

**Virginia Soil and Water Conservation Board  
Monday, November 21, 2005  
The Library of Virginia  
Richmond, Virginia**

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

David L. Moyer, Chairman  
Linda S. Campbell  
Robert M. Hall  
Granville M. Maitland  
Michael Russell

Joseph H. Maroon  
Benjamin H. Graham  
Susan Taylor Hansen  
Jean R. Packard  
M. Denise Doetzer

**DCR Staff**

Roger Chaffe, Office of the Attorney General

William G. Browning

David C. Dowling

Jack E. Frye

Mark B. Meador

Christine Watlington

Anne Crosier

Michael R. Fletcher

Lee Hill

Jim Robinson

**Others Present**

John S. Bailey, Lake of the Woods Association

J.B. Burke, Tidewater SWCD

James G. Byrne, Virginia Association of Soil and Water Conservation Districts

Neil Buttimer, Lake of the Woods Association

J. Michael Foreman, Virginia Department of Forestry

Lee Frame, Lake of the Woods Association

Robin Knepper, Fredericksburg Free-Lance Star

Doug Rogers, Lake of the Woods Association

Ray Simms, Board Member, effective December 1, 2005

**Call to Order**

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

**Minutes of September 15, 2005 Meeting**

MOTION: Ms. Packard moved that the minutes of the September 15, 2005 meeting be approved as submitted.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

### **Director's Report**

Mr. Maroon gave the Director's report. He reviewed the schedule for the Governor's Water Quality press conference and the joint meeting with the State Water Control Board and the Chesapeake Bay Local Assistance Board.

Mr. Maroon noted that the purpose of the joint meeting was to review the roles each Board plays with respect to water quality. The intent is to foster a better understanding of each of the Boards and the two agencies involved. He said that he had recently met with the State Water Control Board and discussed the nonpoint source pollution program.

Mr. Maroon provided members with a copy of the *2005 State of the Bay* report released by the Chesapeake Bay Foundation. He noted that the report is a scorecard of progress for the Bay watershed. Copies of the report are available from the Chesapeake Bay Foundation or from DCR.

Mr. Maroon also referenced an article from the November 20, 2005 *Richmond Times-Dispatch* entitled "Raise the Bay." This is the first in a series of editorials regarding issues awaiting the new governor.

Mr. Maroon introduced Ray Simms. Mr. Simms was recently appointed to the Soil and Water Conservation Board to replace Mr. Moyer whose term has expired. Mr. Simms' term is effective December 1, 2006.

Mr. Maroon introduced Russ Baxter as the new Deputy Director of the Department of Conservation and Recreation. Mr. Baxter previously served in the Office of the Secretary of Natural Resources.

### **Hearing Regarding the Requested Removal of a District Director**

Mr. Meador reminded Board members that, at the request of the Tidewater Soil and Water Conservation District, the Board had scheduled a hearing regarding the District's request to remove Cheryl Minnick as director of the district board.

Mr. Maroon introduced Roger Chaffe, Assistant Attorney general who has worked with DCR regarding this request.

Mr. Meador said that he received a letter of resignation by email dated November 21, 2005 from Ms. Minnick. He confirmed that email with a phone call.

Mr. Meador said this action eliminated the need for the Board to conduct the scheduled hearing.

MOTION: Ms. Campbell moved that the Soil and Water Conservation Board accept the resignation of Ms. Cheryl Minnick as Director of the Tidewater Soil and Water Conservation District effective November 21, 2005.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Meador noted that Mr. Jimmy Blake from the Tidewater District Soil and Water Conservation Board was present. He was prepared to offer testimony on behalf of the District. The Board thanked Mr. Blake for his time and attendance at the meeting.

### **Regulatory Update**

Mr. Dowling gave the regulatory update.

He said that DCR has filed Notices of Intended Regulatory Actions for the Stormwater and Dam Safety regulations. The Department has advanced one for Dam Safety and two for Stormwater Management.

The first for stormwater management is related to the establishment of fees. The second deals with setting out in regulations what local stormwater management program criteria should look like, including setting the procedures by which DCR might delegate the stormwater management permit program to a locality.

Mr. Dowling noted that the stormwater management regulations were still under administrative review. The Dam Safety regulation has been approved by the Governor's office. DCR will be filing actions with the Registrar of Virginia. DCR hopes to extend the public comment period to 60 days and complete the public comment period near the end of legislative session.

