

**Virginia Department of Conservation and Recreation and Virginia Soil and Water  
Conservation Board  
Public Hearing on Proposed Resource Management Plans Regulations  
(4 VAC 50-70-10 et seq.)  
August 14, 2012 in Verona (Augusta County Government Center, 7 p.m.)**

**Meeting Officer:** Michelle Vucci  
Policy and Planning Assistant Director  
Department of Conservation and Recreation

**Opening:**

**Ms. Vucci:** Good evening, I would like to call this public hearing on the Virginia Soil and Water Conservation Board's proposed Resource Management Plans Regulations to order. I am Michelle Vucci, Policy and Planning Assistant Director for the Department of Conservation and Recreation. I will be serving as the meeting officer this evening. I welcome you to this hearing.

I would like to thank Augusta County for allowing us to use this facility.

With me this evening I have Robert Bennett, Acting Stormwater Management Division Director, who will serve as our technical presenter; and Michael Fletcher our Board and Constituent Services Liaison who will take minutes of this hearing's proceedings. This meeting will be recorded.

I hope that all of you have registered on our attendance list. If not, please do so. Those wishing to speak should note that on the attendance list. Please also make sure that your contact information, including your name and address, is legible and complete as we will be utilizing it to keep you informed on the status of this regulatory action.

**Purpose of the public hearing:**

The purpose of this hearing is to receive input from interested citizens on the Board's proposed regulatory action during the 60-day public comment period, which opened on July 16<sup>th</sup> and closes on September 14<sup>th</sup>. In accordance with Chapter 781 of the 2011 Virginia Acts of Assembly (HB1830) the Virginia Soil and Water Conservation Board authorized the establishment of new regulations that clarify and specify the criteria that must be included in a resource management plan and the processes by which a Certificate of RMP Implementation is issued and maintained. The intent of this regulatory action is to encourage farm owners and operators to voluntarily implement a high level of BMPs on their farmlands in order to be protective of water quality and for them to then benefit from the following legal provision stating that "notwithstanding any other provision of law, agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan, in accordance with the criteria for such plans set out in § 10.1-104.[8] and any regulations adopted thereunder, shall be deemed to be in full compliance with (i) any load allocation contained in a

total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment”.

The Department used the participatory approach to develop the proposed regulations. Following the publication of the Notice of Intended Regulatory Action regarding these regulations and the public comment period on the NOIRAs, the Department formed a Regulatory Advisory Panel to assist in the development of the proposed regulations. The nineteen member RAP was composed of stakeholder organizations within the agricultural and environmental community, representatives from the Soil and Water Conservation Districts and the Association, as well as those with technical expertise in agricultural planning. The RAP and the Department were provided technical support from Natural Resources Conservation Service, Farm Service Agency, Virginia Tech, Virginia Department of Agriculture and Consumer Services, Virginia Department of Forestry, and the Virginia Department of Environmental Quality. Between June 29, 2011, and February 14, 2012; the RAP held five meetings, and the RAP’s three subcommittees met a total of six times. Additionally, two of the subcommittees held a joint meeting. Following the completion of the RAP’s work, the Virginia Soil and Water Conservation Board proposed these regulations at their meeting held on March 29, 2012. Copies of the proposed regulations as published are located on the table near the attendance list.

We do want to note that all public comments received at these hearings and during the comment period will be carefully considered by the Department and the Board in developing final regulations. The Board’s recent regulatory actions demonstrate a history of being responsive.

This concludes my introductory remarks. I would like to introduce Robert Bennett, DCR’s Acting Stormwater Management Division Director who will provide information regarding what the proposed regulation does.

**Mr. Bennett:** Thank you Ms. Vucci.

Although many of you here this evening may be familiar with this regulatory action and the proposed regulations, for those who are not, we thought it would be useful to take about 15 minutes to provide a background on this action and what the key portions of the proposed regulations are. This presentation will present information in summary fashion; obviously, you should consult the hard copy of the regulations for specifics.

