

**Minutes of the  
Virginia Soil and Water Conservation Board**

**Wednesday, October 15, 2003  
Natural Resources Conservation Service  
Richmond, Virginia**

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

David L. Moyer, Chairman  
A. Dewey Bond  
Donald O. Campen, Jr.  
Susan Taylor Hansen  
Granville M. Maitland

Joseph H. Maroon  
Linda Sours Campbell  
M. Denise Doetzer  
W.P. Johnson  
Jean R. Packard

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

Robert M. Hall

**Staff Present**

Leon E. App, DCR  
Robert E. Cooper, DCR  
Jack E. Frye, DCR  
Stuart Wilson, DCR

William G. Browning, DCR  
Michael R. Fletcher, DCR  
Thomas Roberts, DCR

**Others Present**

Kevin Blythe, Department of Forestry  
Stephanie Martin, VASWCD

**Call to Order**

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

**Minutes of the July 17, 2003 Meeting**

MOTION: Ms. Packard moved that the minutes of the July 17, 2003 meeting of the Virginia Soil and Water Conservation Board be approved as submitted.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

### **Director's Report**

Mr. Maroon noted that the meeting was shorted due to the need to reschedule the Agriculture Stewardship Act hearing. Due to the need to reschedule this meeting because of Hurricane Isabel and the appellant's inability to attend this meeting, staff recommends postponing the hearing until the January meeting.

He noted that DCR has about \$10 million in facility damages to State Parks. Some remain closed. There will be some FEMA money for the tree and related damage. The recovery could potentially impact DCR's budget.

Mr. Maroon informed the Board that he has chaired the Stormwater Management Interagency Task Force, created as a result of the Governor's Natural Resources Summit last April. The Task Force is completing its report. Among the recommendations is the possibility of moving the responsibility for Stormwater Management regulations from the Board of Conservation and Recreation to the Soil and Water Conservation Board.

Mr. Maroon announced that, effective November 1, 2003, Bill Browning will assume the role of Division Director of the newly organized Division of Dam Safety and Floodplain Management within DCR. He thanked Mr. App for serving as Acting Director of Dam Safety during the transition.

### **Local Urban Programs Update**

Mr. Wilson said that DCR staff has found that Frederick County has completed all of the actions in their Corrective Action Agreement, therefore the program is found to be consistent with the Virginia Erosion and Sediment Control Law and Regulations.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board commend Frederick County for protecting Virginia's precious soil and water resources by successfully operating their local Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

SECOND: Ms. Campbell.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Wilson said that Culpeper County staff and DCR staff have worked together to draft Culpeper County's Proposed Erosion and Sediment Control Alternative Inspection Program to effectively utilize resources and to address specific development and environmental concerns within the County in accordance with the Board approved guidelines. He said that DCR staff recommended that the proposal be accepted for consideration and action at a future meeting.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board accept Culpeper County's Proposed Alternative Inspection Program for consideration and future action at the next Board Meeting.

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Wilson distributed to members a copy of the Alternative Inspection Program Guidelines for inclusion in their Board Member manuals.

### **Lake Martin Update**

Mr. Wilson noted that the judge has ruled in favor of Fairfax County in the court case against the developers. At this time the parties involved are waiting for the final order from the judge. A letter from the DCR Director had requested that County staff be present to brief the board. However, the County believes it is not appropriate to discuss the matter until the court action is resolved.

MOTION: Mr. Bond moved that, regarding the damage to Lake Martin in Fairfax County, that the Virginia Soil and Water Conservation Board strongly recommend that upon successful completion of the litigation that the first priority for the monies collected by Fairfax County be used to restore Lake Martin to its condition prior to the damage created by developers and that funds remaining should be used to reimburse the County for expenses incurred.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

## **District Director Resignations and Appointments**

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

### *Big Sandy*

Resignation of Bobby Lee May, Buchanan County, effective 10/8/03, elected director position (term of office expires 1/1/08).

Recommendation of Edna Lee Justus, Buchanan County, to fill unexpired elected term of Bobby Lee May (term of office to begin on or before 11/14/03 – 1/1/08).

### *Colonial*

Resignation of L. Bruce Abbott, James City County, effective 6/1/03, elected director position (term of office expires 1/1/08).

Recommendation of Edward T. Overton, Jr. James City County, to fill unexpired elected term of L. Bruce Abbott (term of office to begin on or before 11/14/03 – 1/1/08).

### *Lord Fairfax*

Resignation of Corey Childs, Warren County, effective 7/10/03, appointed Extension Agent director position (term of office expires 1/1/05).

Recommendation of Bobby Clark, Shenandoah County, to fill unexpired Extension Agent term of Corey Childs (term of office to begin on or before 11/14/03 – 1/1/05).

Resignation of Ray Brownfield, Shenandoah County, effective 5/28/03, elected director position (term of office expires 1/1/08).

Recommendation of Joan M. Comanor, Shenandoah County, to fill unexpired elected term of Ray Brownfield (term of office to begin on or before 11/14/03 – 1/1/08).