The comment period will open in late December and close in late February. Technical Advisory Groups will begin meeting in March or April.

Mr. Maroon said that DCR expects both sets of regulations to have a considerable amount of public input. Every locality in the Commonwealth is affected. The 30-day extension will allow DCR to move beyond the General Assembly session.

Mr. Dowling noted that the NOIRA establishes a process that allows any member of the public to express interest in participating in the Technical Advisory Committee.

Mr. Dowling turned to Mr. Frye to provide an update regarding the Nutrient Management Training and Certification Regulations.

Mr. Frye said that the Nutrient Management Training and Certification Regulations depict when an individual is certified to write a nutrient management plan and what the plan should contain. He noted that this rule does not require nutrient management plans, but that other programs do.

Mr. Frye said that the Department developed a broad process with regard to the development of the Regulations and that comments provided by the public and others, including the scientific community, were taken into consideration in the drafting of the final regulations.

The intent is for the Regulations to revise the criteria for nutrient management planning that will include all sources both inorganic and organic. Several options for addressing the application of phosphorus will be addressed.

Mr. Frye noted that the timing of nutrient management applications is critical. DCR worked closely with Virginia Tech and NRCS as well as others in the development of the nutrient standards.

He said that there were three approaches to the management of phosphorus, from the simplest to the most complex. He said that the options would allow the nutrient management planner to review individual sites to determine if a less complex option would be appropriate.

Mr. Maroon said that a final summary of the Regulations would be provided to the Board members once approval is received from the Governor's office.

### **Dam Safety Certificates and Permits and Program Updates.**

Mr. Browning presented the Dam Safety Certificates and Permits.

#### *Out of Compliance*

Mr. Browning presented the list of Out of Compliance Dams. A complete list of the 9 Out of Compliance Dams is available from DCR.

No action was needed on the Out of Compliance Dams.

#### *Operation and Maintenance Certificates*

Mr. Browning presented the list of Operation and Maintenance Certificate Recommendations.

00702	Anderson	AMELIA	Class III Conditional 11/30/07
01910	Falling Creek	BEDFORD	Class II Conditional 11/30/07
04136	Lake Salisbury	CHESTERFIELD	Class I Regular 11/30/11
04925	Winston Lake	CUMBERLAND	Class III Conditional 11/30/07
06147	Volgenau (Shelton)	FAUQUIER	Class III Regular 11/30/11
07706	Hidden Valley Estates	GRAYSON	Class II Conditional 11/30/07
11315	Deep Run Farm	MADISON	Class III Conditional 11/30/07
12504	Rockfish Farms	NELSON	Class III Conditional 11/30/07
14534	Avery	POWHATAN	Class III Conditional 11/30/07
14716	Moore's	PRINCE EDWARD	Class III Regular 11/30/11
15504	Hogan	PULASKI	Class I Conditional 11/30/07
19308	Gardy's Millpond	WESTMORELAND	Class III Conditional 11/30/07
19314	Red Oak Dam	WESTMORELAND	Class II Regular 11/30/11
19903	Waller Mill	YORK	Class III Regular 11/30/11
80004	Lake Prince	CITY OF SUFFOLK	Class III Regular 11/30/11

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

**SECOND:** Ms. Hansen

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Permit Recommendations*

Mr. Browning presented the list of Permit Recommendations.

02913	Slate River Watershed	BUCKINGHAM	Alteration 11/21/05 – 11/30/07
06136	Hideaway Hills	FAUQUIER	Alteration 11/31/05 – 11/30/06
19308	Gardy's Millpond	WESTMORELAND	Alteration 11/21/05 – 11/30/07

**MOTION:** Ms. Campbell 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 owner.

**SECOND:** Mr. Hall

**DISCUSSION:** None

VOTE: Motion carried unanimously

*Extensions*

Mr. Browning presented the list of extension recommendations.

