

**Minutes of the
Virginia Soil and Water Conservation Board
and the
Virginia Association of Soil and Water Conservation Districts Board of Directors
Wednesday, December 12, 2001
Norfolk Sheraton Waterside
Norfolk, Virginia**

Virginia Soil and Water Conservation Board Members Present

Charles E. Horn, Chairman	David G. Brickley
A. Dewey Bond	M. Denise Doetzer
Herbert L. Dunford	James Gardner (for David Barrett)
Dr. Conrad M. Gilliam	Robert M. Hall
David L. Moyer	W.P. Johnson
Roy Seward (for J. Carlton Courter)	

Virginia Soil and Water Conservation Board Members Not Present

Robert Q. Cannel	Lorenza W. Lyons
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Virginia Association of Soil and Water Conservation Districts Members Present

Daphne Jamison, President	Greg Evans, 1 st Vice President
Donald L. Wells, Area III Chair	

Staff Present

Leon E. App, DCR	Susan M. Block, DCR
William G. Browning, DCR	Debbie Cross, DCR
Michael R. Fletcher, DCR	Larry Gavan, DCR
Sara Grove, DCR	Gary K. Madson, DCR
Mark Meador, DCR	Jonathan T. Phillippe

Others Present

W.D. Kreider, James River SWCD
Granville Maitland, Appomattox River SWCD
Linda McAllister, James River SWCD
Derrick Potter, Big Sandy, SWCD
John L. Potter, Big Sandy, SWCD
Glenn Martin, VDACS

Call to Order

Chairman Horn called the meeting to order at 9:00 a.m. and declared a quorum present.

Recommendations for Nominations for Virginia Soil and Water Conservation Board

Chairman Horn noted that he had been informed that Mr. Johnson had been reappointed to the Board and that Granville M. Maitland of the Appomattox River SWCD had been appointed to replace Dr. Gilliam, who was ineligible for reappointment.

Mr. Horn also noted that effective June 30, 2002, his term and that of Mr. Hall would expire. As Mr. Hall was completing an unexpired term, he is eligible for reappointment. Mr. Horn is not.

Mr. Horn called upon Ms. Jamison to make recommendations on behalf of the VASWCD.

Ms. Jamison gave the following recommendations:

To represent Area I:

Linda S. Campbell
Richard M. Shiflet

Shenandoah Valley, SWCD
Headwaters, SWCD

To represent Area IV:

Robert M. "Bobby" Hall
Gary G. Johnson

Big Sandy SWCD
Big Walker, SWCD

MOTION: Mr. Dunford moved that the recommendations of Soil and Water Conservation District Directors for consideration to serve on the Virginia Soil and Water Conservation Board be accepted and forwarded to the Secretary of the Commonwealth for consideration.

SECOND: Mr. Johnson

DISCUSSION: None

APPROVED: Unanimously.

Ms. Jamison reported the following from the VASWCD Annual Meeting:

New Officers are:

President, Daphne Jamison, Blue Ridge SWCD

1st Vice President, Greg Evans, Northern Virginia SWCD

2nd Vice President, James Byrne, Culpeper SWCD

Secretary/Treasurer, Wilkie Chaffin – Piedmont SWCD

Area Chairs and Vice Chairs are:

Area III Chair – Donald Wells, Hanover-Caroline SWCD

Area III Vice Chair – J.C. Berger, Northern Neck, SWCD

Area V Chair – Ricky Rash, Piedmont SWCD

Area V Vice Chair – Richard Chaffin, Peaks of Otter SWCD

Area VI Chair – Preston Futrell, J. R. Horsley SWCD

Area VI Vice Chair – Keith Seward, Peanut SWCD

Ms. Jamison also noted that the VASWCD took the following actions:

- Endorsed the reappointment of Herbert L. Dunford for the position of At-Large Representative on the Virginia Soil and Water Conservation Board.
- Endorsed legislation which will allow the Soil and Water Conservation Board to consider funding as a criteria when deciding to establish new Soil and Water Conservation Districts.
- Recommended that the Virginia Soil and Water Conservation Board hold any application for splitting of a District until state funding is available. After funding is available, then the application could be considered.

Chairman Horn thanked Ms. Jamison for the report and asked if any Board members had questions. There were none.

Chairman Horn thanked the members of the Association and declared the joint session adjourned.