### *Loudoun*

Resignation of Gary Hornbaker, Loudoun County, effective 10/6/03, appointed Extension Agent director position (term of office expires 1/1/05).

Recommendation of Corey Childs, Loudoun County, to fill unexpired Extension Agent term of Gary Hornbaker (term of office to begin on or before 11/14/03 – 1/1/05).

### *Tazewell*

Recommendation of Carol M. Baker, Tazewell County, to fill unexpired elected term of Carl M. Baker (deceased) (term of office to begin on or before 11/14/03 – 1/1/04).

*Thomas Jefferson*

Resignation of Richard Bean, Nelson County, effective 8/27/03, elected director position (term of office expires 1/1/04).

*Tidewater*

Resignation of Alor Grantham-Traywick, Middlesex County, effective 5/28/03, elected director position (term of office expires 1/1/04).

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board approve the resignation and appointment actions as presented by DCR staff and that staff be directed to communicate the Board actions to the affected Soil and Water Conservation Districts.

SECOND: Mr. Johnson.

DISCUSSION: None.

VOTE: Motion carried unanimously.

**SWCD Appointments Recommended for a One or Three Year Term Beginning January 1, 2004**

<i>SWCD</i>	<i>Incumbent</i>	<i>Recommended</i>
Appomattox River	Evelyn R. Hawkins Dinwiddie	Evelyn Hawkins Mitchell Dinwiddie
Big Sandy	W. Bradley Mullins* Dickenson	W. Bradley Mullins* Dickenson
Big Walker	David R. Danner* Bland	Joseph W. Massey* Wythe
Blue Ridge	John Hamrick* Franklin	Jonathan Vest* Franklin
Culpeper	L. Brad Jarvis, Jr.*	L. Brad Jarvis, Jr.*
Eastern Shore	James N. Belote, III* Accomack	James N. Belote, III* Accomack

Evergreen	Walter J. Robinson* Smyth	Walter J. Robinson* Smyth
Hanover-Caroline	McGann Saphir* Caroline	McGann Saphir* Caroline
Henricopolis	Charles K. Curry* Henrico	Charles K. Curry* Henrico
Holston River	Philip K. Blevins* Washington	Philip K. Blevins* Washington
J.R. Horsley	Wesley C. Alexander* Southampton	Wesley C. Alexander* Southampton
John Marshall	Keith R. Dickerson* Fauquier	Keith R. Dickerson* Fauquier
Mountain	Rodney P. Leech* Highland	Rodney P. Leech* Highland
Northern Virginia	Adria C. Bordas* Fairfax	Adria C. Bordas* Fairfax
Patrick	Lemlie H. Corns Patrick	Lemlie H. Corns Patrick
Peaks of Otter	Lowell M. Gobble City of Bedford	Lowell M. Gobble City of Bedford
Scott County	Delta Purkey Scott	Delta Purkey Scott
Skyline	R. Doug Harris* Montgomery	R. Doug Harris* Montgomery
Tazewell	J. Michael Harris* Tazewell	J. Michael Harris* Tazewell
Thomas Jefferson	Michael Lachance* Nelson	Michael Lachance* Nelson
Three Rivers	Roland B. Geddes Essex	Roland B. Geddes Essex
Tidewater	David M. Moore*	David M. Moore*

	Middlesex	Middlesex
Tri-County/City	Raymond L. Simms Spotsylvania	Raymond L. Simms Spotsylvania
Virginia Dare	Watson Lawrence, Jr.* City of Chesapeake	Watson Lawrence, Jr.* City of Chesapeake

\*Extension Agents

Mr. Browning noted that during the transition to uniform terms of office, the above Extension Agent appointments will serve a one-year term of office (expiring 1/1/05). Non-Extension Agent appointments will serve a three-year term (expiring 1/1/07).

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board approve the one and three year appointments as presented by DCR staff and that staff be directed to communicate Board actions to the affected Soil and Water Conservation Districts.

SECOND: Ms. Campbell.

DISCUSSION: None.

VOTE: Motion carried unanimously.

**DCR Assessment of Soil and Water Conservation District Compliance with DCR/SWCD FY 2002-2003 Grant Agreement Deliverables**

Mr. Browning presented the DCR Assessment of SWCD Compliance with DCR/SWCD FY02-03 Grant Agreement Deliverables.

Board members expressed concern that several districts have not fully satisfied the requirements. However, they also wanted to encourage those who have met the requirements.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board endorse the DCR Assessment of the FY 2002-2003 Grant Agreement Deliverables and that the Board Chairman be directed to distribute the document to each SWCD Chair and that further the Board wished to commend the Districts who have fully satisfied the requirements and to encourage the remaining Districts to address the necessary areas for full compliance.

