Virginia Soil and Water Conservation Board
Wednesday May 24, 2006
Natural Resources Conservation Service
Richmond, Virginia

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair
Benjamin H. Graham
Susan Taylor Hansen
Michael J. Russell
M. Denise Doetzer
Joseph H. Maroon, Director, DCR
Robert M. Hall
Granville M. Maitland, Vice Chair
Raymond L. Simms

Virginia Soil and Water Conservation Board Members Not Present

Richard E. McNear
Jean R. Packard

DCR Staff Present

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

Others Present

Neil Buttimer, Lake of the Woods Association
Steve Calos, VASWCD

Call to Order

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

Introductions

Chairman Campbell asked members and staff to introduce themselves.

Minutes of March 16, 2006 Meeting

MOTION: Mr. Maitland moved that the minutes of the March 16, 2006 meeting be approved as submitted.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report and Legislative and Budget Update

Mr. Maroon gave the Director's report. He expressed the department's appreciation for having Mr. Ryan Brown assigned as the Department's representative from the Office of the Attorney General.

Mr. Maroon noted that, at the time of the meeting, the General Assembly was still deliberating on the state budget. He said it appeared likely that an additional $39 million would be available for nonpoint source water quality improvements.

Mr. Maroon noted that a considerable number of items were at stake for DCR, including new state park staff, supplemental funding for bond projects, nonpoint service delivery staff, dam safety funding, and land conservation.

Mr. Maroon asked Mr. Frye to address the working plan for the additional $39 million.

Mr. Frye reviewed a DRAFT document entitled "Proposed Plan for Spending Supplemental FY06 WQIF Funds."

The document presented a proposed spending plan for the following amounts:

FY06 Available	$30,164,600
FY06 Supplemental	$39,608,800
Total Available	$69,773,400

Mr. Simms asked if the proposed FY09 spending allocations would be substantially increased through future deposits.

Mr. Frye said that since future budget cycles were unknown, staff has developed a short-term multi-year projection. However, future budget allocations may provide additional monies to supplement this expenditure plan.

Mr. Maroon said that DCR is dealing only with the funds that are actually on hand. This is not a projection of what the Department hopes to have, but what is currently available.

Mr. Maroon asked Mr. Baxter to address the proposed WQIF Project Grant Awards for 2006.

Mr. Baxter referenced an April 26, 2006 memorandum from Mr. Maroon. A copy of this memorandum is available from DCR.

Mr. Baxter said that in addition to the Ag BMP funds there are two categories of grants that DCR administers: the Water Quality initiatives and the Nonpoint Source Cooperative grants. DCR issues an RFP and goes through a grant application evaluation process.

The cover memorandum from Mr. Maroon describes the grants being recommended for funding. These are now out for public comment and are posted on the DCR website. Funds will be divided between the two categories.

Mr. Baxter said that several Districts have proposals or are partnered in proposals. There is a great deal of interest in the amount of money needed for water quality improvement.

Mr. Russell asked how DCR would deal with having the program money but not funds for additional staff to implement.

Mr. Maroon said that DCR recognizes this problem and has been working with the Association and other partners in the agricultural community to address these funding and staffing concerns. However, there has been reluctance by the General Assembly to fund ongoing expenditures.

Mr. Hall asked about the timeline for notifying the grant applicants.

Mr. Baxter said that it would be as soon as possible after the close of the public comment period.

Mr. Frye said that DCR hopes to issue the grants as early as July 1, 2006.

Mr. Maroon said that Governor Kaine had spoken at the Environment Virginia Conference in April. A copy of the Governor's remarks was provided to the members.

Mr. Maroon said the Governor touched on a number of topics including: Land Conservation, Balanced Land Use, Partnering with the Federal Government, Water, Chesapeake Bay, Access to Clean Water, Air Quality and Energy. The Governor also announced his intention to hold a Virginia Outdoors Summit by the end of 2006. One of the key goals set out by the Governor is for the State to preserve an additional 400,000 acres by the end of the decade. 350,000 are needed to meet the Bay 2010 goal. The Governor is committed to maintain the state land preservation tax credit and to provide funding for the Virginia Land Conservation Foundation.

Mr. Maroon said that he and Mr. Browning had met with the Governor and key policy staff to discuss dam safety issues. The Governor is supportive of efforts to improve the program.

Mr. Maroon noted that the Governor would be a Douthat State Park over the Memorial Day weekend and will participate in an event honoring the 70th Anniversary of Virginia State Parks.

On June 15 there will be events at the six original state parks: First Landing, Douthat, Hungry Mother, Staunton River, Westmoreland and Fairy Stone.

Mr. Maroon said that he had received the recommendations from the Association for appointments. He noted that this had typically been addressed in joint session with the Association. The names put forward by the Association were:

Area I	Linda S. Campbell 2974 Stonyman Road Luray, VA 22835
	Erwin Burwell Wingfield 711 Plunkett Street Lexington, VA 24450-1925
Area IV	Robert M. "Bobby" Hall Area IV Representative HC 60, Box 10-A Hurley, VA 24620
	Michael "Mike" Altizer P.O. Box 506 Lebanon, VA 23266

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board endorse the recommendations of the Virginia Association of Soil and Water Conservation Districts for appointments to the Board and further that staff be directed to forward the recommendations to the Governor and the Secretary of the Commonwealth.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried with Ms. Campbell and Mr. Hall abstaining.

Petition of City of Charlottesville to Join the Thomas Jefferson Soil and Water Conservation District

Mr. Meador gave an update regarding the Petition of the City of Charlottesville to join the Thomas Jefferson Soil and Water Conservation District. He said that two hearings had been held: Tuesday, April 11 in Charlottesville and Tuesday, April 25 in Albemarle County. Mr. Russell presided as the hearing officer. Proceedings from those hearings are attached as Attachments #1 and #2. Copies of correspondence received are available from DCR.

Mr. Russell said that while the hearings were sparsely attended, the comments received were positive and supportive. No negative comments have been received.

Mr. Meador reviewed the process for the modification of a District.

MOTION: Mr. Russell moved that with full consideration of § 10.1-512. (*Code of Virginia*), the Virginia Soil and Water Conservation Board hereby resolves that there is need in the interest of public health, safety and welfare for a district to function within the City of Charlottesville and hereby amends the boundaries of the Thomas Jefferson Soil and Water Conservation District (TJSWCD) by adding the City of Charlottesville and further that the Board direct DCR staff to communicate this action to the City of Charlottesville and to the TJSWCD.

SECOND: Mr. Maitland

DISCUSSION: Mr. Simms noted that the addition of the City of Fredericksburg to the Tri-County SWCD has worked well. The District has a good community relationship.

Mr. Meador noted that Ms. Sappington was present from the TJSWCD.

Ms. Sappington said the District was in support of the motion.

VOTE: Motion carried unanimously

MOTION: Mr. Maitland moved that with due consideration to provisions of §10.1-514. (Code of Virginia) and other relevant information, the Virginia Soil and Water Conservation Board hereby resolves that the operation of the realigned Thomas Jefferson Soil and Water Conservation District through inclusion of the City of Charlottesville is administratively practicable and feasible. The Board directs DCR staff to communicate this action to the City of Charlottesville, the counties of Albemarle, Fluvanna, Louisa and Nelson and to the TJSWCD and further that the Board direct DCR

staff to proceed with organization of the district to include bringing forward nominees for district directors to represent the City of Charlottesville on the TJSWCD board, communication to the U.S. Department of Justice (as required by federal law), and preparation of the application specified within §10.1-517 (*Code of Virginia*).

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Meador said that additional steps include Board approval of new directors, the Charter from the Secretary of the Commonwealth and approval from the Department of Justice.

District Director Resignations and Appointments

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

Monacan

Resignation of Robert Harper, Powhatan County, effective 5/24/06, Extension Agent director position (term of office expires 1/1/09).

Recommendation of Eric Bowen, Powhatan County, to fill unexpired Extension Agent term of Robert Harper (term of office to begin on or before 6/23/06 –1/1/09).

