

**Virginia Soil and Water Conservation Board  
Thursday, May 28, 2009  
Jefferson-Madison Regional Library  
Charlottesville, Virginia**

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

Linda S. Campbell, Chair  
Joseph H. Maroon, Director  
Jean R. Packard  
Raymond L. Simms

Granville M. Maitland, Vice Chair  
Gary Hornbaker  
Michael J. Russell  
John A. Bricker, NRCS, Ex Officio

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

Darlene Dalbec

Susan Taylor Hansen

**DCR Staff Present**

Robert Bennett  
David C. Dowling  
Jack E. Frye  
Mark B. Meador  
Elizabeth Andrews, Office of the Attorney General

William G. Browning  
Michael R. Fletcher  
John McCutcheon  
Jim Robinson

**Others Present**

Melvin S. Bennett, Spotsylvania County  
Ronald E. Bonnema, Montgomery County  
Scott Cahill, Watershed Services  
Lisa Cahill, Watershed Services  
Ann-Neil Crosby, Caroline County  
Todd Flippen, Augusta County  
Mike Gerel, Chesapeake Bay Foundation  
Don Gill, Lancaster County  
David S. Nunnally, Caroline County  
Lola Rodriguez-Perkins, Spotsylvania County  
Richard A. Street, Spotsylvania County  
Troy B. Tignor, Spotsylvania County  
James Whitelaw, Highland County  
George E. Wieber, Caroline County

**Call to Order**

Chairman Campbell called the meeting to order and declared a quorum present.

**Approval of Minutes from March 19, 2009**

- MOTION: Ms. Packard moved that the minutes of the March 19, 2009 meeting of the Virginia Soil and Water Conservation Board 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 Jefferson-Madison Library for the use of the space.

Mr. Maroon updated the Board regarding progress on the restoration of the Chesapeake Bay. He said that the Bay area of Virginia covers approximately 60% of the land mass of the Commonwealth. He said that the Bay continues to be a major environmental concern in the minds of the public. He reviewed the following Bay related documents:

**Chesapeake Bay Milestones, TMDL, Presidential Order**

- EPA Bay Barometer (March 2009): 38 out of 100
- EPA developing Baywide TMDL: "diet plan" for the Bay water quality stds; allocated by river basins; except sizable gap between where we are and need to be; by end 2010.
- Two-Year Milestones: Adopted May 2009 by Bay Governors; end date "no later than 2025"
- VA Milestones for 2009-2011: 86% additional N reduction and 52% P reduction; significant gap to close
- Presidential Order: first action since Reagan; strengthens federal role

Mr. Maroon said that he and Mr. Frye had participated in a meeting of Bay Governors held at Mt. Vernon. Governor Kaine is the current chair of the Bay Executive Committee. He said there was a sense of progress towards the restoration goals, but that the numbers were not where they should be.

As Bay restoration will not be achieved by 2010, EPA is developing a TMDL for the Chesapeake Bay. Mr. Maroon said that the Bay TMDL will be more aggressive and different than any in the country. Recognizing that the Bay TMDL is coming and that

states needed to show measured progress towards the cleanup goals, Virginia and the other Bay states have adopted a series of two-year milestones.

Mr. Maroon asked Mr. Frye to review the first of those milestones.

Mr. Frye reviewed a handout entitled 2011 Milestones to Reduce Nitrogen and Phosphorus. A copy of this handout is available from DCR.

#### Nitrogen Reduction Milestone

Virginia's 2011 milestone commitment is to reduce nitrogen by 3.39 million pounds over the three year period (2009-2011).

#### Phosphorus Reduction Milestone

Virginia's 2011 milestone commitment is to reduce phosphorus by 470,000 pounds over the three year period (2009-2011).

Mr. Frye said that the Bay Governors are committed to getting implementation actions in place in order to achieve the necessary reductions no later than 2025. They looked at the amount of nutrients that needed to be reduced and developed annualized milestones.

Mr. Frye said that this is the first of the two-year milestones process. He said moving forward work will begin on the 2012-13 milestones. He said that this was not an easy task but the implementation of incremental milestones should result in attainment of the goal over the next 15 years.

Mr. Frye noted that of the 90 impairments that make up the Bay TMDL, 30 are in Virginia.

Mr. Maroon noted that there was a similar format for each of the Bay partner states. He said that he wanted to bring this to the Board's attention because the focus is shifting away from point source pollution to non point source pollution.

Mr. Maroon said that DCR had held a series of stakeholder issues regarding issues relating to DCR programs. Meetings have been held with the Virginia Manufacturers Association regarding the agency. Meetings have also been held with the Virginia Chamber of Commerce and the Home Builder's Association of Virginia among others regarding issues pertaining to stormwater. He said that DCR would be meeting with the agricultural community to talk about Bay milestones.

#### Erosion and Sediment Control

Mr. McCutcheon presented the Erosion and Sediment Control issues.

*2009 Annual Standards and Specifications for Washington Gas Company*

**MOTION:** Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2009 annual standards and specifications for Washington Gas Company and that the Board concur with staff recommendations for conditional approval of the 2009 specifications. For the Washington Gas Company in accordance with the Erosion and Sediment Control Law. Further that the Board request the Director to have staff notify Washington Gas Company of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2009 must be submitted by June 15, 2009. 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 15, 2009 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address [linearprojects@dcr.virginia.gov](mailto:linearprojects@dcr.virginia.gov)
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.virginia.gov](mailto:linearprojects@dcr.virginia.gov). 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.

**SECOND:** Mr. Maitland

**DISCUSSION:** None

REVISED: 7/20/2009 8:57:13 AM

VOTE: Motion carried unanimously

*Proposed Alternative Inspection Programs for Craig County and Prince William County*

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Program for Craig County and Prince William County as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations and that the Board request the Department of Conservation and Recreation staff to monitor the implementation of the alternative inspection programs by the Counties to ensure compliance with the approved programs.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

*Initial Acceptance of Alternative Inspection Programs for Matthews County and Tazewell County*

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff updates and recommendations regarding the proposed Alternative Inspection Program for Matthews County and Tazewell County and further that the Board concur with the staff recommendations and accept the Counties' proposed Alternative Inspection Programs for review and future action at the next Board meeting.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

*Recognition of Scott County's Erosion and Sediment Control Program*

Mr. McCutcheon gave the background for Scott County.

