

**Virginia Soil and Water Conservation Board
Tuesday, March 16, 2021, 11:00 a.m.
Electronic Meeting**

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board took place at 11:00 a.m. on Tuesday, March 16, 2021 via GoToMeeting.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Charles A. Arnason, Chair
Adam D. Wilson, Vice-Chair
Kristen Saacke-Blunk
Jay C. Ford
Pamela Mason
Charles Newton
Dr. Dahlia O'Brien
Clyde E. Cristman, DCR Director, Ex Officio
Dr. Edwin M. Martinez, NRCS, Ex Officio
Daniel Goerlich, Virginia Cooperative Extension, Invitee

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

Mario Albritton
Kat Maybury

DCR STAFF PRESENT

Rochelle Altholz, Deputy Director for Administration and Finance
Russell W. Baxter, Deputy Director for Soil and Water Conservation and Dam Safety and Floodplain Management
Darryl Glover, Director, Division of Soil and Water Conservation
Wendy Howard-Cooper, Director, Division of Dam Safety and Floodplain Management
Christine Watlington Jones, Policy and Regulatory Coordinator
Michael Fletcher, Board and Constituent Services Liaison
Nathan Burrell, Deputy Director, Government and Community Relations
Angela Ball, Conservation District Coordinator
David Bryan, Agricultural Incentives Program Manager
Denny Collins, Conservation District Coordinator
Debbie Cross, Conservation District Coordinator
Kimberly Freiberger, Policy Analyst
Jim Echols, Western Area Manager
Jaclyn Friedman, Conservation District Coordinator
Blair Gordon, SWCD Liaison
Stacy Horton, Conservation District Coordinator
Sharon Partee, Director of Finance
Robert Shoemaker, Nutrient Management Specialist

Carl Thiel-Goin, Conservation Planning and Training Coordinator
Amy Walker, Eastern Area Manager
Aaron Wendt, Shoreline Engineer
Paul Kugelman, Office of the Attorney General

OTHER PRESENT

LaVerne Calhoun, Tidewater SWCD
Anne Coates, Thomas Jefferson SWCD
Adrienne Kotula, Chesapeake Bay Commission
Matt Kowalski, Chesapeake Bay Foundation
Sam Markwith
Cynthia Miller
Martha Moore, Virginia Farm Bureau
Jason Powell, Senate Finance Committee
David Reynolds, House Appropriations Committee
Carmie Savage, Eastern Shore SWCD
Kyle Shreve, Virginia Agribusiness Council
Dr. Kendall Tyree, VASWCD
Greg Wichelns, Culpeper SWCD

ESTABLISHMENT OF A QUORUM

With seven (7) members of the Board present, a quorum was established.

CALL TO ORDER AND CERTIFICATION OF ELECTRONIC MEETING

Chairman Arnason called the meeting to order at 11:00 a.m. and read the following statement:

Good morning, I would like to call this virtual meeting of the Virginia Soil and Water Conservation Board to order.

Generally, public bodies are prohibited from meeting electronically under the provisions of the Freedom of Information Act (FOIA). However, language approved by the Governor and General Assembly in Chapter 56 of the 2020 Special Session 1 Acts of Assembly allows us to move forward with certain restrictions that I will outline below.

Before I review those provisions, please let me take a moment to review how this meeting will work. We want to allow for participation by Board members, staff, and members of the public who wish to comment. However, it is essential that we are able to manage the conversation effectively.

I am chairing this meeting today from the DCR offices in downtown Richmond. I have with me Christine Watlington Jones, Blair Gordon, and Michael Fletcher. They will assist with presentations, responding to comments, and the overall coordination of the meeting.

Please be patient with all of us as we work through this. We understand and appreciate the challenges.

Chapter 56 of the 2020 Special Session 1 Acts of Assembly, also known as the “Budget Bill,” includes language addressing the ability of public bodies to conduct electronic meetings without the need for a quorum being present in a single physical location (“Electronic Meeting”).

The Budget Bill allows public bodies to hold Electronic Meetings when the Governor has declared a state of emergency pursuant to §44-146.17 if:

“(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location;

(ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body...and the discharge of its lawful purposes, duties, and responsibilities...” §4-0.01(g).

The Budget Bill also has language regarding recordings and transcriptions of Electronic Meetings. Please be advised that this meeting is being recorded. This recording will be available to the public through the DCR website. The comments in the chat room will also be preserved as a public record. Official minutes of this meeting will be drafted and posted in accordance with regular procedures.

The Budget Bill does not allow the Board to hold an Electronic Meeting to discuss or transact business for *any purpose*. Rather, they may do so as long as the agenda items that the public body plans to take up are: (a) statutorily required or (b) necessary to continue operations and discharge lawful purposes, duties and responsibilities.

