

**Virginia Soil and Water Conservation Board  
Wednesday, March 19, 2025  
Twin Lakes State Park  
Green Bay, Virginia**

**TIME AND PLACE**

The meeting of the Virginia Soil and Water Conservation Board took place at 10:00 a.m. on Wednesday, March 19, 2025, at Twin Lakes State Park in Green Bay, Virginia.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT**

Charles Newton, Chair	Adam Wilson, Vice Chair
Charles Arnason	Jason De La Cruz
John Schick	Dr. Edwin Martinez, NRCS, Ex Officio
Stephanie Cornell	Matthew S. Wells, DCR, Ex Officio
Nick Thomas	
Dr. Dan Goerlich, VCE, Invitee	

**VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT**

Robert Mills  
Leigh Pemberton

**VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION 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 G. Saunders, III, Senior Policy Analyst  
Olivia Leatherwood, Conservation District Coordinator  
Denney Collins, Conservation District Coordinator

**OTHERS PRESENT**

Amy Walker, Colonial SWCD  
Sharon Conner, HCSWCD  
Kelly Snoddy, PFSWCD  
Barbara Teeple, PFSWCD  
Kevin Dunn, PFSWCD  
Suzanne Brown, LSWCD  
Paula Totten, PSWCD  
Trey Davis, Virginia Agribusiness Council  
Charles Paullin, Inside Climate News  
Kendall Tyree, VASWCD

## **ESTABLISHMENT OF A QUORUM**

With seven (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 10:01 a.m. and asked for introductions.

## **APPROVAL OF THE MINUTES FROM DECEMBER 11, 2024**

### **BOARD ACTION**

Mr. Wilson moved that the minutes from the December 11, 2024, meeting of the Virginia Soil and Water Conservation Board be approved as amended. Mr. Schick seconded, and the motion carried.

## **DIRECTOR'S REPORT** – *Matthew S. Wells, Director, Virginia Department of Conservation and Recreation*

Director Wells provided the Board with updates on the now concluded session of the General Assembly and highlighted some legislation that has impacts for dam safety. Other highlights included:

- An update on the introduced budget
- New positions provided to the Department
- This will be another year of unprecedented levels of cost-share funding. Based on the 2024 agricultural needs assessment, \$223 million for cost-share: \$33,450,000 in technical assistance.

## **REPORT FROM THE AUDIT SUBCOMMITTEE** – *Adam Wilson, Vice Chairman*

Vice Chair Wilson provided a report on the audit subcommittee meeting which took place earlier in the morning.

Vice Chair Wilson also presented the Board with the results of the 2024 Audit and a recommended motion for Big Walker Soil and Water Conservation District.

### **BOARD ACTION**

Mr. Wilson moved that the Virginia Soil and Water Conservation Board, with the recommendation of the Audit Subcommittee, directs the Department to send a letter to Big Walker Soil and Water Conservation District regarding the unnecessary payment of sales tax in conflict with the §58.1-609.1(16) of the Code of Virginia. The Desktop Procedures for District Fiscal Operations requires all Districts to apply for sale tax exemptions at stores which they frequent more than 3 times in a fiscal year or where any one purchase is \$100 or greater.

Additionally, the Virginia Soil and Water Board, at the recommendation of the Audit Subcommittee, directs Big Walker Soil and Water Conservation District to return \$250 of FY2025 administration and operations funds to the Department.

Mr. Schick seconded, and the motion carried.

**DAM SAFETY DIVISION REPORT** – *Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management*

Mr. Glover provided the following division report:

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

Both chambers of the 2025 Virginia General Assembly overwhelmingly passed the amendments to the Dam Safety Act. It is now awaiting signature by the Governor. Once signed, it would take effect July 1, 2025. A summary of the statutory changes, previously reported at your December 2024 meeting, are listed at the end of this report.

Proposed amendments to the Impounding Structure Regulations should be completed by the Department of Planning and Budget very soon. They will then be forwarded to the Office of the Secretary of Natural and Historic Resources and the Governor’s Office. Once accepted, there will be a public comment period and a public hearing.