DCR staff completed the initial program review for Scott County's Erosion and Sediment Control Program and the scores for the individual program components were as follows: Administration – 94, Plan Review – 80, Inspection – 80, Enforcement – 85. As all program components received a score of 70 or better, staff recommended that the

Virginia Soil and Water Conservation Program find the County's Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

No one was present from Scott County.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board commend Scott County for successfully implementing the County's Erosion and Sediment Control Program to be 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: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

*Local Programs recommended to be found consistent following completion of Corrective Action Agreement (CAA)*

Mr. McCutcheon said that a number of local governments had been working very hard for a long time to upgrade their programs. He said they all should be commended for the work they've done to bring their programs into consistency.

MOTION: Mr. Russell moved that the Virginia Soil and Water Conservation Board commend the following localities for successfully improving their respective Erosion and Sediment Control Program 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.

City of Colonial Heights  
Augusta County  
Essex County  
Highland County  
Lancaster County  
Montgomery County  
Russell County  
Tazewell County  
Town of Dumfries  
Town of South Hill

SECOND: Mr. Simms

DISCUSSION: Mr. Flippen from Augusta County said that he would like to thank Jim Echols and his staff for their assistance.

Mr. Gill from Lancaster County said that much had been accomplished in the 18 months since he assumed this position. He said that the County now has three certified administrators on staff. He said he would also like to thank Mr. Bennett and the staff in the regional office in Tappahannock.

Mr. Bonnema from Montgomery County said that he would like to thank Dean Gall and his staff from the Christiansburg office.

VOTE: Motion carried unanimously

Mr. McCutcheon said that with these approvals 134 programs are now consistent. DCR staff has performed a total of 157 reviews. That is a consistency rate of 85%.

*Local Programs recommended to be found inconsistent based on Initial Review and request for Board approval of Corrective Action Agreement (CAA)*

Mr. McCutcheon gave the background for the City of Lynchburg.

DCR staff completed the initial program review for the City of Lynchburg's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 50; Plan Review – 65; Inspection – 50; and Enforcement – 70. As all program components did not receive a score of 70 or greater, the staff recommendation was that the Virginia Soil and Water Conservation Board find the City's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the City.

MOTION: Mr. Russell moved that the Virginia Soil and Water Conservation Board accept staff recommendations and find the City of Lynchburg's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the City's CAA. Further that the Board direct DCR staff to monitor the implementation of the CAA by the City to ensure compliance.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. McCutcheon gave the report for Botetourt County.

DCR staff completed the initial program review for Botetourt County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 100; Plan Review – 70; Inspection – 50; and Enforcement – 65. As all program components did not receive a score of 70 or greater, the staff recommendation was that the Virginia Soil and Water Conservation Board find the County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

**MOTION:** Mr. Simms moved that the Virginia Soil and Water Conservation Board accept the staff recommendation and find Botetourt County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the County's CAA. Further that the Board direct DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

**SECOND:** Mr. Russell

**DISCUSSION:** Mr. Maroon asked if Botetourt County had an Alternative Inspection Plan.

Mr. McCutcheon said that, to his knowledge, they did not.

**VOTE:** Motion carried unanimously

Mr. McCutcheon gave the report for Campbell County.

DCR staff completed the initial program review for Campbell County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 96; Plan Review – 50; Inspection – 80; and Enforcement – 65. As all program components did not receive a score of 70 or greater, the staff recommendation was that the Virginia Soil and Water Conservation Board find the County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

**MOTION:** Mr. Russell moved that the Virginia Soil and Water Conservation Board accept staff recommendations and finds Campbell County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the County's CAA. Further that the Board direct DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. McCutcheon gave the report for Caroline County.

DCR staff completed the initial program review for Caroline County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 100; Plan Review – 65; Inspection – 95; and Enforcement – 70. As all program components did not receive a score of 70 or greater, the staff recommendation was that the Virginia Soil and Water Conservation Board find the County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Caroline County's program review was presented to the Board at the January 2009 meeting and at the request of the County's representative the Board directed the Central Office staff to re-evaluate the Plan Review component of the program review. Central Office staff met with the County's representative in Caroline and examined the documents that the Regional office staff used in the original review. Central Office staff found the conclusions and recommendations made by the Regional Office staff be consistent with program review documents and did not recommend that the score be revised.

At the March 2009 meeting, the Board directed the Central and Regional Office staff to re-evaluate the Plan Review component in light of additional information presented by the County. Central and Regional Office staff met with County representatives in Caroline and examined the Plan Review documents with the County representatives. Central and Regional Office staff found some of the conclusions made in the original program review warranted revision, but these revisions did not change the numerical score found in the original review and did not recommend that the score be revised.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board accept staff recommendations and find Caroline County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the County's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Mr. Russell

DISCUSSION:

David Nunnally, Senior Environmental Planner for Caroline County said that at the meeting Mr. McCutcheon mentioned that staff did find several items that had been overlooked. He said that the County continues to have the same concern. He presented Board members with a packet of information. A copy of this information is available from DCR. He noted that within the document was a summary of items presented to staff at the recent review. He said the summary noted the items changed.

Mr. Nunnally said that he didn't want to review all of the details but wanted to point out to the Board that here was a large amount of information that was not acknowledged in the staff report or in the overall recommendation. He said that his concern was that the Board did not have an accurate report.

Ms. Campbell said that the Board commended the County for the 100 score on Administration. She noted that the deficiency was in the plan review. She said that if the information is not documented, staff had to verify the inspection. She said that documentation is extremely important.

Mr. Nunnally said that he did not believe the deficiencies noted rose to the level of a CAA or finding of inconsistent.

Mr. Russell asked for the opportunity to review the information prior to taking action.

The initial motion was withdrawn and Mr. Russell moved that the item be postponed for consideration until after lunch.

Ms. Packard seconded. The Board concurred.