It is the Board’s responsibility to determine whether “the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location.”

At the conclusion of my remarks, I will ask for a motion for the board to make this determination. If that motion fails, this electronic meeting will end at that point.

The Budget Bill requires compliance with the provisions of § 2.2-3708.2. Therefore, in accordance with § 2.2-3708.2.D.2, public bodies must include a telephone number that may be used to notify the public body of any interruption in the telephonic or video broadcast of the meeting.

In the event that a disruption occurs, participants should contact Mr. Fletcher by phone or text at 804-317-8934.

Additionally, if there is an interruption in the broadcast, the meeting must be suspended until public access is restored.

Those provisions of the Virginia Freedom of Information Act not addressed by the Budget Bill remain in effect.

Before we continue with the business portion of the meeting, I will ask Mr. Fletcher to call the roll for Board members and anticipated staff. Other participants will be recorded through the chat window. If

you are participating by phone and your name is not called, please call or text Mr. Fletcher at 804-317-8934.

In addition, if at any time you lose connection and are unable to reconnect, please contact Mr. Fletcher at the same number.

I will now turn to Mr. Fletcher for the calling of the roll:

PRESENT: Charles A. Arnason, Chair
Adam D. Wilson, Vice Chair
Kristen Saacke Blunk
Dr. Dahlia O'Brien
Pamela Mason
Charles Newton
Jay C. Ford

NOT PRESENT: Mario Albritton
Kat Maybury

A quorum was declared present.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board certifies that the nature of the declared COVID-19 emergency makes it impracticable or unsafe for the Board to assemble in a single location and further that the agenda items to be taken up at this meeting are necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

Mr. Newton seconded and the roll call vote was as follows:

A YE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

Chairman Arnason continued:

I want to explain further how we will handle participation by board members, staff, and the public. Everyone, except the individual presenting materials for an agenda item, will be muted. Once the presentation is completed, the board members, and only board members, will be unmuted for discussion. Michael, Christine, and Blair will assist me with ensuring board members are recognized when they have questions or comments. As needed, staff will be unmuted to address questions or concerns.

Members of the public will be able to ask questions and provide input by utilizing the chat box function only. As time allows, we will respond to those questions and comments.

We will now proceed with the business of the Board as outlined in the agenda.

APPROVAL OF MINUTES FROM DECEMBER 16, 2020

BOARD ACTION

Mr. Newton moved that the minutes from the December 16, 2020 electronic meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff. Mr. Wilson seconded and the vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

DIRECTOR'S REPORT – *Clyde E. Cristman, DCR Director*

Director Cristman gave an update regarding recent actions by the General Assembly. The SWCB will address many of these funding items in upcoming meetings.

Director Cristman welcomed Jason Powell from the Senate Finance Committee, and David Reynolds from the House Appropriations Committee. He thanked both gentlemen for their assistance during the Session.

Director Cristman noted the following from the General Assembly Session.

The Governor's introduced budget included \$30,350,000 from the Water Quality Improvement Fund (WQIF) to be distributed as follows:

- \$500K for matching CREP funds
- \$500K for the Virginia Conservation Assistance Program administer by the VASWCD
- \$1M for special Nonpoint Source Reduction Programs
- \$250K for new small farm outreach program
- \$500K for the Department of Forestry Virginia Trees for Clean Waters program
- \$250K for the Department of Forestry Silvicultural program
- \$1M for DEQ Clean Water Financing and Assistance Program
- \$100 to VDH for evaluation of failed septic tank systems
- \$250 to DCR for continuation of the conservation suite application.

The balance of the WQIF funds is \$26 million for agriculture BMPs divided with \$18.2 for the Chesapeake Bay watershed and \$7.8 for the non-Bay watershed.

Additionally there was a \$9M supplemental deposit for BMPs.

The increased base funding will result in approximately \$4.5M to Districts for technical assistance.

An additional \$39M was provided during the General Assembly Session including an additional \$3.9 M to the Districts for technical assistance.

Director Cristman noted that this funding for FY22 will take the Department and the Board back to prior funding levels.

Director Cristman also noted that the appropriation for the recordation tax was \$10M. Typically, the Department only budgeted about \$7.5M. Because of the boom in the real estate market, this program may be fully funded.

Director Cristman noted that for FY21-22 funding was restored for a Dam Safety Engineer and two additional Floodplain Managers.

Director Cristman commented that Mr. Ford had asked for an update regarding the Whole Farm Approach. He noted that this approach combines many agricultural practices into one cost-share contract. A more complete update is included in the Division of Soil and Water Conservation report included as Attachment #1.

