

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Wednesday, March 27, 2024

Bear Creek Lake State Park

Cumberland, Virginia

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board took place at 10:00 a.m. on Wednesday, March 27, 2024, at Bear Creek Lake State Park in Cumberland, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

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| Charles Newton, Chair | Robert Mills |
| Adam D. Wilson, Vice Chair | John Schick |
| Charles A. Arnason | Matthew S. Wells, DCR Director, <i>Ex Officio</i> |
| Jason R. De La Cruz | Dr. Edwin M. Martinez, NRCS, <i>Ex Officio</i> |
| Jay Ford | Matt Lail, Virginia Cooperative Extension, for Dr. |
| Pamela Mason | Dan Goerlich, <i>Invitee</i> |

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

One Vacancy

DCR STAFF PRESENT

Andrew Smith, Chief Deputy Director
Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management
James Martin, Director, Division of Soil and Water Conservation
Lisa McGee, Director of Policy, Planning and Legislative Affairs
Christine Watlington Jones, Policy and District Services Manager
Dave Neudeck, Public Communications and Marketing Director
Michael R. Fletcher, Board and Constituent Services Liaison
Derrick Bolen, Special Assistant for Policy
Blair Gordon, SWCD Liaison
Denney Collins, Conservation District Coordinator
Olivia Leatherwood, Conservation District Coordinator
Matthew Sabas, Senior Public Relations and Marketing Specialist
Sara Bottenfield, Agricultural Incentives Program Manager
Paul Saunders, Policy and Planning Specialist
Darrell Kuntz, Office of the Attorney General

OTHERS PRESENT

Suzanne Brown, Loudoun SWCD
Kevin Dunn, Piedmont SWCD
William Fleming, Virginia Dare SWCD
Martha Moore, Virginia Farm Bureau Federation
Cynthia Miller, Robert E. Lee SWCD
Doug Perrow, Robert E. Lee SWCD
Katelin Savage, Robert E. Lee SWCD
Kelly Snoddy, Peter Francisco SWCD
Bonnie Swanson, Robert E. Lee SWCD

Dr. Kendall Tyree, VASWCD
Dustin Woodall, Robert E Lee SWCD

ESTABLISHMENT OF A QUORUM

With eight (8) members of the Board present, a quorum was established.

CALL TO ORDER AND INTRODUCTIONS

Chairman Newton called the meeting to order at 10:00 and called for introductions.

APPROVAL OF MINUTES FROM DECEMBER 6, 2023

Mr. Wilson moved that the minutes from the December 5, 2023, be approved as submitted by staff. Mr. Ford seconded, and the motion carried.

DIRECTOR'S REPORT – *Matthew S. Wells, DCR Director*

Director Wells gave the DCR report. He noted the following concerned the recent General Assembly Session:

Significant bills include:

- Agricultural tax credits [HB1014 (Wilt), SB287 (French), and SB298 (French)]
 - Extends the tax credits for:
 - Implementing and installing BMPs; and
 - Purchasing certain conservation tillage and precision equipment.
- Tax credits would have expired in 2025 for the Agricultural BMP credit or 2026 for the equipment credit.

As an aside, some additional news about tax credits: the Department of Taxation has revised the process for requesting tax credits:

- Applications will now be accepted on a rolling basis as applications are received.
- Applications must be submitted by December 31 of the year following the credit year.
- Participants should submit their application and supporting documents prior to filing their return.
- \$2 million cap for the agricultural BMP tax is still in effect.

With regard to the budget:

- A reminder that a budget was enacted in September.
- That budget provided nearly \$287 million in additional funding for VACS and technical assistance support:
 - \$174.6 million for practices in the Chesapeake Bay watershed
 - \$74.8 million for practices in the Southern Rivers
 - \$37.3 million in additional technical assistance support for Districts.

With regard to the current budget introduced by the Governor in December:

- The introduced budget provided an additional \$118.8 million for VACS in general funds
 - \$76.0 million for practices in the Chesapeake Bay watershed
 - \$32.5 million for practices in the Southern Rivers
 - \$10.3 million in additional technical assistance support for Districts
- Another \$63 million was provided in nongeneral funds:
 - \$40.3 million for practices in the Chesapeake Bay watershed
 - \$17.3 million for practices in the Southern Rivers
 - \$5.4 million in additional technical assistance support for Districts

Director Wells advised that it was important to note that none of these funds were from surplus revenues; these funds are general funds. He noted that there were no amendments that adjust the funding for VACS.

REPORT FROM AUDIT SUBCOMMITTEE – *Adam Wilson, Subcommittee Chair*

Mr. Wilson advised that the Audit Subcommittee met earlier that morning. He noted that letters were sent to all the districts highlighting issues that were repeatedly found during the 2023 audits.

Corrective letters were sent to Halifax, Peter Francisco, and Southside Soil and Water Conservation Districts related to issues found during the audits.

Over the last four years, the unnecessary payment of sales tax has been repeatedly found. There were five districts that were found to have paid sales tax multiple times or had a significant amount paid in sales tax during the most recent audit. The Audit Subcommittee recommended a fine of \$250 for each district. That funding will go into the training fund for districts.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board, with the recommendation of the Audit Subcommittee, directs the Department to send letters to Big Sandy, Lord Fairfax, Loudoun, Mountain Castles, and Tazewell Soil and Water Conservation Districts regarding the unnecessary payment of sales tax in conflict with the §58.1-609.1(16) of the Code of Virginia. The Desktop Procedures for District Fiscal Operations requires all Districts to apply for sale tax exemptions at stores which they frequent more than 3 times in a fiscal year or where any one purchase is \$100 or greater.

Additionally, the Virginia Soil and Water Board, at the recommendation of the Audit Subcommittee, directs Big Sandy, Lord Fairfax, Loudoun, Mountain Castles, and Tazewell Soil and Water Conservation Districts to return \$250 of FY2024 administration and operations funds to the Department.

Mr. Ford seconded, and the motion carried unanimously.

REVIEW OF ROBERT E. LEE SOIL AND WATER CONSERVATION DISTRICT VACS PROGRAM ADMINISTRATION – *Christine Watlington Jones, Policy and District Services Manager*

Ms. Watlington Jones commented that it was important to recognize the efforts of district staff who have been incredibly responsive and who deserve recognition for their efforts.