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

**Dam Safety Certificates and Permits**

Mr. App presented the following list of Dam Safety Certificates and Permits:

INV. NO	NAME	CITY/COUNTY
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Dam Safety Alteration Permit

03324	Lake Caroline	CAROLINE
07508	Hermitage Country Club Dam	GOOCHLAND
08913	Smith River Dam	HENRY
16301	Goshen Dam	ROCKBRIDGE

Dam Safety Construction Permit

02305	Botetourt Country Club Dam	BOTETOURT
09526	Massie Farm Pond	JAMES CITY
14105	Cochram Mill Dam	PATRICK

Dam Safety Operation & Maintenance Certificates

Class I Regular

None

Class I Conditional

03324	Lake Caroline (1 Year)	CAROLINE
13701	Lake of the Woods Dam	ORANGE
13708	Keaton's Run	ORANGE

Class II Regular

05932	Kingstowne Lake Dam	FAIRFAX
08547	Lake Idylwild Dam*	HANOVER
17707	Wilderness Dam	SPOTSYLVANIA
17711	Grant Lake Dam	SPOTSYLVANIA
19509	Bens Branch Dam	WISE
19511	Bear Creek Dam	WISE

Class II Conditional

01504	South River 10A	AUGUSTA
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17710	Lee Lake Dam	SPOTSYLVANIA
17905	Embrey Dam	STAFFORD
18703	Spring Lake Dam	WARREN

Class III Regular

06111	Springhill Farm Dam	FAUQUIER
08320	Fye Dam	HALIFAX
10920	Ponde Roachea Dam	LOUISA
11304	Beautiful Run Dam #5	MADISON
11308	Beautiful Run Dam #11	MADISON
12513	Black Fox Hills Dam	NELSON

Class III Conditional

08911	Boxwood Hunt Club Dam #1	HENRY
08916	Boxwood Hunt Club Dam #2	HENRY
14506	Lower Byers Dam	POWHATAN
18701	Lake of the Clouds Dam	WARREN
18704	Spring Lake Dam (Deer Dam)*	WARREN

Extension to the December 2003 Board Meeting

00905 (2R)	Pedlar River Dam	AMHERST
00908 (2R)	Graham Creek Reservoir Dam #1	AMHERST
01515 (2R)	Camp Shenanoah (BSA) Dam	AUGUSTA
01923 (3R)	Woods Landing Dam	BEDFORD
01932 (3R)	Lake Ridge Drive Dam	BEDFORD
02911 (3R)	Muddy Creek Dam #1	BUCKINGHAM
02912 (3R)	Muddy Creek Dam #2	BUCKINGHAM
02913 (3R)	Slate River Dam #2	BUCKINGHAM
02933 (3R)	Slate River Dam #14	BUCKINGHAM
02934 (3R)	Slate River Dam #13	BUCKINGHAM
02935 (2R)	Slate River Dam #8	BUCKINGHAM
03102 (2R)	Timber Lake Dam	CAMPBELL
03703 (3R)	Roanoke Creek Dam #35A	CHARLOTTE
03704 (3R)	Roanoke Creek Dam #68	CHARLOTTE
03705 (3R)	Roanoke Creek Dam #5B	CHARLOTTE
03706 (3R)	Roanoke Creek Dam #6A	CHARLOTTE
03707 (3R)	Roanoke Creek Dam #49A	CHARLOTTE
03708 (3R)	Roanoke Creek Dam #62	CHARLOTTE
03709 (3R)	Roanoke Creek Dam #67	CHARLOTTE
03710 (3R)	Roanoke Creek Dam #4A	CHARLOTTE
03711 (3R)	Roanoke Creek Dam #61A	CHARLOTTE
03712 (3R)	Roanoke Creek Dam #31B	CHARLOTTE
03713 (3R)	Roanoke Creek Dam #54	CHARLOTTE

03715 (3R)	Roanoke Creek Dam #43A	CHARLOTTE
04905 (3R)	Clements Dam	CUMBERLAND
06102 (3C)	DiGiulian Dam	FAUQUIER
06114 (3R)	Johnsons Dam	FAUQUIER
06707 (3R)	Melody Lake Dam	FAUQUIER
07525 (3R)	Lake Dillon Dam	GOOCHLAND
07909 (2C)	Reynolds Farm Dam	GREENE
07914 (2R)	Twin Lakes Dam #3	GREENE
08912 (3R)	Horse Pasture Creek Dam	HENRY
09525 (3R)	Beechwood Dam	JAMES CITY
10701 (2R)	Beaverdam Creek Dam	LOUDOUN
10703 (2R)	Goose Creek Dam	LOUDOUN
10728 (3R)	Haynes Dam	LOUDOUN
13502 (3R)	Epes Dam	NOTTOWAY
13505 (3R)	Hamilton Dam	NOTTOWAY
14312 (3R)	Arey Dam	PITTSYLVANIA
14321 (3R)	Brushy Mountain Dam	PITTSYLVANIA
14718 (3R)	Mottley Dam	PRINCE EDWARD
14735 (1R)	Bush River Dam #12	PRINCE EDWARD
15702 (3R)	Whipporwill Dam	RAPPAHANNOCK
17703 (3R)	Flythe Dam	SPOTSYLVANIA
17908 (2R)	Lake Arrowhead Dam	STAFFORD
17911 (1R)	Aquia Creek Dam	STAFFORD
18707 (3R)	Sullivan Dam	WARREN
19304 (3R)	Lake Independence Dam	WESTMORELAND

