

**Virginia Soil and Water Conservation Board
Tuesday, December 10, 2025
Williamsburg, Virginia**

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board took place at 9:30 a.m. on Wednesday, December 10, 2025, at the Doubletree by Hilton Hotel in Williamsburg, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Charles Newton, Chair
Stephanie Cornnell
Nick Thomas
Kevin Dunn
Andrew Smith, Acting DCR Director
Dr. Dan Goerlich, VCE, Invitee

John Schick
Leigh Pemberton
Robert Mills

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

Adam Wilson, Vice Chair
Jason De La Cruz
Dr. Edwin Martinez, NRCS, Ex Officio

VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION STAFF PRESENT

Christine Watlington Jones, Policy and District Services Manager
Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management
James Martin, Director, Division of Soil and Water Conservation
Paul G. Saunders, III, Senior Policy Analyst
Blair Gordon, District Operations Coordinator
Matt Sabas, PR Specialist
Vanessa Lewis, Conservation Training Specialist
Dave Neudeck, Communications and Marketing Director
Marissa Roland, Eastern Area Manager
Olivia Leatherwood, Conservation District Coordinator
Sara Bottenfield, Agricultural Incentives Program Manager

OTHERS PRESENT

Robert E Lund, Jr., Colonial SWCD
Chuck Arnason, Piedmont SWCD
Sharon Conner, HCSWCD
Michelle Carter, Three Rivers SWCD
Carolyn Daughters, TJSWCD
Bill Fleming, Virginia Dare SWCD
Terri Bollinger, Peaks of Otter SWCD

Kelly Snoddy, Peter Francisco SWCD
Megen Dalton, Shenandoah Valley SWCD
Renée Davis, Tri County City SWCD
Jerry Rauch, Tri County City SWCD
Steven Meeks, VASWCD / TJSWCD
Freda Cathcart, BRSWCD
Kemper Marable, Hanover Caroline SWCD
Anna Moore, Hanover Caroline SWCD
Abigale Ainsley, Caroline SWCD
Lynn Graves, VASWCD / Culpeper
Darrell Marshall, VDACS
Lucy Earl, ESSWCD
Julie Head, ESSWCD
Ben Young, ESSWCD
Amy Walker, Colonial SWCD
Anne Coates, TJSWCD
Buck Tharpe, Southside
Tricia Mays, Southside

ESTABLISHMENT OF A QUORUM

With eight (7) members of the Virginia Soil and Water Conservation Board present a quorum was established.

CALL TO ORDER AND INTRODUCTIONS

Chairman Newton called the meeting to order at 9:30 a.m. and asked for introductions.

APPROVAL OF THE MINUTES FROM SEPTEMBER 16, 2025

BOARD ACTION

Mr. Mills moved to approve the September 16, 2025, Board meeting minutes as presented. Ms. Cornell seconded, and the motion carried.

DIRECTOR'S REPORT

Acting DCR Director, Andrew Smith, addressed the Board and thanked the Association for hosting the annual conference and expressed his appreciation for working with the Board during his tenure with the Agency.

DAM SAFETY DIVISION REPORT – *Andrea Henry, Chief Engineer*

Ms. Henry provided the Board with the following report:

DCR Division of Dam Safety December 10, 2025
Prepared by Andrea Henry, P.E. Chief Engineer

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

The 2025 regulatory revisions to the impoundment structure regulations will be published on December 15, 2025 with an effective date of January 14, 2026.

Next spring, the Department will request the Board issue a Notice of Intended Regulatory Action (NOIRA) to address additional needed regulatory revisions including an updated IDA methodology, traffic volume considerations for significant and high hazard classifications, and regulatory exemptions for impoundments that can safely route the probable maximum flood (PMF). An updated enforcement manual, reflecting 2025 legislative changes and revised processes, will also be presented to the Board for approval.