As a matter of background, the regulation has been developed to implement a process by which farmers may improve the water quality of Virginia’s rivers and the Chesapeake Bay through the voluntary implementation of a high level of BMPs on their property and thereby be certified for a 9-year period as being compliant with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment. Such action will protect the health, safety, and welfare of citizens through the water quality improvements that will result through implementation of the proposed regulations.

Within the Chesapeake Bay watershed, this regulatory action will address the Environmental Protection Agency's (EPA) established requirements within the state Watershed Implementation Plans (WIP) as part of a larger Chesapeake Bay Total Maximum Daily Load (TMDL) accountability framework. Virginia's Phase I WIP was approved by EPA on December 29, 2010. Additionally, as part of the accountability framework, the Commonwealth submitted preliminary milestones for 2012-2013 to EPA on November 4, 2011 and final programmatic milestones on January 6, 2012. These represent the first set of two-year milestone commitments associated with the Bay TMDL. Virginia submitted a draft Phase II WIP document on December 15, 2011 and a final Phase II WIP on March 30, 2012. This document supplements the strategies offered in Virginia's Phase I WIP. The resource management plan regulations are a component of the WIP and the milestones. The RMP regulations set forth specific criteria for the implementation of a suite of agricultural BMPs and will serve to promote greater and more consistent use of voluntary agricultural practices across the state. The RMP regulations, though voluntary, provide an incentive to farmers who utilize agricultural BMPs in that they will receive a "safe harbor" from future mandatory requirements related to the Chesapeake Bay TMDL. They may also be used as a baseline for participation in the expanded nutrient credit exchange program. By incentivizing such practices, the RMP program can serve as a mechanism for localities to implement their agricultural strategies and BMPs.

This regulatory approach was also determined to be the best path forward in order to meet the necessary nutrient and sediment reductions and to protect the health, safety, or welfare of citizens. In 2010, the Department of Conservation and Recreation developed several draft bills for the consideration of the Administration and the public that would have made livestock exclusion and nutrient management planning mandatory. These draft proposals were floated to stakeholders for comment. In response to these comments and discussions with stakeholders and the Administration and in lieu of these mandatory actions, a more progressive piece of legislation establishing a voluntary resource management plan approach was introduced and enacted by the General Assembly and Governor.

Accordingly, the resulting legislation [Chapter 781 of the 2011 Virginia Acts of Assembly (HB1830)] authorized the Virginia Soil and Water Conservation Board to establish new regulations that clarify and specify the criteria that must be included in a resource management plan and the processes by which a Certificate of RMP Implementation is issued and maintained.

As specified in the resulting law, it is the goal of these regulations to:

1. Be technically achievable and take into consideration the economic impact to the agricultural landowner or operator;
2. Include (i) determinations of persons qualified to develop resource management plans and to perform on-farm best management practice assessments; (ii) plan approval or review procedures if determined necessary; (iii) allowable implementation timelines and schedules; (iv) determinations of the effective life of the resource management plans taking into consideration a change in or a transfer of the ownership or operation of the agricultural land, a material change in the agricultural operations, issuance of a new or modified total maximum daily load (TMDL) implementation plan for the Chesapeake Bay or other local total maximum daily load water quality requirements, and a determination pursuant to Chapter 4 (§ 3.2-400 et seq.) of Title 3.2 that an agricultural activity on the land is creating or will create pollution; (v) factors that necessitate renewal or new plan development; and (vi) a means to determine full implementation and compliance with the plans including reporting and verification;

3. Provide for a process by which an on-farm assessment of all reportable best management practices currently in place, whether as part of a cost-share program or through voluntary implementation, shall be conducted to determine their adequacy in achieving needed on-farm nutrient, sediment, and bacteria reductions;

4. Include agricultural best management practices sufficient to implement the Virginia Chesapeake Bay TMDL Watershed Implementation Plan and other local total maximum daily load water quality requirements of the Commonwealth; and

5. Specify that the required components of each resource management plan shall be based upon an individual on-farm assessment. Such components shall comply with on-farm water quality objectives as set forth in subdivision B 4 [directly above], including best management practices identified in this subdivision and any other best management practices approved by the Board or identified in the Chesapeake Bay Watershed Model or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan.

