

**Virginia Soil and Water Conservation Board  
Thursday, May 17, 2007 – 9:30 a.m.  
Ivy Creek Foundation Education Building  
Charlottesville, Virginia**

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

Linda S. Campbell, Chair	Michael Altizer
Susan Taylor Hansen	Granville M. Maitland, Vice Chair
Joseph H. Maroon, Director, DCR	Richard E. McNear
Michael J. Russell	
Ray Dorsett for John A. “Jack” Bricker, NRCS, Ex Officio	

**Virginia Soil and Water Conservation Board Members Not Present**

Benjamin H. Graham	Jean R. Packard
Raymond L. Simms	

**DCR Staff Present**

Ryan J. Brown	William G. Browning
Nissa Dean	David C. Dowling
Michael R. Fletcher	Jack E. Frye
Carrie Hileman	Lee Hill
Mark B. Meador	Jim Robinson
Elizabeth Andrews, Office of the Attorney General	

**Others Present**

Alyson Sappington, Thomas Jefferson Soil and Water Conservation District  
Robin Knepper, Fredericksburg Free-lance Star  
Doug Rogers, Lake of the Woods  
John Bailey, Lake of the Woods  
Monira Rifaat, Culpeper SWCD  
Ricky Rash, Virginia Association of Soil and Water Conservation Districts

**Call to Order**

Chairman Campbell called the meeting to order and declared a quorum present. She expressed appreciation to the Ivy Creek Foundation for use of the facility.

**Approval of Minutes**

MOTION: Ms. Hansen moved that the minutes of the March 15, 2007 meeting be approved as submitted.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

**Director's Report**

Mr. Maroon gave the Director's report. He thanked the Ivy Creek Foundation for allowing the use of the facilities for the meeting.

Mr. Maroon reviewed the agenda. He noted that due to the need to address the suggested revisions to the Stormwater Regulations there might be a need to extend the July meeting to a two-day session.

Mr. Maroon said that at the last meeting the Board took a position regarding SB1301 and asked the Governor to veto the bill. Many Soil and Water Conservation Districts, the Bay Foundation and other partners in the conservation community also encouraged the Governor to veto the bill. The Governor did veto that legislation after his attempt to amend the legislation during the reconvened session failed.

Mr. Maroon said that there is ongoing discussion with regard to dealing with CSO. The Governor recognized that both the CSO issue and nonpoint source issues are substantial.

Mr. Maroon said that with regard to the Agricultural Stewardship Act appeal, Mr. Spenard has submitted a complete agricultural stewardship plan that has been approved by both the Tri-Cities/County SWCD and VDACS.

While the plan calls for the initiation of work to install the required measures by June 15, VDACS advised that Mr. Spenard has already begun implementing some of the plan's requirements. The plan requires full implementation by October 15, and includes reseeded and other measures aimed at restoring the pasture, as well as efforts directed toward prevention of any remaining sediment runoff on to Mr. Buchanan's property.

VDACS has been in constant contact with Mr. Buchanan throughout the process and has delivered a copy of the final plan to him.

Mr. Dowling noted that for the record, the Board needed to approve the minutes of the January 19, 2007 Agricultural Stewardship Act hearing.

MOTION: Ms. Hansen moved that the minutes of the January 19, 2007 Agricultural Stewardship Act hearing be approved.

SECOND: Mr. Altizer

DISCUSSION: Mr. Altizer noted that there were several typographical errors, including the misspelling of names in the report submitted by the transcriptionist.

Ms. Campbell echoed those concerns.

Ms. Hansen noted that none of the necessary corrections were substantive in nature and suggested that the minutes be approved and staff make editorial changes as necessary.

VOTE: Motion carried unanimously

Mr. Maroon said that at the end of the March meeting, some concerns were raised by Board members regarding a statement contained in the first edition of the HB 1150 report that seemed to imply that the funding formula for the WQIF might be changed to give more funding to the Bay portions of VA at the expense of the Southern Rivers. DCR conveyed this to the Secretary's Office. Mr. Maroon said that DCR wanted to assure the Board again that nothing was imminent and that it would require General Assembly action to accomplish, if it was ever proposed.

### **Briefing on Cost Share Program Funding and Modifications for FY 2008**

Mr. Frye reviewed the projected spending plan for the additional \$3.8 million received in Water Quality Improvement Funds.

An outline of that projected spending plan is included as Attachment #1.

Mr. Frye said that FY08 funds were being added to funds already allocated.

Mr. Maroon said that the Governor had proposed \$7.5 million, but that the General Assembly finally approved \$3.8. He noted that nothing has been approved after 2008 and that there is no assurance for additional funding for this program. The projected expenditures were to make the best plans for spending the money that is approved.

Mr. Frye said that the money listed in FY09 and FY10 is money that is already available and that has been programmed out for these years.

Ms. Campbell said that this information was provided as background information for Board members. As there was no action required by the Board, specific concerns should be addressed with DCR staff.

### **Soil and Water Conservation District Related Topics**

Mr. Meador reviewed the Soil and Water Conservation District topics. He referenced a brochure entitled "Conservation and the Bottom Line" regarding Virginia's Agricultural Best

Management Practices Cost Share program. This brochure has just been produced and released as part of the McFadden-Clay marketing campaign.

Mr. Meador reviewed the changes in the Agricultural BMP Cost-Share Program beginning July 1, 2007. A copy of the handout is included as Attachment #2.

Mr. Meador said that DCR has manuals available and will provide training regarding these changes.

#### *Director Resignations and Appointments*

Mr. Meador presented the list of District Director Resignations and Appointments.

##### *Blue Ridge*

Resignation of Broaddus C. Fitzpatrick, City of Roanoke, effective 4/30/07, elected director position (term of office expires 1/1/08).

