Virginia Soil and Water Conservation Board
May 9, 2013
West Reading Room, Patrick Henry Building
Richmond, Virginia

DRAFT MINUTES

Virginia Soil and Water Conservation Board Members Present

Herbert L. Dunford, Chair
Daphne W. Jamison, Vice Chair
Gary Hornbaker
Jerry L. Ingle
Stephen R. Lohr
Thomas M. Branin
David A. Johnson, Ex Officio
David Kriz, NRCS for John A. Bricker, Ex Officio

Virginia Soil and Water Conservation Board Members Not Present

Susan Taylor Hansen
Raymond L. Simms
C. Frank Brickhouse, Jr.
Joan M. DuBois
Richard A. Street
Wanda J. Thornton

DCR Staff Present

Jeb Wilkinson, Chief Deputy Director
David C. Dowling
Michelle Vucci
Michael R. Fletcher
Stephanie Martin
Joan Salvati
Rick Weeks
Robert Bennett
John McCutcheon
Matthew Gooch, Office of the Attorney General

Others Present

Kendall Tyree, Virginia Association of Soil and Water Conservation Districts
Don Wells, Virginia Association of Soil and Water Conservation Districts
Michelle Ashworth, Aqualaw
Ann Jennings, Chesapeake Bay Foundation
Will Nash, Town of Farmville
Adrienne Kotula, James River Association
Martha Moore, Virginia Farm Bureau Federation
Karen Holloway, City of Poquoson
Debbie Vest, City of Poquoson
Bob Brame, Culpeper SWCD

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Ben Rowe, Virginia Grain Producers Association
Grey Wilchel, Culpeper SWCD
Wilmer Stoneman, Virginia Farm Bureau Federation

Call to Order and Introductions

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

Approval of Minutes from March 27, 2013

MOTION: Ms. Jamison moved that the minutes from the March 27, 2013 meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff.

SECOND: Mr. Branin

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Johnson gave the Director's Report.

Mr. Johnson said that the work for the transition of the regulatory portion of the Stormwater Management Division to move to the Department of Environmental Quality is progressing. He said that a seamless transition is expected.

Mr. Johnson noted that Mr. Weeks had assumed the management of DCR's Stormwater Division. Mr. Bennett has returned to the Division of Dam Safety and Floodplain Management.

Mr. Johnson said that with regard to agricultural issues, DCR hoped to move forward and have a transparent discussion regarding how agricultural cost share programs are administered. He noted that the General Assembly had continued the Summer Study from 2012. He said that the study group would meet prior to the end of May. He said that the key to success for that group would be to narrow the focus and to make significant, but targeted recommendations for the upcoming biennial budget process.

Mr. Johnson said that DCR was also looking at how the programs are administered and the Agency's relationship with Soil and Water Conservation Districts.

Local Program Extension Overview

Ms. Salvati gave an overview of the Department's process for assisting local governments with drafting stormwater management program plans. She noted that at the February 26, 2013 Board meeting, staff presented an overview of localities that are required to adopt stormwater programs

and the time-table for program adoption. She noted that at the February meeting the Board approved the adoption schedule.

§10.1-603.3. Establishment of Virginia Stormwater Management (VSMP) Programs

- Counties, cities and MS4 towns are required to adopt at VSMP "according to a schedule set by the Board."
- Schedule to require adoption no sooner than 15 months and not more than 21 months following the effective date of the stormwater management regulations.
- Board may approve up to an additional 12 months "provided the locality has made substantive progress."

