

**Virginia Soil and Water Conservation Board
Thursday, March 17, 2005
Natural Resources Conservation Service
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

David L. Moyer, Chairman
Susan Taylor Hansen
Granville M. Maitland
Jean R. Packard

Joseph H. Maroon
W.P. Johnson
Richard McNear
M. Denise Doetzer

Virginia Soil and Water Conservation Board Members Not Present

Linda S. Campbell
Robert M. Hall

Benjamin Graham

Staff Present

William G. Browning
Anne Crosier
Michael R. Fletcher
Jack E. Frye
Mark B. Meador

Eric Capps
David C. Dowling
Doug Fritz
Lee Hill
Jim Robinson

Others

Jim Byrne, VASWCD
Bruce Dotson, Institute for Environmental Negotiation
Ray Scher, Caroline County

Call to Order

Chairman Moyer called the meeting to order. There was not a quorum present.

Due to the lack of quorum, the Chairman moved to information items on the agenda.

Mr. Moyer called on Jim Byrne, President of the Virginia Association of Soil and Water Conservation District.

Mr. Byrne presented the following list of Virginia Association of Soil and Water Conservation Districts' nominees for the Virginia Soil and Water Conservation Board.

Area Five
Jack M. Hodges
Michael J. Russell

Area Six
Carey M. Copeland
Granville Maitland

Mr. Byrne said that the Association wanted to ensure that they are nominating qualified individuals for these positions. He noted that the association has developed an application process for interested individuals.

Mr. Maroon noted that the names would be forwarded to the Secretary of the Commonwealth for consideration by the Governor.

Director's Report and General Assembly Update

Mr. Maroon gave the Director's report. He noted that this had been a busy time following the General Assembly Session. The Department has assumed additional responsibilities.

On January 29, 2005, DCR assumed the responsibility for the federal stormwater management program. Mr. Maroon noted that Lee Hill would discuss this in more detail.

The Department is continuing the study with regard to Dam Safety Regulations. The Technical Advisory Committee will have its final meeting on March 23. Mr. Maroon noted that Bruce Dotson with the Institute on Environmental Negotiation was present. He also noted that Mr. Dotson would provide a final report at the May Board meeting.

Mr. Maroon reviewed the highlights of the General Assembly session. He noted that this had been a good session for natural resources both on the budget and the legislative side.

Water Quality

- DCR received an additional \$6.5 M in water quality improvement funds for FY 06 meaning that the Department will have \$30 Million to spend to provide matching grants for controlling nonpoint source pollution resulting from agricultural activities and other activities beginning July 1st. No more than 60% will be allowed to be spent in the Chesapeake Bay watershed.
- This is part of the legislature's funding for Chesapeake Bay improvements that included \$50 million to DEQ for wastewater treatment plan upgrades and \$4 million for CSO in Richmond and Lynchburg.
- There will also be a study committee this year of senior legislators who will look at long-term funding needs for the Chesapeake Bay.

Erosion and Sediment Control

- DCR also received additional funding of \$125,000 to fill two vacant Erosion and Sediment Control positions.

District Dams

- Soil and Water Conservation Districts received \$358,000 for dam maintenance from the General Assembly.

Virginia Land Conservation Foundation

- Land Conservation received \$10 million for the Virginia Land Conservation Foundation staffed by DCR. Added to the \$2.5 million already stated for this year means there will be \$12.5 Million available for grants this fiscal year and an additional \$2.5 million next fiscal year.

State Parks

- DCR received substantial support for its State Park System with nearly \$18 million in new funding and 57 new positions added to the budget. The legislature added 30 additional positions bringing the total to 57 positions which is exactly what we were hoping for going into the legislative session. This level of support is unprecedented in the agency's history.
- The \$18 million in new funding is divided up as follows:
 - \$4.6 million for operations and 57 new staff
 - \$3.0 million for maintenance reserve (including \$574,000 in FY05 and \$2.4 M in FY06)
 - \$7.0 million to supplement existing General Obligation Bond construction funds (to help compensate for increased costs in construction, materials, etc.)
 - \$2.7 million for GOB project related equipment and furniture (split between FY05 and FY06)
 - \$650,000 for state park dam repairs with a commitment for the same amounts over the next four fiscal years
 - (The Governor's original budget plan included \$2.1 M for operations and 27 staff; \$600,000 for maintenance reserve; \$15.5 million for supplemental capital costs; \$2.7 M for equipment and furniture and \$650,000 for park dams).

Natural Heritage

- Natural Heritage received \$300,000 for preserve management and \$56,000 in Nongeneral Funds and an FTE for Karst Education. The operational funding is to provide for responsible management of the natural area preserve system, including safe public access and expanded wildlife management. Operating the natural area preserves includes boundary maintenance, fire management, habitat restoration, and managed hunt coordination.
- (The Governor's budget had included \$200,000 and the Karst funding and position)

Mr. Maroon reviewed a handout that outlines key pieces of legislation that pertain to the Department and the Board. A copy of this handout is available from DCR. He noted in particular the following bills.

HB2777; SB 1235 and SB810 Capitalizing the Water Quality Improvement Fund.

- With accompanying budget language, authorizes \$50 million from the general fund to the Water Quality Improvement Fund on July 1, 2005.
- The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems.
- In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula.
 - Seventy percent of these moneys will be allocated to the Department of Conservation and Recreation to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution.
 - 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that utilize the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community.
- The bill also directs the chairman of the committees of oversight to develop recommendations for a permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed.

HB2862 and SB1275 Nutrient Credit Exchange Program; created

Establishes a nutrient exchange or trading program that would allow point source dischargers to achieve and maintain compliance with the load cap allocations for nitrogen and phosphorus delivered to the Chesapeake Bay and its tidal tributaries. The State Water Control Board would be required to issue a general permit under the Virginia Pollutant Discharge Elimination System to eligible point source dischargers of nitrogen and phosphorous. The facilities that obtain such a permit, and which are interested in participating in the trading program, would be identified together with their individual load cap allocations and trading ratios. The trading association authorized by the bill would provide the mechanism by which those permittees under the general permit would be matched with nutrient trading partners. The subsequent trades would be completed and credited without permit modifications.

‘B. Waste load allocations required by this section to offset new or increased delivered total nitrogen and delivered total phosphorus loads shall be acquired in accordance with this subsection.

