

**Virginia Soil and Water Conservation Board
March 26, 2010
East Reading Room, Patrick Henry Building
1111 East Broad Street
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair	Susan Taylor Hansen, Vice Chair
Jerry L. Ingle	Jean R. Packard
Gary Hornbaker	Raymond L. Simms
Daphne W. Jamison	Jack E. Frye for Russell W. Baxter
Ray Dorsett for John A. Bricker, NRCS, Ex-Officio	

Virginia Soil and Water Conservation Board Members Not Present

Darlene Dalbec

DCR Staff Present

David C. Dowling
Michael R. Fletcher
J. Michael Foreman
Dean Gall
Lee Hill
John McCutcheon
Mark B. Meador
William E. Price
John Butcher, Office of the Attorney General
Elizabeth Andrews, Office of the Attorney General

Others Present

Ann Jennings, Chesapeake Bay Foundation
James A. McGrath, Giles County
Shannon Varner, Troutman Sanders
Wilmer Stoneman, Virginia Farm Bureau
Michelle Ashworth, Aqualaw PLC
Karen Hayes, Pittsylvania County
Otis H. Shelton, Jr. Pittsylvania County
John Robertson, Attorney for Concerned Citizens of Giles County
George Santucci, Giles County
Philip Thompson, King and Queen County
Kendal Tyree, Virginia Association of Soil and Water Conservation Districts
Wilkie Chaffin, Virginia Association of Soil and Water Conservation Districts

Call to Order

Chairman Campbell called the meeting to order and declared a quorum present.

Approval of Minutes from January 14, 2010

Mr. Meador noted that the following paragraph was omitted from the draft January 14, 2010 minutes distributed to the Board.

Resignation of Carter M. Borden, Gloucester County, effective 11/18/09, elected director position (term of office expires 1/1/12).

MOTION: Ms. Packard moved that the minutes of the January 14, 2010 meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff and as amended above.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Frye gave the Director's report. A copy is included as Attachment #1.

Chairman Campbell asked if staff could comment regarding the affect of budget reductions on district staffing.

Mr. Meador said that while some districts may have to reduce staffing levels, he could not provide any specific targeted reductions at this point.

2010 Legislative and Budget Update

Mr. Dowling gave the legislative and budget update. He referenced material in the Board packet as well as additional handouts concerning legislation as noted below.

Mr. Dowling said that. there were two key issues this legislative session, stormwater and dam safety. He noted that both will have significant implications on the regulatory responsibilities of the Board.

Mr. Dowling referenced the hand out. House Bill 1220 and Senate Bill 395 dealt with the timing and effective date of the Stormwater regulations.

HB 1220 (Hugo) and SB 395 (Wagner) - Stormwater management regulations; changes effective date that establishes local program criteria.

Delays the effective date of the Virginia Soil and Water Conservation Board's stormwater regulations that establish local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay - wide TMDL, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. *HB 1220 – Approved by Governor – Chapter 137 (effective 07/01/2010); SB 395 – Signed by Speaker and President*

[Incorporates similar bills by Delegates Bulova (HB 1311) and Dance (HB 155) and Senators Hanger (SB 677), Watkins (SB 245) and Whipple (SB 681). A Senate budget amendment, item 351 #5s also contains the delay language.]

- Stormwater Regulatory Status (recent procedural history):
 - October 5, 2009 – Board adopted and suspended final regulations to allow for additional 30-day public comment on changes.
 - October 29 to November 25, 2009 – Additional comment period on Board adopted changes.
 - December 9, 2009 – Board adopted final regulations; Governor soon thereafter approved.
 - January 14, 2010 – Board responds to 25 petitioners and voted to suspend the regulations and hold an additional 30-day public comment period on the changes adopted on December 9, 2009.
 - February 15 to March 17, 2010 – Additional comment period on Board adopted changes. Eighteen comments were received. (copies have been provided in your packets)
 - Locality adoption 15 to 21 months after the statutory effective date.
- It is staff's recommendation that the Board keep the current final regulations suspended (which requires no formal action) and that this body of regulations be further modified as necessary through a public process when it is deemed appropriate to do so. This will largely be dependant on progress made on the Chesapeake Bay TMDL Watershed Implementation Plan.
- It is also staff's recommendation that the Board continue to keep the new stormwater NOIRA in place that it authorized at the December meeting, but concur that no further action on it needs to occur at this time.

Mr. Dowling said that as adopted the Stormwater Regulations would have been effective July 1, 2010. He noted that this legislation will delay that action. He said that staff would return with a more established timeline.

Mr. Dowling addressed House Bill 1221.

HB 1221 (Bulova) Water Facilities Revolving Fund; loans for stormwater runoff control best management practices.

Provides that loans may be made from the Virginia Water Facilities Revolving Fund, at the State Water Control Board's discretion, to a local government for construction of facilities or structures or implementation of best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces. However, under the bill wastewater treatment facilities will have the first priority in obtaining financing from the Fund. *Signed by Speaker and President*

Mr. Dowling said that this may be a good vehicle for localities to look at urban retrofits.

Mr. Dowling reviewed Senate Bill 627.

SB 627 (Wagner) - Nutrient reduction credits; nonpoint nutrient offsets to be credited against a nutrient allocation.

Clarifies who receives credit for the nutrient reductions associated with a stormwater nonpoint nutrient offset. Offsets are used to achieve compliance with construction site stormwater nutrient discharge requirements. The nonpoint nutrient offsets system works very similar to wetland banks. These offsets are only available when capturing all nutrients is too difficult on a development site. If the land disturbing activity using a nonpoint nutrient offset discharges to an MS4, the locality receives credit toward its nutrient allocation. If the discharge is not to a MS4 then the reductions are applied toward compliance with the nutrient allocation applicable to that area. *Signed by Speaker and President*

Mr. Dowling said that this was directed towards future issues with the TMDL and the potential need for a nonpoint debits and credits tracking system to ensure the proper reductions and the ability to maintain any assigned nutrient caps.

Mr. Dowling addressed issues pertaining to Dam Safety.

HB 438 (Toscano) - Dam safety; Soil and Water Conservation Board to establish incremental damage analysis procedure.

Directs that the Virginia Soil and Water Conservation Board shall establish in their Impounding Structure Regulations an incremental damage analysis procedure that permits the spillway design flood requirement for an impounding structure to be reduced to the level at which dam failure does not significantly increase downstream hazard to life or property, provided that such spillway design flood requirement shall not be reduced to below the 100-year flood event for high or significant hazard potential impounding structures, or to below the 50-year flood event for low hazard potential impounding structures. The bill also directs the Board to consider the impact of limited-use or private roadways with low traffic volume and low public safety risk that are downstream from or across

a dam in the determination of the hazard potential classification of the dam. The legislation further allows for a dam owner to submit to the Board his or her own plan and schedule for correction of impounding structure deficiencies; the Board would then determine whether such alternative plans and schedules are appropriate. *Signed by Speaker and President*

Mr. Dowling said that there were three components to this bill. He said that the first was that the Board shall establish an incremental analysis procedure. He said that incremental analysis procedures are already addressed in the regulations. He said that what this legislation did was to change the spillway design floor for the high hazard incremental assessment reductions from 0.5 PMF down to the 100-year.

The 2nd component deals with roadway issues. Mr. Dowling said that the Board had already authorized staff to go forward with guidance for public comment regarding the impact on limited-use or private roadways. The development of the roadways guidance would satisfy the requirements of this legislation. He said that the third component would allow homeowners to submit their plans and for the Board to determine if that plan was appropriate. He said that was not different from the current practice.

Mr. Dowling addressed Senate Bill 244. He said that this was the same roadway issue as above, but that Senator Watkins asked that this be resolved through regulatory amendments and not through guidance.

SB 244 (Watkins) - Dam Safety Act; Soil & Water Conservation Board to adopt regulations concerning low traffic roadway.

Requires the Virginia Soil and Water Conservation Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure. *Approved by Governor – Chapter 41 (effective 07/01/2010)*

The next dam safety bill covered by Mr. Dowling was SB276. He noted that DCR had worked hard to structure the bill to achieve a proper balance between economic concerns and public safety.

SB 276 (Houck) - Dam safety; requirements of Soil and Water Conservation Board's Impounding Structure Regulations.

Specifies that the Virginia Soil and Water Conservation Board's Impounding Structure Regulations shall not require any impounding structure in existence or under a construction permit prior to July 1, 2010, that is currently classified as high hazard, or is subsequently found to be high hazard through reclassification, to upgrade its spillway to pass a rainfall event greater than the maximum recorded within the Commonwealth, which shall be deemed to be 90 percent of the probable maximum precipitation.