##### *Colonial*

Resignation of Robert L. Hicks, City of Williamsburg, effective 1/1/07, elected director position (term of office expires 1/1/08).

Recommendation of Gregory Hancock, City of Williamsburg, to fill unexpired elected term of Robert L. Hicks (term of office to begin on or before 6/16/07 – 1/1/08).

##### *Halifax*

Resignation of Traci R. Talley, Halifax County, effective 3/2/07, Extension Agent director position (term of office expires 1/1/09).

##### *Pittsylvania*

Recommendation of Jamie Stowe, Pittsylvania County, to fill unexpired Extension Agent term of Bruce Jones (term of office to begin on or before 6/16/07 – 1/1/09).

##### *Skyline*

Resignation of Allen Sisson, Montgomery County, effective 3/21/07, elected director position (term of office expires 1/1/08).

Recommendation of Jim Snyder, Montgomery County, to fill unexpired elected term of Allen Sisson (term of office to begin on or before 6/16/08 – 1/1/08).

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board accept the list of District Director Resignations and Appointments as presented by staff.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

*Request to adopt Changes to the FY07 Performance Deliverables for SWCD Operational Funding Issued by DCR*

Mr. Meador reviewed the change to the document entitled “*FY07 Performance Deliverables for SWCD Operational Funding Issued by DCR.*” A copy of this document is included as Attachment #3.

MOTION: Mr. Altizer moved that the document “*FY07 Performance Deliverables for SWCD Operational Funding Issued by DCR*” be approved as amended.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

**Adoption of Revisions to Financial Assistance Policy for SWCDs**

Mr. Meador referenced a handout entitled “*FY08 Funds Available to Support SWCD Operational Expenses.*” This handout included the Board policy regarding the financial commitments for the establishment of a New SWCD or a realignment of an existing District. A copy of this handout is available from DCR.

Ms. Campbell said that this document showed the DCR recommendation for dealing with the additional \$300,000 in funding for FY08.

Mr. Rash said that the Association supported the allocations of \$1,000 each for the Thomas Jefferson and Blue Ridge Districts as well as the \$25,000 for public noticing of elections and an additional \$12,000 for the Association grant agreement.

Mr. Rash said that the Association could not meet commitments without a full \$32,000 from this funding.

Ms. Campbell asked what the amount would cover.

Mr. Rash said that it would include Association participation in the DEQ and DCR Technical Advisory Committees as well as participation with more regional events with Directors. Mr. Rash said funds that go to VASWCD are an investment. He said the biggest increases are in travel and printing.

**MOTION:** Mr. Maitland moved that the Virginia Soil and Water Conservation Board accept the proposed distribution of the \$300,000 as presented by staff with the inclusion of up to \$32,000 to the Virginia Association of Soil and Water Conservation Districts in reimbursable grant money.

**SECOND:** Ms. Hansen

**DISCUSSION:** Mr. Maroon said that this was the Board's decision, but noted that previously the Association had been receiving \$15,000 "base" plus \$,5,000 "supplemental." This action would more than double that amount. He suggested that perhaps the Association might request funding from the Districts rather than asking for funds off the top of the allotment.

Mr. Maroon said it would be beneficial for the Board to have a full discussion regarding the \$32,000, what it would cover and whether that action is supportable.

Mr. Maroon said that DCR could increase their "base" commitment to the Association from \$15,000 to \$20,000.

Mr. McNear said that the Association does a lot for Districts and should be funded from the District level. He said it would be wrong to use these funds to support the Association.

**ACTION:** With no consensus on the use of the additional \$12,000, the motion was withdrawn.

**MOTION:** Mr. Altizer moved that the \$261,000 of the \$300,000 be distributed on an equal basis to the 47 Districts and that an additional \$12,000 be held in reserve to determine use at a later date.

**SECOND:** Mr. Maitland

**DISCUSSION:** Mr. McNear noted that this was not a fair assessment for multi-county districts.



additional funding to all, or specific districts, to ensure equitable and fair distribution of funds and treatments of districts.”

Mr. Meador noted that there were not sufficient funds to bring each District to the \$111,000 funding level, but that Attachment A outlines what the Board believes essential funding should be.

VOTE: Motion carried unanimously

Mr. Meador presented two scenarios for the distribution of funding. He said that these scenarios give guidance to DCR as to how the funds will be allocated until such time that sufficient funding is available to reach the \$111,000 in essential funding.

MOTION: Ms. Hansen moved that until such time as sufficient funds are available for every SWCD to annually receive the amount established as the “Total Costs Approved” within Attachment A of the SWCD funding policy (*Financial Assistance for Soil & Water Conservation Districts*), the Board shall exercise part III (*Additional Funding Provisions*) of its policy and annually continue the distribution of the \$221,740 provided through part II (*Financial Support to Address Water Quality Priorities of the Commonwealth*) as allocated to 47 SWCDs during fiscal year 2007.

SECOND: Mr. Altizer

DISCUSSION: Mr. Meador explained that the amount was reached by subtracting District Director Travel and Training Expense and dividing the remaining amount by the 47 Districts.

VOTE: Motion carried unanimously

At this time the Board recessed for lunch.

### **Erosion and Sediment Control Program**

#### *Update on ESC Program Reviews*

Mr. Hill gave the update on the Erosion and Sediment Control Program Reviews.

He reviewed the Local ESC Program Review Status Summary for Fiscal Years 2005, 2006, and 2007. A copy of this document is available from DCR.

Mr. Hill noted that staff was recommending that the Town of Haymarket and the Town of Dumfries be determined inconsistent.

He noted that staff would recommend an additional four localities to be inconsistent at the July Board meeting.

Mr. Maroon said that this is an evolving program and that staff is working to determine the best format for presenting this information.