MOTION: Mr. Simms moved that the list of SWCD District Director Resignations and Appointments be approved as submitted.

SECOND: Mr. Hall

DISCUSSION: None

VOTE: Motion carried unanimously.

Approval of District Financial Policy and Performance Deliverables for FY07

Mr. Meador reviewed a handout pertaining to the Board policy on "Financial Assistance for Soil and Water Conservation Districts." A copy of this policy is available from DCR.

He noted that the Board had received a copy of this policy at the last meeting, and that the policy requires the Board to review and make any necessary changes by June 1 of each year.

He noted that there was no new funding to address adjustments to the policy. He said that the staff recommendation was that there be no changes to the policy.

Mr. Maroon noted that Attachment A, page 5 gave a breakdown of suggested amounts for each category.

Ms. Doetzer noted that many Districts share space with NRCS. She said the figures were out of date with regard to rent. She said because of the recent move of the FSA, NRCS was looking at moving out offices and asking Districts for full funding for shared space.

Ms. Campbell suggested the estimates might need to be revised to factor in new items. She acknowledged that there was a limited amount of money and that these figures were established to suggest the bottom line.

Mr. Graham said he would not favor approving a motion that would include data that is so outdated and that if the bottom line is that the Board has $78,000 to give to districts that should be stated.

Ms. Campbell suggested an additional line of explanation that would indicate that the numbers are suggested percentages of what is actually needed.

Ms. Hansen suggested noting that the Board understands that the total amounts are out of date, but in general approves the ratio of expenditures. She asked if staff needed to demonstrate how the number was determined.

Mr. Meador said that the number was based on what a reasonable amount was to make available for each district in terms of core funding.

Mr. Maroon suggested a note at the top of the document that indicated that the amounts were based on 1999 estimates and that they have not been updated, and additionally that the Board and the Districts acknowledge that these numbers are no longer relevant. Further he suggested that the Board and Districts request that the General Assembly and decision makers consider updating these amounts.

MOTION: Mr. Graham moved approval of the Board Policy with the addition of the statement recommended by Mr. Maroon.

SECOND: Mr. Maitland

DISCUSSION: Staff will determine the exact wording of the statement.

Mr. Maitland acknowledged that it took a significant effort to just get to the core funding.

Ms. Doetzer said the numbers were there to encourage the Districts to run as a business. She acknowledged that NRCS can no longer fund rent for the Districts.

Ms. Hansen suggested a stronger statement and a resolution that recognized funding is inadequate. She said local governments should be encouraged to support districts.

Ms. Campbell asked Mr. Calos to come back to the next meeting with a suggested outline of what actual District expenditures should be. Mr. Calos agreed to be prepared with that information in July.

Mr. Meador referenced Page 2 of the Policy addressing grant agreements and accountability. He referenced Attachment A pertaining to Performance Deliverables. A copy of this attachment is available from DCR.

Mr. Meador reviewed changes suggested by the Board at the March meeting.

MOTION: Mr. Maitland moved that the Board approve the "Soil and Water Conservation District FY 2006-2007 Performance 'Deliverables' for Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent That Funding Permits" as presented and amended by staff.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously.

Virginia Agricultural BMP Cost-Share Program, 2007 Program Update

Mr. Meador gave an update regarding the Virginia Agricultural Cost-Share Program, 2007 Program Update. He noted that Mr. Frye had addressed the proposed spending plan.

In addition there is a 60/40 funding ratio with the Chesapeake Bay receiving 60% of available funds and the Southern Rivers receiving 40%.

Additionally, Mr. Meador noted:

Program Priorities (statewide – both Chesapeake Bay and Southern Rivers):

- Emphasis is being placed on 5 priority BMPs (rather than 3)
    - Nutrient Management
    - Cover Crops
    - Continuous no-till
    - Vegetative riparian buffers
    - Livestock exclusion from water bodies

- Introduction of 3-year "contractual" practices:
    - These practices are:
        - Development of Nutrient Management Plans
        - Implementation of Nutrient Management Plans
        - Cover Crops

    - Incentive payments provided each year of the 3-year contract following verification of implementation
    - Information for "contract" participants will be entered on a new form and tracked within the BMP Tracking Program

- A full spectrum of roughly 30 BMPs will continue to be available to address local needs during the upcoming program.
- Further details about additional changes to certain specific BMPs are available

DCR/SWCD Grant Agreements for FY07-80:

- DCR intends to issue grant agreements to all SWCDs in June
- No change in the Scope of Services ("deliverables") from the current agreement are being considered
- Each district will receive commitments of funding from DCR to
    - Implement needed BMPs from all practices offered by using their "base" allocation
    - Implement Priority Practices (from a smaller list of specific practices)
    - Establish 3-year contracts for the nutrient management and cover crop BMPs

Training

- Needs are significant for SWCDs, and others that assist with program implementation (NRCS, DOF, Virginia Cooperative Extension)
- Training will address changes in specific practices, program priorities, use of new forms, data entry, use of funding allocations, and any other needs of users
- DCR staff will aim to offer training around the state at multiple locations beginning in June

Dam Safety Certificates and Permits

Mr. Browning presented the Dam Safety Certificates and Permits.

Out of Compliance

Mr. Browning presented the summary list of 8 Out of Compliance Dams. One dam was removed from the Out of Compliance List. There was no recommended action.

Upper Wallace Dam #01516 – owned by Kilbide International, Class III. Owner needs to submit Operation and Maintenance Certificate Application documents; owner informed DCR in February 2006 that he hired an engineer.

Fauber Dam #01533 – owned by William Fauber, Class I. Identified as in imminent danger of failing; dam owner refused to comply as directed; DCR in coordination with the Assistant Attorney General, the Augusta County Sheriff's Office and a local contractor, removed the imminent threat by enlarging the spillway; dam owner refused to pay bill; dam owner is deceased and there is need to contact the deceased's attorney to collect debt.

Lake Mellott Dam #06119 – owned by Josephine N. Carter and Jeffrey L. Wolf, Class II. Owners did not comply with Director's Administrative Order; DCR referred cased to AG's Office; AG filed Bill of Complaint with Clerk of Fauquier County Circuit Court; Bill of Compliant served to owners; one owner has retained an attorney an hired an engineer to perform the engineering work. Based on May 17, 2006 meeting with the AG's Office, the next steps are (1) Dam Safety Regional Engineer is to check survey plats and deeds of dedication in the Fauquier County Clerk's Office to determine property lines/ownership that will be used to determine how many individuals own Mellott Dam; and (2) The AG's Office is to contact Josephine Carter's attorney about the use of his letter to determine property lines/ownership.

Lake Isaac Dam #06921- owned by Fred Harner, Class II. Owner applied for a construction permit; VSWCB issued the construction permit; upon completion of building the dam the owner has never requested permission to fill the impoundment.

Pruitt's Dam #07507 – owned by Lee and Lois Mary Hoehne, Class III. Owners did not submit an application for a new Regular Operation and Maintenance Certificate in May 2003; after three attempts through the use of certified mail the owners accepted DCR correspondence in September 2005, but has failed to respond. A Director's Administrative Order will be issued.

Green Mountain Dam, #07915 – owned by Larry E. Lamb, Nathaniel Greene Development Co., Class II. Owner has failed to comply with Dam Safety Regulations and has been allowed to operate his dam under a Conditional Operation and Maintenance Certificate. A Director's Administrative Order will be issued.

Little Lake Arrowhead Dam, #17907 and Lake Arrowhead Dam, #17908 – owned by Lake Arrowhead Civic Association (LACA), Class II. Owner did not submit an Application for a new Regular Operation and Maintenance Certificate in May 2003; informed DCR in December 2003 that funding was not available for the Dam Safety recertification process for Dam #17908; 2002 Code change brought Dam #17907 under regulation; LACA filed suit in Stafford County Circuit Court to dissolve the LACA and supervise the disposition of its assets; Stafford County Board of Supervisors has contracted engineering work and has been working with the citizens in the communities to form a service district that will generate funding for maintaining and repairing the dams. As a result of the lawsuit, DCR, the AG's Office, Stafford County Board Supervisor Gibbons and County Attorney Howard are currently engaged in determining who owns the dams.