Additionally, an impounding structure shall be determined to be in compliance with the spillway requirements of the regulations provided that (i) the impounding structure will pass two-thirds of the reduced probable maximum precipitation requirement (the 90 percent of the probable maximum precipitation) and (ii) the dam owner certifies annually that such impounding structure meets eight specified non-structural conditions including an update emergency action plan, annual engineering inspections and insurance for possible damage to downstream property.

The legislation also contains an emergency enactment clause specifying that the act is in force from its passage. *Signed by Speaker and President.*

Mr. Dowling directed the Board to the actual legislation and reviewed the eight conditions that an owner must meet to comply with the reduced spillway design (two-thirds of the reduced PMP requirement):

1. The owner has a current emergency action plan that is approved by the Board and that is developed and updated in accordance with the regulations;
2. The owner has exercised the emergency action plan in accordance with the regulations and conducts a table-top exercise at least once every two years;
3. The Department has verification that both the local organization for emergency management and the Virginia Department of Emergency Management have on file current emergency action plans and updates for the impounding structure;
4. That conditions at the impounding structure are monitored on a daily basis and as dictated by the emergency action plan;
5. The impounding structure is inspected at least annually by a professional engineer and all observed deficiencies are addressed within 120 days of such inspection;
6. The owner has a dam break inundation zone map developed in accordance with the regulations that is acceptable to the Department;
7. The owner is insured in an amount that will substantially cover the costs of downstream property losses to others that may result from a dam failure; and
8. The owner shall post the dam's emergency action plan on his website, or upon the request of the owner, the Department or another state agency responsible for providing emergency management services to citizens agrees to post the plan on its website. If the Department or another state agency agrees to post the plan on its website, the owner shall provide the plan in a format suitable for posting.

The legislation also specifies that “[a] dam owner who meets the conditions of subdivisions 1 through 8, but has not provided record drawings to the Department for his impounding structure, shall submit a complete record report developed in accordance with the construction permit requirements of the Impounding Structure Regulations, excluding the required submittal of the record drawings”.

Mr. Dowling also reviewed House Bill 1320.

HB 1320 (Sherwood) - Dam safety; DCR to award grants to local government and private entity for dam break analysis, etc.

Authorizes the Director of the Department of Conservation and Recreation, with the approval of the Virginia Soil and Water Conservation Board, to award grants from the Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities for dam break analysis, the mapping and digitization of dam break inundation zones, and incremental damage analysis. Currently, only local governments are eligible to receive grants. The bill also establishes the Dam Safety Administrative Fund, which is capitalized with moneys from the dam application permit fees. The moneys in the fund are to be used for administration of the dam safety program. *Approved by Governor – Chapter 13 (effective 07/01/2010)*

Mr. Dowling reviewed the status of the Dam Safety Regulations and how the new legislation affects the regulations.

- Dam Safety Regulatory Status:
 - DCR will request authority from the Board at the next meeting to initiate an exempt regulatory action to update the Impounding Structure Regulations to address the components of HB438 (Toscano), excluding the roadways element, and the components of SB276 (Houck). We would time the action to be filed shortly after July 1st.
 - At the next Board meeting, it is the current intention of the Agency to advance the Dam Safety Guidance that addresses low volume roadways to the Board for consideration. After this interpretation is in place and has been tested through program implementation, the Department in response to SB244 (Watkins) and HB438 (Toscano) would seek authority from the Board to initiate a fast-track regulatory action.
 - The Dam Safety, Flood Prevention and Protection Assistance Fund Grant and Loan manual will be updated to incorporate the provisions of HB1320.
 - Department staff will develop a letter to all dam owners in the coming weeks outlining for them the legislative changes and generally how these changes may impact spillway design requirements. Specifically, we need to make sure we properly advise those that have been issued construction, alteration, or conditional certificates and that may be working on spillway designs that could be affected by these changes in design standards.

Mr. Dowling noted that the Board will need to take action later in the meeting on how to handle certificates and permits both going forward, and considering those that have already been issued, in response to the new legislation.

Mr. Dowling reviewed legislation pertaining to Erosion and Sediment Control.

HB 619 (Orrock) - Erosion and sediment control; may assess civil penalty.

Removes the specific authority of a locality to impose a \$1,000 civil penalty on a person who engages in a land-disturbing activity without having an approved plan. Instead, any violation of any erosion and sediment control regulation or order of the Virginia Soil and Water Conservation Board, any provision of a local program, or condition of a permit will be subject to a civil penalty of \$100 to \$1,000. *Signed by Speaker and President*

Mr. Dowling reviewed additional legislation pertaining to other Agency Divisions and programs. A full copy of his report is available from DCR.

Mr. Dowling specifically noted the following commending resolution adopted by the House and Senate.

HJ434 (Morgan) – Commending resolution for Joseph H. Maroon. *House and Senate agreed to*

HOUSE JOINT RESOLUTION NO. 434

Offered March 8, 2010

Commending Joseph H. Maroon.

Patrons-- Morgan, Abbitt, Abbott, Albo, Alexander, Anderson, Armstrong, BaCote, Barlow, Bell, Richard P., Brink, Bulova, Byron, Carr, Cleaveland, Cox, M.K., Crockett-Stark, Dance, Englin, Filler-Corn, Greason, Herring, Hope, Howell, A.T., Ingram, James, Joannou, Johnson, Keam, Knight, Kory, Landes, LeMunyon, Lewis, Loupassi, May, McClellan, McQuinn, Morefield, Morrissey, Nixon, Nutter, O'Bannon, Orrock, Peace, Phillips, Plum, Poindexter, Pollard, Putney, Rust, Scott, J.M., Sherwood, Shuler, Sickles, Spruill, Surovell, Torian, Toscano, Tyler, Villanueva, Ward, Ware, O., Ware, R.L., Watts and Wright;
Senators: Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins and Whipple

WHEREAS, Joseph H. Maroon is commended for his generous service to the citizens of the Commonwealth in the protection and restoration of Virginia's precious natural resources; and

WHEREAS, Governor Mark Warner appointed Joe Maroon as Director of the Department of Conservation and Recreation in 2002; and

WHEREAS, Joe Maroon continued his service as Director of the Department of Conservation and Recreation (Department) for Governor Tim Kaine; and

WHEREAS, under Joe Maroon's leadership, the Department received widespread recognition for numerous accomplishments and was given many additional and expanded responsibilities including those relating to stormwater management, land preservation tax credits, the Chesapeake Bay Preservation Act, and implementation of the largest statewide bond package for state parks and natural areas in Virginia history; and

WHEREAS, after two decades of effort by a large number of concerned citizens and state, federal, and private organizations, Joe Maroon led a successful endeavor to protect more than 1,700 acres of the Crow's Nest Peninsula in Stafford County, and create Virginia's 54th Natural Area Preserve; and

WHEREAS, Joe Maroon initiated a new and unique partnership between the Commonwealth of Virginia and the United States Department of Defense known as the Virginia Department of Defense Eagle Award, to encourage environmental initiatives and enhanced environmental stewardship on all defense lands in the Commonwealth; and

WHEREAS, Joe Maroon led a deliberate oversight of local government erosion and sediment control programs so that the Department actively sought and achieved compliance by greater than 80 percent of local governments; and

WHEREAS, early in his career, Joe Maroon served as the project director for the Joint Legislative Audit and Review Commission on a legislative study in the early 1980s to evaluate the economic potential and management of Virginia's seafood industry, which became one of the cornerstones of Virginia's first Chesapeake Bay restoration plan and led to structural and administrative changes to the Marine Resources Commission; and

WHEREAS, in 1985 Joe Maroon was chosen as the first Virginia Executive Director of the Chesapeake Bay Foundation, a position he held for over 16 years; he successfully helped establish the Bay Foundation as one of Virginia's premier environmental organizations; and

WHEREAS, for nearly 25 years, Joe Maroon has served as an environmental leader in Virginia and has been instrumental in the successful passage and implementation of numerous legislative and program advancements related to water quality, land conservation, Chesapeake Bay restoration, outdoor recreation, and dam safety; and

WHEREAS, several governors and the legislature have appointed Joe Maroon to numerous state boards and commissions, including the Virginia Board of Conservation and Recreation, on which he served as vice-chair for six years; and

WHEREAS, in 2000 Joe Maroon was recognized by a poll of environmental professionals statewide as one of four top conservation leaders in Virginia, was

recognized in 2006 by the Virginia Water Resources Research Center at Virginia Tech for his distinguished service and leadership in water issues, and received the Gerald P. McCarthy Award for Leadership in Environmental Conflict Resolution in 2009; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly commend Joseph H. Maroon for his dedication to the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph H. Maroon as an expression of the General Assembly's gratitude and admiration for his work on behalf of the citizens of the Commonwealth.

