Virginia Soil and Water Conservation Board
July 15, 2010
General Assembly Building, Senate Room A
Richmond, Virginia

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair
Frank Blake, Jr.
Darlene Dalbec
Raymond L. Simms.
David A. Johnson, DCR Director
C. Frank Brickhouse, Jr.
Jerry L. Ingle

Virginia Soil and Water Conservation Board Members Not Present

Susan Taylor Hansen, Vice Chairman
Daphne W. Jamison
John A. Bricker, NRCS, Ex-Officio
Gary Hornbaker

DCR Staff Present

Jeb Wilkinson, Chief Deputy Director
David C. Dowling, Director of Policy Planning and Budget
Jack E. Frye, Director, Division of Soil and Water Conservation
Ryan J. Brown, Acting Director, Division of Dam Safety
Lee Hill, Assistant Director, Stormwater Management Programs
John McCutcheon, ESC Program Manager
Michael R. Fletcher, Board and Constituent Services Liaison
Ken Turner, District Dam Engineer
Robert VanLier, Dam Safety Regional Engineer

Others Present

Wilkie Chaffin, Virginia Association of Soil and Water Conservation Districts
Brent Fults, CBNLT
Chris Kahn, Williamsburg Environmental Group
Bruce Kay, Lake of the Woods Association
Robin Knepper, Fredericksburg Free-Lance Star
Ted Wessel, Lake of the Woods Association
Elton W. Rupe, Lake of the Woods Association
Kendall Tyree, Virginia Association of Soil and Water Conservation Districts

Call to Order and Introductions

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

Chairman Campbell welcomed the Frank Blake, Jr. as newest Board Member. Mr. Blake is filling the vacancy created by Ms. Packard's resignation.

Approval of Minutes from May 14, 2010

Chairman Campbell noted that on page 21 the correct date for the closed meeting in question should be May 14, 2010, not November 19, 2010.

MOTION: Mr. Johnson moved that the minutes of the May 14, 2010 meeting of the Virginia Soil and Water Conservation Board be approved as corrected.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried with Mr. Blake abstaining

Director's Report

Mr. Johnson gave the Director's report. He said that it was a pleasure to meet with the Board. He gave his professional background and introduced Chief Deputy Director Jeb Wilkinson.

Mr. Johnson introduced Secretary of Natural Resources Doug Domenech.

Secretary Domenech offered greetings and expressed appreciation on behalf of the Administration. He expressed appreciation for the leadership of Russ Baxter during the transition time.

Secretary Domenech said that it was an interesting time. He noted that the main focus continues to be the cleanup of the Chesapeake Bay.

Secretary Domenech noted that the previous day Governor McDonnell had announced that the state ended the year with a budget surplus. He said that would mean an additional $22 million added to the Water Quality Improvement Fund.

Chairman Campbell thanked Secretary Domenech his comments and said that it was a privilege to serve the Commonwealth.

Mr. Johnson continued with the Director's report. He said that the main focus for DCR continues to be the work on the Chesapeake Bay TMDL. He said that a draft watershed improvement implementation plan is due around the beginning of September. He noted that, even though the deadline for the TMDL was December, 2010 that in 2011, due to a technical problem at the EPA the TMDL would have to be revised.

Mr. Johnson said that the other key issue the agency was dealing with was the stormwater regulations. He said that the General Assembly had set the timetable for the regulations to be revised 280 days past the adoption of the Chesapeake Bay TMDL. He said that DCR would officially kick off the revision of the regulations with a meeting of the newly constituted Regulatory Advisory Panel on July 23.

Mr. Johnson said that Mr. Wilkinson will focus on the area of land conservation and the Governor's goal of preserving an additional 400,000 acres.

Dam Safety Regulatory Actions

Mr. Dowling gave a presentation regarding the Dam Safety Regulatory Actions. A full copy of Mr. Dowling's presentation is included as Attachment #1.

Mr. Dowling said that staff was presenting two actions for Board consideration. The first was a **final exempt action** that incorporates language from legislation passed during the 2010 Session for which the Board has no discretion. The second was a **final fast-track action** to provide for temporary grandfathering of certain dams from the September 2008 regulatory requirement changes.

Mr. Dowling reviewed the staff recommendations and request for Board action.

Final Exempt Action

There were no questions from the Board or comments from the public.

MOTION: Mr. Simms moved the following:

Motion to approve, authorize and direct the filing of final exempt regulations related to the Board's Virginia Impounding Structure Regulations (§ 4 VAC 50-20)

The Board approves these final exempt regulations and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the Board's Virginia Impounding Structure final exempt regulations and any other required documents to the Virginia TownHall and to the Registrar of Virginia.

This authorization is related to those changes that are exempt from the Administrative Process Act pursuant to § 2.2-4006 (4)(a) of the Code of Virginia where such amendments are necessary to conform to changes in Virginia statutory law where no Board discretion is involved. Additional authority for this exempt action

is provided in Chapter 249 of the 2010 Virginia Acts of Assembly (SB276) in Enactment clause #2 that specifies that "the Virginia Soil and Water Conservation Board may amend its Impounding Structure Regulations to conform with the provisions of this act through a regulatory process that is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia".

The Department shall follow and conduct actions in accordance with the exemption processes within the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, and the Governor's Executive Order 14 (2010) on the "Development and Review of Regulations Proposed by State Agencies".

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approvals from the Virginia Registrar of Regulations for the final regulatory action publication.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

SECOND: Mr. Brickhouse

DICUSSION: None

VOTE: Motion carried unanimously

Final Fast-Track Action

There were no questions from the Board or comments from the public.

MOTION: Mr. Ingle moved the following:

Motion to approve, authorize and direct the filing of a fast-track final regulation related to the Board's Virginia Impounding Structure Regulations (§ 4 VAC 50-20)

The Board approves this fast-track final regulation and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the Board's Virginia Impounding Structure fast-track regulation and any other required documents to the Virginia TownHall and upon approval by the Administration to the Registrar of Virginia.

This authorization is related to those changes that are subject to the Administrative Process Act and to the Virginia Register Act. The Department shall follow and conduct actions in accordance with the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, and the Governor's Executive Order 14 (2010) on the "Development and Review of Regulations Proposed by State Agencies".

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations for the fast-track final regulatory action publication.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Informational Presentation of Dam Safety Guidance Documents

Mr. Brown noted that Jim Robinson had retired from the agency.

Mr. Brown gave a presentation regarding the Dam Safety Guidance Documents. He noted that he would be presenting three of the guidance documents the agency is currently reviewing. Copies of those three documents were provided to members and are available from DCR.

Mr. Brown said that no action was anticipated from the Board. He said that the guidance would eventually be signed by the DCR Director.

Three Documents For Discussion

- Roadways
  - Public comment received in March, May, and June
- Agricultural Exemptions
  - Public comment received in March; changes since that time mainly clarifying
- Fee Prorating

- Public comment received in March; no changes since that time

Roadways Guidance

- Intended to provide a mechanism for determining which roads are potentially "impacted" by a dam failure.
- Latest draft explains that roads that would be overtopped by more than 2 feet by other flooding conditions prior to dam failure do not need to be considered as impacted.
- Latest draft also explains that roads that would be overtopped by other flooding conditions do not need to be considered if the water depth multiplied by the velocity of flow exceeds the rule of seven.
- Finally, additional overtopping caused by a dam failure of less than one foot is not considered to be an impact.
- Once a roadway is determined to be "impacted" by a dam failure, its effect on the classification of a dam depends on its type and/or traffic volume.
  - Primary highways, interstates, high volume urban streets, other high volume roadways—
    - High Hazard
  - Secondary highways, low-volume urban streets, service roads, or other low-volume roadways generally in accordance with VDOT designations —Significant Hazard
  - But, "limited use" roadways (400 AADT or less)— Low hazard
- Remaining Issues:
  - Finalizing determination of when a roadway is "impacted".
  - In measuring the traffic volumes of downstream roadways, should the volumes of multiple roads be counted cumulatively to determine whether the 400 AADT threshold is exceeded?

Agricultural Exemption

- Code of Virginia exempts from regulation those dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet.

- This document is intended to provide guidance on what dams are considered to be those operated primarily for agricultural purposes.

- "Agricultural purpose" means the use or holding in reserve of impounded waters for the production of an agricultural commodity, which is defined to include any plant or part thereof, animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, nurserymen, wood treaters not for hire, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

- Definition borrowed from other Code (3.2-3900).

- Three "safe harbor" type options for qualifying for the exemption are provided:

  1. The dam owner demonstrates that the agricultural land consists of a minimum of five contiguous acres upon which the agricultural commodity is produced and the impounded water is used or held in reserve primarily to assist in this production.
  2. As part of the dam owner's exemption request, the owner of the agricultural use certifies gross sales in excess of $1,000 annually over the previous three years for the sale of agricultural commodities produced from the lands served by the impounding structure waters.
  3. The dam owner demonstrates that the land on which the agricultural commodity is produced is zoned for agricultural use and the impounded water is used or held in reserve primarily to assist in this production.

- In addition, the dam owner may demonstrate by other means that the dam is an agricultural purpose dam.

Fee Prorating

- Document provides the calculation method for providing credit to dam owners who have time remaining on their conditional certificates but have qualified for regular certificates.
- A table is provided indicating how much credit will be received based upon how much time has lapsed since issuance of the conditional certificate.

Dam Safety Certificates and Permits

Mr. Brown presented the Dam Safety Certificates and Permits.

Compliance Issues – Enforcement Actions

Mr. Brown gave the update regarding enforcement actions. He said that no action was necessary by the Board. He noted that there had been contact with legislators regarding Mellott Dam, Inventory #06119 and Jolly Pond Dam, Inventory #09509.

Mr. Brown said that an administrative order had been issued regarding Farmville Dam, Inventory #14717. He said that the owner has responded and indicated that he sold the dam. However, the owner has not given the name of the buyer. He will be re-contacted to obtain this information.

Conditional Certificates

Mr. Brown presented the list of Conditional Certificate recommendations. He noted that again staff was recommending that these dams be given a 6-month no cost extension. He said that the hope was this would be the last Board meeting where staff issued that request.

