

**Virginia Soil and Water Conservation Board  
Association of Electric Cooperatives  
4201 Dominion Boulevard  
Glen Allen, Virginia  
May 14, 2010**

**MINUTES**

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

Susan Taylor Hansen, Vice Chair	Russell W. Baxter, Acting DCR Director
C. Frank Brickhouse, Jr.	Darlene Dalbec
Gary Hornbaker	Jerry L. Ingle
Daphne W. Jamison	Raymond L. Simms
Ray Dorsett for John A. Bricker, NRCS	

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

Linda S. Campbell, Chair	Jean R. Packard
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**DCR Staff Present**

Ryan J. Brown	Anne Crosier
David C. Dowling	Michael R. Fletcher
Jack E. Frye	Lee Hill
John McCutcheon	Jim Robinson
Ken Turner	
Elizabeth Andrews, Office of the Attorney General	

**Others Present**

Robert Boswell, Chesterfield County  
Richard Brown, Joyce Engineering, Inc.  
Scott Dunn, Chesterfield County  
Brian Hall, Shenandoah Valley SWCD  
Douglas Prichard, Chesterfield County  
Nancy Olin, Clarke County  
Kendall E. Tyree, Virginia Association of Soil and Water Conservation Districts

**Call to Order**

Mr. Baxter called the meeting to order and declared a quorum present. He noted that Ms. Campbell was unable to attend the meeting due to a conflict and that Ms. Hansen would chair the meeting upon her arrival.

**Approval of Minutes from March 26, 2010**

MOTION: Ms. Jamison moved that the minutes of the March 26, 2010 meeting of the Virginia Soil and Water Conservation Board be approved as submitted.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

**Director's Report**

Mr. Baxter gave the Director's report.

Mr. Baxter noted that Bill Browning was retiring from his position as Director of the Division of Dam Safety and Floodplain Management. Mr. Baxter said that he had appointed Ryan Brown to serve as Acting Director of the Division until such time that the position is filled. The agency has advertised for the position and the hope was to fill it in the not distant future.

Mr. Baxter addressed the Chesapeake Bay TMDL. He said that there had been a lot of talk and news about the TMDL. He said that the federal government strategy had just been released. Also there had been a settlement between the Chesapeake Bay Foundation and the EPA on elements related to the Chesapeake Bay cleanup.

Mr. Baxter said that all of these items were intertwined. He said he wanted to give the Board the big picture concerning Board and DCR involvement. He said that in particular that related to the agricultural conservation programs as well as the MS4 permitting.

Mr. Baxter said that recently he had traveled to Pennsylvania along with Secretary Domenech, David Paylor of DEQ and Jack Frye for a meeting of the Principal Staff Committee of the Chesapeake Bay Program. Secretary Domenech serves in that role from the Commonwealth.

The purpose of the meeting was to finalize the deadline for the establishment of the Chesapeake Bay TMDL. The deadline will be December, 2010. This is reinforced in the Chesapeake Bay language in the President's Executive Order as well as in the settlement with the Chesapeake Bay Foundation.

Mr. Baxter said that conceptually that there were some changes regarding DCR's Watershed Implementation. That is the plan for reducing nitrogen, phosphorus and sediment through urban sources, through agricultural sources, wastewater, septic tanks.

All of those things will be incorporated into the plan and will be assigned to various segments of the Bay and its tributaries.

Mr. Baxter said that the original deadline had been June 1, but because of problems with the EPA model, that deadline was changed. He said that now the EPA will issue nutrient allocations by July 15. This will set the cap on the amount of nitrogen and phosphorus that can go into the Bay. Six states and the District of Columbia will be given these allocations. The sediment allocations will be given by August 1.

Mr. Baxter said that EPA then expects states to have a draft plan available by September 1. This is a relatively compact time frame for a huge technical, social, economic and political enterprise. This will go out for public comment between October 1 and November 1. The final TMDL plan is to be complete by December.

Mr. Baxter said that the Board would deal with issues relating to the TMDL in terms of permitting and stormwater. He said that the stormwater regulations would be revised to implement the numbers contained in the TMDL.

Mr. Baxter said that Governor McDonnell had recently announced his commission on Government Reform and Restructuring. He distributed a copy of the associated news release. He said that, at this point, any potential impact on DCR or the Board is unknown.

Mr. Baxter said that a draft resolution regarding Mr. Browning was in the packet for Board consideration.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board adopt the following resolution:

**Virginia Soil and Water Conservation Board**

**COMMENDING RESOLUTION**

**Presented to**

**WILLIAM G. BROWNING**

At a regular meeting of the Virginia Soil and Water Conservation Board held on Friday, May 14, 2010 at the Association of Electric Cooperatives in Glen Allen, Virginia the following resolution was unanimously adopted:

WHEREAS, William G. Browning began his career with the Soil Conservation Service and State Committee in 1959, after having attended Virginia Polytechnic Institute, and

WHEREAS, Mr. Browning began his service to the Commonwealth of Virginia on December 1, 1964, as a Hydraulic Technician with the Virginia Soil and Water Conservation Commission, and

WHEREAS, Mr. Browning served the Commonwealth in many capacities during his career, including Hydraulic Engineer, Soil and Water Conservation District Coordinator, Environmental Technical Services Administrator, Assistant Director for Administration of the Division of Soil and Water Conservation, and Assistant Division Director of the Division of Soil and Water Conservation, and

WHEREAS, in 2003, Mr. Browning was named the Director of the DCR Division of Dam Safety and Floodplain Management, and

WHEREAS, the Virginia Dam Safety Program, under Mr. Browning's leadership, became recognized as a leading program throughout the United States, promoting fairness and consistency throughout the Commonwealth in a regulatory program that emphasizes the safety of persons and property downstream of regulated dams.

BE IT THEREFORE RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds Mr. William G. Browning for his lifelong commitment to the natural resources of the Commonwealth, and the safety of the Commonwealth's citizens,

BE IT FURTHER RESOLVED, that on this date, May 14, 2010, the Virginia Soil and Water Conservation Board establishes as public record their deep appreciation and admiration for Mr. Browning's many years of service.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried.

