

**Virginia Soil and Water Conservation Board
November 18, 2010
Senate Room A, General Assembly Building
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

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|---------------------------------|--------------------------------|
| Susan Taylor Hansen, Chair | David A. Johnson, DCR Director |
| C. Frank Brickhouse, Jr. | Darlene Dalbec |
| Gary Hornbaker | Jerry L. Ingle |
| Daphne W. Jamison | Stephen Lohr |
| John A. Bricker, NRCS, Advisory | |

Virginia Soil and Water Conservation Board Members Not Present

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| Raymond L. Simms, Vice Chair | Frank Blake, Jr. |
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DCR Staff Present

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| Robert Bennett | David C. Dowling |
| Michael R. Fletcher | Jack E. Frye |
| Lee Hill | Mark B. Meador |
| Elizabeth Andrews, Office of the Attorney General | |

Others Present

Wilkie Chaffin, Virginia Association of Soil and Water Conservation District Directors

Call to Order and Introductions

Chairman Hansen called the meeting to order and asked for introductions. A quorum was declared present.

Approval of Minutes from September 16, 2010

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| MOTION: | Ms. Jamison moved that the minutes from the September 16, 2010 meeting of the Virginia Soil and Water Conservation Board be approved as submitted. |
| SECOND: | Ms. Dalbec |
| DISCUSSION: | None |
| VOTE: | Motion carried unanimously |

Director's Report

Mr. Johnson gave the Director's report. He said that the Chesapeake Bay TMDL and the Stormwater regulations had been consuming a great deal of time.

Mr. Johnson said that at the last meeting he had reported that Virginia had submitted the draft Watershed Improvement Plan (WIP) on September 3. He said that EPA had indicated that the plan fell short of what needed to be done. He indicated that EPA's backstops would have required wastewater treatment plants to upgrade almost immediately, and best management practices would have to be added for 50% of the land area in MS4 localities. He said that would be extremely expensive with projected annual costs in the billions.

Mr. Johnson said that Virginia has been working with EPA and stakeholder groups to fashion a WIP that is both doable and that meets EPA requirements. The goal is to have 60% of the practices in place by 2017 with the balance by 2025. He noted that Virginia had until November 29 to complete the plan to submit to EPA. The EPA then has until the 31st of December.

Mr. Johnson said that as of November 29, the proposed WIP will become a public document and will be posted online.

Mr. Johnson said that in addition to the work on the WIP, the stormwater regulations process was moving forward. Regulatory Advisory Panel Subcommittees on water quality and water quantity have been meeting and dealing with the portions of the suspended regulations that were the most contentious. He said that the Regulatory Advisory Panel was next scheduled to meet on November 29th.

Dam Safety Certificates and Permits

Mr. Bennett presented the recommended actions on Dam Safety Certificates and permits.

Regular Certificates

| | | | |
|-----------------------|-------|--------------|----------------|
| Long Pond Farm Dam | 04301 | CLARK | 6-Year Regular |
| Clements Dam | 04905 | CUMBERLAND | 6-Year Regular |
| Lake Independence Dam | 19304 | WESTMORELAND | 6-Year Regular |

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificates Recommendations as presented by Dam Safety staff and that staff be directed to communicate the Board action to the affected dam owners.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

Conditional Certificates

| | | | |
|------------------------|-------|----------------|--------------------|
| Red Hill Quarry Dam | 00321 | ALBEMARLE | 1-year Conditional |
| Lake Caroline Dam | 03324 | CAROLINE | 1-year Conditional |
| Reservoir #1 Dam | 07508 | GOOCHLAND | 1-year Conditional |
| Lake Dillon Dam | 07525 | GOOCHLAND | 1-year Conditional |
| Twin Lakes Dam #3 | 07914 | GREENE | 2-year Conditional |
| Epes Dam | 13502 | NOTTOWAY | 1-year Conditional |
| Goodwin Dam | 14705 | PRINCE EDWARD | 1-year Conditional |
| Bush River Dam #12 | 14735 | PRINCE EDWARD | 1-year Conditional |
| Possum Point Ash Dam E | 15312 | PRINCE WILLIAM | 1-year Conditional |
| Turner Dam | 16308 | ROCKBRIDGE | 1-year Conditional |
| Sullivan Dam | 18707 | WARREN | 1-year Conditional |
| Lower Norton Dam | 72001 | CITY OF NORTON | 1-year Conditional |

Mr. Bennett noted that the Director needed to abstain from the vote regarding Goodwin Dam.

