

**Virginia Soil and Water Conservation Board
Friday, November 21, 2008
East Reading Room, Patrick Henry Building
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Granville M. Maitland, Vice Chair	Joseph H. Maroon, Director
Susan Taylor Hansen	Jean R. Packard
Michael J. Russell	Raymond L. Simms
Gary Hornbaker	

Virginia Soil and Water Conservation Board Members Not Present

Linda S. Campbell, Chair	Darlene Dalbec
Michael Altizer	Jack A. Bricker, NRCS

DCR Staff Present

Russell W. Baxter	Robert Bennett
Ryan J. Brown	Bill Browning
Anne Croiser	David C. Dowling
Jack E. Frye	Pamela H. Landrum
Lee Hill	
Elizabeth Andrews, Office of the Attorney General	

Others Present

Kendall Tyree, VASWCD
Gary Larrowe, Carroll County
Jim Whitten, Carroll County
Jennifer Brophy-Price, Wetland Studies & Solutions
Andy Sorrell, Cumberland County
Greg Sides, Pittsylvania County
Pete Dalton, Bedford County
Patrick Felling, Potomac Conservancy
Dan Rublee, City of Harrisonburg
Gary Woodson, City of Suffolk
Kevin McIntyre

Call to Order

Vice Chair Maitland called the meeting to order. A quorum was declared present.

Approval of Minutes of September 24-25, 2008

Mr. Maroon noted that an amendment had been made to the draft minutes mailed to members.

MOTION: Ms. Packard moved that the minutes of September 24-25 be approved as amended by staff.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried with Mr. Simms abstaining.

Director's Report

Mr. Maroon gave the Director's report.

Mr. Maroon welcomed Gary Hornbaker to the Board. Mr. Hornbaker replaced Mr. McNear.

Mr. Maroon reviewed with the Board the budget cuts taken by DCR for the current fiscal year. He indicated that another round of cuts is expected in December when the Governor announces his budget package for the upcoming session. Mr. Maroon stated that although agencies were generally not asked to submit budgets for the upcoming session, DCR was asked to submit a request to continue the \$20 million Agricultural Best Management Practices Cost Share Program.

Mr. Maroon stated that a resolution was before the Board for consideration that congratulates the Governor for focusing on 2009 as the Year of the Environment and that encourages his continued support for the Cost Share Program.

MOTION: Ms. Hansen moved that the Board adopt the following resolution to The Honorable Tim Kaine, Governor of Virginia:

The Virginia Soil and Water Conservation Board congratulates you on focusing on 2009 as the Year of the Environment. Water quality is an important part of the Commonwealth's environment. We further appreciate your leadership on including twenty million dollars in the first year of the biennium budget for cost sharing with farmers to install agricultural best management practices. This program is the prime element of the State's water quality efforts to reduce nonpoint sources of pollution from runoff.

The Board further recognizes that no funds are included in the current budget for the second year of the biennium for the agricultural cost share program. To keep the Virginia farmer's interest and confidence in using best practices, it is important to maintain and enhance the progress across

the Commonwealth in restoring our rivers, streams and our Chesapeake Bay.

Therefore, be it resolved, that the Virginia Soil and Water Conservation Board requests your support in the development of amendments to the Biennial Budget to include sufficient funds for the Agricultural Best Management Practices Cost Share Program to maintain and enhance the reduction of nonpoint sources of water pollution for the second year of the Biennium. This resolution was adopted by the Virginia Soil and Water Conservation Board at its regular session on November 21, 2008.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried with Mr. Maroon abstaining.

Mr. Maroon shared with the Board the State of the Chesapeake Bay Program Summary Report that was presented to the Chesapeake Executive Council on November 20. Amongst the items highlighted, he noted that reductions were necessary from all sources of nutrient pollution including sewage treatment plants, agricultural sources, and urban sources.

Mr. Maroon noted that there are several sets of stormwater regulations that are either out for public comment or will be soon. He noted that the multiple sets have resulted in some confusion. He commented that a draft article was developed explaining each of the actions and how they are related. This document is being distributed and posted to DCR's website to help explain the issues. (Copy is included as Attachment # 1)

Mr. Maroon reviewed the agenda highlights.

District Director Resignations and Appointments

Mr. Meador presented the District Director Resignations and Appointments.

Mr. Meador said that there were two lists. The first was a list of extension agent appointments. The second was the regular list of resignations and appointments.

Mr. Meador presented the following recommendations:

Extension Agent Appointments Recommended for Four-Year Term Beginning on January 1, 2009

SWCD

Incumbent

Recommended

Appomattox River

Michael J. Parrish
Dinwiddie

Michael J. Parrish
Dinwiddie

Chowan Basin	Wesley C. Alexander Southampton	Kelvin Wells Sussex
Eastern Shore	William E. Shockley, Jr. Northampton	James Belote Accomack
Halifax	Traci R. Talley Halifax (To fill unexpired term 12-21-08 – 1-1-09)	Grace Ann Hite Halifax
	Traci R. Talley Halifax	Grace Ann Hite Halifax
Headwaters	Brian Jones Augusta	Brian Jones Augusta
Henricopolis	Karen F. Carter Henrico	Karen F. Carter Henrico
Mountain Castles	George A. Allen, III Botetourt	George A. Allen, III Botetourt
Peanut	Glen Slade Surry	Nathan O’Berry Isle of Wight
Thomas Jefferson	Carrie Swanson Albemarle	Carrie Swanson Albemarle

District Resignations and Appointments

Colonial

Resignation of Matthew W. Beato, City of Williamsburg, effective 10/28, elected director position (term of office expires 1/12/12).

Evergreen

Recommendation of Patsy Waddle, Smyth County, to fill unexpired elected term of John D. Waddle (deceased) (term of office to begin on or before 12/21/08 – 1/1/12).

Prince William

Resignation of Alex P. Lucas, III, Prince William County, effective 9/18/08, elected director position (term of office expires 1/1/12).

Recommendation of L. Ben Thompson, Prince William County, to fill unexpired elected term of Alex P. Lucas, III (term of office to begin on 12/21/08 – 1/1/12).

Thomas Jefferson

Recommendation of Paul D. Davis, Nelson County, to fill unexpired elected term of Andrew H. Gantt, II (term of office to begin on 12/21/08 – 1/1/12).

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the recommended District Director Resignations and Appointments and the Extension Agent appointments as presented by staff.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

DCR Assessments of SWCD Compliance with DCR/SWCD FY07-08 Grant

Mr. Meador reviewed with the Board the approved performance deliverables and the assessment of compliance by Soil and Water Conservation Districts.

All 47 SWCDs	Fully Satisfied	Partially Satisfied	Did Not Fulfill
Admin Ag NPS Prgms	46	1	0
Deliver local conserve. Assist.	47	0	0
Support & foster partnerships	47	0	0
Hold Bd. mgs w/a quorum of directors	42	3	2
Develop & maintain a longer term plan on a 4 yr.	43	3	1
Prepare & follow an annual plan	46	1	0
Submit mtg. minutes & publications	47	0	0
Submit quarterly financial reports	43	4	1
Maintain empl. PDs, PEs	45	1	1
Provide data to support NPS reduction	47	0	0
Ensure staff imple. AG	45	2	0

REVISED: 1/9/2009 1:09:52 PM

BMP C-S....			
Complete/submit an annual report	no report required		

The complete breakdown by District is included as Attachment #2.

Approval of Lake Barcroft WID Trustee Appointment

Mr. Meador presented the resignation and recommendation of Lake Barcroft WID trustee.