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William G. Browning, DCR	Debbie Cross, DCR
Michael R. Fletcher, DCR	Larry Gavan, DCR
Sara Grove, DCR	Gary K. Madson, DCR
Mark Meador, DCR	Jonathan T. Phillippe

Others Present

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Linda McAllister, James River SWCD
Derrick Potter, Big Sandy, SWCD
John L. Potter, Big Sandy, SWCD
Glenn Martin, VDACS

Call to Order

Chairman Horn called the meeting of the Virginia Soil and Water Conservation Board to order and declared a quorum present.

Mr. Horn noted that he had been informed of two appointments to the Board.

Mr. W.P. "Billy" Johnson was re-appointed to another four-year term.

Mr. Granville M. Maitland of the Appomattox Soil and Water Conservation District was appointed to fill the expired term of Dr. Conrad Gilliam. Mr. Maitland will take office in January after taking the Oath of Office.

MOTION: Mr. Brickley moved that the Virginia Soil and Water Conservation Board offer commendations to the Virginia Association of Soil and Water Conservation Districts for the planning and execution of an outstanding annual meeting and that the appreciation of the Board be expressed to the VASWCD members.

SECOND: Mr. Johnson.

DISCUSSION: None

APPROVED: Unanimous

Mr. Horn welcomed visiting members of the Virginia Association of Soil and Water Conservation Districts to stay as long as they would like for the meeting.

Minutes of September 21, 2001 Meeting

MOTION: Mr. Bond moved that the minutes of the September 21, 2001 meeting be approved as submitted.

SECOND: Mr. Moyer

DISCUSSION: None

APPROVED: Unanimous

Lake Martin Update

Mr. Gavan presented an overview of progress on Lake Martin since the September meeting and provided a progress letter from Fairfax County (Copy attached as Attachment #1) He noted that there has been some progress toward the trial. The county is working on the survey but still encounters some problems with access to the land.

In further developments, the county has revised plans and received acceptance from the Governor's Run subdivision to retrofit two storm water management ponds.

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board receive the written progress report from Fairfax County outlining current and proposed actions to bring resolution to the Lake Martin watershed erosion and sediment control problems under the enforcement authority of the Fairfax County Erosion and

Sediment Control Program, and that the Board note the efforts by Fairfax County to bring resolution to this issue and requests the County to continue its efforts to expedite resolution to facilitate remediation of the Lake Martin watershed.

The Board further directs Fairfax County to continue to provide updates to the Board relative to the progress in completing the final design and construction specification documents, the proposed plans and schedule for commencement of restoration actions and the actual progress in restoration. The County should insure that affected homeowners are provided input into the process of determining the final remediation plans. These updates shall continue until restoration actions have been completed.

SECOND: Mr. Dunford

DISCUSSION: None

APPROVED: Unanimously

Chesterfield County Petition to Create a New Soil and Water Conservation District

Mr. Browning called members attention to letters provided in their packet (Copy attached as Attachment #2).

He noted that there were several letters regarding a request from Chesterfield County to form a new Soil and Water Conservation District.

Mr. Browning noted that after consultation with Fred Fisher of the Office of the Attorney General that Mr. Fisher had declared that the petition complies with the requirements of Section 10.1-507 and 10.1-508 of the *Code of Virginia*.

MOTION: Mr. Dunford moved that the Virginia Soil and Water Conservation Board table action on the petition submitted October 4, 2001 to create a new district to be called the Chesterfield Soil and Water Conservation District until the regularly scheduled July 2002 meeting of the Soil and Water Conservation Board.

SECOND: Dr. Gilliam

DISCUSSION: Mr. Seward noted that it would be helpful for the County to be informed that the delay in discussing the new district was based on a desire to see how funding issues were addressed in the 2002 General Assembly Session.

APPROVED: Unanimously.

Realignment/Creation of SWCDs – Letters from Culpeper, Piedmont and Robert E. Lee, SWCDs

Mr. Browning called to member's attention letters provided in their packets addressing the concerns of some SWCDs with the creation of new Districts. (Copy attached as Attachment #3)

Agriculture Stewardship Act Case #093 – Robert C. & Martha C. Dantzler Appeal

Mr. Browning referenced materials previously mailed to members regarding the Dantzler appeal. He noted that the information was mailed with respect to a possible hearing to be held regarding the appeal.

Mr. Browning explained that approximately two and one half years ago, Robert C. and Martha Dantzler were notified that they were in violation of a provision of the Agriculture Stewardship Act.

Mr. Browning explained that as a result of a public hearing as well as correspondence with the Dantzlars that the substance in question was re-sampled and determined to be compost.