Mr. Dowling reviewed the following key points from the budget.

Governor Kaine's Introduced Budget December 18, 2009

Agricultural Best Management Practices: Introduced budget provided \$14.1 M each year of the biennium. \$5 M from the General Fund and \$9.1 M (NGF) from an increase in recordation tax fees (\$10 fee).

Virginia Land Conservation Fund: Provides \$1 M per year for each year of the biennium; down from \$2 M in FY 2010.

General Fund support declined from \$55.6 M (FY07) to \$43.8 M (FY11-12).

Specific General Fund Budget Reductions announced on December 18, 2009:
FY 2010 - \$4,284,707 (this is in addition to the \$5.7 M FY 2010 has already been cut)

FY 2011 - \$4,609,735

FY 2012 - \$4,609,735

Committee Reports

Agricultural Best Management Practices:

House – Eliminated \$5 M GF and \$9.1 M NGF thus zeroing out funding for FY11/12. Additionally took \$6.2 M from existing WQIF balance.

Senate – Reduced \$5 M GF to \$3 M GF. Left \$10 fee in that is expected to generate \$9.1 M.

Virginia Land Conservation Fund:

House – Eliminated remaining \$1 M per year deposit to VLCF.

Senate – No change to Governor's introduced budget

Final General Assembly Budget

Agricultural Best Management Practices: \$9.1 M in NGF for Ag BMPS is included (from \$10 recordation fee)

WQIF reversion: \$6.2 M is reverted from the existing WQIF balance.

Virginia Land Conservation Fund: \$500,000 per year for VLCF grants (and \$2 M in stewardship funding pass thru authority from LPTC pursuant to HB447 and SB264)

State Park Support: \$500,000 for state park support as part of the Governor's Economic Development tourism promotion efforts.

Mr. Dowling reviewed additional regulatory information:

The Department was recently notified by EPA that they are going to audit 6 phase I MS4s that are regulated by this Board.

- The first round will begin March 29th and includes Norfolk and Hampton.
- The second two are Henrico and Chesterfield which are scheduled for the week of April 19th.
- The third set is scheduled for the week of June 14th and involves Chesapeake and one other yet to be determined locality.
- EPA has selected some of the same MS4s that they audited in 2003 and 2006. These include Hampton, Henrico, Norfolk, and Portsmouth.

Mr. Dowling gave an update regarding the Chesapeake Bay TMDL. He explained the general background, genesis, development, and future implementation of the Bay TMDL.

- In the 2000 Bay Agreement the signatories committed to improving water quality so that the Bay could be removed from the Clean Water Act impaired waters list by 2010 (built on 1987 and reconfirmed 1992 agreements). The Virginia Tributary Strategies were issued as the Commonwealth's plan to reduce the input of nutrients and sediments in the Chesapeake Bay Watershed. The strategies outlined allocations for point and nonpoint sources and implementation plans for controls. EPA and jurisdictions have admitted that the 2010 goal will not be met.
- The EPA is now applying section 303(d) of the Clean Water Act to require development of a Total Maximum Daily Load for the Bay and its tidal tributaries. The Bay TMDL will satisfy the requirements of both the 1999 Virginia and 2000 District of Columbia consent decrees as well as Maryland's request that EPA develop TMDLs by May 1, 2011 for Bay and tidal tributary waters listed on the Virginia, District of Columbia, and Maryland 303(d) lists due to impairments caused by nutrients and sediment.

- The TMDL – actually a combination of 92 smaller TMDLs for individual Chesapeake Bay tidal segments – has been characterized as a “pollution diet” for the Bay and its tidal waters and will establish how much nitrogen, phosphorus and sediment can flow into the Bay and its tributaries while maintaining state water quality standards for dissolved oxygen, water clarity and algae. [40 Virginia segment-sheds]

Mr. Dowling noted that a number of new terms such as “segment-sheds” are evolving from the TMDL.

- EPA is currently updating the water quality and watershed models to establish the pollution caps viewed as necessary to restore the Bay. This will update the target loads shared with jurisdictions on October 23, 2009. (Note: The October preliminary targets suggested that Virginia had to do less to clean up the Bay than previously understood. It should also be noted that these preliminary targets only spoke to dissolved oxygen needs.) EPA must allocate loads among sources with a “reasonable assurance” that allocations can be achieved.
 - Update Bay models (March 15)
 - Revised nutrient target loads (April 30)
 - Initial sediment target loads (April 30)
 - Initial air target loads (April 30)
- Watershed Implementation Plans are required to be developed and will provide a roadmap for how the states and the District, in partnership with federal and local governments, will achieve and maintain the Bay TMDL nitrogen, phosphorus, and sediment allocations necessary to meet the State’s and the District’s water quality standards. EPA expects Plans to include dates for enhancing programs and implementing key actions to achieve the required reductions, with all such actions to be implemented as soon as possible and by no later than 2025.
- As part of the Plans’ development Virginia will assess the existing Tributary Strategies to see which ones can be carried forward into the Plans.
- The Plans will be supported by a series of two-year milestones for achieving specific near-term pollution reduction actions and targets needed to keep pace with commitments. [December 29, 2009 Accountability and Consequences memo]

The schedule for the TMDL process is as follows:

- June 1, 2010: States and D.C. submit preliminary Phase I Watershed Implementation Plans to EPA.
- Aug 1, 2010: States and D.C. submit revised draft Phase I Watershed Implementation Plans to EPA.
- Aug. 15-Oct. 15, 2010: Bay TMDL public review and comment period and second round of public meetings.

- Nov. 1, 2010: Final Phase 1 Watershed Implementation Plans to EPA.
 - Dec. 21, 2010: EPA publication of final Bay TMDL.
 - June 1, 2011 draft Phase II Plans that incorporate local targets in the Plans are due to EPA
 - Nov. 1, 2011: Final Phase II plans are due to EPA.
 - 2017 Phase III Plans with refined actions and controls that will be implemented between 2018 and 2025 are due to EPA.
- DCR and DEQ in coordination with the Secretary of Natural Resources Office are working with stakeholders to develop this TMDL and a Watershed Implementation Plan. (Two meetings have been held to-date.)
 - EPA will carefully review the Phase I, II, and III Watershed Implementation Plans to assure that they are consistent with EPA's November 4, 2009 expectations letter.
 - EPA plans to credit only that portion of pollutant removals for which States can provide verifications that reported practices and/or controls are being appropriately installed and maintained. [Reasonable assurance]

Local Soil and Water Conservation District Operations

Resignations and Appointments

Mr. Meador presented the following list of District Director resignations and appointments.

Big Sandy SWCD

Resignation of Robert M. "Bobby" Hall, Buchanan County, effective 3/3/10, elected director position (term of office expires 1/1/12).

Recommendation of Wade J. McNeely, Buchanan County, to fill unexpired elected term of Robert M. "Bobby" Hall (term of office to begin on or before 4/25/10 – 1/1/12).

Mountain Castles SWCD

Resignation of William J. MacIntosh, Jr. Craig County, effective 12/31/09, elected director position (term of office expires 1/1/12).

Recommendation of Ann G. Harrell, Craig County, to fill unexpired elected term of William J. MacIntosh, Jr. (term of office to begin on or before 4/25/10 – 1/1/12).

Tazewell SWCD

Resignation of Joyce G. Buchanan, Tazewell County, effective 2/8/10, at-large appointed director position (term of office expires 1/1/11).

Recommendation of James H. Durham, Tazewell County, to fill unexpired at-large appointed term of Joyce G. Buchanan (term of office to begin on or before 4/25/10 – 1/1/11).

Tidewater SWCD

The resignation of Carter M. Borden, Gloucester County, was accepted and the elected director position was declared vacant by the VSWCB during the Board's January 14, 2010 meeting (term of office expires 1/1/12).

Recommendation of Daniel M. Rilee, Gloucester County, to fill unexpired elected term of Carter M. Borden (term of office to begin on or before 4/25/10 – 1/1/12).

Tri-County/City SWCD

Resignation of Pamela F. Hall, Stafford County, effective 1/19/10, elected director position (term of office expires 1/1/12).