Mr. Hill said that staff was asking for the Board's concurrence to ask the six localities in question to appear before the Board to provide an update with regard to efforts to meet noted deficiencies.

Mr. Maroon said that this was not changing the compliance option, but was establishing a procedure.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board authorize the Director to write the six localities listed below to request that they appear at the July 19, 2007 Board meeting to address deficiencies in their local ESC programs. The localities are:

Town of Buena Vista  
Town of Dumfries  
Essex County  
Town of Haymarket  
Town of Occoquan  
Shenandoah County

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

*Local Programs Recently Found Consistent - City of Danville; City of Portsmouth; Town of Ashland; Halifax County*

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board commend the City of Danville, the City of Portsmouth, the Town of Ashland and Halifax County for successfully improving their respective Erosion and Sediment Control Program(s) to become fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

*Initial Acceptance for Staff Review of Alternative Inspection Program - City of Danville; Montgomery County; Isle of Wight County; Shenandoah County*

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program(s) for the City of Danville and the Counties of Montgomery, Isle of Wight and Shenandoah and that the Board concur with staff recommendation and accept the City/County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Hill provided a handout entitled "Local Program Review Documents." A copy of this handout is available from DCR.

Mr. Hill said that this document was for Board information purposes to update them regarding the process since 2005.

*Approval of Linear Project Standards and Specifications - Spectra Energy/ETNG; Virginia Cable Telecommunications Association; Washington Gas*

MOTION: Mr. Maitland moved that the Virginia Soil and Water Board receive the staff update concerning the review of the 2007 annual standards and specifications for electric, natural gas, telecommunications and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2007 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law and further that the Board request the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2007 must be submitted by June 22, 2007. The following information must be submitted for each project:

- Project name (or number)
  - Project location (including nearest major intersection)
  - On-site project manager name and contact information
  - Project description
  - Acreage of disturbed area for project
  - Project start and finish dates
2. Project information unknown prior to June 22, 2007 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address [linearprojects@dcr.state.va.us](mailto:linearprojects@dcr.state.va.us).
  3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address [linearprojects@dcr.state.va.us](mailto:linearprojects@dcr.state.va.us). The information to be provided is name, contact information and certification number.
  4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

Variances were requested for Minimum Standard 16.a and Minimum Standard 16.b. The responses to the requests for the variances are as follows:

1. Minimum Standard 16.a: The project may have more than 500 linear feet of trench length opened at one time provided that all trenches in excess of 500 feet in length are adequately backfilled, seeded and mulched at the end of each work day and adjacent property and the environment are protected from erosion and sediment damage associated with the regulated land disturbing activity.
2. Minimum Standard 16.b: The variance to this criteria is not necessary due to Minimum Standard 16.f which allows applicable safety regulations to supersede the Virginia Erosion and Sediment Control Regulations.

Companies recommended for conditional approval with the 4 conditions are:

Gas: Washington Gas; Spectra Energy/ETNG

Companies recommended for conditional approval with the 4 conditions and the variance requests for Minimum Standard 16.a and 16.b are:

Telecommunications: Virginia Cable Telecommunications (VCTA)

SECOND: Mr. Altizer  
DISCUSSION: None  
VOTE: Motion carried unanimously

*Variance Approval for Potomac Expansion Project - Transco/Williams*

Mr. Hill said that the Board had previously given the Director the authority to address requested variances that may occur at such times, that bringing the issue to the Board meeting is not practical.

Transco/Williams indicated that their project could not continue with only 500 ft. of open trench. DCR authorized Transco/Williams to have up to 3,000 ft of open trench, but not for a period of more than 30 days.

**Stormwater Management Program**

*Update on General Permit Issuance*

Mr. Hill gave the update on General Permit Issuance. He said that staff is working to organize the data in a different manner giving distinctions between general private projects and VDOT projects.

FY2005

From January 29, 2005 through June 30, 2005 there were 704 private permits and 66 VDOT permits for a total of 770.

FY2006

From July 1, 2005 through June 30, 2006 there were 2,433 private permits and 245 VDOT permits for a total of 2678 projects.

FY07

From July 1, 2006 to date there have been 1904 private projects and 175 VDOT projects for a total of 2079.

## **Update on Regulatory Reviews**

### *Stormwater Regulation Update*

Mr. Dowling gave the update regarding Stormwater Regulation actions.

Mr. Dowling said that as reported previously, further meetings of the Technical Advisory Committee had been temporarily delayed in order to discuss the draft regulations with the Environmental Protection Agency and to have the Center for Watershed Protection assess whether the regulations and the incorporated load limits were reasonable and achievable.

In terms of the EPA, draft regulations were submitted to EPA for review on December 21<sup>st</sup>, 2006. Preliminary comments on the draft regulations were received from EPA on March 2<sup>nd</sup>, 2007. Overall, they characterized the regulations as an “exciting and innovative product”. A conference call was held with them on March 22<sup>nd</sup> to discuss their comments in greater detail. Based on these conversations, DCR believes it will be able to address EPA’s issues.

In terms of the Center for Watershed Protection study, meetings were held with the Center’s project manager on February 28<sup>th</sup>, March 19<sup>th</sup>, and May 7<sup>th</sup> to review project progress and results. A draft final report was received from CWP on May 11<sup>th</sup> and the results were posted on DCR’s regulatory page for the TAC’s consideration.

In order to advance revisions to the regulations due to EPA comments and CWP results, DCR has held discussions and drafting meetings on March 21<sup>st</sup>, April 2<sup>nd</sup>, May 9<sup>th</sup>, and May 18th (scheduled).