As a result the Commissioner sent a letter indicating a change in the corrective order. This change was accepted by the Dantzlars, which provided a satisfactory response to their appeal with the Virginia Soil and Water Conservation Board.

Urban Program Review Status Report

Mr. Gavan gave the following report concerning Local Urban Program Review.

Bedford County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 2/02.
Greensville County	Currently rated inconsistent with no corrective action agreement submitted.
Goochland County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 4/02.
Frederick County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 8/02.
Patrick County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 6/02.

Caroline County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 4/03.
Gloucester County	Currently rated inconsistent with corrective action plan received 11/16/01 under review.
City of Chesapeake	Currently rated inconsistent with corrective action plan received 10/29/01 under review.
Buchanan County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 11/02.
Louisa County	Currently rated inconsistent with no corrective action plan submitted.
New Kent County	Currently rated inconsistent with corrective action agreement due on 1/25/02.
Dickenson County	Currently rated provisionally consistent with corrective action agreement to be fully implemented by 7/02.
Botetourt County	Currently rated inconsistent with corrective action agreement due on 12/31/01.
Hanover County	Currently rated inconsistent with results sent to county on 12/10/01.
City of Suffolk	Official program review meeting 11/8/01 with results due to county by 1/15/02.
Loudoun County	Currently rated inconsistent with results to be sent to county by 1/13/02.
Chesterfield County	Official program review meeting 12/11/01 with results due to county by 1/20/02.
Culpeper County	Official program review meeting 12/13/01 with results due to county by 2/11/02.
Fairfax County	Program review notification letter sent to County in December, 01.
Spotsylvania County	Program review notification letter sent to County in January, 02.

At this time, Mr. Brickley departed to attend a legislative meeting in Richmond. Mr. App assumed his proxy for the meeting.

Dam Safety Certificates and Permits

Mr. Phillippe presented the following lists of dam safety permits and certificates for consideration.

INV. NO.	NAME	CITY/COUNTY
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Dam Safety Alteration Permit

None

Dam Safety Construction Permit

None

Dam Safety Operation & Maintenance Certificates

Class I Regular

01507	Upper North River Dam # 77	AUGUSTA
01512	South River Dam #11	AUGUSTA

Class I Conditional

06702	Upper Blackwater River Dam #4	FRANKLIN
06914	Summit Dam	FREDERICK
15504	Hogan Dam	PULASKI
19502	Big Cherry Dam	WISE

Class II Regular

04104	Swift Creek Dam	CHESTERFIELD
68301	Winters Branch Dam	MANASSAS

Class II Conditional

None

Class III Regular

00369	Hunt Country Dam	ALBEMARLE
00370	Murray Lake Dam	ALBEMARLE
00906	Earley Dam	AMHERST
01929	Abert Water Plant Dam	BEDFORD
05307	Burnt Quarter Dam	DINWIDDIE
09903	Lake Jefferson Dam	KING GEORGE
10904	South Anna Dam #5	LOUISA
10931	South Anna Dam #3	LOUISA
11309	Beautiful Run Dam #1B	MADISON
13714	Spring Vale Dam	ORANGE

Class III Conditional

06515 Andersons Dam FLUVANNA

Extension to January 2002 Board Meeting

78001 (1R) Powell Dam SOUTH BOSTON

Extension to March 2002 Board Meeting

01906 (2C)	Springhill Lake Dam	BEDFORD
01927 (2C)	Falwell Dam	BEDFORD
04117 (3R)	Tates Dam	CHESTERFIELD
04129 (1C)	Woodland Pond	CHESTERFIELD
06701 (2R)	Upper Blackwater River Dam #6	FRANKLIN
07501 (3R)	Picketts Creek Dam	GOOCHLAND
08513 (3C)	Timberlake Dam #1	HANOVER
08514 (3C)	Timberlake Dam #2	HANOVER
14515 (3R)	Moyer Pond Dam	POWHATAN
16103 (1R)	Orchard Dam	ROANOKE CO.
16307 (2C)	Cold Sulphur Springs Dam	ROCKBRIDGE

Out of Compliance

01931 Simpkins Dam BEDFORD

Mr. Moyer requested that #14515, Moyer Pond Dam, be separated for a separate vote.
Mr. App asked the same consideration for #04104, Swift Creek Dam.

MOTION Mr. App moved that the list of dam safety certificates and permits, with the exception of #14515, Moyer Pond Dam and #04104, Swift Creek Dam be approved as submitted.

SECOND Mr. Dunford.

DISCUSSION None.