Mr. Baxter turned the chair over to Ms. Hansen.

Ms. Hansen expressed her appreciation for Mr. Browning's work. She said that he had just assumed the position when she came on the Board. She said that there were many issues for him to deal with and that he basically had to start over with the record keeping and getting everything in the system. She said that the Board and the agency owed a great debt to Mr. Browning.

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

**Erosion and Sediment Control**

Mr. Hill gave the report regarding Erosion and Sediment Control issues. He noted that 158 localities had been found consistent.

*Agenda Item: Recognition – Erosion and Sediment Control Programs: Clarke and Gloucester County, City of Hopewell.*

MOTION: Mr. Simms moved the following three motions:

The Virginia Soil and Water Conservation Board commends Clarke County for successfully improving the County's 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.

The Virginia Soil and Water Conservation Board commends Gloucester County for successfully improving the County's 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.

The Virginia Soil and Water Conservation Board commends the City of Hopewell for successfully improving the City's 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.

SECOND: Ms. Jamison

DISCUSSION: Nancy Olin from Clarke County thanked the Board for working with the County. She noted that Clarke County was largely rural and that there were rarely large sites to consider. She said the County had worked closely with the Warrenton office.

Ms. Hansen said that the Board understood the issues presented to smaller localities.

VOTE: Motion carried unanimously

*Local Programs previously found inconsistent and request for Board to extend CAA*

*Chesterfield*

Mr. Hill gave the following background for Chesterfield County.

The Virginia Soil and Water Conservation Board approved Chesterfield County's Corrective Action Agreement (CAA) with a completion date of March 18, 2010. At the direction provided by the Board, Department of Conservation and Recreation staff reviewed Chesterfield County's progress on implementing the CAA. Based on the results of the review, the staff has determined that the County has not achieved compliance with the CAA. DCR staff recommends that the County be given until November 18, 2010 to comply with the outstanding CAA items.

Doug Pritchard, Program Administrator for Chesterfield County spoke on behalf of the County. He noted that County engineers Scott Dunn and Robert Boswell were also present at the meeting.

Mr. Pritchard said that Chesterfield County has seven strategic goals. He said goal seven is to be responsible protectors of the environment. He said that the County took the issues seriously.

Mr. Pritchard said that it was important to the County to know where they were falling short on the MS19 issue. He said that the County had updated their definition of adequate channel based on the proposed amendments to Parts I, II and III of the stormwater regulations. He said that under that definition a wetland may be considered an adequate channel. He said that until such time as the stormwater regulations were finalized, the County would offer a variance which he understood would bring them to compliance.

Mr. Baxter noted that the amended stormwater regulations were currently suspended.

Mr. Pritchard said that this had been the long standing approach in Chesterfield. He said that the County believed they had the most comprehensive program in the state. He said that he wanted to go through a timeline and share the frustration we have gone through to make a point and provide some insight on ways to provide programmatic progress.

Mr. Pritchard read from the Erosion and Sediment Control law regarding the submission and approval of controlled plans. He said that Chesterfield County felt that the plan applied only to local plan review. He said that the County would like to have the same principle applied to programmatic review.

Mr. Pritchard said that the County position was that the programmatic review does not have to be as specific. He said that the County was given a statement that said that MS19

was not being met. He said that MS19 involved the discharge of stormwater. He said there were a number of alternative ways of dealing with it.

Mr. Pritchard said that the County had requested written comments and had received a checklist. He said that the County had met with DCR staff in April. Following that meeting the County drafted a letter to DCR outlining their position read from that letter. A copy of the letter is available from DCR.

Ms. Hansen thanked Mr. Pritchard for detailing the County's experience. She noted that it had only been four business days since the County's letter had been sent and that the staff was not yet prepared to respond.

Mr. Hill noted that MS19 has always been an issue. He said that the interpretation of the standard is that if the plan lacks documentation or calculations it is deemed to not be in compliance. He said that this issue would be addressed in the next round of program reviews. Mr. Hill said that staff will respond accordingly to the County's letter of May 7, 2010.

MOTION: Mr. Ingle moved the following:

The Virginia Soil and Water Conservation Board accept the staff recommendations and grants Chesterfield County an extension until November 18, 2010 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the County's compliance with the outstanding CAA and provide a report at the January 2011 meeting.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

*City of Covington*

Mr. Hill gave the following background for the City of Covington.

The Virginia Soil and Water Conservation Board approved the City of Covington's Corrective Action Agreement (CAA) with a completion date of March 24, 2010. At the direction provided by the Board, Department of Conservation and Recreation staff reviewed the City of Covington's progress on implementing the CAA. Based on the results of the review, staff has determined that the City has not achieved compliance with the CAA. DCR staff recommends that the City be given until November 18, 2010 to comply with the outstanding CAA.

Mr. Hill said that this was a situation where there were no plans available to inspect. He said that the question had been previously raised regarding how to find a locality consistent if there are no plans available for review.

Mr. Hill said that in review of the program, staff would be making recommendations to deal with similar situations.

**MOTION:** Ms. Jamison moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grant the City of Covington an extension until November 18, 2010 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the County's compliance with the outstanding CAA and provide a report at the January 2011 Board meeting.

**SECOND:** Mr. Simms

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Floyd County*

Mr. Hill gave the report for Floyd County.

The Virginia Soil and Water Conservation Board approved Floyd County's Corrective Action Agreement (CAA) with a completion date of January 19, 2010. At the direction provided by the Board, Department of Conservation and Recreation staff reviewed Floyd County's progress on implementing the CAA. Based on the results of the review, the staff recommends that the County be given until November 18, 2010 to comply with the outstanding CAA.

Mr. Hill said that staff performed a review follow up. He noted that the County has submitted an Alternative Inspection Program for consideration. Also, new staff has been hired and began on April 1, 2010.

**MOTION:** Ms. Dalbec moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grant Floyd County an extension until November 18, 2010 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the County's compliance with the outstanding CAA and provide a report at the January 2011 Board meeting.