Mr. Maroon said that it would be important to hear what the staff discussions were with regard to Caroline County. He said that this was not an issue of a seriously deficient program.

Further action and discussion regarding Caroline County were delayed until later in the meeting.

Mr. McCutcheon gave the report for Spotsylvania County. He noted that this was a similar situation. A good, effective program but with some areas that were not consistent with the regulations.

DCR staff completed the initial program review for Spotsylvania County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 98; Plan Review – 65; Inspection – 50; and Enforcement – 100. As all

program components did not receive a score of 70 or greater, staff recommends that the Virginia Soil and Water Conservation Board find the County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Mr. Street from Spotsylvania County provided a packet of information for Board members regarding the Spotsylvania County program. A copy of this information is available from DCR. He said that the County had met with the Tappahannock Office as well as Mr. Frye. He noted that the discussions changed the score for the administration component.

Mr. Street introduced Lola Rodrieguez-Perkins, an attorney with the county.

Ms. Rodrieguez-Perkins noted that the County plan was deficient because of the scoring in the plan review. She noted that two MS19 plans were found to be noncompliant because the downstream cross sections were not depicted.

Ms. Rodrieguez-Perkins said that the County keeps track of inspections through a software system called CRW. She said that DCR declined to look at the CRW system and did not ask for a printout.

Ms. Rodrieguez-Perkins said that the County lost five points for not providing a written notice, but that there was no requirement for a written notice. She said that on those projects notice was provided verbally. However, she noted that the County now provides written information.

Ms. Rodrieguez-Perkins said that the County was asking the Board to delay a decision on the CAA to allow for further evaluation. She said at a minimum the request would be that the CAA be extended.

Ms. Campbell noted that the completion date for the CAA was not May 28, but August 26, 2009.

Mr. Russell asked if staff had seen the information provided by the County.

Mr. McCutcheon said this was the first time he had seen the information.

Mr. Maroon said that DCR has acknowledged that prior to the next cycle of evaluations the check list would be reviewed.

Mr. McCutcheon said that numerous localities have met the criteria. He said that it was important to note that the program review is a snapshot in time. He said that with the new information the Board had received that he would recommend redirecting this to staff and that it be readdressed at the July meeting.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board direct DCR staff to reevaluate Spotsylvania County's Erosion and Sediment Control Program in consultation with Spotsylvania County staff and the Office of The Attorney General regarding the issue of downstream channel analysis and that staff bring a recommendation based on that review to the July Board meeting.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. McCutcheon gave the background for the Town of Occoquan.

DCR staff completed the initial program review for the Town of Occoquan's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 100; Plan Review – 55, Inspection – 85; and Enforcement – 75. As all program components did not receive a score of 70 or greater, the staff recommendation was that the Virginia Soil and Water Conservation Board find the Town's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the Town.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board accept the staff recommendation and find the Town of Occoquan's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the Town's CAA and that further the Board direct DCR staff to monitor the implementation of the CAA by the Town to ensure compliance.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. McCutcheon gave the background for the Town of Vienna.

DCR staff completed the initial program review for the Town of Vienna's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 55; Plan Review – 55; Inspection – 80; and Enforcement – 100. As all program components did not receive a score of 70 or greater, staff recommends that the

Virginia Soil and Water Conservation Board find the Town's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the Town.

**MOTION:** Mr. Maitland moved that the Virginia Soil and Water Conservation Board accept the staff recommendation and find the Town of Vienna's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the Town's CAA. And further that the Board direct DCR staff to monitor the implementation of the CAA by the Town to ensure compliance.

**SECOND:** Ms. Packard

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

Mr. McCutcheon gave the reports for Middlesex County, Westmoreland County, and the Town of West Point.

He said that CAA's for all three localities were approved to March 19, 2009. At the direction provided by the Board, DCR staff reviewed the localities' progress on implementing their CAA. Based on the results of the reviews, the staff recommendation was that the localities have not achieved compliance with the CAAs and staff recommended that the localities be given until November 19, 2009 to comply with the outstanding CAAs.

**MOTION:** Ms. Packard moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grant Middlesex County, Westmoreland County and the Town of West Point and extension until November, 2009 to fully comply with the outstanding CAAs and further that the Board request that the Director of DCR and his staff evaluate the localities' compliance with the outstanding CAA and provide a report at the January 2010 Board meeting.

**SECOND:** Mr. Simms

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Information on procedures for approving Erosion and Sediment Control Annual Specifications submitted to DCR by state institutions of higher learning.*

Mr. McCutcheon said that he wanted to inform the Board of a budget item revision. Where State Colleges and Universities had previously been under the authority of DCR regional offices for the Erosion and Sediment Control program, this responsibility will now be moved to the authority of local governments unless the state higher education facilities file annual standards and specifications with DCR.

Mr. Maroon noted that this was one of several budget reduction strategies contained in the Appropriations Bill. He noted that the change would take affect July 1.

At this time the Board recessed for lunch.

Chairman Campbell called the meeting back to order and returned to the Caroline County E&S program.

MOTION: Mr. Russell moved that the Virginia Soil and Water Conservation Board direct DCR staff to reevaluate Caroline County's Erosion and Sediment Control Program in consultation with the Office of The Attorney General and that staff bring a recommendation based on that review at a future meeting.

SECOND: Ms. Packard

DISCUSSION: Mr. Maroon said it would be good to hear from DCR staff regarding this matter.

Mr. McCutcheon said that he needed to point out that DCR staff had reviewed this program twice with personnel from the Central office. He said that the Regional Office had also reviewed the program. He said that in three reviews of the program since the initial finding some things were found that warranted a change and those changes were made.

Mr. McCutcheon said that staff was not able to verify that plans were reviewed within 45 days. He said the other issue was related to the Minimum Standards violation. He said the issue was downstream analysis. He said that is required by MS19 and needs to be verified.

Mr. McCutcheon said that he did not see a benefit to staff doing another review.

Ms. Campbell asked if the Office of the Attorney General had reviewed this information.

Ms. Andrews said that she had not been presented with the information prior to this meeting. She said it might be helpful to have time to review.