The dams under consideration for a six month extension were:

Hillcrest Dam	00379	ALBEMARLE	6 month extension
Holiday Lake Dam	01101	APPOMATTOX	6 month extension
Lake Ridge Drive Dam	01932	BEDFORD	6 month extension
Roanoke Creek Dam #70A	03701	CHARLOTTE	6 month extension
Rivergate Lake Dam	07528	GOOCHLAND	6 month extension
Stoney Pond Dam	07529	GOOCHLAND	6 month extension
Upper Byers Dam	14505	POWHATAN	6 month extension
Mottley Dam	14718	PRINCE EDWARD	6 month extension
North Fork Wetlands Bank Dam	15329	PRINCE WILLIAM	6 month extension
Lake Front Royal Dam	18705	WARREN	6 month extension

Mr. Brown noted that the Director should abstain regarding action on Holliday Lake Dam, which is owned by the Division of State Parks.

MOTION Mr. Simms moved that due to the new Dam Safety legislation enacted by the 2010 General Assembly, that the Virginia Soil and Water Conservation Board defer action on all certificates expiring on July 31, 2010 and that the Board issue each dam owner 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 is 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: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried with Mr. Johnson abstaining

Regular Certificates

Mr. Brown presented the Regular Certificate Recommendations.

Mr. Brown noted that Keaton's Run Dam, Inventory #13708, owned by the Lake of the Woods Association was the first dam to fall under the provisions of Senate Bill 276.

Mr. Kay of the Lake of the Woods Association expressed appreciation to the Board and the staff for their work and effort. He said that LOWA looked forward to working to receive a Regular Certificate for their main dam at the September meeting.

Mr. Brown said that much credit should be given to Mr. Kay, Mr. Wessel and the staff at the Lake of the Woods Association for their hard work.

Dams being considered for Regular Certificates were:

West Ox Road BMP Dam	05938	FAIRFAX	6 Year Regular
Lake Idylwild Dam	08520	HANOVER	6 Year Regular
Tiller Lake Dam	08583	HANOVER	6 Year Regular
Little Creek Dam	09506	JAMES CITY	6 Year Regular
Central Crossing Dam	10126	KING WILLIAM	6 Year Regular
Hillard's Mille Pond	11908	MIDDLESEX	6 Year Regular
Keaton's Run Dam	13708	ORANGE	6 Year Regular
Avery Dam	14534	POWHATAN	6 Year Regular
Briery Creek Lake Dam	14737	PRINCE EDWARD	6 Year Regular

MOTION: Ms. Dalbec moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendations as presented by staff and that staff be directed to communicate the Board action to the affected dam owner. Also noted is that Keaston's Run Dam is expressly subject to the requirements of section 10.1-605(B) of the Code of Virginia, including the requirement that an annual certification be made pursuant to item (ii) of that section.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

Permit Certificates

Mr. Brown presented the following list of Permit Certificate recommendations:

Pedlar River Dam	00905	AMHERST	1 Year Alteration
Troiano Dam	04724	CULPEPER	1 Year Alteration
Cranstons Mill Pond Dam	09513	JAMES CITY	2 Year Alteration

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

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Brown presented the following list of extension recommendations. He said that, similar to the recommendation for the Conditional Certificate dams, staff was recommending a no cost six month extension.

Mr. Brown noted that six of the dams under consideration were owned by the Shenandoah Valley Soil and Water Conservation District. He noted that the Chairman should abstain from actions regarding those dams.

Mink Creek Dam	00352	ALBEMARLE	6 month extension
Hollymead Dam	00353	ALBEMARLE	6 month extension
Blue Ridge Forest Dam	00371	ALBEMARLE	6 month extension
Southern Regional Park Dam	00374	ALBEMARLE	6 month extension
South River Dam #3	01510	AUGUSTA	6 month extension
Staunton Dam	01518	AUGUSTA	6 month extension
Bath Alum Farm Dam	01703	BATH	6 month extension
Springhill Lake Dam	01906	BEDFORD	6 month extension
Brookneal Dam	03106	CAMPBELL	6 month extension
Wildwood Dam #1	03108	CAMPBELL	6 month extension
Old Mill Golf Club Dam	03504	CARROLL	6 month extension
Margaret Dam	04114	CHESTERFIELD	6 month extension
Mountain Run Dam #8A	04701	CULPEPER	6 month extension
Mountain Run Dam #1	04705	CULPEPER	6 month extension
Troiano Dam	04724	CULPEPER	6 month extension
Kings Park West Dam	05939	FAIRFAX	6 month extension
Burke Center Sect. 11 Dam	05940	FAIRFAX	6 month extension
Lower Warrenton Lakes Dam	06143	FAUQUIER	6 month extension

Licking Run Dam	06144	FAUQUIER	6 month extension
Willow Pond Dam	06146	GREENE	6 month extension
Greene Acres Dam	07903	GREENE	6 month extension
Lake Matoaca Dam	09510	JAMES CITY	6 month extension
Izaac Walton League Dam	10704	LOUDOUN	6 month extension
Gore Dam	10714	LOUDOUN	6 month extension
JT Hirst Dam	10719	LOUDOUN	6 month extension
Lake Monacan Dam	12502	NELSON	6 month extension
Cold Sulpher Springs Dam	16307	ROCKBRIDGE	6 month extension
Lower North River Dam #80	16501	ROCKINGHAM	6 month extension
Lower North River Dam #78	16502	ROCKINGHAM	6 month extension
Lower North River Dam #22B	16504	ROCKINGHAM	6 month extension
Shoemaker River Dam #1A	16509	ROCKINGHAM	6 month extension
Shoemaker River Dam #4C	16510	ROCKINGHAM	6 month extension
Shoemaker River Dam #3B	16511	ROCKINGHAM	6 month extension
Ni River Dam #1	17701	SPOTSYLVANIA	6 month extension
Lake Pocahontas Dam	17718	SPOTSYLVANIA	6 month extension
Lake John Dam	18702	WARREN	6 month extension
Lake Front Royal Dam	18705	WARREN	6 month extension
Loch Linden Dam	18712	WARREN	6 month extension
Toms Creek Dam	19510	WISE	6 month extension
UVA Wise Dam #1	19517	WISE	6 month extension
UVA Wise Dam #2	19518	WISE	6 month extension

MOTION: Mr. Ingle moved due to the new Dam Safety legislation enacted by the 2010 General Assembly, the Virginia Soil and Water Conservation Board issues each dam owner on the above list a six-month Certificate extension at no cost to the dam owner. Further, the Board directs 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 the spillway capacity upgrades is required to be performed.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Northwoods Property Owners Association

Mr. Brown said at the last meeting the Board had heard a request from the Northwoods Property Owners Association asking for a waiver of the requirement that the trees be removed from the spillway. Mr. Brown said that after a review by staff and the Office of

the Attorney General's Office the consensus was that the Board did not have the authority to grant the requested waiver. The remaining question is what constitutes the emergency spillway area on this dam. Mr. Brown said that Dam Safety had received a recommendation from Ken Turner, the engineer for the dam owner, as to the location of the emergency spillway from which trees would need to be removed. Mr. Brown noted that Dam Safety would respond to this recommendation.

Transfer of VSMP Permit Coverage and Responsibilities for City of Suffolk Public Schools MS4 Discharges from City of Suffolk School Board to City of Suffolk

Mr. Hill presented an item concerning VSMP Permit Coverage for the City of Suffolk.

The City of Suffolk and its public schools have developed and signed a Memorandum of Understanding (MOU) in which the City of Suffolk agrees to obtain permit coverage and take legal responsibility for discharges from the City of Suffolk public schools MS4. The MOU outlines the responsibilities for both parties and was signed by the City Manager and City attorney and the Superintendent of Schools and School Board attorney. The School Board approved the resolution and it becomes effective the date the Virginia Soil and Water Conservation Board approves the transfer of permit responsibility.

MOTION: Mr. Brickhouse moved that The Virginia Soil and Water Conservation Board receive and approve the staff recommendation to transfer the authorization to discharge under the VSMP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems for the discharges from the City of Suffolk public schools MS4 under Registration Coverage Number VAR040085 (City of Suffolk Public Schools) to Registration Coverage Number VAR040035 (City of Suffolk).

SECOND: Ms. Dalbec

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 Banks and Stream Restoration Banks for Angler Environmental

MOTION: Ms. Dalbec 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 Angler Environmental. The Board concurs with staff recommendations for conditional approval of the 2010 specifications for Angler Environmental in accordance with the Erosion and Sediment Control Law. 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.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2020 must be submitted by August 16, 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 August 16, 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. T he 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 3 acres or less; use a modified sediment trap (large flat areas surrounded by berms with armored outlet structures) in lieu of

a temporary sediment basin when the contributing drainage area exceeds 3 acres.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

2010 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Williamsburg Environmental Group, Inc.

MOTION: Mr. Simms 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 Williamsburg Environmental Group, Inc. The Board concurs with staff recommendations for conditional approval of the 2010 specifications for Williamsburg Environmental Group, Inc. in accordance with the Erosion and Sediment Control law. The Board requests the Director to have staff notify Williamsburg Environmental Group, Inc. of the status of the review and the conditional approval standards and specifications.

The four items for conditional approval are:

1. A revised list of all propose projects planned for construction for 2010 must be submitted by August 16, 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 August 16, 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 1 is granted such that the project may employ a seed mix suitable for wetlands. Variance to Minimum Standard 6B is granted such that the project may employ a modified sediment trap (large flat areas surrounded by berms with armored outlet structures) in lieu of a temporary sediment basin when the contributing drainage area exceeds 3 acres.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

Final Approval of Alternative Inspection Program for Spotsylvania County

MOTION: Mr. Brickhouse moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Program for Spotsylvania County as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations. The Board requests the Department of Conservation and Recreation staff to monitor the implementation of the alternative inspection program by the County to ensure compliance with the approved program.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Initial Acceptance of Alternative Inspection Program for Botetourt County

MOTION: Ms. Dalbec moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for Botetourt 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: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

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

Mr. Hill gave the background for the Town of Christiansburg.

The Virginia Soil and Water Conservation Board approved the Town of Christiansburg's Corrective Action Agreement (CAA) with a completion date of May 20, 2010. At the direction provided by the Board, Department of Conservation and Recreation (DCR) staff reviewed the Town of Christiansburg's progress on implementing the CAA. Based on the results of the review, the staff has determined that the Town has not achieved compliance with the CAA. DCR staff recommends that the Town be given until January 20, 2011 to comply with the outstanding CAA.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grants the Town of Christiansburg an extension until January 20, 2011 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the Town's compliance with the outstanding CAA and provide a report at the March 2011 Board meeting.

SECOND: Ms. Dalbec

DISCUSSIONS: Mr. Ingle asked why the Town was not consistent.

Mr. Hill said that the Town had not documented that they had noticed practices that were installed or problems with those practices.

VOTE: Motion carried unanimously

Mr. Hill gave the background for Richmond County.

