

Virginia Soil and Water Conservation Board
Southwest Virginia Higher Education Center, Abingdon, Virginia
September 16, 2025; 10:30 a.m.

DRAFT AGENDA

- A. Call to order and introductions
- B. Approval of minutes from May 28, 2025
- C. Director's report
- D. Report from Audit Subcommittee
- E. Officer Elections
- F. Update on the Agricultural Stewardship Act appeal by the Liskeys

Dam Safety Division

- G. Division report
- H. Approval of final regulations for the *Impounding Structure regulations (4VAC-20)*

Soil and Water Conservation Division

- I. Division Report
- J. Retention of the *Public Participation Guidelines (4VAC50-11)* in response to a periodic review
- K. Approval of findings for periodic review of the *Nutrient Management Training and Certification regulations (4VAC50-85)*
- L. Approval to initiate a Notice of Intended Regulatory Action for the *Nutrient Management Training and Certification regulations (4VAC50-85)*
- M. Approval of District Director appointments and resignations
- N. Approval of resolution recognizing Charles A. Arnason
- O. Revision to the definition of applicant in the 2026 VACS BMP Manual
- P. Old business
- Q. New business
- R. Partner reports
 - 1. Natural Resources Conservation Service
 - 2. Virginia Cooperative Extension
 - 3. Virginia Association of Soil and Water Conservation Districts
 - 4. Virginia Farm Bureau Federation

Virginia Soil and Water Conservation Board

AGENDA

5. Virginia Department of Agriculture and Consumer Services
 - i. Annual Agricultural Stewardship Act report

S. Public comment

T. Next meetings

- December 10, 2025; Williamsburg

For copies of the Virginia Soil and Water Conservation Board meeting materials contact Breanne Lindsey, Board and Constituent Services Liaison, at 804-786-8445 or by email at breanne.lindsey@dcr.virginia.gov.

Virginia Soil and Water Conservation Board

Charles Newton, Chair

Charles A. Arnason

John Schick

Stephanie Cornell

Nicholas Thomas

Matthew S. Wells, DCR, Ex Officio

Dr. Edwin M. Martinez, NRCS, Ex Officio

Adam D. Wilson, Vice-Chair

Jason R. De La Cruz

Robert Mills

Leigh Pemberton

Virginia Soil and Water Conservation Board
Wednesday, May 28, 2025 – 10:00 a.m.
Virginia Farm Bureau Federation, Glen Allen, Virginia
Draft Minutes

MEMBERS PRESENT

Charles Newton, Chair
Adam Wilson, Vice Chair
Charles Arnason
Stephanie Cornnell
Jason De La Cruz
Leigh Pemberton
Robert Mills
John Schick
Dr. Edwin Martinez, NRCS, Ex Officio
Matthew S. Wells, DCR, Ex Officio
Dr. Dan Goerlich, VCE, Invitee

MEMBERS NOT PRESENT

Nick Thomas

DCR STAFF PRESENT

Andrew Smith, Chief Deputy Director
Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management
James Martin, Director, Division of Soil and Water Conservation
Christine Watlington Jones, Policy and District Services Manager
Paul Saunders, Senior Policy Analyst
Blair Gordon, District Operations Coordinator
Denney Collins, CDC
Olivia Leatherwood, CDC

OTHERS PRESENT

Trey Davis, Virginia Agribusiness Council
Kember Marable, Hanover-Caroline SWCD
Steven Meeks, VASWCD
Katelyn Jordan, Virginia Farm Bureau

CALL TO ORDER AND QUORUM

Chairman Newton called the meeting to order at 10:04 a.m. A quorum was established with eight members present.

APPROVAL OF MINUTES – MARCH 19, 2025

BOARD ACTION: Motion by Mr. Wilson to approve the minutes as presented. Seconded by Mr. Mills.
Motion carried.

DIRECTOR'S REPORT

Matthew S. Wells, Director, Virginia Department of Conservation and Recreation

Director Wells provided the Board with a brief update to include information on the signing of the budget.

DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION REPORT

Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management

Status of Dam Safety Act and Review of Impounding Structure Regulations:

Proposed amendments to the Impounding Structure Regulations have been approved by the administration to move forward for public comment. That public comment period for proposed amendments to the Impounding Structure Regulations will continue through July 4. The public hearing, on June 12, at 1:30pm has been moved to the Monacan Soil and Water Conservation District office in Goochland County.

Dam Related Incidents

Greene Mountain Lake (Greene County): An “Informal Fact-Finding Conference” was held on May 8, 2025, at the Department of Forestry office in Charlottesville. The three Hearing Officers for the Board were Charles Newton, Chuck Arnason, and Stephanie Cornell. The dam owner did not dispute the Department’s records or recollections.

Afton Drive/Chappel Creek Dam (Prince George County): A Fact-Finding Conference has been scheduled for June 17 at the Petersburg Public Library.

Mattawan Dam, (Hanover): No reported change since the Board’s last meeting.

Gardy Millpond Dam (Northumberland/Westmoreland): This dam is owned by the Department of Wildlife Resources. It is classified as low hazard. There is a VDOT road over the dam, which had to be closed. A Stage 3 emergency (dam failure underway) was declared due to ongoing water flowing through this dam and severe erosion, affecting the dam’s structural integrity. The upstream watershed is very large making drawdown of the water level impractical. Consequently, staff recommend deregulating this dam as soon as possible, via an emergency action under Section 4VAC50-20-60 of the Impounding Structure Regulations, by cutting the embankment open to adequately reduce the water level, and establishing 3:1 side slope, along with a 20-foot or greater flat cut across the base, or risk expanding the dam failure. DCR Dam Safety staff met with a DWR representative on site on May 15.

APPROVAL OF PROJECTS FUNDED BY THE DAM SAFETY, FLOOD PREVENTION, AND PROTECTION ASSISTANCE FUND – ATTACHMENT A

Ms. Watlington Jones provided an overview of grant projects and a recommended motion.

BOARD ACTION

Mr. Arnason made the following motion:

The Virginia Soil and Water Conservation Board approves the 63 grant applications, with an approval amount of \$4,353,483.03, as recommended by the Department.

Approval of these grants is conditioned on the following:

1. All grants are made on a reimbursement basis and will be governed by a Grant Agreement developed in consultation with the Virginia Resources Authority. All applicants will be given a period of 90 days to enter into a Grant Agreement following the Agreement being sent. The

Department of Conservation and Recreation (Department) is authorized to further extend this date in its discretion and following consultation with VRA.

2. All grant agreements will require that projects be completed within 24 months of the date of execution of the Agreement. Upon receipt of a written request for a project extension with a specified completion date by the Grantee to the Department with a copy to VRA, the Department is authorized to consider such request and may amend the terms of the Agreement and allow a specified extension upon the Department's and the Authority's written approval. Extension requests must be received by the Department not later than 90 days prior to the expiration of the original agreement or grant funds are subject to rescission at the Department's discretion. No extensions shall exceed an additional year without specific Board approval.

3. In the event that any of the above applicants fail to execute a Grant Agreement with VRA within 90 days of such an Agreement being sent to the applicant, the Department, in consultation with VRA, is authorized to rescind those grant funds and allocate in subsequent grant rounds.

The Department is authorized to communicate this approval to the Virginia Resources Authority (VRA) so that VRA's review of applications may proceed. The Department is also authorized to take any action necessary to proceed with the closing and administration of grants subsequent to VRA's approval of the application.

Ms. Cornell seconded, and the motion carried.

UPDATE ON CONSULTING COMMITTEE EVALUATING LAKE ACCOTINK DAM

Ms. Watlington Jones provided an update on the committee. There will be a final update for the Board at its September meeting.

SOIL AND WATER CONSERVATION DIVISION REPORT

James Martin, Division Director, Soil and Water Conservation

Mr. Martin presented the Board with the soil and water conservation division report to include an update on staffing and recruitment in the soil and water conservation division.

APPROVAL OF BOARD POLICY ON SOIL AND WATER CONSERVATION DISTRICT ADMINISTRATION AND OPERATIONS FUNDING ALLOCATIONS FOR FISCAL YEAR 2026 – ATTACHMENT B

Ms. Watlington Jones presented the revised policy on soil and water conservation district administration and operations funding allocations for fiscal year 2026 and a recommended motion.

BOARD ACTION

Mr. Mills moved that the Virginia Soil and Water Conservation Board approve the policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2026.

Mr. Wilson seconded, and the motion carried.