In addition, several DCR staff have given extra effort to this issue. DCR estimates that staff have spent about 277 hours working with the district. This does not include time spent by Ms. Watlington Jones, Mr. Martin, and Deputy Director Glover.

Ms. Watlington Jones advised that the District representative would discuss specific actions. She noted that the Department had made the following changes since December.

- EJAA reviews
 - Spreadsheets are sent bi-weekly flagging potential issues in the AgBMP Tracking Module that are color-coded
 - Potential issues could include entering Department employee as a reviewer; entering data at an EJAA level not authorized for; no data entered; or EJAA is being handled by other District staff
 - Summaries are also sent to CDCs
 - Flags potential issues including the number of practices with invalid EJAA approval for one or more components and the number of BMPs where one or more EJAA components is approved by the Department
- Additional edits on the administrative cost-share file review forms.
- Likely to be additional grant deliverables related to program implementation.

Ms. Watlington Jones further noted:

- There are 7 practices that were under construction at the time the Board took action in December.
- DCR has worked with the District and producers.
- All 7 have revised designs and are completing construction now.
- District is working to receive invoices and receipts and is working with Department staff to determine final payments.
- Department staff is currently working with District staff to address agronomic practices that are potentially ready for payment (mainly cover crop and nutrient management practices)

Ms. Watlington Jones turned to the District for comments.

Ms. Miller noted that the District has now been given clear direction on how to move forward. She advised that District staff were not previously aware of the issues. The District is hoping to learn and to move forward.

Chairman Newton noted that the District had a very small staff.

Ms. Miller noted that the District hopes to hire one additional technician. She also advised that the District is working with DCR regarding the dams maintained by the District. She noted that she was unaware that the former employee had lost EJAA for the projects.

Ms. Watlington Jones noted that the District chair had recently resigned. She noted that the District files were disorganized and everyone has been working to address the concerns. Once the review of the files began, spot checks were conducted and producers were contacted to finalize practices and to move payments forward.

Ms. Miller advised that the District would not be in a position to rebuild without the support of DCR. She noted that the District was blindsided and continues in a recovery mode.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board direct the following:

1. The District is prohibited from issuing payment for any agronomic practices without the Department of Conservation and Recreation's concurrence. The District's Conservation District Coordinator will coordinate with the District employees, and the Agricultural Incentives Program Manager to ensure all required contracts and supporting documentation are in order; minimum best management practice standards are met; and payments are appropriately processed. The Department's concurrence may be documented by written communication from the District's Conservation District Coordinator.
2. No new applications for practices will be approved for FY2024 without the Department's concurrence. The Department's concurrence may be documented by written communication from the District's Conservation District Coordinator.
3. For Contracts 10-22-0029, 10-23-0011, and 10-23-0012, the District remains solely financially liable and will remain liable for any failures or issues that arise with these practices. The District shall provide \$260,180.09 to the Department for reimbursement to the VACS Program and \$33,823.41 for the associated technical assistance. These repayments must utilize the District's administration and operations funding, reserve funds, or other local funding sources. Neither VACS Program cost-share nor current year technical assistance funding may be utilized.
4. For Contracts 10-22-001, 10-22-0031, 10-23-0010, 10-23-0054, 10-23-0056, 10-24-00012, and 10-24-0003, modifications that were designed and approved by Department's Agricultural BMP Engineering Services Program are eligible to be paid from the District's cost-share allocation, if the as-built inspections, invoices, receipts, and other documentation verify the modifications are constructed or installed in accordance with the VACS Program. All other costs associated with these contracts, including pledged buffer payments, are the financial responsibility of the District and must be paid utilizing the District's administration and operations funding, reserve funds, or other local funding sources. The District bears the sole liability for any failure or issue(s) that arises from these practices in the future.
5. The District is directed to establish an interest-bearing savings account or other appropriate financial instrument to ensure the District has the financial resources necessary to compensate producers for any failures or issues that arise from the ten contracts in items 3 and 4 above. These funds must be easily accessible to address any practice failures or other issues that arise. The District shall hold an

amount equal to 15% of the cumulative total cost (including payments made by both the District and the VACS Program) of all practices in question and shall be held for a period of 15 years for this exclusive purpose. This account must be documented on the District's Attachment E submittals. Any interest earned in the account must remain in the account. After the 15-year period expires, the interest earned on these funds must be utilized to provide funding for VACS Program eligible best management practices.

6. For the remaining structural practices not yet under construction that have either (i) no engineering plans or (ii) engineering plans that have not been designed and approved in accordance with the VACS Program guidelines, the Department's Agricultural BMP Engineering Services staff, while balancing their workload to meet the needs of other Districts, will work closely with District staff to ensure proper designs are developed, reviewed, and approved in accordance with the Program guidelines prior to initiation of construction. The District may seek assistance from qualified staff from other Districts to help develop designs for these projects in accordance with the VACS Program guidelines.
7. The District must actively begin recruiting for at least one full-time conservation technician. The District should review its administration and operations funding levels, potential VACS Program funding levels, and base technical assistance levels to assist with determining appropriate staffing levels. The District must provide updates to the Conservation District Coordinator at the monthly District Board meetings about the positions that are being hired and the anticipated timing of those hirings.
8. All District Directors are required to complete Phase I of Director Orientation. This training, including the final quiz, must be completed no later than June 30, 2024.
9. The Department will continue to provide updates on the status of VACS Program administration at the District as well as any additional actions and penalties that may be warranted in response to the deficiencies found.

Ms. Mason seconded, and the motion carried.

DAM SAFETY AND FLOODPLAIN MANAGEMENT

Division Report - Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management

Mr. Glover noted that Dam Safety staff have been extremely busy over the last few weeks due to inquiries, incidents, and failures. DCR has been working with dam owners and local governments to address the situations.

Mr. Glover noted that the application process for the 2024 Dam Safety Grant Fund had just closed. DCR received 94 applications for a total request of \$13 Million. There is \$10.6 available. Recommendations will be brought to the Board for approval at the May or June meeting.

DCR is anticipating a FEMA grant to fund three new positions including a Chief Engineer position.