The Virginia Soil and Water Conservation Board approved Richmond County's Corrective Action Agreement (CAA) with a completion date of May 20, 2010. At the

direction provided by the Board, Department of Conservation and Recreation (DCR) staff reviewed Richmond 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 January 20, 2011 to comply with the outstanding CAA.

Mr. Hill said that the problem for Richmond County was that there were no plans to review.

Ms. Campbell noted that requirement should be dealt with before the next round of reviews.

MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grant Richmond County an extension until January 20, 2011 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 March 2011 Board meeting.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

Local Soil and Water Conservation District Operations

DRAFT Evaluation Guidance for DCR/SWCD FY2001-2010 Grant Agreement Deliverables

Mr. Meador distributed the document entitled *Soil and Water Conservation District FY11 Performance "Deliverables" for Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent that Funding Permits.* He also distributed a matrix of how Conservation District Coordinators evaluate District's regarding the Deliverables.

Mr. Meador said that there had not been major changes to these documents from FY10.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the "Soil and Water Conservation District FY11 Performance 'Deliverables' for Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent That Funding Permits" as submitted by staff.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

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

Evergreen

Resignation of Walter J. Robinson, Smyth County, effective 12/31/09, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Matthew Miller, Smyth County, to fill unexpired appointed Extension Agent term of Walter J. Robinson (term of office to begin on or before 8/14/10 – 1/1/13).

Robert E. Lee

Resignation of Charlie W. Elliott, Campbell County, effective 6/24/10, elected director position (term of office expires 1/1/12)

Recommendation of Carolyn Hutcherson, Campbell County, to fill unexpired term of Charlie W. Elliott (term of office to begin on or before 8/14/10 0 1/1/12).

MOTION: Mr. Brickhouse moved that the Virginia Soil and Water Conservation Board approve the list of District Director Resignations and Appointments as presented by staff.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Meador noted that staff would be bringing recommendations for all 47 at-large positions at the September Board meeting.

Mr. Meador, noted that staff will bring recommendation for all 47 at large positions at the September Board meeting.

Mr. Simms asked with regard to vacancies in the at-large position if there were guidelines in terms of advertising or informing the public of the vacancy.

Mr. Meador said that there is no requirement for advertising but there is a form that requires the local jurisdictions be notified.

Mr. Ingle noted that the Daniel Boone Soil and Water Conservation District had been without an appointment in the Extension Agent position for some time. He asked how the District should address that.

Mr. Meador said that there were a number of Districts where there were no appointments in that position. He said that in the past, approval has been gained to allow retired extension agents to serve in that capacity. He said that the legislative committee of the Virginia Association of Soil and Water Conservation Districts had been in discussions regarding this requirement.

Ms. Campbell asked how Districts should deal with the issue of a quorum when appointments remain vacant.

Ms. Andrews said that section 10.1-531 of the Code of Virginia specifies that a quorum is a majority of the District Directors currently in office. Therefore, a vacancy would not apply against a quorum count.

Proposed use of FY11 funds managed by DCR on behalf of SWCDs.

Mr. Meador distributed a document entitled "Proposed use of FY11 funds managed by DCR." He noted that there had been no changes to the funding from the previous year.

Chairman Campbell noted that this was for Board information.

Partner Reports

Department of Conservation and Recreation

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy of this report is included as Attachment #2.

Natural Resources Conservation Service

No one was present from the Natural Resources Conservation Service. A copy of the written NRCS report is included as Attachment #3.

Virginia Association of Soil and Water Conservation Districts

Mr. Chaffin addressed the Board on behalf of the Virginia Association of Soil and Water Conservation Districts. He distributed the Association's recent newsletter.

Ms. Tyree added that the Envirothon Competition was in three weeks. A team from Jamestown High School in Colonial Heights will be traveling to California to compete. She noted that Youth Conservation Camp would start the following Saturday at Virginia Tech. Plans are underway for the Annual Meeting.

Ms. Tyree said that the Association was partnering with NRCS. Because of a changeover in they system, Districts are receiving tree GIS software.

Public Comment

There was no further public comment.

Election of Officers

Ms. Campbell noted that, since this was her last meeting, the Board needed to elect a new Chair. She suggested that the election of the Vice Chair be held until the next meeting.

MOTION:	Mr. Simms moved that the current Vice Chair, Susan Hansen be named Chairman of the Virginia Soil and Water Conservation Board.
SECOND:	Mr. Johnson
DISCUSSION:	There were no further nominations.
VOTE:	The motion carried unanimously naming Susan Taylor Hansen as the Chair of the Virginia Soil and Water Conservation Board.

Mr. Johnson presented the following two commending resolutions:

VIRGINIA DEPARTMENT OF CONSERVATION & RECREATION
COMMENDING RESOLUTION
Presented to

JEAN R. PACKARD

At a regular meeting of the Virginia Soil and Water Conservation Board held on July 15, 2010, at the General Assembly Building, Richmond, Virginia, the following resolution was unanimously adopted.

WHEREAS, Jean R. Packard of Fairfax County, Virginia, represented the Citizens of the Commonwealth on the Soil and Water Conservation Board; and

WHEREAS, bringing her experience and commitment to the protection of Virginia's natural resources, Ms. Packard served on the Virginia Soil and Water Conservation Board from July 1, 2002 to June 14, 2010; and

WHEREAS, Ms. Packard has served as a Director and Chairman of the Northern Virginia Soil and Water Conservation District; and

THEREFORE BE IT RESOLVED, that on behalf of the citizens of the Commonwealth, The Virginia Soil and Water Conservation Board and the Virginia Department of Conservation and Recreation extends its sincerest appreciation to Jean R. Packard for her service to this Board, recognizing with gratitude, her contributions, and dedication to protecting the quality of the land and water resources of the Commonwealth.

Linda S. Campbell
Chairman

David A. Johnson
Director

MOTION: Mr. Johnson moved that this resolution be adopted as submitted.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried

VIRGINIA DEPARTMENT OF CONSERVATION & RECREATION
COMMENDING RESOLUTION
Presented to

LINDA S. CAMPBELL

At a regular meeting of the Virginia Soil and Water Conservation Board held on July 15, 2010, at the General Assembly Building, Richmond, Virginia, the following resolution was unanimously adopted.

WHEREAS, Linda S. Campbell of Page County, Virginia, represented the Citizens of the Commonwealth on the Soil and Water Conservation Board; and

WHEREAS, bringing her experience and commitment to the protection of Virginia's natural resources, Ms. Campbell served on the Virginia Soil and Water Conservation Board from July 1, 2002 to July 15, 2010; and

WHEREAS, Ms. Campbell has served as Chairman of the Virginia Soil and Water Conservation Board from January 20, 2006 to July 15, 2010; and

WHEREAS, Ms. Campbell has served as a Director and Chairman of the Shenandoah Valley Soil and Water Conservation District; and

WHEREAS, Ms. Campbell has served as President of the Virginia Chapter of the International Society of Soil and Water Conservation

THEREFORE BE IT RESOLVED, that on behalf of the citizens of the Commonwealth, The Virginia Soil and Water Conservation Board and the Virginia Department of Conservation and Recreation extends its sincerest appreciation to Linda S. Campbell for her service to this Board, recognizing with gratitude, her contributions, and dedication to protecting the quality of the land and water resources of the Commonwealth.

MOTION:	Mr. Johnson moved that the above resolution be adopted as submitted.
SECOND:	Mr. Simms
DISCUSSION:	None
VOTE:	Motion carried unanimously

Executive Session

Ms. Campbell turned to Ms. Dalbec for the purpose of a motion.

MOTION FOR CLOSED MEETING

Ms. Dalbec moved the following:

> Madame Chair, I move that the Board convene a closed meeting pursuant to §2.2-3711(A) (7) of the Code of Virginia for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual litigation, namely The Potomac Riverkeeper's appeal of the Board's adoption of the General Permit for Discharges of Stormwater from Construction Activities regulations.
>
> This closed meeting will be attended only by members of the Board. However, pursuant to § 2.2-3712(F) of the Code, the Board

requests counsel, the Director of the Department of Conservation and Recreation (DCR), the Deputy Director of DCR, the Policy, Planning and Budget Director for DCR, the Assistant Director of Policy and Planning for DCR, the Director of Soil and Water Conservation Division and the Urban Programs Manager to attend because it believes that their presence will reasonably aid the Board in its consideration of the topic that is the subject of this closed meeting.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

CERTIFICATION AFTER VOTING TO GO BACK INTO OPEN MEETING

Ms. Dalbec moved the following:

WHEREAS, the Board has convened a closed meeting on July 15, 2010 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712(D) of the Code requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, the Virginia Soil and Water Conservation Board hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and only such public business matters as were identified in the motion convening the close meeting were heard, discussed or considered by the Board.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Aye: Blake, Brickhouse, Campbell, Dalbec, Johnson, Ingle, Simms

No: None

Motion carried unanimously

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board authorize the Director of the Department of Conservation and Recreation to finalize the settlement terms and enter into any necessary settlement agreement on behalf of the Board concerning the case Potomac Riverkeeper Inc. et al v. State Soil and Water Conservation Board.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

New Business

Mr. Ingle asked a question regarding the mileage allowance on the Board expense worksheet.

Mr. Dowling said that the number was changed to the personal vehicle allowance for state employees due to budget concern.

Staff agreed to provide Mr. Ingle with state travel policies.

Next Meetings

The next meeting of the Virginia Soil and Water Conservation Board is scheduled for Thursday, September 16, 2010. The location will be determined at a later date.

Adjourn

There was no further business and the meeting was adjourned.

Susan Taylor Hansen
Chairman

David A. Johnson
Director

REVISED: 9/21/2010 11:24:11 AM

Attachment #1

Impounding Structure Regulation Actions

Virginia Soil and Water Conservation Board
Senate Room A, General Assembly Building, Richmond
(July 15, 2010)
(by David Dowling, Policy, Planning and Budget Director)

Introductory remarks

Before you today for consideration and action are two final regulatory actions amending the Board's Impounding Structure Regulations.

- One will be a **final exempt action** that incorporates language from legislation passed during the 2010 Session for which the Board has no discretion.

    - Pursuant to § 2.2-4006 (4)(a)of the Code of Virginia, regulatory actions are exempt from the regulatory process (Administrative Process Act)that are: **(1) necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved**, (2) required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; OR (3) necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing.

    - Being exempt from the Administrative Process Act, means that no executive branch review is required and that upon Board adoption, the regulation is directly submitted to the Registrar's Office for publication in the Virginia Register of Regulations. The regulation will become effective 30 days after publication in the Register unless the action is suspended by the Governor, the General Assembly, or by a request from 25 or more persons.