Recommendation of George Schwartz, Stafford County, to fill unexpired elected term of Pamela F. Hall (term of office to begin 4/25/10 – 1/1/12).

MOTION: Ms. Jamison moved that the list of District Director Resignations and Appointments be approved as submitted by staff.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Review of Board Policy: Financial Assistance for Districts

Mr. Meador distributed a document entitled "Financial Assistance for Soil & Water Conservation Districts." This document was adopted by the Board in May, 1999 and amended by Board action in May 2009. A copy of the document is available from DCR.

Mr. Meador said that the purpose of presenting the document was that Board policy says that the Board will review and make any amendments by the May meeting of each year. He said that he was providing the document in anticipation of the next meeting.

Chairman Campbell noted that this was standard procedure for the Board and that the item would be on the agenda for the May meeting.

DRAFT FY11 Performance Deliverables for DCR/Districts Grant Agreements for Operational Funding

Mr. Meador distributed a document entitled 'Soil & Water Conservation District (district) FY11 Performance "Deliverables" For Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent that Funding Permits'. A copy of this document is available from DCR.

Mr. Meador said that this document had been evolving over the past 10 years. He said that he was presenting this for Board consideration and action at the May meeting.

Ms. Jamison expressed a concern that there was no specific reference for funding for districts who own dams. She said that requires a significant amount of staff time.

Lake Barcroft Watershed Improvement District FY 2011 Budget

Mr. Meador presented the request for the approval of the Lake Barcroft Watershed Improvement District FY 2011 Budget. A copy of the request is available from DCR.

Mr. Meador noted that the requirement for Board approval is addressed in § 10.1-626 of the *Code of Virginia*.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Lake Barcroft Watershed Improvement District FY2011 budget as submitted by the Northern Virginia SWCD and presented by DCR staff.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried unanimously

Erosion and Sediment Control

Mr. Hill presented the Erosion and Sediment Control items.

Approval of 2010 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Foggy Bottom LLC

MOTION: Ms. Packard moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2010 annual standards and

specifications for wetland and stream restoration bank construction by Foggy Bottom LLC. The Board concurs with staff recommendations for conditional approval of the 2010 specifications for Foggy Bottom LLC in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Foggy Bottom LLC 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 for 2010 must be submitted by May 1, 2010. The following information must be submitted for each project.
 - Project name or number
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to May 1, 2010 must be provided to DCR two (2) weeks in advance of land disturbing activities by email at the following address:
MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@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. Variance to Minimum Standard 6.a and 6.b is granted such that the project may employ reinforced silt fencing in lieu of a temporary sediment trap in areas with slopes less than 2% and when the contributing drainage area is less than 3 acres; use a modified sediment trap in lieu of a temporary sediment basin when contributing drainage area exceeds 3 acres; construct low profile crossings. Variance to Minimum standard 19 is granted such that the project may employ low profile temporary culvert crossings with pipes

sized to convey at least five times the typical base flow which will overtop during larger storm events.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

2010 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Evergreen Environmental

MOTION: Ms. Jamison moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2010 annual standards and specifications for wetland and stream restoration bank construction by Evergreen Environmental. The Board concurs with staff recommendation for conditional approval of the 2010 specifications for Evergreen Environmental in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Evergreen Environmental 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 of proposed projects planned for construction for 2010 must be submitted by May 1, 2010. The following information must be submitted for each project.
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to May 1, 2010 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address:
MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail

at the following address: MitigationBank@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. Variance to Minimum Standard 6.a and 6.b is granted such that the project may employ temporary sediment traps with drainage areas greater than 3 acres. The traps will be constructed in coordination with the wetland cells. Drainage areas will range from 1 to 6 acres for each cell. Drainage areas to each cell will have minimal disturbance and disturbed areas will be immediately stabilized.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Approval of 2010 Annual Standards and Specifications for Utility and Railroad Companies

MOTION: Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2010 annual standards and specifications for electrical, natural gas, telecommunication and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2010 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction from January 29, 2010 to December 31, 2010 must be submitted by May 1, 2010. The following information must be submitted for each project.
 - Project name (or number)

- Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to May 1, 2010 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
 3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of 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.

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

1. Minimum Standard 16.a: The project may have more than 500 linear feet of trench length opened at one time provided 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.a (modified): 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; or backfilled and covered with crushed stone 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.
3. Minimum Standard 16.b: The variance to this criteria is not necessary due to Minimum Standard 16.f which allows

applicable safety regulations to supersede the Virginia Erosion and Sediment Control Regulations.

Companies recommended for conditional approval with the four conditions are:

Gas: Virginia Natural Gas, Washington Gas

Railroad: CSX Transportation

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

Telecommunication: Virginia Cable Telecommunications Association, AT&T Corporation.

Company recommended for conditional approval with the 4 conditions and the variance request for Minimum Standard 16.a (modified) is:

Railroad: Norfolk Southern

SECOND: Ms. Packard
DISCUSSION: None
VOTE: Motion carried unanimously

Initial Acceptance of Alternative Inspection Program for Floyd County

MOTION: Ms. Packard moved the following:

The Virginia Soil and Water Conservation Board receives the staff update and recommendation regarding the proposed Alternative Inspection Program for Floyd County. The Board concurs with the staff recommendation and accepts the County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Ms. Jamison
DISCUSSION: None
VOTE: Motion carried unanimously

Local Programs recommended to be found consistent following completion of Corrective Action Agreement (CAA)

Mr. Hill noted that 155 of 164 programs are now consistent. He said that the remaining 9 programs are under Corrective Action Agreements.

Caroline County's Erosion and Sediment Control Program

Mr. Hill presented the background for Caroline, Henrico, and Pittsylvania Counties' Erosion and Sediment Control Program.

Mr. Nunnally from Caroline County distributed a letter to members of the Board. A copy of this letter is available from DCR. Mr. Nunnally said that the County looks forward to partnering with DCR.

Mr. Shelton from Pittsylvania County thanked the staff for working with the County.

MOTION: Mr. Ingle moved the following motions as one action:

The Virginia Soil and Water Conservation Board commends Caroline County for successfully improving the County's 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.

The Virginia Soil and Water Conservation Board commends Henrico County for successfully improving the County's 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.

The Virginia Soil and Water Conservation Board commends Pittsylvania County for successfully improving the County's 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: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

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

Mr. Hill gave the background for King and Queen County.

The Virginia Soil and Water Conservation Board approved King and Queen County's Corrective Action Agreement (CAA) with a completion date of January 19, 2010. At the direction provided by the Board, Department of Conservation and Recreation staff reviewed King and Queen County's progress on implementing the CAA. Based on the results of the review, the staff has determined that the County has not achieved compliance with the CAA. DCR staff recommends that the County be given until September 16, 2010 to comply with the outstanding CAA.

Mr. Thompson from King and Queen County said that the County believed they were down to four items. He noted specific concerns regarding the plans reviewed. He said adjustments could be made to address those concerns. He said since the review there had been no subdivision or new development plan requested. He said that he felt that since the County did not have a plan he would recommend that DCR review the process with the locality. He said that under plan review and inspection it was the County's understanding that the sediment basin did not have to be completed until the next phase of development on the property. He said in that particular case, business had been such that the owner had not moved toward that second phase of development. He said that the County has made a great amount of improvement in their program.

MOTION: Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board accepts the staff recommendations and grants King and Queen County an extension until September 16, 2010 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the County's compliance with the outstanding CAA and provide a report at the November 2010 Board meeting.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Hill noted that staff had begun the review of the process for the next round of locality evaluations.

Citizen Request for Local Program Review

REVISED: 3/26/2010 9:27:05 AM

Mr. Dowling gave an overview regarding the citizen request for local program review in Giles County.

Over the past several months, DCR staff from both the Regional and Central offices have been in contact with Mr. James McGrath, a citizen from Giles County, with regard to what is known as the "Cumberland Fly Ash project".

This project is located outside of the Town of Narrows in Giles County and involves the deposit of coal combustion byproduct (or "fly ash") onto a site that borders the New River. While the deposit of fly ash is governed by a program administered by DEQ and the Virginia Waste Management Board (9VAC20-85-10 et seq.), the site does also involve land disturbance and so it also has coverage under Giles County's Erosion and Sediment Control Program and General Permit coverage under the Board's Stormwater Program.

Mr. McGrath has some concerns about the site and the Giles County program that he would like to bring before the Board. We also invited Giles County to attend this meeting. They have indicated that they may wish to attend the Board's next meeting should the Board request more information on the subject. I believe that Soil and Water staff from the Regional Office are also in attendance if you have specific questions about the site.