SOIL AND WATER CONSERVATION DIVISION – *Christine Watlington Jones, Policy and Regulatory Coordinator*

Approval of Lake Barcroft Watershed Improvement District's FY2022 Budget

Ms. Watlington Jones presented the proposed budget for the Lake Barcroft Watershed Improvement District (WID). She noted that this budget was submitted by the Northern Virginia Soil and Water Conservation District, and that the SWCB routinely approves this on an annual basis. She reviewed the specific sections of the proposed budget.

- Anticipates a balance of \$1,436,377 distributed among four reserve funds (operations, dredging and silt disposal, general capital, and dam renovation).
- Expects to collect property taxes of \$1,290,000 (a 3.0% increase over FY 2021, which is within the 3.5% inflation rate expected by the community) and
- Identifies other available modest income sources, which will provide \$2,733,377 in available funds.
- The planned FY 2022 budget expenditures of \$1,466,700 include
 - \$791,700 for operating expenditures (personnel, administration, overhead, environment, maintenance, and equipment),
 - \$500,000 for dam renovation projects (including ingress and egress improvements to the WID operational facility),

- \$100,000 for dredging and silt removal, and \$75,000 for general capital expenditures (including the biennial recertification of the dam).
- An ending balance of \$1,266,677 is expected.

BOARD ACTION

Ms. Mason moved the following:

The Virginia Soil and Water Conservation Board approves the Lake Barcroft Watershed Improvement District FY2022 budget as submitted by the Northern Virginia Soil and Water Conservation District and presented by the Department.

Ms. Saacke Blunk seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

Agricultural BMP Cost-Share Manual Amendments

Ms. Watlington Jones reviewed the matrix of recommended changes to the BMP specifications. She noted the following:

TAC process for this year (2020):

Due to COVID restrictions, the TAC was unable to meet in person. DCR held webinars for each subcommittee as well as the full TAC to explain the recommendations. Two-week public comment periods were held after each webinar.

Electronic meetings were held to develop the portable stream fencing specification. Development of the specification required by Chapters 1185 and 1186 of the 2020 General Assembly. Two subcommittee meetings and one full TAC meeting were held to develop, vote on, and approve the specifications.

Key changes include:

- Many suggestions were either deferred to ensure input is received from partners or tabled
- Many changes were clarifying (either conflict with statements later in the specifications or conflict with how the practice is implemented in the field)
- Cover crop planting dates have been shifted about two weeks to account for changes in the growing season (staying warm longer)
- Portable stream fencing specification – passed unanimously

Ms. Mason asked who comprised the Ag BMP TAC.

Ms. Watlington Jones responded that the TAC is comprised of stakeholders and partners. These include District technical staff, District directors, at least one SWCB member, agriculture industry groups, including the Poultry Federation, Farm Bureau, Agribusiness, environmental groups including the Chesapeake Bay Foundation, and the James River Association.

There may also be members who serve at a subcommittee level but not at the TAC level. The TAC is designed so that each group has one member representation on the full TAC. The membership is not codified.

Ms. Watlington Jones advised that the meetings are posted on the Virginia Regulatory Town Hall. Partners who have participated before are emailed. In addition the VASWCD distributes the TAC meeting information.

Ms. Watlington Jones reviewed the Department recommendations to BMP specifications and other sections of the Manual.

Guidelines

Average cost list (page 9)

This requirement reflects current policies and procedures require of Districts. Adopting the average cost list ensures that each cost-estimate is calculated in the same manner and that each participant is treated equitably by the program. This is a component of each Districts financial audit.

Ms. Watlington Jones noted that additional recommendations were sent to the board related to the ability to adjust the annual cost list during a given program year due to unexpected increased material costs.

Completion Dates and Carryover Practice Status (pages 41-43)

Revisions were made to clarify how the status of these practices are entered into the AgBMP Tracking Module.

Process for requesting cost-share funding for an EAN (pages 45-46)

Revisions were made to clarify the process to request additional cost-share funding for a practice under an "extreme act of nature" and how to correctly enter these requests in the AgBMP Tracking Module.

Transferring a BMP Cost-Share Instance or Contract (pages 47-48)

Revisions have been made to clarify the process to transfer the responsibility of a BMP to a different participant. The revisions in this process will provide an additional level of protection to sensitive personal information (e.g. social security numbers).

Ms. Watlington Jones noted that due to the use of track changes in the editing process some of the pages numbers were not formatted correctly. This will be corrected once the final version of the Manual has been approved by the Board.