**SECOND:** Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

*2010 Annual Standards and Specifications for Utility and Railroad Companies*

MOTION: Ms. Jamison moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2010 annual standards and specifications for electric, natural gas, telecommunication, and railroad companies. The Board concurs with staff recommendations for continued approvals of the 2010 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests 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 from May 15, 2010 to December 31, 2010 must be submitted by June 11, 2010. 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 11, 2010 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 [Linear.Projects@dcr.virginia.gov](mailto:Linear.Projects@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.

A variance was requested for Minimum Standard 16.a. The response to the request for the variance is 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.

The company recommended for conditional approval with the 4 conditions is:

Gas: Columbia Gas Distribution

SECOND: Mr. Simms

DISCUSSION: Mr. Ingle asked if “in excess of 500 ft.” meant that the developer could have more than 500 ft. open at a time.

Mr. Hill said that was correct, but that only 500 ft. could remain open at the end of the work day.

VOTE: Motion carried unanimously

*Initial Acceptance of Spotsylvania County’s Proposed Alternative Inspection Program*

MOTION: Mr. Simms moved the following motion:

The Virginia Soil and Water Conservation Board receives the staff update and recommendation regarding the proposed Alternatives Inspection Program for Spotsylvania County. The Board concurs with the staff recommendation and accepts the County’s proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

*Floyd County's Proposed Alternative Inspection Program*

MOTION: Mr. Brickhouse moved the following:

The Virginia Soil and Water Conservation Board approves the proposed Alternative Inspection Program for Floyd County as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations. The Board requests the Department of Conservation and Recreation staff to monitor the implementation of the alternative inspection program by the County to ensure compliance with the approved program.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

*Update on Revisions to Local Program Reviews*

Mr. Hill said that staff had been working with regional staff to review the comments received and to determine how best to revise the local program review process, including paperwork and scoring.

Mr. Hill said that staff had put together a document and had received comments. At draft has been submitted to the Office of the Attorney General and to the DCR Director for review. Following that review, staff will sit down with a local government advisory committee for final review.

Mr. Hill said that the intent was to bring the changes to the Board at the July or September meeting.

**Dam Safety Certificates and Permits**

Mr. Brown presented the Dam Safety Certificates and Permits

*Compliance Issues – Enforcement Actions*

Mr. Brown said that there were no updates regarding Enforcement Actions. He said that the staff would be reviewing these situations over coming months to determining if there were ways to move them forward.

*Compliance Issues – Conditional Certificates*

Mr. Brown presented the list of Conditional Certificate recommendations. He said that, similar to the dams that were considered for conditional certificates at the March Board meeting, legislation and dam safety guidance currently under development may affect the requirements for these dams. He said that staff recommendation was to extend these certificates for six months which will provide staff time to:

1. Evaluate the impacts that the 2010 legislation brings to the Impounding Structure Regulations;
2. Finalize the Board's Guidance Documents currently under development; and
3. Finalize Program procedures needed for the transitioning of the September 26, 2008 Impounding Structure Regulations.

The dams under consideration for a six month extension were:

4	Red Hill Quarry Dam	00321	ALBEMARLE	6 month extension
5	Lake Caroline Dam	03324	CAROLINE	6 month extension
6	Clements Dam	04905	CUMBERLAND	6 month extension
7	Reservoir Dam #1	07508	GOOCHLAND	6 month extension
8	Lake Dillon Dam	07525	GOOCHLAND	6 month extension
9	Reservoir Dam #2	07527	GOOHLAND	6 month extension
10	Epes Dam	13502	NOTTOWAY	6 month extension
11	Goodwin Dam	14705	PRINCE EDWARD	6 month extension
12	Bush River Dam #12	14735	PRINCE EDWARD	6 month extension
13	Possum Point Ash Pond "E" Dam	15321	PRINCE WILLIAM	6 month extension
14	Turner Dam	16308	ROCKBRIDGE	6 month extension

Mr. Brown noted that Goodwin Dam was owned by the Division of State Parks and suggested that Mr. Baxter abstain from voting on actions affecting this dam.

MOTION: Mr. Ingle moved the following:

Due to the new Dam Safety legislation enacted by the 2010 General Assembly, the Board defers action on all certificates expiring May 31, 2010 as noted above with the exception of Goodwin Dam, Inventory #14705, and directs that each dam owner be issued a six-month Certificate extension at no cost to the dam owner. The Board directs the staff to inform each dam owner in writing of this action and also inform the dam owner, that during

this interim period no further engineering design work of spillway capacity or hazard classification, including construction activity affiliated with the spillway capacity upgrades is required to be performed.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Hornbaker moved the following:

Due to the new Dam Safety legislation enacted by the 2010 General Assembly, the Board defers action on Goodwin Dam, Inventory #14705, and directs that the dam owner be issued a six-month Certificate extension at no cost to the dam owner. The Board directs the staff to inform the dam owner in writing of this action and also inform the dam owner, that during this interim period no further engineering design work of spillway capacity or hazard classification, including construction activity affiliated with the spillway capacity upgrades is required to be performed.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried with Mr. Baxter abstaining

### *Regular Certificates*

Mr. Brown presented the following list of Regular Certificate recommendations.

Dams being considered for Regular Certificates were:

4	Otter River Raw Water Terminal Dam	03125	CAMPBELL	6 Year Regular
5	Pohick Creek Dam #1	05929	FAIRFAX	6 Year Regular
6	Pulte McLean Pond Dam #7	05946	FAIRFAX	6 Year Regular
7	Wareham's Pond Dam	09516	JAMES CITY	6 Year Regular
8	Darr Dam	09908	KING GEORGE	6 Year Regular
9	Reckmeyer Dam	10729	LOUDOUN	6 Year Regular
10	Walker's Dam	12716	NEW KENT	6 Year Regular
11	Massanutten Dam	16512	ROCKINGHAM	6 Year Regular

12	Rocky Pen Run Dam #4A	17915	STAFFORD	6 Year Regular
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**MOTION:** Mr. Brickhouse moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificates as presented by Dam Safety staff and that staff be directed to communicate the Board actions to the affected dam owners.