Dam Related Incidents

Mattawan Dam, (Hanover County, 085039, downgraded to Low Hazard Potential): The Department mailed Notice of Deficiency letters the week of July 7, 2025, to each of the households in three neighborhood associations. The grant agreement was signed by a handful of homeowners of the Mattawan HOA in October 2025, and an alteration permit for spillway reconfiguration has been submitted to DCR. Both actions demonstrate efforts towards compliance with dam safety regulations. Therefore, DCR will not move forward at this time with an Informal Fact-Finding Conference (IFFC).

Afton Drive/Chappell Creek Dam (Prince George, 149027, High-Preliminary Hazard Potential): An IFFC was held on June 17, 2025, and a Notice of Violation was sent on September 25, 2025. The Owner requested a formal hearing which was denied by the Department on October 23, 2025, due to the lack of any additional information. The deadline to file an appeal with the Circuit Court was November 7, 2025. On December 1st, the Department received a summons from the Prince George Circuit Court challenging the order. The Office of the Attorney General is coordinating the response to the Court.

Greene Mountain Lake Dam (Greene, 079014, Significant Hazard Potential): The Owner submitted a safety inspection five days after the deadline prescribed in the finding of violation but did submit the emergency action plan prior to the deadline in the compliance schedule. An alteration permit was approved on October 20, 2025, to address the unpermitted cuts into the downstream embankment and the installation of a toe drain. However, this permit does not address the need to line or replace the primary spillway pipe. Once the work associated with this permit is completed, the dam owner will need to submit a second alteration permit on a timeline coordinated with the regional engineer or be subject to further formal enforcement action.

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 with 43 residential properties. A notice of ownership determination was sent to each of these properties on November 25, 2025.

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 and could not be fully inspected due to dense, woody vegetation. A pre-enforcement letter was sent to the dam owner requesting a complete safety inspection and conditional O&M certificate by October 3. However, the Owner is currently incarcerated and does not

have the means to pay for engineering services or a certificate application fee. The property will be auctioned in January 2026, and the auction company has been given a copy of the pre-enforcement letter for the bidder information packet.

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. To date, only GSCC has taken on ownership responsibility. On October 1, 2025, GSCC legal counsel sent a letter to the Governor's office requesting resolution of the interagency dispute regarding VDOT ownership of Burke Dam. Brent Payne, the Region 2 Dam Safety Engineer, and Darrell Kuntz, Office of the Attorney General, have met with legal counsel for the private owner to explain the regulatory determination and responsibilities of dam ownership.

Hazel Grove Dam (Spotsylvania, 177017, High – preliminary Hazard Potential) On October 30th, 2025, Region 2 Dam Safety Engineer (RE), was made aware of a seepage issue at Hazel Grove Dam by the Owner's professional engineer. Because the seep had measurable flow, a Stage 2 notification was triggered, and the Virginia Department of Emergency Management (VDEM) and the local emergency coordinator were contacted. The Owner began drawing down the reservoir and the reservoir level is now below the source of the seep where it will remain until a permanent solution is permitted and constructed.

Additional Dam Safety Activities

A draft report with recommendations for an Incremental Damage Assessment (IDA) methodology was submitted by Schnabel Engineering on October 16, 2025. DCR concurs with the recommendations for IDA methodology made by the review committee. Additional considerations proposed by DCR include lethality thresholds for pedestrian children and large passenger vehicles. Next steps include a review of current hazard classification guidance to identify inconsistencies with proposed IDA methodology. A contract has been executed between DCR and Schnabel, for the development of an Emergency Action Plan (EAP) template, EAP review checklist, and six example EAPs for high and significant hazard dams. The template will be developed in collaboration with DCR staff, a VDEM working group, local emergency manager review team, and a private sector P.E. review team. This project is scheduled to be completed by July 2026.

General permit provisions regulations for low hazard dams within the revised regulations will go into effect on January 14, 2026. The Division has planned for the transition from dam certificates through the development of a new Emergency Preparedness Plan (submitted to the Board at their September meeting), a General Registration Statement, and Dam Safety Inventory System (DSIS) updates.

