

**Virginia Soil and Water Conservation Board  
Thursday, July 20, 2006  
Natural Resources Conservation Service  
Richmond, Virginia**

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

Linda S. Campbell, Chair	Joseph H. Maroon, Director, DCR
Susan Taylor Hansen	Richard E. McNear
Granville M. Maitland, Vice Chair	Jean R. Packard
Michael J. Russell	Matt Lyons for M. Denise Doetzer

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

Benjamin H. Graham	Robert M. Hall
Raymond L. Simms	

**Staff Present**

Russell W. Baxter	William G. Browning
David C. Dowling	Michael R. Fletcher
Jack E. Frye	Lee Hill
Mark B. Meador	Jim Robinson
Ryan Brown, Office of the Attorney General	

**Others Present**

Jim Byrne, VASWCD  
Steve Calos, VASWCD

**Call to Order**

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

**Minutes of May 24, 2006 Meeting**

MOTION: Mr. Maitland moved that the minutes of the May 24, 2006 meeting be approved as submitted.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

## **Director's Report**

Mr. Maroon gave the Director's Report. He reviewed a handout entitled "Summary of Final Budget Actions." A copy is attached as Attachment #1.

Mr. Maroon said that the following day, Secretary Bryant would host a meeting regarding HB1150 that requires the Secretary of Natural Resources to develop a strategic implementation plan for cleaning the Bay and its tributaries.

Mr. Baxter said that the first objective was to bring together a diverse group of stakeholders for a listening session. He said there would be a facilitated discussion of priorities and obstacles.

Mr. Maroon said that Governor Kaine would hold a Natural Resources Summit in September at Hungry Mother State Park.

The Bay Executive Council will meet in September. Governor Kaine will meet with counterparts from Maryland and Pennsylvania.

## **Soil and Water Conservation District Issues**

### *Resignations and Appointments*

Mr. Meador presented the following actions regarding SWCD Director resignations and appointments.

### Lord Fairfax

Resignation of Lyle P. Schertz, Warren County, effective 11/17/05, elected director position (term of office 1/1/08).

Recommendation of Alpheus L. White, Warren County, to fill unexpired elected term of Lyle P. Schertz (term of office to begin on or before 8/19/06 – 1/1/08).

### Shenandoah Valley

Resignation of Troy Lawson, Rockingham County, effective 6/30/06, Extension Agent director position (term of office expires 1/1/09).

Recommendation of John Welsh, Rockingham County, to fill unexpired Extension Agent Term of Troy Lawson (term of office to begin on or before 8/19/06 – 1/1/09).

MOTION: Ms. Packard moved that the list of SWCD Director Resignations and Appointments be approved as submitted by staff.

SECOND: Ms. Hansen

REVISED: 8/12/2013 10:18:30 AM

DISCUSSION: None

VOTE: Motion carried unanimously

*Follow up Items from May Meeting*

Mr. Meador addressed items of business from the May meeting.

Regarding the request from City Charlottesville to join the Thomas Jefferson Soil and Water Conservation District Mr. Meador said that the City was not yet ready to submit names of new directors.

Mr. Meador said that the application for the Secretary of the Commonwealth to issue a new certificate of organization had been prepared by two directors of the Thomas Jefferson Soil and Water Conservation District. The application is to be accompanied by a certified statement of the Board.

MOTION: Ms. Packard moved that with full consideration to provisions of §10.1-517 (Code of Virginia), the Board hereby appoint Nick H. Evans and David L. Collins, both currently serving as elected directors on the Thomas Jefferson SWCD board, to present to the Secretary of the Commonwealth an application that fulfills requirements of state law and requests that the Secretary of the Commonwealth issue to the newly realigned Thomas Jefferson SWCD a new certificate of organization and further that,

As specified by § 10.1-517 (Code of Virginia), the Board approve the certified statement by the Board that pertains to the realignment of the Thomas Jefferson SWCD through inclusion of the City of Charlottesville, as prepared and presented by DCR staff.

That statement reads as follows:

STATEMENT BY  
THE VIRGINIA SOIL AND WATER CONSERVATION  
BOARD

In the matter of the inclusion of the City of Charlottesville into the Thomas Jefferson Soil and Water Conservation District (SWCD or district) thereby realigning the boundaries of said district.

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETINGS:

Be it known that on the 16<sup>th</sup> of March, 2006, a petition for the inclusion of the City of Charlottesville into the Thomas Jefferson Soil and Water Conservation District thereby realigning the boundaries of said district, submitted in accordance with State Law, was approved by the Virginia Soil and Water Conservation Board.

Subsequently, notices of hearings were given and such hearings were held on April 11<sup>th</sup> and 25<sup>th</sup>, 2006, in the geographical area described in the petition as required by law; and

That on the 24<sup>th</sup> day of May, 2006, the Virginia Soil and Water Conservation Board, in accordance with the provisions of state law, Title 10.1, Chapter 5, as amended, determined there is need in the interest of the public health, safety, and welfare for the inclusion of the City of Charlottesville into the Thomas Jefferson SWCD and for said district to function in the proposed territory and did define the boundaries thereof; and

That the Virginia Soil and Water Conservation Board did determine that the operation of the said Thomas Jefferson SWCD is administratively practicable and feasible; and

That the boundaries of the said Thomas Jefferson SWCD were defined by the Virginia Soil and Water Conservation Board as follows: Lands lying within the boundaries of the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa and Nelson, including the incorporated towns therein.

And that the U.S. Department of Justice Civil Rights Division conveyed through correspondence dated \_\_\_\_\_, 2006 to the Virginia Office of the Attorney General that the U.S. "Attorney General does not interpose any objection to the specified changes" pertaining to the inclusion of the City of Charlottesville into the Thomas Jefferson SWCD.

In witness whereof the Virginia Soil and Water Conservation Board has caused these present to be executed by its secretary this 20<sup>th</sup> day of July, 2006.

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

Mr. Meador presented information with regard to the Board Financial Policy for funding Soil and Water Conservation Districts. He said there were three follow up actions from previous meetings. Those items were:

1. A discussion with regard to the essential funding formula for Districts. The items are no longer reflective of actual business costs.
2. What should these costs be if the Board continues this policy. The Association is exploring that and working with DCR to develop recommendations.
3. There was a discussion of correspondence to local governments regarding Conservation Districts and the importance of their contributions. Staff was directed to draft a letter from the Board to convey this information.

With regard to the first item, Mr. Meador distributed a copy of the *Virginia Soil and Water Conservation Board Policy on Financial Assistance for Soil and Water Conservation Districts*. A copy of this policy is available from DCR.

Mr. Meador noted that on Attachment A, Page 5 of the *Virginia Soil and Water Conservation Board Policy on Financial Assistance for Soil and Water Conservation District*, the following statement was added:

*Continued in effect by the VSWCB at their 5/24/06 meeting with recognition that the annual cost estimates generally fall short of the actual business incurred by SWCDs.*

The following changes were suggested:

The statement should be in large type and placed immediately under “Essential SWCD Components and Annual Cost Estimate.”