To get the ball rolling again, TAC meetings have been scheduled for May 22nd and June 14th. The May 22nd agenda will include a review of the Center for Watershed Protection report as well as a discussion of potential revisions to the draft proposed regulations. At the June 14th meeting, staff anticipates reviewing potential revisions to Part 3 (local programs section) to address EPA comments.

It remains the hope to bring the proposed regulations to the Board at the July 19th meeting should discussions go well.

In addition to the regulatory action, DCR has begun both the development of the BMP Clearinghouse and updates to the Stormwater Handbook. Committees are being developed for each of these activities. These are the other pieces of the process that the TAC wanted to make sure were following parallel tracks with the regulatory amendments.

Mr. Dowling said that a presentation on our regulations was given by Eric Capps at the Environment Virginia Conference at VMI in April and was well received. Additionally the CWP provided a discussion of some of the work that they have conducted for DCR and others at the Conference.

### *Stormwater MS4 General Permit Regulatory Update*

Mr. Dowling gave an update on the Stormwater MS4 General Permit Regulatory action.

At the September 28<sup>th</sup> meeting, the Board gave DCR authority to initiate a regulatory action to amend the small Municipal Separate Storm Sewer System (MS4) General Permit

On February 13<sup>th</sup> the NOIRA was filed at the Board's request.

The 30-day public comment period opened on March 5<sup>th</sup> and closed on April 4<sup>th</sup>.

DCR mailed out approximately 340 notices of the NOIRA and the regulatory Town Hall sent notices to 738 individuals.

As a result of the public comment period, DCR received 8 comments and 16 requests to be placed on the TAC.

Since the closure of the public comment period, DCR has developed a TAC. Members have been contacted by phone, sent a letter of appointment from the Director, and have been provided initial meeting information via e-mail.

The first meeting has been set for June 19<sup>th</sup> at the Virginia Science Museum. The Institute of Environmental Negotiation has been selected to provide facilitation services. Additional meetings are expected to be set for late July and mid August.

The proposed timeline for the regulation is to bring the proposed regulation to the Board at the September 20<sup>th</sup> meeting.

A 60-day public comment period will begin on October 15<sup>th</sup>.

DCR hopes to bring the Final regulation to the Board at the January 18<sup>th</sup>, 2008 meeting and would expect to have the amended General Permit regulation in place sometime in March.

### *Dam Safety Regulations*

Mr. Dowling gave the update on Dam Safety Regulatory actions.

The regulations are still progressing through the regulatory process. Since the Board meeting DCR has submitted the proposed regulation and supporting documentation for Administrative review. The package was submitted on March 20<sup>th</sup>.

Department staff met with DPB to discuss the regulations and the analysis on April 5<sup>th</sup>.

The Department of Planning and Budget completed their Economic Impact Analysis on May 4th. In general the analysis fairly represented the proposed regulations. DCR has since completed the response to DPB's analysis and will be posting it this week.

A meeting with the Secretary of Natural Resources is scheduled for early June to continue moving the regulation along through the Administrative review process.

Upon completion of the Administrative review, the regulation will go out for a 60-day public comment period and public hearings.

DCR remains hopeful that a final regulation can be brought to the Board at the November 15<sup>th</sup> meeting.

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

Mr. Browning presented the list of Dam Safety Certificate and Permit recommendations.

#### *Enforcement Actions*

Mr. Browning gave an update on the Enforcement Actions. A copy of the update is available from DCR.

There were no recommended Board actions.

#### *Conditional Operation and Maintenance Certificate Recommendations*

Mr. Browning presented the Conditional Operation and Maintenance Certificate Recommendations.

00351	Peacock Hill Dam	ALBEMARLE	Class III Regular	11/30/08
09513	Cranstons Pond Dam	JAMES CITY	Class III	1/31/08
14104	Squall Creek Dam	PATRICK	Class II Regular	11/30/07

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the Conditional Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning gave the following updates to the March 15, 2007 status on Lake of the Woods Dam, Inventory Number 13701:

1. Construct a floodwall at the low area, right of the embankment by February 28, 2007 – the As-Built plans for the construction of the floodwall, with the dam owners engineer's professional seal affixed have been received.
2. Modify the dam's existing spillway and install a new water control gate (Obermeyer Hydro Gate) by February 28, 2008 – the engineering design plans and specification plans that had not been received on March 15, 2007 were received on March 19, 2007, (in advance of the Board's extension date of March 31, 2007). Based on an April 17, 2007 discussion of the engineering design plans and specifications between DCR Dam Safety Staff, LOWA General Manager, John Bailey and LOWA's engineer, Don Rissmeyer, it appears that LOWA is on schedule to deliver the materials to DCR Dam Safety staff by early to mid June. Staff is to review these materials and advise the Board at its July Meeting if the materials are technically adequate for Staff to recommend that the Board issue an Alteration Permit in September 2007.

*Regular Certificates*

Mr. Browning presented the Regular Operation and Maintenance Certificate Recommendations.

00325	Upper Mint Springs Dam	ALBEMARLE	Class II Regular	5/31/13
00368	Middle Mint Springs Dam	ALBEMARLE	Class II Regular	5/31/13
03126	Hutchinson Dam	CAMPBELL	Class III Regular	5/31/13
04132	Spruance Polishing Dam	CHESTERFIELD	Class III Regular	5/31/13
05931	Fairview Lake Dam	FAIRFAX	Class I Regular	5/31/13
07503	Dover Lake Dam	GOOCHLAND	Class II Regular	5/31/13
08906	Marrowbone Creek Dam #1	HENRY	Class I Regular	5/31/13
08918	Patriot Centre Storm Pond 2	HENRY	Class III Regular	5/31/13
68001	Scotts Mill Dam	CITY OF LYNCHBURG	Class II Regular	5/31/13
80017	C-Pond Dam	CITY OF SUFFOLK	Class II Regular	5/31/13

Mr. Maitland noted that he would abstain from action regarding Spruance Polishing Dam, Inventory #04132.