Mr. Russell said that since the plan review score was 65 he would keep the recommendation with provision for the Attorney General review.

VOTE: Motion carried unanimously

Ms. Packard asked if there was a deadline attached to the motion.

Ms. Campbell said there was not a specific deadline in the motion as passed.

Mr. Maroon said that the hope would be to bring this back to the Board at the July Board meeting, but if that was not possible, staff would keep the Board informed of the progress.

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

Mr. Browning presented the Dam Safety Certificates and Permit recommendations.

No Board action was needed on the Enforcement Actions.

South River Dam #8A	01528	Augusta	1 Year Conditional
Short Hill Farm Dam	04301	Clarke	1 Year Conditional
Pohick Creek Dam #1	05929	Fairfax	1 Year Conditional
Johnson Dam	06114	Fauquier	1 Year Conditional
Sleeter Lake Dam	10710	Loudoun	1 Year Conditional
Precision Dynamics lake Dam	10711	Loudoun	1 Year Conditional
Reckmeyer Dam	10729	Loudoun	1 Year Conditional
Buffalo Creek Dam #1	14701	Prince Edward	1 Year Conditional
Buffalo Creek Dam #3	14702	Prince Edward	1 Year Conditional
Buffalo Creek Dam #4	14703	Prince Edward	1 Year Conditional
Buffalo Creek Dam #2	14706	Prince Edward	1 Year Conditional
Buffalo Creek Dam #5	14707	Prince Edward	1 Year Conditional
Buffalo Creek Dam #6	14708	Prince Edward	1 Year Conditional
Buffalo Creek Dam #7	14709	Prince Edward	1 Year Conditional
Buffalo Creek Dam #8	14710	Prince Edward	1 Year Conditional
Buffalo Creek Dam #9	14711	Prince Edward	1 Year Conditional
Bush River Dam #2	14734	Prince Edward	1 Year Conditional
Bush River Dam #7	14736	Prince Edward	1 Year Conditional
Lake Cahoon Dam	80001	City of Suffolk	1 Year Conditional

Lake Kilby Dam	80002	City of Suffolk	1 Year Conditional
Speight's Run Dam	80010	City of Suffolk	1 Year Conditional
Lake Meade Dam	80013	City of Suffolk	1 Year Conditional

**MOTION:** Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Conditional Operation and Maintenance Certificates as presented by staff and that staff be directed to communicate the Board actions to the affected dam owners.

**SECOND:** Mr. Maitland

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Regular Operation and Maintenance Certificate Recommendations*

Hurts Dam	00330	Albemarle	6 Year Regular
Barcroft Dam	05901	Fairfax	6 Year Regular
Wood Duck Pond Dam	07310	Gloucester	6 Year Regular
Sleepy Lake Dam	80020	City of Suffolk	6 Year Regular

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

**SECOND:** Mr. Simms

**DISCUSSION:** Ms. Packard noted that she would abstain from the voting due to the Lake Barcroft property.

**VOTE:** Motion carried with Ms. Packard abstaining

*Permit Recommendations*

Slate River Dam #2	02913	Buckingham	1 Year Alteration
Spruance Polishing Dam	04132	Chesterfield	1 Year Alteration
Musgrove Dam	06714	Franklin	1 Year Alteration
Hilliards Dam	11908	Middlesex	1 Year Alteration
Garland Millpond Dam	15902	Richmond	1 Year Alteration

MOTION: Mr. Russell 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 actions to the affected dam owners.

SECOND: Ms. Packard

DISCUSSION: Mr. Maitland said that he would abstain due to the Spruance Polishing Dam.

VOTE: Motion carried with Mr. Maitland abstaining

*Extensions*

Mr. Browning requested the Board take a separate action regarding Goshen Dam, #16301. Due to a staff oversight the dam was not brought forward in July of 2008.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board issue retroactively a certificate extension to Goshen Dam #16301 effective July 2008 through May 31, 2009.

SECOND: Mr. Simms

DISCUSSION: Mr. Browning clarified that this action was to correct a staff oversight.

VOTE: Motion carried unanimously

Mr. Browning said that special action was needed regarding Lake Parker Dam, #12714. He said that no action could be taken until the dam owner submits the appropriate fee. He asked that the Board issue the certificate contingent upon the receipt of the \$250 fee not later than July 15, 2009.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the certificate extension for lake Parker Dam, #12714 contingent upon the receipt of the necessary \$250 fee not later than July 15, 2009.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning presented the remaining list of Extensions.

South River Dam #26	01501	Augusta	1 Year Extension
Falling Creek Dam	01910	Bedford	1 Year Extension
Crab Orchard Creek Dam	02102	Bland	1 Year Extension
Lake Shannon Dam	03322	Caroline	1 Year Extension
Lake Pinewood Dam	03342	Caroline	1 Year Extension
Lake Monroe Dam	09906	King George	1 Year Extension
Central Crossing Dam	10126	King William	1 Year Extension
Goshen Dam	16301	Rockbridge	1 Year Extension
Moore's Creek Dam	16301	Rockbridge	1 Year Extension
Willow Lake Dam	16305	Rockbridge	1 Year Extension
Lake Burnt Mills Dam	80003	City of Suffolk	1 Year Extension

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

**SECOND:** Ms. Packard

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

Mr. Browning provided members with a DRAFT list of dams scheduled to be addressed at the July meeting. A copy of that list is available from the DCR Division of Dam Safety.

### **Virginia Dam Safety, Flood Prevention and Protection Assistance Fund**

Mr. Brown gave an update regarding the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund and requested the Board to consider initiating a new grant round.