00305	Albemarle	ALBEMARLE	Class III Regular	5/31/06
00919	Sweet Briar College Lower	AMHERST	Class III Regular	5/31/06
00920	Sweet Briar College Upper	AMHERST	Class III Regular	5/31/06
01509	South River #6 (Senger's Mountain Lake)	AUGUSTA	Class I Conditional	3/31/06
01903	Beaverdam Creek	BEDFORD	Class II Conditional	3/31/06
02303	Rainbow Forest	BOTETOURT	Class I Conditional	3/31/06
05106	Laurel Lake	DICKINSON	Class III Regular	3/31/06
06502	Fluvanna Ruritan	FLUVANNA	Class III Regular	5/31/06
08548	Charter Lake	HANOVER	Class II Conditional	3/31/06
08708	Ukrop	HENRICO	Class III Regular	5/31/06
08713	Wellesley	HENRICO	Class I Regular	5/31/06
09902	Powhatan Plantation	KING GEORGE	Class III Regular	5/31/06
10716	Oliver	LOUDOUN	Class II Conditional	5/31/06
14104	Squall Creek	PATRICK	Class III Regular	3/31/06
14506	Lower Byers	POWHATAN	Class III Conditional	3/31/06
15506	Lake Powhatan	PULASKI	Class II Conditional	5/31/06
16102	Loch Haven Lake	ROANOKE	Class II Regular	3/31/06
17105	Strasburg	SHENANDOAH	Class II Regular	3/31/06
17710	Lee Lake	SPOTSYLVANIA	Class II Conditional	5/31/06
18701	Lake of the Clouds	WARREN	Class II Conditional	3/31/06
18703	Spring Lake	WARREN	Class II Conditional	3/31/06
18704	Deer	WARREN	Class III Conditional	3/31/06

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

SECOND: Ms. Campbell

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning noted that Lake of the Woods Dam, Inventory Number 13701 required a separate action.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board take the following action:

Based on the information from LOWA's consulting engineer, Dewberry & Davis' bid ready engineering designs, plans, specifications and Alteration Permit Application transmitted by letter dated September 29, 2005 with accompanying owners engineering documents and the Financial Plan and Project Completion Schedule transmitted by letter dated October 13, 2005 letter and the November 15, 2005 conference call discussion with LOWA regarding their second engineering pre-analysis proposal for another auxiliary spillway, the Board issues the LOWA a two month extension (11/21/05 – 01/31/06) to the existing Conditional Class I, Operation and Maintenance Certificate (05/01/05 – 11/30/05) for Lake of the Woods Dam, Inventory Number 13701. The Board at its January 2006 Board meeting will consider: (1) LOWA's engineering design(s) for an increased spillway capacity to safely pass the full PMF and (2) LOWA's November 10, 2005 request to defer the construction modifications until the Notice of Intended Regulatory Action for the Dam Safety Impounding Structures Regulations is completed.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Ms. Hansen gave an update on the work of the ad hoc dam safety committee. She noted that one of the premises for the committee's work was to develop a list of alternative methods that could be considered during the upcoming regulatory process as criteria the Department could use when considering a dam owner's request for an alternative means to lower their dam's spillway design flood (SDF).

A task force was assembled to review high hazard dams and to assemble concepts for further discussion under the NOIRA process.

A copy of the work group minutes is available from DCR.

Ms. Hansen noted that the task force concluded that they were unable to accomplish the tasks they were given. The group could not reach a comfort level regarding changing the level of risk.

Mr. Maroon thanked Ms. Hansen for chairing the task force. He said that the discussion has long been associated with how much risk the Commonwealth is willing to accept. The question for consideration was whether any of the alternative methods discussed by the committee would change the level of risk and comfort from the Board's policy standpoint.

Mr. Maroon said that the Department is committed to moving forward with the regulatory process and will continue to explore alternative criteria during this process.

Mr. Moyer said that it would be good to reassemble the ad hoc Impoundment Safety committee.

### **Stormwater Management Program Update**

Ms. Crosier presented an overview of the Stormwater Management Enforcement Manual. A copy of the manual is available from DCR.

#### *Stormwater Management Enforcement Manual*

- The Virginia Stormwater Management Act has conferred upon this Board the duty to enforce the Virginia Stormwater Management (VSMP) Program.
- This Board, at its December 8, 2004, meeting, voted unanimously to delegate to DCR all administrative, programmatic, and legal authority to implement the VSMP Program.

*As a practical matter, the delegation means that DCR assumes primary responsibility for implementing the enforcement process.*

- The delegation does not remove the Board's authority to enforce the VSMP, should it choose to do so.
- The Director may request that the Board approve specific enforcement actions, issue Orders, or conduct hearings.

*The Manual's purpose is to provide the DCR staff with guidance for enforcing the VSMP Program.*

- As guidance, the Manual does not carry the force of law;
- It is intended as framework for ensuring fair and consistent enforcement throughout the Commonwealth.
  
- DCR reserves the right to modify the guidance without public notice.
- DCR may deviate from the guidance as necessary to carry out the intent of the law.