APPROVAL OF ADMINISTRATION AND OPERATIONS SUPPORT GRANT AGREEMENT FOR FISCAL YEAR 2026 – ATTACHMENT C

Ms. Watlington Jones presented the revised administration and operations support grant agreement for fiscal year 2026 and a recommended motion.

BOARD ACTION

Motion by Mr. Wilson to approve the Department of Conservation and Recreation and Virginia Soil and Water Conservation District Administration and Operational Support Grant Agreement. Mr. De La Cruz seconded, and the motion carried.

APPROVAL OF BOARD POLICY ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS FOR FISCAL YEAR 2026 – ATTACHMENT D

Ms. Watlington Jones presented the revised policy on soil and water conservation district cost share and technical assistance funding allocations for fiscal year 2026. Revisions were made to the policy to reflect budget references and language.

BOARD ACTION

Motion by Mr. Schick to approve the Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2026). Additionally, the Culpeper Soil and Water Conservation District is authorized to utilize up to \$500,000 of the District's "FY26 Cost-Share Total (VACS)" allocation to incentivize the implementation of the soil health pilot best management practice (SL-10E) as it was approved by this Board.

Mr. Wilson seconded, and the motion carried.

APPROVAL OF COST SHARE AND TECHNICAL ASSISTANCE GRANT AGREEMENT FOR FISCAL YEAR 2026 – ATTACHMENT E

Ms. Watlington Jones presented the cost share and technical assistance grant agreement for fiscal year 2026.

BOARD ACTION

Motion by Mr. Wilson to approve the Department of Conservation and Recreation and Virginia Soil and Water Conservation District Cost-Share and Technical Assistance Grant Agreement (Fiscal Year 2026) and approve the Cost-Share Administrative Audit Form, as revised and presented, to be utilized during FY2026.

Mr. Pemberton seconded, and the motion carried.

APPROVAL OF DISTRICT DIRECTOR APPOINTMENTS AND RESIGNATIONS

Patrick

- Resignation of Ms. Melanie Barrow, of Patrick County, effective 5/9/2025, Extension Agent appointed director (term of office expires 12/31/2028).
- Resignation of Mr. George Stovall, of Patrick County, effective 5/9/2025, At-Lare appointed Director (term of office expires 12/31/2026).

- Appointment of Mr. George Stovall, of Patrick County, effective 5/28/2025, to fill the vacant Extension Agent appointed director (term of office expires 12/31/2028).

Three Rivers

- Resignation of Mr. Benjamin Ellis, Jr, of Essex County, effective 5/20/2025, elected director (term of office expires 12/31/2027).
- Appointment of Mr. James H. Hudley, III, of Essex County, effective 5/28/2025, to fill the vacant elected director (term of office expires 12/31/2027)

Tri-County/City

- Resignation of Mr. Devin Schwers, of the City of Fredericksburg, effective 5/26/2025, elected director (term of office expires 12/31/2027).

BOARD ACTION

Motion by Mr. Wilson to recognize the resignations and approve the appointments of the individuals being recommended as presented. Seconded by Mr. Arnason. Motion carried.

ACCEPTANCE OF INDIVIDUALS NOMINATED TO SERVE ON THE VIRGINIA SOIL AND WATER CONSERVATION BOARD – ATTACHMENT F

Ms. Watlington Jones presented the names and backgrounds of those having been nominated by the Virginia Association of Soil and Water Conservation Districts.

BOARD ACTION

Motion by Mr. Mills to accept the nominations of the Virginia Association of Soil and Water Conservation Districts and direct staff to forward these nominations to the Secretary of the Commonwealth for consideration for appointment. Mr. Wilson seconded the motion, and the motion carried.

Ms. Cornell abstained.

INITIATION OF PERIODIC REVIEW OF NUTRIENT MANAGEMENT TRAINING AND CERTIFICATION REGULATIONS (4VAC50-85) – ATTACHMENT G

BOARD ACTION: Motion by Mr. Arnason to initiate a periodic review of 4VAC50-85 in accordance with applicable procedures. Seconded by Mr. Schick. Motion carried.

EXPANSION OF OPTIONS AND FUNDING PROVIDED FOR PRODUCERS IMPACTED BY FEBRUARY STORMS – ATTACHMENT H

BOARD ACTION:

Ms. Cornell made the following motion:

The Virginia Soil and Water Conservation Board directs the Department to:

1. Expand the use of the funding in the reserve account initially established solely for the repair and replacement of best management practices (practices) damaged or destroyed during Tropical Storm Helene to include the repair and replacement of practices damaged or destroyed during the storms occurring from February 10, 2025 through February 18, 2025.

2. Allow producers that had practices damaged or destroyed by storms occurring from February 10, 2025 through February 18, 2025 to utilize the three financial assistance options that were provided to producers that had practices damaged or destroyed by Tropical Storm Helene.
3. Expand the localities where these financial assistance options and the mobilization payment are available to producers from only those localities designated during Tropical Storm Helene to include all localities on the attached FEMA map that are designated as “public assistance” localities.
4. Extend the availability of the three financial assistance options and the mobilization payment to producers that had practices damaged or destroyed by either Tropical Storm Helene or storms occurring from February 10, 2025 through February 18, 2025 until November 1, 2025.

Mr. Wilson seconded, and the motion carried.

REALLOCATION OF FUNDS FOR IMPLEMENTATION OF BMPS IN THE SOUTHERN RIVERS – ATTACHMENT

I

Ms. Watlington Jones presented staff’s recommendation for the reallocation of cost-share funding.

BOARD ACTION

Mr. Arnason made the following motion:

The Virginia Soil and Water Conservation Board (Board) directs the Department to redistribute a portion of the cost-share funds that were recovered by the Department via the reallocation procedures established for FY2024. There was \$20,508,570 in cost-share funds returned from Districts within the Chesapeake Bay watershed at the close of FY2024.

The Virginia Soil and Water Conservation Board directs the Department to redistribute up to \$4,087,418 of cost-share funding returned from the Districts within the Chesapeake Bay watershed for the implementation of best management practices in the Southern Rivers (Outside the Chesapeake Bay watershed). Additionally, the Board authorizes the use of up to \$613,113 of returned and unobligated cost share funds to be utilized as technical assistance (15%) for the Districts receiving additional cost-share funding.

Ms. Cornell seconded, and the motion carried. Mr. Wilson abstained.

OLD BUSINESS

BOARD ACTION

Mr. Pemberton moved to open further discussion on the cover crop verification date approved at the April meeting of the Board. Mr. Mills seconded, and the motion carried.

Mr. Kember Marable addressed the Board on behalf of Hanover Caroline SWCD. There was discussion regarding extension of the verification date.

BOARD ACTION

Mr. Pemberton moved to extend the cover crop verification date from January 31st to February 28th and stipulated that the extension be reviewed annually with technological improvements.

Mr. Mills seconded, and the motion carried.

PARTNER REPORTS

Natural Resources Conservation Service – Dr. Martinez presented the Board with his report (**Attachment J**).

Virginia Department of Agriculture and Consumer Services – Not Represented

Virginia Cooperative Extension – Dr. Goerlich provided the Board with a brief report.

Virginia Association of Soil and Water Conservation Districts – Steven Meeks addressed the Board.

Chesapeake Bay Commission – Not Represented

Virginia Agribusiness Council – Trey Davis provided and update.

Virginia Farm Bureau Federation – Katelyn Jordan addressed the Board.

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

September in Abingdon, Virginia

December 10, 2025 in Williamsburg, VA

ADJOURNMENT

With no further business, the meeting adjourned at 11:27 a.m.

DCR Division of Dam Safety
September 16, 2025

Prepared by Darryl M. Glover
Deputy Director, DSFPM/SWC

Status of Dam Safety Act and Review of Impounding Structure Regulations:

Final amendments to the Impounding Structure Regulations will be presented to you later today, at this meeting, for your approval prior to final administration review. The regulations will then be posted on the Virginia Regulatory Town Hall and will undergo executive review (OAG, DPB, SNHR, and ORM). After the executive review is complete, the regulations will be submitted to the Virginia Registrar and will be published in the Virginia Register. There will be a 30-day adoption period (with another public comment period) and then the regulation will be final.

Dam Related Incidents

Mattawan Dam, (Hanover County, 085039, Low Hazard Potential): The Department mailed Notice of Deficiency letters the week of July 7th, 2025, to households in three neighborhood associations. Their grant agreement is still awaiting owner signatures.