- The Fund was created (through expansion of an existing fund) in 2006 and is governed by §10.1-603.16 et seq. of the Code of Virginia. It is administered by the Virginia Resources Authority in cooperation with DCR.
- The Fund is authorized to:
  - Makes grants and loans for dam repair projects (loans only to private entities):
  - Make loans to local governments that have developed their own funding programs for repair of privately-owned dams
  - Make matching grants for dam break inundation zone mapping;

- Make matching grants for incremental damage analysis;
- Make grants or loans to local governments for flood prevention studies or projects
- The first offering from the Fund (loans only) was held in late 2007/early 2008 and resulted in two approved applications (both dam repair projects)
- Both grants and loans are proposed to be available during the Summer 2009 Round:
  - The total amount of grants is limited by statute and is dependent upon the amount of interest that the Fund earns during a given year. This year, \$25,000 is available to be distributed as grants. This is proposed to be divided between dam break inundation zone mapping projects (\$20,000) and incremental damage analysis (\$5,000).
  - Loans are proposed to be made available for:
    - Dam rehabilitation projects (local government and private owners; cap of \$300,000 per dam)
    - Locally administered dam rehabilitation programs (to local governments; cap of \$300,000 per dam with an overall program cap of \$600,000)
    - Flood hazard identification plans, studies, and mapping (to local governments; cap of \$300,000 per dam with an overall program cap of \$600,000)
    - Flood hazard identification plans, studies, and mapping (to local governments; cap of \$100,000 per project)
    - Flood hazard damage mitigation and reduction activities (to local governments; cap of \$100,000 per project)
- The Summer 2009 Round is proposed to open on June 14 and close on August 14.
- Following the close of the round, qualifying projects will be brought to the Board for approval and then forwarded to the Virginia Resources Authority for financial qualification.

Mr. Maroon said that staff was asking Board approval for the grant round as well as the DRAFT manual distributed to members. A copy of the manual is available from DCR.

**MOTION:** Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the grant round and the DRAFT manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as presented by staff.

**SECOND:** Ms. Packard

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

**Local Soil and Water Conservation District Operations**

*Review of Board Policy: Financial Assistance for Districts*

Mr. Meador presented an overview of the Board Policy on Financial Assistance for Soil and Water Conservation Districts. He reviewed recommended staff changes.

Changes were as follows:

Section VI, 2, item 4, strike “placement of newspaper notices for district director elections.”

Mr. Meador said that due to a change in the Code of Virginia, effective July 1, that was no longer required.

Section VIII, 1, b) strike “Any remaining funds once the essential support is fully satisfied will be dedicated to” and add “The first priority for use of available funds is SWC director travel and training, remaining funds shall be applied to fulfill the funding amount established by the Board and referenced as “Total Costs Approved” (see Attachment A of this policy)

On Attachment A, Ms Campbell noted that the Association had made compelling case to raise the essential funding amount to \$120,000.

Mr. Meador said that the reason the number was there was to reflect how the costs have gone up since 2007. He reminded the Board that the funding was not there to even reach the current \$111,000.

MOTION: Mr. Maitland moved that the Essential Funding be revised from \$110,000 to \$120,000 and that the corresponding numbers be modified as necessary to reflect the increase.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

There were no other recommended changes to the document.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the Policy for Soil and Water Conservation District Financial Assistance as recommended by staff and amended by Board action.

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

**DRAFT FY10 Performance Deliverables for DCR/Districts Grant Agreements for Operational Funding**

Mr. Meador presented the DRAFT FY10 Performance Deliverables for DCR/Districts Grant Agreements for Operational Funding.

Mr. Meador noted that the Association had asked that the training requirement within 18 months of employment be increased to 24 months. Concern was that necessary classes would not always be available in the 18 month time frame.

Mr. Maroon suggested that the 18 month requirement remain but that a phrase be added that said unless extenuating circumstances require additional time.

MOTION: Mr. Maitland moved that the FY10 Performance Deliverables for Acceptance of DCR Funds be approved as submitted by staff and as amended by Board discussion.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

**Changes to the 2010 Virginia Agricultural BMP Cost Share Program**

Mr. Maroon reviewed a memorandum previously distributed to the Board addressing Changes to the 2010 Virginia Agricultural BMP Cost Share Program. A copy of this memorandum is available from DCR.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board concur with staff recommendations regarding the 2010 Virginia Agricultural BMP Cost Share Program.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

**Proposed use of FY10 funds managed by DCR on behalf of SWCDs**

Mr. Meador reviewed the proposed use of FY10 funds managed by DCR on behalf of the SWCDs. He noted that the proposed level of funding that DCR manages for the Districts would remain the same. A copy of the handout detailing the use of these funds is available from DCR.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the proposed use of FY10 funds managed by DCR on behalf of all SWCDs as proposed by staff.

*District Resignations and Appointments*

Mr. Meador presented the list of District Director Resignations and Appointments. He noted that there was a follow up item from the last meeting. The Board had asked for an update regarding procedures for replacing District Directors who pass away. He said that staff would bring that forward in July.

Recommendations were as follows:

*Peanut*

Resignation of Nathan O'Berry, Isle of Wight County, effective 4/10/09, Extension Agent director position (term of office expires 1/1/13).

Recommendation of Rexford Cotten, City of Suffolk, to fill unexpired Extension Agent term of Nathan O'Berry (term of office to begin on or before 6/27/09 – 1/1/13).

*Scott County*

Recommendation of Toby Hilton, Scott County to fill unexpired elected term of William Edwin Godsey (deceased) (term of office to begin on or before 6/27/09 – 1/1/12).

*Skyline*

Resignation of James L. Snyder, Montgomery County, effective 12/14/08, elected director position (term of office expires 1/1/12).

Recommendation of Richard Wall, Montgomery County, to fill unexpired elected term of James L. Snyder (term of office to begin on or before 6/27/09 – 1/1/12).

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the list of District Director Resignations and Appointments as presented by staff.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

At this time Chairman Campbell called for a recess.

**Joint Session with the Virginia Association of Soil and Water Conservation Districts.**

Chairman Campbell convened a joint meeting between the Virginia Soil and Water Conservation Board and the Virginia Association of Soil and Water Conservation Districts.

Chairman Campbell introduced Wilkie Chaffin President of the VASWCD.

Mr. Maroon noted that Mr. Altizer had resigned from the Board and that his position remained vacant. He noted also that Mr. Maitland's term was set to expire and that he was not eligible for reappointment.

Mr. Maroon said that the Code called for the Boards to meet in joint session for the purpose of advancing recommendations to the Governor.