The statement should read, “Originally adopted by the SWCB on 5/20/99.”

There was consensus that staff move ahead with these changes.

Mr. Meador said that the Board had also discussed consideration of changes to these estimates.

The Board would like to see actual cost estimates for Districts.

Mr. Meador said the third item regarded communicating with local governments. He distributed a draft letter from the Board to local governments that would communicate what Districts are about and their contributions to the local community. A copy of the letter is available from DCR.

Ms. Packard suggested edits and noted that the thrust was to communicate with local elected officials.

Staff was directed to send the letter to the Board of Supervisors Chair and the County Administrator/City Manager of each locality.

Staff will make the edits and submit a draft back for final Board approval.

Ms. Hansen suggested that it would be helpful to quantify the shortfall for each District.

Mr. Maroon said that the Association might be able to provide information regarding how much support Districts receive from local government.

Mr. Calos agreed to research that information.

Ms. Campbell suggested that Districts be encourage to follow up regarding the letter.

Ms. Packard said the letter should be sent out as soon as possible under the Chairman's signature.

Mr. Maroon said it would be better to list a range of funding rather than actual percentages.

The letter will be distributed to the Board for final comment before mailing.

Mr. Byrne reviewed a draft document developed by the Association to address the Essential SWCD Components and Annual Cost Estimates. This draft represents estimated amounts necessary for the basic functions of Districts at today's economic levels.

He reviewed issues of concern with regard to budget. He noted that the document was not for action at this point, but for information. The document will be reviewed by the Association Board. Mr. Byrne will then bring the document back for Board discussion.

Mr. Meador said that at the last meeting the Board approved changes in the grant agreement expectations for districts.

He reviewed the document with changes. A copy of the document is available from DCR.

Mr. Meador requested that suggestions be directed to staff. The document will be provided for final review in September.

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

Mr. Browning presented the Dam Safety Certificate and Permit Recommendations.

Compliance Issues*Enforcement Actions*

The following dams remain as Compliance Issues – Enforcement Actions. No Board action was necessary.

01516	Upper Wallace Dam	AUGUSTA
01533	Fauber Dam	AUGUSTA
06119	Lake Mellott Dam	FAUQUIER
06921	Lake Isaac Dam	FREDERICK
07507	Pruitt's Dam	GOOCHLAND
07915	Greene Mountain Dam	GREENE
17907	Little Lake Arrowhead Dam	STAFFORD
17908	Lake Arrowhead Dam	STAFFORD

Mr. Browning said that to date the Fauber Dam is the only dam that enforcement actions have been exercised because of an imminent danger to life and property. DCR continues to work with the Attorney General's office on the recovery of the funds the State expended to alleviate the imminent threat and to bring the dam into compliance and/or reduce height below the height required by Virginia Code.

Mr. Brown said that there were two concerns. First was the recovery of expense and second that this is a dam of regulated size that is currently not under regulation. He said that the hope is to work with the owner to accomplish those goals and that an update would be provided at the next Board meeting.

Ms. Campbell asked if there was an estimated amount on the expenses to upgrade the dam.

Mr. Browning said the estimate was approximately \$20,000.

Mr. Russell asked how long this has been going on.

Mr. Browning said that it had been since 2004 and Mr. Maroon noted that the dam owner had passed away.

Ms. Packard said that it would be helpful to note when each dam was first identified to be out of compliance.

Mr. Browning said the Mellott Dam had been a problem for some time and was referred to the Attorney General on July 25, 2005. The Attorney General's office has been working with a couple of the owners and letters were sent to the dam owners requesting the Operation and Maintenance Application by November 16, 2006. A response was received, a Bill of Complaint was filed with the Clerk of the Fauquier County Circuit Court on December 27, 2005, followed by a Bill of Complaint being served to the dam

owners on January 11, 2006. DCR believes there is not enough progress made and has asked the Attorney General's Office to establish a court date.

Mr. Brown said that there is a bill of complaint filed against the two owners that can be identified. Since the initiation of the action there is an indication that other parties may own part of the dam.

Mr. Browning said that the Lake Arrowhead dams ownership issue still remains and that a meeting among DCR, Stafford County Officials and the AG's Office will be scheduled to explore ways of bringing the dams under regulation.

*Regular and Conditional Certificates*

Mr. Browning presented the list of recommended Conditional Certificates.

00305	Albemarle Dam	ALBEMARLE	Class III Conditional	1/31/2007
00701	Amelia Dam	AMELIA	Class III Conditional	1/31/2007
03507	Stewarts Creek - Lovills Creek Dam #9	CARROLL	Class I Regular	7/31/2012
05933	Crippen Dam	FAIRFAX	Class II Regular	7/31/2012
06502	Fluvanna Ruritan Dam	FLUVANNA	Class III Conditional	1/31/2007
09528	Western Pond Dam	JAMES CITY	Class III Regular	7/31/2012
10716	Oliver Dam	LOUDOUN	Class II Regular	7/31/2012
12501	Nelson Dam	NELSON	Class II Conditional	1/31/2007
13507	Nottoway Dam	NOTTOWAY	Class III Regular	7/31/2012
14111	Jackson/Moore Dam	PATRICK	Class III Conditional	7/31/2007
14509	Lake Randolph Dam	POWHATAN	Class III Regular	7/31/2012
17105	Strasburg Dam	SHENANDOAH	Class II Regular	7/31/2012

MOTION: Ms. Packard moved that Virginia Soil & 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

*Construction and Alteration Permits*

Mr. Browning presented the Construction and Alteration Permit recommendations.

01508	South River Dam #23	AUGUSTA	Class I Alteration	7/20/06-7/31/08
01908	Spring Lake Dam	BEDFORD	Class III Alteration	7/20/06-1/31/07
80003	Lake Burnt Mills Dam	CITY OF	Class I Alteration	7/20/06-7/31/08

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

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously  
Packard  
Hansen

Extensions

Mr. Browning presented the list of Extension recommendations. He noted that the Board would be asked to take separate action on two Ragged Mountain Dams.

00345	Crozet Sportsman Club Dam	ALBEMARLE	Class III Regular	11/30/06
00351	Peacock Hill Dam	ALBEMARLE	Class III Regular	11/30/06
00908	Graham Creek Reservoir #1 Dam	AMHERST	Class III Conditional	11/30/06
01906	Springhill Lake Dam	BEDFORD	Class II Conditional	7/31/07
03504	Olde Mill Golf Club Dam	CARROLL	Class III Regular	11/30/06
05104	White Oak Creek Dam	DICKENSON	Class II Conditional	1/31/07
06102	DiGiullian Dam	FAUQUIER	Class III Conditional	11/30/06
06123	Winslow Dam	FAUQUIER	Class II Conditional	11/30/06
08502	South Anna #52B Dam	HANOVER	Class III Conditional	11/30/06
09906	Lake Monroe Dam	KING GEORGE	Class I Conditional	11/30/06
17101	Stony Creek Dam #9	SHENANDOAH	Class I Conditional	11/30/06
17923	Bridle Lake Dam	STAFFORD	Class I Conditional	1/31/07

REVISED: 8/12/2013 10:18:30 AM

18704 Deer Dam	WARREN	Class III Conditional	11/30/06
18712 Loch Linden Dam	WARREN	Class III Conditional	11/30/06

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

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning reviewed the recommendations for the two Ragged Mountain dams.