APPROVAL OF PERIODIC REVIEW REPORT OF FINDINGS FOR IMPOUNDING STRUCTURE REGULATIONS (4VAC50-20) – *Christine Watlington Jones*

Ms. Watlington Jones advised that the Department was seeking approval of a periodic report of findings for the Impounding Structure regulations.

Actions to date:

- Published in the Virginia Register on 12/18/2023.
- Public comment period closed on 01/08/2024.
- 12 comments were received.
- Responses to the comments are in the report of findings document.
- Department is recommending the issuance of a NOIRA to amend the regulations, partially in response to the public comments received during the periodic review.

BOARD ACTION

Mr. Ford moved that the Virginia Soil and Water Conservation Board approves the report of findings on the periodic review conducted for the Impounding Structure regulations (4VAC50-20) and direct the Department to post the report on the Virginia Regulatory Town Hall for publication in the Virginia Register. The Board authorizes the Department to coordinate, as necessary, with the Office of Regulatory Management to develop any additional documents, including the economic review form, needed to file the results of this periodic review.

Mr. Arnason seconded, and the motion carried.

APPROVAL TO INITIATE NOTICE OF INTENDED REGULATORY ACTION OF THE IMPOUNDING STRUCTURE REGULATIONS (4VAC50-20) – *Christine Watlington Jones*

Ms. Watlington Jones advised that this recommended regulatory action will consider amendments to the Virginia Soil and Water Conservation Board's Impounding Structure regulations. Additionally:

- The Board is undertaking this regulatory action in response to comments received during a periodic review, as well as recognizing that amendments and clarifications may be needed in certain areas of the regulation.
- Specifically, the Board authorized this regulatory action to consider concerns related to: (i) roadways on or below an impounding structure for hazard potential classifications; (ii) the incremental damage analysis process; (iii) the potential expansion of special criteria low hazard dams; and (iv) simplifying the emergency preparedness plan requirements.

BOARD ACTION

Ms. Mason moved that the Virginia Soil and Water Conservation Board authorize the Department to convene a regulatory advisory panel to make recommendations on potential regulatory changes, to hold

other stakeholder group meetings as it deems necessary, and to prepare a draft proposed regulation and any associated documents for the Board's review and consideration. The Board directs the Department to conduct these activities in accordance with the Administrative Process Act, Executive Order 19 (2022), and all other applicable laws, policies, and procedures. Additionally, the Board authorizes the Department to coordinate, as necessary, with the Office of Regulatory Management to develop any additional documents needed to file this Notice of Intended Regulatory Action.

Mr. Ford seconded, and the motion carried.

SOIL AND WATER CONSERVATION DIVISION

Division Report – James Martin, Director, Division of Soil and Water Conservation

Mr. Martin gave the update for the Division of Soil and Water Conservation. He noted the following:

- DCR continues to encourage Districts to build the capacity they need in terms of the cost-share program and funding for the Agricultural Needs Assessment.
- An important component is making sure programs are in place to get staff appropriately trained.
- DCR was able to set up a training schedule that allowed all for all the necessary courses to be completed prior to the end of the calendar year. Last year, all of the courses need to complete conservation planning certification were offered; the Department will again offer all of the required courses this year.
- Additional focus has been placed on District Director training due to the election cycle. DCR, working with partners, hopes to expand opportunities for both online and in-person training.

Mr. Martin advised that DCR is moving forward with the modernization of the Conversation Application Suite. An IT consultant was brought in to review the requirements for an updated system. This is an ongoing project.

DCR has entered into a contract to expand the perennial stream data layer that was developed for the Chesapeake Bay portion of the state. This will be expanded to the remainder of the state.

Mr. Martin advised that four division staff members have accepted positions with Districts. Mr. Martin reminded the Board that while Districts have received increased funding over the last several years, the Department's funding for positions has remained relatively flat. The Department is no longer as competitive an employer as it once was.

The Board discussed developing a letter to be provided to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Mr. Ford asked if this could be an item for discussion on the April agenda.

APPROVAL OF BUDGETS FOR WATERSHED IMPROVEMENT DISTRICTS – *Christine Watlington Jones*

Lake Barcroft Watershed Improvement District (LBWID)

Ms. Watlington Jones noted the following:

- At the beginning of FY 2025, the LBWID anticipates a balance of \$2,133,043 distributed among four reserve funds (operations, dredging, general capital, and general reserves).
- The LBWID expects to collect property tax revenue of \$1,458,000 (a 5.5% increase over FY 2025) and identifies other available modest income sources, which will provide \$3,603,043 in available funds.
- The planned FY 2025 budget expenditures of \$1,464,250 include \$1,054,250 for operating expenditures (personnel, administration, overhead, environment, maintenance, and equipment), \$250,000 for dam renovation projects (including ingress and egress improvements to the WID operational facility), \$110,000 for dredging and silt removal, and \$50,000 for general capital expenditures (including the biennial recertification of the dam). An ending balance of \$2,138,793 is expected.
- Throughout the remainder of FY 2024 and into FY 2025, the LBWID will focus on the six-year recertification plan for the dam, evaluate the impacts of increased stormwater runoff on the lake and dam, and continue their efforts to secure a long-term location for dredge spoil disposal.

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the Lake Barcroft Watershed Improvement District FY2025 budget as submitted by the Northern Virginia Soil and Water Conservation District and presented by the Department.

Mr. Wilson seconded, and the motion carried.

Timberlake Watershed Improvement District

Ms. Watlington Jones noted the following:

- Principal balance is now \$497,731
- Tax rate remains constant at \$0.15 per \$100 value on total property assessments.
- Anticipated expenses:
 - Operating expenses \$4,500
 - Interest expenses \$18,761
 - Loan Amortization \$34,431
 - Total \$57,692

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the Timberlake Watershed Improvement District FY2025 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Department.

Mr. Schick seconded, and the motion carried.

AGRICULTURAL BMP COST-SHARE MANUAL AMENDMENTS – *Christine Watlington Jones*

Ms. Watlington Jones reviewed the recommended changes to the Agricultural BMP Cost-share Manual. She noted that the Board would not take action at this meeting.