1. Such allocations may be acquired from one or a combination of the following:
 - a. Acquisition of all or a portion of the waste load allocations from one or more permitted facilities in the same tributary;
 - b. Acquisition of nonpoint source load allocations through the use of best management practices shall achieve reductions beyond those already required by or funded under federal or state law, or the Virginia tributaries strategies plans, and shall be installed in the same tributary in which the new or expanded facility is located and included as conditions of the facility’s individual Virginia Pollutant Discharge Elimination System permit; or
 - c. Acquisition of allocations in accordance with the terms of the general permit or through such other means as may be approved by the Department on a case-by-case basis.”

HB2365 Stormwater management program; updates for Dept. of Conservation & Recreation’s authorities

Updates the Department of Conservation and Recreation’s stormwater management program authorities including: (i) exemptions to the Administrative Process Act for issuing permits through a federally delegated program, (ii) changing the timing of the terms for the three at-large members of the Soil and Water Conservation Board, (iii) creating new reporting requirements for local plan-approving authorities, and (iv) authorizing the Soil and Water Conservation Board to establish a statewide permit fee schedule for stormwater management related to municipal to the 2004 Stormwater Management Act consolidation.

Mr. Maroon noted that item (ii) would affect the board appointment terms of Ms. Hansen, Ms. Packard and Mr. Graham. He noted that this would ensure that the Board not lose the expertise of all three at-large appointees at the same time.

HB2937 Erosion and sediment control plans; allows the Virginia Soil and Water Conservation Board to issue special order to locality not implementing.

Authorizes the Virginia Soil and Water Conservation Board to issue a special order to a locality that has not taken action to correct the manner in which it is administering its erosion and sediment control program. Those localities which have not initiated or implemented an approved corrective action agreement are subject to a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation. Prior to issuing a special order, the Virginia Soil and Water Conservation Board is to conduct a formal hearing pursuant to the Administrative Process Act.

HB1971 Poultry waste management; changes phosphorus application rates.

Changes the standard for the amount of phosphorus from poultry waste that can be applied on farmland.

HB1790 Nutrient management; state governmental entities to develop and implement plan.

Requires state government entities that own or lease agricultural and forestal lands upon which nutrients are applied to develop and implement a nutrient management plan by July 1, 2006. The plans are submitted to the Department of Conservation and Recreation for review and approval every three years. Each plan has to be developed by a certified nutrient planner. For all state-owned lands other than agricultural and forestal lands where nutrient applications occur, state nutrient management plans prepared by a certified nutrient management planner or planning standards and specifications acceptable to the Department. The Department may provide technical assistance to state governmental agencies in the developing and implementing their plans and is authorized to charge a fee to cover a portion of the cost of the services rendered.

HB2031 Dams; authorizing localities to map inundation zones for those areas that might be threatened.

Authorizes localities to map inundation zones for those areas that may be threatened by break in a dam, and encourages localities to incorporate this information into their zoning and subdivision ordinances.

HB2616 Dams; right of entry for inspection.

Authorizes the Soil and Water Conservation Board or its designees to enter any property at reasonable times and under reasonable circumstances in order to perform their dam safety responsibilities, provided they make a reasonable effort to obtain the consent of the landowner.

HB1655 Income tax, state and corporate; credit for purchase of conservation tillage equipment.

Increases the cap on the individual and corporate income tax credits for purchase of conservation tillage equipment from \$2,500 to \$4,000, and expands the definition of "conservation tillage equipment."

HB1890 Soil and water conservation districts; duties of directors.

Enumerates seven new responsibilities of soil and water conservation district directors, including: (i) identifying of soil and water issues; (ii) engaging in actions that will improve soil and water stewardship through the use of locally led programs; (iii) increasing understanding among community leaders of their role in soil and water quality protection and improvement; and (iv) participating in activities of the district and ensuring that district resources are used effectively and managed wisely.

HB2902 Watershed improvement districts; simple majority of votes cast to pass referendum held to create.

Requires a simple majority of the votes cast to pass a referendum held to create a watershed improvement district.

SB1141 Foundation for Natural Resources; created, report.

Creates the Foundation for Natural Resources to assist in developing and to encourage the nonregulatory conservation programs within the agencies of the Secretariats of Natural Resources and Agriculture and Forestry and to foster collaboration and partnerships among businesses, communities and the Commonwealth's environmental enhancement programs.

Attorney General; duties include representation of soil and water conservation districts.

Allows the Attorney General to represent soil and water conservation districts and district directors in civil litigation if requested by the Attorney for the Commonwealth.

Mr. Maroon noted that **HB2290** would be discussed later in the meeting.

Dam Safety Ad Hoc Committee Update

Mr. Moyer recognized Mr. Dotson for a presentation.

Mr. Dotson gave the following presentation that outlined the Board's charge to the Ad Hoc Dam Safety Technical Committee and an outline of the key issues that will be addressed in the final report to the Board.

**Motion of the
Virginia Soil and Water Conservation Board
July 15, 2004**

That the Virginia Soil and Water Conservation Board establish an Ad Hoc Committee for the expressed purpose of studying the Classes of Impounding Structures, §4VAC 50-20-40 and Performance Standards Required for Impounding Structures, §4VAC 50-20-50 and the attendant Table 1 established in the 2004 Virginia Impounding Structures Regulations. The Committee membership shall be set by the Department of Conservation and Recreation with concurrence of the Board Chairman. The Committee shall complete its work by April 30, 2005.

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Selected Facts from National Association of Dam Safety Officials

•Millions of people throughout the US depend on dams to bring them benefits in the form of flood control, water supply, irrigation....

•While most infrastructure facilities are owned by public entities, the majority of dams in the US (58%) are privately owned.

•Dam failures can be devastating for dam owners, to the dam's intended purpose, and especially, for downstream populations and property.

•Today, every state but Alabama and Delaware has a dam safety regulatory program, these cover 95% of the 78,000 dams listed in the national inventory.

•Dams are innately hazardous structures – concerns are loss of human life, economic loss due to property damage, lifeline disruption and environmental damage.

•High hazard (Class I) is a term used by most state and federal safety programs – high hazard reflects the dam's potential for doing damage downstream should it fail.

•Dams must be maintained, occasionally upgraded or rehabilitated to keep them safe and to reduce the likelihood of failure.

•The lack of funding for dam upgrade has become a serious national problem, especially for private owners.

•Many state dam safety programs are under-resourced for carrying out the letter of their laws.