On a statewide basis, the voluntary implementation of these regulations will provide substantial incentives to farmers to implement high priority water quality conservation practices and specifically within the Chesapeake Bay watershed, implementation will help the Commonwealth meet its commitments outlined in the Phase II Watershed Implementation Plan and provide for “agricultural certainty”.

This entire regulatory action involves the promulgation of a new Chapter of regulations (Chapter 70) by the Virginia Soil and Water Conservation Board titled Resource Management Plans (4VAC50-70-10 et seq.).

The key substantive elements of this proposed regulatory action include:

- Establishment of minimum standards of a resource management plan (4VAC50-70-40);
- Processes for the development, updating, and approval of a resource management plans by Resource Management Plan Reviewers (4VAC50-70-50) and (4VAC50-70-60);
- Processes to ensure the implementation of a resource management plan and for issuance of a Certificate of Resource Management Plan Implementation (4VAC50-70-70) and (4VAC50-70-80);
- Processes associated with conducting inspections by the RMP Reviewer and ensuring RMP compliance after Certificate issuance by the Department of Conservation and Recreation including issuance of deficiency notices and development and implementation of corrective action agreements (4VAC50-70-90) and (4VAC50-70-100);
- Procedures for the review of duties performed by local soil and water conservation districts ; (4VAC50-70-130) and
- Establishment of qualifications and certification processes for Resource Management Plan Developers and the issuance or revocation of a Resource Management Plan Developer Certificate by the Department of Conservation and Recreation (4VAC50-70-140).

Additional details on these key sections include the following:

- Section 4VAC50-70-40 sets out the **minimum standards of a resources management plan**. Depending on land use and whether the BMP requirements are applicable to the management unit and needed based on an on-farm assessment, the following requirements will apply:

- For all cropland or specialty crops:
  - § A nutrient management plan;
  - § A forest or grass buffer between cropland and perennial streams with a minimum width of 35 feet;
  - § A soil conservation plan that achieves a maximum soil loss rate to “T”; and
  - § Cover crops, when needed to address nutrient management and soil loss requirements.
- For all hayland:
  - § A nutrient management plan;
  - § A forest or grass buffer between cropland and perennial streams with a minimum width of 35 feet; and
  - § A soil conservation plan that achieves a maximum soil loss rate to “T”.
- For all pasture:
  - § A nutrient management plan;
  - § A pasture management plan or soil conservation plan that achieves a maximum soil loss rate of “T”; and
  - § A system that limits or prevents livestock access to perennial streams.
- Section 4VAC50-70-50 specifies the **components of a resource management plan** and includes:
  - The information to be collected by the RMP developer when developing the RMP,
  - Specifies the components to be included in a resource management plan such as the BMPs that are necessary to achieve the minimum standards set out in 4VAC50-70-40 and a schedule for the implementation of those BMPs, and
  - Includes RMP developer and owner or operator certifications as well as approvals to conduct inspections of properties within the management unit as needed to ensure the adequacy of the RMP in accordance with 4VAC50-70-70.
- Section 4VAC50-70-60 outlines processes associated with making **revisions to a resource management plan**.
  - Upon notification of the RMP review authority of a change in owner or operator of the management unit with a signed RMP where it involves the complete transfer of one or more RMPs and any Certificate of RMP Implementation:
    - § The review authority shall contact the new owner or operator within 60 days of the new owner or operator assuming control of the management unit regarding implementation of the RMP and any necessary revisions.
    - § The new owner or operator, following consultation with the review authority may elect to:
      - Implement and maintain the provisions of the existing RMP;
      - Request a RMP developer revise the RMP; or
      - Choose not to continue implementing a RMP.
  - Upon notification of the RMP developer by the owner or operator with a signed RMP that changes in the management unit or implementation of the RMP may create needs for revision, the RMP developer shall review the RMP (within 30 days) to determine if material changes to the management unit require a revision of the RMP.