MOTION: Ms. Packard moved that the Board accept the resignation of Lake Barcroft WID trustee Anthony Bracken, and approve the appointment of George McLennan to serve a 5-year term as a trustee of the Lake Barcroft WID.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously.

Dam Safety Certificates and Permits

Mr. Browning gave an update regarding Enforcement Actions and noted that no action was needed by the Board at this time.

Conditional Operational Maintenance Certificate Recommendations

01702 John Lawrence Dam	BATH	Significant Hazard	11/30/10
01927 Falwell, Jr. Dam	BEDFORD	Low Hazard	11/30/10
05934 NVCC Annandale Campus Dam	FAIRFAX	Significant Hazard	11/30/10
06901 Lake Serene	FREDERICKSBURG	Significant Hazard	11/30/10
14302 Cherrystone Creek Dam #1	PITTSYLVANIA	Significant Hazard	11/30/09
14303 Cherrystone Creek Dam #3A	PITTSYLVANIA	Significant Hazard	11/30/09
15306 Lake Jackson Dam	PRINCE WILLIAM	Significant Hazard	11/30/10
15324 NVCC Woodbridge Campus Dam	PRINCE WILLIAM	Significant Hazard	11/30/09
81002 Kingston Lake Dam	VIRGINIA BEACH	Significant Hazard	11/30/09

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

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

REVISED: 1/9/2009 1:09:52 PM

Alteration Permit Recommendations

81002 Kingston Lake Dam	VIRGINIA BEACH	Low Hazard	11/30/09
81003 Stumpy Lake Dam	VIRGINIA BEACH	Significant Hazard	09/30/10

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

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Construction Permit Recommendation

04186 Irrigation Dam @ Westham	CHESTERFIELD	High Hazard	11/30/10
--------------------------------	--------------	-------------	----------

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendation and gives DCR permission to issue certificate pending receipt of the fee and that staff be directed to communicate the Board action to the affected dam owner.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

00304 Lower Ragged Mountain Dam	ALBEMARLE	High Hazard	11/30/10
00536 Upper Ragged Mountain Dam	ALBEMARLE	High Hazard	11/30/10
04502 Johns Creek Dam #1	CRAIG	High Hazard	11/30/10
04503 Johns Creek Dam #3	CRAIG	High Hazard	11/30/10
05906 Lake Accotink Dam	FAIRFAX	High Hazard	11/30/09
06701 Upper Blackwater River Dam #6	FRANKLIN	Significant Hazard	11/30/10
06704 Musgrove Dam	FRANKLIN	Low Hazard	11/30/09
08910 Lanier Dam	HENRY	Significant Hazard	11/30/09
09509 Jolly Pond Dam	JAMES CITY	Low Hazard	01/31/09
10706 McGhee Dam	LOUDOUN	Low Hazard	11/30/09
16303 Robertson Dam	ROCKBRIDGE	High Hazard	11/30/09
01504 Lower North River #22B	ROCKINGHAM	Significant Hazard	07/31/09

17101 Stony Creek Dam #9	SHENANDOAH	High Hazard	11/30/10
--------------------------	------------	-------------	----------

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning informed the Board that with the changes to the Impounding Structure Regulations that went into effect on September 26, 2008, some dam owners did not receive timely notification of the regulatory changes. Mr. Browning asked the Board to allow staff to work with these owners to get required engineering work done and fees submitted and to bring these back to the Board for full action in January.

Compliance Issues – Conditional Certificates

04145 Chesterfield Power Ash Pond	CHESTERFIELD	Low Hazard
06501 Lake Monticello Dam	FLUVANNA	Significant Hazard
07918 Poplar Lake Dam	GREENE	Significant Hazard
14117 Ararat River Dam #28	PATRICK	High Hazard

Extensions

00351 Peacock Hill	ALBEMARLE	Low Hazard	5/31/09
00388 Chimney Rock Dam	ALBEMARLE	Significant Hazard	5/31/09
01903 Beaverdam Creek Dam	BEDFORD	Significant Hazard	11/30/10
01905 Bedford Dam	BEDFORD	Significant Hazard	11/30/09
04153 Rowlett Road Dam	CHESTERFIELD	Low Hazard	5/31/09
08527 Clifton Pond Dam	HANOVER	Low Hazard	5/31/09
08542 Hartford Lake Dam	HANOVER	Low Hazard	5/31/09
08712 Wilde Lake Dam	HENRICO	Low Hazard	5/31/09
12715 Patriots Landing Pond 4	NEW KENT	Significant Hazard	5/31/09
14111 Jackson/Moore Dam	PATRICK	Significant Hazard	11/30/09
14515 Moyer Pond Dam	POWHATAN	Low Hazard	11/30/09
17704 Motts Run Reservoir Dam	SPOTSYLVANIA	High Hazard	5/31/09
17710 Lee Lake Dam	SPOTSYLVANIA	Significant Hazard	5/31/09
17923 Bridle Lake Dam	STAFFORD	High Hazard	?
76011 Winston Lake Dam	RICHMOND	Significant Hazard	5/31/09

MOTION: Ms. Packard moved that as part of the transition period that follows final adoption of the Impounding Structure Regulations on September 26, 2008, the Board acknowledges that some dam owners did not receive timely notification of the regulatory changes. Therefore, the Virginia Soil and

Water Conservation Board established January 12, 2009 as a final submission date for information, thus providing the dam owners additional time to finalize applications and other required documents and to submit any associated fees and that the staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously.

Dam Safety Loan Fund Update

Mr. Brown provided an update on the Dam Safety, Flood Prevention and Protection Assistance Fund. Mr. Brown indicated that DCR has had recent communications with the owner of Koogler Dam and the owner has requested an extension of the Board's March 20th approval in order to allow more time to consider accepting the approved loan. Mr. Brown stated that DCR believes that an extension of the Board's approval through January 30, 2009 is appropriate. VRA has been consulted and is amenable to such an extension.

MOTION: Ms. Packard moved that in accordance with its responsibilities pursuant to §10.1-603.18 of the *Code of Virginia*, the Board hereby extends its approval of the loan application for Koogler Dam, DCR Inventory No. 16305 until January 30, 2009. All terms and conditions of the Board's March 20 approval of this application remain in effect. DCR staff is authorized to communicate this extension to the applicant and to work with the applicant and VRA in completing the loan process.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

DAM REPAIR UPDATE

Mr. Dowling gave the Board an overview of the \$20 million Dam Repair Bond that was authorized by the 2008 General Assembly.

		FY09	FY10
107.	Improvements: Repair Various State Park and Soil and Water Conservation District Dams (17587)	20,000,000	10,000,000
Fund Sources:	Bond Proceeds	20,000,000	10,000,000

A. Included in this appropriation is funding for the major modification, upgrade, or rehabilitation of dams owned or maintained by the Department of Conservation of Recreation and the Virginia Soil and Water Conservation Districts to bring impounding structures into compliance with dam safety requirements promulgated by the Virginia Soil and Water Conservation Board, pursuant to §[10.1-605](#), Code of Virginia. Major modifications, upgrades, and renovations include, but are not limited to, engineering and dam break inundation zone mapping and incremental damage analysis, widening of the existing emergency spillways, adding new emergency spillways, increasing the storage volume for impounded water, providing overtopping protection for the entire dam, concrete rehabilitation and repair, pressure grouting, riser tower replacement and repair, outfall pipe sleeving, concrete joint sealing, gate replacement, toe drain construction, installation of monitoring wells, embankment stabilization, rip rap replacement or tree removal.