The map of dam safety regions has been revised to reflect a smaller, 6th region to be managed by the lead engineer position, when filled after Mark Killgore's retirement at the end of this month. The Federal Energy Regulatory Commission (FERC) is in the process of surrendering three FERC-regulated dams including: Rapidan Mill Dam (#047038, Culpeper County, Low Hazard), Chapman Dam (#171006, Shenandoah, Low Hazard), and Whittle's Mill Dam (#117006, Lunenburg/Mecklenburg, Unknown Hazard). These will become regulatory impoundment structures after surrender. The Division is working with the FERC Atlanta Regional Office to develop standard operating procedures for the surrender of FERC-owned dams, including joint inspection opportunities and notices of final surrender.

APPROVAL OF THE 2026 DAM SAFETY, FLOOD PREVENTION AND PROTECTION ASSISTANCE GRANT MANUAL - Christine Watlington Jones, Policy and District Services Manager

Ms. Watlington Jones detailed the revisions to the 2026 Grant Manual. The revisions include the following:

- The draft grant manual was published in the Virginia Register of Regulations on October 20, 2025; the public comment period ended on November 19, 2025. No comments were received.
- \$5 million is available from this grant round.
- Language has been added to reflect the legislative changes (Chapters 228 and 241) related to the matching requirements.
 - design, repair, and safety modifications shall require a 30 percent project match by the applicant
 - determination of hazard classification, dam break analysis, mapping and digitization of dam break inundation zones, incremental damage analysis, and other engineering requirements, such as emergency action plan development and inspection reports] shall require no more than a 10 percent project match by the applicant, or a minimum of \$5,000, whichever is greater.
- Definitions have been added for formal administrative enforcement, project completion, and routine maintenance.
- The project types have been condensed from 3 categories to 2 categories. This more closely follows the legislative match requirements and simplifies the process for owners. The categories are now engineering studies (type 1) and design, repair, removal, and safety modifications (type 2).
- Owners that have received a notice of deficiency regarding their dam will not be eligible for grant funds, unless the Board decides otherwise. Providing funding is one of the few ways we can encourage dam owners to comply voluntarily, we should incentivize the voluntary compliance as much as possible.
- References have been added to reflect the availability of general permits, rather than just certificates.

BOARD ACTION

Mr. Schick moved to approve 2026 Dam Safety, Flood Prevention, and Protection Assistance Fund Grant Manual as presented by the Department. Mr. Mills seconded, and the motion carried.

UPDATE ON THE RECOMMENDATIONS OF THE CONSULTING COMMITTEE EXAMINING METHODS AND PROCEDURES USED TO CONDUCT INCREMENTAL DAMAGE ANALYSIS TO DETERMINE THE MOST APPROPRIATE FOR THE COMMONWEALTH – Andrea Henry, Chief Engineer

Ms. Henry gave the Board an overview of the final report and recommendations submitted by the Consulting Committee tasked with the examination of the methods and procedures used to conduct incremental damage analyses. The Incremental damage Analysis Methodology Review Report is included as **Attachment A**.

SOIL AND WATER CONSERVATION DIVISION REPORT – *James Martin, Director of Soil and Water Conservation*

Mr. Martin provided updates on Division activities, regulatory actions, and staffing:

- **VACS Technical Advisory Committee (TAC):** The TAC session concluded successfully with new procedural rules, including a shift to a 67% supermajority requirement for decisions and a two-year waiting period for reintroducing failed suggestions.
- **Regulatory Action (NOIRA):** The NOIRA for Nutrient Management Training and Certification regulations will be published on December 15, 2025. A Regulatory Advisory Panel (RAP) is anticipated to convene in February/March 2026.
- **Conservation Application Suite (CAS):** Phase 2 is complete. Phase 3 (General Assistance, Mapping, and Financial modules) is underway. To address previous delays, the project roadmap has been consolidated from seven phases to five.
- **Climate Smart Agriculture:** The Alliance Project has secured a one-year extension. Despite administrative hurdles, contracts for the second round of producers are being finalized, with a third round anticipated for Spring 2026.
- **Staffing:** Mr. Martin announced several recent and upcoming hires in Urban Nutrient Management and Conservation District Coordinators.