VSMP Adoption Schedule – Approved 2/26/13

- December 13, 2012 – First date localities may adopt a VSMP (15 months from effective date of stormwater management regulations)
- April 1, 2013 – Localities submit 12-month extension requests with draft stormwater programs demonstrating substantive progress
- June 6, 2013 – Board consideration of 12-month extension requests
- June 13, 2013 – Final VSMP adoption date, without 12-month extension (21 months from the effective date of the stormwater management regulations)
- December 15, 2013 – Localities submit preliminary local VSMP application packages for final review by DCR
- April 1, 2014 – Final adopted VSMP ordinances submitted for review by DCR
- June 2014 – Final date for Board approval of local VSMPs

Local Assistance Work Plan

1. Outreach to localities across the State
2. Tools to assist localities in developing stormwater programs
3. Financial support for SWM program development
4. Guidance on the State's expectations for substantive progress

Outreach

- Presentations to elected officials: January through March 2012
- Presentations to local staff on VSMP adoption requirements and e-permitting: June through September 2012
- One day sessions of background and technical requirements of Stormwater Management Regulations: September through December 2012

Tools Provided to Localities

- FAQ on Local VSMP requirements
- Checklist for activities that constitute substantive progress

- Model VSMP ordinance

Financial Support

- 59 Virginia Locality Stormwater Program Development grants totaling more than $2 million statewide awarded November 15, 2012
- Grant period began in December and is assisting 100 local governments in developing VSMP programs
- Deliverables: Stormwater contact; draft funding and staffing plan; draft ordinance by April 1, 2013

Substantive Progress Guidance

- Identification of the authorities accepting registration statements, completing plan review and plan approval, and conducting inspections and enforcement functions;
- Draft of the local stormwater management ordinance (the draft local ordinance does not have to be approved by the local elected and/or appointed local official prior to submittal); and
- Draft staffing and funding plan

Review Process

- April 1: Localities submit "Substantive Progress" packets to Regional Office staff
- April 1: April 12: DCR Regional Offices review packets with assistance from Bay Act planners
- April 12: May 3: Central Office staff review submitted packets
- May 8: Program Development staff complies final list of localities recommended for 12-month extensions

Review Status

- All 143 localities that must adopt VSMP programs have submitted "Substantive Progress" packets with request for 12-month extensions
- In addition, 11 non-MS4 Towns that do not have to adopt programs have also submitted extension requests and plan to adopt programs

Extension Review Status

- Of the 154 localities that have submitted, 150 have been added to the list of localities that staff recommends be granted 12-month extensions to the June 13, 2012 deadline.
- Staff is working diligently with the remaining 4 localities to ensure they can be recommended for an extension at the June 6 Board meeting.

June 6 Board Meeting

- It is expected that all localities will have met the "Substantive Progress" criteria
- Motion will be prepared for the Board to approve 12-month extension requests

Stormwater Management

Erosion and Sediment Control

Mr. McCutcheon presented the erosion and sediment control actions.

Recognition of the City of Williamsburg Erosion and Sediment Control Program

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

Staff conducted a program review of the City of Williamsburg Erosion and Sediment Control Program on September 27, 2012 and conducted a close-out meeting with the City. The scores for the individual program elements were as follows: Administration 95 – Plan Review 80 – Inspection 100 – Enforcement 100. All program elements received a score of 70 or higher. Therefore, staff recommended that the Virginia Soil and Water Conservation Board find the City of Williamsburg Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Recognition of the Nottoway County Erosion and Sediment Control Program

Mr. McCutcheon gave the background information for Nottoway County.

Staff conducted a program review of the Nottoway County Erosion and Sediment Control Program on September 27, 2012 and conducted a close-out meeting with the County. The scores for the individual program elements were as follows: Administration 90 – Plan Review 70 – Inspection 100 – Enforcement 100. All program elements received a score of 70 or higher. Therefore, staff recommended that the Virginia Soil and Water Conservation Board find the Nottoway County Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board commend Nottoway County and the City of Williamsburg for successfully implementing their Erosion and Sediment Control Programs to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water sources.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Roanoke County Corrective Action Agreement (CAA) Review

Mr. McCutcheon gave the background for Roanoke County.