•The average number of dam inspectors per state is eight, meaning that each inspector would have to oversee the safety of about 250 existing dams plus overseeing new construction.

•Only 33% of high hazard dams nationally have Emergency Action Plans.

•Lack of public awareness among ordinary citizens, developers, zoning officials is a widespread problem that results in continued development in many downstream inundation zones.

Class of Dam	Hazard Potential If Impounding Structure Fails	SIZE CLASSIFICATION		Spillway Design Flood (SDF) ^b
		Maximum Capacity (Ac-Ft) ^a	Height(Ft) ^a	
I	Probable Loss of Life; Excessive Economic Loss	Large \geq ? 50,000 Medium \geq ? 1,000 & < 50,000 Small \geq ? 50 & < 1,000	\geq ? 100 \geq ? 40 & < 100 \geq ? 25 & < 40	PMF ^c PMF 1/2 PMF to PMF
II	Possible Loss of Life; Appreciable Economic Loss	Large \geq ? 50,000 Medium \geq ? 1,000 & < 50,000 Small \geq ? 50 & < 1,000	\geq ? 100 \geq ? 40 & < 100 \geq ? 25 & < 40	PMF 1/2 PMF to PMF 100-YR to 1/2 PMF
III	No Loss of Life Expected; Minimal Economic Loss	Large \geq ? 50,000 Medium \geq ? 1,000 & < 50,000 Small \geq ? 50 & < 1,000	\geq ? 100 \geq ? 40 & < 100 \geq ? 25 & < 40	1/2 PMF to PMF 100-YR to 1/2 PMF 50-YR ^d to 100-YR ^e
IV	No Loss of Life Expected; No Economic Loss to Others	\geq ? 50 (nonagricultural) \geq ? 100 (agricultural)	\geq ? 25 (both)	50-YR to 100-YR

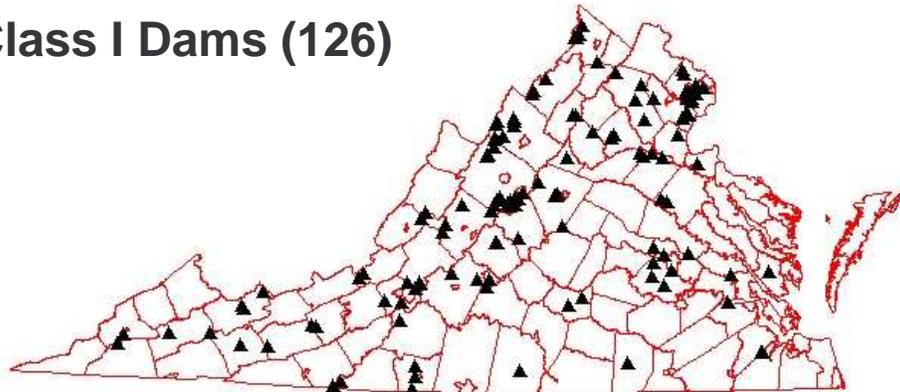
Definitions for Spillway Design

The spillway design flood (SDF) represents the largest flood that need be considered in the evaluation of the performance for a given project. The impounding structure shall perform so as to safely pass the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the involved risk should be selected.

PMF: Probable maximum flood. This means the flood that might be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from the current probable maximum precipitation (PMP) available from the National Weather Service, NOAA.

Dams in Virginia (by regulatory definition)								
November 2004 Inventory								
Hazard Potential Classification	Certificate Type	Owner Type						
		Private	SWC District	Local Government	State	Public Utility	Not Identified	Total
I	Regular	17	15	32	9	2	0	75
	Conditional	5	10	16	1	2	0	34
	Other	9	0	5	1	0	2	17
	Total	31	25	53	11	4	2	126
II	Regular	51	11	28	10	7	4	111
	Conditional	17	4	4	0	0	0	25
	Other	98	0	8	1	0	26	133
	Total	166	15	40	11	7	30	269
III	Regular	107	62	14	21	7	12	223
	Conditional	11	1	1	1	0	1	15
	Other	576	1	17	18	0	93	705
	Total	694	64	32	40	7	106	943
IV	Total	21	0	3	1	0	0	25
Total All Dams		912	104	128	63	18	138	1363

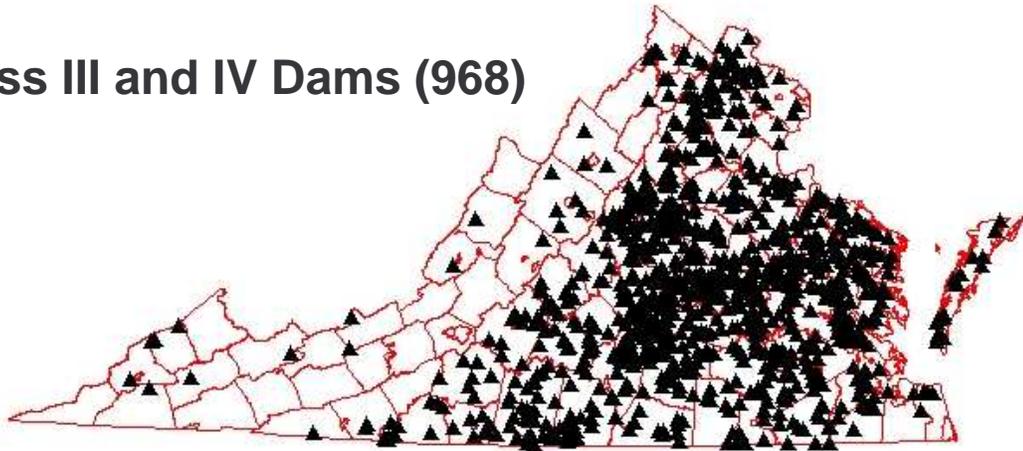
Class I Dams (126)



Class II Dams (269)



Class III and IV Dams (968)



Class I Dams

- Total Number = 126
- Pre-1982 = 109 (87%)
- Requiring full PMF = 73 (67%)
- Number meeting full PMF = 38 (52%)

Regulatory Scenarios

- Scenario 1: Maintain Current Regulations
- Scenario 2: Alternative Interpretation of Current Regulations
- Scenario 3: Percentage of PMF
- Scenario 4: Risk Based Approach

Scenario 1: Maintain Current Regulations

Maintain a strict interpretation of the current regulations including the requirement that both new and existing dams meet the same spillway design standards as outlined in Table I

Scenario 2: Alternative Interpretation of Current Regulations

A distinction would be made between new and existing dams and Section 130 would be emphasized and included in Sections 40 and 50 as a guideline for judgments.