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board approve the Conditional Operation and Maintenance Certificate recommendations as presented by Dam Safety staff and that staff be directed to communicate this action to the affected dam owners.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried with Mr. Johnson abstaining.

Construction and Alteration Permits

| | | | |
|--------------------|-------|-------------|-------------------|
| Trices Lake | 04901 | CUMBERLAND | 2-year Alteration |
| Forest Lake Dam | 08518 | HANOVER | 2-year Alteration |
| Lake Jefferson Dam | 09903 | KING GEORGE | 2-year Alteration |

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

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Bennett said that there were 84 dams on the extension list. Most were one-year extensions with some having two-year extensions. He introduced Mr. John Martin a citizen of Albemarle County. [IS THIS CORRECT??]

Mr. Martin said that he had previously written regarding the situation with the Ragged Mountain Dams. He said that he was an individual citizen advocate for the Charlottesville/Albemarle 2006 approved water supply plan. He said that he started working on water issues as a citizen in 1998, first with trying to find a solution to the flow in the Moorman's River in Albemarle County.

Mr. Martin said that in 2006 the community came together over the water supply plan. Permits were obtained from DEQ and the Corps of Engineers. In 2008 the City Council and the County Board of Supervisors reaffirmed their decision. He said that this was an excellent water plan that will meet the water needs for 50 years. He said this is one of the solutions to the Ragged Mountain Dams.

Mr. Martin said that on September 20, 2010 the City Council passed a resolution that basically withdrew from the approved water supply plan. He said that Tom Frederick of the Rivanna Water and Sewer Authority had done an outstanding job. He said that his purpose was to bring pressure on the City of Charlottesville to convince them to return to the 2006 water supply plan.

Mr. Martin said that the Board option would be to deny the extensions. He said that if the extensions were continued, that he would ask that the Board impose strict deadlines.

Ms. Hansen thanked Mr. Martin for his comments. She noted that at this point the Board did not know what was offered with regard to the extensions.

Mr. Bennett said that he would prefer that Mr. Frederick speak first.

Mr. Frederick expressed appreciation for Mr. Martin's comments. He said that the 2006 plan referred to was to build the new dam at the Ragged Mountain site. He said that the plan accomplishes two things: 1) it expands the water storage, and; 2) it addresses the safety concerns.

Mr. Frederick said that to be fair to the City Council that they would not characterize their action as a withdrawal from the plan. Rather the Council would say they wanted to make amendments to allow the County to move head.

Mr. Frederick said that one of the deadlines was to complete a preliminary design by last summer. That was accomplished. The County agreed to fund the final design in late October. Based on that the Water and Sewer Authority now has 180 days to complete the final design.

Mr. Frederick said that while some processes were running about a month behind he believed the December 2011 deadline was attainable.

Ms. Hansen thanked Mr. Martin and Mr. Frederick for their comments.

Ms. Jamison asked if compliance hinged on raising the level of the dam and whether the spillway could be redesigned to allow the water level to remain at the current level.

Mr. Frederick said that redesigning for the existing dam would cost several million that would be considered a waste when a new dam was authorized and built.

Ms. Jamison asked if the public was aware of the safety hazard.

Mr. Frederick said that the Authority had done what they could to communicate that to citizens.

Ms. Hansen asked if the Board passed a one-year extension if they would be able to review this in six months in the event that deadlines have not been met.