*Incremental Damage Analysis Study*

The major issue that was unresolved by the stakeholder groups in 2024, was a recommendation for an alternative method for Incremental Damage Analysis (IDA). At the Board’s December 2024 meeting, you passed a resolution:

“...The Virginia Soil and Water Conservation Board (Board) directs the Department to establish a Consulting Committee (Committee) in accordance with 4VAC50-20-210 to conduct an examination of the methods and procedures used to conduct incremental damage analyses to determine the most appropriate for use in the Commonwealth...”

Procurement rules will not allow the Department to directly hire the group of individuals we recommended to perform this study. Instead, we are required to ask Schnabel Engineering, a firm under contract for such professional services to form a committee of its choosing. Schnabel has performed other work for the Department pertaining to dams in the recent past, including a screening-level risk prioritization assessments of 57 high hazard potential dams.

At this time, we do not anticipate that this change of approach will delay completion of the IDA study beyond the December 2025 Board meeting.

### Dam Related Incidents

Greene Mountain Lake (Greene County): A “Notice of Alleged Deficiency” was sent to the dam owner on February 10, 2025. More than 15 days has passed without a response. The next step will be an Informal Fact-Finding Hearing. The Department is seeking three members of this Board, to serve as hearing officers on a date subject to the officers’ availability.

Afton Drive/Chappel Creek Dam (Prince George County): A letter from the Department, via certified mail, requiring a safety inspection by a Professional Engineer, was received on March 3, 2025. If the dam owner does not provide the safety inspection by April 3rd, a Fact-Finding Hearing will be scheduled for this dam as well.

Mattawan Dam, (Hanover): Both a Safety Inspection and a traffic study were submitted to the Department. However, the Safety Inspection had deficiencies and was returned for changes. This is needed in order to provide the residents with a reasonably accurate estimate of the cost of repairs. It is still anticipated that many of the over 90 households in this community will decide to contribute to dam repairs.

Applications for the Dam Safety, Flood Protection and Prevention Assistance Fund closed on February 28. Assigned Regional Dam Safety Engineers are now reviewing those applications and will provide comments to the Grants Team. Recommendations for grant awards will be presented to this Board at your May 2025 meeting.

### Additional Activities:

- The **DCR Office of Resilience Planning**: continues to work, with the assistance of four contractors, and several sub-contractors, on the development of both the Coastal Resilience Master Plan, Phase II, and the statewide Virginia Flood Protection Master Plan. These plans are scheduled to be delivered by the end of December 2024 and December 2025, respectively.
- The **DCR Floodplain Management Division**: flooding in a number of areas during Presidents’ Day Weekend, most notably in Buchanan, Dickenson, and Tazewell, in Southwest Virginia, resulted in redeployment of Floodplain Management Division staff into this region. Although there has to date, not been a federal disaster declaration in Virginia, USDA-NRCS, under other authority, has accepted sponsor applications from Buchanan, Dickenson, Russell, and Smyth counties for its Emergency Watershed Program Protection Program. In addition, the Department is recruiting for a Floodplain Planner that we shall permanently station somewhere in Southwest Virginia.

### Dam Safety Bill Summary:

1. This bill will revise multiple sections of the Dam Safety Act (Act), Code of Virginia §§ 10.1-604 et. seq. as well as §10.1-603.19 related to the Dam Safety, Flood Prevention and Protection Assistance Fund (Fund).