Staff conducted a review of the Roanoke County Erosion and Sediment Control Program Corrective Action Agreement on April 9, 2013 to determine if all required items of the CAA were completed. As a result of the CAA review, staff determined that all required items of the CAA had been completed. Therefore, staff recommends that the Roanoke County Erosion and Sediment Control Program be found consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Town of Farmville Corrective Action Agreement (CAA) Review

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

Staff conducted a review of the Town of Farmville's Erosion and Sediment Control Program Corrective Action Agreement on February 14, 2013 to determine if all required items of the CAA and Special Order issued by the Board were completed. As a result of the CAA review, staff determined that all required items of the CAA had been completed. Therefore, staff recommends that the Town of Farmville's Erosion and Sediment Control Program be found consistent with the Virginia Erosion and Sediment Control Law and Regulation.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board commend the Town of Farmville and Roanoke County for successfully implementing their Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

City of Staunton Program Review and Corrective Action Agreement (CAA)

Mr. McCutcheon gave the background report for the City of Staunton.

Staff conducted a program review of the City of Staunton Erosion and Sediment Control Program on October 16, 2012 and conducted a close out meeting with the City. The scores for the individual program elements were as follows: Administration 95 – Plan Review 100 – Inspection 50 – Enforcement 60. All program elements did not receive a score of 70 or greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the City of Staunton's Erosion and Sediment Control Program inconsistent with the Erosion and Sediment Control Law and Regulations and approve the draft CAA for the City.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board accept the staff recommendation to find the City of Staunton Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulation and approve the CAA as drafted for the City. The Board directs DCR staff to monitor the implementation of the CAA by the City to ensure compliance.

SECOND: Mr. Branin

DISCUSSION: None

VOTE: Motion carried unanimously

Acceptance of Roanoke County Alternative Inspection Program for consideration

Mr. McCutcheon presented the Roanoke County Alternative Inspection Program. He noted that no action was required at this meeting but that the Board would be asked to approve the program at the June meeting.

Roanoke County completed all of the required items of the CAA which included conducting inspections at the required frequency per 4VAC50-30-60B of the Erosion and Sediment Control Regulations. The County has submitted a proposed Alternative Inspection program to assist them to effectively provide a priority of conducting inspections.

Approval of the Sussex County Alternative Inspection Program

Mr. McCutcheon presented the Sussex County Alternative Inspection Program.

At the March 2013 meeting of the Virginia Soil and Water Conservation Board the Board accepted the proposed the Alternative Inspection Program for Sussex County for consideration. Staff has reviewed the proposed Alternative Inspection and finds it to be within the recommended guidelines, therefore staff recommends approval as submitted.

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

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Recognition of City of Poquoson's Chesapeake Bay Preservation Act Program

Mr. McCutcheon presented the background for the City of Poquoson.

Staff conducted a compliance evaluation review of the City of Poquoson's Chesapeake Bay Preservation Act Program March 19, 2012 and found the City's Program compliant with one condition. Since that time, the City has addressed the condition by including provisions in the City code that support their established practice of securing the required plan and plat notifications and now all of the required program elements are acceptable. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the City of Poquoson's Chesapeake Bay Preservation Act fully compliant with §§ 10.1-2109 and 2111 of the Chesapeake Bay Preservation Act and §§ 4 VAC 50-90-240 and 260 of the Chesapeake Bay Preservation Area Designation and Management Regulations.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board commends the City of Poquoson for successfully amending the City's Chesapeake Bay Preservation Act Program to be fully compliant with the requirements of the Chesapeake Bay Preservation Act and Regulations thereby providing better protection for Virginia's soil and water resources.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried unanimously

VASWCD Appointment Recommendations

Ms. Tyree noted that terms for Ms. Jamison and Mr. Brickhouse were expiring in June. She said in the 2013 General Assembly Session a number of changes were made to the nominating process. She said that while the changes would go into effect on July 1, 2013, that the Association had gone ahead to reach out to the Virginia Agribusiness Council and the Virginia Farm Bureau Federation. She said that the Virginia Association of Soil and Water Conservation Districts Board had met and were recommending the following names for the Governor's consideration for Board appointments.