Mr. Bennett said that he believed if the Authority was not making progress staff could come back to the Board.

Mr. Dowling said that an alternative approach would be to give a six-month extension.

Ms. Hansen asked Mr. Frederick if the deadlines were reasonable.

Mr. Frederic said that he would suggest the March and April deadlines each be extended by one month.

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board issue six month extensions for Lower Ragged Mountain Dam, Inventory #00304 and Upper Ragged Mountain Dam, Inventory #00356 with the understanding that the final design be completed in April 2011 and that permits are obtained in May 2011.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Bennett presented the remaining extensions. He noted that Ms. Jamison should abstain from actions regarding the Upper Blackwater Dam and the Horse Pasture Cree Dam as both are owned by the Blue Ridge Soil and Water Conservation District.

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|-----------------------------|-------|------------|------------------|
| Peacock Hill Dam | 00351 | ALBEMARLE | 1-year Extension |
| Hunt Country Dam | 00369 | ALBEMARLE | 1-year Extension |
| Chimney Rock Dam | 00388 | ALBEMARLE | 1-year Extension |
| South River Dam #26 | 01501 | AUGUSTA | 1-year Extension |
| South River Dam #25 | 01502 | AUGUSTA | 1-year Extension |
| South River Dam #8A | 01528 | AUGUSTA | 1-year Extension |
| John Lawrence Dam | 01702 | AUGUSTA | 1-year Extension |
| Beaverdam Creek Dam | 01903 | BEDFORD | 1-year Extension |
| Bedford Lake Dam | 01905 | BEDFORD | 1-year Extension |
| Falling Creek Reservoir Dam | 01910 | BEDFORD | 1-year Extension |
| Woods Landing Dam | 01923 | BEDFORD | 1-year Extension |
| Falwell Jr. Dam | 01927 | BEDFORD | 1-year Extension |
| Muddy Creek #1 | 02911 | BUCKINGHAM | 1-year Extension |
| Muddy Creek #2 | 02912 | BUCKINGHAM | 1-year Extension |
| Slate River Dam #2 | 02912 | BUCKINGHAM | 2-year Extension |
| Slate River Dam #14 | 01933 | BUCKINGHAM | 1-year Extension |
| Slate River Dam #13 | 02934 | BUCKINGHAM | 1-year Extension |
| Slate River Dam #8 | 02935 | BUCKINGHAM | 1-year Extension |
| Lake Shannon Dam | 03322 | CAROLINE | 1-year Extension |
| Lake DeJarnette Dam | 03341 | CAROLINE | 1-year Extension |
| Lake Pinewood Dam | 03342 | CAROLINE | 1-year Extension |
| Roanoke Creek Dam #35A | 03703 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #68 | 03704 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #5B | 03705 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #6A | 03706 | CHARLOTTE | 1-year Extension |