Scenario 3: Percentage of PMF

The idea embedded in this scenario is that older dams, due to the cost and practical issues with upgrading an existing dam, would not be required to undergo the expense and possible disruption of full compliance with current standards but rather would be required to achieve some percentage of full compliance.

Scenario 4: Risk Based Approach

This scenario would involve a much more detailed risk based assessment than current regulations which include a more general risk based classification. One possibility would be a system similar to that developed by the Bureau of Reclamation in which up to 1000 points are awarded based on a wide range of considerations.

Mr. Moyer thanked Mr. Dotson and asked if members had questions.

Mr. Maroon presented a list of questions for additional discussion. Those questions were:

1. Is the PMF the best view of reality?
2. What level of loss of life and/or property is acceptable for Virginia to require a full PMF?
3. What other states have modified their requirements? What has been their experience and is most applicable to Virginia?
4. Has any state adopted a risk-based standard? What is their experience?
5. What enforcement tools do states with risk-based approaches have? What additional operational requirements would the dam owners be willing to accept? What added enforcement authorities would DCR and the Soil and Water Board need?
6. If we allowed for less than PMF, will the professional engineering community put their seal on it?
7. Funding assistance – what states have done it well?
8. Could we require an alternative approach of any kind; such as that the dam owner have a written binding agreement from the locality to address downstream development, easements, etc.?
9. Should our Class I dams continue to require PMF engineering design or are there circumstances under which less than full PMF would be sufficient? What are those?
10. Are other states enforcing full PMF?

Mr. Maroon noted that he had discussed these questions with Deputy Secretary of Natural Resources David Paylor. These are they types of questions that should be answered by the committee with their collective wisdom.

Mr. Maitland said the should consider a tax credit for dam owners who are faced with a reclassification of a dam due to downstream development.

Mr. Maroon said an alternative might be for the dam owner to have a written agreement with a locality that addresses downstream development.

Ms. Doetzer said that this was an important issue and that there should be accountability.

Ms. Packard suggested the committee should consider a dedication of a conservation easement to a private organization. That would offer the same protection as the local jurisdiction.

Mr. McNear said that there were a lot of legal issues involved in trying to protect downstream from a dam break.

Chairman Moyer opened the floor for public comment regarding dam safety issues.

Mr. Ray Scher of Caroline County addressed the board regarding reclassifications of earthen dams. A copy of Mr. Scher's remarks are attached as Attachment #1.

Mr. Moyer thanked Mr. Scher and noted that this was an example of a community that handled the issue correctly. He asked that this information be presented to the Dam Safety Technical committee.

Mr. Moyer noted that, with the arrival of Ms. Packard, a quorum was now present.

Approval of Minutes

It was noted that Ms. Doetzer's name was missing from the list of December attendees.

MOTION: Mr. Maitland moved that the minutes of the December 8, 2004 meeting be approved as amended.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

It was noted that Mr. McNear's name was missing from the January list of members not in attendance.

MOTION: Ms. Packard moved that the minutes of the January 21, 2005 meeting be approved as amended.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Dam Safety Certificates and Permits

Mr. Browning introduced Jim Robinson, new Dam Safety Engineer with DCR.

Mr. Browning presented the following Dam Safety Certificates and Permits from the January 21, 2005 agenda.

There was no action needed on Out of Compliance for January.

Mr. Browning presented the following Operation and Maintenance Certificate Recommendations from the January Agenda.

01904 Stoney Creek Reservoir Dam	BEDFORD	Class I Conditional 1/31/07
03309 Lake Land'or	CAROLINE	Class II Regular 1/31/2011
04146 First Branch	CHESTERFIELD	Class III Regular 7/30/05
04147 ARWA Sludge Lagoon	CHESTERFIELD	Class III Regular 1/21/2011
04903 Collins Upper	CUMBERLAND	Class III Regular 1/31/2011
05902 Burke Lake	FAIRFAX	Class I Conditional 1/31/07
07526 Broad Branch	GOOCHLAND	Class III Regular 1/31/2011
09906 Lake Monroe	KING GEORGE	Class I Regular 7/30/05
10932 South Anna #4	LOUISA	Class II Regular 1/31/2011
10933 South Anna #6B	LOUISA	Class II Regular 1/31/2011
14532 Foundry Lake	POWHATAN	Class III Regular 1/31/2011
16504 Lower North River Dam #22	ROCKINGHAM	Class II Regular 1/31/07
16505 Lake Shenandoah	ROCKINGHAM	Class II Regular 1/31/07
16506 Lower North River Dam #81	ROCKINGHAM	Class I Conditional 1/31/07
68001 Scotts Mill	CITY OF LYNCHBURG	Class I Regular 1/31/2011
68002 College Lake	CITY OF LYNCHBURG	Class I Regular 1/31/2011

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

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning presented the following Permit Recommendations from the January Agenda:

17923 Bridle Lake	STAFFORD	Class I Alteration Permit 1/21/05 – 1/31/07
18709 Apple Mountain Lake Lower	WARREN	Class II Alteration Permit 1/21/05 – 1/31/07
18711 Apple Mountain Lake Upper	WARREN	Class II Alteration Permit 1/21/05 – 1/31/07

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR

staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning presented the following Extension Recommendations from the January Agenda.

04906 Pearsall	CUMBERLAND	Class III Regular 5/31/05
05933 Crippen	FAIRFAX	Class II Regular 5/31/05
06107 Thompson	FAUQUIER	Class I Conditional 5/31/05
06122 Lake Brittle	FAUQUIER	Class II Regular 5/31/05
08539 Mattawan	HANOVER	Class III Regular 7/31/05
10922 Izac Lake	LOUISA	Class III Conditional 7/31/05
19314 Red Oak	WESTMORELAND	Class II Regular 5/31/05

MOTION: Mr. Maitland 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: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning presented the list of Out of Compliance Dams for the March Agenda. He noted that the same nine dams from January are out of compliance. There was no Board action needed at this time.