Mr. Chaffin said that information received late made it impossible for VASWCD to come up with recommendations for each of the vacancies.

Mr. Chaffin said that the nominees to be considered for Area VI, Mr. Maitland's area were as follows:

Collie F. (Frank) Brickhouse, Virginia Dare SWCD

E. Keith Seward, Peanut SWCD

Mr. Chaffin said that the VASWCD would return with recommendations for Areas IV and V.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board accept the recommendations for Board appointments as

presented by the VASWCD and that these recommendations be forwarded to the Governor for consideration.

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

Chairman Campbell thanked Mr. Chaffin and adjourned the joint meeting.

Chairman Campbell reconvened the regular board meeting.

### **Partner Reports**

#### *Department of Conservation and Recreation*

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy is included as Attachment #1.

#### *Natural Resources Conservation Service*

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment #2.

#### *Virginia Association of Soil and Water Conservation Districts*

Kendall Tyree distributed the Association's most recent newsletter. A copy of this newsletter is available from the Association or from DCR.

### **Public Comment**

Mr. Scott Cahill said that he had been involved for several years with DCR regarding issues of dam safety. He said that he wanted to recognize that Virginia was now a nationwide leader in terms of dam safety. He said that the Board and staff should be very proud.

Chairman Campbell called upon Mr. Maitland, who moved the following:

MOTION: Madame Chairman, I move that the Board convene a closed meeting pursuant to §2.2-3711(A) (7) of the Code of Virginia for the purpose of consultation with legal counsel regarding specific

legal matters requiring the provision of legal advice, namely, an appeal of the Construction General Permit regulations and the Mellott Dam case.

This closed meeting will be attended only by members of the Board. However, pursuant to § 2.2-3712(F) of the Code, the Board requests counsel, the Director of the Department of Conservation and Recreation (DCR), Mr. Frye, Mr. Dowling, Mr. Browning, Mr. Robinson, and Mr. Brown to attend because it believes that their presence will reasonably aid the Board in its consideration of the topics that are the subject of this closed meeting.

SECOND: Mr. Simms.

DISCUSSION: None.

VOTE: Motion carried unanimously.

After the closed meeting, Mr. Maitland moved the following:

**CERTIFICATION AFTER VOTING TO GO BACK INTO OPEN MEETING**

WHEREAS, the Board has convened a closed meeting on May 28, 2009 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712(D) of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, the Soil and Water Conservation Board hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Aye: Campbell, Maitland, Hornbaker, Packard, Russell, Simms, Maroon

No: None

## **Stormwater Regulatory Status Update**

Mr. Dowling gave the following update.

### **SW – Construction General Permit (Parts I and XIV) [Modified APA process - §2.2.-4006 A9]**

- Final regulation was adopted by the Board at the March 19, 2009 meeting.
- Final regulation was published in the Virginia Register on April 13, 2009.
- 30-day final adoption period ended May 13, 2009
- Renewal letters to current General Permit holders were sent out the end of April with a June 1<sup>st</sup> reapplication due date.
- Permit is set to be effective on July 1, 2009.
- The permit is currently undergoing final review by the EPA.
- Similar to an action recently taken and settled in Maryland, an appeal of Virginia's construction general permit has also been filed but not served by the Potomac Riverkeeper, Inc. and associated parties.

### **SW – Local program and Water Quality and Water Quantity Criteria (Parts I, II and III)**

- Proposed regulation approved by the Board at the September 24, 2008 meeting.
- VT Economic Analysis completed at the end of December and posted to DCR's website for public review.
- DCR submitted the proposed regulations and the economic analysis and regulatory discussion package for review by the Administration on March 26, 2009.
- Review by the Administration, the Official OAG review; DPB fiscal and policy analysis, and Secretary of Natural Resources review have been completed.
- 60-day public comment period – late June – late Aug. 2009; public hearings/informational meetings; concurrent EPA review.
- Make regulation refinements; EPA review – by early October 2009.
- Take final regulation to the Board at an October 2009 meeting (when we have resolved concerns to the best of our ability)
- Final Regulation Review by DPB, SNR, Governor adoption – by November 15, 2009.
- File with Registrar and publish for 30 days – December 31, 2009
- EPA final approval by December 31, 2009.
- Per HB1991 (2009 Session), the regulation shall not become effective prior to July 1, 2010.

Additional significant related actions include:

- BMP Clearinghouse – Clearinghouse TAC meeting are continuing and the website pages with the BMP specifications are being refined.

- Updated Stormwater Management Handbook – Major chapters have been drafted and have been circulated to the Handbook TAC for review and comment. A draft handbook is expected to be completed by the end of June.
- Updated versions of the Runoff Reduction Method spreadsheet and explanatory documents have been completed by the Center for Watershed Protection with DCR and posted to DCR's website for public review [Discussions are beginning on possible necessary refinements.]
- A third series of charettes on the Runoff Reduction Method and stormwater regulations were held in February, March and April.
- DCR has continued to meet with interested parties to discuss their concerns and recommendations. DCR has already started drafting language to address issues raised such as grandfathering.

**SW – Permit Fees (Part XIII) [Currently same schedule as above]**

**SW – MS4 Individual Permits** – Discussions are continuing with localities and EPA to negotiate the MS4 individual permits for the 11 required localities. A meeting was held with representatives from the EPA, the 11 localities, and DCR on May 6<sup>th</sup> to discuss permit issues and to develop a path forward so that the proposed permits might be released for public comment.

**SW – Stormwater Nutrient Offsets** – At the March 19, 2009 Board meeting, DCR provided a presentation on HB2168 (Stormwater nonpoint nutrient offset legislation). The Board authorized the Department to develop the necessary implementation guidance for the Board's consideration and to promulgate regulations associated with stormwater nutrient offsets as may be determined to be necessary. The Director has appointed a workgroup to assist the Board and Department in developing implementation guidance as the first step. The first meeting is schedule for June 3<sup>rd</sup> with a second meeting to be held on June 25<sup>th</sup>. The Department hopes to bring a guidance document to the Board at the July Board meeting for consideration.

**Next Meeting Date**

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, July 23, 2009. Location will be determined.