*The Manual comprises five parts:*

- The first part is an overview of the enforcement program.

- The second part describes how the process works.
- The third part explains the roles of the DCR Central Office Stormwater Program staff and the DCR Regional Watershed Office staff in the enforcement process.
- The fourth part is a flowchart illustrating the stages in the enforcement process.
- The fifth part includes attachments of specific guidelines for each part of the process as well as generic examples of different documents that will be used.

#### *The Enforcement Process*

- The flowchart (copy available from DCR) illustrates how the enforcement program works.
- The regulated community includes the MS4s and construction sites required to register for coverage under the General Permit.
- Example-Process applied to a construction site with the required permit coverage.
  
- Field staff conducts an inspection to ensure compliance with Program requirements. If the site is in compliance, no enforcement action is necessary.
- Staff offers compliance assistance when needed, in an effort to help the regulated party comply voluntarily. To this end, DCR provides education, training, and technical guidance.
- Again, if compliance assistance is sufficient to resolve any problems at the site, no enforcement.
  
- Where compliance assistance doesn't solve the problem, the field staff initiates the informal enforcement process.
- This informal process gives the permittee an opportunity to comply voluntarily without sanctions.
- Field staff exercises professional judgment throughout the process; first step is to issue a Verbal Warning with an Inspection Report.

#### *Verbal Warning works best when the noncompliance is:*

- Routine (i.e. it poses no threat to human health and the environment and not a pattern of continuing problems); and
- It can be corrected in reasonably short time (e.g., no longer than four to six weeks)
- Again, field staff exercises professional judgment throughout the process

#### *Verbal Warning/Inspection Report*

- Field staff discusses noncompliance with the permittee and agrees on a schedule to correct problems
- Staff provides the permittee with an inspection report describing the problems and the agreed upon compliance schedule

- Second chance to voluntarily comply and avoid sanctions; DCR has begun a written record of noncompliance.
- A great percentage of the regulated community voluntarily fixes any problems at this point and returns the site to compliance; thus, the enforcement process ends here.
- If, however, initial efforts to get any problems fixed fail, staff may escalate the enforcement response; the next step would be to issue a Notice of Corrective Action.

#### *Notice of Corrective Action*

Informs the permittee of:

- The facts
- The applicable law; and
- The potential consequences for failing to address the situation at the site.
- Not a case decision that entitles the permittee to any additional due process.
- Permittee may tell us why we are wrong (if we agree, process ends) or address the problems described in the NOCA within a specified time
- Last chance to comply voluntarily without sanctions
- NOCA becomes part of the written record of the site's compliance history
- If the permittee fails to adequately respond to the NOCA, the enforcement response escalates
- Typically, next step is to initiate the formal enforcement process
- This process results in a legally binding obligation on the part of the regulated party to comply with the law or submit to a sanction, or both.
  
- Any enforcement action sought to be resolved through the formal administrative process must first be incorporated into an Enforcement Action Recommendation and Plan (EARP).
- EARP is an important part of the process
- DCR staff prepares the EARP for review and approval by DCR executive management prior to initiating any formal enforcement response.
  
- In the great majority of cases, staff will attempt to settle alleged violations by means of a Consent Special Order.
- The Consent Special Order is issued:
  - With the written consent of the regulated party,
  - Without a formal hearing
  - Serves as the official resolution to the enforcement action (i.e., it resolves any alleged violations).

Consent Orders Include:

- An account of the facts in the case:
- Citations to applicable law;

- An appended schedule of compliance for performing corrective actions; and
- A requirement to pay a civil charge
- Although, may be issued with a schedule of compliance without civil charge

Many practical benefits:

- Legally binding;
- Eliminates the need for a formal hearing or litigation;
- Expedited process allows DCR staff to pursue more enforcement actions;  
AND
- More enforcement means greater compliance and ultimately improved water quality.

How Consent Special Orders work:

- DCR staff and the permitted negotiate the terms of the settlement and memorialize those terms in a written agreement;
- The permittee signs the Order;
- It is advertised for public notice for 30 days;
- Any comments received are addressed; and
- The Director approves and executes the Consent Special Order.
- After the public notice period ends and any comments are addressed, the Director, in his discretion, may ask that DCR staff bring a proposed Consent Special Order before the Board for consideration and approval.
- DCR staff will explain the facts of the case and the terms of the agreement and make a recommendation to the Board.