Mr. Browning presented the following Operation and Maintenance Certificate Recommendations from the March Agenda:

00306 Totier Creek	ALBEMARLE	Class III Regular 3/31/2011
00926 Tusculum	AMHERST	Class II Regular 3/31/2011
01522 South River #7	AUGUSTA	Class I Regular 3/31/07
01934 Boonsborrow Country Club	BEDFORD	Class III Conditional 3/31/07
02304 Blue Ridge Estates	BOTETOURT	Class I Conditional 3/31/07
02936 State River #7	BUCKINGHAM	Class II Regular 3/31/2011
04146 First Branch	CHESTERFIELD	Class III Cond. 3/31/2011

05301 Jordan Lake	DINWIDDIE	Class II Conditional 3/31/07
06510 Lake Monticello Settlement Pond	FLUVANNA	Class III Regular 3/31/2011
06903 Lake St. Clair	FREDERICK	Class II Cond. 3/31/2011
06914 Summit	FREDERICK	Class I Conditional 3/31/06
08548 Charter Lake	HANOVER	Class II Regular 3/31/2011
08902 Leatherwood Creek #5	HENRY	Class II Conditional 3/31/07
08904 Leatherwood Creek #6	HENRY	Class II Conditional 3/31/07
08908 Marrowbone Creek #1	HENRY	Class I Conditional 3/31/07
09517 Brewery Road	JAMES CITY	Class III Regular 3/31/2011
15509 Gatewood	PULASKI	Class I Regular 3/31/2011
18107 Surry Power Station Disposal Pond	SURRY	Class III Regular 3/31/2011
72002 Upper Norton Reservoir	WISE	Class I Conditional 3/31/06
77001 Windsor	ROANOKE CITY	Class II Conditional 3/31/07

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

SECOND: Mr. McNear.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning presented the following Permit Recommendations from the March Agenda.

06123 Winslow (Seneca Lake)	FAUQUIER	Class II Alteration Permit 3/17/05 – 3/31/06
07908 Deer Lake (Reynolds Farm)	GREENE	Class II Alteration Permit 3/17/05 – 3/31/06
07909 Reynolds Farm	GREENE	Class II Alteration Permit 3/17/05 – 3/31/06
10730 Goose Creek DMCA	LOUDOUN	Class IV Alteration Permit 3/17/05 – 3/31/07
13111 Malvern	MADISON	Class III Alteration Permit 2/15/05 – 2/28/06 Emergency Approval Issued By Director
15331 Potomac Club Reg. Pond	PRINCE WILLIAM	Class II Construction Permit 3/17/05 – 3/31/07
15506 Lake Powhatan	PULASKI	Class II Alteration Permit

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the extension recommendation for Inventory #01701 at Douthat State Park and that the Board action be communicated to the dam owner.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried with Mr. Maroon abstaining.

Mr. Browning reviewed an additional Board action taken at the December meeting. He said that Rainbow Forest Recreation Association had asked the Board to issue a conditional permit.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board rescind Condition #2 of the Operation and Maintenance Conditional Certificate for Rainbow Forest Dam, Inventory Number 02303 issued by the Virginia Soil and Water Conservation Board on December 8, 2004. However, the Rainbow Forest Recreation Association is still obligated to complete Certificate Conditions numbers 1,3,4,5,6 and 7 by the Certificate's expiration date of December 31, 2005. Further the Board through the Department of Conservation and Recreation Dam Safety Staff will monitor the RFRA's process on implementing the remaining prescribed conditions and reserves the right to direct a lowering of the impoundment's normal pool, should conditions warrant in the future, if the owner is not making adequate progress on the needed structural repairs.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Stormwater Management Program Update

Mr. Hill presented an update on the Stormwater Management Program. He introduced new Stormwater Management staff.

- Enforcement and Compliance Manager, Ann Crosier

- Erosion and Sediment Control and Construction Permitting Manager, Eric Capps
- Municipal Separate Storm Systems Manager (MS4) Doug Fritz

General Permit Activities & MS4 Activities

Mr. Hill noted again that the Environmental Protection Agency approved the DCR program December 30, 2004. This became effective on January 29, 2005.

DCR has assumed the files from the Department of Environmental Quality. Those files are being reviewed.

AIP Approvals and Review

Mr. Hill noted that at the December meeting the Board received four local government requests for alternative inspection programs. Those localities were: Augusta County, Loudoun County, Warren County and Wise County.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Programs for Augusta, Loudoun, Warrant and Wise Counties as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations and that further the Board request DCR staff to monitor the implementation of the alternative inspection program by the County to ensure compliance.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Hill presented the Proposed Alternative Inspection Program for Patrick County.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for Patrick County and further that the Board accept Patrick County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Moyer asked how many localities had an alternative inspection program. Mr. Hill said currently about fifteen.

Linear Project – Annual Standards and Specifications Approvals

Mr. Hill presented a proposed motion regarding the 2005 Annual Standards and Specifications for Utility Companies.

Mr. McNear asked that, if everyone is granted a variance, should the board look at changing the regulation.

Mr. Hill noted that the regulatory revisions would have to follow the Administrative Procedures Act and that it might be a future consideration.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2005 annual standards and specifications for electric, natural gas, telecommunications and railroad companies and that the Board concur with staff recommendations for conditional approvals of the 2005 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. Further 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 and the request for variances.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2005 must be submitted by May 1, 2005. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to May 1, 2005 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 email

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.

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

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

Companies recommended for conditional approval with the 4 conditions are:

Electric: Old Dominion Power, Virginia Association of Electric Cooperatives, Dominion Virginia Power Electric Transmission

Gas: NiSource/Columbia Gas Transmission, Washington Gas

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

Electric: American Electric Power

Railroads: Norfolk Southern Railroad

Gas: Williams/Transco Gas Pipeline

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

Electric: Dominion Electric Distribution

Gas Dominion Gas Transmission

- SECOND: Mr. Maitland
- DISCUSSION: None.
- VOTE: Motion carried unanimously.

Local Program Review Update and List Revision

Mr. Hill presented the Local Program Review List. He noted that staff was requesting to add Nottoway County to the list for FY05.

- MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive and concur with the staff recommendation to add Nottoway County to the list of local programs to review for FY05. The addition of Nottoway County brings the number of programs for review to 33 for FY05. The following is the revised list:

Local Program	Type	Watershed Office
Albemarle*	County	Richmond
Amelia	County	Richmond
Blacksburg	Town	Dublin
Bridgewater*	Town	Staunton
Bristol*	City	Abingdon
Dumfries*	Town	Warrenton
Farmville	Town	Richmond
Fauquier	Town	Richmond
Franklin	County	Clarksville
Halifax	County	Clarksville
Hampton*	City	Suffolk
Henry	County	Clarksville
Haymarket	Town	Warrenton
James City*	County	Tappahannock
Norton	City	Abingdon
Nottoway	County	Richmond
Orange	County	Tappahannock
Powhatan	County	Richmond
Pulaski	Town	Dublin
Roanoke	County	Clarksville
Rockbridge	County	Staunton
Rockingham*	County	Staunton
Southampton	County	Suffolk

Stafford*	County	Tappahannock
Sussex	County	Suffolk
Tazewell	County	Abingdon
Vienna	Town	Warrenton
Virginia Beach	City	Suffolk
Washington*	County	Abingdon
Winchester	City	Staunton
Wythe	County	Dublin
Wytheville	Town	Dublin
York	County	Tappahannock

* Localities previously approved for review by the VSWCB and carried over to FY05.

SECOND: Ms. Hansen

DISCUSSION: None.

VOTE: Motion carried unanimously.

Lake Martin Update

Mr. Hill said that Fairfax County is moving forward with dredging plans for Lake Martin. There was a Town Hall meeting on January 25. The County is having difficulty obtaining permission to access the lake from one of the homeowners. The Homeowner's association suggested using the condemnation process to obtain access.

The Homeowner's association expressed dissatisfaction that that the dredging will not restore the lake to previolation conditions.

Staff continues to keep in touch with the County on this issue.

At this time the Board recessed for lunch.

Following lunch Mr. Moyer recognized Mr. Hill. Mr. Hill said that a revision was needed to the previous board motion regarding Annual Standards and Specifications for Utility Companies.

The sentence that read:

“Minimum Standard 16.a: The project may have more than 500 linear feet of trench length opened at one time provided all trenches are adequately backfilled, seeded and mulched at the end of each work day and adjacent property and the environment are protected from erosion and sediment damage”

Was revised as follows:

Minimum Standard 16.a: The project may have more than 500 linear feet of trench length opened at one time provided all *open trenches in excess of 500 feet are* adequately backfilled, seeded and mulched at the end of each work day and adjacent property and the environment are protected from erosion and sediment damage

Ms. Packard accepted this revision as a friendly amendment. Mr. Maitland seconded.

The motion to revise the motion as presented passed unanimously.

District Director Resignations and Appointments

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

He noted that Headwaters and Virginia Dare were brought before the Board in January.

Culpeper

Resignation of L. Earl Lamb, Madison County, effective 11/30/04, elected director position (term of office expires 1/1/08).

Recommendation of Lynn Graves, Madison County, to fill unexpired elected term of L. Earl Lamb (term of office to begin on or before 4/16/05 – 1/1/08).

Headwaters

Recommendation of Thomas A. Stanley, Augusta County, to fill vacant Extension Agent position (term of office to begin on or before 4/16/05 – 1/1/09) (*previously failed to take oath of office*).

Holston River

Resignation of Don G. Quesenberry, Washington County, effective 12/29/04, elected director position (term of office expires 1/1/08).

Recommendation of Henry S. Snodgrass, Washington County, to fill unexpired elected term of Don G. Quesenberry (term of office to begin on or before 4/16/05 – 1/1/08).

Tri-County/City

Resignation of Susan W. Gilbert, Stafford County, effective 12/17/04, elected director position (term of office expires 1/1/08).

Recommendation of Spencer H. Hudson, Stafford County, to fill unexpired elected term of Susan W. Gilbert (term of office to begin on or before 4/16/05- 1/1/08).

Virginia Dare

Recommendation of Watson Lawrence, Jr. City of Chesapeake, to fill vacant Extension Agent position (term of office to begin on or before 4/16/09 – 1/1/09) (*previously failed to take oath of office*).

MOTION: Ms. Packard moved that a letter recognizing the years of service of Don Quesenberry be drafted for the Chairman's signature.

SECOND: Mr. Johnson.

DISCUSSION: None

VOTE: Motion carries unanimously.

MOTION: Ms. Hansen moved that the list of District Director Resignations and Appointments approved as submitted.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

District Study Update

Mr. Meador distributed language from the 2004 Appropriation Act regarding the district study. He noted that an interim report was distributed in January and made copies available for Board members. A copy of the interim report is available from DCR.

The last meeting of the steering committee was held in February. Mr. Maitland has served as a member of that committee.

The steering committee will develop recommendations that pertain to funding. DCR has hired Stephanie Martin, formerly with the Association to work on this study.

The cost share agreement with districts will end on June 30, 2005. Now that there are more funds available, there may be changes in the grant agreements.

Regarding the Water Quality Improvement Funds, DCR is a long ways from determining how the funds will be distributed. This will require input from the Secretary of Natural Resources. There is discussion of enhancing the incentive for nutrient management plan writing and possibly incentives for implementation by farmers.

Board Policy on Financial Assistance to Districts

Mr. Meador noted that the Board Policy on Financial Assistance to Districts states that by May 1 of each year, the Board will review the policy to see if changes are needed. A copy of the financial policy is available from DCR.

Mr. Meador noted that the Commonwealth has provided cost of living increases to state employees for the past two years. Staff thought it appropriate to consider a revision in the base for salary for technical administration staff.

Staff recommended that the base amount for districts be raised to \$80,000. Mr. Meador distributed a chart showing how this would affect funding for each of the districts.

Mr. McNear said that, since districts can use the funds as they wish, he did not see the need to change the base amount until there were more funds available.

Mr. Maroon noted that he was not comfortable moving ahead with these changes as the districts had not been provided this information.

Mr. Maroon noted that it would be helpful to change the policy review date by the board to May 31 or later.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board Policy on Financial Assistance for Soil and Water Conservation Districts be amended as follows:

Section I(2) "Prior to May 1st each year, the Board shall review the attachment and determine if modifications are necessary" shall be changed to:

"Prior to June 1st each year, the Board shall review the attachment and determine if modifications are necessary."

And further

Secion IV(1) "DCR staff will define the expected outcomes or "deliverables" for district funding for review and approval by the Board annually, and prior to May 1st." shall be changed to:

“DCR staff will define the expected outcomes or “deliverables” for district funding for review and approval by the Board annually, and prior to June 1st.”

SECOND: Ms. Hansen

DISCUSSION: Ms. Doetzer noted that when core funding is addressed in the future, NRCS would need to ask the Board to consider funding for rent. She noted that funding cuts at the federal level would necessitate this discussion.