**SECOND:** Mr. Simms

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Permit Certificates*

Mr. Brown presented the following list of Permit Certificate recommendations:

4	Stoney Creek Dam	01904	BEDFORD	1 Year Alteration
5	Pohick Creek Dam #2	05923	FAIRFAX	2 Year Alteration
6	Reston Town Center Western BMP Dam	05941	FAIRFAX	2 Year Alteration
7	Nelson Creek Dam	12501	NELSON	2 Year Alteration
8	Walker's Dam	12716	NEW KENT	2 Year Alteration
9	Bear Creek Dam	19511	TOWN OF WISE	1 Year Alteration
10	Upper Norton Reservoir Dam	72002	CITY OF NORTON	1 Year Alteration

**MOTION:** Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by Dam Safety staff and that staff be directed to communicate the Board actions to the affected dam owners.

**SECOND:** Mr. Brickhouse

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Extensions*

Mr. Brown presented the following recommended list of extensions. Similar to the Conditional Certificates, the staff recommendation was for each to receive a six month extension in light of the new legislation and other program changes currently underway.

3	Lower Ragged Mountain Dam	00304	ALBEMARLE	6 Month Extension
4	Upper Ragged Mountain Dam	00356	ALBEMARLE	6 Month Extension
5	South River Dam #26	01501	AUGUSTA	6 Month Extension
6	South River Dam #25	01502	AUGUSTA	6 Month Extension
7	South River Dam #8A	01528	AUGUSTA	6 Month Extension
8	Falling Creek Reservoir Dam	01910	BEDFORD	6 Month Extension
9	Lake Shannon Dam	03322	CAROLINE	6 Month Extension
10	Lake DeJarnette Dam	03341	CAROLINE	6 Month Extension
11	Lake Pinewood Dam	04301	CAROLINE	6 Month Extension
12	Long Pond Farm Dam	04301	CLARKE	6 Month Extension
13	Johnson Dam	06114	FAUQUIER	6 Month Extension
14	Lake Monroe Dam	09906	KING GEORGE	6 Month Extension
15	Central Crossing Dam	10126	KING WILLIAM	6 Month Extension
16	Sleeter Lake Dam	10710	LOUDOUN	6 Month Extension
17	Precision Dynamics Lake Dam	10711	LOUDOUN	6 Month Extension
18	Lake Parker Dam	12714	NEW KENT	6 Month Extension
19	Lake Washington Dam	12715	NEW KENT	6 Month Extension
20	Buffalo Creek Dam #1	14701	PRINCE EDWARD	6 Month Extension
21	Buffalo Creek Dam #3	14702	PRINCE EDWARD	6 Month Extension
22	Buffalo Creek Dam #4	14703	PRINCE EDWARD	6 Month Extension
23	Buffalo Creek Dam #2	14706	PRINCE EDWARD	6 Month Extension
24	Buffalo Creek Dam #5	14707	PRINCE EDWARD	6 Month Extension
25	Buffalo Creek Dam #6	14709	PRINCE EDWARD	6 Month Extension
26	Buffalo Creek Dam #7	14709	PRINCE EDWARD	6 Month Extension
28	Buffalo Creek Dam #8	14710	PRINCE EDWARD	6 Month Extension
29	Buffalo Creek Dam #9	14711	PRINCE EDWARD	6 Month Extension
30	Bush River Dam #2	14734	PRINCE EDWARD	6 Month Extension
31	Bush River Dam #7	14736	PRINCE EDWARD	6 Month Extension
32	Goshen Dam	16301	ROCKBRIDGE	6 Month Extension
33	Moore's Creek Dam	16304	ROCKBRIDGE	6 Month Extension
34	Willow Lake Dam	16305	ROCKBRIDGE	6 Month Extension
35	Lake Burnt Mills Dam	80003	CITY OF SUFFOLK	6 Month Extension

**MOTION:**

Ms. Dalbec moved that the Virginia Soil and Water Conservation Board defer actions on all certificates expiring on May 31, 2010 and that the Board issue each dam owner a six-month Certificate extension at no cost to the dam owner. Further that the Board direct staff to inform each dam owner in writing of this action and also inform the dam owner, that during this interim period no further engineering design work of spillway capacity or hazard classification, including construction activity affiliated with spillway capacity upgrades is required to be performed.

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

Ms. Jamison asked if Mr. Brown had been in communication with the owners of Rainbow Forest Dam following their presentation at the last Board meeting.

Mr. Brown said that the regional engineer had been in contact and that it had been communicated to him that there would likely be a meeting set up with Rainbow Forest representatives during the month of June. He said that the hope was to be able to provide more information to the Board at the July meeting.

Mr. Hornbaker expressed a concern regarding enforcement actions that have been on the list for a significant time. He asked what authority the Board had to take that a step further towards compliance.

Mr. Brown said that the typical action that had been undertaken by the Board in the past was to move for an injunction from the court. He said that, as mentioned in the discussion of enforcement actions above, he planned to review the matters currently under enforcement and report back to the Board as he became familiar with each situation. He said that under the Statute, the Board has the authority to seek an injunction and civil penalties. He said that the typical path was to issue administrative orders and that it had been very rare that these matters go to court.

Ms. Hansen asked Mr. Brown to explain the procedure for enforcing an injunction after it has been obtained if the dam owner does not comply with it.

Mr. Brown said that a court order would be pursued directing a certain action. He said first that there would be a show cause hearing and the matter would be brought back to the court. He said, for example in the Mellott case, that the Board was currently at the point of the show cause hearing, but that step has not yet been taken. He said that would be the next action and that it would have implications for persons not abiding by the injunctions.

#### *Dam Safety Guidance*

Mr. Brown noted that the Dam Safety Guidance had been proposed at a previous meeting and had been put out for public comment. He said many good and substantive comments had been received. There have been some significant changes made to the Guidance as a result. Staff is currently working to finish amendments to the Guidance and it is hoped that the first of these documents will be brought back to the Board for consideration at the July meeting.

Mr. Dowling also discussed changes that need to be made to the Impounding Structure Regulations as a result of this year's legislation. He said that when the legislation was reviewed it was clear that there are areas where the Board and DCR have no discretion and must amend the Regulations to mirror the new statutory provisions.

Mr. Dowling said that the intent would be to bring a motion for an exempt regulatory action to the July or September Board meeting.