Afton Drive/Chappell Creek Dam (Prince George, 149027, High-Preliminary Hazard Potential): An IFFC was held on June 17th, 2025.

Greene Mountain Lake Dam (Greene, 079014, Significant Hazard Potential): The dam owner submitted a safety inspection 5 days after the deadline prescribed in the finding of violation. The dam owner has hired an engineer to develop an alteration plan that addresses the deficiencies noted in the safety inspection. The emergency action plan is due by September 23, 2025.

Bishops Dam (Greene, 003150, Significant-Preliminary Hazard Potential): The Regional Engineer conducted a site visit on June 30, 2025, and determined the dam to be in poor condition. The dam is owned by a defunct HOA and the Department is identifying homes tied to HOA ownership to begin pre-enforcement communication.

Killarney Dam (Goochland, 075004, High-Preliminary Hazard Potential): The Regional Engineer conducted a site visit on May 27, 2025, to confirm the results of a recent PE inspection. The dam was found to be in an unsafe condition with so much woody vegetation that it could not be fully inspected. A pre-enforcement letter was sent to the dam owner requesting a complete safety inspection and conditional O&M certificate by October 3. The Regional Engineer met with a realtor on August 28 and discovered that dam ownership is in legal transition.

Gardy Millpond Dam (Northumberland/Westmoreland, 193008, Low Hazard Potential): An emergency alteration permit was granted by the Department on June 2, 2025. Alterations have begun and include cutting the embankment open to adequately reduce the water level, and establishing 3:1 side slope, along with a 20-foot or greater flat cut across the base. The roadway will remain closed indefinitely.

Burke Dam (Gloucester, 073006, High Hazard Potential): The dam is in poor condition due to a failing primary spillway and undersized auxiliary spillway. The dam has three owners: Girl Scouts of the Colonial Coast (GSCC), VDOT, and a private owner. GSCC has taken responsibility for obtaining a conditional O&M certificate while working towards full compliance. VDOT has disputed ownership which limits remediation options for the dam. Ownership determination for the dam currently resides with the Office of the Attorney General.

Additional Dam Safety Activities

Federal funds have been released for two of the three 2022 HHPD grant awardees, including the City of Portsmouth (Lake Cohoon Dam, 80001, High Hazard Potential) and the City of Suffolk (Godwins Millpond Dam, 80014, High Hazard Potential). The third awardee, the Town of Warrenton (Warrenton Lakes Dam, 061032, High Hazard Potential), will have funds released upon the approval of the region's hazard mitigation plan. The 9 dams with proposed subawards for the 2024 High Hazard Potential Dams (HHPD) grants are in the engineering review phase with FEMA.

The Department is expected to be awarded \$246,681 for the 2025 FEMA NDSP (annual) base grant. However, the second round of Infrastructure Investment and Jobs Act (IIJA) grants, in the amount of \$871,622, has been de-obligated by FEMA.

A kick-off meeting for the Incremental Damage Assessment (IDA) methodology project was held with Schnabel Engineering in August. A draft report with IDA methodology recommendations will be provided to DCR around the end of October and presented to this Board, along with a DCR recommendation, at your meeting in December.

Schnabel is also preparing a scope of work for the development of an Emergency Action Plan (EAP) template, EAP review checklist, and 4 example EAPs for high and significant hazard dams. This project will be funded with remaining IIJA grant funds and should be completed by July 2026.

A new Emergency Preparedness Plan has been developed in accordance with the change in requirements for low hazard dams in the Dam Safety Act and is attached to this report. A general permit and conditional general permit application form is also under revision. Low hazard dam owner training will be developed and scheduled for October and November to communicate new low hazard dam compliance requirements.

Other Programs

Floodplain Management staff recently attended a Southwest VA LiDAR update meeting with Natural Resource Conservation Service (NCRS) staff where they provided an overview of the status of the LiDAR that has already been flown, as well as a general timeline of upcoming projects. Federal funding has been appropriated, and flights can resume this coming winter. New floodplain maps for Southwest Virginia can now be expected within 24 months.

DCR updated its End User License Agreement with Fathom to all public distribution of the 0.2% (500-yr) Annual Exceedance Probability (AEP) flood data in addition to the 1% AEP (100-yr) flood data that is currently available on the Virginia Flood Risk Information System (VFRIS). The Office of Resilience Planning worked with the Data Services team to add this additional public layer to VFRIS.



Date Prepared: _____
Prepared By: _____

EMERGENCY PREPAREDNESS PLAN FOR LOW HAZARD VIRGINIA REGULATED IMPOUNDING STRUCTURES

Reference: Impounding Structures Regulations, 4VAC 50-20-10 et seq., including 4VAC 50-20-177, Virginia Soil and Water Conservation Board

1. Name of Impounding Structure: _____
Inventory Number: _____ City/County: _____
Other Name (if any): _____
Stream Name: _____
Latitude: _____ Longitude: _____

2. Name of Owner: _____
Address: _____
Telephone: (Residential) _____ (Business) _____
Email: _____
(Note: 24-hour telephone contact required)

3. Name of Impounding Structure Operator/Observer: _____
Address: _____
Telephone: (Residential) _____ (Business) _____
Email: _____
(Note: 24-hour telephone contact required)
Name of Alternate Operator: _____
Telephone: (Residential) _____ (Business) _____
Email: _____
(Note: 24-hour telephone contact required)

4. City/County Emergency Services Coordinator(s): _____
Address: _____

Telephone: _____
Other means of communication _____
(Note: 24-hour telephone contact required)

5. If available, attach a simple dam break inundation map, demonstrating the general inundation that would result from an impounding structure failure.

If there are public roads downstream from the impounding structure, identify by highway number and distance below dam:

Route # _____ , _____ Miles Route # _____ , _____ Miles
Route # _____ , _____ Miles Route # _____ , _____ Miles

Definitions:

Stage I Condition – A flood watch, or heavy continuous rain or excessive flow of water from ice or snow melt.

Stage II Condition – A flood watch, or emergency spillway activation or dam overtopping/breach may be possible.

Stage III Condition – Emergency spillway activation, dam overtopping or imminent failure is probable.

The amount of flow in the emergency spillway that will initiate a:

Stage II Condition _____ Feet (depth above spillway)

Stage III Condition _____ Feet (depth above spillway)

Total depth of emergency spillway available before crest of dam is overtopped: _____ Feet

6. Does a staff gage exist? ___ Yes ___ No

Staff Gage Location and Description: _____

Frequency of observations by rainfall/staff gage observer during a:

Stage I Condition _____

Stage II Condition _____

Stage III Condition _____ (recommend continuous)

Identify access routes and means of monitoring during flood conditions at the dam.

Note: It is recommended that the Observer remain on post until potentially serious or serious conditions subside.

7. Notification Procedures (Stage II and III):

- a. The dam owner/operator should notify the local emergency services office when the dam reaches a stage II condition and again when the dam reaches a stage III condition. Phone numbers should be listed in #4 above.
- b. Once the local emergency services office has been notified of any problem at a dam site, it should take appropriate protective measures in accordance with the local Emergency Operations Plan. Local emergency services actions may include:
 - (1) Notify the individuals who own downstream property
 - (2) Begin Alert, Notification, and Warning
 - (3) Immediately evacuating the inundation areas, when stage III conditions warrant.
 - (4) Begin Emergency Public Information procedures open emergency shelters.
 - (5) Provide Situation Reports to the State Emergency Operations Center (804) 674-2400 or (800) 468-8892.

CERTIFICATION BY OWNER

I certify that a copy of this plan has been filed with _____
(City/County) and _____ (Name), the local Emergency Services Coordinator. Also,
a copy of this form has been filed with the State Department of Emergency Management; that this plan shall be adhered to during
the life of the project; and that the information contained herein is current to the best of my knowledge.

Signed

: _____
Owner's Signature Print Name

This _____ day of _____, 20 ____ .

Submit this form through the DCR Dam Safety online inventory system, DSIS. More information can be found
here: <https://www.dcr.virginia.gov/dam-safety-and-floodplains/ds-dsis>

Submit this form to the Virginia Department of Emergency Management by email: VEOC@vdem.virginia.gov

Retention of the Public Participation Regulations (4VAC50-11) in Response to Periodic Review

§ 2.2-4007.1. Regulatory flexibility for small businesses; periodic review of regulations.