**MOTION:** Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendations as presented by DCR staff with the exception of Spruance Polishing Dam, Inventory #04132 and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendation for Spruance Polishing Dam, Inventory #04132 and that staff be directed to communicate the Board actions to the affected dam owner.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried with Mr. Maitland abstaining

*Construction and Alteration Permits*

Mr. Browning presented the Construction and Alteration Permit recommendations.

00351	Peacock Hill Dam	ALBEMARLE	Class III Alteration	5/17/07 – 11/30/07
01501	South River Dam #26	AUGUSTA	Class I Alteration	5/17/07 – 5/31/09
07305	Cow Creek Mill Pond Dam	GLOUCESTER	Class II Alteration	5/17/07 – 5/31/08
08703	Gillie Creek Dam	HENRICO	Class II Alteration	5/17/07 – 9/30/08
09513	Cranstons Pond Dam	JAMES CITY	Class III Alteration	5/17/07 – 1/31/08
15504	Hogan Dam	PULASKI	Class I Alteration	5/17/07 – 3/31/08
17709	Fawn Lake Dam	SPOTSYLVANIA	Class II Alteration	5/17/07 – 5/31/08
17710	Lee Lake Dam	SPOTSYLVANIA	Class II Alteration	5/17/07 – 11/30/08
18701	Lake of the Clouds Dam	WARREN	Class II Alteration	5/17/07 – 5/31/08

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR staff and that staff be directed to communicate the Board action to the affected dam owners.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

*Extensions*

Mr. Browning presented the list of Extension actions.

00385	Mountain Valley Dam No. 1	ALBEMARLE	Class II Conditional	9/30/07
06515	Andersons Dam	FLUVANNA	Class III Conditional	3/31/08
06521	Fluvanna CCW Dam	FLUVANNA	Class III Conditional	9/30/07
07912	Twin Lakes Dam #2	GREENE	Class III Conditional	1/31/08
07913	Twin Lakes Dam #1	GREENE	Class III Conditional	1/31/08
10934	South Anna Dam #22	LOUISA	Class II Regular	9/30/07
10936	Lake Ellen Dam	LOUISA	Class III Regular	9/30/07
13901	Dry Run #102 Dam	PAGE	Class I Conditional	11/30/07
15506	Lake Powhatan Dam	PULASKI	Class II Conditional	7/31/07
16301	Goshen Dam	ROCKBRIDGE	Class I Conditional	7/31/08
16503	Lower North River #83	ROCKINGHAM	Class I Conditional	9/30/07
16506	Lower North River #81C	ROCKINGHAM	Class I Conditional	5/31/08
16507	Lower North River #82	ROCKINGHAM	Class I Conditional	9/30/07
17104	Woodstock Dam	SHENANDOAH	Class I Conditional	9/30/07
17710	Lee Lake Dam	SPOTSYLVANIA	Class II Conditional	11/30/08
18709	Apple Mountain Lake Dam	WARREN	Class II Conditional	11/30/07
18711	Apple Mountain Upper Lake	WARREN	Class II Conditional	11/30/07

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

**Partner Agency Reports***Natural Resources Conservation Service*

Mr. Dorsett gave the report for the Natural Resources Conservation Service. A copy of the report is included as Attachment # 4.

*Department of Conservation and Recreation*

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy of the report is included as Attachment # 5.

### **Public Comment**

Monira Rifaat, Area II Chair asked about the performance deliverables document provide by Mr. Meador. She asked what Districts were expected to do with regard to natural resources.

Mr. Meador said that was a broad statement regarding conservation practices.

Ms. Rifaat asked about the Governor's 400,000-acre land conservation goal and whether Districts hold easements.

Mr. Meador said that some Districts do hold easements, some in relation to CREP programs. These are perpetual conservation easements.

Mr. Maroon said there could also be instances where the District is working with the landowner and can refer land preservation questions to DCR, the Nature Conservancy or the Virginia Outdoors Foundation. He said the intent was to raise awareness for the Governor's highest priority rather than to add another particular activity to the expectations.

Mr. Russell said that he would like to see a requirement that Districts register with the eVA procurement program available to them through the Commonwealth.

Ms. Campbell suggested this information could be communicated to Districts, but not necessarily listed as an expectation.

Mr. Meador noted that the language of the agreements speak to fiscal management and that it might be possible to add a reference in the text of the agreement. Districts may purchase through the state contracts, but must be registered with eVA.

### **Other Business**

There was no other business.

### **Future Meetings**

Future meetings are scheduled for July 19, September 20 and November 15.

Mr. Maroon said that it may be necessary to extend the July 19 meeting to a two-day meeting as there could be several significant items on the agenda.

It was suggested that the Board hold the dates of July 19 and 20 with the hopes of concluding business by noon on Friday, July 20. The meeting will be held in the Richmond area.

**Adjourn**

Being no further business, the meeting was adjourned.