Area V

Daphne W. Jamison
290 River Creek Road
Wirtz, VA 24184

Wilkie W. Chaffin
2747 Singleton Road
Pamplin, VA 23958

Area VI C. Frank Brickhouse, Jr.
Area VI Representative
2116 Whittamore Road
Chesapeake, VA 23322-1805

Granville M. Maitland
13410 Butterwood Lane
Wilsons, VA 23894

Mr. Dowling noted that if the Board accepted these recommendations the Director would forward the names as a joint recommendation from the Board and the Association.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board accept from the Virginia Association of Soil and Water Conservation Districts and jointly recommend to the Governor for consideration for appointment the stated nominees.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

SWCD Administration and Operations Policy and Contract Approval

Mr. Dowling gave an introduction regarding the Virginia Soil and Water Conservation Board's Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2014 and the associated Contract that are before the Board for consideration. He referenced materials provided in member packets. Copies of these materials are available from DCR. The documents provided were:

- 2013 Appropriations Act language
- Administration and Operations allocation spreadsheet and associated policy
- The associated Grant Agreement and its deliverables and forms

Mr. Dowling said that the documents were much more detailed than in past years in an effort to provide greater transparency, consistency, and predictability to the allocation and disbursement of the funds.

Mr. Dowling said that the Director had also challenged staff to improve the business practices and accountability. He said those principles were being advanced in these documents.

Mr. Dowling said that to set the stage for the discussion of the Policy, it was best to begin by reviewing the relevant fiscal elements of the 2013 Appropriation Act.

Mr. Dowling reviewed Items 360 A.1, E.2, F.1, H, and M.1 of the 2013 Appropriations Act. He noted that these sections provide the fiscal framework for this Policy as well as provide direction regarding District cost-share and technical assistance allocations.

Mr. Dowling said that working within the Code of Virginia and 2013 Appropriation Act framework, staff was presenting recommendations to the Board on how to allocate District administration and operational dollars. As part of the discussion of 2014 allocations, he addressed the levels of funding that have been historically provided to Districts and background on how those allocations had been made. He noted that the allocation process was not optimal but that the hope was this could be addressed in the continuation of the Summer Study.

Mr. Hornbaker asked if the Summer Study would take into account the diversity of the state with regard to per square foot rental rates.

Mr. Dowling said that each District would be receiving a spreadsheet and asked to indicate expenses according to their budget and that this would include rent projections.

Mr. Hornbaker said that a survey should ask how many Districts actually expended funds for District director travel and training. He said that if those funds were not being used for that purpose they should be withdrawn from the District.

Mr. Hornbaker asked if any of the funds for current District operations would be transferred to programs at DEQ.

Mr. Dowling said that the funds being moved to DEQ would not affect the District side of the equation.

Mr. Hornbaker asked if there would be an allocation to each District for Resource Management Plans (RMPs). He asked how an allocation could be determined when the participation rate was unknown.

Mr. Dowling said that DCR is currently developing recommendations regarding how the program will be implemented. He said that it was understood that there would be administrative time and the need for training in each District and that the funds would assist with program development so that Districts would be prepared when the program is implemented in December.

Mr. Hornbaker asked if there would be cost-share dollars earmarked for plan development.

Mr. Johnson said that an amount of cost-share will be allocated to RMP development. He said that staff would be open to receiving a recommendation from the Board on funding amounts.

Mr. Dowling reviewed each element of the administration and operations funding allocations outlined in the Policy and requested the Board's concurrence with the recommended allocations and Policy.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve the Policy on Soil and Water Conservation District Administration and Operational Funding Allocations for Fiscal Year 2014 as presented by staff.

SECOND: Mr. Branin

DISCUSSION: None

VOTE: Motion carried unanimously

Grant Agreement

Mr. Dowling reviewed the proposed Department of Conservation and Recreation and Virginia Soil and Water Conservation District Grant Agreement for Administrative and Operational Support from the Commonwealth of Virginia.

Mr. Dowling noted that the reference to RMPs in the deliverables could be removed and addressed separately.

Ms. Martin noted that DCR had offered one-page contracts or riders in the past.

Mr. Dunford asked about the reference to the Financial Electronic Data Interchange (FEDI).

Ms. Martin said that this was to enable DCR to provide electronic disbursement of funds to the Districts.