D. In addition to other requirements of §2.2-4017, all regulations shall be reviewed every four years to determine whether they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law. When a regulation has undergone a comprehensive review as part of a regulatory action that included the solicitation of public comment on the regulation, a periodic review shall not be required until four years after the effective date of the regulatory action.

E. The regulatory review required by this section shall include consideration of:

1. The continued need for the rule;
2. The nature of complaints or comments received concerning the regulation from the public;
3. The complexity of the regulation;
4. The extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and
5. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

F. Prior to commencement of the regulatory review required by subsection D, the agency shall publish a notice of the review in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall. The agency shall provide a minimum of 21 days for public comment after publication of the notice. No later than 120 days after close of the public comment period, the agency shall publish a report of the findings of the regulatory review in the Virginia Register of Regulations and post the report on the Virginia Regulatory Town Hall.

Executive Order 19 (2022) and the Office of Regulatory Management Procedures for the Review of State Agency Regulations

All existing state regulations promulgated by executive branch agencies, including those promulgated pursuant to an exemption from the APA, shall be reviewed every four years to determine whether they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law, as regarding § 2.2-4007.1 of the Code of Virginia.

The periodic review shall include: (1) the continued need for the regulation; (2) the nature and complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; (5) an economic analysis including benefit-cost analysis, local government impact analysis, economic impacts on families, and the count of regulatory requirements embedded in the regulation; and (6) the length of time since the regulation has been evaluated or the degree to which

technology, economic conditions, or other factors have changed in the area affected by the regulation. When conducting a periodic review, the agency shall post the notice on the Town Hall website which will then be published in the Register.

The agency shall provide a minimum of 21 days for public comment after publication of the notice in the Register. No later than 120 days after the close of the public comment period, the agency shall post the report of findings on Town Hall and then publish the report in the Register...

Action by Board on April 16, 2025

The Virginia Soil and Water Conservation Board approved the initiation of a periodic review of the Public Participation Guidelines (4VAC50-11). The periodic review shall be conducted in accordance with the procedures established by the Office of Regulatory Management and all other applicable laws, policies, and procedures.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the retention of the Public Participation Guidelines (4VAC50-11) as currently promulgated. The Board directs the Department to submit the decision to retain this regulation without change in accordance with the Administrative Process Act, Executive Order 14 (2018) (Amended), and all other applicable policies and procedures.



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Soil and Water Conservation Board
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC50-11
VAC Chapter title(s)	Public participation guidelines
Date this document prepared	September 16, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

There are no acronyms or definitions used in this report.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 2.2-4007.02 requires all agencies to develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 10.1-

502 of the Code of Virginia provides that the Virginia Soil and Water Conservation Board “shall keep a record of its official actions, shall adopt a seal and may perform acts, hold public hearings, and promulgate regulations necessary for the execution of its functions under this chapter.”

This periodic review was conducted pursuant to §2.2-4017, Executive Order 19 (2022) and procedures from the Office of Regulatory Management for the Review of State Agency Regulations (August 2022).

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to adopting regulations.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Committer	Comment	Agency response
Mary-Carson Stiff, Wetlands Watch; Renee Grebe, Nature Forward; Faith Harris, Virginia Interfaith Power & Light; Karen Forget, Lynnhaven River NOW; Pat Calvert, Virginia Director of Conservation American Rivers; Mary Rafferty, Virginia Conservation Network; Glenda Booth, Friends of Dyke Marsh	...[W]e respectfully recommend that this regulation be retained in its current form...Maintaining this regulation in its current form will ensure that the public continues to play an integral role in shaping policies that affect their communities and environments.	The Board agrees with these comments and will retain these regulations as is without making any changes.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 19(2022) as it is necessary for the protection of public health, safety and welfare of the citizens and visitors to the Commonwealth. The Board is conducting a period review of the regulations.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Retain the regulation as is without making changes.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The regulations do not have an adverse impact on small businesses and do not overlap, duplicate or conflict with any known federal or state law or regulation.

Approval of Findings for a Periodic Review of the Nutrient Management Training and Certification Regulations (4VAC50-85)

§ 2.2-4007.1. Regulatory flexibility for small businesses; periodic review of regulations.

D. In addition to other requirements of §2.2-4017, all regulations shall be reviewed every four years to determine whether they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law. When a regulation has undergone a comprehensive review as part of a regulatory action that included the solicitation of public comment on the regulation, a periodic review shall not be required until four years after the effective date of the regulatory action.

E. The regulatory review required by this section shall include consideration of:

1. The continued need for the rule;
2. The nature of complaints or comments received concerning the regulation from the public;
3. The complexity of the regulation;
4. The extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and
5. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

F. Prior to commencement of the regulatory review required by subsection D, the agency shall publish a notice of the review in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall. The agency shall provide a minimum of 21 days for public comment after publication of the notice. No later than 120 days after close of the public comment period, the agency shall publish a report of the findings of the regulatory review in the Virginia Register of Regulations and post the report on the Virginia Regulatory Town Hall.

§ 10.1-104.2. Voluntary nutrient management training and certification program.

A. The Department shall operate a voluntary nutrient management training and certification program to certify, in accordance with regulations adopted by the Virginia Soil and Water Conservation Board pursuant to subsection D, the competence of persons preparing nutrient management plans for the purpose of (i) assisting landowners and operators in the management of land application of fertilizers, municipal sewage sludges, animal manures, and other nutrient sources for agronomic benefits and for the protection of the Commonwealth's ground and surface waters and (ii) assisting owners and operators of agricultural land and turf to achieve economic benefits from the effective management and application of nutrients...

D. The Virginia Soil and Water Conservation Board shall adopt regulations:

1. Specifying qualifications and standards for individuals to be deemed competent in nutrient management plan preparation, and providing for the issuance of documentation of certification to such individuals;
2. Specifying conditions under which a certificate issued to an individual may be suspended or revoked;
3. Providing for criteria relating to the development of nutrient management plans for various agricultural and urban agronomic practices, including protocols for use by laboratories in determining

soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purpose of nutrient management;

4. Establishing fees to be paid by individuals enrolling in the training and certification programs;
5. Providing for the performance of other duties and the exercise of other powers by the Director as may be necessary to provide for the training and certification of individuals preparing nutrient management plans; and
6. Giving due consideration to relevant existing agricultural certification programs...

Executive Order 19 (2022) and the Office of Regulatory Management Procedures for the Review of State Agency Regulations

All existing state regulations promulgated by executive branch agencies, including those promulgated pursuant to an exemption from the APA, shall be reviewed every four years to determine whether they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law, as regarding § 2.2-4007.1 of the Code of Virginia.

The periodic review shall include: (1) the continued need for the regulation; (2) the nature and complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; (5) an economic analysis including benefit-cost analysis, local government impact analysis, economic impacts on families, and the count of regulatory requirements embedded in the regulation; and (6) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. When conducting a periodic review, the agency shall post the notice on the Town Hall website which will then be published in the Register.

The agency shall provide a minimum of 21 days for public comment after publication of the notice in the Register. No later than 120 days after the close of the public comment period, the agency shall post the report of findings on Town Hall and then publish the report in the Register...

Action by Board on May 28, 2025

The Virginia Soil and Water Conservation Board approves the initiation of a periodic review of the Nutrient Management Training and Certification Regulations (4VAC50-85). The periodic review shall be conducted in accordance with the procedures established by the Office of Regulatory Management and all other applicable laws, policies, and procedures.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the responses to the comments received during the periodic review of the Nutrient Management Training and Certification Regulations (4VAC50-85) and authorizes the Department to post the report of findings to the Virginia Regulatory Town Hall and to publish the findings in the Virginia Register.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Soil and Water Conservation Board
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC50-85
VAC Chapter title(s)	Nutrient Management Training and Certification Regulations
Date this document prepared	September 16, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

There are no acronyms or definitions used in this report.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 10.1-104.2 A. of the *Code of Virginia* requires the Department of Conservation and Recreation to "operate a voluntary nutrient management training and certification program to certify, in accordance

with regulations adopted by the Virginia Soil and Water Conservation Board pursuant to subsection D, the competence of persons preparing nutrient management plans...”