Respectfully submitted,

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Linda S. Campbell  
Chair

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Joseph H. Maroon  
Director

## Attachment #1

**Spending Plan WQIF \$3.8m with 60-40 Split****OBLIGATION SCHEDULE**

Available Funds					
Fiscal year	FY06	FY06 Suppl	FY07	FY08	
Total WQIF	30,164,000	39,608,000		3,800,000	
Ag BMP C-S	20,000,000	28,000,000		3,000,000	
CREP	2,514,910	860,000		0	
WQ initiatives	1,250,000	1,500,000		600,395	
Coop. NPS Grants	3,000,000	3,536,550		0	
Reserve	3,399,690	5,712,250		199,605	

60/40 Distribution FY08 Ag BMP C-S Obligations	1,800,000 Chesapeake Bay 60%
	1,200,000 Southern Rivers 40%
Total	3,000,000

**EXPENDITURE SCHEDULE**

	Projected Funds Expenditure by Fiscal Year				
	Spent FY06	Current Spending FY07	Proposed Spending FY08	Proposed Spending FY09	Proposed Spending FY10
Ag BMP C-S	10,000,000	16,660,000	18,500,000	4,850,000	1,000,000
CREP	2,514,910	860,000	0		
WQ initiatives	1,250,000	2,130,000	600,395		
Coop. NPS Grants	2,370,000	3,536,550	0		

<b>Ag BMP C-S Detail for above*</b>					
	FY06	FY07	F708	F709	FY10
Bay: Base - all practices	4,000,000	4,000,000	3,000,000		
Bay: Priority practices FY06 funds	2,000,000	3,000,000	4,000,000		
Bay: Nut Mgmt Contracts FY08-10			600,000	600,000	600,000
Bay: Contractual FY07-09 w/ FY06 funds	0	2,000,000	2,450,000	2,850,000	
Bay: Targeted TMDL FY06 funds		750,000	750,000		
<i>BAY Sub-total</i>	6,000,000	9,750,000	10,800,000	3,450,000	600,000
SR: Base - all practices	3,000,000	3,000,000	2,000,000		
SR: Priority practices		1,500,000	2,500,000		
SR: Nut Mgmt Contracts FY08-10			400,000	400,000	400,000
SR: Contractual FY07-09 w/FY06 funds		500,000	500,000	100,000	
SR: Targeted TMDL	1,000,000	1,900,000	2,300,000		
<i>SR Sub-total</i>	4,000,000	6,900,000	7,700,000	1,400,000	400,000
<b>TOTAL C-S Program</b>	10,000,000	16,650,000	18,500,000	4,850,000	1,000,000

Attachment #2

**AG. BMP COST-SHARE PROGRAM – SUMMARY OF CHANGES  
 TO THE 2008 (JULY 1, 2007 – JUNE 30, 2008) Program**

<b>Practice # or Impact of change</b>	<b>Changes to be implemented</b>	<b>DCR Director's Action</b>
<b>Funding commitments and use of new \$3.8 M</b>	<b>\$3.8 M- \$200K = \$3.6M Hold \$600,000 for Water Quality Initiatives Dedicate \$3M to new NMP Writing &amp; Implementation contracts for next 3 years</b>	Approved
Insert Extreme Act of Nature (EAN) to allow local accommodation to weather related breach of contract	Provides guidance for BoDs to allow cover crop participants to delay (up to 14 days) planting or not planting due to extreme acts or nature that impact germination or growth of winter cover without incurring prejudice in future years or breach of contract actions.	Approved
WP-4F Animal Mortality Incinerator	Provides a new 75% cost-share option to encourage incineration rather than burial of deceased animals	Approved
SL-8C Contracted Cover Crop & SEC-1 Stream Exclusion Contract	Do Not fund in PY 2008 Do Not fund in PY 2008	Approved Approved
SL-3 (Strip-cropping systems), SL-3B (Buffer Strip-cropping), SL-4 (Terrace Systems), WP-3 (Sod Waterway), WP-6 (Ag. Chem. & Fert. Facility), SL-8B (after the 1 <sup>st</sup> year of CS funding)	Include language that requires the implementation of a NM Plan for eligibility to receive cost-share approval.	All approved.
SL-15B Continuous No Till Forage Production System	Refines existing practices and provides a new option to bring in operators that are not currently utilizing no till, does not require leaving residue; \$10/year for 5 years.	Approved
SL-8H Harvestable Cover Crop	Adds a new option to encourage planting of cover crops on land currently setting fallow during the winter. Early planting date only, \$20/acre	Approved
Increase per applicant per year cap and WP-4 Animal Waste Control Facility	Increase cost-share cap to \$70,000/applicant/yaer and Increase cost-share cap on animal waste practice (WP-4) to \$100,000	Not Approved for 2008 program
SL-11B	Add slab in front of chicken Houses and litter stacking sheds to facilitate collection of spilled litter to list of <i>Tax credit eligible</i> components	Not Approved for 2008 program

## Attachment #3

DRAFT DCR/SWCD Grant Agreement No. «AgreementN»