APPROVAL OF FUNDING FOR DISTRICT DAM REPAIR PROJECTS FROM THE SOIL AND WATER CONSERVATION DISTRICT DAM MAINTENANCE, REPAIR, AND REHABILITATION FUND - *Christine Watlington Jones, Policy and District Services Manager*

Ms. Watlington Jones presented the Board with FY2026 Project Funding Recommendations, included as Attachment B.

BOARD ACTION

Mr. Thomas made the following motion:

The Virginia Soil and Water Conservation Board (Board) approves funding fourteen (14) projects in the amount of \$1,302,950 as presented and recommended by the Department. For FY2026, the Board also approves allocating \$229,635.08 for contingency funds and \$200,000 for emergency project funds.

Additionally, the Board authorizes the Department to procure remote monitoring equipment for all Soil and Water Conservation District-owned dams. The Department is authorized to pay for the installation of equipment that relies on satellites for communication. Further, the Board directs the Department to reimburse Soil and Water Conservation Districts for all eligible costs associated with the installation of certain remote monitoring equipment. The funding for all reimbursements of equipment and eligible installation costs shall be provided from the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

Mr. Pemberton seconded, and the motion carried.

ACTIONS RELATED TO RESOURCE MANAGEMENT PLAN PROGRAM -*Christine Watlington Jones, Policy and District Services Manager*

Ms. Watlington Jones presented the Board with a summary of the 2025 Resource Management Plan Program Findings as well as the Districts that are recommended for program reviews.

BOARD ACTION

Ms. Cornell made the following motion:

The Virginia Soil and Water Conservation Board approves the following Districts for program reviews as required pursuant to 4VAC50-70-130:

1. Eastern Shore;
2. Henricopolis;
3. John Marshall;
4. Monacan;
5. Peter Francisco;
6. Tidewater; and
7. Tri-County/City.

NOTE: Both John Marshall and Peter Francisco were scheduled to be reviewed during 2025; however, there was no recent activity in the Resource Management Plan Program to review. It is anticipated that both Districts will have Program activity during 2026.

The Department will utilize the revised program review process, checklists, and forms presented at the September 18, 2024 meeting to conduct these program reviews.

Mr. Pemberton seconded, and the motion carried.

APPROVAL OF DISTRICT DIRECTOR APPOINTMENTS AND RESIGNATIONS – *Christine Watlington Jones, Policy and District Services Manager*

Evergreen

Resignation of Mr. Seth Harden, of Smyth County, effective 10/14/2025, at-large appointed director (term of office expires 12/31/2026).

Appointment of Mr. Larry James Atwood, Jr, of Smyth County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

Halifax

Appointment of Mr. Steven Bowen, of Halifax County, to fill the vacant elected director position (term of office expires 12/31/2027).

Mountain Castles

Resignation of Ms. Anne Coates, of Botetourt County, effective 8/1/2025, extension agent director (term of office expires 12/31/2028).

Natural Bridge

Resignation of Mr. Lee Cummings, of Rockbridge County, effective 9/17/2025, elected director (term of office expires 12/31/2027).

Appointment of Mr. Charles B. Leech, V, of Rockbridge County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

Robert E. Lee

Resignation of Mr. Andrew Rousseau, of Campbell County, effective 11/20/2025, elected director (term of office expires 12/31/2027).

Thomas Jefferson

Appointment of Mr. Earl Ingersoll, of Fluvanna County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

Tri-County/City

Appointment of Dr. Arn Eliasson, of King George County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

BOARD ACTION

Mr. Mills moved that the Virginia Soil and Water Conservation Board approves the appointments of the individuals being recommended. Mr. Pemberton seconded, and the motion carried.