VOTE: Motion carried unanimously.

SECOND: Susan

Mr. Meador presented the list of FY 2004 – 2005 Performance Deliverables for Board review. A copy is available from DCR. Mr. Meador noted that staff had not recommended changes.

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board continue the list of Deliverables contained within the standard DCR/SWCD Grant Agreement from FY 2004 – 2005 Operational Support from the Commonwealth of Virginia, without change, and that staff be directed to incorporate the list in the FY 2005 – 2006 Grant Agreements.

SECOND: Ms. Hansen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Meador presented the DCR Assessment of SWCD fulfillment of FY04 Grant Agreement Deliverables

There was no recommended action.

Board Action Regarding Proposed HB 2290

Mr. Frye presented a draft motion regarding House Bill 2290. This was discussed in detail at the January meeting, however no action was taken due to the lack of a quorum. This bill would have created the Commission on Soil Quality Improvement. The patron agreed to withdraw the bill if the Virginia Soil and Water Conservation Board agreed to

assume the responsibility outlined for the Commission. The following motion outlines those responsibilities.

Ms. Packard moved the adoption of the following resolution:

**MOTION BY THE VIRGINIA SOIL AND WATER
CONSERVATION BOARD
For Improving Soil and Water Quality**

WHEREAS, the Chesapeake Bay Nutrient and Sediment Tributary Strategy and the associated nonpoint source implementation plans developed by the Department of Conservation and Recreation (DCR) to address the 2010 water quality goals will require increased emphasis on targeted approaches, cost-effectiveness practices, and increased outreach efforts; and

WHEREAS, there has been recent legislative interest for increased statewide attention in water quality improvements and soil quality improvement approaches as demonstrated by the introduction of numerous bills in the 2005 Session including House Bill 2290 by Delegate L. Scott Lingamfelter; and

WHEREAS, there has been for over 15 years a long-standing advisory committee to assist DCR with the effective implementation of the agricultural best management practice (BMP) incentive programs including the Agricultural BMP Cost-Share Program, with members of the committee representing 19 agencies and organizations representing agricultural and conservation interests; and

WHEREAS, a study of soil and water conservation districts (SWCDs) and their efforts to carry out the agricultural cost-share program was directed by the 2004 legislature and is underway by DCR and the Virginia Soil and Water Conservation Board (VSWCB) and will be completed by the end of 2005; and

WHEREAS, DCR has established separate agricultural BMP cost-share program agreements with the 47 SWCDs in 2004 which support improved targeting of state cost-share dollars, now, therefore, be it

RESOLVED, that the VSWCB shall assist DCR in addressing the actions identified in House Bill 2290 and in the Chesapeake Bay Nutrient and Sediment Tributary Strategy and the associated nonpoint source implementation plans by:

1. Working cooperatively with agricultural and agribusiness interests, local, state and federal partners, conservation organizations and soil and water conservation districts in developing an effective information and outreach program to better inform farmers about the environmental and economic benefits of adopting certain agricultural best management practices that improve soil and water quality across Virginia and advance the Chesapeake Bay 2010 nutrient and sediment reduction goals; and

2. Focusing particularly on the best ways to evaluate the degree to which various approaches to improve soil quality will enable Virginia to cost-effectively meet water quality goals while improving the overall competitiveness of agriculture and agribusiness in the Commonwealth, and
3. Periodically reviewing and advising the Director of DCR on Virginia's existing Agricultural BMP cost-share and tax incentive programs to ensure that the most cost-effective practices are included and prioritized for promotion, utilization and funding; and
4. Reviewing the agricultural related goals that need to be achieved under Virginia's Chesapeake Bay Nutrient and Sediment Tributary Strategy and the associated nonpoint source implementation plans and
5. Recommending to the Governor, the General Assembly and the Department of Conservation and Recreation policies to assist farmers statewide in adopting such practices to achieve soil and water quality improvements.

Adopted this 17th day of March 2005 by the Virginia Soil and Water Conservation Board.

SECOND: Ms. Hansen

DISCUSSION: None.

VOTE: Motion carried unanimously.

The Board requested the Director to communicate this action to Delegate Lingamfelter, the Patron of the bill.

Lake Barcroft WID Budget

Ms. Packard presented the budget for the Lake Barcroft Watershed Improvement District. She noted that the Northern Virginia Soil and Water Conservation District had worked closely with the WID and approved the budget.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Lake Barcroft Watershed Improvement District budget as submitted.

SECOND: Ms. Hansen

DISCUSSION: None

Partner Agency Reports

Natural Resources Conservation Service

Ms. Doetzer gave the report for the Natural Resources Conservation Service. Copy attached as Attachment #2.

Department of Conservation and Recreation

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

Other Business

There was no other business.

Public Comment

There was no public comment.

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, May 19, 2005 at 10:00 a.m. at the offices of the Virginia Department of Forestry in Charlottesville.

Mr. Maroon noted that will it be a very important meeting.

Adjourn

There being no further business, the meeting was adjourned.

Respectfully submitted,

David L. Moyer
Chairman

Joseph H. Maroon
Recording Secretary

Attachment #1

Remarks of Ray Scher, Caroline County.

Mr. Chairman, members of the Board, my name is Ray Scher. I am a resident of Caroline County and live in the Lake Caroline subdivision. The opinions I express today are only my own. In late 1999 or early 2000, the Lake Caroline Properties Owners Association (LCPOA) was advised by the Dam Safety Commission that our 1750-foot earthen dam had been reclassified to a Class 1 dam, and that certain modifications to the spillway were needed to meet specifications to protect people, commercial interests and major highways downstream from our dam from flooding if the spillway/dam were to fail due to excessive rainfall in our area over a short period of time. At that time, I was a member of the LCPOA Board of Directors and during the ensuing spillway modification review process I served as treasurer and president of the LCPOA. I have not been on the Board since April 2002.