Tax Credit

Three legislative proposals were passed by the General Assembly during the FY2021 Special Session 1 that impact agricultural tax credits. The agricultural BMP tax credit (§§ 339.3 and 439.5 of the Code of Virginia) was amended by HB1763 and SB1162. The equipment tax credits available to offset the cost of purchasing conservation tillage equipment and precision agricultural application (§§ 58.1-334, 58.1-337, 58.1-432, and 58.1-436) were amended by SB1163.

The changes to this section of the Manual have been made to reflect the legislative amendments.

Ms. Watlington Jones noted that there may be additional revisions to the section as the Department and the Department of Taxation determine what documentation may be needed to claim the tax credit.

CREP

This section has been amended to reflect the revised process developed in consult with the Farm Service Agency. The revised process will provide for the more efficient administration of CREP. Additionally, the Department has made editing revisions throughout this section to correct spellings, punctuation, and formatting errors.

Poultry Litter Transport

Revisions increase the amount of poultry litter allowed to be transported to 800 tons.

Additionally, revisions require the fields eligible for payment to not exceed the maximum phosphorus and nitrogen application rates established in the Virginia Nutrient Management Standards and Criteria, Revised July 2014

Glossary

Amendments were made to reflect the recommendation to reduce years of agricultural production requirement from five years to three years. Both the definition of “agricultural land” and “agricultural production” have been amended.

Additionally, the Applicant’s Self-Certification of Eligibility” form has been amended to reflect this recommendation.

Other Documents

Schedule dates were updated to 2021 and 2022.

On the Table of BMPs:

- Revision dates have been updated
- Changes have been made to reflect legislative amendments to the agricultural tax credit laws

On the VACS contract:

- Replacement of “spot checks” with “verification checks” to align with current terminology and procedures
- Revised definition of “agricultural land” to reflect recommendation to reduce years of agricultural production requirement from five years to three years
- Revised participant cap to reflect recommendation to increase cap to \$150,000
- Revised language to reflect legislative amendments to the agricultural tax credit laws
- Included information related to carryover completion dates

On the Administrative Review Checklist, minor revisions were made to:

- Address how to handle questions regarding engineering job approval authority;
- Clarify when resource reviews (instead of a CPA-52) must be completed;
- Correct reference to agency name;
- Remove reference to Con-6 notes; and
- Require information entered into the AgBMP Tracking Module is accurate.

Approval of Small Herd Initiative

Ms. Watlington Jones advised that the Small Herd Initiative is targeted towards producers with herds of 20-35 bovines (e.g. cows, calves, bulls, steers, heifers, etc.) within Virginia’s Chesapeake Bay watershed. Producers must be eligible for funding through the VACS program – three or more years of \$1000+ in verifiable agricultural income on five or more contiguous acres of land.

Due to limited funds, this initiative will initially target producers in the following seven Soil and Water Conservation Districts, located, largely within the Piedmont physiographic region of Virginia.

- Culpeper
- John Marshall
- Lord Fairfax
- Loudoun
- Peter Francisco
- Piedmont (Chesapeake Bay watershed only)
- Thomas Jefferson

Ms. Watlington Jones noted that in order to be eligible, the participant must own a total of only 20-35 bovines on the date of sign-up as documented on the Contract Part I.

Funding will be available from DCR on a first-come, first served, non-competitive basis. Each participant is eligible only once for a maximum of \$25,000 in cost-share. Participants can choose from any available PY22 VACS livestock exclusion practices.

The Small Herd Initiative can fund up to 100% of the cost of the practice depending on the practice chosen, as well as buffer width and lifespan options chosen by the participant, up to the \$25,000 maximum.

Ms. Watlington noted additionally:

- Funds provided through the Small Herd Initiative will not impact VACS participant caps for other practices.
- Small Herd Initiative funds cannot be piggybacked with VACS, 319 TMDL, EQIP or any other funding sources for a stream exclusion practice.
- Unless otherwise noted within this framework document, all normal VACS Program Guidelines apply to the Small Herds Initiatives (e.g. Carryovers, Hardship, Practice Failures, Verifications).
- Each District is responsible for determining the participant's eligibility for funding, including VACS eligibility requirements and herd size at the time the Contract Part I is signed.

The Virginia Soil and Water Conservation Board approved the following motion on December 16, 2020.

The Virginia Soil and Water Conservation Board directs the Department to hold in reserve a total of \$2.26 million for a proposed Small Herd Initiative. Of the \$2.26 million, \$2.0 million shall be for practice implementation funding and \$260,000 shall be held for technical assistance funding for Soil and Water Conservation Districts.

BOARD ACTION

Ms. Mason moved the following:

The Board approves the Small Herd Initiative as presented by the Department. The Department is authorized to develop any forms or documents needed to facilitate the implementation of this Initiative.