Operation and Maintenance Certificate Recommendations

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

00303	Sugar Hollow Dam	ALBEMARLE	Class I Regular	5/31/12
00382	Peter Jefferson Place - Lake I Dam	ALBEMARLE	Class III Regular	5/31/12
01532	Mill Place Commerce Park Dam	AUGUSTA	Class III Conditional	1/31/07
03107	Lake Shalom Dam	CAMPBELL	Class III Regular	5/31/12
04115	Falling Creek Dam	CHESTERFIELD	Class I Regular	5/31/12
06521	Fluvanna Correctional Center for Women Dam	FLUVANNA	Class III Conditional	5/31/07
06714	Musgrove	FRANKLIN	Class III Conditional	5/31/08
07912	Twin Lakes Dam #2	GREENE	Class III Conditional	5/31/07
07913	Twin Lakes Dam #1	GREENE	Class III Conditional	5/31/07
08338	Raw Water Storage Dam	HALIFAX	Class III Regular	5/31/12
08539	Mattawan Dam	HANOVER	Class II Conditional	11/30/06
08708	Ukrop Dam	HENRICO	Class III Regular	5/31/12
09902	Powhatan Plantation Dam	KING GEORGE	Class III Regular	5/31/12
10905	South Anna #7Dam	LOUISA	Class III Regular	5/31/12
10935	South Anna #23Dam	LOUISA	Class III Regular	5/31/12
12504	Rockfish Farms Dam	NELSON	Class III Regular	5/31/12
14115	Ararat River #17Dam	PATRICK	Class III Regular	5/31/12
14513	Recreation Pond Dam	POWHATAN	Class III Regular	5/31/12
16105	Woods End Dam	ROANOKE	Class I Regular	5/31/12
16305	Koogler Dam	ROCKBRIDGE	Class I Conditional	5/31/08
19516	Big Cherry RCC Dam	WISE	Class I Regular	5/31/12
19502	Big Cherry Dam	WISE	List as a Class IV submerged dam	5/31/12

MOTION: Ms. Hansen 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: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Construction and Alteration Permits

Mr. Browning presented the list of permit recommendations.

14501	Upper Powhatan Lake Dam	POWHATAN	Class III Construction 5/24/06-5/31/08
14502	Lower Powhatan Lake Dam	POWHATAN	Class III Construction 5/24/06-5/31/08
16305	Koogler Dam	ROCKBRIDGE	Class I Alteration 5/24/06-5/31/07

MOTION: Ms. Hansen 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 owners.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Browning presented the recommended list of extensions.

00305	Albemarle Dam	ALBEMARLE	Class III Regular	7/31/06
00908	Graham Creek Reservoir #1	AMHERST	Class III Conditional	7/31/06
00919	Sweet Briar College Lower Dam	AMHERST	Class III Regular	11/30/06
00920	Sweet Briar College Upper Dam	AMHERST	Class III Regular	11/30/06
00925	Jessee Dam	AMHERST	Class III Regular	9/30/06

01501	South River #26 Dam	AUGUSTA	Class I Conditional	5/31/08
01502	South River #25 Dam	AUGUSTA	Class I Conditional	5/31/08
01508	South River #23 Dam	AUGUSTA	Class I Conditional	5/31/08
01930	Elk Garden Lake Dam	BEDFORD	Class III Regular	9/30/06
02304	Blue Ridge Estates Dam	BOTETOURT	Class I Conditional	11/30/06
05906	Lake Accotink	FAIRFAX	Class I Conditional	11/30/07
05923	Pohick Creek #2 Dam	FAIRFAX	Class I Conditional	11/30/06
06123	Winslow Dam	FAUQUIER	Class II Conditional	7/31/06
06136	Hideaway Hills Dam	FAUQUIER	Class III Conditional	11/30/06
06502	Fluvanna Ruritan Dam	FLUVANNA	Class III Regular	7/31/06
06515	Andersons Dam	FLUVANNA	Class III Conditional	9/30/06
07907	Saponi Dam	GREENE	Class III Regular	9/30/06
08501	Camp Hanover Dam	HANOVER	Class III Conditional	9/30/06
09529	Eastern Pond Dam	JAMES CITY	Class III Conditional	9/30/06
14116	Ararat River #32 Dam	PATRICK	Class III Regular	11/30/06
14506	Lower Byers Dam	POWHATAN	Class III Conditional	7/31/06
15501	Ottari Scout Camp #2 Dam	PULASKI	Class II Regular	9/30/06
15506	Lake Powhatan Dam	PULASKI	Class II Conditional	11/30/06
17101	Stony Creek Dam #9	SHENANDOAH	Class I Conditional	7/31/06
17104	Woodstock Dam	SHENANDOAH	Class I Conditional	9/30/06
17105	Strasburg Dam	SHENANDOAH	Class II Regular	7/31/06
17710	Lee Lake Dam	SPOTSYLVANIA	Class II Conditional	11/30/06
17923	Bridle Lake Dam	STAFFORD	Class I Conditional	7/31/06
18704	Deer Dam	WARREN	Class III Conditional	7/31/06
18709	Apple Mountain Lake Dam	WARREN	Class II Conditional	1/31/07
18711	Apple Mountain Upper Lake Dam	WARREN	Class II Conditional	1/31/07
66002	Lake Terrace Dam	CITY OF HARRISONBURG	Class III Conditional	9/30/06

Mr. Browning distributed a letter dated May 23, 2006 to the Augusta County Service Authority (Authority) concerning Coles Run Dam Inventory #01519. He noted that at the March 16, 2006 Board Meeting, Mr. Monroe appeared on behalf of the County to address concerns with the Conditional Operation and Maintenance Certificate issued by the Board. Mr. Browning said DCR staff met with the Authority's Executive Director and Senior Project Engineer on May 4, 2006. The letter is a follow up to that meeting, stipulating what information is needed to recommend a Regular Operation and Maintenance Certificate. The information is requested by October 31, 2006.

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

SECOND: Mr. Graham

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning noted that an Alteration Permit for Lake of the Woods Dam, Inventory # 13701, was not presented because DCR is waiting on a revised plan for the floodwall. He noted that the association does not intend to begin work until after this year's recreation season is over. However, this will not interfere with the Association constructing the floodwall by February 28, 2007.

Ms. Hansen encouraged members when possible to attend the Dam Safety and Stormwater Management Technical Advisory Committee meetings. She said that when it comes time to review the work of the Committees it will be helpful for Board members to have spent time listening to the deliberation process.

Ms. Hansen asked for a clarification of the construction plan for the Lake of the Woods floodwall.

Mr. Browning said the delay was in the design of the floodwall, but the deadline for construction remains February 27, 2008.

Federal Dam Safety Legislation

Mr. Dowling presented an update regarding federal dam safety legislation. A copy of the handout is available from DCR.

Two bills were introduced in March of this year related to dam safety issues within days after a dam failure in Hawaii claimed seven lives. The National Association of Dam Safety Officials has endorsed both Bills.

HR 4981 – The Dam Safety Act of 2006 (SB 2735)

- Introduced by Reps. Sandy Kuhl (R-NY), Jim Matheson (D-UT) and Neil Abercrombie (D-HI) to reauthorized the National Dam Safety Program.
- Would provide up to $12.7 million a year for four years to assist states in improving their dam safety programs.

S 2444 – Dam Rehabilitation and Repair Act of 2006 (HR1105)

- Introduced by Senators Akaka (D-HI) and Inouye (D-HI). Would provide up to $350 million over four years to repair and upgrade the estimated 2,600 unsafe dams in the United States.
- Focused on public entities that own dams, such as municipalities and water districts.

Regulatory Update

Mr. Dowling presented updates regarding the Dam Safety and Stormwater Management Regulatory Actions.

