

**VIRGINIA SOIL AND WATER CONSERVATION BOARD**  
**Thursday, January 17, 2002**  
**Natural Resources Conservation Service**  
**Richmond, Virginia**

**Virginia Soil and Water Conservation Board Members Present**

Charles E. Horn, Chairman	Leon E. App
A. Dewey Bond	M. Denise Doetzer
Herbert L. Dunford	James R. Gardner (for David Barrett)
Robert M. Hall	W.P. Johnson
Granville M. Maitland	David L. Moyer
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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**Staff Present**

William G. Browning, DCR	Michael R. Fletcher, DCR
Jack E. Frye, DCR	Larry Gavan, DCR
Jon Phillippe, DCR	

**Others Present**

Daphne Jamison, VASWCD

**Call to Order**

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

Mr. Horn welcomed Mr. Granville Maitland as the newest Board member and asked members and staff to introduce themselves.

**Minutes of the December 12, 2001 Meeting**

Mr. Horn directed member's attention to the copy of the minutes provided in packets. Members also received a copy by mail.

Mr. Bond noted that the motion concerning the Rocky Mount Erosion and Sediment Control Program was not in the minutes.

MOTION: Mr. Johnson moved that the minutes of the December 12, 2001 meeting be approved as submitted following the inclusion of the motion regarding the Rocky Mount Program.

SECOND: Mr. Dunford.

VOTE:                   Ayes: App, Horn, Dunford, Gardner, Johnson, Maitland, Moyer  
  
                              Naves: Bond  
  
                              Abstain: Hall

Motion carried.

### **Lake Martin Update**

Mr. Larry Gavan referred members to a draft letter from Chairman Horn to Rebecca Hammer of the Environmental Protection Agency. (Copy Attached as Attachment #1). The letter commended the EPA on their action and requested the current status of the EPA administrative order.

\*\*\* of Fairfax County gave an overview of the current situation. He said that he was not at liberty to speak in great detail regarding the pending court action. He did note that the county is assembling expert witnesses.

He said that the county is still in the process of negotiating land rights for access to the lake to begin the work.

He stated that the county attorneys are working to ensure that work is done properly. The county continues to try to rebuild the confidence of the community. While the citizens had previously indicated an unwillingness to meet with the county they have now agreed to meet.

Mr. Bond asked how long the lawsuit would take.

Mr. \*\*\*\* said that, to his understanding, there were no time limitations on refileing the lawsuit.

Mr. Horn asked if the homeowners were satisfied.

Mr. \*\*\* said that the homeowners appeared to be satisfied with the direction, but not yet with the results.

Chairman Horn thanked Mr. \*\*\* for his report.

MOTION                   Mr. Bond moved that the Virginia Soil and Water Conservation Board receive the 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 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;

And that further, the Virginia Soil and Water Conservation Board direct 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; that the County should ensure that affected homeowners are provided input into the process of determining the final remediation plans; and that these updates shall continue until restoration actions have been completed;

And that further, the Board approve the January 18, 2002 letter from Chairman Charles E. Horn to Ms. Rebecca W. Hammer of the United States Environmental Protection Agency, supporting a quick and complete resolution of the outstanding Lake Martin issues.

SECOND: Mr. Moyer

DISCUSSION: None

VOTE: Motion carried unanimously.

### **Responsible Land Disturber (RLD) Training and Certification Program**

Mr. Gavan reported that the Responsible Land Disturber (RLD) Training and Certification Program has been working well with approximately 2,700 people certified to date. He noted that most activity takes place after hours via the Internet.

Customer satisfaction with the program has been high. Applicants are particularly pleased that they are able to certify online and not have to drive to Richmond.

Plans are being made to develop the site in Spanish.

Mr. Frye noted that House Bill 935 by Delegate Harvey Morgan would add to the program significantly to require that responsible land disturber be on site during construction. Some local governments are already requiring this.

Mr. Gavan presented a suggested list for prioritizing program review.