2. Reduces the statutorily- established financial match for the development of required engineering studies and for developing engineering plans of structural improvements if a dam is identified in a safety report generated pursuant to §§ 10.1-607 or 10.1-609.
3. Reducing match requirements for the Fund will make those funds more accessible for dam owners and allow dam owners to more readily comply with the Act requirements and regulations.
4. Does not change the Fund hold back of 50% of prior year’s grant funding until the next year.
5. Clarifies local government authority to work with DCR to avert an impending dam failure and standardizes reference to “local emergency management coordinator” in multiple sections as all localities have designated this role.
6. Establishes a tiered approach for low hazard dams under the general permit requirements in §10.1-605.3 and eliminates certificates for all low hazard dams:
  - a. Low hazard dams that are not expected to cause loss of human life or economic damage to any property except property owned by the owner if a failure occurs require minimal actions by the owner in accordance with existing regulatory requirements (Special Low Hazard or Tier I).
  - b. Low hazards dams that have no critical infrastructure, public highway, or any access to a public utility within the dam break inundation zone will only be required to have a 50-year design flood requirement, rather than a 100-year spillway design flood requirement (Tier II).
  - c. All other low hazard dams must meet a 100-year spillway design flood requirement unless the owner chooses to conduct an incremental damage analysis to reduce the spillway design flood requirement (Tier III).
7. Requires a safety inspection, by an engineer, for any low hazard dam the first time the owner applies for general permit coverage.
8. Allows the submittal of the limits of a dam break inundation zone analysis to be submitted digitally to a locality or the Department instead of a dam break inundation zone map to meet existing requirements.
9. Requires the dam owner to present a plan to the Board to address any findings and correcting any deficiencies found at the dam in response to any actions taken pursuant to §§10.1-608 or 10.1-609. Under existing law, the Board must submit a plan and recommendations to the dam owner about what should be done to address deficiencies at the dam.
10. Simplifies and streamlines the enforcement process. Reduces appeals to both the Soil and Water Conservation Board, and court, from two apiece to one apiece.

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

Mr. Martin provided a report for the Soil and Water Conservation Division. Mr. Martin noted that the Department has contracted with a Timmons and GeoDecisions for the development of the new Conservation Application Suite . Phase III of the development will begin this summer. It is anticipated that the entire Suite will be completed by the end of FY2027.

**APPROVAL OF FUNDING 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 a suggested motion asking the Board to affirm approval of the use of emergency funds and returned funds for necessary repairs and asking for authorization to use existing contingency funds for emergency repairs if needed during FY2025.

#### BOARD ACTION

Mr. Arnason made the following motion: The Virginia Soil and Water Conservation Board (Board) affirms the use of \$100,000 of emergency funds and \$4,281.33 of funds returned from completed projects for emergency repairs to the emergency spillway at Johns Creek #2 (Craig County).

The Board authorizes the Department to utilize previously approved contingency funds (\$196,258.35) or additional funds that are returned from completed projects for emergency projects needed during calendar year 2025. If additional emergency projects are undertaken, the Board must be informed about the project at the next Board meeting.

Mr. Wilson seconded, and the motion carried.

#### APPROVAL OF BUDGETS FOR WATERSHED IMPROVEMENT DISTRICTS

##### *Lake Barcroft*

- FY2026 budget: balance of \$2,366,253 distributed among four reserve funds (operations, dredging, general capital, and general reserves).
- Expects to collect property tax revenue of \$1,538,190 (a 5.5% increase over FY 2025) and identifies other available modest income sources, which will bring the total to \$4,225,943 in available funds.
- The planned FY 2026 budget expenditures of \$1,512,550 include:
  - \$1,110,000 for operating expenditures (personnel, administration, overhead, environment, maintenance, and equipment),
  - \$250,000 for dam renovation projects (including ingress and egress improvements to the WID operational facility),
  - \$87,550 for dredging and silt removal, and
  - \$65,000 for general capital expenditures (including the biennial recertification of the dam).
  - An ending balance of \$2,713,393 is expected.

#### BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approves the Lake Barcroft Watershed Improvement District FY2026 budget as submitted by the Northern Virginia Soil and Water Conservation District and presented by the Department.

Ms. Cornell seconded, and the motion carried.

##### *Timberlake*

- FY2026 budget:
  - Operating expenses - \$3,300
  - Interest expenses - \$17,699
  - Loan amortization - \$35,493

**BOARD ACTION**

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approves the Timberlake Watershed Improvement District FY2026 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Department.

Mr. De La Cruz seconded, and the motion carried.

**AGRICULTURAL BMP COST SHARE MANUAL AMENDMENTS** - *Christine Watlington Jones, Policy and District Services Manager*

Ms. Watlington Jones presented the Department’s revisions to the manual.

*Guidelines*

The Department has made editing revisions throughout this section to update dates and to correct spellings, punctuation, and formatting errors. Below are the key revisions made to the Guidelines section of the AgBMP Manual.