Extension to March 2004 Board Meeting

07507 (3R)	Pruitts Dam	GOOCHLAND
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Out of Compliance

05906 (1R)	Lake Accotink Dam	FAIRFAX
05910 (2R)	Lake Fairfax Dam	FAIRFAX
07915 (2C)	Greene Mountain Lake Dam	GREENE
08703 (2C)	Gillie Creek Dam	HENRICO

\* 7/01/02 Revised Impoundment Definition Dams

Mr.App noted that staff wished to remove the Lake of the Woods Dam (13701) and Keaton's Run Dam (13708), both located in Orange County from the above list and extend their current certificate status until the January meeting.

MOTION: Ms. Campbell moved that the list of Dam Safety Certificates and Permits as presented, with the exceptions of the Lake of the Woods

Dam and Keaton's Run Dam, and without consideration of the Out of Compliance Dams be approved as submitted by staff.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Ms. Campbell moved that action be taken to address the dams listed as out of compliance and that the owners be notified as appropriate.

SECOND: Ms. Packard.

DISCUSSION: Ms. Packard verified that there had been no response from the Fairfax County Park Authority.

Mr. App noted that the letter to the owner of Greene Mountain Dam was delayed following Mr. Phillippe's departure. The letter will be sent requesting that the owner respond not later than November 14, 2003.

VOTE: Motion carried unanimously.

Mr. App noted that the Whippoorwill Dam in Rappahannock County (15702) has a new owner and that a request for an alteration permit has recently been submitted.

MOTION: Ms. Hansen moved that the Board approve the alteration permit for Whippoorwill Dam in Rappahannock County.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

### **Subcommittee on the Future of Districts**

Mr. Browning reviewed the draft policy on "Financial Commitments for Establishment of a New Soil and Water Conservation District or Realignment of an Existing District." He noted that the Subcommittee had reviewed and made recommended Board changes.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board adopt and establish the policy entitled "Financial Commitments for Establishment of a New Soil and Water Conservation District (SWCD/district), or Realignment of an

Existing District” as submitted by the Board’s Future of SWCDs Subcommittee.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

A copy of the policy is attached as Attachment #1.

Mr. Browning noted that with the adoption of a new policy, text revisions were necessary to the policy entitled “Financial Assistance for Soil and Water Conservation Districts (SWCD/districts).” These revisions will cross reference both policies.

MOTION: Ms. Campbell moved that the Board approve text revisions as suggested by staff for the policy entitled “Financial Assistance for Soil and Water Conservation Districts (SWCD/districts).”

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

A copy of the policy is attached as Attachment #2.

Mr. Maitland noted that the Subcommittee will meet again prior to the December Board Meeting. After considerable discussion, the Chairman took Mr. Maitland’s suggestion that the Subcommittee be asked to outline further issues that need examination regarding Districts and to present these back to the Board for consideration and endorsement.

### **Partner Agency Reports**

#### *Department of Forestry*

Mr. Blythe presented the report for the Department of Forestry. A copy of the report is attached as Attachment #3.

#### *Natural Resources Conservation Service*

Ms. Doetzer gave the report for the Natural Resources Conservation Service. A copy of the report is attached as Attachment #4.

#### *Department of Conservation and Recreation*

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy of the report is attached as Attachment #5.

**Public Comment**

There was no public comment.

**Upcoming Meetings**

December 10, 2003 Sheraton Park West, Richmond  
In conjunction with the Annual Meeting of the Virginia Association  
of Soil and Water Conservation Districts.

January 23, 2003 NRCS, Richmond. This will also be the date of the Agricultural  
Stewardship Act hearing.

**Adjourn**

There being no further business, the meeting was adjourned.

Respectfully submitted,

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David L. Moyer  
Chair

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Joseph H. Maroon  
Recording Secretary

**DRAFT (revised) Aug 18, 2003—with proposed changes incorporated**

***Virginia Soil & Water Conservation Board (Board) Policy***

**Title: Financial Commitments For Establishment of a New Soil & Water Conservation District (SWCD/district), or Realignment of an Existing District**

**Purpose:**

To preserve the annual appropriation for SWCD funding made by the General Assembly so that the creation of a new district or realignment of an existing district does not adversely impact the financial resources of existing districts as specified by the Board's Policy entitled: Financial Assistance for Soil & Water Conservation Districts (districts).