B. Included in these amounts is \$5,000,000 the second year from bond proceeds to match the local contribution of the City of Manassas for improvements to the Lake Manassas T. Nelson Elliot Dam.

C. Included in these amounts is \$5,000,000 the second year from bond proceeds to match the local contribution of the City of Bedford for improvements to the Stoney Creek Reservoir Dam.

Mr. Dowling indicated the section below addressed funding.

9(D) Revenue Bonds (951)

181 (language only)

A.1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(d) of the Constitution of Virginia.

2. This paragraph shall constitute the authority for the Virginia Public Building Authority to finance the following projects by the issuance of revenue bonds in aggregate principal amounts not to exceed the Section 9(d) Bonds amounts listed, plus amounts to fund related issuance costs, reserve funds, and other financing expenses, in accordance with §[2.2-2263](#) of the Code of Virginia.

3. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.

4. The total amount listed in this paragraph includes \$320,357,000 in bond proceeds.

Agency Name / Project Title	Item #	Project Code	Section 9(d) Bonds
Department of Conservation and Recreation			
Repair various state park and soil and water conservation district and locally owned dams	C-107	17857	\$30,000,000
Total VPBA Projects			\$320,357,000

- This project is being coordinated between DCR's Division of Planning and Recreation Services (Design and Construction), Division of Soil and Water Conservation, Division of State Parks, Division of Dam Safety, Real Estate Office, and Director's Office.
- We are also coordinating with the Soil and Water Conservation Districts and NRCS.

Original Funding Request

VA Soil and Water Conservation District Dams	Cost	Class
South River Dam #25, Toms Branch*	\$767,970	1
South River Dam #6, Stoney Creek	\$1,340,900	1
Stony Creek Dam #9, Lake Laura	\$2,194,200	1
John's Creek Dam #1, McDaniel's Lake	\$3,047,500	1
John's Creek Dam #2, Little Oregon	\$1,584,700	1
John's Creek Dam #4, Dick's Creek	\$1,462,800	1
John's Creek Dam #3, Mudlick Creek	\$1,219,000	1
Upper Blackwater River Dam #4, Dillon	\$975,200	1
Leatherwood Creek Dam #3, Finney	\$1,340,900	2
Leatherwood Creek Dam #5, Lawrence	\$1,340,900	2
Leatherwood Creek Dam #6, Laurel Park	\$609,500	2
Upper North River Dam #10, Todd	\$609,500	3
South River Dam #7, Wilda	\$365,700	1
South River Dam #19, Waynesboro Nursery	\$731,400	2
Engineer Mapping (104 dams)	<u>\$2,080,000</u>	
Engineering and Repair Cost	\$19,670,170	
* - federal match anticipated		

Department of Conservation and Recreation	Cost	Class
Holliday Lake Dam	\$373,750	3
Doug's Branch Pond, James River State Park	\$329,130	4
Fairy Stone Dam	\$223,100	3
Prince Edward Dam	\$1,110,509	3
Goodwin Dam	\$630,223	3
Edmunds Lake Dam, Staunton River State Park	\$345,000	NR
Engineer Mapping (11 dams)	<u>\$220,000</u>	
Engineering and Repair Cost	\$3,231,712	

Mr. Dowling reviewed with the Board the construction sequence for dam rehabilitation projects. (Copy included as Attachment # 3)

Mr. Dowling stated that site visits have been conducted to Beaver Lake Dam and Swift Creek Dam at Pocahontas; Prince Edward Dam and Goodwin Dam at Twin Lakes State Park; Lake Laura Dam and Bird Haven Dam at Stoney Creek; and Upper Blackwater River Dam. He also stated that discussions have started with engineers and districts where applicable. Inundation Studies have begun on all of the above expect Upper Blackwater Dam. DCR Design and Construction (DAC) is awaiting a fee proposal for it. As soon as that has been secured, they will begin the study.

Mr. Dowling indicated that all scopes include both an Inundation Study and Incremental Damage Analysis. DAC is coordinating with Dam Safety to ensure that the product is in line with their expectations. He stated that all studies will take approximately 2 months.

Mr. Dowling noted that on the dams that will require rehabilitation, DAC will recommend a scope once the studies are complete. On the dams that only require a study, DAC will continue moving forward with the list and ensure compatibility with Dam Safety.

Update of Regulatory Action

Mr. Dowling gave the Board an overview of regulatory status as of November 21, 2008:

SW – MS4 General Permit (Part I and XV) – Effective July 2008

Dam Safety Regulations – Effective September 2008

Public Participation Guidelines – Effective October 2008

SW – Construction General Permit (Parts I and XIV)

- Proposed regulation approved by the Board at the September 25, 2008 meeting.
- The regulation was published in the Virginia Register of Regulations on October 27, 2008 (V 25, Issue 4).
- The regulation was public noticed in accordance with federal requirements; ~\$17,000 in statewide newspaper notices; postcards sent to over 6,000+ permittees.
- The 60-day public comment period closes on December 26th; concurrent EPA review.
- The following public hearings will be held to receive input on the proposed regulations. All meetings start at 7 p.m.:
 - Dec. 2 – Manassas City Council Chambers, 9027 Center Street, 20110
 - Dec. 3 – Roanoke City Council Chambers, Noel C. Taylor Municipal Building, 215 Church Avenue S.W., 24011
 - Dec. 10 – Williamsburg City Council Chambers, 412 North Boundary Street, 23185
- Take the final regulation to Board at March 2009 meeting.
- Permit must be effective by July 1, 2009.

SW – Local program and Water Quality and Water Quantity Criteria (Parts I, II, and III)

- Proposed regulation approved by the Board at the September 24, 2008 meeting.
- Target mid December for completion of an Economic Analysis.
- Target late December to file the regulations on the TownHall.
- Review by the Administration – potentially January thru April 2009.
 - Official OAG review – 3 days
 - 45 days DPB fiscal analysis review – Mid Feb. 2009
 - 14 days SNR – late Feb. 2009
 - No deadline Governor – April 2009
 - Submit to Registrar – Early April 2009

- Registrar publication – Late April 2009
- 60-day public comment period – May - June 2009; public hearings; concurrent EPA review.
- Make Regulation refinements; EPA review – by September 1, 2009.
- Take final regulation to the Board at the September 2009 meeting (when we have resolved concerns to the best of our ability).
- Final Regulation Review by DPB, SNR, Governor – by November 15, 2009.
- File with Registrar and publish for 30 days - Dec. 31, 2009.
- EPA final approval by Dec. 31, 2009.

SW – Permit Fees (Part XIII) [Currently same schedule as above]

- Proposed regulation approved by the Board at the September 24, 2008 meeting.
- Public comment period during Spring 2009.
- Take final regulation to the Board at the September 2009 meeting.

SW – MS4 Individual Permits (Group 1) [HRPDC permits]

- Norfolk draft permit and fact sheet sent to EPA for comment on June 27, 2008.
- Currently waiting on a final response from EPA on the changes that were made to the Norfolk permit in response to EPA's comments. We do anticipate that we will hear from EPA over the course of the next few business days.
- Upon EPA approval, the Norfolk permit will be sent to the City of Norfolk for publication and the commencement of a 30-day public comment period. It is anticipated that this will occur during the month of December.
- While the public comment period on the Norfolk permit is underway, the other five Hampton Roads permits and fact sheets will be sent to EPA for review.
- It is anticipated that the five permits will be ready to go to public comment after the completion of the public comment period on the Norfolk permit.
- It is our plans for all six Hampton Roads permits to be effective on the same date (July 1, 2009).