1. Revised the list of cover crop practices that do not require a conservation plan to include all cover crop practices. (page II-20)
2. Added NRCS standard 527 (Sinkhole Treatment) to the WQ-11 specification in the table of practices with components requiring EJAA or PE approval; this revision reflects the inclusion of this NRCS standard in the WQ-11 specification. (page II-30)
3. Clarifying language has been added to ensure that the location of all components and fields included in a practice are on a location map. (page II-36)
4. Remove the restriction on applying for EAN cost-share within the same Program Year the practice was funded: (page II-47)
5. Removes reference to the requirement to include a penalty on all cost-share repayments. The penalty will only be incurred if the repayment is required by court action. (page II-55)

*Tax Credit*

1. Clarifies that tax credit only best management practices are not required to complete the bid process. (page IV-6)
2. Removed reference to SL-6A from the table of Tax Credit Only Practice Components Requiring EJAA or PE Review and Approval as the practice was removed from the manual in Program Year 2024. (page IV-8)

3. Contact information for the Department of Taxation has been added. (page IV-16)
4. Minor editorial edits have been made throughout the section including formatting revisions and revising dates in an example.

#### *Poultry Litter*

1. A copy of the nutrient management plan must be submitted with the incentive request form.
2. Revisions made to reflect new Department contact for the program.
3. Minor amendments, including formatting corrections and date changes, have been made to the documents as well.

#### *Small Herd*

Added a clarification that all Engineering Job Approval Authority (EJAA) or PE approvals must be included in the Conservation Application Suite for planned components prior to the Department's Agricultural Incentives Program Manager reviews the project.

#### *Glossary*

Definition of "agricultural land" has been revised to more closely align with the definition in the Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations.

#### *Other Documents*

Cover of Manual:

- Dates have been updated

Schedule:

- Dates have been updated
- Included language reminding Districts that approvals of BMP must be entered into the Conservation Application Suite by a certain date to ensure approvals are reflected in the financial disbursements for that quarter

Table of BMPs:

- Minor revision to clarify which practices require a conservation plan for cost-share funding; any practice requesting tax credits must have a conservation plan (or equivalent plan).

Part 1 of VACS Contract:

- Language has been added that the producer is certifying that the practice being applied for will not be used to meet any minimum standard required by local ordinance.

### **APPROVAL OF DISTRICT DIRECTOR RESIGNATIONS AND APPOINTMENTS**

#### *Mountain*

Appointment of Mr. Walter David Burnett, of Bath County, effective 3/19/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

#### *Robert E. Lee*

Appointment of Ms. Kia Scott, of Appomattox County, effective 3/19/2025, to fill the vacant At-Large appointed director position (term of office expires 12/31/2026).

#### *Scott County*

Resignation of Mr. James “Pete” Odle, of Scott County, effective 12/10/2024, elected director (term of office expires 12/31/2027).

Appointment of Mr. Jeff Kegley, of Scott County, effective 3/19/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

#### *Shenandoah Valley*

Resignation of Mr. Tyler Adams, of the City of Harrisonburg, effective 3/26/2025, elected director (term of office expires 12/31/2027).

Appointment of Ms. Kathy Holm, of the City of Harrisonburg, effective 3/19/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

### **BOARD ACTION**

Mr. Wilson moved that the Board approve the appointments of individuals as presented.

MR. Schick seconded, and the motion carried.

### **APPROVAL OF MOBILIZATION PAYMENTS FOR PRODUCERS IN AREAS IMPACTED BY STORM HELENE**

Ms. Watlington Jones presented the Board with background and a recommended motion.

- Producers are having difficulties with cash flow in part due to changes at the federal level
- This would provide partial funding for contractor start-ups or materials
- Up to 20% of cost of project, with a cap of \$20,000

## BOARD ACTION

Mr. Arnason moved that the suggested motion be amended to remove dollar amounts and provide a cap of 20%.

Mr. Wilson seconded, and the motion carried.

## BOARD ACTION

Mr. Arnason made the following amended motion: the Board approves the use of a mobilization payment for producers that chose to enter into a newly reset lifespan requirement for best management practice(s) in need of repair or replacement due to damage from Storm Helene. The use of a mobilization payment will be subject to the following conditions:

### Eligible localities

Producers in the following localities are eligible to apply for a mobilization payment: Bedford, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Montgomery, Pittsylvania, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and the independent Cities of Bristol, Covington, Danville, Galax, Norton, and Radford.