Prior to any funding being transferred to the District for this Initiative, a grant agreement or Memorandum of Understanding, whichever is determined to be most appropriate, must be fully executed by the Department and the District.

Mr. Newton seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

Approval of Mobilization Payment Pilot Project

Ms. Watlington Jones noted that in 2020, several suggestions involved finding ways to spread out cost-share payments to improve cash flow for producers and to reduce the tax burden associated with one large cost share payment, similar to how the Natural Resources Conservation Service (NRCS) structures their Farm Bill contracts. Currently, DCR is unable to implement a component-based contract and payment system similar to the national system utilized by NRCS.

Ms. Watlington Jones advised that many contractors request a mobilization fee, which is an upfront flat rate or percentage-based payment required of the producer before any available resources are directed to the construction of the best management practice by the contractor.

The MPPP will thus provide a partial cost-share payment to the producer, called a “mobilization payment”, which will cover the contractor’s mobilization fee. DCR hopes that providing this mobilization payment early in the process will enable the producer to work with a contractor more effectively and efficiently to have the best management practice installed in a timely manner.

Alternatively, in cases where the participant will be doing his/her own work to install the best management practice, this mobilization payment will improve cash flow for the initial purchasing of materials needed to begin construction.

Ms. Watlington Jones reported that four District Board have officially voted to participate:

- Daniel Boone;
- Lonesome Pine;
- Lord Fairfax; and
- Peter Francisco.

Pilot Districts and DCR will discuss the MPPP throughout its project timeframe to address any unanticipated obstacles to implementation and to discuss any revisions that may be needed to improve the implementation.

Ms. Watlington Jones reported that additionally:

- The mobilization payment shall be equal to 20% of the eligible Estimated Instance Cost of the best management practice, but no more than \$20,000.
- The \$20,000 mobilization payment cap applies even in cases where the participant signs up for multiple eligible BMPs (e.g. SL-6W and SL-7).
- The MPPP will begin in state Program Year 2022 (PY22), beginning July 1, 2021.
- The MPPP will last for two Program Years (i.e. PY22, PY23), running through June 30, 2023.
- Eligible practices (there are 13) include the livestock stream exclusion and animal waste practices.

- Any eligible VACS applicant within a pilot District that signs up for one or more of the 13 eligible BMPs listed above may apply to be a part of the MPPP pilot.
- Normal VACS carryover procedures will not apply to MPPP contracts. Instead, the participant will be allowed two full calendar years from the documented intended start date in order to complete their contract.
- In the event that the participant fails to complete their VACS contract within the required timeframe, their VACS contract will be cancelled and the participant will be responsible for the full return of the mobilization payment directly to the District within 60 days of contract cancellation. If the mobilization payment is not returned, the participant shall be prohibited from receiving any further VACS payments for 15 program years starting with the next full VACS program year after contract cancellation.
- In highly unusual circumstances such as life-threatening illness or bankruptcy, MPPP participants will have the option to request forgiveness for the repayment of cost-share funds through the hardship process outlined in the VACS Manual.
- Participants will be eligible for a mobilization payment only after the following conditions are met:
 - All standard VACS Program requirements for a VACS structural practice must be completed unless otherwise stated in the MPPP Memorandum of Understanding;
 - The District Board must formally approve the MPPP practice, including the mobilization payment, by separate motion recorded in the minutes;
 - All bid process requirements as described in the VACS Manual, including the return of the completed Bid Solicitation Sheet to the SWCD, must be completed;
 - The participant and District must have received any required engineering designs, with signatures, for the project; and
 - The participant must submit to the District upon which they will include their intended start date, the participant's signature and the contractor's signature (where applicable for contracted projects).

Ms. Watlington Jones advised that District administrative staff would issue the mobilization payment only when all of the conditions listed above have been met, but no earlier than 60 days before the documented intended start date.

BOARD ACTION

Dr. O'Brien moved the following:

The Board approves the *Mobilization Payment Pilot Project* as presented by the Department. The Department is authorized to develop any forms or documents needed to facilitate the implementation of this *Pilot Project*. Prior to a District requesting any funding for a participant through this *Pilot Project*, a grant agreement or Memorandum of Understanding, whichever is determined to be most appropriate, must be fully executed by the District and the Department.

Mr. Wilson seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

Approval of the Budget Template

Ms. Watlington Jones advised that the Budget Template is used as the basis for technical assistance allocations to Districts. The document has been reviewed by the Peer Review Committee (DCR plus one representative from each Area) and was sent out to the Association's administrative email list to all administrators across the state. Districts have been completing these templates for many years.

The budget templates are used by partners and others to secure increased funding for Districts (both administrative and operations; and cost-share and technical assistance).