SW – MS4 Individual Permits (Group 2) [Northern Virginia permits] and (Group 3) [Central Virginia permits]

- Contingent on Norfolk permit approval.
- As EPA's review has been ongoing, the MS4 Manager has been assembling the necessary materials for all other Phase I permits (including Hampton Roads, NoVA, and Central VA). These include factsheets, completion of inspections and inspection reports, etc.
- All Northern VA Phase I permittees have received copies of initial drafts of their permits and have submitted comments to DCR.
- Central VA Phase I permittees have received copies of initial drafts and DCR is in the process of contacting them to receive their comments.

Stormwater Enforcement Action Update

Ms. Crosier reported to the Board that for the current quarter, two consent special orders became effective in order to ensure compliance with the municipal storm sewer system permits that were issued by the Board. She noted that the affected local governments were the City Colonial Heights and the Town of Dumfries.

Ms. Crosier also reported that there are two consent special orders undergoing public notice comment for a construction site in Russell County and the City of Petersburg regarding its MS4 program.

Ms. Crosier noted that currently there are 23 active enforcement cases across the state.

Erosion and Sediment Control

Linear Projects Annual Standards and Specifications: 2009 Annual Standards and Specifications for Holcomb Rock Company; Trans-Allegheny Interstate Line Company Projects; Colonial Pipeline, Dominion Gas Transmission Company and Roanoke Gas.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board concurs with staff recommendations for conditional approval of the 2009 specifications for Holcomb Rock Company, Trans-Allegheny Interstate Line Company, Colonial Pipeline, Dominion Gas Transmission Company, and Roanoke Gas in accordance with the Erosion and Sediment Control law. The Board also concurs with the staff recommendations for conditional approval with the 4 conditions and the variance request for Minimum Standard 16.a by American Electric Power and the request by Dominion Virginia Power Electric Distribution for approval with the 4 conditions and the variance requests for Minimum Standard 16.a and 16.b. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2009 must be submitted by December 31, 2008. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to December 31, 2008 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProject@dcr.virginia.gov.

3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance for land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

The Minimum Standards are:

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

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously.

2009 Annual Wetland Mitigation and Stream Restoration Banks Standards and Specifications for Wetland Studies and Solutions, Inc.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2009 annual standards and specifications for Wetland Studies and Solutions, Inc. The Board concurs with staff recommendations for conditional approval of the 2009 specifications for Wetland Studies and Solutions, Inc. in accordance with the Erosion and Sediment Studies and Solutions, Inc. The Board requests the Director to have staff notify Wetland Studies and Solutions, Inc. of the status of the review and the conditional approval of the annual standards and specifications and request for variances to Minimum **Standard 6.a and 6.b.**

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

2009 Wetland Mitigation Banks Standards and Specifications for Angler Environmental

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2009 annual standards and specifications for Angler Environmental. The Board concurs with staff recommendations for conditional approval of the 2009 specifications for Angler Environmental in accordance with the Erosion and Sediment Control Law and Regulations. The Board requests the Director to have staff notify Angler Environmental of the status of the review and the conditional approval of the annual standards and specifications and requests for variances to **Minimum Standard 6.a and 6.b.**

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously.

Brunswick County and Smyth County Alternative Inspection Program

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board (Board) approve the proposed Alternative Inspection Programs for Brunswick County and Smyth County as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations. The Board requests DCR staff to monitor the implementation of the alternative inspection program by the County to ensure compliance.

SECOND: Ms. Simms

DISCUSSION: None

VOTE: Motion carried unanimously.

Initial Acceptance of Alternative Inspection Program – Highland County, Middlesex County, Pittsylvania, Fauquier County, Town of Clifton Forge

Mr. Hill presented background information.

Mr. Greg Sides, Director of Planning spoke on half of Pittsylvania County.

Mr. Sides commented that the County had made progress since the initial review was received. He indicated that changes in the plan review were minor, mostly bureaucratic issues.

Mr. Sides said that the County is working on inspections and the proper documentation for residential inspections.

Mr. Sides commented he didn't recall any enforcement issues being mentioned. He indicated there was no justification for stop work orders. He stated that this was more of a paperwork issue than an erosion issue.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board (Board) receive the staff updates and recommendations regarding the proposed Alternative Inspection Program for Highland County, Middlesex County, Pittsylvania, Fauquier County, and Town of Clifton Forge. The Board concurs with the staff recommendation and accepts the proposed Alternative Inspections Programs for review and future action at the next Board meeting.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously.

Local Programs consistent based on Initial Review

Mr. Hill presented background information on the City of Suffolk.

Mr. Gary Woodson, spoke on behalf of the City of Suffolk.

We extend our appreciation to DCR staff for the help they gave the City of Suffolk. The City is very proud of their program.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board commends the City of Suffolk for successfully implementing the City's Erosion and Sediment Control Program to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion approved unanimously

Local Programs consistent following completion of Corrective Action Agreement (CAA)

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board commends the City of Richmond, Prince Edward County, Warren County, Wise County and the Town of Warrenton for successfully improving their Erosion and Sediment Control Program to become fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and

Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Russell

DISCUSSION: None

Vote: Motion carried unanimously

Corrective Action Agreements

City of Colonial Heights

Mr. Hill

MOTION: Mr. Russell moved that the Virginia Soil and Water Board (Board) accepts staff recommendations and finds the City of Colonial Heights Erosion and Sediment Control Program inconsistent and approves the City's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the City to ensure compliance.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

City of Harrisonburg

Mr. Hill reviewed the background material of the City of Harrisonburg.

Mr. Rublee, City Engineer, spoke on behalf of the City.

Mr. Rublee stated that even though they did not agree with all the evaluation standards, the City has a good working relationship with DCR. He indicated that in their last evaluation, the City was found inconsistent in all program categories and commented that he recognizes that the City has made great strides in the last 4-5 years.

Mr. Rublee indicated that the primary concern of the City is the application of minimum standards in the field, where field conditions are evaluated. He noted their concern is that of the 100 points, this particular category carries 30% of the potential scoring. He stated that because of the importance of field conditions there may be some merit to this scoring.

Mr. Rublee reported that in this particular sub-category the City scored zero and were found to have three or more minimum standard violations. He stated that one of the issues was that several of the violations were assigned to a single problem. Mr. Rublee also expressed the City's concern that there is no consideration in the scoring for situations where the City had already

pointed out a violation to a contractor and before the contractor could fix the violation the City was cited with a new violation.

Mr. Rublee asked the Board to consider looking at the scoring in this particular category a little closer. He stated that there was a big differential in scoring among the categories.

Ms. Hansen asked if a contractor has been made aware of an issue that needed to be fixed and the contractor has not responded appropriately, would the City be given a lower score or is there some way to look at the situation.

Mr. Hill indicated that this is an issue that will need to be looked at when we talk about revising the scoring criteria.

MOTION: Mr. Simms moved that the Virginia Soil and Water Board accepts staff recommendations and finds the City of Harrisonburg's Erosion and Sediment Control Program inconsistent and approves the City's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the City to ensure compliance

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Craig County

Mr. Hill

MOTION: Mr. Russell moved that the Virginia Soil and Water Board accepts staff recommendations and finds Craig County's Erosion and Sediment Control Program inconsistent and approves the Counties CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Cumberland County

Mr. Hill presented the material for Cumberland County.

Mr. Andy Sorrels, Zoning Administrator spoke on behalf of Cumberland County.