#### Ragged Mountain

00304 Lower Ragged Mountain Dam	ALBEMARLE	Class I Conditional	1/31/07
00356 Upper Ragged Mountain Dam	ALBEMARLE	Class I Conditional	1/31/07

Mr. Browning said that Mr. Tom L. Frederick, Executive Director, Rivanna Water & Sewer Authority addressed the Authority's concerns to the Soil and Water Conservation Board at its September 2005 meeting. This water Authority serves the City of Charlottesville and the County of Albemarle.

The Authority through public meetings has been addressing alternatives for increasing the water supply and this July submitted the Joint Permit Application to the Virginia Marine Resources Commission, the United States Corps of Engineers and the Virginia Department of Environmental Quality for necessary permits to construct a replacement dam for the two existing Ragged Mountain Dams.

Mr. Browning said that DCR staff had been working with the Authority and the dams had been operating with Conditional Operation and Maintenance Certificates for the past 18 months. Staff has crafted a six-month extension for consideration.

Ms. Hansen asked about the transfer of the risk to the dam owner.

Ms. Hansen said that her concern was with the dam owners saying "willing to accept." She said it would be helpful to hear under what circumstances the owner would assume the risk.

Mr. Browning said that the only time this type of statement has been used previously was with Lake of the Woods.

Ms. Hansen asked if there was power to shift the liability.

Mr. Brown said that as a general principle the dam owner is always finally responsible.

Mr. Dowling said this was addressed with the new Dam Safety legislation.

Ms. Hansen said that the Board should be asking the dam owner to indemnify the Commonwealth. She said that all life and property risk associated with the dam lies with the dam owner.

Mr. Brown said that the Board does not have the authority to accept liability.

Ms. Hansen moved the following motion as revised.

MOTION:                   A. Based upon information from the Rivanna Water & Sewer Authority's (RWSA) Executive Director and Chief Engineer and consulting engineer Gannett Fleming's study and permit documents, the Virginia Soil and Water Conservation Board issue the RWSA six month extension (7/20/06 – 1/31/07) to their existing Class I Conditional Operation and Maintenance Certificates for Lower Ragged Mountain Dam, Inventory Number 00304 and Upper Ragged Mountain Dam, Inventory Number 00356.

Under the conditions of the Certificates, RWSA is required to:

1. Utilize the locally developed and approved plan for the design and construction of a new water supply dam to replace the two existing water supply dams.
2. Satisfy and close out the existing Conditional Operational and Maintenance Certificates by developing procedures to minimize potential loss of life and property until the new dam is put into service.

B. The Board reiterates its previous finding that the Lower Ragged Mountain Dam, Inventory Number 00304 and Upper Ragged Mountain Dam, Inventory Number 00356 do not meet the existing Dam Safety Impounding Structures Regulations due to spillway deficiencies to pass the spillway design flood. The dam owner is reminded that it retains all liability associated with the dam in accordance with § 10.1-613.4 of the Code of Virginia and other state law, and that no liability exists on behalf of the Commonwealth in accordance with Virginia law, including but not

limited to §10.1-613.3. The Board retains its enforcement authority under the Virginia Dam Safety Act, §10.1-604 et. seq.

C. Failure to meet any of the conditions to the satisfaction of the Board will constitute a violation of the Conditional Class I, Operational and Maintenance Certificate.

D. The Board reserves the right to re-open and re-consider this Certificate prior to its expiration should the dam circumstances change or the adoption of changes to the regulations warrant such reconsideration.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously.

Mr. Browning said that at the March meeting the Board took action with regard to Victor Hall Dam, Inventory Number 19524 in Wise County granting a Class II Alteration permit. At the time it was the dam owner's intention to begin the process to decommission the dam. Due to a communication lapse between the owner and the engineer the dam was breeched. There remains no reason for DCR to maintain an alteration permit on the books.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board rescind the action taken on March 16, 2006 with regard to Victor Hall Dam Inventory Number 19524 and that the dam owner be notified of this action.

SECOND: Mr. McNear

DISCUSSION: None

VOTE: Motion carried unanimously

### **Statutory Changes Effective July 1, 2006**

Mr. Brown gave an overview of the Dam Safety Act statutory changes effective July 1, 2006.

*Dam Safety*

Mr. Brown reviewed the following summary of 2006 amendments to the Dam Safety Act (§10.1-604 *et seq*)

I. New/amended definitions:

1. Newly defined terms (§10.1-604)
  - a. Alteration
    - i. “changes to an impounding structure that could alter or affect its structural integrity...”
  - b. Construction
    - i. “the construction of a new impounding structure”
  - c. Dam Break Inundation Zone
    - i. “the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.”
2. Amendments to current definitions (§10.1-604)
  - a. Impounding structure
    - i. Agricultural exemption narrowed
      1. Previous language: “...dams, constructed, maintained, or operated primarily for agricultural purposes...” and of less than 25 feet in height or 100 acre-feet in impounding capacity were exempt.
      2. New language: “dams operated primarily for agricultural purposes...” and less than 25 feet in height or 100 acre-feet in impounding capacity are now exempt.

II. Delegation now explicitly stated in Code:

1. New section 10.1-605.1 codifies the Board’s authority to delegate to the Director any of its powers and duties, except the adoption and promulgation of regulations or the issuance of certificates.
  - a. Delegation does not remove the Board’s enforcement powers.

III. Criteria for designating a dam as unsafe made explicit:

1. New section 10.1-607.1 provides criteria for the designation of a dam as unsafe:
  - a. Key language:
    - i. “[t]he dam has serious deficiencies...that if left unaddressed could result in a failure...that may result in loss of life or damage to downstream property,” and
    - ii. “design, construction, operation, or maintenance of the dam is such that its expected performance during flooding conditions threatens the structural integrity of the dam.”