Mr. Dowling said that Mr. McGrath was present to address the Board. He noted also that John Robertson of Neyhart, Robertson & McConnell, Blacksburg, Va. and George Santucci, Executive Director of the National Committee for the New River were present at the meeting.

Mr. Dowling said that the staff recommendation would be that the Board request DCR to conduct a review of the Giles County Erosion and Sediment Control program and report back at the next Board meeting.

Mr. Robertson thanked the Board for the opportunity to speak. He said that DCR had the distinction of being the most responsive state agency to date. He said that hundreds of citizens of Giles County share his concern. He said that the citizens were requesting a comprehensive review of the local plan.

Mr. Robertson expressed concerns that there were several agencies dealing with this issue. He invited Board members to visit the project on the banks of the New River.

Mr. Robertson said that it was no secret that the citizens were against this project. He said the issue was quite contentious in the County.

Mr. Robertson said that the citizens had written to the EPA. He said they were currently going to each regulatory agency to see if the owner was in compliance. He requested supervision of the project from Richmond and a thorough examination of the plan to

make sure it is compliant with the E&S ordinance and that the ordinance is compliant with the Act.

Mr. McGrath thanked the Board for the opportunity to speak. He said that he was a land owner and taxpayer in Giles County. He said that he was involved with the Concerned Citizens of Giles County as well as the Cove Group. He said that he also worked in the Virginia prison system as a volunteer activist.

Mr. McGrath said that he wanted to explain the issue by use of the Code of Virginia.

Mr. McGrath said that §4 VAC 50-30-30 subsection (a) states that "[t]his chapter sets forth minimum standards for the effective control of soil erosion, sediment deposition and nonagricultural runoff that must be met". He said that this concept is interconnected with §10.1-561 and the Giles County ordinance.

He said that the Giles County ordinance says the purpose is "to prevent degradation of property, stream channels, water and other natural sources of the County of Giles by establishing requirements for the control of soil erosion, sediment deposition, non-agricultural runoff and by establishing procedures whereby these requirements shall be administered."

Mr. McGrath noted in §4 VAC 50-30-30 subsection b said "[t]he submission of annual specifications to the board or the department by any agency or company does not eliminate the need for a project specific Erosion and Sediment Control Plan."

Mr. McGrath said that the project was referred to April 21, 2006 by an engineering group for American Electric Power as a "coal combustion byproduct structural fill."

Mr. McGrath said that there was not a definition of non-agricultural runoff or structural fill in the State Code.

He said according to state statute §10.1-562, subsection A, second paragraph he said that the project specific plan was not reflected by the local Erosion and Sediment Control ordinance and that consequently there should have been public hearings.

Mr. McGrath said that Freedom of Information Act requests had been filed as to why there was no public process or why no record exists.

Mr. McGrath said that he was requesting the Board initiate a judicial review based on the state statute (§2.2-4020) and that the program be revoked as there is no minimum standard of effectiveness. He suggested that the program should be given to the District.

Mr. George Santucci of Giles County said that an incredible amount of work had been done as the citizens were attempting to get the whole story. He noted that the County Board of Supervisors has supported the Wild and Federal Scenic designation for this

section of the New River and that he believed the river had also qualified as a State Scenic River.

Ms. Campbell thanked the gentlemen from Giles County for their time and remarks.

Ms. Hansen said that she would like to hear a response from the staff.

Ms. Campbell said that in terms of procedure the Board would take the information and request staff to further investigate and to report back to the Board at the next meeting.

At this time the Board recessed for lunch.

Dam Safety Certificates and Permits

Mr. Browning presented the Dam Safety Certificates and Permits. He noted that there had been changes from the information mailed to the Board and said that he would note those as he presented the information.

Compliance Issues – Enforcement Actions

Mr. Browning said that there had been no change with regard to Enforcement Actions and that no action was needed by the Board.

Regular Certificates

Mr. Browning noted that there was only one dam for consideration for a regular certificate.

4	Pohick Creek Dam #4	05922	FAIRFAX	6 Year Regular
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MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendation as presented by Dam Safety staff and that staff be directed to communicate the Board action to the affected dam owner.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning noted that there were several dams that needed extensions. He said that because of the transition with the regulations and upcoming changes, staff was recommending that no extensions be issued that would be at a cost to the dam owner. He said that the motion and suggested action would allow time for staff to evaluate the impacts that the 2010 legislation brings to the Impounding Structure Regulations. This will also to allow staff to assess the comments received from the thirty-day public comment period on the Board's Guidance documents and to finalize program procedures needed for the transitioning of the September 26, 2008 Impounding Structure Regulations.

Mr. Browning said that the recommendation was for a one-year no-cost extension. He said that once the information was assembled correctly dam owners would be notified of necessary changes.

Ms. Hansen expressed concern regarding the two high hazard dams on the list.

Ms. Campbell asked about the possibility of issuing six-month extensions.

Mr. Browning said that staff was trying to uniformly offer a one- year extension. He noted that there could be exceptions.

Ms. Campbell asked if this would meet the Code requirements.

Mr. Dowling said that because of the action in Senate Bill 276 there was no discretion in the need to make changes to the Regulations. He said that the Bill was effective immediately upon signature by the Governor. He said questions remained regarding how this should be implemented.

Ms. Andrews said that this could be revisited after six months.

Mr. Robinson noted that all 39 dams on the list had asked for a one-year extension.

Mr. Browning said that before a decision was made on the length of the extensions it might be beneficial for the Board to review the other actions. He said that might provide clarity as to what the dam owners were asking for.

Dams being considered for Conditional Certificates were:

4	Camp Shenandoah Dam	01515	AUGUSTA	6 Month Conditional
5	Lakewood Dam	03105	CAMPBELL	6 Month Conditional
6	Lakeland Dam	03111	CAMPBELL	6 Month Conditional
7	Lake Fairfax Dam	05910	FAIRFAX	6 Month Conditional

8	Fair Lakes Dam No. 1	05943	FAIRFAX	1 Year Conditional
9	Hampton Forest Section 4 Dam	05947	FAIRFAX	1 Year Conditional
10	Smithfield Lake Dam	09315	ISLE OF WIGHT	6 Month Conditional
11	Fairy Stone Dam	14103	PATRICK	1 Year Conditional
12	Brushy Mountain Dam	14321	PITTSYLVANIA	6 Month Conditional

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the Conditional Certificate Recommendations as presented by Dam Safety Staff for items 8, 9 and 11 above and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Jamison

DISCUSSION: Mr. Frye noted that he would abstain as the Fairy Stone Dam was owned by DCR.

VOTE: Motion carried with Mr. Frye abstaining

MOTION: Ms. Jamison moved that due to the new Dam Safety legislation enacted by the 2010 General Assembly the Board defer actions on all certificates expiring on March 31, 2010 and that the Board issue each dam owner for items 4,5,6,7,10 and 12 as listed above a six month extension at no cost to the dam owner. Further, that the Board direct the staff to inform each dam owner in writing of this action and also to inform the dam owner, that during this interim period, no further engineering design work of spillway capacity or hazard classification, including construction activity affiliated with spillway capacity upgrades is required to be performed.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Dams being considered for Permit Certificates were:

4	Stoney Creek Dam	01904	BEDFORD	2 Year Alteration
5	Fair Lakes Dam No. 1	05943	FAIRFAX	1 Year Alteration
6	Hampton Forest Section 4 Dam	05947	FAIRFAX	1 Year Alteration
7	Cove Lake Dam #1	06905	FREDERICK	1 Year Alteration

8	Cove Lake Dam #2	06911	FREDERICK	1 Year Alteration
9	Clifford D. Craig Memorial Dam	16104	ROANOKE	1 Year Alteration
10	Bear Creek Dam	19511	WISE	2 Year Alteration
11	Upper Norton Reservoir Dam	72002	CITY OF NORTON	2 Year Alteration

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board, for items 5, 6, 7, 8 and 9 as listed above, issue each dam owner a one-year Certificate, and further that staff be directed to inform each dam owner in writing of this action.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board delay the issuance of Alteration Permits for items 4 and 10 until the Board is assured that the dam owners understand the options available for spillway capacity that were enacted by the 2010 General Assembly and directed DCR staff to communicate such action in writing to the owners of items 4 and 10 as listed above to determine how the dam owners expect to proceed, requesting their written response be provided to DCR by May 12, 2010.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Ms. Hansen moved that item 11 be included in the motion above.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

The following dams were recommended for extensions.