1. Matrix of recommended changes to the BMP specifications
 - There are a couple of recommended changes that should be highlighted:
 - SL-7 and SL-10
 - Department opposes recommendation from AgBMP TAC
 - Recommendation authorizes payment for meeting same activities under 2 different specifications
 - Prescribed grazing plan required in both practices; utilizes the same standard in both practices
 - There seems to be confusion in the implementation of these practices.
 - Department is recommending sending both specifications to this year's TAC for revisions to potentially redefine the purpose and requirements of each specification.
 - Minor revisions to language related to animal waste specifications – nutrient management (WP-4 suite of practices)
 - Language amendment recommended by Department:
 - Adding “under the producer’s control”
 - Clarifies that producer is only responsible for acreage that is receiving manure that he or she has actual control over.
 - Recommending clarifying language to certain cover crop specifications
 - Have received questions lately about the land uses where cover crop practices can be applied – relevant to SL-8B, SL-8M, SL-8H, and WFA-CC.
 - Language would be included in Description and Purpose section:
 - “For the purposes of this practice, cropland includes land used for production of row crops for harvest.”
 - Covers the definition of land use where cover crops are applicable used by Chesapeake Bay Program
 - Several minor revisions to animal waste specifications
 - Reflect how practice information will be entered into Tracking Module and clarifications
 - Edits don't change any rates or the applicability of the specification
 - Letter from Shenandoah Valley about NM-6 (Manure Injection)
 - Subcommittee did discuss increasing the payment rate
 - Suggestion did not move forward
2. Department recommended changes to other sections of the Manual
 - i. Guidelines
 - The Department has made editing revisions throughout this section to update dates and to correct spellings, punctuation, and formatting errors. Revisions,

such as practice names changes, have been made to reflect recommendations made by the AgBMP Technical Advisory Committee (TAC).

- Eliminated reference to a map showing District boundaries that was removed from the Manual several years ago; language now refers to the map included in the Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost Share and Technical Assistance Funding Allocations
- References to the 2022 agricultural non-point source ranking of the units of the Virginia National Watershed Boundary Database (NWBD) have been updated to reflect the latest revisions in 2024. Removed reference to the Non-Point Source Pollution Assessment (NPS Assessment) being included in the Department of Environmental Quality's 305(b)/303(d) report.
- Language has been added that requires Districts to utilize their approved average cost list to develop cost estimates for VACS cost-share contracts.
- Revisions have been made to the language regarding conservation plans. Conservation plans must be developed and approved prior to the District Board approving cost-share funding for any practice. Additional language describes what constitutes a complete plan.
- Minor revisions have been made to the section describing resource reviews to provide additional clarity and to update data used by resource review partners. Additional language has been added authorizing for deviations from practice standards and specifications when there is a conflict between the practice standard and a requirement from a resource review partner.
- Additional language has been added to clarify necessary documentation in the VACS cost-share files. Language has also been added that references the administrative cost-share file review process and form.
- Language has been added to reflect recommendations of the TAC regarding the ability to provide additional carryovers of certain practices.
- The example has been updated to clarify the return of payment procedures for practices that have failed or been destroyed.
- Updated revisions – related to comments received regarding conservation plans and verification inspections to include CREP practices

ii. Tax Credit

- Revisions have been made to reflect actions by the 2024 General Assembly in HB1015, SB297, and SB298 extending the sunset clause of both the agricultural best management practices tax credit and the conservation tillage and precision agriculture tax credits.
- Revisions have been made to reflect the revised process established by the Department of Taxation for requesting and claiming tax credits.
- Minor editorial edits have been made throughout the section (deleting reference to TCIP, striking reference to form numbers, and correcting misspellings).

iii. Poultry Litter

- Added a deadline of October 31st for all paperwork and necessary documentation to be received by the Department for the previous program year.
- Removed references to the Virginia Poultry Federation as they are not currently contributing to the program.
- Removed integrator references for Accomack litter as that was directly tied to the Virginia Poultry Litter Federation billing requirements.
- Included new counties that may participate in the program.
- Additional minor amendments, including formatting corrections, have been made to the documents as well.

iv. Glossary

- Definitions of “pre-sidedress nitrate test (PSNT)” and “soil (fall) nitrate test” have been added to reflect the recommendation made by the AgBMP Technical Advisory Committee.

v. Other documents

Cover of Manual:

- Dates have been updated to 2025

Schedule:

- Dates have been updated to 2024 and 2025
- Removed specific date reference for secondary considerations
 - Districts must have adopted secondary considerations prior to approving any cost-share applications but the adoption may occur at any time prior to approval.

Table of BMPs:

- Revision dates have been updated
- Names and specifications have been updated to reflect recommendations of the TAC and the Department
- A new column has been added with the expected lifespan of the practice

Administrative Review Checklist:

- Revisions have been made to clarify how many plans should be reviewed and what type of plans should be reviewed
- Revisions have been made to clarify that the files reviewed will be selected at random and should not be the same files selected for verification inspections
- Revisions have been made to clarify what items are being reviewed in the file

Virginia Agricultural Voluntary Best Management Practice (BMP) Assessment Authorization

- Is currently in both the Voluntary Reporting Program section and the Glossary
- Recommending the form be removed from the Voluntary Reporting Program section

APPROVAL OF DISTRICT DIRECTOR RESIGNATION AND APPOINTMENTS – *Christine Watlington Jones*

Ms. Watlington Jones presented the list of District Director Resignations and Appointments.

Eastern Shore

Appointment of Ms. Helene Doughty, of Northampton County, effective 3/27/2024, to fill the vacant Extension Agent appointed director (term of office expires 12/31/2024).

Halifax

Resignation of Ms. Rebekah Slabach, of Halifax County, effective 1/17/2024, Extension Agent appointed director (term of office expires 12/31/2024).

Appointment of Mr. Jason Fisher, of Halifax County, effective 3/27/2024, to fill the vacant Extension Agent appointed director position (term of office expires 12/31/2024).

Henricopolis

Resignation of Mr. Edward Olsen, of Henrico County, effective 1/19/2024, Extension Agent appointed director (term of office expires 12/31/2024).

Appointment of Ms. Kimberly Edmonds, of Henrico County, effective 3/27/2024, to fill the vacant Extension Agent appointed director position (term of office expires 12/31/2024).

Monacan

Appointment of Ms. Erin Small, of Goochland County, effective 3/27/2024, to fill the vacant Extension Agent appointed director position (term of office expires 12/31/2024).