Dam Safety

- The 1st meeting of the dam safety TAC was held on May 1, 2006 at VCU.
    - The TAC is being facilitated by Barbara Hulburt of the McCammon Group.
- The Committee charge presented by Joe Maroon on behalf of the Board was: Consider improvements to the Virginia Soil and Water Conservation Board's Impounding Structure Regulations (§§ 4 VAC 50-20-10 et seq.) that will
    - Enhance the administration and implementation of the Dam Safety Program,
    - Clarify the meeting of the regulations, and
    - Give consideration to nonstructural criteria on a case-by-case basis that would permit a partial reduction of emergency spillway design flood requirements, provided there would be no unreasonable and/or significant reduction in public safety and the protection of life and property.

- The agenda for this meeting included a background presentation on the Ad Hoc and Board workgroup study activities that led up to this regulatory action, a discussion of the NOIRA and regulatory process, an overview of the dam safety program, and a review of key Code and regulatory authorities.

- In discussions on modifying the regulations, the TAC determined that permit application fees and forms should be referred directly to DCR to begin drafting. They also determined that the Risk Classification System appeared to be one of the highest priorities along with clarification of terminologies and Emergency Action Plans. The TAC discussed the emergency action plans for the balance of the meeting and requested staff to draft language for their consideration.

- The Department has since drafted language and has shared the EAP language with a subcommittee of the TAC to consider further amendments or refinements prior to sharing with the entire TAC. A conference call of the subcommittee is being scheduled for the afternoon of June 6th.

- The 2nd meeting of the TAC will involve a discussion of the EAP language, a review of Virginia's dam classification criteria and a discussion of key related definitions. As part of the review of dam classification criteria, there will also be a presentation on federal classifications and definitions and those of other states.

- Remaining TAC Meeting dates include:
    - Tuesday, June 13
    - Thursday, July 13
    - Thursday, July 27

Mr. Maroon asked the Board to comment if they were not comfortable with the way the process was moving forward.

Ms. Hansen said that it would not be beneficial for TAC members to spend time on particulars the Board is not willing to accept. She noted that the Board needs to consider action in terms of the acceptable risk issue.

Mr. Maroon noted that in areas where the TAC does not reach consensus, the Department may still make recommendations.

Stormwater Management

- Two TACs have been held on stormwater regulations.
    - May 4, 2006 – The Science Museum of Virginia, Richmond
    - May 18, 2006 – Department of Forestry, Charlottesville
    - The TAC is being facilitated by Judy Burtner

- The Committee charge presented by Jack Frye on behalf of the Board was:
    - Develop, in coordination and cooperation with the Environmental Protection Agency, amendments to the Virginia Soil and Water Conservation Board's Virginia Stormwater Management Program (VSMP) Permit Regulations (§§ 4 VAC 50-60-10 et seq.) to address
        - The minimum water quality and quantity criteria and administrative functions that a local stormwater management program must contain to receive program delegation by the Board for administration of the VSMP or portions thereof,
        - Administrative procedures by which the Board makes its delegation determinations,
        - DCR program administration and oversight procedures, and
        - Revisions to the statewide stormwater permit fee schedule to a level sufficient to carry out the stormwater management program by localities and the Department.

- The 1st meeting of the TAC involved a discussion of what led up to this regulatory action, a review of the NOIRA and regulatory process, and a stormwater program overview presentation. The balance of the meeting was 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)
    - Other issues

- Between the 1st and 2nd TAC meeting, the Department's internal drafting team developed a strawman draft for Part II related to the minimum local stormwater management program Water Quality and Quantity Criteria. The draft concepts were recognized as being strongly protective of water quality.

- The 2nd TAC meeting involved a review and discussion of the Part II strawman language. In general, key issues discussed involved the amount of nutrient reductions and flow reductions necessary associated with a land disturbing activity, what nutrients should be considered, should we set actual reduction limits or should reductions be to the "maximum extent practicable," how should LID be considered, and whether riparian buffer requirements should be considered.

- TAC members are currently reviewing the strawman language and have been provided the opportunity to offer suggestions on how to improve/refine the language for the TAC's and the Department's consideration.

- As requested by the TAC, Ryan Brown from the AG's office has explored local stormwater management ordinances for potential language to consider in our primary amendments.

- The drafting team is scheduled to meet again this Friday to consider potential amendments to the Part II language.

- The 3rd TAC meeting will involve in-depth discussions of Part III, the local program administrative and program delegation procedures and requirements. This might include how to handle administration, enforcement, inspections, reporting, fee collection, etc.

- Remaining TAC meeting dates include:
    - Thursday, June 8th
    - Tuesday, June 20th
    - Tuesday, June 11th
    - Tuesday, June 25th

<u>Erosion and Sediment Control Program Actions</u>

Mr. Hill presented the Erosion and Sediment Control Program Actions.

Fauquier County Alternative Inspection Program

Mr. Hill said that the law dictates what has to be done with the program and inspections, however sometimes these requirements are too strict for localities. For that reason the Board has what is considered an alternative inspection program.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for Fauquier County. The Board concurs with the staff recommendation and accepts Fauquier County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Hall

DISCUSSION: Mr. Russell asked for a list of localities that have been approved for an Alternative Inspection Program.

Mr. Maroon said that list would be provided at the next meeting.

VOTE: Motion carried unanimously

Linear Project Review and Approval

MOTION: Ms. Hansen moved the following:

The VSWCB receives the staff update concerning the review of the 2006 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 the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2006 must be submitted by June 17, 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 June 17, 2006 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.state.va.us.

3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.state.va.us. 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.

Companies recommended for conditional approval with the 4 conditions are:

Electric: Allegheny Power; Old Dominion Power

Gas: Washington Gas; Williams/Transco Pipeline

Railroad: Buckingham Branch Railroad; CSX Transportation Inc.

Additional recommended conditions for approval:

5. Revise the cover page of the submission to read "Standards and Specifications" instead of "Plan".

6. Figure #8: delete the note relating to the use of a straw bale barrier for concentrated flow at the inlet and outlet of drainage structures.

The company recommended for conditional approval with the 4 conditions and the 2 additional conditions:

Gas: East Tennessee Natural Gas/Duke Energy Gas Transmission

SECOND: Mr. Graham

DISCUSSION: None

VOTE: Motion carried unanimously

FY07 Program Reviews

Mr. Hill said that staff is still negotiating the schedule for the FY07 program reviews. That information will be presented a the July meeting.

Mr. Russell asked the procedure for registering a complaint regarding utilities.

Mr. Hill said complaints should be filed through the regional office.

Stormwater Management Program Update

General Construction Permit Update

Mr. Hill said DCR has issued 2068 permits from July 2005 through May 23, 2006.

Mr. Maroon noted that local government support has been good and that developers have been supportive.

Mr. Russell asked if there was a requirement to post the permit on site.

Mr. Hill said the developer just needed to have the permit available to show the inspector.

MS4 Permit Process presentation

Mr. Hill presented the following MS4 Program Update:

What is an MS4? Municipal Separate Storm Sewer System

Types of MS4s? Large/Medium (individual permits) and Small (general permit)

Large and Medium MS4-11
Large – Fairfax County, Norfolk, Virginia Beach
Medium – Arlington County, Chesapeake, Chesterfield County, Hampton, Henrico County, Newport News, Portsmouth, Prince William County

Small MS4 – 99 (plus or minus)

Permit Renewal Activities

Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach have reapplied for their individual MS4 permit. The existing permit for each locality has been administratively continued until the new permit has been written and approved.

The Department of Health, Department of Environmental Quality, Division of Shellfish Sanitation, and Marine Resources Commission have been provided opportunity to comment on the applications by the 6 localities.

DCR provided a draft permit to EPA for review and comment. Staff received initial comments from EPA on May 2, 2006.

As part of the permitting process, DCR requested that the localities update their outdated stormwater management plans in order to detail each locality's current pollutant reduction effort. The draft plans were received by DCR on May 18, 2006.