Additional requirements for the *Nutrient Management Training and Certification Regulations* (4VAC50-85) are set out in §10.1-104.2 D of the *Code of Virginia*, which states:

- D. The Virginia Soil and Water Conservation Board shall adopt regulations:
 1. Specifying qualifications and standards for individuals to be deemed competent in nutrient management plan preparation, and providing for the issuance of documentation of certification to such individuals;
 2. Specifying conditions under which a certificate issued to an individual may be suspended or revoked;
 3. Providing for criteria relating to the development of nutrient management plans for various agricultural and urban agronomic practices, including protocols for use by laboratories in determining soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purpose of nutrient management;
 4. Establishing fees to be paid by individuals enrolling in the training and certification programs;
 5. Providing for the performance of other duties and the exercise of other powers by the Director as may be necessary to provide for the training and certification of individuals preparing nutrient management plans; and
 6. Giving due consideration to relevant existing agricultural certification programs.

This periodic review was conducted pursuant to §2.2-4017, Executive Order 19 (2022) and procedures from the Office of Regulatory Management for the Review of State Agency Regulations (August 2022).

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to adopting regulations.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
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<p>Nicole Slazinski, Prince William Soil and Water Conservation District</p>	<p>The Virginia Nutrient Management Standards & Criteria manual was last updated was July 2014. It needs some TLC, particularly with calculating lime...lime recommendations because it never matches with the VT soils lab...</p>	<p>The Board recognizes that there are sections of the regulations that need amendments and clarifications. Therefore, the Board intends to authorize the Department to initiate a regulatory action which address priority issues with the regulations. At a minimum, amendments to address the following concerns will be considered: (i) the need to more quickly and proactively update the Standards and Criteria; (ii) the use of outdated or unnecessary definitions; (iii) incorporating the use of precision agriculture practices and plans; (iv) updating the fees required for training and certification; and (iv) clarifying recommendations versus requirements throughout the regulations. This comment will be discussed with stakeholders as part of the future regulatory process.</p>
<p>Robert Patterson</p>	<p>The current information in the Standards & Criteria pertaining to pine tree nutrient applications is out dated and very limiting, especially when there is a huge potential for growth and nutrient uptake...The entire section on Pine and Hardwood Maintenance should be revised for organic nutrient sources...We should be able to use any unbiased research including the department of forestry for pine tree applications.</p>	<p>The Board recognizes that there are sections of the regulations that need amendments and clarifications. Therefore, the Board intends to authorize the Department to initiate a regulatory action which address priority issues with the regulations. At a minimum, amendments to address the following concerns will be considered: (i) the need to more quickly and proactively update the Standards and Criteria; (ii) the use of outdated or unnecessary definitions; (iii) incorporating the use of precision agriculture practices and plans; (iv) updating the fees required for training and certification; and (iv) clarifying recommendations versus requirements throughout the regulations. This comment will be discussed with stakeholders as part of the future regulatory process.</p>
<p>Virginia Agribusiness Council; Virginia Cattlemen’s Association; Virginia Grain Producers Association; Virginia Soybean</p>	<p>We support the current Nutrient Management Training and Certification Regulations as they directly benefit both producers and the health of Virginia’s environment. We support updating applicable tables and data sets in the regulations with the most current research-based</p>	<p>The Board recognizes that there are sections of the regulations that need amendments and clarifications. Therefore, the Board intends to authorize the Department to initiate a regulatory action which address priority issues with the regulations. At a minimum, amendments to address the following concerns will be considered: (i) the need to more quickly and proactively update</p>

<p>Association; Virginia State Dairymen’s Association</p>	<p>science from our land-grant universities. Making nutrient management planning more user-friendly through enhanced flexibility and simplicity would further benefit the grower.</p>	<p>the Standards and Criteria; (ii) the use of outdated or unnecessary definitions; (iii) incorporating the use of precision agriculture practices and plans; (iv) updating the fees required for training and certification; and (iv) clarifying recommendations versus requirements throughout the regulations. This comment will be discussed with stakeholders as part of the future regulatory process.</p>
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Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 19(2022) as it is necessary for the protection of public health, safety and welfare of the citizens and visitors to the Commonwealth. The Board is conducting a period review of the regulations.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).


If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Amend the regulation. The Board recognizes that there are sections of the regulations that need amendments and clarifications. Therefore, the Board intends to authorize the Department to initiate a regulatory action which address priority issues with the regulations. At a minimum, amendments to address the following concerns will be considered: (i) the need to more quickly and proactively update the Standards and Criteria; (ii) the use of outdated or unnecessary definitions; (iii) incorporating the use of precision agriculture practices and plans; (iv) updating the fees required for training and certification; and (iv) clarifying recommendations versus requirements throughout the regulations.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The regulations do not have an adverse impact on small businesses and do not overlap, duplicate or conflict with any known federal or state law or regulation.



Authorization to initiate a Notice of Intended Regulatory Action for the Nutrient Management Training and Certification regulations (4VAC50-85)

§ 10.1-104.2. Voluntary nutrient management training and certification program

D. The Virginia Soil and Water Conservation Board shall adopt regulations:

1. Specifying qualifications and standards for individuals to be deemed competent in nutrient management plan preparation, and providing for the issuance of documentation of certification to such individuals;
2. Specifying conditions under which a certificate issued to an individual may be suspended or revoked;
3. Providing for criteria relating to the development of nutrient management plans for various agricultural and urban agronomic practices, including protocols for use by laboratories in determining soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purpose of nutrient management;
4. Establishing fees to be paid by individuals enrolling in the training and certification programs;
5. Providing for the performance of other duties and the exercise of other powers by the Director as may be necessary to provide for the training and certification of individuals preparing nutrient management plans; and
6. Giving due consideration to relevant existing agricultural certification programs.

§ 2.2-4007.01. Notice of intended regulatory action; public hearing.

A. In the case of all regulations, except those regulations exempted by §2.2-4002, 2.2-4006, 2.2-4011, or 2.2-4012.1, an agency shall (i) provide the Registrar of Regulations with a Notice of Intended Regulatory Action that describes the subject matter and intent of the planned regulation and (ii) allow at least 30 days for public comment, to include an on-line public comment forum on the Virginia Regulatory Town Hall, after publication of the Notice of Intended Regulatory Action.

Whenever a Virginia statutory change necessitates a change to, or repeal of, all or a portion of a regulation or the adoption of a new regulation, the agency shall file a Notice of Intended Regulatory Action with the Registrar within 120 days of such law's effective date. An agency shall not file proposed regulations with the Registrar until the public comment period on the Notice of Intended Regulatory Action has closed.

B. Agencies shall state in the Notice of Intended Regulatory Action whether they plan to hold a public hearing on the proposed regulation after it is published. Agencies shall hold such public hearings if required by basic law. If the agency states an intent to hold a public hearing on the proposed regulation in the Notice of Intended Regulatory Action, then it shall hold the public hearing. If the agency states in its Notice of Intended Regulatory Action that it does not plan to hold a hearing on the proposed regulation, then no public hearing is required unless, prior to completion of the comment period specified in the Notice of Intended Regulatory Action, (i) the Governor directs the agency to hold a public hearing or (ii) the agency receives requests for a public hearing from at least 25 persons.

Recommended Motion:

The Virginia Soil and Water Conservation Board authorizes the Department to convene a regulatory advisory panel to make recommendations on potential regulatory changes, to hold other stakeholder group meetings as it deems necessary, and to prepare a draft proposed regulation and any associated documents for the Board's review and consideration. The Board directs the Department to conduct these activities in accordance with the Administrative Process Act, Executive Order 19 (2022), and all other applicable laws, policies, and procedures. Additionally, the Board authorizes the Department to coordinate, as necessary, with the Office of Regulatory Management to develop any additional documents needed to file this Notice of Intended Regulatory Action.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Soil and Water Conservation Board
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC50-85
VAC Chapter title(s)	Nutrient Management Training and Certification Regulations
Action title	Amend the Nutrient Management Training and Certification Regulations
Date this document prepared	September 16, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Nutrient Management Training and Certification Regulations (4VAC50-85) establish the minimum qualifications for individuals who prepare nutrient management plans and the minimum components and content of a nutrient management plan. Nutrient management plans address nutrient applications to both urban landscape and agricultural operations; these plans improve and protect water quality using best management practices such as timing, rate and placement of fertilizer, manure and biosolids for agricultural and urban purposes.