Shenandoah Valley

Resignation of Mr. Matt Booher, of Rockingham County, effective 2/1/2024, Extension Agent appointed director (term of office expires 12/31/2024).

Appointment of Ms. Elizabeth Baldwin, of Page County, effective 3/27/2024, to fill the vacant Extension Agent appointed director position (term of office expires 12/31/2024).

Southside

Resignation of Mr. Cornell Goldman, of Charlotte County, effective 1/19/2024, At-Large appointed director (term of office expires 12/31/2026).

Appointment of Mr. Terry Rutledge, of Lunenburg County, effective 3/27/2024, to fill the vacant At-Large appointed director position (term of office expires 12/31/2026).

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the appointments of the individuals being recommended.

Mr. Ford seconded, and the motion carried.

PARTNER REPORTS

Natural Resources Conservation Service

Dr. Martinez presented the report for NRCS. A copy is included as Attachment A.

Virginia Cooperative Extension

Mr. Lail presented the report for Virginia Cooperative Extension. A copy is included as Attachment B.

Virginia Association of Soil and Water Conservation Districts

Dr. Tyree presented the report for the Association. She commented that she hoped Board members had the time to network with District staff in the room. She noted that it was a testament to the important decisions being made by the Board that there were so many District staff members in attendance.

Dr. Tyree noted that Districts are dealing with historic agricultural cost-share funding. She thanked the partners in the room who advocated for the Association and noted that the level of funding provided will require additional training for District staff.

The Association is working closely with DCR to provide new director training. She noted that the Districts have seen significant turnover in elected Directors.

Five of six Area Meetings have been held in 2024.

Dr. Tyree noted that upcoming open Board member positions for Area 6 and Area 3 will come before the Board. The Association will provide recommendations in consultation with other partners. New names will be brought forward at the next meeting.

The Association Board will meet on April 3 in Richmond.

The state Envirothon competition is May 19-20. Board members were invited to volunteer.

Scholarships and applications are being processed for Youth Conservation Camp.

New director orientation training has been provided online. The hope is to have all new directors trained by June 30. Current directors and Board members are also encouraged to take this training.

The Foundation golf tournament is on May 8. The tournament raises scholarships for Association programs.

Virginia Farm Bureau Federation

Ms. Moore gave the update for the Virginia Farm Bureau Federation. She expressed appreciation for the collaborative approach with partners in working with with the General Assembly this previous Session. She advised that there are still engineering backlogs as well as delays in producers receiving nutrient management plans. The additional funding provided will help tremendously in these areas.

Ms. Moore noted that there was a forty percent turnover in the Virginia legislature. Virginia Farm Bureau has been working to educate the new members.

Virginia Farm Bureau is also concerned about the loss of farmland in Virginia. One of the key pieces of legislation that Virginia Farm Bureau was involved with this Session changed moved the Office of Farmland Preservation from VDACS to the Office of Working Lands at DOF.

PUBLIC COMMENT

Mr. Fleming from the Virginia Dare SWCB presented the following prepared statement:

Dear VSWC Board members:

These three requests are being made on behalf of three entities. The first is being made on behalf of the Virginia Association for Biological Farming (VABF.org), of which I am a member of the Public Policy Committee. The second request is from me as a Virginia Dare Soil and Water Conservation District Director. The third request regarding fescue is from me as an individual.

First, the current Agricultural Best Management Practices (BMP) includes several important practices for the use of cover crops. The types of cover crop plants are largely based on grains, some legumes, and some brassicas. There is room for improvement.

The Sustainable Agriculture Research and Education (SARE) organization also recommends the use of cover crops, but their recommended list of plants is more extensive than the current Ag BMPs. The enclosed table shows the differences. Also, under SARE's manual the use of the cover crops is more diverse. The increased plan diversity has several advantages to soil enrichment. A richer diversity of a mix of cover plants reportedly can produce better soil organic matter and deeper root structures. Finally, SARE points out that over crops provide grazing opportunities to improve the diets of cattle and other animals, a practice that is not included in the current BMPs.

Therefore, I recommend that:

1. The Virginia Soil and Water Conservation Board directs the Technical Advisory Committee to expand the number of cover crop plants included in the Virginia Ag. BMPs based on the SARE manual.
2. The Virginia Soil and Water Conservation Board directs the TAC to modify the cover crop BMPs so that farmers can use cover crops as food resources for grazing and ruminant animals.

These changes should help with soil restoration, which is consistent with the goals of the Virginia Soil Health Coalition. I expect that a representative from the VABF would be willing to assist the TAC to improve these cover crop BMPs.

Second, as a SWCD director, I have heard farmers describe problems implementing current cover crop practices because the start and end dates do not make sense for their farm, weather, and dates, as examples. Many of these farmers have years of field experience and experimentation that could be applied for the benefit of all other farmers. I suggest that some of these farmers who have considerable cover crops and no-till/low-till experience be included in the Technical Advisory Committee. One farmer that I had talked to had recommended Mark Spiers as a TAC member. There are certainly others that have important ideas that will further improve our Virginia soils.

Third, during my own investigations and a presentation by VCE last year, it has been shown that tall endophyte fescue can harm livestock and result in dystocia, a retained placenta, poor thermoregulation, fat necrosis, low feed intake, low weight gain, low birth and weaning weights, poor conception rates, and poor milk production. Cattle can develop fescue foot, and some cattle can abort their calves. However, there is nothing in the current BMPs that prevents the BMPs from subsidizing the application of harmful endophytic fescues onto grazing land or for cover crop applications. I ask the Virginia Soil and Water Conservation Board to direct the Technical Advisory Committee to bar any use of toxic endophyte fescue varieties, such as Kentucky 31, from application to Virginia farmlands and endorse what are currently described as novel non-toxic fescue seed varieties.

Thank you.

NEXT MEETINGS

Monday, April 22, 10:00 a.m.
Twin Lakes State Park

May/June to be determined.

ADJOURN

There was no further business and the meeting adjourned at 12:01 p.m.