### **Update on Dam Safety, Flood Prevention and Protection Assistance Fund**

Mr. Brown gave the following update:

- At its November 2009 meeting, the Soil and Water Conservation Board authorized dam break inundation zone mapping and incremental damage analysis grants as follows:

<b>Dam Break Inundation Zone Mapping</b>	
<b>Name of Dam</b>	<b>Grant Amount</b>
Rainbow Forest	Up to \$5,000
Johnson Dam	\$2,330
Springvale Dam	Up to \$5,000
Brushy Mountain Dam	Up to \$5,000
Northup Dam	Up to \$1123
Grymes Mill Dam	Up to \$1123
Rivanna Woods Dam	Up to \$1123

<b>Incremental Damage Analysis</b>	
<b>Name of Dam</b>	<b>Grant Amount</b>
Omisol Dam	Up to \$1,000
Rainbow Forest Dam	Up to \$2,000
Rivanna Woods Dam	Up to \$1,300

- The Board's motion also requested that all applicants sign and return grant agreements related to these grants within 60 days of receipt (the Board reserved the right to extend this deadline, and the grantees would then have six months to complete the projects associated with the grant). After the Board's meeting, all grantees were contacted to verify their continued interest. Grant agreements were then developed by the Virginia Resources Authority and sent to all grantees in mid-February.
- The first grantee to fully complete all grant requirements and receive funding was Johnson Dam.
- Other dams are working on mapping/analysis associated with their grants
- Three dam owners have not yet sent back signed grant agreements as requested by the Board's original motion. It is requested that the Board extend the timeframe for return of the signed grant agreements until June 30, 2010 in order to allow

these owners one final chance to take advantage of the Fund. This extension has been brought to VRA's attention and they have no objection.

MOTION: Ms. Jamison moved the following:

The Virginia Soil and Water Conservation Board extends the deadline for return of signed grant agreements associated with grants approved from the Dam Safety, Flood Prevention and Protection Assistance Fund at its November meeting until June 30, 2010. DCR staff is authorized to communicate with the grantees who have not returned signed grant agreements during this period to ascertain their continued interest in receiving grant funding.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously.

Mr. Brown said that he also wanted to inform the Board that the Virginia Resources Authority has reported that it did receive back the \$500,000 in grant funds from the Lake of the Woods Association following the termination of that grant.

*Northwoods Property Owners Association*

Mr. Brown said that in mid-April, Mr. Baxter had received a letter from Mr. Dana McCarron regarding Shumaker River Dam #1. Mr. Brown said that this was a District owned and operated dam.

Mr. Brown said that the concern regarding the dam was that there were trees in the spillway. He cited the following section from the *Code of Virginia*.

§ 10.1-609.2. Prohibited vegetation.

Dam owners shall not permit the growth of trees and other woody vegetation and shall remove any such vegetation from the slopes and crest of embankments and the emergency spillway area, and within a distance of 25 feet from the toe of the embankment and abutments of the dam. Owners failing to maintain their dam in accordance with this section shall be subject to enforcement pursuant to § 10.1-613.

Mr. Brown turned to Ken Turner for a presentation.

Mr. Turner noted that the dam in question is known by three names: Shoemaker River Dam #1A, Inventory Number 16509 and Northwood Lake.

Mr. Turner said that the dam has a high hazard, conditional certificate. The dam is 52 ft. high and the normal water pool is about 9 acres. The dam was completed in 1980.

Mr. Turner said that the tree growth in the spillway had been there since around 2003 when the size of the trees was likely not significant. He said that when the dam was up for recertification in 2009, an inspection was completed and deficiencies were noted. Mr. Turner said that with an overflow there was erosion potential.

Mr. Turner noted that the law says that there cannot be trees in the emergency spillway. He said that the issue of a sunny day failure is a piping failure. That could be caused by tree roots.

Mr. Turner said that some of the trees had been cut per the instruction of NRCS, but that a significant amount of trees remain in the spillway.

Mr. Simms asked how the ground cover would be reestablished.

Mr. Turner said that Kentucky 31 tall fescue could be planted.

Mr. McCarron from the Northwoods Property Owners Association addressed the Board.

Mr. McCarron said that the dam was completed in the late 70s and that the Association became the property owner in 1980. He said that at the point of completion the dam received the necessary certification.

Mr. McCarron said that one of the problems was that the embankment was too steep to keep mowed. He said that the cost of bringing in special devices for mowing was exorbitant.

Mr. McCarron said that the dam had seen two 100-year floods and one that was considered a 500-year flood. He said that the September 1996 flood was the only one to ever go over the spillway. He noted that the trees in question had been there for 30 years.

Mr. McCarron said that water had never been on Route 612. He noted that trees and debris do not flow into the lake.

He said that in the over all time frame the concerns about the spillway were not going to happen.

Mr. Baxter asked Ms. Andrews to clarify whether the Board could be flexible with the stated language.

Ms. Andrews said that it was clear that the statute states that the owner cannot allow trees and other vegetation within the emergency spillway area. She asked if there was a consistent application of this statute.

Mr. Brown said that in every instance he had dealt with the standard there were no trees within the spillway.

Ms. Hansen said that occasionally there was a law that does not address everything. She said that the Board had received some good information. She said she would like to give staff an opportunity to review the information and get back to the Board.

Ms. Jamison asked the role of the District in this process.

Mr. Turner said that the District was responsible for dam maintenance as the owner of the dam. He said that the landowners own the property and the District owns an easement that allowed them to build and maintain the dam.

Ms. Hansen said that if there was no objection she would suggest that staff return with additional information at a future meeting.

MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board request that DCR staff further study the Shoemaker River Dam #1A and the trees within the spillway and report back at the July meeting.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

### **Closed Session for Consultation with Counsel Regarding Legal Matters**

Ms. Hansen turned to Ms. Dalbec for the purpose of a motion.

Ms. Dalbec moved the following:

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, the Potomac Riverkeepers' appeal of the Construction General Permit regulations.