The initial reaction of the Board and the lake community was to fight the upgraded classification, as the first cost estimates were upwards of 2.3 million dollars. The board took a six-prong approach to the reclassification. 1) We sought legal advice; 2) we sought second opinions on the technical merit of the upgrade and suggested spillway modifications; 3) we sought a less costly solution for the proposed spillway project; 4) we sought potential financing for the project; 5) we involved our membership in the discussions early in the process; and 6) we made a good faith effort to involve the Dam Safety Commission in our planning process. Members of the Board attended Dam Safety Commission conferences and had staff from the Dam Safety Commission and qualified engineering firms hold informational meetings with the lake community and finally sought even a third technical opinion on the merits of pursuing the spillway upgrade. After much soul searching, the Board and community decided that due to public safety concerns it was in our community's and our downstream neighbor's best interests to upgrade the spillway. With much hard work and good negotiating skills the project has now been completed at a final cost of about \$880,000. I also understand that other communities, counties, and municipalities are in various stages of compliance with the upwards dam reclassifications. I would also add that since the start of the reclassification process, Virginia has lived through hurricane Frances, hurricane Isabelle and, just this fall, the remnants of hurricane Gaston. During these events small dams failed, lives were lost and in Virginia we now know that it can rain an inch or two per hour for an awful long period of time. With this in mind I think the community of Lake Caroline did the right thing and our neighbors downstream are much safer since the completion of our spillway upgrade.

Members of the Board, what brings me before you today are my concerns about the continuing reports in local media that the Lake of the Woods subdivision continues to try to have their earthen dam RE-Reclassified so that they can avoid their responsibility of protecting their neighbors downstream. The requirements that cause my community to respond to the upgrade reclassification in a positive fashion are very similar. Actually, the threat of loss of life and potential financial losses if the Lake of the Woods dam failed are

much higher than that of failure of Lake Caroline's. I think our course of action was proper and the actual cost of the project came in at about 38% of the initial estimates. Just because we are a gated community did not give us the right to avoid our civic responsibility. We own our dam and we are responsible for our dam. I would suspect that if you polled the people at Lake of the Woods who are trying to avoid paying for their dam upgrades they would readily state they are part of the "new ownership society" that is in such vogue today. They want all the pleasures and increased property values that come with waterfront property but they conveniently leave out the second half of the "new ownership society." If you own something you are responsible and accountable for that ownership, you have duties and responsibilities to all who are affected by that ownership. I would ask the Board to make sure that Lake of the Woods and all similarly situated entities comply with the upgraded dam reclassifications in a forthwith fashion.

Finally, I have one question for the Board. If the Lake of the Woods is given the requested RE-Reclassification, what will be the ramifications for the communities, counties and municipalities who have already complied with or who are in the process of complying with the state-mandated earthen dam reclassification?

Thank you for the opportunity to speak. I plan on offering the same testimony before the Dam Reclassification Ad Hoc Committee scheduled for March 23, 2005.

Ray Scher
268 Lake Caroline Drive
Ruther Glen, VA 22546

Attachment # 2

**NRCS Report
Virginia Soil and Water Conservation Board Meeting
March 17, 2005
Richmond, VA**

Soils

The Digitizing Map Finishing Center has completed preparing maps for Lee and Surry Counties. The maps are ready for publishing. The next step is to prepare, review and edit the manuscripts and have them available for publishing. After that step the soil survey in its entirety is ready for release.

Two new soil survey publications have been issued. One is titled, "Urban Soil Primer." The primer is an introduction to urban soils for homeowners and renters, local planning boards, property managers, students and educators. The publication is also available on the Internet at <http://soils.usda.gov/use/urban/primer.html>.

The other new release is titled, "Understanding Soil Risks and Hazards" and is also available online at <http://soils.usda.gov/use/risks.html>. This publication introduces several soil related risks and hazards that are important to City and County planners, developers, construction contractors, and others who use or build facilities on, or in soils.

Farm Bill Programs

NRCS began holding public meetings in the Conservation Security Program (CSP) watersheds in February (Lower Rappahannock, Mattaponi and South Fork Shenandoah). NRCS worked with National Agriculture Statistics to handle the mailing for all farmers on their mailing lists within the watersheds. This proved to be a very effective means of communication, and as a result the meetings were well attended. The CSP-Virginia Self Assessment Supplements (Draft) were distributed to those in attendance.

A new version of the conservation planning software, Toolkit, is being installed on computers owned or supported by NRCS. A new version of GSI is also being loaded for developing planning maps and doing land-use analysis. Training on this new software will begin in March. Various methods will be utilized including net meetings, group training, train-the-trainer, and one-on-one.

Farm Bill programs currently open for sign-up include WHIP, EQIP, FRPP, WRP and CRP. A total of \$13.9 million is available for financial assistance in these five programs.

Dam Rehabilitation

A public meeting is planned the week of March 20 for three dams needing rehabilitation on South River. These meetings will provide an opportunity for citizen and local government input into the alternatives being suggested and the watershed planning activities that have taken place thus far.

Watershed Planning and Implementation

Almost all permits have been issued for the Emergency Watershed Protection work scheduled for repair of storm damages to streams and adjacent properties that occurred as a result of the November 2003 flood and Hurricanes Isabel and Jeanne. The work is scheduled to be completed by July.

Geologist Position

NRCS in Virginia has entered into an agreement with West Virginia to share a geologist position following the retirement of our state geologist. Jeffrey McClure was hired by West Virginia to fill this position. His designated headquarters will be in Morgantown, WV but he will be spending one-third of his time providing assistance to Virginia.

Wetland Determinations

Amendments to the 1996 and 2002 Food Security Act changed wetland provisions producing an inconsistency between this act and the Clean Water Act, Section 404 implemented by the Corps of Engineers and EPA. As a result, on January 18, 2005, NRCS began conducting wetland determinations only for the purpose of implementing the Swampbuster provisions of the Food Security Act. The Corps of Engineers will conduct wetland determinations for purposes of the Clean Water Act. Both agencies will inform landowners that their wetland determinations may not apply to the other agency's wetland programs due to these changes in the Food Security Act.

Budget

Last month the President's 2006 budget was released. A FY 2006 budget summary can be downloaded at <http://www.usda.gov/agency/obpa/Budget-Summary/2006/FY06budsum.html>.

Proposed changes in the President's 2006 budget include reductions in the following:

Conservation Technical Assistance – 8%
Watershed Surveys & Planning – 27%
Watershed Dam Rehabilitation – 45%
Resource Conservation and Development – 50%
Watershed & Flood Prevention – 100%

Farm Bill Program changes are as follows:

Wetland Reserve Program - +17%
Wildlife Habitat Incentive Program - +17%
Conservation Security Program - +35%
Farm & Ranch Land Protection Program – 26%
Grassland Reserve Program – 100%

Attachment #3

[INSERT JACK'S REPORT HERE]