APPROVED Unanimously

MOTION Mr. Dunford moved that the certificate for #04104, Swift Creek Dam and the extension for #14515, Moyer Pond Dam be approved as submitted.

SECOND Mr. Johnson

DISCUSSION None.

APPROVED Motion carried with Mr. Moyer and Mr. App abstaining.

Impoundment Safety Technical Advisory Committee Report

Mr. Moyer reported that the Impoundment Safety Technical Advisory Committee met on November 15 in Charlottesville. He said the committee spent a good deal of time discussing visions and clarifications to impoundment structure regulations.

Mr. Phillippe noted that the committee is looking at revisions that need to occur to insure compliance with the changes in the law.

Mr. Horn thanked Mr. Moyer for the report. He thanked Dr. Gilliam for serving as chair of the Technical Advisory Committee.

Mr. Horn noted that with the appointment of Mr. Maitland, Dr. Gilliam would be leaving the Board. He thanked Dr. Gilliam for his commitment to the Board and to soil and water conservation in the Commonwealth.

Mr. Horn noted that appointment of two board members to serve the Technical Advisory Committee should be on the agenda for the January meeting.

Mr. Phillippe noted that the Technical Advisory Committee has tentatively scheduled their next meeting for April.

MOTION Dr. Gilliam moved that the report of the Impoundment Safety Technical Advisory Committee be approved as submitted.

SECOND Mr. Dunford.

DISCUSSION None.

APPROVED Unanimously.

Dam Safety Regulations

Mr. App reference materials provided to members in their packets entitled Final Regulatory Action Motion To Promulgate Amendments to Impounding Structure Regulations: 4 VAC 50-20-30, 4 VAC 50-20-50, 4 VAC 50-20-70, 4 VAC 50-20-120, 4 VAC 50-20- 220, and 4 VAC 50-20-320.

He noted that the current regulation under review is exempt from the Administrative Process Act since it is being changed to comply with changes in the law. Still amendments must be posted with the Virginia Registrar of Regulations thirty days prior to enactment.

In the packet there are two sections of definitions. The first set will go into effect thirty days after publication. The second set will be effective July 1, 2002.

MOTION

Mr. Bond moved that the Virginia Soil and Water Conservation Board authorize the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to publish the final regulatory amendments necessary to bring the Virginia Impoundment Regulations, including the attendant forms, into conformance with changes made to the Code of Virginia, the Department of Conservation and Recreation organizational changes, and the federal organizational changes since the last regulatory amendment, and that the Board further request that the Director and the Regulatory Coordinator report to the Board on these actions at the January Board meeting.

SECOND

Mr. Moyer

DISCUSSION

Mr. App noted the following:

Assistant Attorney General Rick R. Linker has advised that all the proposed actions be prepared for one combined regulatory action. Therefore, for the entire package the effective date shall be 30 days following publication in the Virginia Register of Regulations with the exception of the second version of 4 VAC 50-2-30 marked as effective July 1, 2002 due to the effective date of Chapter 92 of the 2001 Virginia Acts of Assembly. The second version of 4 VAC 50-20-20 shall be published with the other amendments, but shall be effective on July 1, 2002 as indicated. At that time the first amended version of 4 VAC 50-20-20 shall be replaced and repealed.

This Final Regulatory Action authorization is for those amendments exempt from the Virginia Administrative Process Act due to lack of agency discretion, which are subject only to the Virginia Register Act, and as approved by Assistant Attorney General Rick R. Linker in his letter of December 7, 2001. This Final Regulatory Action approval is subject further to the formal decision of the Virginia Registrar of Regulations regarding the federal organizational name change of the Soil Conservation Service to the Natural Resource Conservation Service. Informal discussion with Ms. Jane D. Chaffin indicates her approval of this action when formally submitted to her. This authorization extends to the coordination necessary to gain any approvals necessary from the Attorney General, and the Virginia Registrar of Regulations and to publish the same in the Virginia Register of Regulations and electronically on the Virginia Town Hall.

APPROVED

Unanimously

District Director Resignations and Appointments

Mr. Browning presented the following list of district director resignations and appointments:

Big Sandy

Recommendation of Alicia L. O'Quinn, Buchanan County to fill three-year appointed position (term of office to begin on 1/1/02 – 1/1/05).

Big Walker

Recommendation of Samuel H. Cassell, Wythe County, to fill three-year appointed position (term of office to begin on 1/1/02 – 1/1/05).