MOTION: Mr. Dunford moved that the Virginia Soil and Water Conservation Board accept the staff recommendation for prioritization of local program reviews in 2002 in the following localities:

Russell County	Town of Ashland
Grayson County	Montgomery County
Carroll County	Town of Woodstock
Dinwiddie County	City of Harrisonburg
Fluvanna County	Henrico County
City of Norfolk	City of Hopewell
City of Salem	Isle of Wight County
Madison County	Prince William County
City of Lexington	Augusta County
Wise County	Warren County

SECOND: Mr. Moyer

DISCUSSION: Mr. Dunford said that it would be helpful for Conservation District Coordinators (CDCs) to provide reports to local districts on a monthly basis.

VOTE: Motion carried unanimously.

### **Dam Safety Certificates and Permits**

Jon Phillippe directed members to the December Board agenda for Dam Safety Certificates and Permits and a necessary adjustment to the schedule.

MOTION: Mr. Dunford moved that whereas the Virginia Soil and Water Conservation Board met on October 22, 1999 and granted Conditional Operation & Maintenance Certificates (inadequate emergency spillway hydraulic capacity) to four Headwaters Soil and Water Conservation District Dams, which by the resolution of May 16, 2001, were extended to December 31, 2001, and which were inadvertently left off the December Board agenda for requested extension to the March 2002 Board meeting for cause, since the dams (Inventory numbers 01501, 01502, 01508 and 01509) have been recently self-inspected (Div. of Dam Safety Engineers in attendance) and have been shown to be in good physical shape, the expiration dates are hereby extended to March 31, 2002, to permit detailed inspection by the recently hired District Dam Safety Consultant.

SECOND: Mr. Hall

DISCUSSION: None.

VOTE: Motion carried with Mr. Horn abstaining.



Mr. Phillippe presented the following list of Dam Safety Certificates and Permits:

INV. NO.	NAME	CITY/COUNTY
<b><u>Dam Safety Alteration Permit</u></b>		
10922	Izac Lake Dam	LOUISA
17913	Potomac Creek Dam #2	STAFFORD
<b><u>Dam Safety Construction Permit</u></b>		
None		
<b><u>Dam Safety Operation &amp; Maintenance Certificates</u></b>		
<b><u>Class I Regular</u></b>		
00911	Buffalo River Dam # 3	AMHERST
00912	Buffalo River Dam # 2	AMHERST
<b><u>Class I Conditional</u></b>		
17101	Stoney Creek Dam #9 (Lake Laura)	SHENANDOAH
17104	Woodstock Dam	SHENANDOAH
<b><u>Class II Regular</u></b>		
None		
<b><u>Class II Conditional</u></b>		
None		
<b><u>Class III Regular</u></b>		
06907	Sheppards Dam	FREDERICK
08518	Forest Lake Hills Dam	HANOVER
11302	Beautiful Run Dam #2A	MADISON
11303	Beautiful Run Dam #4	MADISON
11305	Beautiful Run Dam #6	MADISON
11306	Beautiful Run Dam #7	MADISON
11307	Beautiful Run Dam #10	MADISON
<b><u>Class III Conditional</u></b>		
None		
<b><u>Extension to March 2002 Board Meeting</u></b>		
00349 (3R)	Loftlands Dam	ALBEMARLE
09519 (2R)	Rennicks Pond	JAMES CITY
14111 (2C)	Davis Dam	PATRICK

14739 (3R) Bush River Dam #5  
16304 (1C) Moore's Creek Dam  
78001 (1R) Powell Dam

PRINCE EDWARD  
ROCKBRIDGE  
SOUTH BOSTON

**Extension to May 2002 Board Meeting**

13703 (3R) Lake Orange ORANGE

**Out of Compliance**

01931 Simpkins Dam BEDFORD

MOTION: Mr. Dunford moved that the list of Dam Safety Certificates and permits be approved as submitted:

SECOND: Mr. Hall

DISCUSSION: None.

VOTE: Motion carried unanimously.

**Impoundment Safety Technical Advisory Committee**

Mr. Phillippe noted that since Dr. Gilliam is no longer a member of the Board that the Impoundment Safety Technical Advisory Committee was in need of a new chair and a new member representative from the Board.