The Board is undertaking this regulatory action in response to comments received during a periodic review and to further support Department initiatives. Specifically, the Board authorized this regulatory action to consider concerns related to: (i) the need to more quickly and proactively update the

Standards and Criteria and other reference material included in the Documents Incorporated by Reference section of the regulations; (ii) the use of outdated or unnecessary definitions; (iii) incorporating the use of precision agriculture practices and plans; (iv) updating the fees required for training and certification; (v) increasing the flexibility in reporting mechanisms for certified nutrient management planners; and (vi) clarifying recommendations versus requirements throughout the regulations.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

There are no acronyms or technical definitions used in this form.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

At the May 28, 2025 meeting, the Virginia Soil and Water Conservation Board approved the initiation of a periodic review of the Impounding Structure Regulations. The public comment period began on July 14 2025 and continued through August 4, 2025. This regulatory action is being conducted in response to comments that were received during that periodic review and to further support Department initiatives. The results of the periodic review may be found at:

<https://townhall.virginia.gov/L/comments.cfm?periodicreviewid=2606>.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 10.1-104.2 A. of the *Code of Virginia* requires the Department of Conservation and Recreation to "operate a voluntary nutrient management training and certification program to certify, in accordance with regulations adopted by the Virginia Soil and Water Conservation Board pursuant to subsection D, the competence of persons preparing nutrient management plans..."

Additional requirements for the *Nutrient Management Training and Certification Regulations* (4VAC50-85) are set out in §10.1-104.2 D of the *Code of Virginia*, which states:

D. The Virginia Soil and Water Conservation Board shall adopt regulations:

1. Specifying qualifications and standards for individuals to be deemed competent in nutrient management plan preparation, and providing for the issuance of documentation of certification to such individuals;
2. Specifying conditions under which a certificate issued to an individual may be suspended or revoked;
3. Providing for criteria relating to the development of nutrient management plans for various agricultural and urban agronomic practices, including protocols for use by laboratories in determining soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purpose of nutrient management;
4. Establishing fees to be paid by individuals enrolling in the training and certification programs;
5. Providing for the performance of other duties and the exercise of other powers by the Director as may be necessary to provide for the training and certification of individuals preparing nutrient management plans; and
6. Giving due consideration to relevant existing agricultural certification programs.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

As outlined in the section above, the adoption of these regulations is required by §10.1-104.2 of the Code of Virginia. These regulations directly benefit agricultural producers and improve Virginia’s water quality.

This regulatory action will consider concerns related to: (i) the need to more quickly and proactively update the Standards and Criteria and other reference material included in the Documents Incorporated by Reference section of the regulations; (ii) the use of outdated or unnecessary definitions; (iii) incorporating the use of precision agriculture practices and plans; (iv) updating the fees required for training and certification; (v) increasing the flexibility in reporting mechanisms for certified nutrient management planners; and (vi) clarifying recommendations versus requirements throughout the regulations.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

This regulatory action is needed to address concerns related to the outdated references in the Documents Incorporated by Reference (DIBR) including the Virginia Nutrient Management Standards and Criteria (revised July 2014). Additional amendments are needed to refine the existing definitions included in the regulations (4VAC50-85-10). There are definitions that are unnecessary or need to be revised to reflect new technologies or enhanced programmatic knowledge.

Amendments may be needed in several sections of the regulations to incorporate precision agricultural practices and plans that are currently being utilized by many of Virginia’s agricultural producers. Revisions may be incorporated into 4VAC50-85-10 and 4VAC50-85-130 or new sections may be created. The best mechanism to incorporate these provisions into the regulations will be a key discussion topic for the regulatory advisory panel.

This regulatory action will also examine the fees that are currently charged for training and certification. It is likely these fees will need to be increased to reflect the current costs of administering the program. Any revisions to the fees will impact multiple sections of the regulations including 4VAC50-85-40, 4VAC50-85-50, and 4VAC50-85-80.

Certified nutrient management planners are required to report certain information annually including the number of nutrient management plans completed, the acreages of those plans, and types of land impacted by those plans (cropland, hay, pasture, and specialty crops). There may ways to increase the flexibility in how the required information is reported to the Department. Any amendments related to reporting requirements would impact 4VAC50-85-100.

Another key consideration for the regulatory advisory panel is distinguishing between recommendations versus requirements throughout the regulations. Ensuring that only requirements are contained within the regulations will provide greater flexibility in nutrient management plans and will increase the value and usefulness for agricultural producers. Any revisions to the regulations related to this concern will likely impact multiple sections of the regulations including 4VAC50-85-130 and 4VAC50-85-140.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no functional alternatives to amending these regulations. The Board is unable to address the concerns and questions that were raised through the issuance of guidance documents or other similar mechanisms. Amending the regulations will strengthen the Nutrient Management Training and Certification program and will directly benefit agricultural producers and improve Virginia’s water quality.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Virginia Soil and Water Conservation Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Christine Watlington Jones, 600 East Main Street, 24th Floor, Richmond, Virginia 23219; phone: 804.786.3319; fax: 804.371.2630; and christine.watlington@dcr.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A regulatory advisory panel will be appointed to assist with this regulatory action. Persons interested in assisting in the development of a proposal should notify Christine Watlington Jones by the end of the comment period and provide their name, address, phone number, email address and the organization represented (if any).

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

Soil and Water Conservation District Director Appointments and Resignations

§ 10.1-529. District directors constitute governing body; qualifications.

The governing body of the district shall consist of five or more district directors, elected and appointed as provided in this article.

The two district directors appointed by the Board shall be persons who are by training and experience qualified to perform the specialized skilled services which will be required of them in the performance of their duties. One of the appointed district directors shall be the extension agent of the county or city, or one of the counties or cities constituting the district, or a part thereof. Other appointed and elected district directors shall reside within the boundaries of the district.

§ 10.1-530. Designation of chairman; terms of office; filling vacancies

A. The district directors shall designate a chairman from the elected members, or from the Board-appointed members, of the district board and may change such designation.

B. The term of office of each district director shall be four years. A district director shall hold office until his successor has been elected or appointed and has qualified. The selection of successors to fill a full term shall be made in accordance with the provisions of this article. Beginning in the year 2003, the election of district directors shall be held at the November 2003 general election and each fourth year thereafter. The terms of office of elected district directors shall begin on January 1 following the November general election. The term of office of any district director elected in November 1999 shall be extended to the January 1 following the November 2003 general election. The term of office of any district director elected in November 2000 shall expire on the January 1 following the November 2003 general election. The term of office of any district director elected in November 2001 or 2002 shall be extended to expire on the January 1 following the November general election in 2007. Appointments made by the Board to the at-large position held by an extension agent shall be made to commence January 1, 2005, and each fourth year thereafter. Appointments made by the Board to the other at-large position shall be made to commence January 1, 2007, and each fourth year thereafter. Any appointment made by the Board prior to January 1, 2005, to an at-large position held by an extension agent shall be made to expire January 1, 2005; and any appointment made by the Board prior to January 1, 2007, to the other at-large position shall be made to expire January 1, 2007.

C. A vacancy shall exist in the event of the death, resignation or removal of residence from the district of any director or the elimination or detachment from the district of the territory in which a director resides, or by the removal of a director from office by the Board. Any vacancy in an elected or appointed director's position shall be filled by an appointment made by the Board for the unexpired term. In the event of the creation of a new district, the transfer of territory from an existing district to an existing district, or the addition of territory not previously within an existing district to an existing district, the Board may appoint directors to fill the vacancies of elected directors prescribed by § 10.1-515 in the newly created district or in the territory added to an existing district. Such appointed directors shall serve in office until the elected directors prescribed by § 10.1-515 take office after the next general election at which directors for the entire district are selected.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the appointments of the individuals being recommended.

Soil and Water Conservation District Director Appointments and Resignations

Blue Ridge

Resignation of Ms. Cynthia Martel, of Franklin County, effective 6/5/2025, extension agent appointed director (term of office expires 12/31/2028)

Evergreen

Resignation of Mr. David Spence, of Smyth County, effective 9/9/2025, elected director (term of office expires 12/31/2027).

Headwaters

Resignation of Mr. Joseph (Buzz) Easterling, of Staunton, effective 6/2/2025, elected director (term of office expires 12/31/2027).

Mountain

Appointment of Mr. John Clagett, of Highland County, effective 9/16/2025, to fill the vacant elected director (term of office expires 12/31/2027).

Mr. Clagett is an organic farmer in Highland County.

Patrick

Appointment of Mr. John Wood, of Patrick County, effective 9/16/2025, to fill the vacant as-large appointed director (term of office expires 12/31/2026).

Mr. Wood has served Patrick SWCD as an Associate Director and has participated on many of their committees.