ATTACHMENT A

NRCS REPORT
Virginia Soil & Water Conservation Board Meeting
Wednesday, March 27, 2024
Bear Creek Lake State Park, Cumberland, VA, 23040

STC Highlights

- **Staffing Updates:** We currently have 173 full time employees on board. Our target goal is 185 by the end of the Fiscal Year.
- **State Budget:** Our FY24 state budget is \$100M, this is due to the additional funding coming from the Inflation Reduction Act.
- **Programs:** Virginia NRCS is currently utilizing **ACT NOW** to process conservation applications in some ranking pools to promote faster review and action. ACT NOW allows NRCS to immediately approve and obligate a ranked eligible application in a designated ranking pool when the application meets or exceeds a state-determined minimum ranking threshold score. This eliminates the previous need to wait for all applications to be reviewed and preapproved in a ranking pool.
 - To date for FY24 - obligated 2.2 million across 122 contracts.
- **Conservation Innovation Grants** – We have funded over 44 CIG projects in Virginia since 2010, over \$6.6M. NRCS will also have a Notice of Funding Opportunity for CIG. Our proposed 2024 State priorities, under FB and/or IRA funding authorities include: Soil Health (\$900,000), Tribal Applicants (\$50,000), Urban Applicants (\$50,000), and Forestry Applicants (\$50,000).
- **Local Work Groups (LWG):** We are currently working on our FY24 LWGs for Virginia. As part of this year’s process, we’re planning a ~~potential~~ training to increase consistencies across the state. Our goal is to be champions and role models on how to complete this process effectively, while providing valuable feedback to our stakeholders.
- **State Technical Committee meeting:** Our next meeting is scheduled for April 24th at the USDA-NRCS State Office.
- **WEWAI Training** - Currently, the National Office is evaluating a potential training opportunity to be hosted here in Virginia in 2024: Working Effectively with American Indians (WEWAI). Once details are available, we will share with our conservation partners to determine their interest.
- **Grants and Agreements** - Virginia remains a model of technical excellence, innovation, and sound fiscal management. Our strong partnership focus is paving the way for collaborative conservation.
 - In FY23 we funded 7 new agreements working with 8 conservation partners. Putting about \$2.9M in the state to assist with education, outreach, technical assistance, staffing capacity, development of new partnerships, and increasing conservation implementation in the state.
 - This year, we are working on three Notice of Funding Opportunities: one for cooperative agreements for outreach and technical assistance (\$4 million), and two grants, one for Tribal Conservation Grants (\$250,000) and one for Urban Agriculture Conservation Grants (\$250,000).

- **Trainings** - NRCS is coordinating with other conservation partners to offer joint training opportunities for our staff and partners in Virginia, an example of this is last's years Agroforestry training.
-

ASTC-Programs (ASTC-P)

- **Environmental Quality Incentive Program (EQIP)**
Received 1,318 EQIP applications, ranking is underway for eligible applications. EQIP allocation is \$21.2 million. EQIP-IRA allocation is \$28.6 million. 125 EQIP applications are currently obligated for \$2.2 million (15 are IRA contracts).
- **Conservation Stewardship Program (CSP)–Classic, Renewals & GCI**
Received 370 CSP- Classic applications. CSP classic allocation is \$13.8 million. Obligated 58 CSP Renewal contracts with total funding of \$2.6 million. CSP-IRA allocation is \$9.2 million.
- **Regional Conservation Partnership Program (RCPP)**
Five active FB14 agreements. Eight active FB18 agreements. Agreements totaling \$41.2 million. Sixty-four FY24 applications with funding requests for \$3.3 million.
- **Agricultural Conservation Easement Program (ACEP)**
Received 22 ALE applications with funding requests for \$14.9 million on 10,226 acres. 11 ACEP-ALE acquisitions underway. 1 ACEP-WRE restoration in progress. 145 existing recorded easements totaling 16,606 acres of land protected and monitored. One WRE application totaling 851 acres.
- **Conservation Innovation Grants (CIG)**
2024 Virginia CIG Notice of Funding Opportunity opened March 11, 2024, and closes May 10, 2024. The recommended proposals topics were Soil Health, Urban Ag, Tribal and Forestry. Four CIGs totaling \$895,243, with partners like Virginia Tech, Sustainable Chesapeake, Virginia State University. Two contribution agreements with Virginia Department of Wildlife Resources and the Department of Forestry totaling 183,235; One USDA agreement with Virginia Forage Grassland Council totaling \$297,223.10; One Contribution Agreement with Virginia Tech for Agronomist totaling \$1.1 million; One-VPA-HIP Agreement with DWR totaling \$2.9 million. Closed out CIG agreements for 2018-2021.

Engineering (SCE)

Staffing Updates

- Kelly Ramsey is currently the acting State Conservation Engineer (SCE), effective 1/15/24.
- The Watershed Dam engineer was advertised, no applicants to interview.
- Currently interviewing applicants for the Environmental Engineer position.

Dam Rehabilitation

- **Cherrystone Creek 1 and Cherrystone Creek 2A**
Pittsylvania County is leading the locally led design effort for rehabilitating the structures. Pittsylvania County has retained Schnabel Engineering as its consultant. The design process is ongoing. The designs are estimated to take 18 to 24 months.
- **Beaver Creek 1**
The Rivanna Water and Sewer Authority (RWSA) is leading the locally led design effort for rehabilitating the structure. RWSA has retained Schnabel Engineering as its consultant. The design is estimated to take 18 to 24 months.
- **John's Creek 1**
Mountain Castles SWCD is leading the locally led design effort for rehabilitating the structure. DCR is currently assisting Mountain Castles SWCD in obtaining a consultant. The design is estimated to take 18 to 24 months.

Emergency Watershed Protection (EWP)

Emergency Watershed Protection (EWP)

NRCS is providing disaster assistance to Buchanan County through the Emergency Watershed Protection Program (EWPP) for a rain event in the Hurley area on August 2021 (estimated 6-8 inches). NRCS and Buchanan County completed damage survey reports (DSRs) for 4 county-identified sites. Funding for 3 eligible sites was received in mid-January 2022 and the EWP agreement was finalized on March 15, 2022. The County obtained all the necessary permits and started construction in June 2023. Construction will be finalized by June 30, 2024.

State Resource Conservationist (SRC)

Staffing Updates

- Business Tool Specialist position job announcement went out on 3/8/2024.
- We are working on the HEL & Wetland Compliance Specialist position.