- The section provides a listing of the material changes to the management unit that may require a revision of the RMP.
- A RMP developer will determine if revision of the RMP is required.
  - § When the RMP developer determines that revision of the existing RMP is not necessary, the RMP developer shall provide such determination to the requesting owner or operator in writing.
  - § When the RMP developer determines that revision of the existing RMP is necessary, the owner or operator may elect to:
    - Request the RMP developer revise the RMP as necessary to fulfill RMP requirements; or
    - Choose not to continue implementing a RMP whereupon the RMP for the management unit shall no longer be valid.
- The section specifies that when a new or modified watershed implementation plan is issued for the Chesapeake Bay or a new or modified local approved TMDL is issued which assigns a load to agricultural uses, a RMP covering land with waters that drain to such TMDL shall be deemed sufficient when the RMP has been revised to address the new or modified TMDL and the owner or operator agrees to implement the revised RMP, except when the owner or operator already holds a Certificate of RMP Implementation.
  - § When an owner or operator holds a Certificate of RMP Implementation that has not expired, the owner or operator may continue operation of the RMP without such revisions for the lifespan of the Certificate of RMP Implementation so long as the owner or operator is deemed to be fully implementing the RMP.
- Revision of a RMP by a RMP developer requires:
  - § If a Certificate of RMP Implementation has not been issued, the revised RMP shall be provided to the review authority and shall be subject to all specified review requirements.
  - § If a Certificate of RMP Implementation has been issued by the department and its duration has not expired, such existing Certificate of RMP Implementation shall remain valid for the balance of time remaining since it was originally issued by the department or a new Certificate of RMP Implementation may be issued where appropriate.
- Section 4VAC50-70-70 outlines the processes associated with **review of a resources management plan**. The process shall include the following:
  - Upon completion of a new or revised RMP, the owner or operator, or the RMP developer on behalf of the owner or operator, shall submit the RMP to the review authority.
  - Each soil and water conservation district shall establish a Technical Review Committee that will ensure the RMP fully meets the minimum standards of a RMP and the components of a RMP. The section also specifies the timelines for conducting the review and how the review will be handled if multiple districts are involved.
  - RMPs received by the department where no local soil and water conservation district exists must fully meet minimum standards of a RMP and the components of a RMP and shall be reviewed by the department. The section also specifies the timelines for conducting the review.

- When a RMP is determined by the review authority to be insufficient to meet minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50 such review authority shall work with the owner or operator and the RMP developer to revise the RMP.
  - Where a RMP is deemed sufficient the notification issued to the owner or operator and the RMP developer by the review authority shall include approval of the plan and its implementation.
  - When an owner or operator is aggrieved by an action of the review authority, the owner or operator shall have a right to appeal.
- Section 4VAC50-70-80 establishes the process for the **issuance of a Certificate of Resource Management Plan Implementation.** The process shall include the following:
    - Prior to issuance of a Certificate of RMP Implementation for a management unit, confirmation shall be made by the RMP developer that no revision of the RMP is required and as such is adequate, and verification of the full implementation of the RMP shall be completed.
    - The owner or operator shall request the verification of RMP implementation by the review authority in a format provided by the department. Such verification submittal shall include a complete copy of the RMP including any referenced plans and authorizations for the review authority and the department as specified to conduct onsite inspections.
    - When the local soil and water conservation district has determined the RMP to be adequate and fully implemented, the lead soil and water conservation district board shall affirm such adequacy and implementation, and submit the required documentation to the department for action. Upon receiving such documentation supporting that the plan is adequate and has been fully implemented, the department shall issue a Certificate of RMP Implementation.
    - Where the department is the review authority, the department shall determine adequacy and full implementation of the RMP. If the RMP is determined to be adequate and fully implemented, the department shall affirm such implementation by issuing a Certificate of RMP Implementation.
    - If the resource management plan is not adequate or has not been fully implemented, the review authority shall provide the owner or operator with written documentation that specifies the deficiencies of the RMP. The owner or operator may correct the named deficiencies and request verification of RMP adequacy or implementation at such time as the shortcomings have been addressed.
    - A Certificate of RMP Implementation shall be valid for a period of nine years.
    - Upon the expiration of the Certificate of RMP Implementation, a new RMP may be prepared by a plan developer for the management unit upon request by the owner or operator. The RMP must conform with all existing TMDL implementation plans applicable to the management unit to include the Chesapeake Bay and any local approved TMDL, which assign a load to agricultural uses and impact any portion of the management unit. The plan developer shall ensure the new RMP also complies with the current minimum standards of a RMP.