When the consensual process fails, DCR may take unilateral action to require compliance with the VSMP through issuance of a Special Order.

- Requires a formal hearing prior to issuance
- Permittee has opportunity to be heard prior to any decision is made affecting his or her interests;
- Decision-maker is able to make a fully informed decision based on the facts and the law; and
- Permittee may appeal Final decision in circuit court.

Under emergency circumstances (e.g. conditions at a site pose a serious health hazard or danger to a water supply), DCR may issue an Emergency Order

- Consult with Agency Counsel; and
- Hearing within 45 days of issuance to decide final action

Judicial Enforcement

- At the request of the Board or the Director, or both, the Office of the Attorney General of Virginia represents the Board, the Director, and DCR in any civil action to impose civil judicial sanctions.

- The Office of the Commonwealth's Attorney seeks criminal judicial sanctions against violators.
- May seek civil penalties not to exceed \$25,000 per violation or injunctive relief, or both
- The local circuit court hears actions for civil penalties and injunctive relief.

#### Role of the Watershed Field Staff in Process

- Monitors compliance;
- Detects violations;
- Lays the foundations for every enforcement case;
- Gathers evidence for pursuing violators;
- Initiates the informal enforcement;
- Issues Verbal Warnings, Notices of Corrective Action, as needed; and
- Pursues settlements for routine violations.

#### Central Office Enforcement staff

- Provides guidance and training on enforcement;
- Oversees the enforcement process as it is implemented by field staff;
- Negotiates settlements (Consent Special Orders) with civil charges over \$15,000 or cases that are controversial; complicated issues or fact of law

#### The VSMP Compliance and Enforcement Manager coordinates process for:

- Special Orders
- Emergency Special Orders
- Formal and informal hearing
- Lawsuits

Ms. Hansen asked what circumstances in terms of environmental impact would call for a special order.

Ms. Crosier gave an example of sediment as a result of a severe storm, i.e. a discharge of anything that would be causing an impact to the health of a stream or to human health.

Ms. Campbell asked if there was a means to involve Soil and Water Conservation Districts at least in terms of information.

Ms. Crosier said that could be discussed in further detail. She noted that construction sites were by nature temporary.

Ms. Campbell thanked staff for their work in preparing this manual.

Mr. Maroon thanked Ms. Crosier and Mr. Hill. He said that DCR is assistance oriented in this regard and is focused on environmental options. The manual outlines the approach the Department will take in instances of significant noncompliance.

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

Mr. Hill presented the Erosion and Sediment Control Program Actions

### *Linear Projects*

#### *2005 Annual Standards and Specifications – CSX Transportation*

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2005 annual standards and specifications for CSX Transportation and that the Board concur with staff recommendations for the conditional approval of the 2005 standards and specifications in accordance with the Erosion and Sediment Control Law.

The four items for conditional approval are:

1. A list of all proposed projects planned for construction in 2005 must be submitted by December 9, 2005. 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 December 9, 2005 must be provided to DCR two (2) weeks in advance of land disturbing activities by email at the following address: [LinearProjects@dcr.state.va.us](mailto:LinearProjects@dcr.state.va.us).
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by email at the following address [LinearProjects@dcr.state.va.us](mailto:LinearProjects@dcr.state.va.us). The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

*2006 Annual Standards and Specifications – Roanoke Gas; American Electric Power; Dominion Electric Distribution*

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2008 annual standards and specifications for electric, natural gas, telecommunications and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2006 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 conditional approval of the annual standards and specifications and the request for variances.

The for items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2006 must be submitted by January 13, 2006. 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 January 13, 2006 must be provided to DCR two (2) weeks in advance of land disturbing activities by email at the following address:  
[LinearProjects@dcr.state.va.us](mailto:LinearProjects@dcr.state.va.us).
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by email at the following address [LinearProjects@dcr.state.va.us](mailto:LinearProjects@dcr.state.va.us). The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

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

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

Companies recommended for conditional approval with the 4 conditions are:

Gas: Roanoke Gas

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

Electric: American Electric Power

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

Electric: Dominion Electric Distribution

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

*Local Program Review - Henry County*

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board commend Henry 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.

SECOND: Mr. Hall

DISCUSSION: None

VOTE: Motion carried unanimously

*Local Program Review - Buchanan County Program Revisions*

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the revisions to Buchanan County's Erosion and Sediment Control Program as presented by staff.