    - Our Counsel in the Attorney General's Office has reviewed this regulation and found it meet the exemption requirements.

- The other is a **final fast-track action** to provide for temporary grandfathering of certain dams from the September 2008 regulatory requirement changes. As we do not anticipate any concerns being expressed by the public regarding this action, therefore a "fast-track" or expedited regulatory process is being proposed.

    - The Fast-track Process is **appropriate when an action is expected to be noncontroversial**. A rulemaking is deemed noncontroversial if no

objections are received from (1) certain members of the General Assembly or (2) ten or more members of the public.

- After review by the Administration (DPB, SNR, and Governor), a notice of a proposed fast-track rulemaking will be published in the *Virginia Register of Regulations* and will appear on the Virginia Regulatory Town Hall. This will be followed by a public comment period of at least 30 days.

- If, during the public comment period, an objection to the fast-track regulation is received from:
  - Any member of the applicable standing committee of Senate,
  - Any member of the applicable standing committee of the House of Delegates,
  - Any member of the Joint Commission on Administrative Rules (JCAR), or
  - 10 or more members of the public,

  then publication of the fast-track regulation will serve as the Notice of Intended Regulatory Action (NOIRA) and standard rulemaking process is followed to promulgate the regulation.

- If there are no objections as described above, the regulation will become effective 15 days after the close of the public comment period, unless the regulation is withdrawn or a later effective date is specified by the agency.

- For both actions, please note that in the marked up regulations, underlined text is new language being added, and struck-through text is being removed. We have highlighted in grey all portions of the regulation where we are making such amendments.

Final Exempt Action

Following the conclusion of the 2010 General Assembly Session, we shared with you two pieces of legislation which resulted in modifications to certain technical elements of the Virginia Dam Safety Act. The two bills were:

- Chapter 270 of the 2010 Virginia Acts of Assembly (HB438 – Delegate Toscano) [See Handout 1; Pages 7 - 8]; and

- Chapter 249 of the 2010 Virginia Acts of Assembly (SB276 – Senator Houck) [See Handout 2; Page 9].

- In this regulatory action, we are amending the Impounding Structure Regulations to incorporate elements of these bills as part of an exempt action.

- From Chapter 270 (HB438) we are incorporating the incremental damage analysis floor of the 100-yr flood for high hazard dams (per §10.1-605 B) and language allowing the dam owner to submit his own plan to address deficiencies (per §10.1-609 A).

- From Chapter 249 (SB276) we are incorporating most of §10.1-605 B to address the revised 0.9 PMP standard for dams in existence or under construction as of July 1, 2010 as well as the certification requirements associated with the opportunity for certain dams to come into compliance with a 0.6 PMP standard.

- The roadways component of Chapter 270 (HB438) will be addressed initially in guidance that we will be discussing with the Board and that will ultimately be advanced to the Board as a regulatory action, most likely later this year.

Specifically we are making the following amendments to the regulations [See Handout 3; Pages 10 - 21]:

- In Section 4VAC50-20-30, lines 62-63 and 94-95, we are adding definitions that explain the difference between an existing impounding structure and new construction for the purposes of defining to which impounding structures the 0.9 PMP is applicable.

- In Section 4VAC50-20-50, in Table 1 after line 166, we are using the new terms (new construction and existing impounding structures) to delineate spillway design standards and are adding in a column to set out the revised spillway standards for existing impounding structures. The primary change here is the reduction from a PMF spillway design flood standard to 0.90 PMP for high hazard dams in accordance with Chapter 249 (SB276).

- Also in Table 1 under the "Minimum Threshold for Incremental Damage Analysis" column we are changing the threshold floor for high hazard dams from 0.50 PMF to 100-year in accordance with Chapter 270 (HB438).

- To further explain Table 1, we have also:
  - Added subsection F (lines 200-201) to point to the location of the new definitions for "existing impounding structures" and for "new construction";
  - Added a subsection G (lines 202-206) to indicate that a 0.6 PMP spillway design flood may be acceptable if the owner meets the requirements set out in a new Section 4VAC50-20-53; and
  - Added a subsection H (lines 207-213) that explains what "probable maximum precipitation" means.

- We added a new Section 4VAC50-20-53 (lines 214-250) that sets out special criteria and certification requirements for a high hazard dam owner that wants to utilize a 0.6 PMP spillway design flood standard. The requirements are taken directly from Chapter 249 (SB276) with the exception of lines 232-234, where we added a statement that cross-references the inspection report criteria to section 4VAC50-20-105 E where such inspection requirements are already set out, as well as on lines 249-250 where we included an owner document retention statement.

- In Section 4VAC50-20-105 (lines 321-322) we added a requirement for the inclusion of the certification statement as part of their regular operation and maintenance certificate application if the owner is claiming the 0.6 PMP standard that we set out in the new Section 4VAC50-20-53.

- Also in Section 4VAC50-20-105 (lines 339-340), in the subsection that speaks to inspection frequency, we added a statement that references the annual inspection requirement by a licensed professional engineer for a dam owner that is claiming the 0.6 PMP standard pursuant to the new Section 4VAC50-20-53.

- In Section 4VAC50-20-175 (line 423) we clarify via reference to the new Section 4VAC50-20-53, that a table-top exercise needs to be done at least once every two years if the dam owner that is claiming the 0.6 PMP standard. The current standard is once every six years.

- In Section 4VAC50-20-220 (lines 534-537), in accordance with Chapter 270 (HB438), we included a statement regarding the ability for a dam owner to submit to the Board his own plan to address deficiencies. This is already a standard practice within the Dam Safety Program and the statement only adds clarity.

With that overview, I am happy to answer any questions, or turn it back to you Madame Chairwomen for public comment and Board action. A motion for your consideration is provided on Page 4.

VIRGINIA SOIL AND WATER CONSERVATION BOARD
July 15, 2010 Meeting
In Senate Room A in the General Assembly Building
Richmond, Virginia

Motion to approve, authorize and direct the filing of final exempt regulations related to the Board's Virginia Impounding Structure Regulations (§ 4 VAC 50-20)

The Board approves these final exempt regulations and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the Board's Virginia Impounding Structure final exempt regulations and any other required documents to the Virginia TownHall and to the Registrar of Virginia.

This authorization is related to those changes that are exempt from the Administrative Process Act pursuant to § 2.2-4006 (4)(a) of the Code of Virginia where such amendments are necessary to conform to changes in Virginia statutory law where no Board discretion is involved. Additional authority for this exempt action is provided in Chapter 249 of the 2010 Virginia Acts of Assembly (SB276) in Enactment clause #2 that specifies that "the Virginia Soil and Water Conservation Board may amend its Impounding Structure Regulations to conform with the provisions of this act through a regulatory process that is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia".

The Department shall follow and conduct actions in accordance with the exemption processes within the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, and the Governor's Executive Order 14 (2010) on the "Development and Review of Regulations Proposed by State Agencies".

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approvals from the Virginia Registrar of Regulations for the final regulatory action publication.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

Motion made by: _____

Motion seconded by: _____

Action: _____

_____	_____
Linda S. Campbell	David A. Johnson
Chairman	Director

REVISED: 9/21/2010 11:24:11 AM

Final Fast-Track Action

- This temporary grandfathering action is being advanced to address a handful of dams that were making Board approved dam modifications in accordance with the pre-September 2008 dam safety regulations when the new regulations became effective in September of 2008. As these dams are currently out of compliance with the new dam safety regulations, but as the dam owner was making repairs as approved by the Board in accordance with the old regulations, we want to provide a period of time for these dam owners to come into compliance with the new regulations.

- As such, we are recommending that the Board grant these dam owners one permit cycle (6-years) to come into compliance with the new regulations. If the dam has no other deficiencies, we would provide these dam owners a regular certificate during this period.

- Per a review of our records, we believe that approximately 14 dams (10 dam owners) could benefit from this regulatory action. We have spoken with most of these dam owners in advance of this meeting. All that we have spoken with have been supportive of this allowance being added to the regulations. It should also be noted that several are planning to come into compliance with the 2008 regulatory changes even with this option being available, meaning that the total number of dams that this will affect will likely be even less than currently anticipated.

- In this action [See Handout 4; Page 22], we are amending Section 4VAC50-20-125 entitled "Delayed effective date for Spillway Design Flood requirements for impounding structures" to insert a subsection E to set out the new temporary grandfathering alternative.

- Subsection E specifies that any impounding structure owner who:
  - as of September 26, 2008 held an Alteration or Construction Permit under the requirements of this Chapter that were effective prior to that date, and
  - who has maintained this permit as valid and who completes all requirements of such permit and any applicable Conditional Operation and Maintenance Certificate by September 26, 2011,

  shall not be required to meet new requirements of this Chapter that became effective on September 26, 2008 until the completion of the first six-year regular O&M certificate cycle.

  It also specifies that during this six-year period, the owner may be issued a Regular Operation and Maintenance Certificate should the impounding structure otherwise be eligible for such certificate.

With that overview, I am happy to answer any questions, or turn it back to you Madame Chairwomen for public comment and Board action. A motion for your consideration is provided on Page 6.

VIRGINIA SOIL AND WATER CONSERVATION BOARD
July 15, 2010 Meeting
In Senate Room A in the General Assembly Building
Richmond, Virginia

Motion to approve, authorize and direct the filing of a fast-track final regulation related to the Board's Virginia Impounding Structure Regulations (§ 4 VAC 50-20)

The Board approves this fast-track final regulation and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the Board's Virginia Impounding Structure fast-track regulation and any other required documents to the Virginia TownHall and upon approval by the Administration to the Registrar of Virginia.

This authorization is related to those changes that are subject to the Administrative Process Act and to the Virginia Register Act. The Department shall follow and conduct actions in accordance with the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, and the Governor's Executive Order 14 (2010) on the "Development and Review of Regulations Proposed by State Agencies".

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations for the fast-track final regulatory action publication.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

Motion made by: _____

Motion seconded by: _____

Action: _____

_____	_____
Linda S. Campbell	David A. Johnson
Chairman	Director

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Handout 1

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 270

An Act to amend and reenact §§ 10.1-605, 10.1-607.1, and 10.1-609 of the Code of Virginia, relating to dam safety.

[H 438]

Approved April 8, 2010

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-605, 10.1-607.1, and 10.1-609 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-605. Promulgation of regulations by the Board; guidance document.

A. The Board shall ~~promulgate~~ *adopt* regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained and operated. Dam safety regulations promulgated by the State Water Control Board shall remain in full force until amended in accordance with applicable procedures.