Overview of the Present Permit Renewal Activities – for the 6 localities

- Permit drafts are 90% complete
- Site Inspections are 100% complete
- Ratings Sheets are 100% complete
- Fact Sheets are 80% complete
- Public Notices are 25% complete

Remaining Permit Activities – for the 6 localities

- A meeting is scheduled with the localities on June 2, 2006.
- The draft permits must undergo staff review.
- EPA must be provided a 30-day permit review period.
- DEQ must be given an opportunity to review and comment on the proposed permit (Concurrent with EPA).
- Each locality must be provided a 14-day permit review period (Concurrent with EPA)
- DCR must public notice the draft permit and provide for a 30-day comment period.
- DCR must hold a public hearing if the public comments warrant a hearing.
- DCR must prepare a Response to the Comments document addressing all comments received during the public notice period and send it to all those that provide comment and EPA.
- DCR must prepare a final permit package for signature
- DCR must sign, date and issue the permit.

Future Permit Activities – for the remaining 5 localities

The County of Fairfax has been notified that their permit will expire and they must reapply by July 28, 2006. Staff has been working with County staff to assure that their application is as technically complete as possible.

The County of Arlington will be notified in August 2006 that their permit will expire in August 2007 and that they must reapply within 180 days of permit expiration.

Prince William County, Chesterfield County and Henrico County permits will not expire until 2008.

General Permit Activities

The MS4 General Permit will expire December 9, 2007. DCR must begin the development of a new general permit through the APA process.

DCR has received three Notices of Intent for coverage under the MS4 General Permit (George Mason University, J. Sergeant Reynolds Community College and Piedmont Community College).

DCR is working with Danville Community College, John Tyler Community College, James Madison University, Frederick County and George Washington Memorial Parkway regarding their possible coverage under the General Permit.

Agricultural Conservation Marketing Project Update

Mr. Waugh presented the agricultural conservation marketing project update.

A copy of the Powerpoint Presentation "Cost-Share Program: The Research Approach Preliminary Results" is available from DCR.

Mr. Waugh said the Department hired the McFadden Clay Marketing Group from White Stone, Virginia.

DCR Research Objectives were:

- Identify major decision steps and influencers
- Determine perceptions of conservation and the Cost-Share Program
- Identify the most believable messages
- Understand the needs of district staff
- Define the marketing media that maximize audience reach

Mr. Waugh said the department hoped to get a full report on market research by July.

Partner Agency Reports

Natural Resources Conservation Service

Ms. Doetzer gave the report for the Natural Resources Conservation Service. A copy of this report is attached as Attachment #3.

Department of Forestry

The Department of Forestry report is attached as Attachment #4

Department of Conservation and Recreation

Mr. Frye presented the report for the Department of Conservation and Recreation.

A copy of the report is attached as Attachment #5.

Public Comment

There was no public comment.

Future Meetings

The next meeting will be July 20, 2006 at NRCS in Richmond.

Adjourn

Being no further business, the meeting was adjourned.

Respectfully submitted,

_____	_____
Linda S. Campbell	Joseph H. Maroon
Chair	Director

Attachment #1

Hearing Pertaining to the Proposed Realignment of the Thomas Jefferson Soil and Water Conservation District

Tuesday, April 11, 2006
7:00 p.m.
Charlottesville City Hall

Hearing Officer:	Michael J. Russell Virginia Soil and Water Conservation Board
Staff Present:	Mark Meador, DCR District Programs Manager Michael Fletcher, DCR Director of Development
Members of the Public:	Alyson Sappington Thomas Jefferson Soil and Water Conservation District
	Garnett Mellen Thomas Jefferson Soil and Water Conservation District
	Kristel Riddersvold City of Charlottesville
	David Hirschman Citizen

Mr. Russell: Good Evening, I hereby declare this Hearing in session.

My name is Mike Russell. I am a member of the Virginia Soil and Water Conservation Board and I also serve as district director and the chair of the Robert E. Lee Soil and Water Conservation District. With me this evening are staff from the Department of Conservation and Recreation that are assisting with the conduct of this hearing:

Mark Meador, District Programs Manager based in Richmond
Michael Fletcher, Director of Development based in Richmond

We are here tonight to provide an opportunity for anyone with an interest in the proposed realignment of the Thomas Jefferson Soil and Water Conservation District to express their comments. Anyone wishing to speak should sign the clipboard by the main entrance if you have not already done so.

Currently the Thomas Jefferson district is comprised of Albemarle, Fluvanna, Louisa and Nelson counties. A petition from the City Council of Charlottesville has been submitted

to the Virginia Soil and Water Conservation Board. The petition proposes the addition of Charlottesville City to the existing Thomas Jefferson district.

Charlottesville is not presently a part of any of Virginia's 47 Soil and Water Conservation Districts. Virginia law empowers the Board to review and decide about formation of districts and resolve changes with district boundaries. The name of the realigned district will remain the Thomas Jefferson Soil and Water Conservation District. Copies of the petition are available; please indicate if you have not received a copy and would like one to review.

The meeting tonight is one of two hearings established by the Board. On April 25th we will hold the second hearing in the Albemarle County Office Building located at 1600 5th Street in Meeting Room A beginning at 7:30 p.m. Following these two hearings, the Board must determine from the facts presented and from other available information, whether there is reasonable need and adequate justification for adding the City of Charlottesville to the existing Thomas Jefferson district and thereafter be comprised of 4 counties and one city. According to Virginia law, this hearing provides public comment opportunity "...upon the question of the desirability and necessity, in the interest of the public health, safety, and the welfare, of the action proposed by the petition upon (i) the question of the appropriate boundaries to be assigned to such district, (ii) the propriety of the petition and other proceedings taken under this chapter, and (iii) all questions relevant to such inquiries." If the Board finds that there is such a need, then it must next determine if the operation of the realigned district is administratively practicable and feasible.

In accordance with provisions of the *Code of Virginia*, the Board has published notices of the two hearings in a newspaper of general circulation for the areas affected. Concerning the petition submitted by the Charlottesville City Council, the Board has determined that the petition fulfills requirements established by state law, and the Board approved the petition during their March 16th, 2006 meeting.

At this time, for the benefit of anyone present that may not be familiar with the authorities and functions of the Commonwealth's Soil and Water Conservation Districts, I will ask Mark Meador to come forward and provide a brief overview. When that is complete, he will read the petition submitted by the Charlottesville City Council."

Mr. Meador: Thank you, Mr. Russell,

Soil and Water Conservation Districts are political subdivisions of the state and are established through actions of local communities according to provisions of state law. Among the authorities provided through the Code of Virginia, districts are empowered to:

- Assist the Department of Conservation and Recreation in performing its nonpoint source pollution reduction responsibilities
- Deliver the Commonwealth's Agricultural Best Management Practices Cost-Share Assistance Program

- Conduct surveys relating to soil erosion and the conservation, utilization and disposal of water; and to disseminate information.
- Conduct demonstration projects to provide soil and water conservation examples to local communities.
- Carry out preventative and control measures for the conservation, control and use of water within the district.
- Enter into agreements and provide financial aid with agencies, or any occupier of land within the district.
- Accept, acquire and dispose of property -real or personal, or rights or interests therein.
- Make agricultural and engineering equipment available to assist land occupiers with soil conservation and the management of water.
- Develop comprehensive programs and plans for the conservation and management of soil and water resources.
- Serve as an agent for the Commonwealth and/or United States, by administering projects and activities and accepting gifts and contributions.

Today there are 47 Soil and Water Conservation Districts serving 98% of the land surface of the Commonwealth. Each district is administered by a board of directors comprised of citizens of the district's local community. There are over 300 district directors -the majority elected locally, serving on district boards without financial compensation and volunteering their services to their communities. Districts also employ staff to carry out the work of the district.