To achieve this purpose:

- The Board hereby establishes a position of supporting inclusion of every county and/or city of the Commonwealth in an SWCD (solely, or in partnership with one or more localities). The Board also recognizes that creating or realigning districts can adversely impact the financial resources the Board administers.
- Given authority established by § 10.1-512. and § 10.1-514. of the Code of Virginia, the Board will require commitments of financial support from the locality(ies) of the newly created or realigned SWCD in situations where the creation of a new district, or realignment of an existing district will result in a reduction of funding to all other districts.
- This commitment shall be required as a condition of approval for establishment of a new district or realignment of an existing district.
- When a county or city not within an existing district is added to a district or is established as a new district; or an existing district's boundaries are realigned, the newly added or established locality(ies) must commit resources (cash and/or in kind assistance) in amounts no less than the appropriate portions that comprise the essential funding level specified in the Board's Policy entitled: Financial Assistance for Soil & Water Conservation Districts (districts) to provide for the technical and administrative needs for the district and its board of directors.
- This commitment must continue annually until an equal increase is established within state funds administered by the Board to support SWCD operational expenses, or until otherwise notified by the Board in writing.

Attachment #2

*DRAFT Revisions --Sept. 18, 2003*

*Adopted May 20, 1999  
Amended by Board Action May 16, 2002*

***Virginia Soil & Water Conservation Board (Board) Policy***

***Title: Financial Assistance for Soil & Water Conservation Districts (SWCD/districts)***

***Purpose:***

To make funding available to support the essential operating costs of every soil and water conservation district (district) as authorized by Title 10.1 of the Code of Virginia.

To provide additional funding to districts that support the Commonwealth's conservation and water quality improvement initiatives.

To encourage districts to speak in a unified voice on SWCD funding requests.

***I "Essential" Financial Assistance Available to Districts:***

- 1) Definition of Essential Operating Support: The Commonwealth's financial support to districts provides for the essential needs of every district in order to maintain district existence for delivery of state mandates. The components of essential support needs of every district are:
  - a) The business expenses of the district board of directors.
  - b) The existence of an office and support equipment that are necessary to perform the essential functions of the district.
  - c) Administrative and technical capabilities to perform state mandates.
- 2) Every district approved by the Board is eligible to receive an annual grant to support essential operating expenses. Based upon the above components that comprise essential support needs of every district, the Board shall establish a list of reasonable cost estimates for all essential components and incorporate the list as Attachment A to this policy. Authorized funding will normally be rounded to the nearest thousand dollars (excluding the additional district director travel and training allowance). Prior to May 1<sup>st</sup> each year, the Board shall review the attachment and determine if modifications are necessary.

***II Financial Support to Address Water Quality Priorities of the Commonwealth:***

- 1) Districts are eligible to receive additional financial assistance to support water quality improvement goals of the Commonwealth. The Board shall utilize a system for estimating nonpoint (NPS) source pollution contributions to state waters on a district by district basis. Funds that remain after essential support needs of districts have been fulfilled, will be made available to address NPS pollution problems on a proportional basis.

*Adopted May 20, 1999*

*Amended by Board Action May 16, 2002*

***Virginia Soil & Water Conservation Board (Board) Policy***

***Title: Financial Assistance for Soil & Water Conservation Districts (districts)***

***III Additional Funding Provisions:***

- 1) The Board may annually dedicate a portion of funding under its control to provide additional funding to all, or specific districts, to ensure equitable and fair distribution of funds and treatment of districts.
- 2) Districts may apply for loans to purchase conservation equipment. Funds may be made available from the revolving fund to purchase machinery and equipment for engineering and other operations. The Board will determine the interest rate and term of repayment which unless otherwise stated, will be 6% with an annual repayment schedule for a loan duration of two years.

***IV Grant Agreements and Accountability:***

- 1) A grant agreement will be established between DCR and each district **receiving financial assistance through this policy**, prior to the beginning of a fiscal year, for operational support funds. DCR staff will define the expected outcomes or “deliverables” for district funding for review and approval by the Board annually, and prior to May 1<sup>st</sup>.
- 2) Deliverables will be based on the Commonwealth’s conservation and water quality priorities and resolved between DCR staff and affected districts.

***V Unexpended State Funds Maintained by Districts:***

- 1) Operational support funds issued to districts that remain unexpended at the close of the grant period will remain in the district account (s).
- 2) Targeted funds will normally be issued through a reimbursement basis. Unexpected funds will revert to DCR and may be applied to a future targeted grant agreement.

It is unadvisable for any public entity to accumulate more than about six months of undedicated reserve funds. Public funds from local, state and federal sources are provided to districts not for savings, but for performance of conservation. DCR will monitor the growth of unexpended funds through audit reports, and report situations of concern to the Board. The Board may reduce future funding to districts that fail to act upon guidance and recommendations from auditors and DCR staff. Decisions and Board actions will be addressed on a case-by-case basis.