B. The Board's regulations shall establish 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 shall not significantly increase downstream hazard to life or property, provided that the spillway design flood requirement shall not be reduced to below the 100-year flood event for high or significant hazard impounding structures, or to below the 50-year flood event for low hazard potential impounding structures.

C. The Board shall consider the impact of limited-use or private roadways with low traffic volume and low public safety risk that are downstream from or across an impounding structure in the determination of the hazard potential classification of an impounding structure.

§ 10.1-607.1. Criteria for designating a dam as unsafe.

A. Designation of a dam as unsafe shall be based on one or more of the following findings:

1. The dam has serious deficiencies in its design or construction or has a physical condition that if left unaddressed could result in a failure that may result in loss of life or *significant* damage to downstream property.

2. The design, construction, operation, or maintenance of the dam is such that its expected performance during flooding conditions threatens the structural integrity of the dam.

B. After completion of the safety inspections pursuant to § 10.1-607, or as otherwise informed of an unsafe condition, the Department shall take actions in accordance with § 10.1-608 or 10.1-609 depending on the degree of hazard and imminence of failure caused by the unsafe condition.

§ 10.1-609. Unsafe dams presenting non imminent danger.

A. Within a reasonable time after completion of a safety inspection of an impounding structure authorized by § 10.1-607, the Board shall issue a report to the owner of the impounding structure containing its findings and recommendations for correction of any deficiencies which could threaten life or property if not corrected. Owners who have been issued a report containing recommendations for correction of deficiencies shall undertake to implement the recommendations contained in the report according to the schedule of implementation contained in the report. If an owner fails or refuses to commence or diligently implement the recommendations for correction of deficiencies according to the schedule contained in an issued report, the Director shall have the authority to issue an administrative order directing the owner to commence implementation and completion of such recommendations according to the schedule contained in the report with modifications as appropriate. Within thirty days after being served by personal service or by mail with a copy of an order issued pursuant to this section, any owner shall have the right to petition the Board for a hearing. *As part of his petition, a dam owner may submit to the Board his own plan, consistent with regulations adopted pursuant to § 10.1-605, to address the recommendations for correction of deficiencies and the schedule of implementation contained in the report. The Board shall determine if the submitted plan and schedule are sufficient to address deficiencies.* A timely filed petition shall stay the effect of the administrative order.

The hearing shall be conducted before the Board or a designated member thereof pursuant to § 2.2-4019. The Board shall have the authority to affirm, modify, amend or cancel the administrative order. Any owner aggrieved by a decision of the Board after a hearing shall have the right to judicial review of the final Board decision pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. The provisions of subsection A of this section notwithstanding, if the Director determines, after the report is issued, that changed circumstances justify reclassifying the deficiencies of an impounding structure as an imminent danger to life or property, the Director may proceed directly under § 10.1-613 for enforcement of his order, and the owner shall have the opportunity to contest the fact based upon which the administrative order was issued.

C. The Director, upon a determination that there is an unsafe condition at an impounding structure, is authorized to cause the lowering or complete draining of such impoundment until the unsafe condition has been corrected at the owner's expense and prior to any authorization to refill.

An owner who fails to comply with the provisions contained in an administrative order of the Department shall be subject to procedures set out in § 10.1-613 and the penalties authorized under §§ 10.1-613.1 and 10.1-613.2.

D. No persons, other than those authorized to maintain an impounding structure, shall interfere with the operation of an impounding structure.

Handout 2

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 249

An Act to amend and reenact § 10.1-605 of the Code of Virginia, relating to dam safety.

[S 276]

Approved April 8, 2010

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-605 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-605. Promulgation of regulations by the Board.

A. The Board shall promulgate regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained and operated. Dam safety regulations promulgated by the State Water Control Board shall remain in full force until amended in accordance with applicable procedures.

B. The 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, such 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 described in this subsection and (ii) the dam owner certifies annually that such impounding structure meets each of the following conditions:

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.

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.

2. That the Virginia Soil and Water Conservation Board may amend its Impounding Structure Regulations to conform with the provisions of this act through a regulatory process that is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

3. That an emergency exists and this act is in force from its passage.

Handout 3: Final Exempt Dam Safety Action

Project 2417 - July 7, 2010 Board version (Amendments are highlighted in grey)

VIRGINIA SOIL AND WATER CONSERVATION BOARD

CHAPTER 20
IMPOUNDING STRUCTURE REGULATIONS

4VAC50-20-30. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Acre-foot" means a unit of volume equal to 43,560 cubic feet or 325,853 gallons (equivalent to one foot of depth over one acre of area).

"Agricultural purpose" means the production of an agricultural commodity as defined in § 3.1-249.27 of the Code of Virginia that requires the use of impounded waters.

"Agricultural purpose dams" means impounding structures which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet, and operated primarily for agricultural purposes.

"Alteration" means changes to an impounding structure that could alter or affect its structural integrity. Alterations include, but are not limited to, changing the height or otherwise enlarging the dam, increasing normal pool or principal spillway elevation or physical dimensions, changing the elevation or physical dimensions of the emergency spillway, conducting necessary structural repairs or structural maintenance, or removing the impounding structure. Structural maintenance does not include routine maintenance.

"Alteration permit" means a permit required for any alteration to an impounding structure.

"Board" means the Virginia Soil and Water Conservation Board.

"Conditional Operation and Maintenance Certificate" means a certificate required for impounding structures with deficiencies.

"Construction" means the construction of a new impounding structure.

"Construction permit" means a permit required for the construction of a new impounding structure.

"Dam break inundation zone" means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.

"Department" means the Virginia Department of Conservation and Recreation.

"Design flood" means the calculated volume of runoff and the resulting peak discharge utilized in the evaluation, design, construction, operation and maintenance of the impounding structure.

"Director" means the Director of the Department of Conservation and Recreation or his designee.

"Drill" means a type of emergency action plan exercise that tests, develops, or maintains skills in an emergency response procedure. During a drill, participants perform an in-house exercise to verify telephone numbers and other means of communication along with the owner's response. A drill is considered a necessary part of ongoing training.

"Emergency Action Plan or EAP" means a formal document that recognizes potential impounding structure emergency conditions and specifies preplanned actions to be

followed to minimize loss of life and property damage. The EAP specifies actions the owner must take to minimize or alleviate emergency conditions at the impounding structure. It contains procedures and information to assist the owner in issuing early warning and notification messages to responsible emergency management authorities. It shall also contain dam break inundation zone maps as required to show emergency management authorities the critical areas for action in case of emergency.

"Emergency Action Plan Exercise" means an activity designed to promote emergency preparedness; test or evaluate EAPs, procedures, or facilities; train personnel in emergency management duties; and demonstrate operational capability. In response to a simulated event, exercises should consist of the performance of duties, tasks, or operations very similar to the way they would be performed in a real emergency. An exercise may include but not be limited to drills and tabletop exercises.

"Emergency Preparedness Plan" means a formal document prepared for Low Hazard impounding structures that provides maps and procedures for notifying owners of downstream property that may be impacted by an emergency situation at an impounding structure.

"Existing impounding structure" means any impounding structure in existence or under a construction permit prior to July 1, 2010.

"Freeboard" means the vertical distance between the maximum water surface elevation associated with the spillway design flood and the top of the impounding structure.

"Height" means the hydraulic height of an impounding structure. If the impounding structure spans a stream or watercourse, height means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the impounding structure to the top of the impounding structure. If the impounding structure does not span a stream or watercourse, height means the vertical distance from the lowest elevation of the downstream limit of the barrier to the top of the impounding structure.

"Impounding structure" or "dam" means a man-made structure, whether a dam across a watercourse or structure outside a watercourse, used or to be used to retain or store waters or other materials. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved pursuant to § 45.1-222 or § 45.1-225.1 of the Code of Virginia; or (e) obstructions in a canal used to raise or lower water.

"Impoundment" means a body of water or other materials the storage of which is caused by any impounding structure.

"Life of the impounding structure" and "life of the project" mean that period of time for which the impounding structure is designed and planned to perform effectively, including the time required to remove the structure when it is no longer capable of functioning as planned and designed.

"Maximum impounding capacity" means the volume of water or other materials in acre-feet that is capable of being impounded at the top of the impounding structure.

"New construction" means any impounding structure issued a construction permit or otherwise constructed on or after July 1, 2010.

"Normal or typical water surface elevation" means the water surface elevation at the crest of the lowest ungated outlet from the impoundment or the elevation of the normal pool of the impoundment if different than the water surface elevation at the crest of the lowest ungated outlet. For calculating sunny day failures for flood control impounding structures, stormwater detention impounding structures, and related facilities designed to hold back volumes of water for slow release, the normal or typical water surface elevation shall be measured at the crest of the auxiliary or emergency spillway.

"Operation and Maintenance Certificate" means a certificate required for the operation and maintenance of all impounding structures.

"Owner" means the owner of the land on which an impounding structure is situated, the holder of an easement permitting the construction of an impounding structure and any person or entity agreeing to maintain an impounding structure. The term "owner" may include the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities, any public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this Commonwealth or any other state or country, as well as any person or group of persons acting individually or as a group.

"Planned land use" means land use that has been approved by a locality or included in a master land use plan by a locality, such as in a locality's comprehensive land use plan.

"Spillway" means a structure to provide for the controlled release of flows from the impounding structure into a downstream area.

"Stage I Condition" means a flood watch or heavy continuous rain or excessive flow of water from ice or snow melt.

"Stage II Condition" means a flood watch or emergency spillway activation or impounding structure overtopping where a failure may be possible.

"Stage III Condition" means an emergency spillway activation or impounding structure overtopping where imminent failure is probable.

"Sunny day dam failure" means the failure of an impounding structure with the initial water level at the normal reservoir level, usually at the lowest ungated principal spillway elevation or the typical operating water level.

"Tabletop Exercise" means a type of emergency action plan exercise that involves a meeting of the impounding structure owner and the state and local emergency management officials in a conference room environment. The format is usually informal with minimum stress involved. The exercise begins with the description of a simulated event and proceeds with discussions by the participants to evaluate the EAP and response procedures and to resolve concerns regarding coordination and responsibilities.

"Top of the impounding structure" means the lowest point of the nonoverflow section of the impounding structure.

"Watercourse" means a natural channel having a well-defined bed and banks and in which water normally flows.

4VAC50-20-50. Performance standards required for impounding structures.