ATTACHMENT A |

**Soil & Water Conservation District (district)**  
**FY ~~2006-2007~~2007-2008 Performance “Deliverables”**

For Acceptance of DCR Funds to Carry Out This Agreement

and for Operating Expenses to the Extent That Funding Permits

- Administer and provide technical assistance with nonpoint source pollution reduction and related natural resource conservation efforts including support and/or implementation of the following:
  - The Virginia Agricultural BMP Cost-Share program
  - The Virginia Agricultural BMPs Tax Credit Program
  - Virginia Water Quality Improvement Act
  - Conservation Reserve Enhancement Program
  - Voluntary BMP installation by property owners/managers
  - TMDL (Total Maximum Daily Load) development and implementation processes**
  - Agricultural Stewardship Act
  - BMP Revolving Loan Program
  - Small Business Environmental Assistance Fund Loan Program**
  - Support the Governor’s 400,000 acre land conservation initiative**
- Wherever applicable, actively participate in the local development and implementation of:
  - Tributary Strategies
  - Small Watershed Management plan development
  - Sound land use planning approaches
  - Environmental Education programs
  - Chesapeake 2000 Agreement goals
  - **Nutrient management plans**
- Deliver local natural resource conservation programs with consideration to resource needs and issues affecting watersheds within the district, and watersheds that flow beyond the district boundaries.
- Support and foster partnerships with local governments, the agricultural community, agencies, organizations, councils, roundtables and others to protect soil resources, to improve water quality and further natural resource conservation.
- Hold monthly meetings with a quorum of district board members present.
- Develop and maintain a longer term plan that enhances district capabilities, on a 4 year cycle consistent with the election cycle of district directors, through a facilitated process with participation by district stakeholders. Review of the plan is expected at least annually during a scheduled meeting of the district board. Plans should include watershed priorities.
- Prepare and follow an annual plan of work that connects to the district’s longer term plan.
- Submit meeting minutes from all routine and special meetings of the district board and a copy of district publications (including an annual plan of work, an annual report, the longer term 4 year plan) to the district’s assigned Conservation District Coordinator (CDC).
- Submit quarterly financial reports to request funding drawdowns from DCR to the district’s assigned CDC.
- Maintain employee position descriptions, performance expectations and the district personnel policy; conduct timely employee evaluations. Provide the district’s assigned CDC with a copy of employee position descriptions and the district personnel policy once updated documents are resolved.
- Provide data, and other information needed for preparation of legislated studies and reports that pertain to programs and services delivered by SWCDs, as requested by DCR to support nonpoint source pollution reduction initiatives that improve water quality.
- Ensure staff implementing the Virginia Agricultural BMP Cost-Share Program, and other agricultural related programs, seek and maintain needed conservation planning certification and job approval authority for appropriate BMPs within the service area of the district.
- Complete and submit an annual report in a format provided by DCR, reflecting local participation in the agricultural programs and services implemented by the district.
- In the interest of local community public health, safety and water quality, assist DCR by notifying DCR of any dams that the district may have identified that could threaten life or property and dams that were formerly non-regulated prior to the July 1, 2002 change in the Code of Virginia which pertains to the definition of impounding structures.

*Adopted by the Virginia Soil and Water Conservation Board**May 26, 2004*Revised and continued May 24, 2006

Attachment # 4

**NRCS REPORT  
VA Soil & Water Conservation Board Meeting  
May 17, 2007  
Ivy Creek Natural Area  
Charlottesville**

**FARM BILL PROGRAMS**

**Financial Assistance (EQIP, WHIP):**

All available 2007 funds have been obligated. A waiting list still exists in both the EQIP and WHIP. Applications on this waiting list are being approved as surplus money is generated from application and contract cancellations. The national sweep of funds from states that have not used their allocation will be made on June 1. It is uncertain as to whether we will be receiving any additional funding.

**Stewardship (CSP):**

Efforts are underway to make payments to producers with existing CSP contracts from FY-2005 and 2006 with the little surplus that remains in the Continuing Resolution budget. This is not enough to fund all contracts at their full value. Any additional funds received through emergency or budget modification legislation will be directed to additional payments later in the fiscal year.

**Easements (FRPP, GRP, and WRP):**

We were successful in obligating all FY-06 commitments by April 1. All outstanding GRP easement offers and prior year FRPP and WRP easement offers are scheduled to be closed by the end of the fiscal year.

**NEW FARM BILL**

Work is underway for the development of the FY-08 program guidance. This will be generic so that resource concerns and practices can be adjusted quickly depending on the status of the 2007 Farm Bill currently being discussed in Congress. Environment Virginia 2007 will be held in Lexington, VA from April 10-12, 2007.

**WATERSHED OPERATIONS**

**Land Treatment Watersheds** - NRCS has completed implementation of 62 long term contracts with landowners in targeted watersheds in Virginia during 2007. NRCS will

continue to provide assistance to implement conservation practices for existing long term contracts in eight land treatment watersheds in Virginia. No new contracts or agreements will be signed due to the zeroing out of watershed funds for FY-07.

### **WATERSHED PLANNING AND SURVEYS**

NRCS has completed a draft watershed plan for the North Fork Powell River Watershed in Lee County. The draft plan will be out for interagency and public review until June 18, 2007. A final plan will be completed by September 2007. The plan addresses water quality issues associated with abandoned mines and acid mine drainage. The project sponsors are the Daniel Boone SWCD, Lee County, and the Virginia Department of Mines, Minerals and Energy.

Congress has restricted funding for initiating planning on new projects.

### **DAM REHABILITATION**

**South River Site 23 (Robinson Hollow) in Augusta County** – Augusta County has awarded a construction contract for the rehabilitation of South River Site 23. Construction is underway.

**South River Site 26 (Inch Branch) in Augusta County** – NRCS has completed the design for Inch Branch. The auxiliary spillway will be widened by 50 feet, the principal riser pipe replaced, a new access road built, and all disturbed areas will be seeded and mulched. A project agreement obligating the local and federal funds will be signed this fiscal year. A federal contract will be used to implement this construction project.

**Pohick Creek Site 3 (Woodglen Lake) and Pohick Creek Site 2 (Lake Barton) in Fairfax County** –Draft plans will be completed in FY-07 and final plans in FY-08.

**New Applications Received** – NRCS now has 14 dam rehabilitation applications that are awaiting planning assistance. NRCS recently received the following 4 new requests for planning assistance under the Dam Rehabilitation Program:

South River Watershed in Augusta County - Site 7, Lake Wilda  
South River Watershed in Augusta County - Site 19, Waynesboro Nursery Lake  
Upper North River Watershed in Augusta County - Site 10, Todd Lake  
Johns Creek in Craig County – Site 3

These sites will be assessed and a risk analysis completed for each of them later this year.

### **TECHNOLOGY**

The GIS soils database for every service center was updated this month. Soils are a basic GIS layer for conservation planning.

The NRCS Valley No-till Roller Crimper (housed in Rockingham County) has been on display in three farm shows/field days. This has been used in at least 5 counties and 5 SWCDs by 12 farmers.