Mr. Sorrels thanked the DCR staff for guidance and help in reviewing the County's Program. He indicated the County is aware of its inconsistencies. We have hired additional staff and said the County looks forward to working with DCR.

MOTION: Ms. Packard moved that the Virginia Soil and Water Board accepts staff recommendations and finds Cumberland County's Erosion and Sediment Control Program inconsistent and approves the County's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

Fluvanna County

Mr. Hill presented the background information on Fluvanna County.

Mr. G. Cabell Lawton, County Administrator spoke on behalf of Fluvanna County.

Mr. Lawton stated that the County will be complying with the order. He indicated that DCR has done a very professional and thorough job in doing the inspections and he applauds the efforts.

Mr. Lawton indicated that the County has already made many of the required changes. What hasn't been done will be done before the deadline.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Board (Board) accepts staff recommendations and finds Fluvanna County's Erosion and Sediment Control Program inconsistent and approves the County's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Local Programs previously found inconsistent and request for Board to extend Corrective Action Agreement (CAA)

City of Petersburg

Mr. Hill presented the background information on the City of Petersburg.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board accepts the staff recommendation and grants the City of Petersburg an extension until May 21, 2009 to fully comply with the outstanding CAA. The Board further requests the Director of DCR and his staff to evaluate the City's compliance with the outstanding CAA and provide a report at the July 2009 Board meeting.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

Bedford County

Mr. Hill presented the background information

Mr. George Nester, Director of Community Development stated that the County considers this program to be very important and takes the responsibility seriously.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board accepts the staff recommendation and grants Bedford County an extension until May 21, 2009 to fully comply with the outstanding CAA. The Board further requests the Director of DCR and his staff to evaluate the County's compliance with the outstanding CAA and provide a report at the July 2009 Board meeting.

SECOND: Ms. Hansen

DISCUSSION: NONE

VOTE: Motion carried unanimously

Carroll County

Mr. Hill reviewed the background information for Carroll County.

Mr. Gary Larrowe, County Administrator spoke on behalf of Carroll County.

Mr. Larrowe stated that Carroll County is making great strides with regard to the Erosion and Sediment Control Program. He noted they were absent an inspector at this time but are in the processing of hiring a new inspector. He also noted that they are consolidating the efforts under the building officials' office. Mr. Larrowe noted that the County's revised and approved Erosion and Sediment Control Ordinance will go before the Carroll County Board of Supervisors in

January 2009. He stated that the County respectfully asks and appreciates any kind of consideration that Board can give.

MOTION: Mr. Russell moved that the Virginia Soil and Water Conservation Board accepts the staff recommendation and grants Carroll County an extension until May 21, 2009 to fully comply with the outstanding CAA. The Board further requests the Director of DCR and his staff to evaluate the County's compliance with the outstanding CAA and provide a report at the July 2009 Board meeting.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously.

Northumberland County

Mr. Hill presented background information on Northumberland County:

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board accept the staff recommendation and grants Northumberland County an extension until May 21, 2009 to fully comply with the outstanding CAA. The Board further requests the Director of DCR and his staff to evaluate the County's compliance with the outstanding CAA and provide a report at the July 2009 Board meeting.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Local Programs that did not sign a Corrective Action Agreement (CAA) within 30-days

Henrico County

Mr. Hill presented background information on Henrico County. Mr. Hill indicated that staff have met with Henrico County and have reviewed their program review and have agreed upon a revised corrective action agreement.

Mr. Ben Thorpe, Assistant County Attorney spoke on behalf of Henrico County.

Mr. Thorpe stated that the County Attorneys Office and staff from the Public Works worked with DCR staff and jointly developed a revised CAA that the County is more comfortable with. He commented the new CAA will be presented to the County for adoption.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board accepts the staff recommendation to approve the revised CAA for Henrico County and extends the County's required signing deadline to December 22, 2008. The Board directs DCR staff to monitor the County's implementation of the revised CAA.

SECOND: Ms. Packard

DISCUSSION: NONE

VOTE: Motion carried unanimously.

Partner Agency Reports

Natural Resources Conservation Services

The report from NRCS is included as Attachment 4.

Department of Conservation and Recreation

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

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be Friday, January 30, 2009. The location is to be determined.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Granville Maitland
Vice-Chair

Joseph H. Maroon
Director

Attachments

ATTACHMENT 1

Update on Stormwater Management Regulations in Virginia

Three separate stormwater management permit regulations are currently being revised in Virginia and are as follows:

- 1) Modifications to the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities (Part XIV of the stormwater regulations)
- 2) Revisions to the Stormwater Management Program Technical Criteria (Part II - Water Quality and Quantity), to the Local Programs Criteria (Part III), and to the Definitions, Purpose, and Applicability section (Part I)
- 3) Revisions to the Stormwater Fees (Part XIII)

All three are being developed by the Virginia Soil and Water Conservation Board and the Virginia Department of Conservation and Recreation (DCR) and affect the Virginia Stormwater Management Program (VSMP) Permit Regulations. While the three are related, they address different aspects of Virginia's stormwater management program and each has its own implementation timeline.

Construction General Permit

The regulatory action that will become effective initially is the revision to the **General Permit for Stormwater Discharges from Construction** Activity, the current version of which expires on June 30, 2009. This action amends Parts I and XIV of the VSMP regulations, and is not intended to greatly change technical requirements of the permit. It will not implement the recently proposed water quality and quantity technical and local program criteria discussed below. Rather, the regulations are being revised largely to increase clarity, improve permit administration and efficiency, and to mirror recent EPA changes to its own construction permit. However, because the general permit under which all individual construction permits are written expires next year, everyone holding an active construction permit will have to reapply by June 30, 2009. DCR will notify each affected permit holder in 2009 prior to the permit expiration date with instructions on how to reregister.

The Virginia Soil and Water Conservation Board is currently soliciting public comments on the revised construction general permit. Written comments must be received by DCR no later than 5 p.m., December 26, 2008. Comments, including the name and address or email address of the commenter, should be submitted to: The Regulatory Coordinator; Virginia Department of Conservation and Recreation; 203 Governor Street, Suite 302; Richmond, Virginia 23219. Comments may also be faxed to the Regulatory Coordinator at (804) 786-6141 or submitted electronically on the Virginia Regulatory Town Hall by selecting "enter a comment" at: <http://townhall.virginia.gov/L/comments.cfm?stageid---4817>.

The following public hearings will also be held to receive input on the proposed regulations. All meetings start at 7 p.m.:

Dec. 2 — Manassas City Council Chambers, 9027 Center Street, 20110

Dec. 3 — Roanoke City Council Chambers, Noel C. Taylor Municipal Building, 215 Church Avenue S.W., 24011

Dec. 10 — Williamsburg City Council Chambers, 412 North Boundary Street, 23185

Local stormwater programs and fees

The remaining two regulatory actions [**Stormwater Water Quality and Quantity Technical Criteria and Local Program Criteria (Parts I, II, and III) and Revisions to Stormwater Fees (Part XIII)**] will result in more extensive changes to the VSMP regulations and seek to establish criteria for local stormwater management programs (including technical criteria) and establish new fees related to stormwater management permitting. Both have long range implications for land disturbing operations in order to better address water quality and quantity issues statewide and will eventually lead to a later modification of the general construction permits mentioned earlier. Since any regulations adopted will be phased in over a timeframe included in the draft regulations, it is likely that localities and the regulated community will have time to adjust to the changes over several years.