At this time I will read the contents of the petition from the Charlottesville City Council:

Petition of the Charlottesville City Council to the Virginia Soil and Water Conservation Board

The Charlottesville City Council has determined that there is a need, in the interest of public health, safety and welfare, for the addition of the City of Charlottesville to the Thomas Jefferson Soil and Water Conservation District (TJSWCD or District). The area to be added is defined as the City of Charlottesville, encompassing all the area within the legal boundaries of the city limits. The City of Charlottesville comprises 10.4 square miles and has a population of approximately 40,000.
The grounds upon which this determination is based are as follows:

1. The City of Charlottesville has recently embarked on a variety of new conservation initiatives including stream protection, stormwater management, and public outreach and education, areas in which the TJSWCD has extensive experience and expertise.
2. Membership would enable the City to participate in the District's on-going technical and educational programs, as well as special programs developed

through grant awards to the District. Public health, safety and welfare would be improved through the enhancement of the water quality in streams throughout the City through the increased use of a variety of "Best Management Practices" including streamside buffers, streambank restoration, nutrient and pesticide management, erosion control techniques, water conservation techniques, and stormwater management practices. Community awareness of environmental issues would increase with the City's participation in the existing youth and adult educational programs of the District.

3. There is a need for locally elected representation, knowledgeable in conservation issues, to serve on the TJSWCD Board of Directors, thus allowing a greater amount of accessibility to the Directors where local people could voice local concerns.
4. Implementation of the City's existing environmental management programs would become more cost-effective by utilizing a region-wide approach in many areas.

Accordingly, the Charlottesville City Council hereby petitions the Virginia Soil and Water Conservation Board in accordance with the Code of Virginia, § 10.1-507 through 10.1-514, as follows:

1. That the proposed territory to be added to the TJSWCD shall include the entire area within the legal boundaries of the City of Charlottesville and that the name of the District shall remain the Thomas Jefferson Soil and Water Conservation District.
2. That the Virginia Soil and Water Conservation Board conduct a hearing within the territory so defined on the question of the addition of the City of Charlottesville to the TJSWCD.
3. That the Virginia Soil and Water Conservation Board make a determination as to the need, administrative practicality and feasibility of the addition of said territory to the District.
4. That the Virginia Soil and Water Conservation Board proceed with the organization of the TJSWCD with its new boundaries.

Mr. Russell: Thank you, Mr. Meador.

You have heard the reading of the petition. Anyone desiring to speak regarding the actions proposed within the petition will now have an opportunity to do so. When I call your name, please state your name, your affiliation if applicable, and any comments pertaining to the matter at hand. All statements will be recorded on audiocassette tape and transcribed in a written format. If you have brought with you a copy of the statements you are expressing, we would like a copy for our records. All statements presented will become a part of the record and will be considered by the full membership

of the Soil and Water Conservation Board in making a determination with regards to the realignment of the Thomas Jefferson Soil and Water Conservation District.

Before we begin, if there is anyone present that has not signed up to speak, please raise your hand so that we may add you to the list.

At this time, the floor is open for comments. We will start according to the order of those that have signed up to speak. Our first person is David Hirschman:

Mr. Hirschman:
Thank you Mr. Chairman, my name is David Hirschman. I am a citizen of the City of Charlottesville and a former associate Director of the Thomas Jefferson Soil and Water Conservation District.

I support fully the petition for the reason that historically the Soil and Water Districts have an agricultural constituency, through the cost share program and put a lot of conservation on the ground. But certainly the Thomas Jefferson District has really been innovative on the vanguard on the moving to more urban and suburban conservation issues, stormwater management, stream buffers and rainwater harvesting and neighborhood environmental issues.

It's a great fit right now for where the City is at with efforts of the stream task force and new stormwater management regulations and phase 2 stormwater requirements the City is now facing.

This is a wonderful alliance between the City and the District. There is no downside. All parties involved will greatly benefit.

Kristel Riddervold:

I am Kristel Riddervold, the City Environmental Administrator.

I think that it is as Mr. Hirschman said very timely for this membership. I second the comment that Mr. Hirschman made and look forward to a formal relationship and partnership with the District where we've had a good informal working relationship. It is timely that this come to fruition since it's been desired by a lot of players in the community for a long time.

Allyson Sappington:

I am Alyson Sappington, District Manager for the Thomas Jefferson Soil and Water Conservation District.

On behalf of the District and Board members, they welcome the membership of Charlottesville into the District. We too would like to formalize what has been a very good working relationship for the past couple of years.

Mr. Russell: Thank you. Any other questions?

Mr. Hirschman: I have a question. This seems to be a bit mystifying this process. Is it an old process that just hasn't been updated?

Mr. Meador: It's outlined in the state law. There is a section of the *Code* that lays out the process of either creating a district or realigning a district.

Mr. Meador distributed a handout outlining the process for the creation or realignment of a District. A copy of that handout is available from the Department of Conservation and Recreation.

Mr. Meador: This goes through a very public process. This is intended to be a very public procedural process.

Mr. Meador explained the process for the creation or realignment of a Soil and Water Conservation District as outlined in the Code of Virginia.

Mr. Russell: Thank you.

Are there any other comments? Are there any questions?

If not, please accept my thanks and appreciation on behalf of the Virginia Soil and Water Conservation Board, to those of you here tonight that have contributed your views towards the matter before the Board. The record will remain open until May 1st, 2006 to receive all written statements. Written statements should be mailed to the attention of Linda S. Campbell, Chair of the Virginia Soil and Water Conservation Board; 203 Governor St., Suite 206; Richmond, Virginia 23219.

With no further business or discussion, I declare this hearing closed.

Attachment #2

Hearings Pertaining to the Proposed Realignment of the
Thomas Jefferson Soil and Water Conservation District

Hearing Officer:	Michael J. Russell Virginia Soil and Water Conservation Board
Staff Present:	Mark Meador, DCR District Programs Manager Michael Fletcher, DCR Director of Development Carrie Hagin, DCR Conservation District Coordinator
Members of the Public:	Alyson Sappington Thomas Jefferson Soil and Water Conservation District Dan Frisbee City of Charlottesville Diane Frisbee Citizen

Mr. Russell: **Good Evening, I hereby declare this Hearing in session.**

My name is Mike Russell. I am a member of the Virginia Soil and Water Conservation Board and I also serve as district director and the chair of the Robert E. Lee Soil and Water Conservation District. With me this evening are staff from the Department of Conservation and Recreation that are assisting with the conduct of this hearing:

Carrie Hagin, Conservation District Coordinator, DCR James Watershed Office

Mark Meador, District Programs Manager based in Richmond

Michael Fletcher, Director of Development based in Richmond

We are here tonight to provide an opportunity for anyone with an interest in the proposed realignment of the Thomas Jefferson Soil and Water Conservation District to express their comments. Anyone wishing to speak should sign the clipboard if you have not already done so.

Currently the Thomas Jefferson district is comprised of Albemarle, Fluvanna, Louisa and Nelson counties. A petition from the City Council of Charlottesville has been submitted to the Virginia Soil and Water Conservation Board (which hereafter I will refer to as the Board). The petition proposes the addition of Charlottesville City to the existing Thomas Jefferson district. Charlottesville is not presently a part of any of Virginia's 47 Soil and Water Conservation Districts. Virginia law empowers the Board to review and decide about formation of districts and resolve changes with district boundaries. The name of the realigned district will remain the Thomas Jefferson Soil and Water Conservation District. Copies of the petition are available; please indicate if you have not received a copy and would like one to review.

The meeting tonight is one of two hearings established by Board. On April 11th we held the first hearing at the Charlottesville City Hall in Charlottesville. Following these two hearings, the Board must determine from the facts presented and from other available information, whether there is reasonable need and adequate justification for adding the City of Charlottesville to the existing Thomas Jefferson district and thereafter be comprised of 4 counties and one city. According to Virginia law, this hearing provides public comment opportunity "…upon the question of the desirability and necessity, in the interest of the public health, safety, and the welfare, of the action proposed by the petition upon (i) the question of the appropriate boundaries to be assigned to such district, (ii) the propriety of the petition and other proceedings taken under this chapter, and (iii) all questions relevant to such inquiries." If the Board finds that there is such a need, then it must next determine if the operation of the realigned district is administratively practicable and feasible.