Ms. Watlington Jones reviewed two proposed amendments to the budget template.

- New column to reflect increased administrative and operations costs associated with increased cost-share funding.
- Column to try and capture costs (personnel costs and travel) related to dam rehabilitation projects
 - These are the big projects, not the smaller, more maintenance type projects that are approved at December board meetings

BOARD ACTION

Ms. Saacke Blunk moved the following:

The Virginia Soil and Water Conservation Board approves the revised Attachment D (Itemized District Budget Request Form). Completion of the Attachment D is a grant deliverable under the Department of Conservation and Recreation and Virginia Soil and Water Conservation District Administration and Operational Support Grant Agreement (Fiscal Year 2021) Grant Deliverable #8 (Submit a District Board approved, completed Attachment D (Itemized District Budget Request Form) for Fiscal Year 2023 to the no later than July 15, 2021).

Ms. Mason seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

District Director Resignations and Appointments

Ms. Watlington Jones presented the recommend District Director resignations and appointments:

Colonial

Resignation of Mr. Richard Phillips, of Williamsburg (city), effective 2/23/2021, elected director (term of office expires 1/1/2024).

Big Walker

Appointment of Mr. Douglas Eastep, of Bland County, effective 3/16/2021, to fill the vacant un-expired elected director position of Mr. Gary Johnson (term of office expires 1/1/2024).

Eastern Shore

Appointment of Mr. Sands Gayle, of Accomack County, effective 3/16/2021, to fill the un-expired elected director position of Mr. Fred Holland (term of office expires 1/1/2024).

Patrick

Resignation of Mr. Travis Bunn, effective 2/16/2021, Extension Agent director (term of office expires 1/1/2025).

Piedmont

Appointment of Mr. Horace Adams, of Prince Edward County, effective 3/16/2021, to fill the un-expired elected director term of Dr. Wilkie Chaffin (term of office expires 1/1/2024).

BOARD ACTION

Mr. Wilson moved that The Virginia Soil and Water Conservation Board approve the appointment of the individuals as recommended. Dr. O'Brien seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

Approval of initiation of periodic review for the Nutrient Management Training and Certification regulations (4VAC50-85)

Ms. Watlington Jones advised that it was time for the periodic review of the regulations that govern the Department's voluntary Nutrient Management Training and Certification Program for individuals who prepare nutrient management plans.

A nutrient management plan is prepared to indicate how primary nutrients are to be managed on farm fields and other land for crop production and in ways that protect groundwater and surface water from excessive nutrient enrichment. Plans contain operating procedures based on expected crop yield, existing nutrient levels in the soil, organic residuals, optimum timing and placement of nutrients,

environmental resource protection, and agronomic practices such as liming, tillage, and crop rotation. The Department certifies the competence of individuals to prepare these plans and provide criteria relating to the development of nutrient management plans.

Ms. Saacke Blunk asked that, in addition to the Virginia Register and the Virginia Regulatory Townhall, that current planners be notified directly of this review. Staff agreed to provide that notification.

BOARD ACTION

Ms. Saacke Blunk moved the following:

The Virginia Soil and Water Conservation Board approves the initiation of a periodic review of the Nutrient Management Training and Certification regulations (4VAC50-85). The Board requests a report from the Department regarding specific issues that were raised during the periodic review after the close of the public comment period and further that current planners be notified of this action.

Ms. Mason seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

Action on Timberlake Watershed Improvement District

Ms. Watlington Jones advised that in September 2020, the Board adopted the following motion:

The Virginia Soil and Water Conservation Board approves the Timberlake Watershed Improvement District FY2021 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Timberlake Watershed Improvement District Trustees, pending receipt of approved environmental permits and submission of loan documents demonstrating statutory compliance on or before March 1, 2021.

Since that time, the appropriate permits have been acquired including:

- DEQ Virginia Water Projection Permit;
- DEQ stormwater construction permit; and
- Local erosion and sediment control permit.

The interest on the loan is under 8% in compliance with §10.1-633 of the *Code of Virginia*.

BOARD ACTION

Ms. Mason moved the following:

The Virginia Soil and Water Conservation Board approve the Timberlake Watershed Improvement District 2021 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Timberlake Watershed Improvement District Trustees on September 23, 2020, as copies of approved environmental permits and loan documents demonstrating statutory compliance were provided as of March 4, 2021.

Mr. Newton seconded and the roll call vote was as follows:

AYE: Arnason, Saacke Blunk, O'Brien, Mason, Wilson, Newton, Ford

NAY: None

The motion carried.

PUBLIC COMMENT

There was no further public comment.

Ms. Mason thanked the staff for their preparation for the meeting.