A. In accordance with the definitions provided by § 10.1-604 of the Code of Virginia and 4VAC50-20-30, an impounding structure shall be regulated if the impounding

structure is 25 feet or greater in height and creates a maximum impounding capacity of 15 acre-feet or greater, or the impounding structure is six feet or greater in height and creates a maximum impounding capacity of 50 acre-feet or greater and is not otherwise exempt from regulation by the Code of Virginia. Impounding structures exempted from this chapter are those that are:

1. Licensed by the State Corporation Commission that are subject to a safety inspection program;

2. Owned or licensed by the United States government;

3. Operated primarily for agricultural purposes that are less than 25 feet in height or that create a maximum impoundment capacity smaller than 100 acre-feet;

4. Water or silt-retaining dams approved pursuant to § 45.1-222 or 45.1-225.1 of the Code of Virginia; or

5. Obstructions in a canal used to raise or lower water.

Impounding structures of regulated size and not exempted shall be constructed, operated and maintained such that they perform in accordance with their design and purpose throughout the life of the project. For impounding structures, the spillway(s) capacity shall perform at a minimum to safely pass the appropriate spillway design flood as determined in Table 1. For the purposes of utilizing Table 1, Hazard Potential Classification shall be determined in accordance with 4VAC50-20-40.

TABLE 1
Impounding Structure Regulations

Applicable to all impounding structures that are 25 feet or greater in height and that create a maximum impounding capacity of 15 acre-feet or greater, and to all impounding structures that are six feet or greater in height and that create a maximum impounding capacity of 50 acre-feet or greater and is not otherwise exempt from regulation by the Code of Virginia.

Hazard Potential Class of Dam	Spillway Design Flood (SDF)[B] for New Construction[F]	Spillway Design Flood (SDF)[B] for Existing Impounding Structures[F,G]	Minimum Threshold for Incremental Damage Analysis
High	PMF[C]	0.9 PMP[H]	~~.50 PMF~~ 100-YR[D]
Significant	.50 PMF	.50 PMF	100-YR[D]
Low	100-YR[D]	100-YR[D]	50-YR[E]

B. The spillway design flood (SDF) represents the largest flood that need be considered in the evaluation of the performance for a given project. The impounding structure shall perform so as to safely pass the appropriate SDF. Reductions in the established SDF may be evaluated through the use of incremental damage analysis pursuant to 4VAC50-20-52. The SDF established for an impounding structure shall not be less than those standards established elsewhere by state law or regulations, including but not limited to the Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60). Due to potential for future development in the dam break inundation zone that would necessitate higher spillway design flood standards or other considerations, owners may find it advisable to consider a higher spillway design flood standard than is required.

C. PMF: Probable Maximum Flood is the flood that might be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from the current probable maximum precipitation (PMP) available from the National Weather Service, NOAA. In some cases, a modified PMF may be calculated utilizing local topography, meteorological conditions, hydrological conditions, or PMP values supplied by NOAA. Any deviation in the application of established developmental procedures must be explained and justified by the owner's engineer. The owner's engineer must develop PMF hydrographs for 6-, 12-, and 24-hour durations. The hydrograph that creates the largest peak outflow is to be used to determine capacity for nonfailure and failure analysis. Present and planned land-use conditions shall be considered in determining the runoff characteristics of the drainage area.

D. 100-Yr: 100-year flood represents the flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1.0% chance of being equaled or exceeded in any given year. Present and planned land-use conditions shall be considered in determining the runoff characteristics of the drainage area.

E. 50-Yr: 50-year flood represents the flood magnitude expected to be equaled or exceeded on the average of once in 50 years. It may also be expressed as an exceedence probability with a 2.0% chance of being equaled or exceeded in any given year. Present and planned land-use conditions shall be considered in determining the runoff characteristics of the drainage area.

F. For the purposes of Table 1 "Existing impounding structure" and "New construction" are defined in 4VAC50-20-30.

G. An existing impounding structure as defined in 4VAC50-20-30, that is currently classified as high hazard, or is subsequently found to be high hazard through reclassification, shall only be required to pass the flood resulting from 0.6 PMP instead of the flood resulting from the 0.9 PMP SDF if the dam owner meets the requirements set out in 4VAC50-20-53.

H. PMP: Probable maximum precipitation means the theoretically greatest depth of precipitation for a given duration that is meteorologically possible over a given size storm area at a particular geographical location at a particular time of year, with no allowance made for future long-term climatic trends. In practice, this is derived over flat terrain by storm transposition and moisture adjustment to observed storm patterns. In Virginia, the 0.9 PMP is meant to characterize the maximum recorded rainfall event within the Commonwealth.

4VAC50-20-53. Special criteria for reduced SDF requirement for certain high hazard dams.

A. An existing impounding structure that is currently classified as high hazard, or is subsequently found to be high hazard through reclassification, shall be allowed to pass the flood resulting from 0.6 PMP instead of the flood resulting from 0.9 PMP SDF if the dam owner certifies annually that such impounding structure meets each of the following conditions:

1. The owner has a current emergency action plan that is approved by the board and that is developed and updated in accordance with 4VAC50-20-175;

2. The owner has exercised the emergency action plan in accordance with 4VAC50-20-175 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. Such inspection reports shall be completed in accordance with 4VAC50-20-105 E and be submitted to the department with the owner's certification;

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 impounding structure'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.

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 4VAC50-20-70 J, excluding the required submittal of the record drawings.

B. The dam owner must retain documents for a six-year period that support the certification of the elements set out in subsection A.

Part III
Certificate Requirements

4VAC50-20-105. Regular Operation and Maintenance Certificates.

A. A Regular Operation and Maintenance Certificate is required for an impounding structure. Such six-year certificates shall include the following based on hazard classification:

1. High Hazard Potential Regular Operation and Maintenance Certificate;

2. Significant Hazard Potential Regular Operation and Maintenance Certificate; or

3. Low Hazard Potential Regular Operation and Maintenance Certificate.

B. The owner of an impounding structure shall apply for the renewal of the six-year Regular Operation and Maintenance Certificate 90 days prior to its expiration. If a Regular Operation and Maintenance Certificate is not renewed as required, the board shall take appropriate enforcement action.

C. Any owner of an impounding structure that does not have a Regular Operation and Maintenance Certificate or any owner renewing a Regular Operation and Maintenance Certificate shall file an Operation and Maintenance Certificate Application. A form for the application is available from the department (Operation and Maintenance Certificate Application for Virginia Regulated Impounding Structures). Such application

shall be signed by the owner and signed and sealed by a licensed professional engineer. The following information shall be submitted on or with the application:

1. The application shall include the following required information:

a. The name of structure and inventory number;

b. The proposed hazard potential classification;

c. Owner's name or representative if corporation, mailing address, residential and business telephone numbers, and other means of communication;

d. An operating plan and schedule including a narrative on the operation of control gates and spillways and the impoundment drain;

e. For earthen embankment impounding structures, a maintenance plan and schedule for the embankment, principal spillway, emergency spillway, low-level outlet, impoundment area, downstream channel, and staff gages;

f. For concrete impounding structures, a maintenance plan and schedule for the upstream face, downstream face, crest of dam, galleries, tunnels, abutments, spillways, gates and outlets, and staff gages;

g. An inspection schedule for operator inspection, maintenance inspection, technical safety inspection, and overtopping situations;

h. A schedule including the rainfall amounts, emergency spillway flow levels or storm event that initiates the Emergency Action or Preparedness Plan and the frequency of observations;

i. A statement as to whether or not the current hazard potential classification for the impounding structure is appropriate and whether or not additional work is needed to make an appropriate hazard potential designation;

j. For newly constructed or recently altered impounding structures, a certification from a licensed professional engineer who has monitored the construction or alteration of the impounding structure that, to the best of the engineer's judgment, knowledge, and belief, the impounding structure and its appurtenances were constructed or altered in conformance with the plans, specifications, drawings and other requirements approved by the board;

k. Certification by the owner's engineer that the Operation and Maintenance Certificate Application information provided pursuant to subdivision 1 of this subsection is true and correct in their professional judgment. Such certification shall include the engineer's signature, printed name, Virginia number, date, and the engineer's Virginia seal; and

l. Owner's signature certifying the Operation and Maintenance Certificate Application information provided pursuant to subdivision 1 of this subsection and that the operation and maintenance plan and schedule shall be conducted in accordance with this chapter.

2. An Inspection Report (Annual Inspection Report for Virginia Regulated Impounding Structures) in accordance with subsection E of this section;

3. An Emergency Action Plan in accordance with 4VAC50-20-175 or an Emergency Preparedness Plan in accordance with 4VAC50-20-177 and evidence that the required copies of such plan have been submitted to the local organization for emergency management and the Virginia Department of Emergency Management; and

4. Any additional analysis determined necessary by the director, the board or the owner's engineer to address public safety concerns. Such additional analysis may include, but not be limited to, seismic stability, earthen spillway integrity, adequate freeboard allowance, stability assessment of the impoundment's foundation, potential liquefaction of the embankment, overturning or sliding of a concrete structure and other structural stress issues.

5. If applicable, a current certification from the dam owner in accordance with 4VAC50-20-53.

D. If the Operation and Maintenance Certificate Application submittal is found to be not complete, the director shall inform the applicant within 30 days and shall explain what changes are required for an acceptable submission. Within 60 days of receipt of a complete application the board shall act upon the application. Upon finding that the impounding structure as currently operating is in compliance with this chapter, the board shall issue a Regular Operation and Maintenance Certificate. Should the board find that the impounding structure as currently operating is not in compliance with this chapter, the board may deny the permit application or issue a Conditional Operation and Maintenance Certificate in accordance with 4VAC50-20-150.

E. Inspections shall be performed on an impounding structure annually.

1. Inspection Reports (Annual Inspection Report for Virginia Regulated Impounding Structures) signed and sealed by a licensed professional engineer shall be submitted to the department in accordance with the following schedule:

a. For a High Hazard Potential impounding structure, every two years,

b. For a Significant Hazard Potential impounding structure, every three years,

c. For a Low Hazard Potential impounding structure, every six years.

d. For a High Hazard Potential impounding structure, annually in accordance with 4VAC50-20-53, where applicable.

In years when an Inspection Report signed and sealed by a licensed professional engineer is not required, an owner shall submit the Annual Inspection Report for Virginia Regulated Impounding Structures.