Tri-County/City

Resignation of Mr. Anthony Staats, of King George County, effective 8/15/2025, elected director (term of office expires 12/31/2027).

Approval of resolution recognizing Charles A. “Chuck” Arnason

§ 10.1-502. Soil and Water Conservation Board; composition.

The Virginia Soil and Water Conservation Board is continued and shall perform the functions conferred upon it in this chapter. The Board shall consist of nine nonlegislative citizen members and one ex officio member with nonvoting privileges. The Director of the Department of Conservation and Recreation or his designee shall be a nonvoting ex officio member of the Board. Three nonlegislative citizen members of the Board shall be appointed by the Governor as at-large members, of whom at least two members shall have a demonstrated interest in natural resource conservation with a background or knowledge in dam safety, soil conservation, or water quality protection. Additionally, four nonlegislative citizen members shall be farmers at the time of their appointment and two nonlegislative citizen members shall be farmers or district directors. Each of the six nonlegislative members who is a farmer or district director shall be a resident of a different one of the six geographic areas represented in the Virginia Association of Soil and Water Conservation Districts and shall be appointed by the Governor from a list of two qualified nominees for each vacancy jointly submitted by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts in consultation with the Virginia Farm Bureau Federation and the Virginia Agribusiness Council. Nonlegislative citizen members shall be appointed for a term of four years. All appointed members shall not serve more than two consecutive full terms. Appointments to fill vacancies shall be made in the same manner as the original appointments, except that such appointments shall be for the unexpired terms only. The Board may invite the Virginia State Conservationist, Natural Resources Conservation Service, to serve as an advisory nonvoting member. The Board shall keep a record of its official actions and adopt a seal and may perform acts, hold public hearings, and adopt regulations necessary for the execution of its functions under this chapter.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the resolution for Charles A. “Chuck” Arnason with deep appreciation for his significant contributions to this Board.

COMMONWEALTH of VIRGINIA
VIRGINIA SOIL AND WATER CONSERVATION BOARD

Resolution to

Charles A. “Chuck” Arnason

WHEREAS, Charles A. “Chuck” Arnason, has faithfully and diligently served as a member of the Virginia Soil and Water Conservation Board since 2017; and

WHEREAS, Charles A. “Chuck” Arnason, has devoted generously of his time, talent, and leadership to the Board; and

WHEREAS, Charles A. “Chuck” Arnason, has endeavored at all times to render decisions with fairness, good judgement, and in the best interest of the Board; and

WHEREAS, Mr. Arnason served as Chairman of the Virginia Soil and Water Conservation Board from 2019 through 2023; and

WHEREAS, the Virginia Soil and Water Conservation Board wishes to acknowledge its gratitude and deepest appreciation for his services to this Board, recognizing with gratitude his contributions and dedication to protecting the quality of the land and water resources of the Commonwealth of Virginia.

NOW THEREFORE BE IT RESOLVED, by the Virginia Soil and Water Conservation Board this sixteenth day of September 2025 that Charles A. “Chuck” Arnason, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Virginia Soil and Water Conservation Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

Charles Newton, Chair

Matthew S. Wells, Director

Virginia Soil and Water Conservation Board Approval of Fiscal Year 2026 Virginia Agricultural Cost-Share (VACS) BMP Manual

§ 10.1-505. Duties of Board.

In addition to other duties and powers conferred upon the Board, it shall have the following duties and powers:

3. To oversee the programs of the districts.

§ 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Program.

Districts shall locally deliver the Virginia Agricultural Best Management Practices Cost-Share Program described under §10.1-2128.1, under the direction of the Board, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.

Action taken by Board on April 16, 2025

The Virginia Soil and Water Conservation Board (Board) approves the 2026 Virginia Agricultural Cost-Share BMP Manual as presented. The Department is authorized to make nonsubstantive changes to include formatting and stylistic changes as necessary to all approved sections of the Manual.

Recommended motion:

The Virginia Soil and Water Conservation Board (Board) approves the amendments to the definition of "applicant" in the Program Year 2026 Virginia Agricultural Cost-Share (VACS) BMP Manual.

Recommended revisions to the definition of “applicant”

Glossary (IX-2)

Applicant: An applicant may be a landowner, agent, or operator of record as long as the individual has control of the property and is at least 18 years of age. An applicant may be any corporation, association, partnership, or one or more individuals. Various companies, corporations, and partnership arrangements exist for farm ownership. Farm corporations (signing under Federal Tax Identification number) or partnerships operating under a farm name are classified as a single "applicant." Applicants are identified by a unique social security number and/or Federal Tax Identification number. Any individual, landowner, agent, operator of record, or business entity who is determined to have knowingly misrepresented its compliance status with the VACS Program to a District or District Representative may, upon a determination of a Board of District Directors, not be considered an “applicant” for a period of at least five (5) years. In rendering such a determination, the Board of District Directors shall evaluate all available evidence in a public meeting and any related resolutions must be passed by a majority vote of a quorum of District Directors.

Guidelines (II-1)

Definition of Applicant

All individuals at least 18 years of age and privately held business entities operating agricultural land within the boundaries of the Commonwealth of Virginia are eligible to apply and participate in the Virginia Agricultural BMP Cost-Share Program. Any individual, landowner, agent, operator of record, or business entity who is determined to have knowingly misrepresented its compliance status with the VACS Program to a District or District Representative may, upon a determination of a Board of District Directors, not be considered an “applicant” for a period of at least five (5) years. In rendering such a determination, the Board of District Directors shall evaluate all available evidence in a public meeting and any related resolutions must be passed by a majority vote of a quorum of District Directors.

When an individual or entity operates land not within the boundaries of a Soil and Water Conservation District, the District that has the landowner’s hydrologic unit listed in this Manual will administer the program to the landowner. Land owned and managed by municipalities or other federal and state governmental agencies or partitions thereof are not eligible to receive Virginia cost-share assistance. Lands located outside of the state are not eligible unless a portion of the field or site in need of treatment lies within Virginia's boundary, in which case the entire field or site in need of treatment is eligible.



Joseph W. Guthrie
Commissioner

COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

August 31, 2025

Matthew S. Wells, Director
Department of Conservation and Recreation

Charles Newton, Chair
Soil and Water Conservation Board

Virginia Soil and Water Conservation Districts

The Virginia Agricultural Stewardship Act (ASA) program recently completed its 28th year of responding to water quality complaints involving agricultural operations in the Commonwealth. Over the years, we have benefited greatly from the continued support and cooperation of local soil and water conservation districts, Virginia's agricultural community, and other local, state, and federal agencies that assist VDACS in our efforts to carry out the provisions of the ASA.

As required by the ASA, I am providing the attached annual report of the ASA program for the period April 1, 2024, through March 31, 2025. The report offers a summary of the cases received and processed by the ASA staff.

The ASA program provides a practical and positive way of addressing water pollution problems on farms in Virginia. My staff and I are committed to providing a timely response to the citizens of the Commonwealth and resolving water quality issues with reasonable and effective stewardship measures.

I welcome your comments and questions regarding this report and the ASA program.

Sincerely,

A handwritten signature in cursive script that reads "Joseph W. Guthrie".

Joseph W. Guthrie
Commissioner

ATTACHMENT



**ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT**

**Joseph Guthrie
Commissioner**

August 31, 2025

VIRGINIA AGRICULTURAL STEWARDSHIP ACT

ANNUAL REPORT

For Program Year April 1, 2024 - March 31, 2025

BACKGROUND

The 1996 Session of the General Assembly enacted the Agricultural Stewardship Act (ASA) (Va. Code § 3.2-400 et seq.), which requires the Commissioner of Agriculture and Consumer Services (Commissioner) to administer and enforce the ASA program. Through an effort of cooperation and coordination involving Virginia's Soil and Water Conservation Districts (SWCD), the Virginia Department of Agriculture and Consumer Services (VDACS), and the agricultural community, the ASA program provides a common-sense solution to water pollution problems caused by agricultural operations.

Subsection B of Va. Code § 3.2-408 requires the Commissioner to compile a report by August 31 of each year listing the number of complaints received, the nature of each complaint, the actions taken in resolution of each complaint, and any penalties that may have been assessed.

Additionally, the Commissioner is required to (i) provide this report to the Soil and Water Conservation Board, the Department of Conservation and Recreation, and to every SWCD; (ii) publish notice in the Virginia Register that the report is available; and (iii) make the report available to the public upon request.

The following report on the ASA program is for the program year April 1, 2024, through March 31, 2025.