**Adjourn**

There was no further business and the meeting was adjourned.

Respectfully submitted,

Linda S. Campbell  
Chair

Joseph H. Maroon  
Director

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Attachment # 1

**Department of Conservation and Recreation**  
Report to the Virginia Soil and Water Conservation Board  
May 28, 2009

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

All 47 SWCDs were issued a grant agreement with DCR in May, 2008 for Operational funding this fiscal year (FY09). Each returned a fully endorsed agreement to their CDC. Districts were issued an initial quarterly disbursement of funds by August; second quarter disbursements were issued by December and third quarter disbursements were issued during March, 2009. Final disbursements for FY09 were issued by mid-May, 2009.

At the outset of this fiscal year (FY09), operational funding for all districts totaled \$3,943,790. During October, 2008 a reduction of \$203,697 was imposed making a revised total funding amount of \$3,740,093. This amount reflects a decrease below FY08 operational funding and below the peak funding level experienced by districts in FY01 (\$4,301,000). However, over two thirds of the 47 districts are also receiving this fiscal year, funds that total \$1,800,000 to employ conservation specialists for the implementation of agricultural BMPs. Further funding for staff is provided by the provision in state law that enables 5% of the amount deposited in the Virginia Natural Resources Commitment Fund (for FY09, \$20 million was deposited) to support technical staff of SWCDs that are performing assistance with implementation of agricultural BMPs. These additional funds for FY09 total \$1million.

**2. Conservation Partner 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 meets no less than quarterly through face to face meetings or through conference calls. The last meeting of the group was held face to face on May 6, 2009 in Charlottesville. The next JED State Team meeting will be held as a conference call on August 12<sup>th</sup>, 2009.

The state level JED team is focusing on the delivery of 3 "core courses". The short course "Conservation Selling Skills" was held last fall and the expectation is to offer the course again during the fall of 2009. NRCS is supporting delivery of the EP&I (Effective Presentation and Instruction) short course. Teams of trainers to deliver the course have been established with 4 newly trained teams, each consisting of 3 individuals. The teams are scheduling delivery of the course within their 4 regions of the state based upon the needs and collective resources within each region. The third "core course" –Conservation Orientation for New Employees is delivered regionally when sufficient need exists to justify the sessions. Broader training needs of the staff of the conservation partners are being addressed regionally through the 4 regional JED teams.

**3. SWCD Dams:**

The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others continue to meet approximately every 3 months (a quarterly annual schedule). Of the roughly 4 meetings per year, one session is focused on Emergency Action Plans (EAPs), another addresses routine annual maintenance of district dams and the remaining two meetings address the priority topics identified by the group.

The group last met on April 23<sup>rd</sup>, 2009 and focused on fulfilling the new Dam Safety regulations that pertain to EAPs. Concerns were expressed by SWCDs about their interest in having a more direct, active role in the development of Break Inundation Studies and Mapping that is being performed through DCR's Design and Construction staff. The group will revisit these topics and the topic of annual dam maintenance when they hold their next quarterly meeting on July 23<sup>rd</sup>, 2009 in Charlottesville.

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

The Cost Share Program Technical Advisory Committee (TAC) held its last meeting on March 19<sup>th</sup>, 2009 and brought forward recommendations for changes to the 2010 Agricultural BMP Cost Share Program. Program changes resolved by the DCR Director are summarized within a 3 page table and will take effect when the new program begins on July 1, 2009. SWCDs and partner agencies and organizations are receiving news of these program changes through 4 regional training sessions that are being held during May, 2009.

DCR staff in partnership with representatives from SWCDs, the VASWCD and NRCS continue to advance work towards "modernizing" the automated Ag BMP Tracking Program. A contract to perform the development of a new web based system has been awarded to CACI/WorldView. Development of the data collection and entry system is proceeding with a goal of a more efficient and effective tracking program for SWCDs and DCR. Six regional training programs are scheduled during the first 2 weeks in June to train SWCD users in the new program. The sessions will be held in computer labs of certain Community Colleges. The first phase of the enhanced program will be available for data entry by early September, 2009. Discussion has begun to resolve priorities for use of an additional \$500,000 that will be available July 1<sup>st</sup>, 2009 for the second phase of the modernized program.

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

SWCDs in the Chesapeake Bay basin will have a new Agricultural BMP Cost Share Program practice available on July 1<sup>st</sup>, 2009 with the requirement that the new practice may only be implemented in conjunction with a CREP Riparian Forest Buffer practices. The new SL-7 Cost Share Program practice will complement CREP and advance remaining acreage in the Bay basin towards achieving the 25,000 acre goal of riparian buffers. The BMP provides a means for extending a livestock watering systems installed through CREP, into non-eligible CREP fields. Of the 25,000 acre goal authorized for the Chesapeake Bay basin in Virginia, approximately 10,200 acres remain to be enrolled.

#### **6. Total Maximum Daily Load (TMDL):**

DCR is updating a list of target watersheds in which to consider the development of TMDL implementation plans. Areas selected need to be: (1) in watersheds where DEQ has already completed TMDL studies; (2) where improving water quality enough for future delisting of the impairment is achievable; and (3) where there is evidence of locality support. The following areas are being considered: Slate River in Buckingham, Hays Creek and Moffats Creek in Augusta/Rockbridge, Robinson River and Little Dark Run in Madison, Craig, Marsh, and Browns Runs in Fauquier, Lewis Creek in Russell, Flat Creek and Great Creek in Mecklenburg/South Hill, Cripple Creek in Wythe, Cherrystone Inlet and Kings Creek in Northampton, Goldmine Creek and Plentiful Creek in Louisa/Spottsylvania, and Birch Creek in Pittsylvania/Halifax. Locations of future TMDL implementation projects will likely be comprised of a subset of this list following the development of the implementation plans.