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Mark Meador: Thank you, Mr. Russell,

Soil and Water Conservation Districts are political subdivisions of the state and are established through actions of local communities according to provisions of state law. Among the authorities provided through the Code of Virginia, districts are empowered to:

- Assist the Department of Conservation and Recreation in performing its nonpoint source pollution reduction responsibilities
- Deliver the Commonwealth's Agricultural Best Management Practices Cost-Share Assistance Program
- Conduct surveys relating to soil erosion and the conservation, utilization and disposal of water; and to disseminate information.
- Conduct demonstration projects to provide soil and water conservation examples to local communities.
- Carry out preventative and control measures for the conservation, control and use of water within the district.
- Enter into agreements and provide financial aid with agencies, or any occupier of land within the district.
- Accept, acquire and dispose of property –real or personal, or rights or interests therein.
- Make agricultural and engineering equipment available to assist land occupiers with soil conservation and the management of water.
- Develop comprehensive programs and plans for the conservation and management of soil and water resources.
- Serve as an agent for the Commonwealth and/or United States, by administering projects and activities and accepting gifts and contributions.

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At this time I will read the contents of the petition from the Charlottesville City Council:

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Virginia Soil and Water Conservation Board

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The grounds upon which this determination is based are as follows:

1. The City of Charlottesville has recently embarked on a variety of new conservation initiatives including stream protection, stormwater management, and public outreach and education, areas in which the TJSWCD has extensive experience and expertise.
2. Membership would enable the City to participate in the District's on-going technical and educational programs, as well as special programs developed through grant awards to the District. Public health, safety and welfare would be improved through the enhancement of the water quality in streams throughout the City through the increased use of a variety of "Best Management Practices" including streamside buffers, streambank restoration, nutrient and pesticide management, erosion control techniques, water conservation techniques, and stormwater management practices. Community awareness of environmental issues would increase with the City's participation in the existing youth and adult educational programs of the District.
3. There is a need for locally elected representation, knowledgeable in conservation issues, to serve on the TJSWCD Board of Directors, thus allowing a greater amount of accessibility to the Directors where local people could voice local concerns.
4. Implementation of the City's existing environmental management programs would become more cost-effective by utilizing a region-wide approach in many areas.

Accordingly, the Charlottesville City Council hereby petitions the Virginia Soil and Water Conservation Board in accordance with the Code of Virginia, Sections 10.1-507 through 10.1-514, as follows:

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4. That the Virginia Soil and Water Conservation Board proceed with the organization of the TJSWCD with its new boundaries.

Mr. Russell: *Thank you, Mr. Meador.*

You have heard the reading of the petition. Anyone desiring to speak regarding the actions proposed within the petition will now have an opportunity to do so. When I call your name, please go to the podium, state your name, your affiliation if applicable, and any comments pertaining to the matter at hand. All statements will be recorded on audiocassette tape and transcribed in a written format. If you have brought with you a copy of the statements you are expressing, we would like a copy for our records. All statements presented will become a part of the record and will be considered by the full membership of the Soil and Water Conservation Board in making a determination with regards to the realignment of the Thomas Jefferson Soil and Water Conservation District.

Before we begin, if there is anyone present that has not signed up to speak, please raise your hand so that we may add you to the list.

At this time, the floor is open for comments. We will start according to the order of those that have signed up to speak. Dan Frisbee:

Mr. Frisbee: Thank you. I am Dan Frisbee, representing the City of Charlottesville and am also a concerned citizen. I would like to say that the City looks forward to continuing and formalizing the relationship.

We have worked together primarily the Rivanna Regional Stormwater Education Partnership which has been very successful in crafting a regional message that has sought to educate the public at the same time satisfying minimum requirements.

I would like to ask the Board to consider the City's request and to approve the petition.

Mr. Russell: Are there any other comments? Are there any questions?

If not, please accept my thanks and appreciation on behalf of the Virginia Soil and Water Conservation Board, to those of you here tonight that have contributed your views towards the matter before the Board. The record will remain open until May 1st, 2006 to receive all written statements. Written statements should be mailed to the attention of Linda S. Campbell, Chair of the Virginia Soil and Water Conservation Board; 203 Governor St., Suite 206; Richmond, Virginia 23219.

With no further business or discussion, I declare this hearing closed.

Attachment #3

NRCS Report
Virginia Soil & Water Conservation Board Meeting
May 24, 2006
Richmond, Virginia

WATER QUALITY

Watershed Operations

Review and Update of the Backlog of Watershed Projects – NRCS has completed a review of all active watershed projects in Virginia to determine their current status. NRCS staff has met with watershed sponsors to determine if the projects should be listed as "Active" or "Inactive," or if they should be closed out. This information will be used to update the national database for all projects. This database information is used to keep Congress informed of the unfounded federal commitment for watershed projects. The following list is the proposed status of the various projects in Virginia:

Flood Control Projects

1. Bush River in Prince Edward County – "Installation Complete"
2. Buena Vista in Rockbridge County – "Active"
3. Lick Creek in Russell and Wise Counties – "Inactive"
4. Watkins Branch in Buchanan County – "Inactive"
5. Cedar Run in Fauquier County – "Inactive"
6. Ararat River in Patrick County – "Inactive" (Project will be closed out in FY-07)
7. South River in Augusta County – "Inactive"
8. Lower North River in Augusta and Rockingham Counties – "Inactive"
9. Stewart-Lovills Creek in Carroll County VA and Surry County NC – "Inactive"

Land Treatment Projects

1. Opequon Creek in Frederick and Clarke Counties VA and Berkeley and Jefferson Counties, WV – "Installation Complete"
2. Chestnut Creek in Carroll and Grayson Counties – "Active"
3. Little Reed Island Creek in Carroll, Pulaski and Wythe Counties – "Active"
4. Three Creek in Washington County – "Active"
5. Sandy Creek in Halifax and Pittsylvania Counties – "Active"
6. Hays Creek in Augusta and Rockbridge Counties – "Active"
7. Copper Creek in Russell and Scott Counties – "Active"
8. Cripple Creek in Smyth and Wythe Counties – "Active"
9. Linville Creek in Rockingham County – "Active"

Dam Rehabilitation

Marrowbone Creek Dam Rehabilitation Ceremony

On May 15, 2006 a dedication of the first dam rehabilitation project in Virginia was held at the Marrowbone dam site in Ridgeway, Virginia. The 160 residents and 72 businesses that live or work in the dam's floodplain are safer now that the dam has been improved to meet NRCS and Virginia safety standards. Partnering in this $2.8 million dollar project on this 45-year old dam were DCR, the Blue Ridge SWCD, and the Henry County Board of Supervisors. The Honorable Virgil H. Goode, Jr. U.S. House of Representatives 5th District and the Honorable Roscoe Reynolds, Senator of Virginia, 20th District, also participated in the plaque unveiling.

FARM BILL PROGRAMS

Financial Assistance

Financial Assistance

EQIP and WHIP – We have obligated 100% of our allocation for both programs – (EQIP - $11,791,718; and WHIP - $410,822). Each program also has a waiting list of unfounded applications. NRCS National Headquarters will sweep any un-obligated funds from all states on June 1st and re-allocate any surplus. We may receive a supplemental allocation from the sweep based upon our accomplishments of allocating funds.

Efforts have been underway in all field offices to update all prior year contracts with practices that have not been installed according to schedule. Virginia had over $8 million obligated in "late" practices. 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 cost for all contracts not fully implemented.

Stewardship

CSP – Sign up has been completed and 38 applications have been submitted from the North Fork Shenandoah River watershed. These have been forwarded to the National Office and we are awaiting notification of which were accepted. All applications accepted will need to be contracted by August 31st.

Easements

FRPP – Five applications have been received requesting funding for farmland preservation easements. These are being reviewed by staff with final approvals anticipated by June 12th. Those accepted will complete a cooperative agreement to

obligate the funding by August 31st and will have two years to complete the easement work (survey, title, etc.)