Mr. Ford noted that legislation from Senator Lewis established a Carbon Sequestration work group that included DCR, Soil and Water Conservation Districts, Agribusiness, Farm Bureau and the Department of Forestry. He commented that he hoped that wetlands would be added to the consideration.

NEXT MEETINGS

The Virginia Soil and Water Conservation Board will meet electronically on Wednesday, April 21, 2021 and again on Thursday, May 20, 2021.

The SWCB Audit Subcommittee will meet electronically on Wednesday, April 21, 2021.

ADJOURN

There being no other business, the meeting adjourned at 12:52 p.m.

ATTACHMENT #1

Division of Soil and Water Conservation
Division Director's Report

March 16, 2021

Presented by Darryl M. Glover;
Director, Division of Soil and Water Conservation

Mr. Chairman, members of the Virginia Soil and Water Conservation Board, please accept this Soil and Water Conservation Division Report.

Agricultural BMP Surveys

A survey has been circulated electronically to farmers and ranchers in Virginia's Chesapeake Bay Watershed. This survey is (was) a multi-agency and Agribusiness endeavor with a goal to achieve a more complete inventory of agricultural best management practices (BMPs) that could be, but are not currently, credited in the EPA Chesapeake Bay Model for nutrient reductions. Virginia Cooperative Extension is the point of contact. Responses are (were) requested by March 12, 2021.

A tillage/residue survey has been postponed until Spring 2022 due to concerns from several Chesapeake Bay Districts about compliance with COVID-19 safety protocols and insufficient time to obtain landowner permission for access to their properties before the survey would need to be conducted. As a result, the cover crop survey planned for next winter is also likely to be delayed. The Department will need to request that the Environmental Protection Agency concur with this delay.

The Department and the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) will soon move forward with implementation of a Memorandum of Agreement to share location information on specified types of federally funded, expired and expiring BMPs in Virginia's Chesapeake Bay watershed, where producers authorize sharing of this data in writing. Initially, this will be piloted in one or more Districts (tbd). A letter developed jointly by the Department and NRCS, which invites producers to participate, will be mailed soon. Districts will be asked to conduct BMP verification inspections for willing participants and to offer them a Voluntary BMP Authorization form, a CCI (Continuing Conservation Initiative) cost share application, or a Resource Management Plan cost share application. Any data obtained will be both aggregated to county level prior to submission for Bay Model credit, and reported to NRCS annually for their review of BMP lifespans.

Chesapeake Bay Bill Update

As required by the "Bay Bill," the Department has developed, and the Virginia Soil and Water Conservation Board (Board) adopted an (office) method for determining perennial streams. The Agricultural Best Management Practice Technical Advisory Committee (Ag BMP TAC) has recommended a portable livestock stream exclusion fencing BMP practice specification that will be considered by the Board, along with other BMP specification changes, this Spring, to then take effect in July 2021.

The Board also approved up to \$2 million, with \$260,000 in technical assistance, from unobligated funds returned by Districts to the Department, to fund a new Small Herd Initiative that will take effect in July 2021. Agricultural producers who own at least 20 but no more than 35 head of cattle will be able to qualify. Splitting of herds will not be allowed. Qualified participants can receive up to \$25,000, non-

competitively, on a first-come, first-served basis, for any livestock stream exclusion practice included in the FY22 Cost Share Manual without an impact on their annual cost share participant cap for other practices.

Agricultural BMP TAC

The Ag BMP TAC hosted its final informational webinar on December 17, 2020. Department recommendations on all suggestions received during calendar year 2020 were reviewed. Restrictions on in-person meetings due to COVID-19 limited public participation and comment throughout 2020, and are likely to continue to do so until further notice. Consequently, only the statutorily-required portable stream exclusion BMP specification was voted on this year by TAC members. Twenty-two suggestions for potential changes to the Virginia Agricultural Cost Share (VACS) Program have been deferred until in-person meetings can resume. Fourteen suggestions were tabled and twelve will be advanced by the Department to the Soil and Water Conservation Board (Board) for their consideration during their meetings this spring. The program has implemented (or will propose) significantly higher participant caps, an extensive expansion of stream exclusion options for farmers, the inclusion of buffer payments for wide buffers, the development of a new suite of Continuing Conservation Initiative (CCI) BMP maintenance payments, the expansion of animal waste specifications with four new specifications (including one for livestock in confinement for the first time), higher cover crop cost-share rates, new specialty crop options and a variety of other new VACS specifications for nutrient management and vegetative cover.