**7. Nutrient Management Related Issues:**

(A) The State Water Control Board approved proposed poultry end user regulations in their April meeting. Although not yet posted, the public comment period for the proposed regulations should begin shortly. The proposed regulations would require: increased tracking and accounting of poultry litter when it leaves the farm where generated; proper storage of poultry litter by end users; and use of litter as prescribed by a fact sheet or a site-specific NMP. (B) DCR is developing a new category for nutrient management certification to address Turf and Landscape nutrient usage to compliment the current certification that has focused on agricultural nutrient use. A pilot training session is scheduled for June 10 & 11 to be followed by an exam. The training will be conducted in cooperation with Virginia Turfgrass specialists and DCR specialists. This program will assist Virginia in accomplishing goals for non-agricultural nutrient management and nutrient reduction for the Chesapeake Bay Initiative and was requested by the Virginia Turfgrass Council. (C) Work continues with the poultry integrators to reduce phosphorous in poultry litter by the induction of Phytase in feeds. The goal is to reduce overall Phosphorus content by 30% by December 2010 from pre-phytase levels. DCR entered into agreements with the six major poultry integrators in late 2007 and is in the process of meeting with individual companies to determine progress to date. The companies are generally making good progress in moving toward the goal.

Attachment # 2

**NRCS Report**  
**Virginia Soil and Water Conservation Board**  
**May 28, 2009**  
**Jefferson-Madison Regional Library**  
**Charlottesville, Virginia**

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**FARM BILL PROGRAMS**

**Financial Assistance Programs:** NRCS has received its final allocation for the fiscal year, with slight increases in the Environmental Quality Incentive Program (EQIP) and Wildlife Habitat Incentive Program (WHIP) over earlier reported amounts. Virginia received \$ 881,982 in WHIP funding and \$10,608,175 in EQIP. The new Chesapeake Bay Watershed Initiative received the maximum allowed (\$5,676,472) under the Farm Bill and funding formulas used during the first allocation process earlier in the year.

Approximately 85% of our total EQIP budget is now targeted toward national objectives.

**Organic Agriculture:** NRCS national headquarters, announced an EQIP effort to support organic, and transitioning to organic, agriculture. Approximately \$790,308 of our budget is targeted to this initiative in special funding pools for these producers and a special sign up was announced just for this effort which will run until June 30, 2009 in Virginia.

Continuous sign up is being taken in all programs except the Organic Initiative.

**Stewardship Program:** NRCS will be conducting an audit of all Conservation Security Program (CSP) contracts in Virginia. This will be in addition to the ROOT audit performed during the first quarter and will look at additional items specific to CSP program administration. This audit is being preformed by Area and State Office staff to minimize impact on field operations.

The Office of Management and Budget (OMB) has not allocated funding to the new Conservation Stewardship Program (CStP). It is uncertain at this time if CStP sign up will occur during FY 2009.

**Easement Programs:** Continuous sign up is underway in all of the easement programs: Wetland Reserve Program (WRP), Grassland Reserve Program (GRP) and Farm and Ranchland Protection Program (FRPP). Staff will rank and approve GRP applications by July 1, 2009. Work is underway to complete all prior year easement requests by the close of this fiscal year.

## **DAM REHABILITATION**

**Pohick Creek Site 4 (Royal Lake) in Fairfax County** – Construction is complete. Fairfax County is working with NRCS to close the project out.

**Pohick Creek Site 3 (Woodglen Lake) in Fairfax County** – NRCS is assisting Fairfax County with the design of this project. Funding from the American Recovery and Reinvestment Act (ARRA) for the construction of this project has been received. Preliminary designs are underway. Construction is expected to start early next calendar year.

**Pohick Creek Site 2 (Lake Barton) in Fairfax County** – A draft plan is currently out for interagency and public review with comments due by June 22, 2009. ARRA funding for the completion of the plan, design and construction has been received.

**South River Site 10A (Mills Creek) in Augusta County** – NRCS has received funding to assist Augusta County to initiate development of a dam rehabilitation plan.

**Assessments for High Hazard Dams** – NRCS has received funding to conduct an assessment of Upper North River Watershed Site 10 - Todd Lake in Augusta County.

## **WATERSHED OPERATIONS**

**Buena Vista Flood Control Project** – NRCS is assisting the City of Buena Vista with the acquisition of environmental permits for the channel modification of Chalk Mine Run. The proposed mitigation is to establish a riparian buffer along the Calfpasture River and to acquire a perpetual easement on that riparian zone. NRCS has received funding for design of the channel modification project.

NRCS and the City of Buena Vista have signed a cooperative agreement for \$42,000 to acquire and demolish one home that is located in the floodplain on the Chalk Mine Run tributary in Buena Vista. The City is completing the legal work necessary to complete this project.

**North Fork Powell River Watershed** – ARRA funding has been received to design and construct two sites in this watershed. This project will address water quality problems from abandoned mines in this watershed. The project is sponsored by the Lee County Board of Supervisors, the Daniel Boone SWCD and the Virginia Department of Mines, Minerals and Energy.

**Chestnut Creek Watershed** - ARRA funding has been received to develop new long term contracts with landowners in this watershed in Carroll and Grayson Counties. This project will address water quality problems caused by grazing in the watershed.

**Little Reed Island Creek Watershed** - ARRA funding has been received for new long term contracts with landowners in this watershed in Carroll, Pulaski and Wythe Counties. This project will address water quality problems caused by grazing in the watershed.

**Watershed Dam O&M Workshop** – The National Watershed Coalition will conduct a workshop on the operation and maintenance of watershed dams on July 14-15, 2009 in Staunton, Virginia. The workshop will include one day in the classroom and one day in the field. The workshop will be an excellent opportunity to hear knowledgeable speakers, learn new skills, and interact with others who have similar responsibilities or duties. Topics will include the following:

- Improving Structure O&M
- Watershed Project Sponsor Responsibilities
- Emergency Action Plans
- Rehabilitation of Aging Dams
- Tour of Local Watershed Projects
- O&M Demonstration Field Day
- Products, Tools and Techniques for O&M

For more information, contact the National Watershed Coalition at [www.watershedcoalition.org](http://www.watershedcoalition.org).

**Lower Shenandoah River** – NRCS staff in Virginia and West Virginia have been funded to conduct a watershed assessment of the Lower Shenandoah River Watershed. The assessment will be completed by September 2009.