Grants

Virginia submitted five applications under the Conservation Innovation Grant (CIG) process; two under the Cooperative Conservation Partnership Initiative (CCPI) Grant; and one Rapid Watershed Assessment Grant. We are awaiting word on the selection of these grants.

TECHNOLOGY

East Region Technology Workshop held in Richmond

The NRCS East National Technology Support Center in Virginia NRCS State Office sponsored the East Technology Workshop on April 25-26, 2006 in Richmond, VA. This workshop was designed to bring together the leaders in science and technology to highlight innovative tools/techniques and to share stories that have been successful at getting conservation on the ground to NRCS employees in the eastern third of the U.S. This workshop, consisting of concurrent workshops and tours, provided an opportunity for participants to network, exchange ideas, procedures and processes that have been used to enhance and promote conservation practices and programs.

Cover Crop Crimper Roller On-Farm Demonstration Project

Starting in late 2005, NRCS initiated a project to promote awareness of, and evaluate the potential for increased use of cover crop rolling in Virginia. Cover crop rolling is the practice of growing a high biomass cover crop, then rolling it down and no-tilling a cash crop into the flattened mulch. In addition to maximizing residue and organic matter return, this practice offers the opportunity to reduce or possibly eliminate use of herbicides in no-till. Two custom-built cover crop crimper rollers and specialized trailers to transport them have now been purchased and made available for farmers and research to try free of charge. The tools are housed with SWCD office in Harrisonburg and Tappahannock and are available for use statewide. This on-going project has involved extensive cooperation between NRCS and local SWCD, RC&D Council, and VA Cooperative Extension partners. As a result of work by these partners on both sides of the state, the two rollers have already been shown at six field day events and used by more than a dozen farmers since mid-March. Additional on-farm research and demonstration events are planned.

OPERATIONS

Office of Inspector General Audit

Increase in Farm Bill funding has led to increased oversight of financial management. In the past four year NRCS in Virginia has obligated over $64 million dollars in Farm Bill funds. Over the past two years more than $1 million dollars were awarded in Conservation Grants. In March OIG conducted an audit in Virginia regarding our

contracting. The audit included our process for solicitation and acquisition. In the past NRCS frequently entered into financial agreements with SWCDs and state agencies without soliciting and making awards based upon competition. This is no longer a practice we can follow. The audit went well and the findings were positive.

Service Center Consolidation

FSA is announcing a plan to consolidate nine of their current offices into other locations. Public meetings have already begun in some locations. 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 SWCD. NRCS will work with the local SWCD and the building lessor to evaluate each location on a case by case basis 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 we cannot absorb any increases in office rent or operational expenses.

Attachment #4

Department of Conservation and Recreation
Report to the Virginia Soil & Water Conservation Board
May 24, 2006

1. DCR/SWCD Operational Funding:
All 47 SWCDs have endorsed grant agreements with DCR for Operational funding this fiscal year and all quarterly disbursements have been issued to SWCDs for the fiscal year.

This fiscal year (FY06), operational funding for all districts totals $4,052,240. The total amount is the same as FY05 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 completed SWCD audits for the audit period that ended June 30, 2005. Twenty-five (25) SWCDs were audited. Audit reports and overall findings will be provided to SWCDs within the next few weeks.

3. SWCD Bonding Coverage:
This fiscal year is the first year of a 2-year contract for a surety bond policy for all SWCDs. The new contract raises the deductible 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 sent August 29, 2005. An updated "Desk Top 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 which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The 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 expected to be especially important in coming months as monies the General Assembly may appropriate should 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 is providing a training program for SWCDs and all interested individuals on the recently revised Desktop Guide for District Fiscal Operations. The program will be provided through the Community College "distance learning" network. Participants can receive the program at any one of 8 community colleges that have been selected around the state for offering the 3-hour course scheduled June 6, 2006. There is no charge to participants. Use of the electronic presentation system may serve useful for similar kinds of programs in the future.

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, a quarterly meeting frequency is planned. Of the roughly 4 meetings per year, one will address routine maintenance of district dams, another will address Emergency Action 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 meetings (for example, updates and follow ups to breach inundation areas that would be impacted by dam failures).

6. Agricultural BMP Cost-Share Program:

As the current program year draws to completion, discussion continues about program changes that will be implemented in the program year that will begin this July 1st. Program emphasis will be placed on advancing farmer implementation and use 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 will provide new opportunities for financial incentives that achieve annual and multi-year commitments from participating farmers. DCR's Agricultural BMP Cost-Share Program Advisory Committee is a critical group that is helping shape future program directions. Two conference calls of the full committee and meetings of two subcommittees occurred in advance of the group's last meeting, which was held on April 6, 2006.

7. Conservation Reserve Enhancement Program (CREP):

As of 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 rate 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 staff 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 90% complete. Also, DCR staff has issued coverage under the General Permit for Stormwater Discharges from Construction Activities to 2,068 projects for the period of July 1, 2005 through May 23, 2006

9. Nutrient Management:

The department is currently implementing the revised nutrient management training and certification regulations as finalized and effective on January 11, 2006. The revisions included phosphorus based nutrient management planning requirements and revisions to application time of nutrient sources. The department is also working with state agencies that apply nutrients to state owned lands to ensure that each agency develops a nutrient management plan for managed property by July 1, 2006 as required by legislative action in the 2005 General Assembly.

10. WQIF- Cooperative Nonpoint Source Programs & Water Quality Initiatives

On April 26, 2006, Joe Maroon announced for public review the listing of 36 projects, which are proposed to receive WQIF funding. In keeping with the legislative requirement of distributing the funds with a 60/40% split between the Chesapeake Bay Basin and Southern Rivers, 22 projects are in the Bay basin and 14 projects are in the Southern Rivers area. These 36 projects, when completed, will prevent an estimated 141,565 pounds of nitrogen, 13,030 pounds of phosphorus, and 3,098 tons of sediment from reaching Virginia's waterways. Following the close of the public comment period on the proposed awards on May 26th, the department will initiate grant agreements with the project applicants with a target grant award date of July 1.

11. Erosion and Sediment Control Program Review

DCR is completing the review of local erosion and sediment control programs for FY 2005/2006 and developing 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.

Attachment #5

Virginia Soil and Water Board

May 2006 meeting

Department of Forestry report

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- The Department has finalized its portion of the Water Quality Improvement Fund grant process. We will be focusing on impacted watersheds and streams with cost-sharing for logging BMP's for stream crossings as well as other riparian practices such as rain gardens and non-CREP forest buffers. The enrollment is ongoing with 2 grants approved for Nansemond High School (rain garden) and Dinwiddie County (riparian buffer and rain garden) through the riparian practices portion.

- The Department's Silvicultural Water Quality Program participated in the Logger's Expo last week at the State Fairgrounds. We constructed and gave away 2 timber bridges (charity raffle) during the Expo. Over $3K was collected through this raffle for the Log-a-Load for Kids.

- The Department has developed a "Rain Garden" Technical Guide and brochure. This BMP has become very popular for storm water mitigation and serves as a vegetative solution versus impoundment. Please contact us with any publication requests.

- The Department has developed a riparian buffer survey for our own field staff. We will be employing a Virginia Tech student to review 60 sites statewide this summer. Dr. Mike Aust is the faculty sponsor through the College of Natural Resources. We will report on the results in the Fall.

- The Potomac Watershed Partnership (PWP), one of the original Forest Service large-scale watershed projects has developed its 5 year report. The Forest Service contributed $7.8 million through the 5 year period 2000-2005 but the PWP leveraged an additional $10 million. It exceeded all original goals including planting 750 miles of Virginia streams, restoring 630 acres of wetlands and fencing 46,000 feet of stream. The very popular "Growing Native" program grew from this partnership which collects seed form volunteers, plants in state nurseries and then returns the trees to the localities from which they came. Copies of the report are available.