The proposed action dealing with local program criteria is technically known as **Stormwater Water Quality and Quantity Technical Criteria and Local Program Criteria (Parts I, II, and III)**. Part I is simply definitions of terms and items used throughout the VSMP regulations, including Parts II and III. Part II establishes new water quality and quantity criteria that have been designed to minimize the impacts of nutrient and sediment runoff from land disturbing activities related to development and to stabilize stream channels and reduce downstream flooding. Part III establishes the requirements that localities will eventually need to meet in order to have a locality-administered or "qualifying local" stormwater management program and it also outlines the requirements that DCR will utilize in those jurisdictions where DCR will administer the stormwater program instead of the local government. (Note: state law allows certain jurisdictions the option to opt-in to the program and requires others to have their own state-approved program.) Part III also includes procedures for program authorization and review and approval of local programs by the Virginia Soil and Water Conservation Board.

The proposal for new fees is labeled **Revisions to Stormwater Fees (Part XIII)**. As the name implies, this action seeks to set fees that are sufficient to cover expenses associated with all portions of the administration of the state's stormwater management permit program at both the state and local levels, as mandated by the Virginia General Assembly. Unlike nearly all other environmental programs, state law requires that permit fees cover expenses associated with this program, as no state general funds are provided for it. The proposed permit fees have been set to cover plan review, permit review and issuance, inspections, enforcement, and program administration and oversight. They also include DCR's oversight functions and database management costs. Annual maintenance fees have been proposed to allow local programs to recoup inspection and enforcement expenses for a project that has not been completed and terminated within the first year. The new fees will not apply to the development projects currently covered under the existing construction general permit.

Public comment

There have already been several years of significant discussion with technical experts and other stakeholders in developing the technical and local program criteria. A Technical Advisory Committee, a Water Quantity Workgroup, a BMP Clearinghouse Advisory Committee, and a Handbook Advisory Committee have been at work with DCR staff over the past three years developing the draft criteria. Representatives from local government, the development/construction community and conservation organizations have been active participants in these advisory committees. Forty-four public meetings, ranging from technical advisory committee and subcommittee meetings, technical discussion group meetings and charettes (intensive planning sessions) attended by 300 people have been held as DCR has attempted to broaden public review and to have what is believed to be one of the most open and public environmental regulatory processes ever undertaken. DCR also contracted with the nationally-acclaimed Center for Watershed Protection and Virginia Tech for scientific and technical support, BMP Clearinghouse development, and economic impact analysis to help support, direct, and evaluate the regulations.

Currently, these draft regulations have been authorized to move forward for even more public review and comment. It is anticipated that 60-day public comment periods for both the criteria and fee actions will begin in Spring 2009. Once the comment period is completed, DCR will review all of the comments and make appropriate changes that will be brought to the Virginia Soil and Water Conservation Board for final approval, likely in the Fall of 2009.

Who is affected when?

Contractors/Developers: Those with active general construction permit coverage will either need to reapply for permit coverage prior to June 30, 2009, or, for completed projects, to submit Notices of Termination. More instruction from DCR will be sent to all registered under the current permit prior to the expiration date.

Contractors and developers will also be affected by new technical criteria, development of local programs and new fees. These changes are unlikely to occur before 2011.

Local governments: Establishment of local programs and fees are not likely to begin until 2010. It is unlikely that local programs will begin issuing the construction general permits before 2011.

General Public: The public is likely to begin seeing improvements in stormwater management once these regulations are put into place. Stormwater runoff is a significant contributor to the degradation of streams and creeks and the Chesapeake Bay. Virginia's proposed stormwater management regulations, along with upgrades in sewage treatment plants and increased conservation on agricultural lands, are major components to the Commonwealth's clean water plan.

There's more

For much more detailed information on all of these stormwater regulation actions, go to the DCR website at www.dcr.virginia.gov. Then click on "Policy, Regulations and Public Comments" on the right of the page and then click on the tabs labeled "Stormwater Parts 1, 2, 3, and 13" or "Construction General Permit". Or contact DCR Policy and Planning Assistant Director Ryan Brown at (804) 786-2871 or ryan.brown@dcr.virginia.gov.

ATTACHMENT 2

DCR Assessment of SWCD Compliance
With DCRJSWCD FY07-08 Grant Agreement Deliverables

(Assessment Evaluation Code: A [Fully Satisfied]; B [Partially Fulfilled]; C [Did Not Fulfill])

SWCD	1) Admin Ag NPS Programs	2) Deliver local conserv. assist.	3) Support & foster partner-ships	4) Hold Bd. mtgs w / a quorum of director	5) Develop & maintain a longer term plan on a 4 yr...	6) Prepare & follow a n Annual Plan	7) Submit mtg. mins. & publica.	8) Submit l/4ly financial reports	9) Main-tain empl. PDs, PEs...	10) Provide data to support NPS reduc.	11) Ensure staff imple. Ag BM P C-	12) Complete/submit an annual report
Appomattox River	A	A	A	C	A	A	A	B	A	A	A	
Big Walker	A	A	A	A	A	A	A	A	A	A	A	no report required
Big Sandy	A	A	A	A	A	A	A	A	A	A	A	no report req.
Blue Ridge	A	A	A	A	A	A	A	A	A	A	A	no report req.
Chowan Basin	A	A	A	B	A	A	A	B	A	A	A	no report req.
Clinch Valley	A	A	A	A	A	A	A	A	A	A	A	no report req.
Colonial	A	A	A	C	B	A	A	A	B	A	A	no report req.
Culpeper	A	A	A	A	A	A	A	A	A	A	A	no report req.
Daniel Boone	A	A	A	A	A	A	A	A	A	A	A	no report req.
Eastern Shore	A	A	A	A	B	A	A	A	A	A	A	no report req.
Evergreen	A	A	A	A	A	A	A	A	A	A	A	no report req.
Halifax	A	A	A	A	A	A	A	A	A	A	A	no report req.
Hanover-Caroline	A	A	A	A	A	A	A	B	A	A	A	no report req.
Headwaters	A	A	A	A	A	A	A	A	A	A	A	no report req.
Henricopolis	A	A	A	A	A	A	A	A	A	A	A	no report req.

Hols ton River	A pV	API	A/I	A	Ai-v	Ak	Ati	Ai-v	AA	rA	A	no report req.
James River	A	A	A	A	A	A	A	A	A	A	B	no report req.
John Marshall	A	A	A	A	A	A	A	A	A	A	A	no report req.

ATTACHMENT 3

Construction Sequence For Dam Rehabilitation Projects - October 6, 2008

Priority	SWCD/SP	County	DAM ID #	Dam Name	Common Name	Status	Hazard Class	Cert.
1	H	Augusta	01502	South River Dam #25	Tom's Branch	Engineering	1	C
2	LF	Shenandoah	17101	Stony Creek Dam #9	Lake Laura		1	C
3				72 Break Inundation Studies, See 2009 List				
4	TL	Prince Edward	14705		Goodwin		3	R
5	TL	Prince Edward	14704		Prince Edward		3	R
6	P	Chesterfield	04104		Swift Creek Lake	1	2	C
7	P	Chesterfield	04103		Beaver Lake	1 & 5		none
8	BR	Franklin	06702	Upper Blackwater River #4	Dillion		1	C
9	MC	Craig	04502	John's Creek Dam #1	McDaniels Lake		1	C
10	H	Augusta	01522	South River Dam #7	Wilda		1	C
11	H	Augusta	01509	South River Dam #6	Stoney Creek		1	C
12	MC	Craig	04501	John's Creek Dam #2	Little Oregon		1	C
13	MC	Craig	04503	John's Creek Dam #3	Mudlick Creek		1	C
14	MC	Craig	04504	John's Creek Dam #4	Dicks Creek		1	C
15	H	Augusta	01505	Upper North River #10	Todd Lake	2	3/1	C
16				Remaining Break Inundation Studies				
17	SR	Halifax	08339		Edmunds Lake Dam	5		none
18	FS	Patrick	14103		Fairy Stone Dam		3	R
19	HL	Appomattox	01101		Holliday Lake Dam		3	R