IV. Prohibition of trees other woody vegetation on dams codified:

1. New section 10.1-609.2 prohibits such vegetation and requires the owner to remove trees/woody vegetation on “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”

V. Enhanced enforcement tools:

1. New enforcement methods include:
  - a. Stop work orders (§10.1-612.1): may be issued by the Director on construction or alteration projects if a construction/alteration permit has not been issued, or if construction/alteration is not being conducted in accordance with a permit.
    - i. Board (or its designated member) hearing on SWO within 15 days of issuance in accordance with §2.2-4019 unless owner consents to longer period.
  - b. Administrative orders (§10.1-610.1(B)): may be issued by the Director if he finds (after inspections, investigations, or examinations, or at any time as the work progresses, or at any time prior to the issuance of a certificate of approval) that project modifications or changes are necessary to ensure conformity with approved plans and specifications.
    - i. Owner has the right to petition Board for a hearing on the order within 15 days of being served with the order.
  - c. Injunctions (Judicial enforcement)(§10.1-613): Should owner fail to comply with an order, the Board may bring suit to enjoin construction, modification, operation, or maintenance of the owner’s dam.
    - i. Expansion of existing language, but another important addition was made as well:
      1. The court may order removal or modification of the owner’s dam by injunction.
        - a. Owner shall be required to bear expenses. Should Board be required to implement court’s order, Owner shall be charged for Board’s expenses.
  - d. Criminal penalties (Judicial enforcement)(§10.1-613.1): It is a class 3 misdemeanor to knowingly:
    - i. operate, construct, or alter a dam without a certificate;
    - ii. violate the terms of an approval, order, regulation, or requirement of the Board or the Director; or
    - iii. obstruct, hinder, or prevent the Board or its agents from performing duties under the Act.

Each day of violation after notice of violation is served upon the violator constitutes a separate offense. Violator is subject to a fine not exceeding \$500.00 per day, not to exceed a total fine of \$25,000.00.
  - e. Civil penalties (§ 10.1-613.2): In addition to or in lieu of any other penalties, the Board may assess a civil penalty of up to \$500.00 per day not to exceed a maximum of \$25,000.00.

- i. Board send written penalty notice; owner may petition the Board for a hearing pursuant to §2.2-4019 within 30 days after receipt. Owner will thereafter have right to judicial review under APA.
- ii. Amounts assessed by the Board are paid into the Dam Safety, Flood Prevention and Protection Assistance Fund.

VI. Codification of principles of liability:

1. New section 10.1-613.3: An owner may not bring an action against the Commonwealth, the Board, DCR, or agents/employees for an act or omission in connection with approvals, issuance/enforcement of orders; control or regulation of a dam; investigation/inspections; preparation of design criteria; or determinations regarding hazard classification.
2. New section 10.1-613.4: Nothing in the Dam Safety Act, its regulations, orders, etc. relieves an owner from any other liability existing under law.

VII. Explicit authority for fees:

1. New section 10.1-613.5 authorizes the Board to establish and collect application fees to be deposited into the Dam Safety, Flood Prevention and Protection Assistance Fund.

Mr. Maroon thanked Mr. Brown for presenting the information. He noted that the Technical Advisory Committee is addressing the issue of fees. He also noted that Districts are exempt from paying fees.

**Regulatory Update**

Mr. Dowling gave an update regarding the Regulatory process.

*Time Frame Waiver Request*

- Significant progress on each of the Board's three regulatory actions has been made (Stormwater – local program delegation; Stormwater – Fees; and Impounding Structures).
- However, it was determined that completion of the proposed regulations for any of the actions by the August 23<sup>rd</sup> deadline was not feasible.
- The Department under its regulatory authority from the Board requested an extension until November on each of these actions (DPB, Secretary's Office, and Governor's Office).
- The Department has been working to schedule additional full TAC and subcommittee meetings for the regulatory actions. We are finding scheduling to be challenging during the summer and early fall months.

- In addition to the attached work schedules for the regulatory actions, we have also held a number of pre-TAC meeting planning discussions with the facilitators, that are not noted.

### *Dam Safety Regulatory Action*

#### PAST MEETINGS

- The 1<sup>st</sup> meeting of the TAC: May 1, 2006 at VCU.
  - § Committee charge;
  - § Background presentations on the Ad Hoc and Board workgroups study activities;
  - § Discussion of the NOIRA and regulatory process;
  - § Overview of the dam safety program
  - § Review of key Code and regulatory authorities
- Emergency Action Plan subcommittee (conference call): June 6, 2006.
- The 2<sup>nd</sup> meeting of the TAC: June 13, 2006 at Department of Forestry
  - § Discussion of Emergency Action Plan draft language;
  - § Review of Virginia's dam classification criteria and related definitions;
  - § Overview of Federal Technical Guidance for Dam Safety Programs;
  - § Review of Other States' Approaches to Dam Classifications.
- Table 1 subcommittee meeting: June 29, 2006 at Schnabel Engineering.
- Incorporation of 2006 Enforcement legislation concepts into the draft language.
- The 3<sup>rd</sup> meeting of the TAC: July 13, 2006, at North Anna Nuclear Information Center
  - § How Virginia Regulations Affect the Values of One PMF – Peter Rainey;
  - § Got rain? – Dave Campbell;
  - § Virginia Dams; A status report – Lisa Cahill
  - § Discussion of Table 1 Subcommittee draft language.
- DCR Dam Safety staff meeting to discuss the regulations: July 19, 2006.

#### UPCOMING MEETINGS

- The 4<sup>th</sup> meeting of the TAC: Thursday, July 27
  - § Revisit Table 1 revised draft language
  - § Revisit revised EAP language
  - § Preliminary Discussion of Alternative Procedures (decision matrix) for SDF Reductions
- Alternative Procedures subcommittee meeting: still polling on August dates
- The 5<sup>th</sup> meeting of the TAC: Wednesday, September 6, 2006.
- Brief Board on draft regulation highlights: September Board meeting.
- The 6<sup>th</sup> meeting of the TAC: Wednesday, October 11, 2006.
- Additional subcommittee and TAC meetings will be scheduled as necessary.

- Potential Board review of proposed regulations at the November Board meeting (Currently targeting end of November for submission)

### *Stormwater Management*

#### PAST MEETINGS

- The 1<sup>st</sup> meeting of the TAC: May 4, 2006 at the Science Museum of Virginia.
  - § Committee charge;
  - § Discussion of what led up to this regulatory action;
  - § Review of the NOIRA and regulatory process;
  - § Stormwater program overview presentation;
  - § Brainstorming on general issues that may need to be addressed associated with:
    - Part II (Minimum Local stormwater management program Water Quality and Quantity Criteria)
    - Part III (Local Program Administrative and Delegation Procedures and Requirements)
    - Part XIII (Fees)
- DCR internal drafting team developed draft language for Part II: May 8, 2006.
- DCR internal drafting team developed draft language for Part II (conference call): May 17, 2006.
- The 2<sup>nd</sup> meeting of the TAC: May 18, 2006 at Department of Forestry.
  - § Discussion of the Part II draft language
- DCR internal drafting team developed revised draft language for Part II: May 26, 2006.
- Discussion of regulation status with Director: June 6, 2006.
- The 3<sup>rd</sup> meeting of the TAC: June 8, 2006 at Department of Forestry.
  - § Presentation of existing Part III language (local program administration)
  - § Detailed discussion of Part III components
- DCR internal drafting team developed revised draft language for Part II: June 16, 2006.
- The 4<sup>th</sup> meeting of the TAC: June 20, 2006 at the Science Museum of Virginia.
  - § Discussion of Part XIII (fees);
  - § Continued detailed discussion of Part III components;
  - § Refined subcommittee structure for Parts II, III and XIII.
- Discussion of the revised draft language for Part II with the AG's Office: June 27, 2006.
- DCR internal drafting team developed draft language for Part III: June 28, 2006.
- DCR internal drafting team developed draft language for Part III: July 5, 2006.