- The department shall maintain a public registry on the agency’s website of all current Certificates of RMP Implementation in accordance with confidentiality provisions specified in an exemption to the Freedom of Information Act.
- Section 4VAC50-70-90 outlines how periodic **inspections** of a management unit that has been issued a Certificate of RMP Implementation shall be performed. The section specifies that:
  - Inspections may be performed by the review authority or the department.
  - Onsite inspections shall occur no less than once every three years but not more than annually on lands where an active Certificate of RMP Implementation has been issued provided that no deficiencies have been noted that require more frequent inspections or re-inspections.
  - Upon the completion of the inspection, an inspection report shall be completed in a format provided by the department, to document the implementation of the RMP on the management unit and shall identify any identified deficiencies that may need to be addressed through revision of the RMP.
  - Where deficiencies are noted it authorizes the department to proceed pursuant to the section on compliance.
  - All inspections or re-inspections conducted in accordance with this chapter shall occur only after 48 hours of prior notice to the owner or operator unless otherwise authorized by the owner or operator.
- Section 4VAC50-70-100 on **compliance** outlines how deficiencies identified through an inspection shall be provided to the owner or operator and how a corrective action agreement shall be developed, reviewed, and subsequently agreed to unless otherwise revoked through inability to reach an agreement, failure of the owner or operator to fully implement the agreed upon corrective action agreement, or upon a request from the owner or operator. Timelines for every step of the process are provided in the section.
- Section 4VAC50-70-130 speaks to the **review of duties performed by soil and water conservation districts**. The section specifies that:
  - The department shall periodically conduct a comprehensive review of the RMP duties performed by each soil and water conservation district to evaluate whether requirements set forth by this chapter have been satisfactorily fulfilled.
  - The department shall develop a schedule for conducting periodic reviews and evaluations.
  - Each district shall receive a comprehensive review at least once every five years; however, the department may impose more frequent, partial, or comprehensive reviews with cause.
  - The section also speaks to how programmatic deficiencies will be addressed.
- Section 4VAC50-70-140 sets out the **RMP developer qualifications and certification** process. The section also outlines certification revocation procedures.

More information on these regulatory actions can be found on DCR’s website or the Virginia Regulatory Townhall at the addresses appearing on our handout on the back table. Public comment information is also included in the handout provided.



**Ms. Vucci:** Thank you Mr. Bennett.

Before we begin receiving testimony on the proposed regulations, I would like to stress that this is an information-gathering meeting. Everyone wishing to speak will be heard. However, due to the number of individuals present we ask you to limit your comments to 3 minutes and to address information that others may not have already covered. For your information, the timer located at the front of the room will monitor your time. If necessary, we may ask speakers questions concerning their testimony or to request additional information concerning a subject believed to be important to the process in order to help the clarify and properly capture your comments. Staff will be available after this hearing to take any individual questions you may have.