Technical Tools (Field Office Technical Guide)

Continue to maintain the Virginia Field Office Technical Guide (FOTG) as a repository of technical resources and references to include conservation practice standards, technical notes, planning criteria, resource concerns, conservation practice physical effects, cost lists and the Virginia Plant Establishment Guide.

Bulletins/Notices released:

- Nothing was released.

Training to Field Staff

- **Webinars:**
 - **Urban Agriculture Training (1/10/2024)**
 - VA NRCS Ag Soil Erosion & RUSLE2 Assessment (1/24/2024)
 - FSA Compliance Revision Training (2/7/2024)
 - ArcGIS Pro: Tips & Tricks (2/21/2024)
 - Job Approval Authority Training (3/6/2024)
 - EWP Training & Urban Agriculture & Small-Scale Farming Overview (3/20/2024)
- **Staff/Partnership Trainings**
 - CD/CART Training (1/17/2024)
 - CSP In-person Training per area
 - SWCD-Partnership Erosion Training & Certification Program (3/27/2024)
 - RCCP Training (2/22/2024)
 - State and Local Resources for Establishing Silvopasture Webinar (2/27/2024)
- **Staff Training/Outreach Events**
 - VA No Till Alliance (VANTAGE) Winter Conference
 - Novel Endophyte Fescue: A Technological Solution to a Toxic and Costly Problem (1/17/24)
 - VFGC Winter Forage Conference (1/23,24,25,26/2024)

Customer Service and Outreach

- Virginia Crop Production Association Crop Summit (1/16 &18/2024)
-

State Soil Scientist (SSS)

National Resources Inventory grazing land data collection training for staff teams will be conducted the first week of May.

The new SSURGO portal has been released. Since Arc Map is being retired, and Arc Pro taking its place. Arc Pro does not recognize MS Access databases which were used for the soils tabular

data. SSURGO portal uses SQLITE and does the same things as before with soils tabular data a great deal faster.

Soil Survey Update

MLRA soil survey office is working on renaming a few soil map units in Hanover County. They were named as Udults-Ocrepts on differing slopes. The project plans on studying the soil map units to give them soil series names and refine the data to give better soil interpretations.

The Currituck Sound coastal zone soil survey mapping project is set to begin this year.

Partnerships & Initiatives (P&I)

- Two new **National Equity Agreements** have been awarded for Virginia in 2024.
 - **Africulture**, to assist historically underserved farmers and ranchers in Virginia in accessing NRCS services, including technical assistance, which may lead to enrolling in NRCS farm bill programs such as EQIP and other Conservation programs. As a minority owned and led organization with experience and the target area of Virginia, Africulture will effectively perform agricultural outreach to historically underserved farmers and ranchers, including African American, Veteran, Limited Resource, and Beginning Farmers, as well as students. The goal of this project is to equip socially disadvantaged producers with the tools and skills needed for them to successfully access and utilize NRCS programs and services.
 - **M.A.D. Krew Worldwide, Inc**, to engage historically underserved producers to adopt no tillage, climate-smart conservation practices within the Tidewater Region of Virginia and encourage participation in NRCS conservation programs. The overarching objective of this project is to create a support system for beginning, historically underserved, and socially disadvantaged farmers to facilitate and support them as they begin working with NRCS. To do this the recipient will:
 - Create a network of beginning farmers for the purpose of supporting and encouraging conservation practices amongst producers within the Tidewater Region of Virginia.
 - Assist producers to mitigate the impact of extreme climate conditions through instruction and hands-on demonstration of climate-smart conservation practices.
 - Increase NRCS's ability to incorporate an increased quantity of socially disadvantaged farmers by creating an awareness of NRCS planning process and program implementation to underserved communities and historically underserved producers.

- Increase the number of socially disadvantaged farmers who understand the planning and process of working with the FSA and NRCS.

- The USDA's Natural Resources Conservation Service (NRCS) is accepting applications for a **\$6.1 million competitive grant program designed to improve access to fresh and healthy foods in urban areas** where such access is either limited or unavailable. The program will be administered by NRCS' **Office of Urban Agriculture and Innovative Production**. Applications must be made online at grants.gov and must be filed before midnight on April 9, 2024, to be considered for funding in the current fiscal year.

- **State Tribes Summit** - NRCS Virginia is leading an effort to host a 2024 State Tribal Summit for the non-federal recognized state tribes. This summit will be like what we held for Federally Recognized Tribes back in 2022.

- This year, we are working on three **Notice of Funding Opportunities**: two grants, one for Tribal Conservation Grants (\$250,000) and one for Urban Agriculture Conservation Grants (\$250,000) and one for cooperative agreements for outreach and technical assistance (\$4 million).

ATTACHMENT B



Virginia Cooperative Extension

Virginia Tech • Virginia State University

www.ext.vt.edu

Report to the Virginia Soil and Water Conservation Board

March 27, 2024

Throughout 2023, the VCE Natural Resources Management Program (NRM) conducted over 105 trainings, workshops, conferences, classes, and clinics (both in-person and online) that attracted over 9,441 participants. In addition, NRM programs helped at least 3,600 well-owners, and potentially 17,000 septic tank installations. Participation led to changes in management strategies and the development of skills to positively impact water quality. Examples of NRM Program offerings follow.

- The **Soils and Septic Program** (with the Virginia Department of Health) produced an Extension publication series to educate homeowners about their septic systems. The program also offered two four-week training programs for VDH employees. The overall goal of the training was to provide participants with the skills to properly assess the likelihood of failure of septic system design permits submitted to the department.
- Helping Virginia's 500,000+ private woodland owners sustainably manage their forests is the main goal of the **Virginia Forest Landowner Education Program (VFLEP)**. VFLEP offered a total of 13 classes, three landowner retreats, six field tours, 11 newsletter articles and publications, and 17 videos on sustainable forest management, including protecting water quality during those management activities. Over 1,000 woodland owners, who own over 790,000 acres, participated in one of these educational activities.
- The **Virginia Geospatial Extension Program (VGEP)** provided virtual and in-person workforce development programs, demonstrations, and developed learning resources and curricula to support Virginia's educators and communities. The VGEP published a remote sensing book in 2023, available for free through Amazon Unlimited and PressBooks. This book was ranked #1 by Amazon in both the *GIS* and the *New Release in Remote Sensing* categories. The VGEP continues to expand its *Mapping with Drones* program through workshops targeting diverse stakeholders, including the private sector and educators, to response to Virginia's future industry diverse stakeholders.
- The **Virginia Household Water Quality Program (VAHWQP)** held 82 drinking water clinics serving participants from 91 counties. In 2023, 3,611 samples from private water supplies that provide water for 8,866 Virginians were tested. Statewide about 38% of all samples did not meet the EPA standard for public systems for total coliform bacteria, 5% were positive for *E. coli*, and 6% of samples exceeded the recommended level for lead in water that had been stagnant in the plumbing system for at least six hours.
- The **Virginia Master Naturalist (VMN)** program, a corps of volunteers, contributed to natural resource conservation statewide. Water resources were a key topic of 30 basic training courses reaching 516 new volunteers and preparing them to conduct education, citizen science, and stewardship projects.