- Cancelled Tuesday, July 11<sup>th</sup> and Tuesday, July 25<sup>th</sup> TAC meetings. Required additional time to draft and for subcommittees to meet.
- DCR internal drafting team developed draft language for Part III: July 11, 2006.
- Discussion of regulation status with Director: July 12, 2006.
- DCR internal drafting team developed draft language for Part III: July 5, 2006.
- DCR internal drafting team developed Part XIII survey language: July 14, 2006.

#### UPCOMING MEETINGS

- DCR internal drafting team developed draft language for Part III: July 25, 2006.
- Part III subcommittee meeting: August 8, 2006.
- Part II subcommittee meeting: still polling on early August dates.
- The 5<sup>th</sup> meeting of the TAC: August 21, 2006.
- Part XIII subcommittee meeting: August 21, 2006.
- Brief Board on draft regulation highlights: September Board meeting.
- A meeting of the TAC: October 3, 2006.
- Still polling additional September and October dates for additional TAC meetings.
- Potential Board review of proposed regulations at the November Board meeting. (Currently targeting end of November for submission).

#### Erosion and Sediment Control Program Actions

##### *Fauquier County Alternative Inspection Program*

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Program for Fauquier County as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations. The Board requests the DCR staff to monitor the implementation of the alternative inspection program by the County to ensure compliance.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Hill presented the following list of current Alternative Inspection Programs.

Local Program	Date Approved
Augusta County	3/17/2005
Bedford County	1/18/1996
Botetourt County	7/15/2004
Campbell County	7/15/2004
Carroll County	5/15/2003
Culpeper County	12/10/2003
Fairfax County	12/11/2002
Fluvanna County	1/14/2003
Frederick County	11/21/1999
Gloucester County	12/11/2002
Grayson County	1/14/2003
Henry County	3/18/1999
Loudoun County	3/17/2005
New Kent County	12/11/2002
Patrick County	5/19/2005
Portsmouth City	9/16/2004
Rappahannock County	7/18/2002
Rockingham County	7/18/2002
Scott County	9/20/2002
Suffolk City	9/14/2004
Warren County	3/17/2005
Wise County	3/17/2005
Wythe County	3/18/1999

Mr. Hill said that Fauquier County would be added to the list.

Mr. Russell asked for a summary of the alternative inspection program aspect.

Mr. Hill said that the requirement is for inspections within 48 hours of a runoff event. However, this is not always possible. The alternative inspection allows for an alternative schedule and allows the locality to prioritize based on topography, proximity to the water and the erosion schedule.

Mr. Frye noted that there is also a provision for more frequent visits to problematic sites.

*MS 16 Variance Request, Transco-Williams Pipeline*

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the Transco-Williams Gas Pipeline variance request to Minimum Standard 16.a and

Minimum Standard 16.b. and that the Board concur with staff recommendations regarding the approval of the variance requests per the following conditions:

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

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

*Motion for DCR Director approval for standard MS16 variances*

MOTION: Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board annually reviews and approves erosion and sediment control standards and specifications for companies involved with linear projects. The companies, as standard practice, generally request variances to Minimum Standard 16.a and Minimum Standard 16.b with the annual submission and the Board approves the variances. When the variance requests for Minimum Standard 16.a and Minimum Standard 16.b are made outside of the annual submission, the Board hereby authorizes the Director of the Department of Conservation and Recreation to review and approve the variance requests. The Director is to inform the Board of such actions at the next Board Meeting.

SECOND: Ms. Packard

DISCUSSION: Mr. Hill explained that this would authorize DCR to approve the variances in those cases that arise outside the annual submission time.

REVISED: 8/12/2013 10:18:30 AM

VOTE: Motion carried unanimously

*Schedule of Program Reviews FY07*

Mr. Hill presented the proposed Schedule of Local Erosion and Sediment Control Program Reviews for FY07.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs and further that the Board concur with the staff recommendations on which local programs to review for FY07 and approve the proposed list of localities for completion of up to 32 reviews for FY07. The following is the proposed list:

Local Program	Type	Watershed Office
Abingdon	Town	Upper Tennessee & Big Sandy
Alexandria	City	Potomac
Appomattox	County	James
Bath	County	Shenandoah
Berryville	Town	Shenandoah
Bland	County	New River
Bluefield	Town	Upper Tennessee & Big Sandy
Brunswick	County	Roanoke
Charlotte	County	Roanoke
Charlottesville	City	James
Dickenson	County	Upper Tennessee & Big Sandy
Emporia	City	Albemarle, Chowan & Coastal
Fairfax	City	Potomac
Falls Church	City	Potomac
Franklin	City	Albemarle, Chowan & Coastal
Frederick	County	Shenandoah
Fredericksburg	City	Rappahannock/York
Goochland	County	James
Hanover	County	Rappahannock/York
King George	County	Rappahannock/York
Loudoun	County	Potomac
Lunenburg	County	Roanoke
Middlesex (if	County	Rappahannock/York

possible)		
Narrows	Town	New River
Pearisburg	Town	New River
Petersburg	City	Albemarle, Chowan & Coastal
Prince Edward	County	James
Radford	City	New River
South Boston	Town	Roanoke
Staunton	City	Shenandoah
Surry	County	Albemarle, Chowan & Coastal
Westmoreland	County	Rappahanock/York
Wise	County	Upper Tennessee & Big Sandy

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously.

Ms. Campbell asked if the reviews were on target for FY06.

Mr. Hill said that all 32 have been completed from the previous year.

Ms. Campbell asked if staff believed the majority were in compliance.

Mr. Hill said that for the previous two fiscal years, staff had reviewed 64 or 65 programs, of which 17 were found consistent in the first review. With the remainder of the programs, staff has worked with the localities to develop correction action agreements. If the locality agrees and establishes dates to bring the program into compliance they are determined to be provisionally consistent.

Mr. Hill noted there are a few localities that have not agreed to the corrective action agreements. Those localities will be brought to the Board for further review and possible action.

Mr. Hill noted that the Big Sandy Soil and Water Conservation District administers the Stormwater Management program for Buchanan County. The County has expressed an interest in running the program. They are required to adopt an ordinance and have staff, policies and procedures developed.

When the program is modified and submitted to DCR the matter will be brought to the Board for consideration.

## **Stormwater Management Program Update**

### *General Permits Issued*

Mr. Hill said that from July 1, 2005 through June 30, 2006, DCR issued a total of 2,433 registration statements under the construction general permit. An additional 250 VDOT projects can be added to that total.