2. The Inspection Report shall include the following required information:

a. Project information including the name and inventory number of structure, name of the reservoir, and purpose of the reservoir;

b. City or county where the impounding structure is located;

c. Owner's name or representative if corporation, mailing address, residential and business telephone numbers, and other means of communication;

d. Owner's engineer's name, firm, professional engineer Virginia number, mailing address, and business telephone number;

e. Inspection observation of the impounding structure including the following:

(1) Earthen embankment information including any embankment alterations; erosion; settlement, misalignments or cracks; seepage and seepage flow rate and location;

(2) Upstream slope information including notes on woody vegetation removed, rodent burrows discovered, and remedial work performed;

(3) Intake structure information including notes on deterioration of concrete structures, exposure of rebar reinforcement, need to repair or replace trash

rack, any problems with debris in the reservoir, and whether the drawdown valve operated;

(4) Abutment contacts including notes on seepage and seepage flow rate and location;

(5) Earthen emergency spillway including notes on obstructions to flow and plans to correct, rodent burrows discovered, and deterioration in the approach or discharge channel;

(6) Concrete emergency spillway including notes on the deterioration of the concrete, exposure of rebar reinforcement, any leakage below concrete spillway, and obstructions to flow and plans to correct;

(7) Downstream slope information including notes on woody vegetation removed, rodent burrows discovered, whether seepage drains are working, and any seepage or wet areas;

(8) Outlet pipe information including notes on any water flowing outside of discharge pipe through the impounding structure and a description of any reflection or damage to the pipe;

(9) Stilling basin information including notes on the deterioration of the concrete, exposure of rebar reinforcement, deterioration of the earthen basin slopes, repairs made, and any obstruction to flow;

(10) Gates information including notes on gate malfunctions or repairs, corrosion or damage, and whether any gates were operated and if so how often and to what extreme;

(11) Reservoir information including notes on new developments upstream of the dam, slides or erosion of lake banks, and general comments to include silt, algae, or other influence factors;

(12) Instruments information including any reading of instruments and any installation of new instruments; and

(13) General information including notes on new development in the downstream dam break inundation zone that would impact hazard classification or spillway design flood requirements, the maximum stormwater discharge or peak elevation during the previous year, whether general maintenance was performed and when, and actions that need to be completed before the next inspection.

f. Evaluation rating of the impounding structure and appurtenances (excellent, good, or poor), general comments, and recommendations;

g. Certification by the owner and date of inspection; and

h. Certification and seal by the owner's engineer and date of inspection, as applicable.

F. The owner of an impounding structure shall notify the department immediately of any change in the use of the area downstream that would impose hazard to life or property in the event of failure.

4VAC50-20-175. Emergency Action Plan (EAP) for High and Significant Hazard Potential impounding structures.

A. In order to protect life during potential emergency conditions at an impounding structure, and to ensure effective, timely action is taken should an impounding structure emergency occur, an EAP shall be required for each High and Significant Hazard

Potential impounding structure. The EAP shall be coordinated with the Department of Emergency Management in accordance with § 44-146.18 of the Code of Virginia. The EAP required by these regulations shall be incorporated into local and interjurisdictional emergency plans pursuant to § 44-146.19 of the Code of Virginia.

B. It is the impounding structure owner's responsibility to develop, maintain, exercise, and implement a site-specific EAP.

C. An EAP shall be submitted every six years. The EAP shall be submitted with the owner's submittal of their Regular Operation and Maintenance Certificate application (Operation and Maintenance Certificate Application for Virginia Regulated Impounding Structures).

D. The owner shall update and resubmit the EAP immediately upon becoming aware of necessary changes to keep the EAP workable. Should an impounding structure be reclassified, an EAP in accordance with this section shall be submitted.

E. A drill shall be conducted annually for each high or significant hazard impounding structure. To the extent practicable, the drill should include a face-to-face meeting with the local emergency management agencies responsible for any necessary evacuations to review the EAP and ensure the local emergency management agencies understand the actions required during an emergency. Except as set out in 4VAC50-20-53, ~~A~~ a table-top exercise shall be conducted once every six years, although more frequent table-top exercises are encouraged. Drills and table-top exercises for multiple impounding structures may be performed in combination if the involved parties are the same. Owners shall certify to the department annually that a drill, a table-top exercise, or both has been completed and provide any revisions or updates to the EAP or a statement that no revisions or updates are needed.

F. Impounding structure owners shall test existing monitoring, sensing, and warning equipment at remote or unattended impounding structures at least twice per year or as performed by the Virginia Department of Emergency Management pursuant to § 10.1-609.1 of the Code of Virginia and maintain a record of such tests.

G. An EAP shall contain the following seven basic elements unless otherwise specified in this subsection.

1. Notification chart. A notification chart shall be included for all classes of impounding structures that shows who is to be notified, by whom, and in what priority. The notification chart shall include contact information providing 24-hour telephone coverage for all responsible parties including, but not limited to, the impounding structure operator or manager, state and local emergency management officials, local police or sheriffs' departments, and the owner's engineer. The notification chart shall also identify the process by which downstream property owners will be notified, and what party or parties will be responsible for making such notifications.

2. Emergency Detection, Evaluation, and Classification. The EAP shall include a discussion of the procedures for timely and reliable detection, evaluation, and classification of emergency situations considered to be relevant to the project setting and impounding features. Each relevant emergency situation is to be documented to provide an appropriate course of action based on the urgency of the situation. Where appropriate, situations should address impounding structure failures that are imminent or in progress, a situation where the potential for impounding structure failure is rapidly developing, and a situation where the threat is slowly developing.

3. Responsibilities. The EAP shall specify responsibilities for EAP-related tasks. The EAP shall also clearly designate the responsible party for making the decision that an emergency condition no longer exists at the impounding structure. The EAP shall include procedures and the responsible parties for notifying to the extent possible any known local occupants, owners, or lessees of downstream properties potentially impacted by the impounding structure's failure.

4. Preparedness. The EAP shall include a section that describes preparedness actions to be taken both before and following development of emergency conditions.

5. Dam Break Inundation Maps. The EAP shall include dam break inundation maps developed in accordance with 4VAC50-20-54.

6. Appendices. The appendices shall contain information that supports and supplements the material used in the development and maintenance of the EAP such as analyses of impounding structure failure floods; plans for training, exercising, updating, and posting the EAP; and other site-specific concerns.

7. Certification. The EAP shall include a section that identifies all parties with assigned responsibilities in the EAP pursuant to subdivision 3 of this subsection. This will include certification that the EAP has been received by these parties. The preparer's name, title, and contact information shall be printed in this section. The preparer's signature shall also be included in the certification section. The local organization for emergency management shall provide the owner and the department with any deficiencies they may note.

H. The development of the EAP shall be coordinated with all entities, jurisdictions, and agencies that would be affected by an impounding structure failure or that have statutory responsibilities for warning, evacuation, and postflood actions. Consultation with state and local emergency management officials at appropriate levels of management responsible for warning and evacuation of the public shall occur to ensure that there is awareness of their individual and group responsibilities. The owner shall also coordinate with the local organization for emergency management to identify properties that upon failure of the impounding structure would result in economic impacts.

I. The EAP, or any updates to an existing EAP, shall be submitted to the department, the local organization for emergency management, and the Virginia Department of Emergency Management. Two copies shall be provided to the department.

J. The following format shall be used as necessary to address the requirements of this section.

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C. Site-Specific Concerns

4VAC50-20-220. Unsafe conditions.

A. No owner shall maintain an unsafe impounding structure. Designation of an impounding structure as unsafe shall be made in accordance with § 10.1-607.1 of the Code of Virginia.

B. Imminent danger.

1. If an owner or the owner's engineer has determined that circumstances are impacting the integrity of the impounding structure that could result in the imminent failure of the impounding structure, temporary repairs may be initiated prior to approval from the board. The owner shall notify the department within 24 hours of identifying the circumstances impacting the integrity of the impounding structure. Such emergency notification shall not relieve the owner of the need to obtain an alteration permit as soon as may be practicable, nor shall the owner take action beyond that necessary to address the emergency situation.

2. When the director finds that an impounding structure is unsafe and constitutes an imminent danger to life or property, he shall immediately notify the Virginia Department of Emergency Management and confer with the owner who shall activate the Emergency Action Plan or Emergency Preparedness Plan if appropriate to do so. The owner of an impounding structure found to constitute an imminent danger to life or property shall take immediate corrective action to remove the imminent danger as required by § 10.1-608 of the Code of Virginia.

C. Nonimminent danger. The owner of an impounding structure who has been issued findings and recommendations, by the board, for the correction of deficiencies that may threaten life or property if not corrected, shall undertake to implement the recommendations for correction of deficiencies according to a schedule of implementation contained in that report as required by § 10.1-609 of the Code of Virginia. A dam owner may submit to the board his own plan, consistent with this chapter, to address the recommendations for correction of deficiencies and the schedule of implementation contained in the department's safety inspection report. The board shall determine if the submitted plan and schedule are sufficient to address deficiencies.

Handout 4: Final Fast-Track Dam Safety Grandfathering Action
Project 2491 - July 7, 2010 Board version (Amendments are highlighted in grey)
VIRGINIA SOIL AND WATER CONSERVATION BOARD

4VAC50-20-125. Delayed effective date for Spillway Design Flood requirements for impounding structures.

A. If an impounding structure has been determined to have an adequate spillway capacity prior to September 26, 2008, and is currently operating under a Regular Operation and Maintenance Certificate, but will now require spillway modifications due to changes in these regulations, the owner shall submit to the board an Alteration Permit Application in accordance with 4VAC50-20-80 to address spillway capacity at the time of the expiration of their Regular Operation and Maintenance Certificate or by September 26, 2011, whichever is later. The Alteration Permit Application shall contain a construction sequence with milestones for completing the necessary improvements within five years of Alteration Permit issuance. The board may approve an extension of the prescribed time frame for good cause. Should the owner be able to demonstrate that no spillway capacity change is necessary, the impounding structure may be found to be in compliance with this chapter.

B. In accordance with 4VAC50-20-105, the owner shall submit the Operation and Maintenance Certificate Application (Operation and Maintenance Certificate Application for Virginia Regulated Impounding Structures), the Emergency Action Plan or Emergency Preparedness Plan, and the Inspection Report (Annual Inspection Report for Virginia Regulated Impounding Structures) 90 days prior to the expiration of the Regular Operation and Maintenance Certificate.

C. If circumstances warrant more immediate repairs to the impounding structure, the board may direct alterations to the spillway to be completed sooner.

D. During this delay period, owners are required to address other deficiencies that may exist that are not related to the spillway design flood.