REVIEW OF THE DEFINITION OF APPLICANT IN THE 2026 VACS BMP MANUAL – *Christine Watlington Jones, Policy and District Services Manager*

- At the September meeting, the definition of applicant was amended to address issues related to misrepresentation by producers.
- Office of Attorney General drafted the amendment.
- Letter was received from Eastern Shore requesting amendments to the language.
- Districts' hands are tied to imposing a minimum five-year exclusion, regardless of the circumstances.
- This adjustment would ensure a fairer process, allowing the Board to consider mitigating or aggravating factors and to promote both accountability and the opportunity for rehabilitation.
- Recommendation from Eastern Shore:
 - 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 one (1) year.

BOARD ACTION

After discussion, Ms. Cornell moved to approve the following language related to the definition of applicant for the Program Year 2026 Virginia Agricultural Cost-Share (VACS) BMP Manual. The revisions will be made in both the Glossary (IX-2) and the Guidelines (II-1).

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 one (1) year but no more than five (5) years. In rendering such a determination, and after consulting with the Office of the Attorney General, 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.

Mr. Thomas seconded, and the motion carried.

APPROVAL OF PAYMENT TO PRODUCER IN EXTRAORDINARY CIRCUMSTANCES – SCOTT COUNTY –
Christine Watlington Jones, Policy and District Services Manager

During FY2025, Mr. Brady Palmer applied for a livestock stream exclusion practice (SL-6W) with the Scott County Valley Soil and Water Conservation District (District). The District approved the practice (Contract # 26-25-0003) and, following standard operating procedures for a structural practice, planned for a new well to be drilled as part of the project. The well was drilled, at the producer's expense, in the required location and following all of the requirements established by the Virginia Department of Health; however, the well was determined to be dry, with a yield of 0 gallons per minute at 875 feet. The District approved a second well that was drilled at another location provided by the Virginia Department of Health. A flow test was conducted on the second well and the yield was determined to be inadequate with a yield of 0.25 gallons per minute at 800 feet. This rate is not sufficient to meet the required demand; additionally, any change in the subsurface flow or an error in the initial measurement would make the project unviable. A new, alternative water source would be necessary for the project to be feasible. Finally, a historic well was discovered on site near an old, dilapidated house that was described as a "good, strong well" by the locals. The district, with engineering approval, suggested the well driller locate and perform a flow test on this well. The rate from this well was also insufficient, with a yield of 0 at 125 feet.

None of the three wells have a flow rate sufficient to meet the required demand. A new, alternative water source would be necessary for the project to be feasible. Ben Chester, with the Department's District Engineering Services team, conducted a site investigation on December 3, 2025 to determine if any alternative water sources could be considered adequate for the existing herd once the livestock is excluded from the existing water sources.

After conducting the site visit and discussing the project with the District, the Department recommends the project be cancelled and reimbursement payments be made to the producer for the drillings of the well. Through no fault of the producer's, the practice will not currently work for this operation; there is not a reasonable solution at this time to provide the necessary amounts of water.

BOARD ACTION

Ms. Cornell made the following motion:

The Virginia Soil and Water Conservation Board approves the payment of \$55,610.16 by the Scott County Valley Soil and Water Conservation District (District) to Mr. Brady Palmer for Contract # 26-25-0003. The District is authorized to utilize either FY2025 or FY2026 Virginia Agricultural Best Management Practices Cost-Share Program funds, whichever is most appropriate, to make this payment.

Mr. Pemberton seconded, and the motion carried.

PARTNER REPORTS

Virginia Cooperative Extension – Dr. Goerlich

Dr. Goerlich expressed appreciation for a successful annual meeting. He announced that Virginia Cooperative Extension (VCE) has completed its strategic plan, which is now available online. He also noted the establishment of an Extension Advisory Committee and provided an update regarding VCE's budget request.

Virginia Association of Soil and Water Conservation Districts – Steven Meeks

Mr. Meeks addressed the Board on behalf of the Association.

Virginia Farm Bureau Federation – Robert Mills

Mr. Mills gave the report for the Virginia Farm Bureau Federation.

Virginia Department of Agriculture and Consumer Services – Darrell Marshall

Mr. Marshall addressed the Board and gave an update on the status of the Liskey case.

PUBLIC COMMENT

There was no public comment.

ADJOURN

As there was no further business, the meeting adjourned at 10:59 a.m.