### *MS4 Permit Update*

Mr. Hill said that the individual MS4 permits for Norfolk, Portsmouth, Chesapeake, Virginia Beach, Hampton and Newport News have been drafted. Comments from the EPA have been incorporated. DCR and the Attorney General will complete the review. Once the review is complete, the permits will go through the public review process. Expected completion for the process is December or January.

Other localities will be submitted soon.

Mr. Hill said there are 99 small MS4 permits. Staff is following up with Frederick County with regard to their need for a permit. The general permit for small MS4s expires on December 9, 2007.

## **Partner Agency Reports**

### *Natural Resources Conservation Service*

Mr. Lyons gave the report for the Natural Resources Conservation Service. A copy of the report is attached as Attachment #2.

### *Department of Conservation and Recreation*

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy of the report is attached as Attachment #3.

## **Public Comment**

There was no public comment.

## **Next Meeting**

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, September 28, 2006 in the Richmond area.

The November meeting is scheduled for Thursday, November 16, 2006. Due to regulatory actions a two-day meeting may be necessary. In that event, the meeting would be on Wednesday, November 15 and Thursday, November 16.

**Adjourn**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

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Linda S. Campbell  
Chair

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Joseph H. Maroon  
Director

Attachment #1

**Department of Conservation and Recreation  
Summary of Final Budget Actions  
2006 General Assembly Session**

**Water Quality**

**Nonpoint Service Delivery for Soil and Water Conservation Districts** - \$500,000 annually was proposed in Governor's Introduced Budget for Districts to provide assistance in implementing the increasing agricultural nonpoint source control activities required to meet state water quality goals. No funding was proposed for DCR. Funding for nonpoint service delivery for DCR and districts is a critical need if nonpoint programs are to be fully and effectively implemented.

**General Assembly Action:** Included \$1.5 million more per year (brings total to \$2M/year) in GF for soil and water conservation districts' nonpoint service delivery efforts. In addition, included \$400,000 (from WQIF interest) for DCR to contract with private sector for nutrient management plans to be written for half of the state's regulated livestock and poultry operations. No funding provided for DCR staffing and implementation.

**Water Quality Improvement Fund** - \$39,608,800 GF to be deposited into the fund during FY 2006 to provide matching grants for controlling nonpoint source pollution resulting from agricultural activities and development. This funding is from Virginia's mandatory deposit of \$56.6 million from the budget surplus, 70% of which will be used to reduce nonpoint source pollution because the Governor made a separate deposit into the Fund. The expectation is that these funds will be spent in FY 2007 and beyond. Of the total amount deposited, \$5,712,250 shall be held in the reserve account for the Virginia Water Quality Improvement Fund for use in later years.

**General Assembly Action:** Appropriated excess general fund revenue collections (\$8,960,000) to the WQIF to DEQ, not DCR. This overrode Code requirements that this deposit was to have been made to the Nonpoint source portion of the WQIF.

**Wetland Restoration Erosion Review** – Associated with HB 1454

**General Assembly Action:** Provided \$75,000 GF each year and 1 FTE for Wetland Restoration Erosion Review for implementing legislation sponsored by Delegate Ed Scott.

**Stormwater Management Program** - \$300,000 GF to cover the anticipated revenue shortfall in FY 2007. This will cover the shortfall for one year while DCR reviews the permit fees associated with the program.

## **State Parks**

**State Parks Operations and Staffing Needs** - \$3,200,000 (\$1,600,00 GF each year) and 21 new positions was proposed in Governor's Introduced Budget to support the expanded operations of parks with bond construction projects that will be completed within the upcoming biennium.

**General Assembly Action:** Added \$1,000,000 (\$500,000 GF each year).

**State Park Construction Support** - \$20,370,000 GF for new supplemental funding was proposed in Governor's Introduced Budget to complete General Obligation Bond construction projects as follows:

- Shenandoah River Cabins & Campground - \$7,054,000
- Natural Tunnel Cabins, Campground, and Bathhouse - \$6,133,000
- Occoneechee Cabins - \$4,550,000
- Bear Creek River Cabins - \$2,633,000

**General Assembly Action:** Cut all \$20.3 million.

## **Grand Caverns State Park language**

**General Assembly Action:** Includes language authorizing DCR to acquire this facility for a new state park. *"The Director of the Department of Conservation and Recreation, at his discretion, is authorized to accept on behalf of the Commonwealth a gift of property known as Grand Caverns Park from the Upper Valley Regional Park Authority. This property is to be developed into a state park and the existing facilities are to be demolished or upgraded to the Division of State Parks' standards when a source of funding has been identified for these purposes. The Director is authorized to make the necessary upgrades to the park facilities to meet Division of State Parks' standards, as funding is available."*

## **Maintenance Reserve**

**Introduced Budget:** Provided \$1,280,274 for the biennium (\$640,137 each year).

**General Assembly Action:** No change.

**Dam Repairs for dams located in State Parks** – Continuation of the \$650,000 per year for priority projects identified previously by DCR that constitute a safety threat if the dam fails. The state parks' dam infrastructure is aging and has been stressed by recent storms such as Gaston.

**STARS** – There will be language in the Public Safety Secretariat authorizing the sale of bonds to provide for funding the state's new emergency communications network. It is unclear at this time how DCR's needs will be addressed.

## **Land Conservation**

**Virginia Land Conservation Fund** – The \$2.5 million annual deposit to the Virginia Land Conservation Fund remains in DCR’s base budget for each year of the upcoming biennium. A language amendment effective January 2008 has been included to direct the \$6 million currently being deposited into the Virginia 400<sup>th</sup> Anniversary Fund to be utilized by DMV for computer upgrades. Any collections in excess above this \$6 million would continue to be deposited into the Virginia Land Conservation Fund. (Last year, that amounted to around \$350,000.)

**NOTE: Bromley Tract and Big Woods (DOF)** – Funding was proposed in the Governor’s introduced budget for the Department of Forestry to provide for the acquisition of these properties. (Grant funds for part of the acquisition was awarded in December 2005 by the Virginia Land Conservation Foundation for Bromley.)

**General Assembly Action:** Eliminated funding for these acquisitions in Dept. of Forestry amendments.

## **Dam Safety**

### **Funding Assistance for Dam Safety Loans and Grants**

**General Assembly Action:** - Provided \$350,000 GF each year to capitalize the Dam Safety Flood Prevention and Protection Assistance Fund to provide loans and grants for dam repairs, inundation zone mapping and flood protection projects. Delegate Sherwood sponsored the budget amendment request.

## **Trail Development**

**Captain John Smith Water Trail** - \$140,000 in FY 2007 was proposed in Governor’s Introduced Budget to provide for signage and expenses associated with the completion of the James River and York River segments of the Trail and \$25,000 for Virginia’s contribution towards the National Park Association Feasibility Study for designating the entire Bay as a Water Trail. This is an initiative of Governor Warner’s Natural Resources Partnership Agenda.

**General Assembly Action:** - Cut all funds.

**Southside Rails to Trails Initiative** – The Introduced Budget included \$950,000 in FY 2007 for acquisition of the next segment (approximately 140 miles) of the Tobacco Heritage Trail. This is part of Governor Warner’s Virginia Works Initiative.