20	BR	Henry	08902	Leatherwood Creek #5	Lawrence		2	C
21	BR	Henry	08904	Leatherwood Creek #3	Finney		2	C
22	BR	Henry	08907	Leatherwood Creek #6	Laurel Park		2	C
23	H	Augusta	01514	South River Dam #19	Waynesboro Nursery	6	2	C
24	JR	Buckingham	02937		Doug's Branch Dam	5	4	none

BR = Blue Ridge SWCD, LF = Lord Fairfax SWCD, SV = Shenandoah Valley SWCD
 H = Headwaters SWCD, MC = Mountain Castles SWCD
 HL = Holiday Lake SP, JR = James River SP, FS = Fairy Stone SP,
 P = Pocahontas SP, TL = Twin Lakes SP, SR = Staunton River SP

- 1** Not included in bond package.
- 2** Break Inundation Study Made By NRCS. Girl Scout Camp Inundated
- 3** Break Inundation Study Contracted for with Timmons Group
- 4** Break Inundation Study Contracted for with Schabel Engineering
- 5** This dam is currently unregulated
- 6** Status Subject to Actions By Augusta County Water Authority

- 3/1** This designation indicates that the dam is currently Class III but will be Class I soon
- 2/1** This designation indicates that the dam is currently Class II but will be Class I soon

Cert. = Current Certification
R = Regular Certificate
C = Conditional Certificate

**NRCS REPORT
VA Soil & Water Conservation Board Meeting
November 21, 2008
Patrick Henry Building
Richmond, VA**

FARM BILL PROGRAMS

An initial allocation based on the federal budget's Continuing Resolution has been received. Field offices are currently taking sign up (continuous) in our existing programs. Approval cannot be made until the interim rules are approved and published in the Federal Register. Most of the program rules are being discussed with the Office of Management and Budget and will be published when OMB concurrence is received. It is anticipated NRCS will be able to start approving FY 2009 contracts after the first of the year.

There is no funding in the Continuing Resolution for new programs affecting Virginia such as the Chesapeake Bay Initiative.

ECOLOGICAL SCIENCES HIGHLIGHTS

- NRCS has hired a State Biologist and a Grassland Agronomist.
- NRCS staff is working to update several conservation standards.
- NRCS has purchased a rainfall simulator that is available for educational purposes.
- The practice payment schedule (average cost list) has been updated for 2009. This payment schedule will be used to administer State and Federal cost-share programs. This has been shared with DCR and SWCD offices.

WATERSHED PLANNING AND SURVEYS

NHQ guidance has restricted states from submitting funding requests for developing new watershed plans. Only funding for ongoing studies will be considered in FY-09. This affects Virginia for the following two requests for planning assistance: 1) Town of Glasgow in Rockbridge County and 2) the Gross Creek Watershed located in the Town of Farmville in Prince Edward County.

RAPID WATERSHED ASSESSMENT

Lower Shenandoah River – NRCS was approved to complete a Rapid Watershed Assessment on the Lower Shenandoah River in FY-09. This is a multi-state project between West Virginia and Virginia. This assessment, along with the South Fork and North Fork assessments, will complete the entire Shenandoah River Watershed in Virginia and West Virginia. The assessment will be completed by June 30, 2009. Our national headquarters predicts there will not be any new Rapid Watershed Assessments granted in 2009.

DAM REHABILITATION

South River Site 26 (Inch Branch) in Augusta County – Construction was completed in July 2008. Final costs are not available yet.

South River Site 25 (Toms Branch) in Augusta County – Final design has been completed by the A&E firm. The Headwaters SWCD is working with Augusta County to secure the necessary land rights. The land rights must be secured by January 1, 2009 in order to obligate the Federal FA for the project.

Pohick Creek Site 4 (Royal Lake) in Fairfax County – Fairfax County is administering a construction contract for the rehabilitation of Royal Lake. Construction is ongoing and should be completed within 2 months.

Pohick Creek Site 3 (Woodglen Lake) in Fairfax County – Funding for the construction of this project has been requested in our FY-09 budget request.

Pohick Creek Site 2 (Lake Barton) in Fairfax County – Funding for the completion of the plan has been requested in our FY-09 budget request.

Stony Creek Site 9 (Lake Laura) in Shenandoah County – DCR has started the process of performing the engineering and construction necessary to bring the dam into compliance with state dam safety regulations. This project will be taken out of the federal dam rehab program. DCR will fund the entire project with no federal assistance. NRCS will provide plan and specification approval for the repairs but will not be directly involved with the design or construction.

South River Site 10A (Mills Creek) in Augusta County – Augusta County has requested NRCS planning assistance to rehabilitate this dam. The County has already completed most of the engineering studies and analysis but needs help with the environmental, sociological, and economic portions of the plan. They want to organize the information into a document that will meet the Dam Rehabilitation Program requirements so they can qualify for NRCS cost-share on the project. NRCS has requested funding in our FY-09 budget to assist Augusta County to develop a plan to rehabilitate this dam.

Assessments for High Hazard Dams – NRCS has requested funding to conduct assessments of the following three dams in Virginia.

- South River Watershed Site 7 - Lake Wilda in Augusta County
- Upper North River Watershed Site 10 - Todd Lake in Augusta County

- Johns Creek Site 3 in Craig County

DCR funded SWCD Dam Repair – DCR has received \$20 million to repair SWCD and State Park dams in order to bring them into compliance with state dam safety regulations. DCR will not be participating in the federal dam rehab program. NRCS is currently working with DCR to establish a priority list for DCR funded projects in order to ensure that NRCS and DCR efforts do not conflict.

WATERSHED OPERATIONS

Buena Vista Flood Control Project – The replacement of two undersized bridges in Buena Vista has been completed. The final payments have not been processed but the total construction cost is approximately \$900,000. NRCS paid 100% of the construction costs.

NRCS and the City of Buena Vista have signed a cooperative agreement for \$42,000 to acquire and demolish one home that is located in the floodplain on the Chalk Mine Run tributary in Buena Vista. The City is completing the legal work necessary to complete this project.

NATIONAL INTERNAL OPEN OBLIGATION AUDIT

In response to an audit that was conducted regarding contracts, easements, leases, reimbursements, and accruals, NRCS will be conducting a nationwide review of all open obligations. In Virginia, there are approximately 2,500 obligations to review. This is a tremendous workload that must be completed between November 24 and December 31, 2008. This task is now our top priority and all other work is being put on hold until we finish. Other ramifications include cancellation of employee leave on a case-by-case basis, and cancelling attendance to meetings. There is also the possibility we will be authorizing overtime and weekend work. Quality review will be of utmost importance to ensure reliability, accuracy, and completeness. The objective of this task is to implement a corrective action plan to address the audit findings.

Department of Conservation and Recreation

Report to the Virginia Soil and Water Conservation Board

November 21, 2008

1. DCR/SWCD Operational Funding:

All 47 SWCDs were issued a grant agreement with DCR in May, 2008 for Operational funding this fiscal year ('09). Each has returned a fully endorsed agreement to their CDC. All districts were issued an initial quarterly disbursement of funds during late July or August. Second quarter disbursements are being issued during November. Third quarter disbursements may be expected to be issued during February, 2009. Final disbursements will be issued in late April and early May (2009).

