2018, Virginia Horse Center, Lexington, Virginia
 - 10:00 a.m. Agricultural Stewardship Act Hearing
 - 11:15 a.m. Board Meeting
- May 17, 2018, 10:00 a.m., Pocahontas State Park, Chesterfield, Virginia
- September 27, 2018 – Richmond, Virginia (tentative)
- December 5, 2018 – Hotel Roanoke, Roanoke, Virginia

ADJOURN

There was no further business and the meeting adjourned at 2:30 p.m.

Attachment A

Bill	Description	Current Action
HB669 Kilgore	Natural Tunnel State Park - Authorizes the Department of Conservation and Recreation to accept, without consideration, certain real property in Scott County measuring approximately 1.85 acres in total.	Chapter 438 Effective 7/1/18
HB671 Kilgore	Tourism Development Authority - Reorganizes the Tourism Development Authority adds a representative from Virginia State Parks as an ex-officio nonvoting member. Identical to SB383	Chapter 321 Effective 7/1/18
HB821 Knight	* Little Island Park - Authorizes the Department of Conservation and Recreation to convey all of its right, title, and interest in a parcel in Virginia Beach within Little Island Park known as the Little Island Coast Guard Station in exchange for property adjacent to Little Island Park that provides public access to Back Bay.	Pending Governor's Action
HB866 Orrock	Scenic river designations - Consolidates provisions of the Scenic Rivers Act relating to prohibitions on the construction of dams and limits on the effects of the Act.	Chapter 273 Effective 7/1/18
HB 1460 Fariss -	Land preservation tax credits; transfer to a designated beneficiary - Provides that a person who has unused land preservation tax credits may provide that such credits be transferred to a designated beneficiary upon his death, so long as such person with unused credits is the person who originally earned them. The bill provides that if a person dies without a will, his unused credit shall be transferred according to the rules of intestacy. The bill provides that such transfers are not subject to any fees and retain the same carryover period as if held by their original owner.	Pending Governor's Action
HJ 148 Bulova	Celebrating the life of David Clark Dowling	<i>Agreed by House and Senate</i>
SB353 McClellan	White Oaks Technology Park: Authorizes the Department of Conservation and Recreation to convey certain real property adjacent to the White Oak Technology Park in Henrico County to the Economic Development Authority of Henrico County in return for the grant of an open space easement and the dedication of a natural area preserve on a portion of the White Oak Technology Park property.	Pending Governor's Action
SB585 DeSteph	Chesapeake Bay Restoration - Clarifies the purposes for which grants from the Chesapeake Bay Restoration Fund (the Fund) are to be used and clarifies that guidelines for the use of such grants shall be developed by the Chesapeake Bay Restoration Fund Advisory Committee (the Committee) in accordance with such purposes.	Pending Governor's Action
SB587 Stuart	* Caledon State Park - Authorizes the Department of Conservation and Recreation to quitclaim and release all of its right, title, and interest in an unimproved parcel of land near the southwest corner of Caledon State Park without consideration.	Pending Governor's Action
SB 908 McClellan	Electric vehicle charging stations - Authorizes he Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill exempts the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity.. Identical to HB 922	Chapter 295 Effective 7/1/2018
SB950 Hanger	Pipeline construction – Water Protection Permit; additional certification impacts – Department of Environmental Quality	Pending Governor's Action

SJ 90 - Stuart	Clean Water Farm Award – Resolution Commending the 10 River Basin Grand Winners of the Clean Water Farm Award.	<i>Agreed by House and Senate</i>
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FAILED BILLS	
Bill	Description
SB 139 - Petersen	Chesapeake Bay Watershed; imposes a tax on plastic bags - <i>Senate: Failed to report in Finance (4-Y 11-N)</i>
SB499 Carrico	Agriculture easements; validity; termination - <i>Senate: Continued to 2019 in ACNR (12-Y 2-N)</i>
SB582 - Hanger	Open-space lands; conversion/diversion - <i>House: Subcommittee recommends continuing to 2019</i>
SB691 - Deeds	VALORS - <i>Senate: Continued to 2019 in ACNR (12-Y 2-N)</i>
SB 985 - Wagner -	Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2018; report. <i>(Left in Committee)</i>
HB579 - Bloxom	Transient occupancy tax - <i>Pass By Indefinitely Senate Finance (11 Y 3 N)</i>
HB736 - McGuire	Seaplanes in state parks – <i>Patron withdrew bill – Struck from Docket</i>
HB 1448 Guzman	Special Assessment for land preservation; agricultural use - <i>House: Left in Finance</i>
HJ 96 - Hurst -	ValORS; JLARC study. - <i>House: Left in Rules</i>

Attachment B

Fiscal Year 2019 2018 Special Session			
WQIF Appropriation (general funds) (B.1)	\$22,532,299		
WQIF Reserve Deposit (B.1)		\$2,011,689	
Carve-outs from WQIF appropriation (B.1)		\$750,000	
CREP			\$500,000
Database			\$250,000
Subtotal			\$750,000
Natural Resources Commitment Fund (B.2)		\$19,770,610	
Agricultural Best Management Practices (B.2)			\$17,398,137
Within the Bay			\$10,438,882
Outside the Bay			\$6,959,255
Subtotal			\$17,398,137
Technical assistance to SWCDs (B.2)			\$2,372,473
Subtotal of Fund Appropriations			\$19,770,610
Total General Funds Appropriated		\$22,532,299	
Nongeneral Fund Appropriation (recordation fees) (D.1)	\$10,000,000		
Technical Assistance for SWCDs (D.3)		\$1,200,000	
Agricultural Best Management Practices (D.3)		\$8,800,000	
Subtotal of Recordation Fee		\$10,000,000	
Total Funds Appropriated	\$32,532,299		

Funds for SWCDs	
Administration and Operations (A.1)	\$6,209,091
Dam Maintenance	\$312,000
Small Dam Repair	\$500,000
District Support (Audit, bonding, etc.)	\$170,000
Total administrative and operations funding	\$7,191,091
Technical Assistance on VNRCF	\$2,372,473
Technical Assistance on recordation	\$1,200,000
Total technical assistance funding	\$3,572,473