**General Assembly Action:** Cut funds by \$750,000; leaving \$200,000. Rejected Governor Kaine’s amendment to restore partial funding.

**Other**

**Breaks Interstate Park**

**General Assembly Action:** Provided \$150,000 to construct and refurbish water storage tanks.

**Rappahannock River Basin Commission**

**General Assembly Action:** \$10,000 in the biennium (\$5,000 each year).

Attachment #2

**NRCS Report**  
**Virginia Soil & Water Conservation Board Meeting**  
**NRCS State Office, Richmond, Virginia**  
**July 20, 2006**

SMALL WATERSHED PROGRAMS

Watershed Operations

*Buena Vista Flood Control Project*

NRCS is working with the City of Buena Vista to administer a contract for the replacement of two undersized public bridges that get clogged with debris during floods. The City has hired an engineering firm to design and construct these bridges. Construction should be completed this fall. NRCS is funding this project under the PL-566 Small Watershed Program.

NRCS is working on the design of the Chalk Mine Run channel improvement project. The channel design will be completed this fall with construction starting in 2007.

Dam Rehabilitation

*South River Watershed Dam Rehabilitation Project*

NRCS has completed the design for the rehabilitation of South River Site 23 (Robinson Hollow) in Augusta County. A locally led contract will be awarded by Augusta County for this project later this fall. Construction should begin in late winter or early spring of 2007.

NRCS is also completing the design for the rehabilitation of South River Site 26 (Inch Branch). The design should be completed by October 2006 with construction to begin in summer or fall of 2007.

*Pohick Creek Watershed Dam Rehabilitation Project*

NRCS has completed a draft plan for the rehabilitation of Pohick Creek Site 4 (Royal Lake) in Fairfax County. An electronic version of the draft plan is available for public review and comments through August 31, 2006 at the following website location: [ftp://ftp-fc.sc.egov.usda.gov/VA/Programs/watershed\\_info/pohick\\_creek\\_4.pdf](ftp://ftp-fc.sc.egov.usda.gov/VA/Programs/watershed_info/pohick_creek_4.pdf). The final plan should be complete by the end of September 2006. Fairfax County will utilize a local contract for the design and administration of this rehabilitation project. It is anticipated that construction will begin in 2007.

NRCS will also assist Fairfax County with the dam rehabilitation planning for Pohick Creek sites 3, 2, and 8 over the next few years as resources become available.

## Watershed Planning

### North Fork Powell River Watershed

NRCS is developing a watershed plan on the North Fork Powell River Watershed in Lee County. The watershed problems relate to acid mine drainage from past mining activities. A draft plan should be complete by the end of 2006.

### Other Watershed Planning Activities

NRCS has received new requests for planning assistance from the Town of Glasgow in Rockbridge County and from the Town of Farmville in Prince Edward County for the Gross Creek Watershed.

NRCS will be assisting these localities to develop flood control plans for these watersheds as resources become available.

### Emergency Watershed Protection (EWP) Program

NRCS is assisting Rockingham County with the restoration of the hydrologic capacity of the German River, upstream of Bergton, Virginia. The stream was severely clogged with debris during Hurricane Isabel. The county will administer the contract for the removal of debris from the channel and hauling it away to a proper disposal site. The work is expected to begin in August and be completed by the end of September 2006.

## FARM BILL PROGRAMS

### Financial Assistance

EQIP and WHIP. We have obligated 100% of our allocation for both programs – (EQIP - \$11,791,718; and WHIP - \$410,822). Virginia received an additional WHIP allocation of \$75,000 on July 13, 2006. These WHIP funds will be used to fund additional contracts that are on the wait list of unfounded applications.

Efforts have been underway in all field offices to update all prior year contracts with practices that have not been installed according to schedule. Field offices have until the end of August to work with the landowners to install these practices, reschedule the practice, or terminate the contract.

Due to the large amount of cost-share assistance that NRCS is responsible for under the Farm Bill programs, increased emphasis at all levels is being placed on timely implementation of these program contracts. NRCS is pursuing repayment of cost-share funds, as well as liquated damages to cover our technical assistance costs for all contracts not fully implemented.

Technical support information for the 2007 program year for EQIP and WHIP are currently out for review including ranking sheet updates, adding resource concerns, and incorporating newly revised standards.

## Grants

In Virginia there were five applications submitted under the Conservation Innovation Grant (CIG) process. We are awaiting word on the selection of the other grants.

Two proposals were submitted from Virginia under the Cooperative Conservation Partnership Initiative (CCPI) Grant and one submitted under the Rapid Watershed Assessment Grant.

- A grant of \$52,700 was approved for the Delmarva Peninsula Regional Partnership Initiative vegetative environmental buffers around poultry farms to improve agricultural air quality. The allocation was sent to the NRCS State Office in Delaware. They will coordinate the grant for farmers in Delaware, Maryland and Virginia.
- The grant proposal submitted by Virginia Tech to develop a plan for the conservation of the Greater Upper Roanoke River Basin was not approved for this year.
- The Rapid Watershed Grant for the North Fork of the Shenandoah River was approved for \$37,975 to the Virginia Department of Conservation and Recreation. The watershed assessment will be completed over the next 18 months.

## Stewardship

CSP – Sign up has been completed and 38 applications were submitted from the North Fork Shenandoah River watershed. Sixteen applications were approved for funding. All contracts have been developed and first year payments made.

## Easements

Farm and Ranchland Protection Program (FRPP) – The following four applications have been reviewed by NRCS staff and approved for funding for FY-06:

- Potomac Conservancy in Frederick County – 151 acres for \$300,000
- The Nature Conservancy in Essex County – 423 acres for \$300,000
- Clarke County (2 applications) – 145.82 acres for \$298,298

NRCS and the Potomac Conservancy recently closed on a FRPP easement for 106 acres on the Mount Pleasant Farm in Shenandoah County. This was an FY-05 application.

## TECHNOLOGY

### Practice Standards

NRCS is in the process of updating many of our practice standards. We have updated the following standards (completed Federal Register notice).

Practice 592 – Feed Management  
Practice 394 – Firebreak  
Practice 422 – Hedgerow planting  
Practice 390 – Riparian Herbaceous Buffer  
Practice 472 – Use Exclusion

NRCS has the following practice standards out for review (comments to be finalized October 2006):

Practice 528 – Prescribed Grazing  
Practice 328 – Conservation Crop Rotation  
Practice 329 – Residue and Tillage Management  
Practice 612 – Tree and Shrub Establishment

### Training

NRCS staff provided training to the East Region biologists on the Threatened and Endangered Species GIS layer used by NRCS in Virginia. This layer allows for the considerations of T&E species in the planning process and reduces staff time complying with the Endangered Species Act.

NRCS staff conducted a 2-day training course on basic erosion prediction to about 25 new SWCD and NRCS employees.