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 Acting Director of the Department of

Conservation and Recreation (DCR), and, David C. Dowling, Ryan Brown, Jack Frye, Lee Hill, to attend because it believes that their presence will reasonably aid the Board in its consideration of the topic that is the subject of this closed meeting.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Ms. Baxter moved the following:

WHEREAS, the Board has convened a closed meeting on May 14, 2010 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: Hornbaker

DISCUSSION: None

VOTE: Aye: Hansen, Baxter, Brickhouse, Dalbec, Hornbaker, Jamison, Ingle, Simms

No: None

Motion carried unanimously

At this time the Board recessed for lunch.

**Local Soil & Water Conservation Districts**

*District Director Resignations and Appointments*

Mr. Frye said that there were no resignations and appointments for consideration.

*Review of Board Policy: Financial Assistance for Districts*

Mr. Frye distributed documents entitled “Financial Assistance for Soil and Water Conservation Districts” and “Attachment A” for that document. He noted that Mr. Meador had presented and discussed these at the March meeting. Copies of these documents are available from DCR.

Mr. Frye reviewed the recommend changes.

Mr. Simms noted that the lack of funding was a concern from the local District level. He said that his District was in the process of instituting staff furloughs.

Ms. Jamison noted that the document did not address funding for Districts who have to maintain dams.

Mr. Frye said that the document was developed in working with the association. He said that the goal when the document was developed was to show the actual need that Districts have for operating costs. He said the issue of funding for dams could be discussed with the Association.

Mr. Dowling said that the matter could be discussed with the Association and possibly brought before the Board in the following year. He said that it would take time to develop that policy.

Ms. Hansen said that would further divide the moneys available.

Ms. Jamison noted that if money provided to Districts for dam maintenance was restricted and cannot be spent elsewhere, that might alleviate some concerns.

Mr. Dowling said that may need to be a legislative budget issue.

Mr. Frye suggested that staff could work with Districts to develop a formula. He said that further discussion was merited.

Mr. Hornbaker asked if there was a policy in place should a District wish to sell a damn.

Mr. Dorsett said that there was nothing that says that the District is required to maintain ownership.

MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board increase the essential funding in the Financial Assistance for

Soil and Water Conservation Districts from \$120,000 to \$124,000 and that the associated numbers be modified accordingly.

SECOND: Ms. Jamison  
DISCUSSION: None  
VOTE: Motion carried unanimously

*Performance Deliverables/Attachment A*

Mr. Frye distributed a document entitled “Soil and Water Conservation District FY11 Performance ‘Deliverables’ for Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent That Funding Permits.” A copy of this document is available from DCR.

Mr. Frye said that this document was also shared at the last meeting and that there were no changes.

MOTION: Ms. Jamison moved that the Performance Deliverables for Soil and Water Conservation Districts for FY11 be approved as submitted by staff.  
SECOND: Ms. Dalbec  
DISCUSSION: None  
VOTE: Motion carried unanimously

Virginia Agricultural Incentive Program

Mr. Frye gave an overview of changes planned for the 2011 Virginia Agricultural BMP Cost-Share Program. A copy of this handout is available from DCR.

Mr. Frye said that there had been some restructuring of the manual that would be effective July 1. Districts have received copies and are being trained. Mr. Frye said that staff was requesting the Board to approve the list of BMP practices thereby allowing implementers to receive the associated tax credit.

MOTION: Mr. Brickhouse moved that the Virginia Soil and Water Conservation Board approve the list of Agricultural BMP practices as presented by staff.  
SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

**JOINT SESSION WITH VIRGINIA ASSOCIATION OF  
SOIL AND WATER CONSERVATION DISTRICTS**

Ms. Hansen called for a motion to move the Board into a joint session with the Virginia Association of Soil and Water Conservation Districts.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board convene in joint session with the Virginia Association of Soil and Water Conservation Districts.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Chaffin said that the Virginia Association of Soil and Water Conservation Districts was recommending the following individuals' names be forwarded to the Secretary of the Commonwealth for the Governor's consideration.

Mr. Dowling noted that the law requires that two qualified nominees be brought forward for each position.

The names for consideration were:

Area IV

Jerry Ingle  
Daniel Boone SWCD

Carolyn Baker  
Lonesome Pine SWCD

Area I

Stephen Talley  
Headwaters SWCD

Stephen Lohr  
Shenandoah Valley SWCD

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board accept the recommendations of the Virginia Association of Soil and Water Conservation Districts and that the Board direct DCR staff to forward the recommendations to the Secretary of Natural Resources for consideration by the Governor.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried with Mr. Ingle abstaining

MOTION: Ms. Dalbec moved that the Joint Session be adjourned and that that the Virginia Soil and Water Conservation Board return to their regular meeting.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried unanimously

### **Partner 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 #2.

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

Mr. Chaffin said that he was very interested in the discussion concerning the selling of District owned dams. He said that he would like to be involved in further discussion.

Mr. Chaffin said that the District employee training would be held at Graves Mountain Lodge in August. The VASWCD Board of Directors will meet on June 23-24 at Chippokes Plantation State Park.

Mr. Chaffin said that all area meetings with the exception of Area II had been held. That meeting was scheduled for the following week. He expressed appreciation to Mr. Dorsett and Mr. Frye for participating in the meetings.

Mr. Chaffin said plans for the Annual Meeting were well underway. A list of sessions should be available by summer. The meeting will be held at the Hotel Roanoke.

Mr. Chaffin noted that typically at the July meeting the Board discussed the Association agreement with DCR. He said that he would like to be able to make a request at the July meeting.

Mr. Frye said that he would work with Mr. Chaffin in that regard.

### **New Business**

There was no new business.

### **Public Comment**

There was no further public comment.

### **Next Meeting**

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, July 15, 2010. The location will be determined at later date.