Holston River

Recommendation of David C. Johnson, Washington County, to fill three-year appointed position (term of office to begin on 1/1/02 – 1/1/05).

John Marshall

Resignation of John Howe, Fauquier County, effective 12/31/01, Extension Agent director (term of office expires 1/1/04).

Recommendation of Keith Dickinson, Fauquier County, to fill unexpired Extension Agent term of John Howe (term of office to begin after 12/31/01 and before 1/11/02 – 1/1/04).

Lake Country

Recommendation of Henry D. Rice, Brunswick County, to fill three-year appointed position (term of office to begin on 1/1/02 – 1/1/05).

Lonesome Pine

Recommendation of Harry Lee Strouth, Dickenson County, to fill three-year appointed position (term of office to begin on 1/1/02-1/1/05).

Northern Virginia

Resignation of Debbie Dillon, Fairfax County, effective 1/26/01, Extension Agent director (term of office expires 1/1/04).

Recommendation of Adria Bordas, Fairfax County, to fill unexpired Extension Agent term of Debbie Dillon (term of office to begin on or before 1/11/02 – 1/1/04).

Tidewater

Recommendation of Matthew P. Fleet, Middlesex County, to fill unexpired elected term of Alan P. Cohen (term of office to begin on or before 1/11/02 – 1/1/03).

MOTION	Dr. Gilliam moved that the list of District Director resignations and appointments be approved as submitted.
SECOND	Mr. Hall
DISCUSSION	None
APPROVED	Unanimously

Results of November 2001 SWCD Director Elections

Mr. Browning noted that members were provided results in the mail and in their packets (Copy attached as Attachment #4)

He noted that the Department no longer receives a list of the votes cast and that it is the responsibility of the elected individual to take the appropriate oath of office and file the forms according to the instructions provided.

Agency Reports

Natural Resources Conservation Service

Ms. Doetzer gave the report for NRCS. (Copy attached as Attachment #5).

Mr. Dunford said that he would like to publicly thank Ms. Doetzer for providing the Henricopolis District the opportunity to tour the NRCS offices in Richmond.

Virginia Department of Forestry

Not represented.

Virginia Cooperative Extension Service

Dr. Gardner said that he would like to echo the information from Ms. Doetzer regarding the need for funding the solar lab at Virginia Tech.

He noted that Virginia Tech is dealing with budgetary issues such as employee salaries, teacher salaries and more and currently has a rather large budget deficit.

He noted that, as members know, the state has had some very dry conditions. The water shortage appears to be a statewide issue.

He noted that the Extension Services is also concerned about biosecurity.

Virginia Department of Agriculture and Consumer Service

Mr. Seward echoed Dr. Gardner's comments concerning the lack of rainfall. He noted that October and November of 2001 were some of the driest months on record.

VDACS is following the progress of the farm bill in the U.S. Congress. He noted that they hope the bill will allow for some flexibility with how farmers deal with conservation needs.

The Ag Stewardship Program is now in its fifth year. There have been 174 official complaints, but the department has received numerous requests that don't meet the requirements.

Department of Conservation and Recreation

Mr. App noted that DCR has looked at the possibility of additional measure to deal with dam safety in the event of a terrorist attack. Delegate Sherwood has asked DCR to review a proposal.

Mr. Brickley and Jack Frye are attending the Bolling Commission meeting. The Commission is considering a bond proposal that would appropriate about eleven million dollars for district dams and repairs.

The Governor has reported necessary budget reductions and indicated that agencies should prepare for a 2% reduction in their budgets.

Mr. Dunford asked if DCR was considering staff reductions at this time.

Mr. App noted that he couldn't say at this time.

Other Business

Mr. Hall noted that the Board had previously been scheduled to come to Buchanan County and meet at The Breaks Interstate Park. He said he would like to reschedule that meeting.

Mr. App said that the problem was the additional expense associated with staff travel to meetings. He noted that projections for next year's travel budget were uncertain.

Dr. Gilliam expressed his gratitude and appreciation for the opportunity to work with the Board for the last eight years. He noted that he will still be representing his district. He noted that a positive result of his leaving the Board was the opportunity for Mr. Maitland

to fill the vacant position. He congratulated Mr. Maitland and wished the Board success in the future.

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be held at the NRCS offices in Richmond, on Thursday, January 17 at 9:00 a.m.

Adjourn

There being no further business, Chairman Horn wished members a Happy Holiday season and thanked them for their attendance.

The meeting was adjourned.

Respectfully submitted,

Charles E. Horn
Chairman

David G. Brickley
Recording Secretary