### OPERATIONS

#### Service Center Consolidation

FSA is still working on a plan to consolidate nine of their current offices into other locations. Public meetings have been held. Part of their decision is being driven by financial constraints. The nine are: Appomattox, Charlottesville, Culpeper, Goochland, Kenbridge, Marion, Tazewell, Prince George and Stephens City. This will have a financial and operational impact on NRCS and SWCDs. NRCS is working with the local SWCDs. And the building lessors to evaluate each location on a case-by-case basis in order to determine what course of action NRCS must take. The bottom line is that during these tight federal budgets NRCS must operate as efficiently as possible, and cannot absorb any increases in office rent or operational expenses.

Attachment #3

**Department of Conservation and Recreation**  
Report to the Virginia Soil & Water Conservation Board  
July 20, 2006

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

All 47 SWCD's have been issued grant agreements with DCR for Operational funding this fiscal year ('07). Each district will receive an initial quarterly disbursement once a fully endorsed grant agreement has been received by their assigned CDC.

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

**2. SWCD Audit Services:**

The accounting firm of Robinson, Farmer, Cox Associates (RFCA) has begun scheduling visits to SWCD offices to perform the necessary field work for completion of district audits for the period that just ended on June 30, 2006. Twenty-two districts will be audited by RFCA. Final audit reports will be provided to DCR towards the end of this calendar year.

**3. SWCD Bonding Coverage:**

This fiscal year is the second year of a 2-year contract for surety bond policy for all SWCDs. The contract raises the deductible above the previous contract from \$5,000 to \$10,000 per claim, with an annual premium (paid by DCR) of nearly \$20,000 (twice previous rate). Information pertaining to these new arrangements was issued to all SWCDs through correspondence from Jack Frye in August 2005. The recently updated "Desktop Guide for District Fiscal Operations" incorporates certain criteria SWCDs must fulfill in order to satisfy requirements of the insurance provider that carries the SWCD surety bond policy.

**4. Employee Development**

The conservation partners continue to work through the "JED" – Joint Employee Development system that 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 next state level JED team meeting is scheduled July 31, 2006 at the DOF state headquarters in Charlottesville.

The need to effectively collaborate among conservation partners is especially important in coming months as the \$2 million dollars appropriated by General Assembly this fiscal year and next will enable employment of additional SWCD technical staff for implementation of agricultural BMPs. Training plans for newly employed staff will be critical to rapidly advancing the "KSAs" (knowledge, skills and abilities) they will need to effectively perform their work activities.

DCR provided a training program for SWCDs and all interested individuals on the recently revised Desktop Guide for District Fiscal Operations. The program was delivered on June 6, 2006 through the Community College “distance learning” network. Participants received the program by traveling to one of eight community colleges that were selected around the state that offered the 3-hour course. There was no charge to participants. Use of the electronic presentation system may serve useful for similar kinds of programs in the future. Training related to the Virginia Agricultural BMP Cost-Share Program is being scheduled through this network and will be delivered this September.

#### **5. SWCD Dams:**

The SWCD dam owner work group continues to meet and work on specific dam issues among districts. The last meeting was held March 31, 2006. The next meeting is scheduled July 26, 2006 in Charlottesville at the DOF state headquarters. Now that most of the major training needs of the group have been addressed routine maintenance of district dams, another will address Emergency Agency Plans and the remaining two meetings will address priority topics identified by the group. The upcoming July meeting will provide a variety of topics with participation by several districts on the program, and there will also be follow up to certain topics covered in previous meeting (for example, updates and follow ups to breach inundation areas that would be impacted by dam failures).

#### **6 Agricultural BMP Cost-Share Program:**

Emphasis for the program year that began July 1, 2006 is being placed on advancing farmer implementation of 5 agricultural conservation priorities. Those priorities are (in no particular order): livestock exclusion from state waters; vegetative riparian buffers; implementation of nutrient management plans; plantings of cover crops; and continuous no-till. BMP options are providing new opportunities for financial incentives that achieve annual and multi-year commitments from participating farmers. A total of \$9 million dollars is committed to districts in the Chesapeake Bay basin with districts in the Southern Rivers portion of the state receiving program allocations that total \$5 million dollars. DCR’s Agricultural BMP Cost-Share Program Advisory Committee is a critical group that continues to help shape future program directions. The next scheduled meeting of this group is August 24<sup>th</sup>. The meeting will be held at the DOF state office in Charlottesville.

#### **7. Conservation Reserve Enhancement Program (CREP)**

Effective May 23, 2006 Virginia’s CREP agreements for both the Chesapeake Bay and Southern Rivers have been changed to enable greater incentive flexibility in the state share of the program with the goal of increasing the state of CREP enrollment, particularly in the Bay. Also, USDA CREP program guidance has been modified to allow the enrollment of sinkholes and karst areas in the CP-22 (riparian forest buffer) practice. This guidance enables further expansion of CREP protection and encourages buffering of potential ground water contamination sites that can now enhance protection of drinking water sources.

#### **8. Stormwater Management:**

DCR is working with the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach to reissue the MS4 individual permit for each locality. The initial draft of the individual permits is complete and incorporates comments received from EPA and the localities. At present, DCR is reviewing the draft permit. Also, DCR staff has issued coverage under the General Permit for Stormwater Discharges from Construction Activities to 2,433 projects for the period of July 1, 2005 through June 30, 2006.

#### **9. Nutrient Management:**

A new requirement in the Code of Virginia directs state agencies to develop and implement a nutrient management plan approved by DCR for state owned lands where nutrients are applied. As of July 1, 2006, plans have been submitted by 33 agencies with 31 agencies having plans approved by DCR. The approved site-specific plans cover 9,778 acres of state owned land. In addition, standards and specifications were approved to prescribe nutrient applications for the Virginia Department of Transportation's continuously changing acreage under active construction. Agencies with the most land receiving nutrients include VDOT, Virginia Tech, Dept. of Corrections, VDGIF, DCR and the Virginia Community College System.

#### **10. FY2006 Water Quality Improvement Fund – Grant Awards**

In a news release dated July 6, 2006, the Governor's Office announced the FY2006 WQIF awards for nonpoint source projects. The awards include all 36 projects recommended for funding by DCR. Three SWCDs are receiving grant awards: Big Sandy SWCD, Lonesome Pine SWCD, and Shenandoah Valley SWCD. Additionally, a number of SWCDs are involved as partners in other WQIA projects.

Funding NPS reductions is the top priority for selection of funded projects. Emphasis is placed on funding projects that achieve the biggest bang for the buck (NPS reductions for dollars awarded). Projects with implementation activities targeted to address TMDL impairments, and projects that exceeded existing regulations / site requirements to achieve higher NPS reductions were given highest priority for funding.

#### **11. Erosion and Sediment Control Program Review**

DCR completed the review of certain local erosion and sediment control programs for FY 2005/2006 and has developed the list of local program reviews for SWC Board consideration for FY2006/2007. Follow-up reviews for local programs needing improvement are underway to drive implementation of Corrective Action Agreements.