This fiscal year (FY09), operational funding for all districts totals \$3,943,790. During October, 2008 a reduction of \$203,697 was imposed on operational funding making the new total funding amount of \$3,740,093. The amount reflects a decrease below FY08 operational funding and below the peak funding level experienced by districts in FY01 (\$4,301,000).

2. Conservation Partner Employee Development:

The conservation partners continue to work through the "JED" –Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The state level JED team meets no less than quarterly through face to face meetings or through conference calls. The group held a conference call on November 17, 2008.

The state level JED team continues to focus on delivery of 3 "core courses". The short course "Conservation Selling Skills" was recently held in Charlottesville on October 29th and 30th. Attendees numbered 19. The group was comprised of 15 SWCD employees, 2 from NRCS and 2 from DCR. Anonymous evaluations completed by participants reflected ratings of "very good" and "outstanding". NRCS is supporting delivery of the EP&I (Effective Presentation and Instruction) short course with an initial focus of training course instructors that will deliver the course through the 4 regional JED teams. Teams have been established and training of these regional instructors is scheduled for January 27-29, 2009 at the NRCS state office. The third "core course" –Conservation Orientation for New Employees is delivered regionally when sufficient need exists to justify the sessions. Broader training needs are being addressed regionally through the 4 regional JED teams.

3. SWCD Dams:

The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others, continue to meet approximately every 3 months (a quarterly annual schedule). Of the roughly 4 meetings per year, one session is focused on Emergency Action Plans, another addresses routine annual maintenance of district dams and the remaining two meetings will address priority topics identified by the group. The group last met on October 16th with two areas of focus. The group received a briefing on the significant changes of the newly enacted Dam Safety regulations during the morning portion of the day. In the afternoon they continued to focus on procurement processes districts must satisfy to comply with the Virginia Public Procurement Act as they perform many of the smaller repairs and maintenance tasks that are necessary to fulfill dam certification requirements.

4. Agricultural BMP Cost-Share Program:

A Steering Team (comprised of representatives from DCR, SWCDs and NRCS) for the "modernization" of the Ag BMP Tracking Program has received a report from the SWCD user's group outlining their desired capabilities for the modernized tracking program. The Virginia Information Technologies Agency (VITA) has approved the project charter and project proposal (both prepared by DCR). With this approval DCR posted a scope of work and supporting documents to seek proposals from VITA pre-qualified suppliers that have interest in performing the programming and development of a new computerized program that will collect Ag BMP Cost Share Program data from SWCDs. A contract to perform this work has been awarded to CACI/WorldView. A kickoff meeting between DCR's project steering team and staff of WorldView, along with a representative from CACI was held on

November 7th. The project is fully under way with a goal of a more efficient and effective tracking program that will be in place by August 1st, 2009.

All data entered by the districts during program year 2008 (ending June 30 2008) has been harvested from the existing tracking programs. Several small changes necessary to collect data during program year 2009, have been completed and the tracking programs are available for reporting BMP implementation by the SWCDs.

The Cost Share Program Technical Advisory Committee (TAC) held its last meeting on October 9th. Attendance by TAC members (or designated alternates) was very good. The group continues to address areas of focus for changes to the Cost Share program that would take effect July 1, 2009. The TAC's "program of work" includes consideration of changes to cover crop practices, BMPs related to biofuels, modifications to nutrient management and livestock exclusion practices and other areas of focus. The TAC will hold its next meeting on December 5th, 2008. A survey of farmers and other program delivery staff is being conducted to solicit input on a reasonable fee per acre for nutrient management plan implementation.

5. Conservation Reserve Enhancement Program (CREP):

A subcommittee of the Virginia Agricultural BMP Cost Share Program Technical Advisory Committee along with the CREP TAC continues to explore ways the Cost Share program may provide additional financial incentives to encourage CREP enrollment in the Chesapeake Bay. It is hoped that by increasing the available cost share funds new participants will enroll in the Chesapeake Bay CREP. Of the 25,000 acre goal authorized for the Chesapeake Bay basin in Virginia, there are approximately 10,300 acres remaining to enroll.

6. Marketing Agricultural Conservation Messages:

DCR is winding down a contract with Open Door Communications (ODC, formerly McFadden-Clay Marketing Group) that began over two years ago with special funding from Virginia Income Tax Checkoff contributions for Chesapeake Bay restoration. Market research about Virginia farmers was conducted to understand how to best reach farmers with conservation messages and how they perceive staff of conservation partner agencies as technical resources for conservation. The research and outreach materials were tested in the Shenandoah Valley during 2007.

ODC is completing a fact sheet for each of the 5 priority practices (cover crops, continuous no till, livestock stream exclusion, riparian buffers and nutrient management). The fact sheets are intended to be used by SWCD staff (and others) as they encourage farmer adoption of the priority practices. ODC will also make available a more expansive white paper of information on each priority practice. A final outcome of the DCR/ODC contract will be a "warehouse" of many of the marketing materials that were piloted in the Valley. It is the intent to provide each SWCD access to the warehouse products in the coming weeks via the internet, and/or through distribution of CDs that contain products and materials for SWCD use as appropriate and needed.

7. Nutrient Management Related Issues

Certified nutrient management planners are required to provide annual reports to DCR concerning acreage of nutrient management plans (NMPs) they developed. Data for FY08 indicates that private sector planners developed NMPs on 235,290 acres during the year, exceeding the previous annual record by more than 75,000 acres. Reasons for the increase are believed to be cost-share and tax credit incentives for NMPs, and the new State Water Control Board regulatory requirement that all biosolids application sites have NMPs.

8. Total Maximum Daily Load (TMDL)

EPA has announced that the target date for completion of the Chesapeake Bay TMDL will be December 2010, but that it must legally be developed no later than May 2011. This TMDL will impact all six states in the Bay watershed and DC. Point sources will be required to meet nutrient reductions the TMDL may require through permit limits. For nonpoint sources, the TMDL will require that there is "reasonable assurance" that the nutrient and sediment load reductions will be met. This will require revision to the state's tributary strategies or development of a TMDL Implementation Plan with short-term (1-2 year) milestones demonstrating increased levels of implementation and/or nutrient and sediment reductions. EPA's assignment of Virginia's share of the nutrient and sediment maximum loads will not be known until at least the spring of 2009. The importance of

adequate BMP cost-share funding is obvious as is the likely need to prioritize BMPs that are the most cost-effective.

Across the state, DCR is currently working with DEQ, local stakeholders and the following Districts on developing TMDL implementation plans for local impairments: Blue Ridge, Culpeper, Headwaters, Lord Fairfax, Pittsylvania, Shenandoah Valley, Southside, and Tazewell.

An information exchange and coordination meeting was held with SWCDs that are implementing federally funded (319) TMDL projects in the Chesapeake Bay watersheds on October 2 at Graves Mountain Lodge. Districts with current projects include John Marshall, Loudoun, Peter Francisco, and Shenandoah Valley.

9. Nutrient Trading and Offsets

The first Chesapeake Bay nutrient reduction certificate for a nonpoint source has been approved by DEQ and DCR for Wildwood Farm in Appomattox Co. Practices installed on 110 acres will annually provide 376 and 101 pounds of nitrogen and phosphorus reductions respectively that can be sold to point sources in the James watershed.