We will now begin the public comment portion of the hearing. When I call your name, please come to the front and use the podium. Please state your name and who you represent. If you have an extra copy of your comments, please provide it to us so that it may be utilized in developing the minutes of this hearing.

### **Public Comment Portion**

*Ed Craun*

I had planned to speak, but didn't plan for the media to record my comments. I have a question to ask after the meeting.

*Charlie Drumheller*

The comment that I would have would be that I think we're all a little leery of more government intervention with farms. This is a voluntary program. However, voluntary programs often work into mandatory programs. So of that I've got some concerns. However, that being said, I would like to say that this program has the potential to identify and put into the program farmers that are not on cost share and are not on a government program that have done best management practices. So I think in that sense, I do like the idea of the program. But again there is some hesitancy of embracing another government program on our farms. Thank you.

**Ms. Vucci:** There are no other names on the list indicating a desire to speak. Is there anyone else who would like to come forward and make public comment?

*Charles Horn*

I am a farmer, right now I'm speaking on behalf of the Headwater Soil and Water Conservation District. I see Soil and Water Conservation Districts mentioned a whole lot in this proposal. I'm wondering if Richmond has money to send to districts for the staff we are going to need to make this work. Our staff is fully occupied. We've got bigger workloads right now than we've got money to do it. If this goes into place where are we supposed to get the money to hire additional help? If Richmond has the money, I'm not opposed to the program. This is the first time I've seen anything about it or heard about it. I see an awful lot of things that look like they're written by a lawyer to me, but maybe it's a good program. I'm not sure about that, I'm not going to say. But I am concerned for Soil and Water Conservation Districts. If the money doesn't come to us to have the staff, we cannot take this workload on.

*Larry Wills*

I'm Larry Wills. I am member of the Augusta County Board of Supervisors. My main concern is that this meeting was not well publicized. I'm not sure how many of our farmers, my constituents, even knew about this meeting. To me to have a comment period like this and not have it in the paper and well publicized was a very big shortcoming on your part. As far as the voluntary part, I haven't seen what the voluntary issues are. But I would think that would be a concern of some of the farmers that have to implement it as to whether they're practical from that side. Because there's nothing in the regulation talking about the voluntary part other than the buffers. If there are voluntary things other than the buffers, that needs to be part of the public hearing so you can hear comments on that also. Thank you.

*Dan Jones*

I have some questions and the answers may generate some public comment. There are a lot of questions a lot of us have. I'm Dan Jones, a farmer in Augusta County.

I thought it was kind of interesting to get this and I was very disappointed that this was not very well publicized. I was shocked that we didn't have 200 people in here today. The only reason I would have found out about this was because I'm a member of Farm Bureau and they put out some information.

But actually the information that came out from the DCR website had the rules on it and it is not the copy I received tonight which is kind of disappointing. There are a couple of things in here, I have a significantly marked up copy back there. When I got this tonight I said "well, why should I even look at that?" At any rate, there are a couple of questions that I would have that look at technical aspects of this. One of those is a definition of perennial stream. I would like to have a definition of perennial stream. I think what we define as a perennial stream is important. At this point in time, we're looking for a definition of perennial stream potentially changing through the Clean Water Act and other things like that. And I think how that sets in here and what is called a perennial stream is a critical, because if we look at the buffer issue, and I'm not totally against buffers, I'm not totally against everything buffered. I guess what I'm looking at as we change these definitions of perennial streams. What is our definition of perennial stream and what are we going to be hung into? Do we have an answer for that or not?

**Ms. Vucci:** At this time I do not, other than to say that we're logging your comments so that we can respond in the next phase of the process

**Mr. Jones:** To me that's very important. We look at our particular farm; there are several blue lines on that. We had a Chesapeake Bay person comes out who said you need to buffer these. These do not run except in a heavy rain event. If we get two or three inches of rain they may run for like a day or a couple of hours, depending on the season. But they are going to be required to be buffered? In my perspective they're not perennial streams. That's a very critical piece of this buffer aspect. That's the most important one. The other question I had with this certification of RMP implementation. Is that the final product that we're looking for? Is the final thing the certification of implementation?