3	Beaver Creek Dam #1	00301	ALBEMARLE	6 Month Extension
4	Chisholm Dam Upper Farm	00347	ALBEMARLE	6 Month Extension
5	South River Dam #6	01509	AUGUSTA	6 Month Extension
6	Evergreen Lake Dam	01911	BEDFORD	6 Month Extension
7	Boonsboro Country Club Dam #1	01934	BEDFORD	6 Month Extension
8	Crab Orchard Creek Dam	02102	BLAND	6 Month Extension
9	Willis River Dam #1A	02901	BUCKINGHAM	6 Month Extension
10	Willis River Dam #1B	02902	BUCKINGHAM	6 Month Extension
11	Willis River Dam #7	02909	BUCKINGHAM	6 Month Extension
12	Willis River Dam #2	02919	BUCKINGHAM	6 Month Extension
13	Ladysmith lake Dam	03350	CAROLINE	6 Month Extension
14	Johns Creek Dam #2	04501	CRAIG	6 Month Extension
15	Johns Creek Dam #4	04504	CRAIG	6 Month Extension
16	Barr Dam	06113	FAUQUIER	6 Month Extension
17	Lake Holiday Dam	06914	FREDERICK	6 Month Extension
18	Lake Overton Dam	08714	HENRICO	6 Month Extension
19	Leatherwood Creek Dam #5	08902	HENRY	6 Month Extension
20	Leatherwood Creek Dam #3	08904	HENRY	6 Month Extension
21	Leatherwood Creek Dam #2A	08905	HENRY	6 Month Extension
22	Leatherwood Creek Dam #6	08907	HENRY	6 Month Extension
23	Lake Madison Dam	09905	KING GEORGE	6 Month Extension
24	Golden Eagle Dam	10304	LANCASTER	6 Month Extension
25	Gordonsville Dam	10923	LOUISA	6 Month Extension
26	Malvern Dam	11311	MADISON	6 Month Extension
28	Black Creek Impoundment	12514	NELSON	6 Month Extension
29	Grymes Mill Dam	13704	ORANGE	6 Month Extension
30	Dry Run Dam #101	13902	PAGE	6 Month Extension
31	Camp Shawnee Lake Dam	14315	PITTSYLVANIA	6 Month Extension
32	Bush River Dam #5	14739	PRINCE EDWARD	6 Month Extension
33	Bush River Dam #6	14740	PRINCE EDWARD	6 Month Extension
34	T. Nelson Elliott Dam	15302	PULASKI	6 Month Extension
35	Garland Millpond Dam	15902	RICHMOND	6 Month Extension
36	Laurel Bed Dam	16701	RUSSELL	6 Month Extension
37	Stoney Creek Dam #10	17102	SHENANDOAH	6 Month Extension
38	Fawn Lake Dam	17709	SPOTSYLVANIA	6 Month Extension
39	Hazel Grove Dam	17717	SPOTSYLVANIA	6 Month Extension
40	Apple Mountain Lake Dam	18709	WARREN	6 Month Extension
41	Apple Mountain Upper Lake Dam	18711	WARREN	6 Month Extension
42	Newman Lake Dam	66001	HARRISONBURG	6 Month Extension

MOTION: Mr. Simms moved that due to new Dam Safety legislation enacted by the 2010 General Assembly the Board defer actions on all certificates expiring on March 31, 2010 and issue each dam owner as listed above, with the exception of items 19 through 22 and item 30, a six-month Certificate extension at no cost to the dam owner. Further that the Board direct staff to inform each dam owner in writing of this action and also inform the dam owner, that during this interim period no further engineering design work of spillway capacity or hazard classification, including construction activity affiliated with spillway capacity upgrades is required to be performed.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Ms. Hansen moved that due to new Dam Safety legislation enacted by the 2010 General Assembly the Board defer actions on all certificates expiring on March 31, 2010 and issue the dam owner listed above in items 19 through 22 a six-month Certificate extension at no cost to the dam owner. Further that the Board direct staff to inform each dam owner in writing of this action and also inform the dam owner, that during this interim period no further engineering design work of spillway capacity or hazard classification, including construction activity affiliated with spillway capacity upgrades is required to be performed.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried with Ms. Jamison abstaining

MOTION: Ms. Hansen moved that due to new Dam Safety legislation enacted by the 2010 General Assembly the Board defer actions on all certificates expiring on March 31, 2010 and issue the dam owner in item 30 as listed above, a six-month Certificate extension at no cost to the dam owner. Further that the Board direct staff to inform each dam owner in writing of this action and also inform the dam owner, that during this interim period no further engineering design work of spillway capacity or hazard classification,

including construction activity affiliated with spillway capacity upgrades is required to be performed.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried with Chairman Campbell abstaining

Mr. Browning said that it would be his recommendation to re-establish the Board's Technical Advisory Committee. He said that the Committee had not been active for some time. He said with the continuing changes in the program, this could be necessary.

Chairman Campbell asked if the Board would like to make that a motion.

Mr. Dowling said that the Code calls for it and that a motion would not necessarily be required. He said that in cases where there were special issues, a TAC was formed to address that specific issue.

Chairman Campbell said that the Board could further address this at the May meeting.

Mr. Dowling said there was one other dam safety item regarding the affect the changing laws and guidance had on permits and certificates that the Board had previously approved. An administrative mechanism is needed to allow staff to notify and work with owners on revisions to the permit and certificate conditions previously established by the Board. He said that via the motion before them that staff was asking the Board to give direction to the Department as to how to move forward.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board direct the Department to advise all dam owners with Virginia Soil and Water Conservation Board issued Regular or Conditional Operation and Maintenance Certificates and/or Construction Permits or Alteration Permits of the new forthcoming Dam Safety Program standards. The standards will be developed upon their effective date as law and/or adoption of new Board guidance. It is recognized that these standards shall supplant earlier requirements issued by the Board in such certificates and permits. Such impounding structure dam owners should contact the Department's Division of Dam Safety to discuss the potential impact to their impounding structure.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

REVISED: 3/26/2010 9:27:05 AM

Guidance Document Update and Action

Mr. Dowling gave the following update regarding Board guidance.

At the January 14, 2010 meeting, the Board received an overview on the following draft guidance documents and authorized the Department pursuant to the motion noted below to initiate a 30 day public comment period.

- 1) Guidance Document on Credits and Refunds of Dam Safety Certificate Application Fees.
- 2) Guidance Document on Special Low Hazard Impounding Structure Requirements.
- 3) Guidance Document on Agricultural Exemption Requirements.
- 4) Guidance Document on Dam Break Inundation and Incremental Damage Assessment Analysis and Mapping Procedures.
- 5) Guidance Document on Roadways on or Below Impounding Structures.
- 6) Guidance Document on Impounding structure Hazard Potential Classification.

Board Motion at January 14, 2010 Meeting:

The Virginia Soil and Water Conservation Board authorizes the Department of Conservation and Recreation to refine the draft guidance documents and to initiate a 30-day public comment period on these documents. The Department may also hold a focus group meeting(s) on issues surfaced during the public comment period at the discretion of the Department. The Department staff shall provide at a subsequent meeting the results of the public comment period and recommendations on final guidance documents for the Board's consideration.

Status

The six documents were posted to the Department's website and a postcard was sent to all dam owners and to key dam safety engineering and interest groups advising them of the 30-day comment period.

Cards were mailed on February 3rd and the comment period closed on Friday, March 12th.

DCR received 18 comments (copies are available in your packets). The Department is currently reviewing the comments received and is working on making additional edits to the guidance documents.

Additional changes also will be needed in response to this year's legislation.

Mr. Dowling said that it was staff intention to bring revised documents back to the Board at the May meeting.

Partner Reports

Natural Resources Conservation Service

Mr. Dorsett gave the report for NRCS. A copy of the report is included as Attachment #2.

Virginia Association of Soil and Water Conservation Districts

Mr. Chaffin gave a report for the Virginia Soil and Water Conservation Districts. He expressed concern over the essential funding document for Districts. He noted that the amount of travel expense for employees increased, but that the amount for directors decreased.

Mr. Chaffin said that the Association and Districts have been involved with the NRCS computer reduction situation.

Ms. Tyree said that three area meetings had been held. She noted that Mr. Frye had presented the Clean Water Farm Awards at these meetings.

Ms. Tyree said that the Envirothon Competition was scheduled for May 16 and 17.