***Virginia Soil & Water Conservation Board (Board) Policy***

***Title: Financial Assistance for Soil & Water Conservation Districts (districts)***

***VI DCR Support of Districts on behalf of the Board:***

- 1) DCR staff are responsible for developing procedures to include submission and reporting deadlines, and supporting materials that are necessary for implementation of this policy.
- 2) DCR support of districts as authorized by section 10.1-502 through 505., and 10.1-506. through 559. of the Code of Virginia, will include provisions for: 1) liability coverage; 2) audits; 3) bonding for employees and officers that are entrusted with funds; 4) placement of newspaper notices for district director elections; and, 5) statewide training initiatives that enhance skills and capabilities of district directors and staff. DCR will apprise the Board of costs associated with these services for the Board's consideration with the overall financial resources available to districts.

***VII Noncompliance with this policy:***

In the event any district fails to comply with provisions of this policy, the Board reserves the right to instruct DCR staff to delay, or permanently withhold funding that otherwise would be made available to the affected district(s). The Board further reserves the right to require repayment of previously issued funds and/or direct further appropriate actions based upon noncompliance circumstances. Should an issue arise which impacts funding, the affected district(s) will be apprised of the issue(s) and provided an opportunity to address the concerns of the Board prior to Board action.

***VIII Criteria for Financial Assistance:***

- 1) Funding granted to districts is contingent upon appropriations by the General Assembly. In the event districts experience a statewide reduction in funding from the Commonwealth, the Board will generally address the shortfall as follows (but reserves the right to deviate from these options):

When a reduction of funds occurs during the course of a fiscal year, every district will receive an equal percent reduction which will be calculated and deducted from each district's total approved operational funding specified within the DCR/SWCD grant agreement for the applicable fiscal year.

## Virginia Department of Forestry Report

- The Virginia Department of Forestry has been active since Hurricane Isabel, sending three different crews to assist in the clean up. Three saw crews were pre-positioned prior to the storm and went to work immediately. They returned last Friday. Tree storm damage is estimated between 60 and 200 million dollars. *Contact Paul Revell (revellp@dof.state.va.us).*
- The riparian forest buffer directive has “passed” the Implementation Committee of the Bay Program. It calls for 10,000 total miles of forest buffer bay wide by 2010. Additionally, it calls for the revision of the current statewide plans as well as increased attention to monitoring and maintenance.
- The southern region of the US Forest Service completed an audit of our Silvicultural Water Quality Program. Representatives from two other southern states plus USFS personnel spent three days in Virginia assessing our program. We are the only southern state to actually enforce water quality violations occurring from logging. Our inspection and enforcement program has been touted as the best in the south and is well respected nationally. Lack of enforcement personnel in some cases was identified as a negative aspect of the review. *Contact Matt Poirot (poirotm@dof.state.va.us)*
- From October 20 through October 24, a large stream restoration project will occur on Smith Creek in Shenandoah County. Over a third of a mile of river will be restored using in-stream structures and bank shaping. Thirty-three acres of CREP have already been planted. A wetland restoration area is also a part of this project and is being completed by Ducks Unlimited.
- Our “Growing Native” acorn collection program is up and running for the third year in a row. The Alliance for the Bay is directing a public campaign in and around Richmond. The acorns collected throughout the Bay end up in the respective state nurseries. Over 15,000 pounds were collected last year. Out plantings of these collected acorns will be given back to the groups and communities next spring.

Attachment #4

**NRCS Report**

**HURRICANE ISABEL** – Virginia was hit hard by Hurricane Isabel on September 18 and 19. Rainfall amounts up to 20 inches were reported in some areas. Four NRCS flood control dams in the South River Watershed of Augusta County flowed through their emergency spillways. The four dams were Upper Sherando, Mills Creek, Waynesboro Nursery Dam, and Canada Run. Five days after the hurricane, several tornadoes touched down in Virginia on September 23 creating watershed impairments that warrant EWP assistance. Assessments by NRCS Damage Survey Report teams are currently underway or are planned for Rockbridge, Rockingham, Greene, Orange, Madison, King William, Northumberland, Gloucester, Mathews, and Highland Counties. At this time, we are estimating EWP needs between \$2-3 million. NRCS has already committed to completing 7 urgent and compelling sites in Augusta County (2 sites) and Page County (5 sites) totaling approximately \$20,000.

On October 2, NRCS Chief Bruce Knight, FSA Administrator James Little, FSA Executive Director Jackie Easter, NRCS Watershed Planning Coordinator Wade Biddix, and I, toured counties that had crop damage, EWP sites, and flood control structures that flowed through their spillways.