- There were over 3,300 commercial forest harvesting operations on over 157,000 acres of Virginia forestland in 2023. Proper harvesting practices are critical to ensure protection of water quality on these operations. The **Virginia SHARP Logger Program** provided training to natural resource professionals on the principles of sustainable forestry, environmental protection, and workplace safety. In 2023, 18 such classes were held, reaching 536 professionals.

- **Youth natural resources education and literacy** efforts reach over 7,500 youth annually by distributing 7,500 hardwood seedlings to youth in more than 60 counties as part of our “Growing Kids and Trees” project. This \$13,000 statewide project is funded by the Virginia Forest Education Foundation, Virginia’s Electric Cooperatives and Huber Engineered Woods. Research has shown that planting a tree gives youth a sense of ownership along with stewardship of the land they may have decisions for in the future. Other youth natural resources literacy efforts included teaching forestry topics to 60 teens at Camp Woods and Wildlife and 24 youth at a Watershed Adventure Camp. Members of the NRM Team have also partnered with K-12 schools on Virginia Cooperative Extension 2

- Meaningful Watershed Educational Experiences and taken leadership roles in Envirothon, 4-H National Forestry, FFA Forestry, and other natural resources contests.
- Owners of the approximately 80,000 small farm impoundments in Virginia want productive and healthy fish populations, which entails controlling nuisance aquatic plants and maintaining pond structure. An in-depth course covering the management of small impoundments was developed by the Small Pond Management Program in response to this demand and was delivered by Extension agents in five counties for 39 participants.
- Continuing education, technical assistance, and applied research in urban and community forestry were carried out by multiple faculty and staff affiliated with the NRM program team. A pilot study of a new stormwater bioretention system was initiated on the Virginia Tech campus in cooperation with the US Forest Service, VDOF, and the Virginia Nursery and Landscape Research Foundation.
- The **Sustainable Biomaterials Department** provided training and Extension materials to help sawmills with their lumber drying process. The focus was not only on steps to improve the quality of the lumber but also on reduction of costs, including a more efficient use of electricity, natural gas, and water.

Participants in NRM Programs increased their awareness of water quality issues, developed favorable attitudes towards sustainable natural resource management, and implemented sustainable management practices. Examples of sustainable management practices implemented as a result of NRM Programs include:

- NRM energy programming reduced particulate matter emissions from an on-farm manure-to-energy unit by 95% to help enhance farmer nutrient management options of approximately 620 tons of poultry litter per year in a phosphorus-loaded watershed while using renewable energy. A nine-part informational webinar series on utility-scale solar in Virginia reached more than 1,300 participants to raise awareness on project development experiences, considerations, and resources.
- VFLEP participants created a list of ownership goals (78%), obtained written woodland management plans (56%), and met with natural resource professionals (76%); all steps towards sustainable woodland management.
- Participants of VAHWQP took the following actions since participating in the 2023 clinics: shock chlorination (14%), followed by installing or improving the function (19.8%) of a water treatment device; using bottled water (10%); performing maintenance on a well or moving a source of potential contamination (8.5%), and; pursuing additional testing (5%). Participation in a VAHWQP clinic is designed to encourage subsequent, annual testing using a commercial lab. If delivered commercially, the value attributed to the VAHWQP drinking water clinics offered in 2023 would be \$1,155,520. The cost to the 2023 participants was \$234,715, a cost savings of approximately 80%. Furthermore, donations or grant funding were used to subsidize water testing for over 600, or one-fifth, of participants.
- More than 1,500 VMN volunteers participated in waterway cleanups, assisted with riparian buffer plantings, collected chemical and biological monitoring data on surface waters, or helped restore

Chesapeake Bay oyster populations. They contributed 9,787 hours of service on these projects, valued at more than \$319,000 and significantly extending the capacity of Virginia's state and local agencies to manage our water resources.

- Seventy-six percent of participants in the SHARP Logger Program indicated they had made changes or improvements to their operations as a result of attending SHARP Logger classes. The most common changes included improved implementation of Best Management Practices for protecting water quality and improved safety.

NRM Programs work together to deliver consistent messaging about the importance of water quality and offer applied solutions for protecting and improving water quality to landowners, homeowners, natural resource professionals, volunteer stewards, and citizen scientists. Virginia Cooperative Extension
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For more information about NRM Programs:

- • Manure-to-Energy Emissions Abatement - <https://sites.google.com/vt.edu/bioenergy-emissions-abatement/home>

- • Utility Scale Solar - <https://sites.google.com/vt.edu/vceinservice121919solarfarms/home>

- • Virginia Forest Landowner Education Program – <https://forestupdate.frec.vt.edu>

- • Virginia Geospatial Extension Program – <https://virginiaview.cnre.vt.edu/>

- • Virginia Household Water Quality Program - www.wellwater.bse.vt.edu.

- • Virginia Master Naturalist program - <http://www.virginiamasternaturalist.org/>

- • Virginia SHARP Logger Program - www.SHARPLogger.vt.edu

- • Virginia Tech Sustainable Biomaterials Extension: <https://sbio.vt.edu/for-the-community.html>

Contact:

Dan Goerlich, Associate Director, Economy, Community, and Food dalego@vt.edu and/or Brian Bond, Associate Dean for Extension, Outreach, and Engagement bbond@vt.edu for more information.