SECOND: Ms. Campbell

DISCUSSION: None

VOTE: Motion carried unanimously

**District Study Draft Final Report**

Mr. Meador presented an overview of the District Study Draft Final Report. A copy of the draft report is available from DCR.

The focus of the study has been looking at the Agriculture BMP cost share program. The steering group established for this study has reviewed the draft.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board submit any suggested changes to the draft report: "*Review and Analysis of Agricultural Water Quality Improvement Programs Delivered by Virginia's Soil and Water Conservation Districts*" to DCR (c/o Mark Meador) by close of business, December 1, 2005. Further, the Board supports concepts conveyed within the draft report and endorses submission of the report by DCR with modifications as are deemed appropriate, to the specified chairpersons of General Assembly Committees by December 31, 2005.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

**District Director Resignations and Appointments**

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

*Colonial*

Recommendation of Robert L. Hicks, City of Williamsburg, to fill unexpired elected term of Billy S. Scruggs, Jr. (term of office to begin on or before 12/21/05 – 1/1/08).

*John Marshall*

Resignation of Nicolaas A. Kortlandt, Fauquier County, effective 12/31/05, elected director position (term of office expires 1/1/08).

Recommendation of A. Gray Coyner, Fauquier County, to fill unexpired elected term of Nicholas A. Kortlandt (term of office to begin 1/1/06 – 1/1/08).

*Piedmont*

Resignation of Elizabeth W. Irby, Nottoway County, effective 9/27/05, elected director position (term of office expires 1/1/08).

*Shenandoah Valley*

Recommendation of Troy Lawson, Rockingham County, to fill unexpired Extension Agent term of Eric S. Bendfeldt (term of office to begin on or before 12/21/05 – 1/1/09).

*Tidewater*

Recommendation of Carter M. Borden, Gloucester County, to fill unexpired elected term of Rollin E. Woolley (term of office to begin on or before 12/21/05 – 1/1/08).

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

SECOND: Mr. Hall

DISCUSSION: None

VOTE: Motion carried unanimously

### **Partner Agency Reports**

Due to time constraints, Partner Agency Reports were limited to written presentations.

#### *Virginia Department of Forestry*

Mr. Foreman gave the report for the Virginia Department of Forestry.

- Governor Warner recently signed Executive Orders #90 and #91 with stream restoration coordination and the riparian forest buffers. Executive Order #91 is a revision of the old riparian forest buffer Order numbered 48 signed in 1999. Both of these Orders significantly advance healthy stream corridor issues and enhance coordination and collaboration among conservation partners.
- The Board of Forestry is currently considering 5 recommendations to further conserve the forestland of the Commonwealth. Senate Joint Resolution 367, sponsored by Senator Ticer of Fairfax called for a Study of the Provision of Incentives to Conserve Forestland in the Commonwealth. The draft recommendations are listed on the agency web site and will be discussed on November 22 by the Board.
- The Department has received funding to implement a Lower Rappahannock Watershed Project. All conservation partners have been included in the planning phase of the effort. A marketing strategy will be developed based on increasing CREP and other buffer plantings.
- Senate Bill 1141. The Foundation for Virginia's Natural Resources will have its first meeting in the Department's Central Office on December 15. Jay Gilliam has been named the Board Chair. A Task Force also participates in Foundation activities. The Foundation's main purpose is to "assist in developing and encouraging non-regulatory conservation programs." The Foundation will also receive bequests and distribute grant funding back out for conservation purposes.
- The Department has finalized its Water Quality Improvement Fund arrangement with the Department of Conservation and Recreation. A half million dollars over 2 years will be used to implement a Logger BMP cost-share program and a more general forest buffer and storm water mitigation program. The funding should be available by January 1, 2006.

### **Other Business**

Mr. Maroon presented an engraved plaque and gavel to Mr. Moyer in appreciation of his years of service to the Board and as Chairman. The plaque read as follows:

*David L. Moyer*

*In appreciation for your dedication to*

*Virginia's Natural Resources*

*and your extended service to*

*The Virginia Soil and Water Conservation Board*

*1996 - 2005*

*Chairman*

*2002 - 2005*

**Public Comment**

There was no public comment.

**Future Meetings**

The next meeting of the Virginia Soil and Water Conservation Board will be Friday, January 20, 2005. The location will be determined at a later date.

**Adjourn**

Being no further business, the meeting was adjourned.

Respectfully submitted,

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Chairman

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Joseph H. Maroon  
Director