MOTION: Ms. Jamison moved that the language regarding RMPs be removed from the draft grant agreement and be included in a separate addendum.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board approve the Grant Agreement for Administrative and Operational Support as amended.

SECOND: Mr. Branin

DISCUSSION: Ms. Jamison asked if the Attachments were part of the motion.

Mr. Dowling said that the Attachments were part of the Grant Agreement. In response to questions, he reviewed Attachment D: Itemized District Budget Request Form.

Ms. Jamison asked if this would be burdensome for Districts to develop. She said that District staff was already overwhelmed.

Ms. Moore from the Virginia Farm Bureau Federation said that three Districts had participated in the previous summer study and had worked to develop the budget format.

Mr. Weeks said that DCR would be providing guidance documents and possibly webinars to assist in the development of these budgets.

VOTE: Motion carried unanimously

Dam Safety and Floodplain Management

Mr. Bennett gave the report for Dam Safety and Floodplain Management.

Mr. Bennett shared photos of DCR's first dam first aid training program. The program had been discussed at previous meetings and is now operational. DCR has four equipped trailers that are housed at Virginia State Parks around the state. The trailers will provide assistance to dam owners in case of an emergency. They are set up with siphons to lower the water level behind the dam in case there is a problem with seepage, a clogged gate, etc.

Mr. Bennett said that Virginia and DCR are participating with FEMA for a second training program on May 31st. This is National Dam Safety Awareness Day and is the anniversary of the Johnstown, Pennsylvania flood. An event will be held at Echo Lake Park in Henrico. Staff from Henrico, Hanover, and Chesterfield will be invited to participate.

Mr. Bennett said that the first phase of the early warning system has been initiated.

Mr. Bennett said that three new people had been hired in the Division of Dam Safety and Floodplain Management.

Mr. Bennett said that staff was starting to work with the committee for the dam rehabilitation of Soil and Water Conservation District dams. The purpose is to put together a list for the General Assembly to justify long-term funding for rehabilitation for high hazard dams.

Mr. Bennett referenced materials mailed to Board members. He said that the list of high hazard dams includes 313 dams with about 24% having no certificates. About 45% have conditional certificates. Staff is working with owners regarding the need for certificates. About 31% have regular certificates.

Mr. Bennett said that the enforcement report showed 28 cases listed. Seven are now closed. Most of the dams investigated had been found to be below regulatory size. There are 21 active cases.

Stormwater Management

Mr. Weeks gave the report for the Division of Stormwater Management.

Mr. Weeks said that most of his time has been spent working on the funding allocations and procedures that are being discussed at today's meeting.

Mr. Weeks said that with regard to District Fiscal Year 2015 budget development the intent was to get guidance out to Districts by May 15th and to begin training on May 22nd.

Mr. Weeks said that the membership for the Summer Study group was similar to the previous year. He said a position was added for the president of the Association of Soil and Water Conservation Districts.

Mr. Weeks said that staff has begun developing the RMP program and training elements. He said that the hope was to provide a program update to the Board at the next meeting.

At this time the Board recessed for lunch.

Cost-Share and Technical Assistance Update

Mr. Weeks presented the Cost-Share and Technical Assistance update. He said that his presentation was in two parts, the first was how funds had been allocated historically.

Meetings on Cost-share and Technical Assistance

- Informal group to advise the Director
    - Predictable, Transparent, Consistent
- Meeting on April 17, 2013; Conference call on April 24, 2013
- Participants:
    - VSWCB members Herb Dunford and Richard Street
    - Eight Districts Represented and the VASWCD President – LouAnn Wallace
    - Farm Bureau and Agri-Business Council

History of Hydrologic Units in Virginia

- Latest (2006), based on the standards of a federal consortium, known as the National Watershed Boundary Dataset (NWBD) of VA
- The VA NWBD consists of 1247 Hydrologic Units (HU) – the finest statewide detail available
- GIS technology allows for spatial analysis between HU data and County data