Chairman Campbell said that with regard to essential funding, the document was a tool to justify additional money for Districts. She said it was based on the best estimates of what would be needed to staff an office. She said that the figure was aiming toward a minimum, but noted that the funding was not available through the legislature.

Virginia Department of Forestry

A Department of Forestry representative was not in attendance. A written report was provided and is included as Attachment #3.

Public Comment

There was no additional public comment.

New Business

There was no new business.

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be Friday, May 14, 2010. The location is to be determined.

Adjourn

Respectfully submitted,

Linda S. Campbell
Chair

Russell. W. Baxter
Acting Director

Attachment #1

Department of Conservation and Recreation
Report to the Virginia Soil and Water Conservation Board
March 26, 2010

1. DCR/SWCD Operational Funding: All 47 SWCDs were issued a grant agreement with DCR in June, 2009 for operational funding this fiscal year (FY10). Each has returned a fully endorsed agreement in their CDC and each was issued 25% of the approved operational funding for FY10. At the outset of this fiscal year (FY10), operational funding for all districts totals \$3,356,535. This amount reflects a decrease below the peak funding level experienced by districts in FY01 (\$4,301,000). However, over two thirds of the 47 districts are also receiving this fiscal year funds that total \$1,800,000 to employ conservation specialists for the implementation of agricultural districts 8% of the amount deposited in the Virginia Natural Resources Commitment Fund (for FY10, \$20 million was deposited) to support technical staff of SWCDs that are performing assistance with implementation of agricultural BMPs.

On September 8, 2009, Governor Kaine announced reductions in state funds which include a 10% reduction in SWCD funding for FY10. The reduction amount totals \$587,454 (comprised of \$349,954 in operational funds, \$150,000 in funding for small repairs to SWCD owned dams; and \$87,500 in technical assistance for SWCD agricultural support staff) this fiscal year. The reduction in operational funds varies by SWCD in a range of \$6,941 to \$8,239 for an average reduction of \$7,445 per district. DCR in consultation with the VASWCD resolved the details for implementing reductions in district funding. Correspondence pertaining to administration of the reductions has been issued to all SWCDs by DCR. The reductions in operational funds will be imposed during the last two quarters (January and April) of this fiscal year.

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 last quarterly meeting of the state JED group was held as a conference call on February 17th, 2010.

The state level JED team is focusing on the delivery of 3 “core courses.” The short course “Conservation Selling Skills” has been held at least annually for the past 8 years. The last course was delivered on November 4th and 5th, 2009 at the Central Virginia Community College in Lynchburg. Delivery of this class is tentatively planned for the fall of 2010, depending upon sufficient course enrollment. NRCS is supporting delivery of the EP&I (Effective Presentation and Instruction) short course. Teams of trainers to deliver the course have been established. Each of the 4 JED regions has a training team for this course consisting of 3 individuals. Two of the 4 teams have delivered the course within their region of the state. The other 2 teams will deliver the course in their regions during the months to come. The third “core course” – Conservation Orientation for New Employees is available for regional delivery. However, since the course was last offered

in February, 2007 it is believed there has been sufficient turnover of SWCD and conservation partner staff to offer the week long course. The state level JED team will revisit discussion about delivery of this course later this year or possibly early in 2011. Delivery in the Richmond area would minimize travel by the majority of trainers from NRCS and conservation partners.

The next meeting of the JED state team will be held as a conference call on May 27th beginning at 9 a.m.

3. SWCD Dams: The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others, continues 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 (EAPs), another addresses routine annual maintenance of district dams and the remaining two meetings address the priority topics identified by the group. The group last met on January 28th, 2010 and continued to focus on the Dam Break Inundation Studies (DBIS) and mapping that are being completed through DCR's Design and Construction staff (DAC). The group received further instruction on the interpretation and use of the completed BIS documents. Presentations were delivered by staff of DCR and NRCS. The next meeting of this group is scheduled April 29, 2010 in Charlottesville. The focus of the upcoming meeting will be on applied uses of DBIS and EAPs.

4. Agricultural BMP Incentive Programs: The program's Technical Advisory Committee (TAC) last met on February 25, 2010. The group considered changes that affect existing practices as well as the development of new BMPs. Several active subcommittees of the TAC continue to work on specific topics and practices. They will report their findings and recommendations during the next meeting of the full TAC scheduled for March 22, 2010. Revisions to Ag. BMP specifications for implementation during the next, (2011) Agricultural BMP Cost Share Program year must be completed by April 2010 so that program materials, training and other program needs are in place by July 1st when the new program year begins. Arrangements for regional training sessions are being resolved. DCR staff will conduct the sessions in May to address program changes that take effect July 1st.

Agricultural BMP Tracking Program: Phase 1.5 of the modernization of the Ag BMP Tracking program is complete. Phase 2 work will address a list of approximately 40 enhancements that SWCDs and DCR have identified as high priority improvements to the program. WorldView is under contract with DCR to perform this work. The goal for launching many of the Phase 2 enhancements is on or before July 1, 2010. Some additional program features will be deployed in the months to follow. Training opportunities for program users are being discussed and explored to enable users to fully understand and make use of new program features. A third project phase is being planned.

CREP: CREP annual reports have been delivered to the state FSA office and the USDA headquarters. Overall less than 2,000 acres in the southern rivers and approximately

10,000 acres in the Chesapeake Bay remain available for CREP enrollment. A budgetary action of the 2010 General Assembly will result in a loss of some state funds previously appropriated for CREP. With the funds that remain, DCR projects that the program can continue for the next 2 years, but thereafter additional funding is needed to fulfill all of the program goals.

5. Erosion and Sediment Control & Stormwater Management Programs: As of the March 26, 201 meeting of the Virginia Soil and Water Conservation Board, 155 or 94.5% of local erosion and sediment control programs have been found consistent with state law. A total of 209 new construction activities have registered for coverage under the construction general permit from January 1, 2010 through February 28, 2010. A total of 4,324 construction general permits, permit re-issuance (2,933) plus new projects (1,391), have been issued through February 28, 2010.

6. Nutrient Management: Two training sessions were held for Nutrient Management Certification Training Program for the new Turf and Landscape (T&L) category. One regular exam was given to both the agricultural and the turf and landscape groups. One additional exam was given for the new turf and landscape candidates to handle the influx of those wishing to become certified. There are currently 339 certified nutrient management planners in Virginia. Forty seven are certified in the T&L category, and 33 are certified in both agriculture and T&L.

7. DCR TMDL Activities: Currently DCR is working on five TMDL implementation plans in the following watershed in across the Commonwealth: Christians Creek and South River (Augusta County and City of Waynesboro); Lewis Creek (Russell County); Cherrystone Inlet and Kings Creek (Northhampton County); Hays Creek, Moffatts Creek, Otis Creek, and Walker Creek (Augusta and Rockbridge Counties), and Slate River (Buckingham County). To date a total of 41 implementation plans have been completed in Virginia that address 132 impaired stream segments or waterbodies. Eight four of these impaired stream areas are receiving targeted TMDL implementation funds to implement agricultural BMPs (federal and/or state funds), and residential and urban BMPs (federal funds).

8. Chesapeake Bay TMDL: The second meeting of Virginia's Chesapeake Bay TMDL Stakeholder Advisory Group was held on February 26, 2010 in Richmond. In the Commonwealth, DCR and DEQ will have to develop a Watershed Implementation Plan to detail how the reductions will be achieved. This group was formed by the Secretary of Natural Resources to provide input on developing the Commonwealth's Watershed Implementation Plan for the Chesapeake. The group is comprised of 35 representatives from major sectors and interests including those representing agriculture parties. Staff of DCR, DEQ and VDH provided draft sector worksheets with information on specific BMP coverage will be short of required target loads for 2017, but will be evaluated for adjustment based on model results and input from the Stakeholder Advisory Group and others. The official EPA website for Bay TMDL information is:

www.epa.gov/chesapeakebaytmdl/. DCR's website for the Bay TMDL is:
www.dcr.virginia.gov/soil_and_water/baytmdl.shtml.

Attachment # 2

**NRCS REPORT
VA Soil and Water Conservation Board Meeting
March 26, 2010
Patrick Henry Building
Richmond, VA**

ACTING NRCS STATE CONSERVATIONIST

Jack Bricker, NRCS State Conservationist continues on a "detail" appointment at our national headquarters and reported on Monday, January 11. It is not known at this time when this detail will terminate.