Mr. Moyer said that, while he was happy to continue as a member of the committee, he could not at this time accept the chairmanship.

Mr. Dunford volunteered to serve on the committee and to serve as chair.

The next meeting of the Impoundment Safety Technical Advisory Committee is April 18<sup>th</sup> at the NRCS office in Richmond.

**District Director Resignations and Appointments**

Mr. Browning presented the following list of Soil and Water Conservation District resignations and appointments.

*Lonesome Pine*

Resignation of Lowell Fowler, Wise County, effective 1/9/02, Extension Agent director (term office expires 1/1/04).

Recommendation of William Bradley Mullins, Dickenson County, to fill unexpired Extension Agent term of Lowell Fowler (term of office to begin on or before 2/16/02 – 1/1/04).

Mr. Hall asked what the implications were for two districts to be sharing an Extension Agent director position.

Dr. Gardner said that, at this time the agent was still responsible for two counties, but noted that he would have to follow up on this question.

**MOTION:** Mr. Hall moved that the Board accept the resignation of Lowell Fowler, effective 1/9/02 and defer action regarding the appointment of William Bradley Mullins to the vacant Extension Agent position until the March meeting.

**SECOND:** Mr. Dunford.

**DISCUSSION:** Mr. App asked if the Board was not accepting the resignation or was the Board just deferring action on the appointment.

Mr. Hall noted that the Board could not stop the resignation. He noted that his concern was that Mr. Mullins currently serves as the Extension Agent for Buchanan County and is a member of the Big Sandy District Board.

Dr. Gardner noted that there is currently a freeze on hiring with Cooperative Extension.

**VOTE:** Motion carried.

### *Northern Neck*

Resignation of Mary France Forrester, Lancaster County, effective 10/12/01, elected director position (term of office expires 1/1/04).

Recommendation of E. Derwin Booker, Jr., Lancaster County, to fill unexpired elected term of Mary Frances Forester (term of office to begin on or before 2/16/02 – 1/1/04).

**MOTION:** Mr. Moyer moved that the Board accept the resignation of Mary Frances Forrester and appoint E. Derwin Booker, Jr. to the Northern Neck Soil and Water Conservation District Board with a term of office beginning on or before 2/16/02 – 1/1/04.

SECOND: Mr. Johnson  
DISCUSSION: None.  
VOTE: Motion carried.

*Tri-County/City*

Mr. Browning noted that Mr. Glenn Holliday, elected to the Tri-County/City Soil and Water Conservation District Board in a write in vote, had offered written resignation and indicated that he did not intend to take the oath of office.

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board accept the written resignation of Mr. Glenn Holliday and declare the elected director position in King George County vacant, effective 1/1/02.  
SECOND: Mr. Dunford.  
DISCUSSION: None.  
VOTE: Motion carried unanimously.

**Agency Reports**

*Natural Resources Conservation Service*

Ms. Doetzer presented the Natural Resources Conservation Service report. (Copy attached as Attachment #2).

*Virginia Department of Forestry*

Not represented.

*Virginia Cooperative Extension Service*

Dr. Gardner noted that the Cooperative Extension Service urban pest management specialist was working with school integrated pest management training in Virginia.

The Extension Service is working with Farm Bureau regarding risk management strategies and cattle performance measures.

He noted that the Extension Service has a current budget freeze and is expecting to have further cuts in the next 2-3 years.

*Virginia Department of Agriculture and Consumer Services*

Mr. Seward gave regrets for Commissioner Courter who was unable to attend.

He reported that VDACS is tracking approximately fifty bills in the General Assembly, including one that would create a cabinet level position of Secretary of Agriculture.

He noted that the drought situation remained severe.

*Virginia Department of Conservation and Recreation*

Mr. Frye said that he had no updated figures for the Conservation Reserve Enhancement Program. He noted that there was a vacancy at farm services agency that was head of this program.

He said that he continues to work with NRCS and the VASWCD to address CREP issues.

Legislation is pending that will adjust District Director elections to a four year schedule. By the year 2007, all 47 districts will have elections in the same year.