Agricultural NPS Hydrologic Unit (HU) Ranking

- DEQ and DCR collaborate to develop VA Integrated Water Quality (WQ) report (305b/303d) every 2 years
    - DCR develops the Nonpoint Source (NPS) section
- Agricultural portion of NPS assessment is used to determine allocations
- NPS assessment agricultural section uses:
    - Land use
    - Farm animals – counts by type and manure loads
    - Crop data – tillage practices, dominant crops
    - Soils and slope data
    - NPS BMPs – location of and reduction from agricultural BMPs implemented over last 5 years
- Nutrient loadings are produced for Agriculture, Urban, and Forest lands for each HU and converted to unit area nutrient loads for:
    - Nitrogen, Phosphorous, and Sediment
- For agriculture ranking purposes, each of the three nutrient loads are sorted low to high and assigned their sort order. The rank score of a HU is the sum of these three values
- Highest sum values have the most pollution potential
- The rank scores of the Hus are then used to categorize the HUs for agricultural impacts:
    - Top 20% of scores are ranked high
    - Middle 30% of scores are ranked medium
    - Lowest 50% of scores are ranked low
- The SWCDs receive funding based on the percent of High, Medium and Low acres in each SWCD compared to the High, Medium and Low acres
- This process is done separately for the Southern Rivers and Chesapeake Bay HU
- This approach results in an initial allocation amount based on applying largest amount of cost-share funds to areas with the highest potential to contribute pollution within each SWCD
- As practices are installed and NPS assessment is revised, HU rankings may change (i.e. high to medium) as a result of implementing BMPs
    - Process moves dollars around to the highest pollution potential areas with each new NPS assessment (every 2 years)

Allocation Process

- Develop Spending Plan based upon total of appropriations available
    - Any General Funds appropriated for BMP implementation
    - Water Quality Improvement Fund (WQIF) deposit
        - Virginia Natural Resources Commitment Fund deposit
            - Recordation fee (estimate)
- Deduct any other Ag BMP funding priorities
    - New/existing TMDL projects
    - Priority Initiatives

Final Process Steps

- SWCD cost share allocations are reviewed by the Conservation District Coordinators (CDCs) for each region
    - CDCs can make adjustments based on their knowledge of SWCDs in consultation with the affected districts (i.e. to respond to staff changes or new staff requiring training)
    - CDCs review obligations against district allocations through the year and may shift allocations between districts

Mr. Johnson said that Mr. Weeks had presented how the funds were currently being allocated. He said that the intent was to generate discussion over the next few weeks with regard to whether the current allocation procedures are the most effective.

Mr. Johnson said that the intent was to determine what is the best use of fiscal resources for improving Virginia's water quality as it relates to the agricultural sector.

Mr. Johnson led a discussion regarding the percent allocation of cost-share to high, medium and low HUs. Generally, the Board members were supportive of 60-70% of the available cost-share being allocated to high HUs to address known local water quality issues.

Ms. Jamison asked about the definition of farm animal.

Ms. Martin said that the agriculture census has a definition of that term, as well as NRCS.

Mr. Dowling said that DCR would review the definitions and include them in the policy.

Mr. Hornbaker expressed a concern regarding funding for RMPs.

Mr. Johnson said that DCR would rely on local Districts with regard to who should be funded. He said that the intent of funding for RMPs was to work with any farmer who wants to implement the program.

Mr. Weeks continued with his presentation.

Agricultural NPS HU Ranking (continued)

- The rank scores of the HUs are then used to categorize the HUs for agriculture impacts:
    - Top 20% of scores are ranked high
    - Middle 30% of scores are ranked medium
    - Lowest 50% of scores are ranked low
- Funds are allocated based on these categories:
    - Top 20% - receive 50% of the funds
    - Middle 30% - receive 30% of the funds