The larger NRCS coastal plain No-till Roller Crimper (housed in Tappahannock) has been used in 5 counties by 9 farmers. It is scheduled to be on display at two Field Days in 2 SWCD later this spring. This implement is being used to prepare cover crop for no till planting of row crops, vegetables and organic crops. It is being received with a lot of interest by the Mennonite community in Rockingham county, pumpkin producers in the coastal plain and organic farmers throughout the state.

### **RESOURCE CONSERVATION & DEVELOPMENT (RC&D)**

The Virginia Association of RC&Ds held their annual meeting in Staunton April 25-27, 2007. They are undertaking a state project to conduct Land Protection Training and Green Infrastructure workshops. These are tentatively planned for the fall of 2007 in Charlottesville. This effort compliments Governor Kaine's goal to get 400,000 acres into conservation easement.

Attachment # 5

**Department of Conservation and Recreation**  
Report to the Virginia Soil & Water Conservation Board  
May 17, 2007

**1. DCR/SWCD Operational Funding:**

All 47 SWCDs have endorsed a grant agreement with DCR for Operational funding this fiscal year ('07). Each district was issued an initial quarterly disbursement during August, second quarter disbursements were issued during November, third quarter disbursements were sent in February, and the final disbursements were issued in late April and early May.

This fiscal year (FY07), operational funding for all districts totals \$4,052,240. The total amount is the same as FY06 operational funding, however, FY07 funding is still roughly 6% less than the peak funding level experienced by districts in FY01 (\$4,301,000).

**2. Employee Development:**

The conservation partners continue to work through the "JED" –Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The state level JED team has been meeting face to face, or through conference calls roughly every other month since last August. The next meeting of the group is scheduled June 7<sup>th</sup>, 2007.

The short course "Conservation Selling Skills" was delivered by professional trainer and consultant Chuck Hitzemann on May 2<sup>nd</sup> and 3<sup>rd</sup>, 2007. It was held on the campus of the Central Virginia Community College in Lynchburg. The course was full with 30 participants. Anonymous evaluations completed by attendees gave very high ratings to the 2 day session. Tentative plans to repeat the course this fall will be dependent on sufficient enrollment once registration ends. Further training needs continue to be addressed regionally through the 4 regional JED teams.

**3. SWCD Dams:**

The SWCD dam owner work group continues to meet and work on specific dam issues among districts. The last meeting was held as a conference call on April 26<sup>th</sup>, 2007. The primary focus of that session pertained to development of a dam owner resource for SWCDs that will serve for training and reference purposes. The group reviewed and discussed a draft outline of potential components of information and reference materials with a goal of placing the information on the DCR public web site with links to other appropriate resources. Attendance and participation by the group continues to be very good with 10 of the 12 SWCDs owning dams having one or more representatives participate in each session. Now that most of the major training needs of the group have been addressed, a quarterly meeting frequency is scheduled. Of the roughly 4 meetings per year, one will address Emergency Action Plans, another will address routine maintenance of district dams and the remaining two meetings will address priority topics identified by the group. The group will meet again this summer in July.

**4. Agricultural BMP Cost-Share Program:**

The availability of the new 3-year contract practices and the increased financial allocations for BMPs continue to have major impacts on the current, 2007 program year. Emphasis this year (that began July 1, 2006) is being placed on advancing farmer implementation of 5 agricultural conservation priorities. The priority practices in no particular order are: livestock exclusion from state waters; vegetative riparian buffers; implementation of nutrient management plans; plantings of cover crops; and continuous no-till.

Significant increases in program funding are resulting in the implementation of greater numbers of BMPs and therefore a much greater need for collection and entry of program data. DCR is focusing on both short and longer term needs for the automated Tracking Program districts use for BMP data entry. Shorter term enhancements are needed for the upcoming 2008 program year (beginning July 1, 2007). Longer term needs will be assessed through an independent contractor/consultant to determine the most appropriate directions to take for the program in the years to follow. This independent analysis is planned in the coming weeks. Based on the outcomes of the analysis and consultant recommendations, replacement or enhancement of the existing program will be pursued. Funds appropriated by the '07 General Assembly (\$500,000 from WQIF interest) will support the analysis and the actions that follow.

**5. Conservation Reserve Enhancement Program (CREP):**

Requests for CREP disbursements and CREP bonus payments for completed projects have increased in the last two months, as a sign of support to increased activities and signup in the CREP program. The increased CREP landowner easement payments appear to be raising the profile of the CREP easement program. Several CREP easements have been recorded recently and others are in stages of completion and advancing towards closure and recording. The recorded easements protect over 220 acres of restored riparian buffers in perpetuity. Pending perpetual conservation easement applications will protect an additional three hundred acres of restored buffers.

**6. Water Quality Improvement Fund** This Tuesday, May 15, 2007 was the application deadline (postmark date) for the 2007 Water Quality Improvement Fund request for proposals. So far, DCR has received over 65 proposals requesting more than \$7.5 million and matched by more than \$11.2 million. The \$3.5 million of available funding is targeted to nonpoint source pollution reduction projects on urban, suburban, and rural developed lands. DCR intends to award \$2.1 million to projects in the Chesapeake Bay Watershed and \$1.4 million to projects in the Southern Rivers Watersheds based on the required 60:40 funding split. Almost three-fourths (~ 73%) of the proposals received so far are in the Chesapeake Bay Watershed. The majority of the proposals were submitted by local governments, while Virginia colleges and universities, resource and development councils, and nonprofit organizations also submitted numerous proposals. Many of the projects focus on residential septic system repair/replacement programs to address TMDL impaired waters, stormwater management retrofits and low-impact development demonstrations, stream restoration, and managing manure from small acreage horse facilities. Following the review of the proposals by a multi-agency committee, decisions on award recommendations are expected to be announced in August 2007.