My question in this procedure is how far with the work loads of districts will be reasonable and so on. What time frame are we looking at between the implementation of this – is it January, February, whatever it is and the time a person can have their implementation certification in hand? I guess what I'm looking at is that we're in a time frame that is rapidly evolving and what we're going to be asked to do in the TMDL processes. Even though we have modeling, I don't believe we know yet what is really required or whether we're above the mark or below the mark in what we're requiring in the final implementation. Here we have a two year milestone or a four year milestone or whatever milestone we have out there. I would hope people would be looking for implementation plans. But what happens as we start implementation plans and these milestones are flipping on us and we don't know what's required? That's my concern. If I ask for an implementation plan can I get it in six months, a year, three months a year, is that milestone going to be the same then as it is now? What milestone are we going to use for that economic analysis? My concern as we go down this path, are we going to be asked to look at more subjects more things that we're looking at. My concern is if we do the certification we have a set thing that we're looking at. I understand that at our nine year rollover we could be looking at another ballgame, which is not very settling on my part.

My positive comment is I appreciate the thought of a safe harbor. But to tell you the truth I don't know what rocks are in the harbor. I'll bring my other comments in writing.

**Mr. Craun:** Mr. Bennett, I have a question for you, does the TMDL plan consider all agricultural use of land as pollution? The pollution definition according to the TMDL glossary from the EPA is defined as man-made or man-induced alteration of water. There's a few other words in there, such as man-made or man-induced of the chemical or physical, biological, radiological integrity of the water. Is agriculture pollution by this definition?

**Mr. Bennett:** We're here for information gathering, but your questions will be noted and addressed in the final reports.

### **Closing:**

**Ms. Vucci:** A handout is provided on the table outlining the public comment submittal procedures I am about to cover and the dates and locations of the remaining public meetings.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail to the Regulatory Coordinator at: Virginia Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219. Comments may also be emailed to the Regulatory Coordinator at: [regcord@dcr.virginia.gov](mailto:regcord@dcr.virginia.gov). Comments may also be faxed to the Regulatory Coordinator at: (804) 786-6141. All written comments must include the name and address of the commenter (e-mail addresses would also be appreciated). In order to be considered, comments must be received by midnight on September 14, 2012.

With that announcement, I would like to thank each of you for attending this meeting and providing us with your views and comments. This meeting is now officially closed. Staff will be available afterwards to take any individual questions you may have.

I hope that everyone has a safe trip home.

## **Members of the Public Present**

Jason Carter, Virginia Cattlemen's Association  
Ed Craun, Mt. Solon  
Blaine Delaney, NRCS  
Don Faulkner, Natural Bridge SWCD  
Tom Fitzgerald, Augusta County  
M. Elizabeth Hawpe, Ft. Defiance  
Tim Higgs, Harrisonburg  
Alston Horn, Chesapeake Bay Foundation  
Ann Jennings, Chesapeake Bay Foundation  
Rob Jennings, Nelson County  
Dan Jones, Augusta County  
George O. Jones, Bridgewater  
John Kaylor, Headwaters SWCD  
Joe McCue, F.O.M.R.  
James Merrymaker, Headwaters SWCD  
Kip Mumaw, Ecosystem Services, LLC  
Libby Norris, James City County  
Peggy Sanner, Chesapeake Bay Foundation  
Rick Shiftel, Headwaters SWCD  
Michael Shull, Raphine  
May Sligh, DCR  
Brian Wagner, Ecosystem Services, LLC and Headwaters SWCD  
Edith Welsh, Swoope  
Robert Whitescarver, Swoope  
Larry Wills, Augusta County Board of Supervisors