Mr. App noted that the agency continues to deal with the Executive Order and with efficiency measures. The department has already realized an across the board cut of three percent. This has been made up for the current year through vacancy savings and equipment delays.

He noted that the agency anticipates further cuts in base funding. Over the next two years cuts are schedule for seven percent or \$1.4 million then eight percent or \$1.8 million.

He advised members that he could not at this time tell them how the budget cuts would affect availability of staff.

He noted that as of the time of the meeting, there had been no discussion of cuts in district funding.

Mr. App informed members that Governor Warner accepted the resignation of David Brickley as of 5:00 p.m. on Monday, January 14. Mr. App continues to serve as Acting Director of the Department.

**Public Comment**

Ms. Daphne Jamison reported for the VASWCD. She said that the Association was hoping that

if a bond referendum came from the General Assembly that monies for conservation would be included.

Ms. Jamison reminded members that in the summer of 2001 they approved a \$5,000 for the Envirothon. She asked how the Association should proceed with requesting those funds. She noted that at the time of the approval the Board had said if additional funds were available they could be directed to the Envirothon.

Mr. Frye said that with the delay in the start of the Big Sandy District there was approximately \$6,000 available.

**MOTION:** Mr. App moved that the Virginia Soil and Water Conservation Board make available up to \$10,000 to support the 2002 Envirothon, and stipulate that the Virginia Association of Soil and Water Conservation Districts must make a written request to obtain the funds and that further, based on the availability of funds, DCR staff will issue the disbursement.

**SECOND:** Mr. Moyer.

**DISCUSSION:** None.

**VOTE:** Motion carried unanimously.

#### *Other Business*

In other business Chairman Horn presented a letter received from W.D. Kreider, Chair of the James River SWCD (Copy Attached as Attachment #3).

Chairman Horn reminded members that the petition from Chesterfield County for the creation of a new Soil and Water Conservation District was presented at the Board's December 2001 meeting. At that time the Board decided to table action until the July, 2002 meeting.

Mr. Horn noted that the District feels as though they are left in limbo, not knowing how to proceed. He explained to the District that the issue is only tabled for six months until funding issues are further resolved.

The District has indicated that they need to hire an employee and purchase equipment. In addition, they feel inadequately prepared to discuss conservation easements.

Mr. Bond asked if the Board had the luxury of postponing action until July.

Mr. App noted that if the Board accepts the application as complete, then public hearings must be scheduled within 60 days of that acceptance. However, at this time the Board has tabled action.

Mr. Browning clarified that the first action needed by the Board would be to determine whether or not the petition meets the requirements of the code. Once the Board makes the determination that the petition meets the requirements, hearings must be scheduled, but not completed, within 60 days.

The results of the hearings would be brought back to the Board for review.

Mr. Maitland asked if there were established criteria for splitting or merging Districts.

Mr. Browning said that if the petition is disapproved, the Board must provide the reasons for disapproval. He noted that section §10.1-512 of the *Code of Virginia* prescribes certain criteria once the hearings have been held, including geography and economics.

Mr. Moyer said that he disagreed with the County's assertion that the Board was not concerned about the conservation needs. He expressed his support of the action taken at the December meeting.

Mr. Hall agreed and said that the Board could review at a later date. He noted that, based on Dr. Gardner's presentation that the Cooperative Extension Service would not be able to hire an extension agent for a new district.

MOTION:                Mr. Dunford moved that the action taken regarding the Chesterfield County petition at the December, 2001 meeting stand and the Board encourage the James River Soil and Water Conservation District in writing to continue to function as one District using its existing resources and to work collectively with both Chesterfield and Prince George Counties.

SECOND:                Mr. Hall

VOTE :                    Motion carried unanimously.

**Next Meeting – March 21, 2002**

The next meeting of the Virginia Soil and Water Conservation Board will be held on Thursday, March 21, 2002 at 9:00 a.m. at the offices of NRCS in Richmond.

**Adjourn**

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Charles E. Horn, Chairman

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Leon E. App, Recording Secretary