Vicky Drew, Assistant State Conservationist for Programs from NRCS in Vermont, reported to the state office as Acting State Conservationist in Virginia on January 19. Her "detail" period ended on March 19. Ray Dorsett has assumed the role of Acting State Conservationist until Jack's return.

FARM BILL PROGRAMS

Financial Assistance Programs:

We are in the process of taking sign-up, approving applications, and developing contracts for all 2010 Farm Bill programs. Our first evaluation period cutoff was February 19 and the second one was March 12. Our target for fund obligation is April 16, 2010.

Environmental Quality Incentive Program (EQIP): NRCS received total of \$9,907,236 in FY-10. This is a decrease of \$464,921 from last year's funding level. As of March 12, 2010, we have received 904 applications which total \$22,588,636.

Chesapeake Bay Watershed Initiative (CBWI): Our allocation increased 68% in FY-10 to \$9,530,802; therefore, we expanded the priority watershed areas and the priority practices that will receive funding within the Bay watershed. As of March 12, 2010, we have received 434 applications which total \$15,715,982.

Wildlife Habitat Incentive Program (WHIP): We receive \$210,425 in our initial allocation but this is expected to go up with additional allocations to about the same level as FY-09. As of March 12, 2010, we have received 78 applications which total \$415,704.

Stewardship:

Conservation Stewardship Program (CSP). NRCS has received 176 applications in both agricultural and forestry. There are 148 applications pre-approved for funding. We have until April 1, 2010 to complete the field verifications and develop Stewardship plans and contracts. Virginia has received an allocation of 31,656 acres for agricultural land and 22,283 acres for non-industrial private forest land. The funding will go for approving the highest ranked applications. This is a continuous sign-up and the next ranking period has not been set.

Easement Programs:

Farm and Ranchland Protection (FRPP). NRCS has received 5 new applications for \$976,500. Counties submitting applications were Clarke, Fauquier, Middlesex, Montgomery, and Spotsylvania. We received \$1,587,170 in FY-10 funding.

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Grassland Reserve Program (GRP). NRCS received 15 new applications for FY-10. Fourteen are easement contracts and one is a rental contract. Total requests equal \$4,441,122. NRCS has also approved 4 permanent easement applications and one rental agreement from the \$634,720 in funding received for FY-10.

Wetland Reserve Program (WRP). Nationwide the agency is pushing for expansion of the program by 30% annually. This will create a growing workload in Virginia. We want to encourage sign-up and participation in the program so assistance from the VSWCB would be appreciated.

In FY-10, NRCS has approved three applications for \$484-560. We will work with the landowners to develop contracts for these lands. We received over \$4,622,569 in funding for FY-10.

DAM REHABILITATION

Pohick Creek Site 3 (Woodglen Lake) in Fairfax County – Over \$1,449,000 was obligated in federal funds for construction in December. Fairfax County received a bid of \$900,991 which was significantly below the engineer's estimated costs for the project. The contract will be awarded by April 2010 with construction scheduled for completion in September 2010.

Pohick Creek Site 2 (Lake Barton) in Fairfax County – With a final plan developed for this dam rehabilitation project the design should be completed by June 2010. About \$2,040,000 in federal funds will be obligated by September 2010 and construction will be completed by September 2011.

Both Pohick Creek rehabilitation projects are sponsored by the Fairfax County Board of Supervisors and the Northern Virginia SWCD. Funding is provided by the American Recovery and Reinvestment Act (ARRA) for these projects.

Pohick Creek Site 8 (Huntsman Lake) in Fairfax County. – NRCS received funding in FY-10 to assist Fairfax County and the Northern Virginia SWCD to initiate planning for dam rehabilitation on this site. A final site plan is expected in 2011.

South River Site 25 (Toms Branch) in Augusta County – Construction is ongoing on Toms Branch and should be completed in the spring of 2010. The project is in winter shutdown due to bad weather. The contract was awarded to Adams Contracting Company from Robbinsville, NC for \$1,098,917. Project sponsors include Augusta County, the City of Waynesboro, and the Headwaters SWCD.

South River Site 10A (Mills Creek) in Augusta County – NRCS is assisting Augusta County to develop a dam rehabilitation plan for this site. The planning process is ongoing with a final plan expected by September 2010.

WATERSHED OPERATIONS

Buena Vista Flood Control Project – NRCS is assisting the City of Buena Vista with the acquisition of environmental permits for the channel modification of Chalk Mine Run.

NRCS hired an A&E firm to design the channel modification project for Chalk Mine Run. The design will be completed in May 2010.

North Fork Powell River Watershed – ARRA funding has been received to design and construct five abandoned mine land sites in this watershed. This project will address water quality problems from abandoned mines in this watershed. The project is sponsored by the Lee

County Board of Supervisors, the Daniel Boone SWCD, and the Virginia Department of Mines, Minerals and Energy. The five sites will be designed and constructed in 2010.

Chestnut Creek Watershed - \$220,000 in financial assistance from ARRA funding have been received to develop new long-term contracts with landowners in this watershed in Carroll and Grayson Counties. This project will address water quality problems caused by grazing in the watershed. Two new contracts totaling \$139,046 have been signed and the funds obligated.

Little Reed Island Creek Watershed - \$120,000 in financial assistance dollars from ARRA funding has been received for new long-term contracts with landowners in this watershed in Carroll, Pulaski, and Wythe Counties. This project will address water quality problems caused by grazing in the watershed. One new contract for \$82,065 has been signed and the funds obligated.

NRCS AND VSU SIGN OUTREACH GRANT AGREEMENT

In February, NRCS entered into a Grant Agreement with Virginia State University to strengthen outreach efforts to limited resource, beginning and socially disadvantaged farmers. This Grant Agreement will expand the existing Small Farm Outreach program at VSU and enhance opportunities for participation in USDA Farm Bill conservation programs, such as, the Chesapeake Bay Watershed Initiative, Conservation Stewardship Program, and Environmental Quality Incentives Program. NRCS hired 2 term appointments to conduct workshops, tours, setup demonstration farms, and make individual contacts. Barry Hughes is located in Cooperative Extension office in Lawrenceville and Jim Schroering will be located at the Hanover office.

THIRD ANNUAL USDA OUTREACH CONFERENCE

Over 300 people attended an Outreach Conference held March 18 on the VSU Campus. Eleven USDA agencies provided information about their programs targeted to "small farm" farmers. In attendance, was a panel of local producers explaining how access to these programs has affected their operations. USDA Deputy Secretary Merrigan attended and spoke on the "Know Your Farmer, Know Your Food" Initiative which emphasizes the critical reconnection between producers and consumers and promotes local and regional food systems by stimulating community and economic development, and ensuring equitable access to affordable fresh and local food.

Attachment # 3

**Virginia Department of Forestry
Agency Report for Soil and Water Conservation Board Meeting
March, 2010**

The Department of Forestry highly values the cooperative relationship that we have with the Soil and Water Conservation Board as we both seek to protect and manage these resources.

AGENCY UPDATE: VDOF has been active in many areas in 2009 and 2010.

WATER QUALITY ACCOMPLISHMENTS: DOF emphasizes water quality in number of ways.

- Through staff changes in DOF Water Quality Program. Matt Poirot is Assistant Division Director and oversees all water quality efforts at DOF. Bill Lakel, PhD, is Forest Water Quality Program Manager. Kevin McGuire, PhD is serving in a new shared DOF-Virginia Tech Forest Hydrologist position, focusing on research.
- By promoting voluntary Best Management Practices on harvesting operations – work with landowners and loggers, through inspections on about 4,245 tracks annually for nearly 207,226 acres in 2009.
- Through a new protocol for auditing and reporting BMP accomplishments, involving a sampling of 250 tracts, yielding an outstanding 82.4 percent positive response to criteria sampled.
- By education and enforcing the water quality law. Four Forest Engineers, and nine water quality specialists have increased our efforts in BMPs and water quality compliance. In 2008-09, 13 training courses were offered for harvesting professionals, with 260 participants, bringing the total since 1996 to 6,370 harvesting professionals trained in water quality protection techniques.
- VDOF continues, through funding through DCR, the Logging BMP cost share program. This program offers assistance to loggers in BMPs for stream crossing. In 2008-09, the program funded 46 projects, of which 32 included portable bridges, which can be used many times. Additionally, we have funded regional projects focusing on riparian buffers, stream restoration and urban forest water quality improvements. A total of 70% of these projects occurred in the Chesapeake Bay watershed.
- Continuing efforts and partnership in promoting and emphasizing forested buffers along streams. For 2009, there were 2,180 acres of buffers established.