- Lowest 50% - receive 20% of the funds

[Ad-hoc Advisory Group] Meeting Consensus

- The current allocation process is working and should be continued for FY 2014
- The minor adjustments made by the CDCs with the concurrence of the affected Districts should continue as long as the changes are documented and made public
- Technical assistance should be disbursed at the start of the fiscal year and for FY2014 should be allocated proportionally to this year
- However, a better process should be considered within the Summer Study
- There is a strong preference not to use the District contracts to direct allocations into priority practices
- It appears that the current process is adequately directing allocations to the priority practices
- Efforts to prioritize BMPs should be accomplished through the reimbursement rate(s)
- The Board should develop criteria for reviewing the current reimbursement rates and determining which rates should be modified
- The review should be done by the Virginia Agricultural Cost-share Technical Advisory Committee
- The re-allocation process for FY2014 will be spelled out in the cost-share policy and should include a March 31 (end of 3rd Quarter) as opposed to the January 31 cut-off used this year

Mr. Johnson said that some of these issues would not be dealt with by the Summer Study group but by ad-hoc committees that are developed.

Mr. Ingle asked the purpose of the March 31st deadline.

Mr. Weeks said that staff did not believe January 31st provided enough time for Districts to obligate their initial cost-share allocations thus leading to significant amounts of cost-share being reallocated.

Partner Reports

Natural Resources Conservation Service

Mr. Kriz said that because the Board had met recently there was no new report from NRCS.

Virginia Association of Soil and Water Conservation Districts

Ms. Tyree gave the Association report.

Ms. Tyree said that VASWCD director and administrator training will be held June 19-20, 2013.

Ms. Tyree said that all area meetings have been held. She expressed appreciation to Board and staff who had participated in the meetings.

Ms. Tyree said that plans for the Envirothon were moving ahead. The Association is looking for additional sponsors.

The Association will hold their Graves Mountain training on August 20-22. There will be a number of training sessions, including a session on RMPs.

The Association is also holding a number of IT Trainings. Ms. Tyree expressed appreciation for the funding allotted for District IT needs.

Overview of Board Powers and Duties

Mr. Dowling presented the powers and duties of the Board as they will be on July 1, 2013, the effective date of the 2013 General Assembly Session legislation. He noted the following key responsibilities of the Board.

1. Assisting the Department in assisting DEQ with nonpoint source pollution program implementation.
2. Conduct informal hearings for appeals of decisions made by the Commissioner of the Virginia Department of Agriculture and Consumer Services under the Agricultural Stewardship Act.
3. Promulgation of Nutrient Management Certification Regulations.
4. Promulgation of Resource Management Plan Regulations.
5. Providing oversight of District programs.
6. Policy oversight for allocation of Administrative and Operational funding to Districts.
7. Creation or modifications of District boundaries.
8. Provide direction to Districts on local delivery of cost-share program.
9. Approval of grants and loans from the Dam Safety, Flood Prevention and Protection Assistance Fund.
10. Dam safety program oversight and promulgation of Impounding Structure Regulations.
11. Assisting with the creation of Watershed Improvement Districts.
12. Consultation with the Department on cost-share and technical assistance allocations to Districts.

Mr. Dowling said that the following Board responsibilities would be transferring to DEQ:

1. Erosion and sediment control program oversight (program reviews, annual standards and specifications and variances, alternative inspection programs).
2. Stormwater management program oversight (local stormwater management program oversight, construction general permit, municipal separate storm sewer system (MS4) individual permits, MS4 general permit).
3. Responsibility for oversight of the Chesapeake Bay Preservation Act.

The full briefing document containing details on the Code of Virginia and 2013 Appropriation Act authorities for the Board is available from the Department.

Public Comment

Ann Jennings with the Chesapeake Bay Foundation expressed a concern regarding the ad-hoc advisory group providing guidance to the Department and the Board about District funding. She said that the concern was that the group did not include the conservation community. She said that the conservation community has individuals intimately familiar with the cost-share programs. She noted that the conservation community had worked for years to help ensure adequate funding resources. She said that the concern is that the conversations will occur without the conservation community at the table.

New Business

Mr. Ingle asked if a determination had been made with regard to the new division within DCR once regulatory programs have moved to DEQ.

Mr. Johnson said that no decision had been made at this time.

Upcoming Meetings

- June 6, 2013 (Thursday)
- September 20, 2013 (Friday)
- December 11, 2013 (Wednesday) w/VASWCD

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Herbert L. Dunford
Chair

David A. Johnson
Director

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