**FARM BILL PROGRAMS UPDATE IN VIRGINIA**

- **Environmental Quality Incentives Program (EQIP)** – We have received and obligated our original 7.2 million dollars for EQIP for FY 2003. We have \$5 million and have requested an additional \$3 million in funding to address the highest ranked applications on the waiting list. Unfortunately, we did not receive the full amount requested. We received less than half a million in financial assistance. All conservation plans and contract support documents have been completed and forwarded to FSA prior to closing the books at the end of this fiscal year on September 30, 2003.
- **Wildlife Habitat Incentives Program (WHIP)** – We obligated \$450,000 in WHIP funds for FY 2003. Approximately \$75,000 will be used in an agreement with a locality and the Virginia Department of Game and Inland Fisheries to remove an old concrete dam that is obstructing the stream channel and prohibits fish from migrating upstream to spawn. The rest will be used for on-farm contracts with landowners.
- **Farmland and Ranchland Protection Program (FRPP)** – Based on the application review, NRCS approved four applications as eligible. \$1.1 million in available funding allowed us to find the top three priorities on the application list.
- **Grassland Reserve Program (GRP)** – This is the newest of the Farm Bill programs and was just released in late July. This program allows for the purchase of permanent

easement and long term agreements with producers to maintain existing grassland that is under the threat of conversion to cropland or other uses such as urban development. We have received 28 applications for this program, 3 for permanent easements for a total cost of \$1.4 million and 25 applications for rental agreements costing \$641,000. We have received \$600,000 enabling us to commit funding for the number 1 ranked application for a permanent easement located in Augusta County.

- **CONSERVATION RESERVE PROGRAM (CRP)** – FSA recently released the list for those farm tracts approved for FY 2003 signup. Approximately 154 tracts were approved. NRCS had until September 26 to prepare the plans and contract support documents for this work.
- **CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)** – Two watersheds have applied for participation in the CREP program; South Rivers with 1111 contracts covering 7, 134 acres, and Chesapeake Bay with 951 contracts covering 9,902 acres.
- **CONSERVATION SECURITY PROGRAM (CSP)** – This new program has been authorized in the 2002 Farm Bill and is in the development state leading to a public release and comment period on the proposed program rules. A series of weekly teleconferences are planned to prepare state staffs for program implementation. Training for program managers on state requirements and procedural development was conducted in St. Louis on October 6-10. The CSP program will be rolled out to the public in FY 2004. Funding levels for this program are not known at this time.

**TECHNICAL SERVICE PROVIDERS (TSP)** – Contribution agreements are finalized with the Virginia Department of Forestry, Virginia Department of Game and Inland Fisheries, Virginia Department of Conservation and Recreation, and a number of Soil and Water Conservation Districts. These agreements are used to procure additional technical help to meet Farm Bill workload demands.

**WATERSHED PROGRAMS AND DAM REHABILITATION** – Currently 9 applications have been received for dam rehabilitation in VA. Funds for planning and implementation require a 35% cost-share from a non-federal source. Currently the non-federal cost share funds have been provided by the Commonwealth of VA for only the Marrowbone Dam in Henry County. These funds will provide over-topping protection of the Dam. Four of the other applications are in Augusta County and the remaining four are in Fairfax. One of the applications in Augusta County has not yet been acted upon while awaiting resolution of easement, operation, and maintenance issues. Watershed Planning for the 3 eligible Augusta County sites will be completed in FY-04 by NRCS. There are a total of 16 dams in Virginia needing dam rehabilitation.

**COMPETITIVE SOURCING** – One Presidential initiative is for federal agencies to study workforce positions and determine whether the private sector can provide equal

quality at less cost. Seven technicians and two part-time secretarial positions were analyzed and determined that they were most cost effective by remaining within NRCS.

**OFFICE CONSOLIDATION** – A National Task Force is reviewing statistical data of field service centers to determine 200 sites that could be consolidated. An announcement is expected by the Secretary of Agriculture in October or November.

**RESOURCE CONSERVATION AND DEVELOPMENT** - A new RC&D area in Virginia was authorized by the Secretary of Agriculture in July. Shenandoah RC&D runs from Augusta County, North to Frederick and Clark Counties. It was one of seven new areas announced, bringing the total number of RC&D areas in Virginia to seven, and the US total to 375.

Attachment #5

*Department of Conservation and Recreation*  
Report to: Virginia Soil & Water Conservation Board  
*October 15, 2003*

**DCR/SWCD Grant Agreements for FY04 Operational Funding:**

Monthly disbursements of operating funds continue to be issued to districts. All 47 districts have signed a grant agreement with DCR and have been issued a monthly allocation for July, August and September, 2003. No change in the monthly disbursement process is expected this fiscal year.

For the 2004 fiscal year (FY04), total operational funding for all districts is \$3,932,240, which reflects a slight increase above FY03 operational funding that totaled \$3,812,965. However, FY04 funding is still roughly 8% less than the full funding level experienced by districts in FY01 (\$4,301,000).

**Agricultural BMP Cost-Share Program:**

Districts received notification through the CDCs about their available program funds for this program year. Available new funds are comprised of \$275,000 from the Chesapeake Bay Implementation Grant and \$134,080 from the Dredging Fund of Virginia Marine Resources Commission. In addition to each district's proportional share of these monies, CDCs are determining the need to redistribute to other districts unobligated cost-share funds remaining in certain districts.

The web-based reporting system of the BMP Tracking Program has been loaded and all districts are now entering their BMP data via the Internet.