For fiscal year 2022, DCR will propose to the Soil and Water Conservation Board some key items including the legislatively mandated WP-2P Portable Fencing specification, the raising of annual participant caps to \$150,000, the loosening of VACS eligibility requirements (reducing from 5 years to 3 years of farming on the land offered in the application), expansion of the SL-7 Extension of Watering Systems practice, and expanded cover crop planting dates. As a result, the VACS Program now has more options and more flexibility for conservation-minded farmers than ever before, putting them in a better position to succeed in meeting water quality goals.

Over the past several years, the Virginia Agricultural BMP Technical Advisory Committee (TAC) has been very busy working on updates to the Virginia Agricultural BMP Cost-Share (VACS) Program in an effort to provide greater flexibility to agricultural producers to help meet Chesapeake Bay WIP III goals. To help pave a pathway forward from here, the Department has surveyed TAC members regarding the VACS Program, as well as the TAC's work, pace and structure.

Conservation Planning Certification

In February, the Department provided the Virginia Agricultural BMP and Cost Share course as part of the Conservation Planning Certification Program. Sixteen attendees received the training that provided an introduction, overview, and operational information about the Virginia Agricultural Cost Share program and VACS Manual.

In January, the Department offered the DCR Conservation Planning Course. It was attended by 41 people from a number of Soil and Water Conservation Districts. This was the final course that most of these participants in the DCR Conservation Planning Certification Program needed before developing their own conservation plan for an on-site review by the Department. The Department's Conservation Planning and Training Coordinator will be traveling throughout Virginia to review the nearly 30 District staff

seeking a field review of their conservation plan in order to complete their DCR Conservation Planning Certification. These field visits will take place from March through June. For more information on the field visit schedule or DCR Conservation Planning, visit <https://www.dcr.virginia.gov/soil-and-water/conservation-planning>

FY23 District Budget Template

This year, the District Budget Template (Attachment D) Peer Review Committee, made up of one representative from each of the six District Association areas, has proposed two updates to the template. One update involves projections of future administrative support needs; the other will capture staffing demand related to dam rehabilitation projects. Before this new version of the template goes to the Board for approval, the Department solicited comments from Districts. Following the review of Districts' comments, the updated template document will go (went) to the Board for approval. Once approved, the template spreadsheet and instructions will be sent to all Districts for completion and submission to DCR by July 15. A virtual training on the Budget Template will be held on May 4; the registration link is available on the Association's training website.

Small Farm Outreach Project

Pending the Governor's signature, the FY22 state budget includes \$250,000 for an outreach project by Virginia State University Small Farm Outreach Program (VSU-SFOP). The Department and VSU-SFOP met last fall to discuss how best to encourage greater participation by socially disadvantaged farmers in the cost share and other Department funded programs. This project will be conducted over two years, in 52 counties across Virginia, in both the Chesapeake Bay and Southern Rivers watersheds. The project will involve training of SFOP staff on Department Programs, distribution of outreach materials, outreach workshops with groups of targeted farmers, field days, and several hundred on-farm visits for one-on-one outreach. This project is just one of the efforts that the Department will be implementing to meet the provisions of WIP Task #14. A joint Letter of Agreement on WIP Task #14 between the Virginia Secretaries of Natural Resources, Agriculture and Forestry, Education, and the President of the Virginia Association of Soil and Water Conservation Districts on November 9, 2020, commits several state agencies and the Association to work collaboratively primarily on training, outreach, and recognition, to "advance the goals of the (Chesapeake Bay) WIP and the ability of agricultural producers to achieve production needs with assistance through better coordination and delivery of agricultural programs." To help implement the SFOP project, the Department is working with the Virginia Conservation District Employee Association to promote District participation and assistance.

Shoreline Erosion Advisory Service (SEAS)

On December 2, 2020, during a Virginia Conservation Assistance Program (VCAP) webinar training, hosted by the Virginia Association of Soil and Water Conservation Districts (VASWCD), the Department's SEAS staff were honored to receive the 2020 VCAP Community Partner Award. The Northern Neck SWCD nominated SEAS for this award. As you know very well, VCAP, a program of the VASWCD, is a residential cost-share program that provides financial incentives to property owners. One of the VCAP eligible BMPs in the Chesapeake Bay watershed is Living Shorelines. Department SEAS staff support the coastal Districts by providing technical assistance in the proper siting, selection, design, installation, and maintenance of Living Shorelines. This was the inaugural year for this VCAP award, created so that Districts might celebrate a partner who assists property owners and Districts in implementing VCAP projects. SEAS staff also serve on the VCAP Technical Advisory Committee.

Staffing and Recruitment

The Division of Soil and Water Conservation promoted Marissa Roland to the Conservation District Coordinator position in our Tappahannock Office. We shall soon fill the Urban Nutrient Management Program Coordinator position and our Diversity Outreach Internship for this year. Our Business Manager position is also under recruitment.