Respectfully submitted,

Susan Taylor Hansen  
Vice Chairman

David A. Johnson  
Director

Attachment #1

**Department of Conservation and Recreation**  
Report to the Virginia Soil and Water Conservation Board  
May 14, 2010

1. DCR/SWCD Operational Funding: All 47 SWCDs were issued a grant agreement with DCR in June, 2009 for operational funding this fiscal year (FY10). Each has returned a fully endorsed agreement to their CDC and each was issued 25% of the approved operational funding for FY10. At the outset of this fiscal year (FY10), operational funding for all districts totals \$3,536,535. This amount reflects a decrease 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 \$1,712,500 to employ conservation specialists for the implementation of agricultural BMPs. In addition to operational funding, districts receive funding for staff through a provision in state law that directs 8% of the amount deposited in the Virginia Natural Resources Commitment Fund (for FY10, \$20 million was deposited) to support technical staff of SWCDs that are performing assistance with implementation of agricultural BMPs.

On September 8, 2009, Governor Kaine announced reductions in state funds which include a 10% reduction in SWCD funding for FY10. The reduction amount totals \$587,454 (comprised of \$349,954 in operational funds, \$150,000 in funding for small repairs to SWCD owned dams; and \$87,500 in technical assistance for SWCD agricultural support staff) this fiscal year. The reduction in operational funds varies by SWCD in a range of \$6,941 to \$8,239 for an average reduction of \$7,445 per district. DCR in consultation with the VASWCD resolved the details for implementing reductions in district funding. Correspondence pertaining to administration of the reductions has been issued to all SWCDs by DCR. The reductions in operational funds were imposed during the last two quarters (January and April) of this fiscal year.

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 last quarterly meeting of the state JED group was held as a conference call on February 17<sup>th</sup>, 2010.

The state level JED team is focusing on the delivery of 3 “core courses.” The short course “Conservation Selling Skills” has been held at least annually for the past 8 years. The last course was delivered on November 4<sup>th</sup> and 5<sup>th</sup>, 2009 at the Central Virginia Community College in Lynchburg. Delivery of this class is tentatively planned for the fall of 2010, depending upon sufficient course enrollment. NRCS is supporting delivery of the EP&I (Effective Presentation and Instruction) short course. Teams of trainers to deliver the course have been established. Each of the 4 JED regions has a training team for this course consisting of 3 individuals. Two of the 4 teams have delivered the course within their region of the state. The other 2 teams will deliver the course in their regions during the months to come. The third “core course” – Conservation Orientation for New

Employees – is available for regional delivery. However, since the course was last offered in February, 2007 it is believed there has been sufficient turnover of SWCD and conservation partner staff to offer the week long course. The state level JED team will revisit discussion about delivery of this course later this year or possibly early in 2011. Delivery in the Richmond area would minimize travel by the majority of trainers from NRCS and conservation partners.

The next meeting of the JED state team will be held as a conference call on May 27<sup>th</sup> beginning at 9 a.m.

3. SWCD Dams: The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others, continues 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 29, 2010. The primary focus of that discussion pertained to Emergency Action Plans. The group received updates by DCR staff from Design and Construction concerning the work performed to date with Dam Break Inundation Studies, plans for dam modification/construction projects, as well as other dam related updates by DCR and NRCS staff. The next meeting of this group is scheduled August 4, 2010 in Charlottesville.

4. SB-346 Voluntary Ag & Forestry BMP Database Strategy: Secretary Domenech has approved DCR to move forward with the agricultural commodity organizations, districts and other interested parties to define the elements of the strategy to collect and report voluntary BMPs. Items for consideration include: BMP requirements; how to achieve reporting; system to capture and management data; how to certify practices; requirements for reasonable assurance; how to exempt data from FOIA; other issues. The “Strategy” is to be submitted to Governor and General Assembly conservation committees by November 1, 2010.

5. Agricultural BMP Incentive Programs: The Ag. BMP Cost Share Program Technical Advisory Committee (TAC) last met on March 22, 2010. The group approved changes that will modify some existing practice language and include new practices designed to keep BMPs in place after the design lifespan has expired. The 2011 Ag BMP manuals have been printed and are being distributed during programmatic training sessions currently underway at 4 locations statewide. A projected \$9.1 M is anticipated to be collected via the \$10 increase in deed recordation fee over the course of the fiscal year. This money will be deposited in the Natural Resources Commitment Fund as collected by the local clerks of the court and then distributed through DCR to SWCDs for implementing the 2011 Ag BMP Cost Share program. DCR will resolve any “cash flow” issues.

Agricultural BMP Tracking Program: Phase 1.5 of the modernization of the Ag BMP Tracking Program is complete. Phase 2 work is well underway. This phase will address a list of approximately 40 enhancements that SWCDs and DCR have identified as high

priority improvements to the program. WorldView is under contract with DCR to perform this work. Many of the Phase 2 enhancements will launch on or before July 1, 2010. Some additional program features will be deployed in the months to follow. A third project phase is planned. Arrangements for four regional BMP tracking program training sessions are underway for June to assure that new modifications to the tracking program are understood and usable starting July 1.

CREP: A budgetary action of the 2010 General Assembly has resulted to a lost of \$6.2M in state funds previously appropriated for CREP. With funds that remain, DCR projects that the program can continue enrollment for the next 2 years, but thereafter additional funding may be needed to fulfill all of the program goals.

6. Erosion and Sediment Control & Stormwater Management Program: As of the May 14, 2010 meeting of the Virginia Soil and Water Conservation Board, 158 or 96% of local erosion and sediment control programs have been found consistent with state law. A total of 428 new construction activities have registered for coverage under the construction general permit from March 1, 2010 through May 10, 2010. A total of 4,752 construction general permits, permit reissuance (2,933) plus new projects (1,819), have been issued through May 10, 2010.

7. Nutrient Management: EPA conducted inspections of animal feeding operations in the Shenandoah Valley region of Virginia between May 14 and 16. EPA has previously performed inspections of CAFO's on Delmarva and in Lancaster, PA. In a briefing held in Harrisonburg prior to the inspections, EPA pointed out concerns that they have with existing CAFO operations such as denuded feeding lots, runoff of stormwater, cattle within the production area with stream access (considered to be a "discharge"), and other issues. The EPA indicated that they will continue to make periodic inspections of animal feeding operations in Virginia to look at compliance and other issues. The Virginia agencies have not received any official findings from the inspections at this time.