### Payment Details

- The mobilization payment shall be equal to 20% of the eligible Estimated Instance Cost of the repair or replacement of the best management practice.
  - For producers requesting a mobilization payment, the district is authorized to estimate engineered components prior to completion of designs and EJAA review. Approved engineering designs from the original practice installation may be used to determine the initial estimated cost. Prior to payment for the completed practice, all engineering (EJAA) requirements must be met.

### Timeframe

In order to be eligible to receive a mobilization payment, both a complete Part 1 of the VACS contract and an application for the mobilization payment must be received by June 1, 2025.

### Stipulations for Participation

Any eligible VACS applicant within a Helene-impacted locality who is willing to enter into a newly reset lifespan requirement for the practice in need of repair or replacement may request a mobilization payment. If the applicant elects to receive a mobilization payment, the applicant must agree to the following conditions:

- The expenses associated with needed repairs or the replacement of a practice undertaken prior to the approval of a contract by the District Board are eligible for reimbursement. Documentation of the cost of the repair or replacement must be provided by the producer (i.e. invoices, receipts, pictures) to the district.
- All repairs or the replacement of a practice must meet all applicable VACS Program standards and specifications, and the district must verify that the repair or replacement has been appropriately installed.
- Any components that require Engineering Job Approval Authority (EJAA) and are in need of repair or replacement must meet all EJAA requirements including being appropriately designed,

constructed, and approved in accordance with VACS Program guidelines and practice standards and specifications.

- Previously established buffers shall not receive a buffer payment.
- The participant will be allowed two full calendar years to complete their practice after a mobilization payment has been issued. Projects that are not complete by the end of two full calendar years will be cancelled.
- In the event that the participant fails to complete the repair or replacement of their practice within the required timeframe, their VACS contract for the repair or replacement will be cancelled and the participant will be responsible for the full return of the mobilization payment directly to the district within 60 days of contract cancellation. If the mobilization payment is not returned, repayment shall be referred by the District to the Office of the Attorney General. Additionally, the participant shall be prohibited from receiving any further VACS payments.
- In highly unusual circumstances such as life-threatening illness or bankruptcy, participants who receive a mobilization payment will have the option to request forgiveness for the repayment of cost-share funds through the hardship process outlined in the VACS Manual.

#### Payment Timing

Participants will be eligible for a mobilization payment only after the following conditions are met:

- A complete and signed Part 1 of the VACS contract must be provided to the district.
- The mobilization payment application must be signed by the participant and provided to the district; and
- The District Board must formally approve the practice, including the mobilization payment, by separate motion recorded in the minutes.

District staff will issue the mobilization payment only when all of the conditions listed above have been met.

#### Issuance of 1099s

In cases where the mobilization payment and final cost-share payment are issued in different calendar years, the producer will be issued two 1099s, which will spread the tax liabilities and reduce the tax burden in any individual year.

Mr. Wilson seconded, and the motion carried.

#### **PARTNER REPORTS**

*NATURAL RESOURCES CONSERVATION SERVICE* - Dr. Martinez provided the Board with his report attached as Attachment A.

*VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES* – Not represented

*VIRGINIA COOPERATIVE EXTENSION* – Dr. Goerlich presented the Board with a report on behalf of the Virginia Cooperative Extension.

*VIRGINIA ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS* – Dr. Tyree addressed the Board and introduced districts that were present. She reminded the Board of the next meeting of the Association which will be in conjunction with the next Board meeting on April 16, 2025.

*CHESAPEAKE BAY COMMISSION* – Not represented

*VIRGINIA AGRIBUSINESS COUNCIL* – Trey Davis introduced himself and offered assistance in conversations regarding federal funding.

*VIRGINIA FARM BUREAU FEDERATION* – Not represented

**PUBLIC COMMENT**

The was no public comment.

**NEXT MEETINGS**

- April 16, 2025, Drury Hotel, Glen Allen
- May 2025, location to be determined.

**ADJOURN**

**BOARD ACTION**

As there was no further business, the meeting adjourned at 11:32 a.m.