**SWCD 4-Year Program and Resource Plan:**

CDCs continue to discuss options for SWCD planning during monthly district meetings and providing an overview of the new longer term planning approach. The new SWCD 4 Year Program and Resource Plan approach is one planning option for district consideration as each district determines what approach it prefers with longer term planning. The Hanover-Caroline SWCD is serving to pilot this approach with assistance from DCR staff and professional trainer and facilitator, Judy Burtner. Lessons learned from the pilot will shape the process outline. Release of a step by step planning manual is planned for fall (2003).

CDCs are encouraging each district to designate one individual to serve as the district's planning coordinator. The primary functions of a district planning coordinator are to guide long term and annual planning processes and monitor implementation results. Many districts will designate a district staff person to fulfill this role, others may identify a district director or associate. Three regional meetings to bring together district planning coordinators are now scheduled for November 3<sup>rd</sup> (southwest Va), November 18<sup>th</sup> (Richmond –Dorey Park) and November 25<sup>th</sup> (Charlottesville –DOF), 2003. The 3 identical meetings will cover explanations of long term planning options and available

resources while creating an opportunity for gaining fundamental exposure to group facilitation and moderating focus groups. Future periodic meetings of planning coordinators will be considered.

**Conservation Partner Training Efforts:**

Through efforts of the Joint Employee Development (JED) state team, training events are being planned and delivered on 3 “core” courses for the benefit of district staff and other conservation partner agencies.

- NRCS delivery of the ***EP&I*** (Effective Presentation & Instruction) training program is planned for two regions of the state this fall. Two training teams have been established and a third may be formed.
- DCR has scheduled delivery of the ***Conservation Selling Skills*** fundamentals course for up to 30 participants on November 5<sup>th</sup> and 6<sup>th</sup> (2003) to be held in the eastern end of Henrico County at Dorey Park.
- The third “core” course pertains to a regional approach for delivery of ***Conservation Orientation for New Employees***. NRCS under the leadership of Ken Carter piloted a 4 day program in Service Units 4 and 8. Attendance was very good and evaluations revealed favorable responses. Other regions of the state will offer the course when sufficient needs exist. The southwestern JED team is currently finalizing plans to deliver the course.

**SWCD Audit Services:**

The accounting firm of Robinson, Farmer, Cox Associates (RFCA) continue to carry out field visits to 25 SWCDs this summer and fall to complete audits for fiscal year 2003 and any prior fiscal years since each particular district was last audited.

DCR staff with assistance from RFCA are finalizing revisions to the ***SWCD Desk Top Guide for Fiscal Operations*** and have added guidance to better address financial reporting by SWCDs. Training on the revised Guide for district staff and directors is planned for delivery during the VASWCD Annual Meeting this December. Auditors rely on the Guide as a basis for performing district audits.

**Conservation Reserve Enhancement Program:**

As of August 26, 2003, statewide, we have a total of 2,062 approved contracts and 17,035 acres (Chesapeake Bay - 951 contracts, 9,901 acres, Southern Rivers – 1,111 contracts, 7,134 acres). Site visits scheduled with respondents from the spring direct marketing letters have been completed. The Chesapeake Bay Foundation is working with a Albemarle county landowner to sponsor a CREP open space easement. Mr. Joe Maroon has authorized proceeding with a request for an addendum to the CREP Agreement that would add a CP-29 (herbaceous riparian buffer) on marginal pasturelands practice. This recommendation came from the CREP Advisory Committee. This will require the re-writing of the CREP Agreements to incorporate this and all prior addendums into the Agreement language.

**Clean Water/Bay Friendly Farm Award Program:**

DCR continues to encourage districts to participate in this farm recognition program again this calendar year. Elimination of program funding caused DCR to squeeze dollars from other sources to cover essential expenses (signs, certificates and brochures). DCR director Joseph Maroon issued correspondence to every district on May 23<sup>rd</sup>, 2003 which provides guidance this year for recognizing winners and submitting nominees for the 10 Grand Basin Award recipients. It is hoped that every district will partner with DCR to give worthy local farmers the recognition they deserve. District nominees for the 10 Grand Basin Award recipients are due to CDCs on or before November 1, 2003.

**Stormwater Management:**

As one outcome of the Governor's Natural Resources Partnership Agenda earlier this year a study has been underway for several months to consider options for streamlining stormwater management functions among several key agencies. While a report from this study is not available for public distribution, it will go to the Governor for his consideration. Meetings among state agencies (DCR, DEQ, CBLAD) have been ongoing. Consideration may be given to moving construction permits for Phase I and II (land disturbances greater than 1 acre) and MS4 (municipal separate storm sewer system) permits to DCR (from DEQ) which will require significant legislative and program changes if done. Under changes being considered there may be opportunities for SWCDs to partner more closely with local governments and especially with MS4 which includes public awareness and education activities. Consideration may also be given to recommending establishment of statewide stormwater requirements by localities.