8. Chesapeake Bay TMDL: Following pressure from the states, EPA will not require a preliminary draft of state Chesapeake Bay Watershed Implement Plans on June 1, however, the draft submission date of September 1 has not been modified and EPA's end date for the Bay TMDL is still December 31, 2010. Modeling delays and problems involving recent changes to the way nutrient management is credited and concerns with the acreage of urban land uses prompted several states, including Virginia, to press for an extension to the deadlines. Virginia postponed its scheduled April 15 meeting of the Stakeholder Advisory Group due to the modeling uncertainties. The meeting will be rescheduled in June. The EPA will provide draft nutrient allocations to the states by river basin by July 1, and draft sediment allocations by August 15. States received preliminary draft targets for nutrients last November. Staff expects changes in the upcoming draft allocations, with nutrient load targets expected to be lowered (made more stringent) for Virginia. The official EPA website for Bay TMDL information is [www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl).

Attachment# 2

**NRCS REPORT**  
**VA Soil and Water Conservation Board Meeting**  
**May 14, 2010**  
**Association of Electric Cooperatives**  
**Glen Allen, VA**

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**NRCS CELEBRATES 75<sup>TH</sup> ANNIVERSARY**

April marked the 75<sup>th</sup> anniversary of the Natural Resources Conservation Service, started by our first chief, Hugh Hammond Bennett. Many activities have taken place in celebration of this event.

NRCS is planning to erect a historical marker in Louisa County in his honor. It will commemorate his early work since this is one of the first counties he where mapped soils and where he also identified the damaging effect of erosion on soil health and structure. Plans are also underway to do restoration work on the property of the home site of Hugh Hammond Bennett in McLean, Virginia known as Eight Oaks, where he lived while serving as the first Chief of NRCS.

**NRCS STATE CONSERVATIONIST RETURNS TO RICHMOND**

Jack Bricker, NRCS State Conservationist, returned from his three-month detail at our national headquarters on April 22, 2010.

**FARM BILL PROGRAMS UPDATE**

**Financial Assistance Programs:**

We are in the process of taking sign-up, approving applications, and developing contracts for all 2010 Farm Bill programs. We just received an additional \$990,000 in EQIP, \$400,000 in Chesapeake Bay, and \$350,000 in WHIP. Our deadline for fund obligations is July 2, 2010.

**Stewardship Update:**

**Conservation Stewardship Program (CSP).** NRCS approved 118 CSP contracts for \$1,075,368 for the first sign-up period. There are 73 agricultural contracts and 45 for forestry. This is a continuous sign-up and the second sign-up period ends on June 11, 2010.

**Easement Programs:**

**Grassland Reserve Program (GRP).** We just received an additional \$1.5 million in financial assistance for the Grassland Reserve Program and were able to fund 5 more permanent easement applications.

**Wetland Reserve Program (WRP).** Nationwide the agency is pushing for expansion of the program by 30% annually. We received over \$4,622,569 in funding for FY-10 but due to a lack of applications, over \$3 million was returned to NRCS national headquarters (NHQ).

**DAM REHABILITATION UPDATE**

**Pohick Creek Site 3 (Woodglen Lake) in Fairfax County** – Over \$1,449,000 was obligated in federal funds for rehabilitation of this dam. Construction was begun in April and a ground breaking ceremony is planned for May 15<sup>th</sup>. Construction should be completed in September 2010.

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**South River Site 25 (Toms Branch) in Augusta County** – Construction has started back up after a winter shut-down. The rehabilitation should be completed in May or June 2010.

#### **WATERSHED OPERATIONS UPDATE**

**Chestnut Creek Watershed** - A request for an additional \$53,000 in cost-share funds for one more contract has been submitted to NHQ for ARRA funding. This project addresses water quality problems caused by grazing in the watershed.

#### **OFFICE OF BUDGET AND MANAGEMENT TOUR OF THE SHENANDOAH RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) AREA**

President Obama proposes to zero out funding for the USDA-NRCS (RC&D) Program in FY 2011. This federal program funding covers NRCS' costs of providing the RC&D Councils with a professional coordinator, program assistant and basic office support.

The White House's Office of Budget and Management (OMB), is the agency that makes the final decisions on what federal programs will be funded and at what level. The National Association of RC&D Councils invited a group from OMB to visit a "typical" RC&D Council to increase their direct knowledge of what RC&Ds do, how they operate, and the important and invaluable service they provide to local communities. Due to the Shenandoah RC&D's proximity to Washington, DC, the Council was selected to host the OMB tour on May 13, 2010.

#### **NATIONAL REMEDIATION AUDIT**

Price Waterhouse Coopers, a multi-service national organization, that in part, provides auditing and assurance services, was selected to perform a National Remediation Audit on NRCS in states across the country. First, they needed to test their models and procedures before visiting states. Due to Virginia's high quality financial management procedures, we were chosen as the "test" state to refine these procedures. PWC was here for 5 days at the end of April - beginning of May. Now, that the audit test is completed, they will begin visiting states to provide training and audit remediation assistance.

#### **NATURAL RESOURCE INVENTORY (NRI)**

The "Natural Resource Inventory" is an extensive survey to provide updated information on the status, condition, and trends of land, soil, water, and related resources on the Nation's non-Federal lands. The data has multiple uses for analysis of changes occurring at the state and national level. Historically, NRI information has been used to formulate effective public policies, to fashion agricultural and natural resources legislation, to develop State and national conservation programs, to allocate USDA financial and technical assistance in addressing natural resource concerns, and to enhance public understanding of natural resources and environmental issues.

Work will begin on Virginia's next soils data collection segments this year.

#### **NATIONAL BOY SCOUT JAMBOREE**

Plans for this year's National Boy Scout Jamboree are well underway. The Jamboree from July 23 – August 3, will once again be held at Fort A.P. Hill, VA, as it has been since 1981. Volunteers from 11 states and NRCS national headquarters will work at the Jamboree. This is the last year Virginia will host the Jamboree which will permanently move to West Virginia.

#### **FORT LEE EARTH DAY EVENT**

NRCS spent a day talking about backyard conservation at the Fort Lee Earth Day attended by more than 2,000 students, parents and military families. Two volunteers from Master Gardeners helped with the pollinator garden while a biologist explained the importance of wetlands.