E. Any impounding structure owner who, as of September 26, 2008 held an Alteration or Construction Permit under the requirements of this Chapter that were effective prior to that date, and who has maintained this permit as valid and who completes all requirements of such permit and any applicable Conditional Operation and Maintenance Certificate by September 26, 2011, shall not be required to meet new requirements of this Chapter that became effective on September 26, 2008 until the completion of the first six-year certificate cycle following completion of all requirements of their permit and any applicable Certificates. During this six-year period, the owner may be issued a Regular Operation and Maintenance Certificate should the impounding structure otherwise be eligible for such certificate.

Attachment #2

Department of Conservation and Recreation
Report to the Virginia Soil and Water Conservation Board
July 15, 2010

1. DCR/SWCD Operational Funding: All 47 SWCDs were issued a grant agreement with DCR in May, 2010 for operational funding this fiscal year (FY11). Each is asked to return a fully endorsed agreement to their CDC. Each will be issued 25% of the approved operational funding for FY11. At the outset of this fiscal year (FY11), operational funding for all districts totals $3,186,573. 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 $1,712,500 to employ conservation specialists for the implementation of agricultural BMPs. In addition to the preceding amounts, districts receive funding for staff through appropriations language that enables 8% of the amount deposited in the Virginia Natural Resources Commitment Fund or $1.2 million –whichever is greater, to support technical staff of SWCDs that are performing assistance with implementation of agricultural BMPs. The combined total for technical assistance funding in FY11 is $2,912,499

2. Conservation Partner Employee Development The conservation partners continue to work through the Joint Employee Development or "JED" 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 May 27th, 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 September 2nd beginning at 1:00 p.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 April 29th, 2010. The primary focus of that discussion pertained to Emergency Action Plans. The group received updates by DCR staff from Design and Construction concerning the work performed to date with Dam Break Inundation Studies, plans for dam modification/construction projects, as well as other dam related updates by DCR and NRCS staff . The next meeting of the dam owner work group is scheduled August 4th, 2010 in Charlottesville.

4. VA Agricultural BMP Cost Share (VACS) Program: Suggestions for changes to the VACS are currently being received for consideration by the Technical Advisory Committee (TAC) when it meets again August 19, 2010. Suggestions for changes received before July 31, will be considered for inclusion in the TAC 2011Program of Work to be generated during the August meeting. The TAC maintains several subcommittees that work in specific areas as well as requesting expert assistance from knowledgeable individuals from across the Commonwealth. Four regional trainings relating the programmatic changes included in the PY 2011 program have been completed and manuals distributed. Additional trainings on the new Ag BMP Tracking program are on-going.

Agricultural BMP Tracking Program: Phase 1 of the modernization of the Ag BMP Tracking program is complete. WorldView is currently working on Phase 2 improvements with many enhancements already being used by districts. Phase 2 enhancements will be completed by late October. Additional 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 phase of the project is planned.

CREP: 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 resulted in the loss of some state funds previously appropriated for CREP. With funds that remain, DCR projects that the program can continue for the next year. Requests for additional CREP appropriations will be necessary to meet program goals

5. Erosion and Sediment Control & Stormwater Management Programs: As of the May 14, 2010 meeting of the Virginia Soil and Water Conservation Board, 158 or 96% of local erosion and sediment control programs have been found consistent with state law. A total of 5,206 construction general permits, permit reissuance (2,933) plus new projects (2,273), have been issued from July 1, 2009 through June 30 2010.

6. Nutrient Management: One training session was held for the 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. There

are currently 360 certified nutrient management planners in Virginia. Fifty four are certified in the T & L category, and 33 are certified in both agriculture and T & L.

DCR's recently hired biosolids technician inspected 29 farms for compliance to biosolids or VPA permits for the land application of biosolids. Funds that support this position originate from fees generated by the permitting process through the Department of Environmental Quality. DCR also added a new precision nutrient management specialist through a NFWF grant to promote and evaluate precision nutrient management practices in a four county region of the Shenandoah Valley. This position has been instrumental in getting 65 farmers to participate in the Guided Cornstalk Nitrate Testing program in the four county region.

The Program Manager and the Nutrient Management Training and Certification Coordinator reviewed and edited 12 chapters of the Turf and landscape Training Manual. The new manual is currently in the publications office at Virginia Tech and will be available in late fall.

7. DCR TMDL Activities: Currently DCR is working on seven TMDL implementation plans in the following watersheds across the Commonwealth: Christians Creek and South River (Augusta County and City of Waynesboro); Lewis Creek (Russell County); Cherrystone Inlet and Kings Creek (Northampton County); Hays Creek, Moffatts Creek, Otts Creek, and Walker Creek (Augusta and Rockbridge Counties); Slate River (Buckingham County); Brown, Craig and Marsh Runs (Fauquier County), and Little Dark Run and Robinson River (Madison County). To date a total of 41 implementation plans have been completed in Virginia that address 132 impaired stream segments or water bodies. Eighty 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). The Shellfish TMDL Implementation Technical Advisory Committee, co-facilitated by DCR and VDH-Division of Shellfish Sanitation, met in Richmond on April 21 and at Gloucester Point on May 19.

Meetings were held with the 15 Districts that are responsible for TMDL implementation projects in June. The Chesapeake Bay area meeting was held on June 17th in Charlottesville, and the Southern Rivers area meeting was held June 10th at Claytor Lake State Park in Dublin.

8. Chesapeake Bay TMDL: The third meeting of Virginia's Chesapeake Bay TMDL Stakeholder Advisory Group was held on June 15, 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, with a draft submitted to EPA by September 1, 2010. At this meeting, staff of DCR and DEQ delivered presentations of potential draft nutrient allocations and the results of early model scoping runs of initial draft inputs for Virginia.

Draft allocations were received from EPA for all states on July 1. Compared to tributary strategy levels, allowable nitrogen loads increased slightly for most Virginia tributaries

with the exception of the James which was decreased to resolve local chlorophyll impairments. Allowable phosphorus levels for most tributaries were decreased.

The agencies decided to hold a series of two meetings each of four unique sector workgroups (agriculture, wastewater, urban stormwater, and septic) to receive more specific input relevant to each sector. As of July 15, initial meetings will have been held with each group to receive input on additional scoping scenarios and other issues. Follow-up meetings of each group will be held before the end of July. A steering committee of two representatives from each sector and several "at large" members will advise the agencies concerning the breakdown of allocations by sector in early August. The official EPA website for Bay TMDL information is: www.epa.gov/chesapeakebaytmdl/ . DCR's website for the Bay TMDL is: http://www.dcr.virginia.gov/sw/baytmdl.shtml

Attachment #3.

NRCS REPORT
VA Soil and Water Conservation Board Meeting
July 15, 2010
General Assembly Building
Richmond, VA

Jack Bricker recently presented Cooperative Conservation Partnership Initiative (CCPI) awards from the Natural Resources Conservation Service to three recipients with projects in the Shenandoah Valley. These significant awards offer more conservation opportunities for Valley farmers targeting cropland and pasture improvements, stream exclusion, and improving trout habitat.

Only five CCPI awards were made across the entire Chesapeake Bay region; three were in the Shenandoah Valley of Virginia. The Shenandoah Resource Conservation and Development (RC&D) Council received a partnership agreement with $720,000 to help farmers with conservation practices. The Chesapeake Bay Foundation received $110,000, and Trout Unlimited received $32,000. Funding for future years is contingent on project performance and availability of funding.

CONSERVATION INNOVATION GRANTS (CIG)

NRCS has awarded two CIG grants to Virginia Tech. One is for Cover Crops for $69,769 and the other for Slug Management in corn and soybeans for $73,285. Conservation Innovation Grants is a voluntary program intended to stimulate the development and adoption of innovative conservation approaches and technologies while leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production. CIG will benefit agricultural producers by providing more options for environmental enhancement and compliance with Federal, State, and local regulations.

DAM REHABILITATION

Pohick Creek Site 3 (Woodglen Lake) in Fairfax County – This project is under construction and should be completed by September. Over $1,449,000 was obligated in federal funds for construction.

Pohick Creek Site 2 (Lake Barton) in Fairfax County – The final design has been completed for this project. About $2,040,000 in federal funds will be obligated by August 2010 and construction will be completed by June 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 held a public meeting on June 16, 2010 to assist Fairfax County and the Northern Virginia SWCD to initiate planning for dam rehabilitation on this site. A final plan is expected in 2011.

South River Site 25 (Toms Branch) in Augusta County – Construction was recently completed on this site. Final paperwork is being processed. 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. A draft plan was released on June 13 for interagency and public review. The planning process is ongoing with a final plan expected by September 2010.

Assessments for High Hazard Dams – NRCS has awarded a contract to URS Corporation for $210,000 to assess nine dams in Virginia.

WATERSHED OPERATIONS

Buena Vista Flood Control Project –NRCS hired an A&E firm to design the channel modification project for Chalk Mine Run. The design will be completed in July 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 dollars from ARRA funding have been obligated for 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. Three new contracts have been signed and the funds obligated.

Little Reed Island Creek Watershed - $120,000 in financial assistance dollars from ARRA funding has been obligated 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. Two new contracts have been signed and the funds obligated.

NATIONAL BOY SCOUT JAMBOREE

Since 1981, hundreds of thousands of Scouts and visitors have trekked to Fort A.P. Hill to experience the National Boy Scout Jamboree. Along with the famous arena shows, rappelling, and buckskin games, NRCS has been a part of that experience, educating youth about soils and erosion on the Conservation Trail. As we count down to the 100th anniversary of the Jamboree, a dedicated team is hard at work helping to re-create the NRCS portion of the trail they will share with more than 20 federal, state, and local agencies, as well as some private groups.

USDA UNVEILS SMITH CREEK AS VIRGINIA'S CHESAPEAKE BAY SHOWCASE WATERSHED

USDA Deputy Under-Secretary for Natural Resources and Environment, Ann Mills, unveiled Smith Creek as Virginia's Chesapeake Bay Showcase Watershed during a public event in Rockingham County on June 18. Smith Creek is one of three regional showcases designed to demonstrate what can be achieved by combining strong partnerships, sound science, and funding to solve natural resource problems in targeted areas.

THREE-AGENCY MEMORANDUM OF UNDERSTANDING SIGNED

Jack Bricker - NRCS, Carl Garrison – DOF, and Ralph Waite - Tree Farmers' Association, signed a Memorandum of Understanding (MOU) among their three agencies on July 7. This MOU will allow a woodland owner to have "one plan" which will satisfy requirements for specific programs under all three agencies.

NRCS ALL EMPLOYEE MEETING

In just two short months, Virginia NRCS will gather in Williamsburg for an all employees' meeting. Staff from all across the state will converge on the Woodlands Conference Center from September 14 – 16. The program will feature diverse topics and speakers built around the theme "75 Years of Investing in the Future."