PROGRAM OBJECTIVES

The ASA Program is designed to:

- Identify water quality problems and help farmers correct them in a common-sense manner that accommodates both the farmer and the environment;
- Establish a system that respects both the farmer and the person voicing concerns about water quality;
- Educate farmers about stewardship and encourage them to enhance it even in instances in which a water quality problem cannot be proven;
- Support farmers in their efforts to strengthen their stewardship practices, provide them with the information they need, and help link them to resources that can provide assistance; and
- Educate Virginia citizens about normal farming practices and the impact those practices may or may not have on the environment.

HOW THE PROGRAM WORKS

Complaints alleging that a specific agricultural activity is causing or will cause water pollution are received by the Commissioner. If a complaint meets the criteria for investigation, the Commissioner, through ASA program staff, contacts the appropriate SWCD about investigating the complaint. If the district declines, ASA program staff conducts the investigation on behalf of the Commissioner. In most cases, a joint investigation involving local district staff and ASA program staff is performed.

The purpose of the investigation is to determine whether the agricultural activity is causing or will cause water pollution. If no causal link is found, the Commissioner determines that the complaint is unfounded. If the Commissioner determines that the activity is the cause of pollution, the farmer is given up to 60 days to develop an agricultural stewardship plan to correct the identified water pollution problems. The local district typically reviews the plan, and the Commissioner will approve the plan when he determines that it meets the necessary requirements to solve the water pollution problem.

The ASA provides the farmer up to six months from the date of the Commissioner's determination that a complaint is founded to start implementing the agricultural stewardship plan and up to 18 months from the date to complete plan implementation. The timing allows the farmer to take advantage of suitable weather conditions for outside work or required construction. If a farmer fails to submit a plan for approval, implement a plan within the given timeline, or maintain an approved plan, the Commissioner is required by law to take enforcement action.

AGRICULTURAL ACTIVITIES

The ASA program received numerous inquiries regarding possible agricultural pollution during the program year of April 1, 2024, through March 31, 2025. Thirty-nine of these cases became official complaints. The official complaints fell into 10 categories according to the type of agricultural activity:

- Beef (14)
- Swine (6)
- Land Conversion (5)
- Equine (5)
- Dairy (3)
- Other (2)
- Goats, Sheep (1)
- Beef, Equine, Goats, Swine (1)
- Equine, Goats (1)
- Cropland, Dairy (1)

TYPES OF POLLUTION

The ASA addresses water pollution problems caused by nutrients, sediment, and toxins entering state waters from agricultural activities. The ASA program received complaints based on the six following pollution categories during the program year of April 1, 2024 through March 31, 2025:

- Bacteria, Nutrients, Sediment (11)
- Nutrients, Sediment (10)
- Bacteria, Nutrients (8)
- Sediment (7)
- Nutrients (2)
- Bacteria (1)

COMMISSIONER'S FINDINGS

During the program year, 17 (44 percent) of the 39 official complaints were determined to be founded and required agricultural stewardship plans to address water pollution problems. In each founded case, there was sufficient evidence to support the allegations that the agricultural activities were causing or would cause water pollution.

Ten (26 percent) of the 39 official complaints received during the program year were determined to be unfounded because there was either insufficient evidence or no evidence of water pollution. In some instances, farmers involved in the unfounded complaints voluntarily incorporated best management practices into their operations to prevent more complaints or to prevent potential problems from becoming founded complaints.

Twelve (31 percent) of the 39 official complaints received during the program year were dismissed for various reasons. Many of the complaints that were dismissed were situations where a water quality concern existed but was remedied prior to the completion of the investigation process. Others were cases in which the ASA program had no jurisdiction in the matter, were withdrawn by the complainant, or were dismissed because insufficient information was provided by the complainant.

In general, farmers involved in the complaint and correction process were cooperative in meeting the deadlines established by the ASA. Under the ASA, the Commissioner is required to issue a corrective order when an owner or operator fails to submit, complete, or implement an agricultural stewardship plan based on the findings of a conference held to receive the facts on a case. Two corrective orders were issued during the 2024 - 2025 program year for failure to maintain the measures necessary to prevent water pollution that were included in the approved agricultural stewardship plan on past complaint sites. During the program year, one corrective order was appealed and two notices of violation of a corrective order were issued by the Commissioner. Civil penalties for the violations of the corrective order were suspended due to the appeal process.

ASA CASE DECISION TABLES

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2024 - 2025 program year.

CASE DECISIONS April 1, 2024 - March 31, 2025 Founded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1332	Augusta County	Beef	Nutrients, Sediment
1334	Floyd County	Land Conversion	Sediment
1337	Rockingham County	Goats, Sheep	Nutrients
1338	Page County	Beef	Bacteria, Nutrients, Sediment
1339	Carroll County	Land Conversion	Sediment
1346	Botetourt County	Other	Sediment
1350	Rockingham County	Dairy	Nutrients
1351	Page County	Beef	Bacteria, Nutrients, Sediment
1353	Page County	Beef	Bacteria, Nutrients, Sediment
1354	Page County	Beef	Bacteria, Nutrients, Sediment
1356	Page County	Beef	Bacteria, Nutrients, Sediment
1357	Page County	Beef	Bacteria, Nutrients, Sediment
1361	Buckingham County	Equine, Goats	Bacteria, Nutrients, Sediment
1363	Rockingham County	Cropland, Dairy	Bacteria, Nutrients, Sediment
1367	Albemarle County	Other	Sediment
1369	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1370	Mathews County	Swine	Bacteria, Nutrients, Sediment

CASE DECISIONS April 1, 2024 - March 31, 2025 Unfounded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1336	Gloucester County	Equine	Bacteria, Nutrients
1342	Cumberland County	Dairy	Nutrients, Sediment
1343	Bedford County	Beef	Nutrients, Sediment
1344	Bedford County	Land Conversion	Sediment
1347	Gloucester County	Swine	Bacteria, Nutrients, Sediment
1355	Montgomery County	Equine	Nutrients, Sediment
1362	Scott County	Swine	Nutrients, Sediment
1364	Appomattox County	Dairy	Bacteria, Nutrients
1366	City of Chesapeake	Equine	Bacteria, Nutrients
1368	Smyth County	Swine	Nutrients, Sediment

CASE DECISIONS April 1, 2024 - March 31, 2025 Dismissed Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1333	Grayson County	Beef	Bacteria
1335	Mathews County	Swine	Bacteria, Nutrients
1340	Louisa County	Beef	Bacteria, Nutrients
1341	Spotsylvania County	Beef	Bacteria, Nutrients
1345	Chesterfield County	Beef, Equine, Goats, Swine	Nutrients, Sediment
1348	Dinwiddie County	Equine	Bacteria, Nutrients

1349	Augusta County	Equine	Nutrients, Sediment
1352	Bath County	Land Conversion	Sediment
1358	Page County	Beef	Bacteria, Nutrients
1359	Highland County	Beef	Nutrients, Sediment
1360	Amherst County	Swine	Nutrients, Sediment
1365	Grayson County	Land Conversion	Sediment

CASE TRENDS

Compared to the previous program year, the ASA program received the same number of official complaints (39). There also was no change in the total number of founded complaints requiring plans (17). Unfounded complaints increased by three complaints, from 7 to 10, while the overall percentage of unfounded complaints increased from 18 percent to 26 percent of the total number of official complaints. There was a 20 percent decrease in the overall number of dismissed complaints, from 15 to 12.

COMPLAINT TRACKING

With the assistance of the Virginia Department of Conservation and Recreation (DCR), the ASA program uses a geographic information system (GIS) to track and report certain best management practices implemented to address water pollution on founded complaint sites. This GIS tracking module assists ASA staff in the verification process and contribute to the goals outlined in the Chesapeake Bay Phase III Watershed Implementation Plan. The ASA program has prioritized visiting past complaint sites to measure, document, and verify the livestock exclusion fencing that was implemented as a result of stewardship plan implementation prior to the ASA program having the GIS capability to track best management practices. During the 2024-2025 program year, ASA program staff recorded a total of 3,599 linear feet of livestock exclusion fencing and 0.82 acres of buffer installed from current and past complaint sites statewide. These figures include only the livestock exclusion fencing and buffer acres installed without cost-sharing assistance involving ASA complaints.

CONTACTS

Questions regarding this report should be directed to the ASA office at 804-786-2658, or to darrell.marshall@vdacs.virginia.gov.