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| Roanoke Creek Dam #49A | 03707 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #62 | 03708 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #67 | 03709 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #4A | 03710 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #61A | 03711 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #31B | 03712 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #54 | 03713 | CHARLOTTE | 1-year Extension |
| Roanoke Creek Dam #43A | 03714 | CHARLOTTE | 1-year Extension |
| Lake Patrick Henry Dam | 04142 | CHESTERFIELD | 1-year Extension |
| Rowlett Road Dam | 04153 | CHESTERFIELD | 1-year Extension |
| Johns Creek Dam #1 | 04501 | CRAIG | 2-year Extension |
| Johns Creek Dam #3 | 04503 | CRAIG | 2-year Extension |
| Lake Accotink Dam | 05906 | FAIRFAX COUNTY | 1-year Extension |
| Fox Lake Dam | 05919 | FAIRFAX COUNTY | 1-year Extension |
| NVCC Annandale Campus Dam | 05934 | FAIRFAX COUNTY | 1-year Extension |
| Clifton Farm Dam | 06117 | FAUQUIER | 1-year Extension |
| Upper Blackwater River Dam #6 | 06701 | FRANKLIN | 1-year Extension |
| Melody Lake | 06707 | FRANKLIN | 1-year Extension |
| Lake Serene Dam | 06901 | FREDERICK | 1-year Extension |
| Pleasant Valley Dam | 06908 | FREDERICK | 1-year Extension |
| Hartford Lake Dam | 08542 | HANOVER | 1-year Extension |
| Clifton Pond Dam | 08527 | HANOVER | 1-year Extension |
| Wilde Lake Dam | 08712 | HENRICO | 1-year Extension |
| Horse Pasture Creek Dam #1C | 08912 | HENRY | 2-year Extension |
| Mirror Lakes Dam No. 1 (west) | 09525 | JAMES CITY | 1-year Extension |
| Lake Monroe Dam | 09906 | KING GEORGE | 1-year Extension |
| Beaverdam Creek Dam | 10701 | LOUDOUN | 1-year Extension |
| Goose Creek Dam | 10703 | LOUDOUN | 1-year Extension |
| Sleeter Lake Dam | 10710 | LOUDOUN | 1-year Extension |
| Precision Dynamics Lake Dam | 10711 | LOUDOUN | 1-year Extension |
| Lake Parker Dam | 12714 | NEW KENT | 1-year Extension |
| Lake Washington Dam | 12715 | NEW KENT | 1-year Extension |
| Jackson/Moore Dam | 14111 | PATRICK | 1-year Extension |
| Ararat River Dam #28 | 14117 | PATRICK | 1-year Extension |
| Cherrystone Creek Dam #1 | 14302 | PITTSYLVANIA | 1-year Extension |
| Cherrystone Creek Dam #2A | 14303 | PITTSYLVANIA | 1-year Extension |
| Buffalo Creek Dam #1 | 14701 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #3 | 14702 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #4 | 14703 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #2 | 14706 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #5 | 14707 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #6 | 14709 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #7 | 14709 | PRINCE EDWARD | 1-year Extension |
| Buffalo Creek Dam #8 | 14710 | PRINCE EDWARD | 1-year Extension |

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| Buffalo Creek Dam #9 | 14711 | PRINCE EDWARD | 1-year Extension |
| Bush River Dam #2 | 14734 | PRINCE EDWARD | 1-year Extension |
| Bush River Dam #7 | 14736 | PRINCE EDWARD | 1-year Extension |
| Lake Jackson Dam | 15306 | PRINCE WILLIAM | 1-year Extension |
| Silver Lake Dam | 15312 | PRINCE WILLIAM | 1-year Extension |
| NVCC Woodbridge Campus Dam | 15324 | PRINCE WILLIAM | 1-year Extension |
| Goshen Dam | 16301 | ROCKBRIDGE | 1-year Extension |
| Robertson Dam | 16303 | ROCKBRIDGE | 1-year Extension |
| Moore's Creek Dam | 16305 | ROCKBRIDGE | 1-year Extension |
| Willow Lake Dam | 16305 | ROCKBRIDGE | 1-year Extension |
| Stony Creek Dam #9 | 17101 | SHENANDOAH | 1-year Extension |
| Lee Lake Dam | 17710 | SPOTSYLVANIA | 1-year Extension |
| Winston Lake Dam | 76011 | RICHMOND CITY | 1-year Extension |

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve the Extension recommendations as presented by Dam Safety Staff and that staff be directed to communicate these actions to the affected dam owners.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried with Ms. Jamison abstaining.

Enforcement Actions

Mr. Bennett reviewed the enforcement actions. No action was needed by the Board at this time.

Mr. Bennett said that with the proposed meetings schedule, staff was requesting that the Board extend regular and conditional operation and maintenance certificates that are set to expire prior to the March meeting date.

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board extend Regular and Conditional Operation and Maintenance Certificates that expire between November 18, 2010 and March 31, 2011 to March 31, 2011.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Dowling presented an additional motion for Board consideration. He noted that the matter had been discussed with the Office of the Attorney General. He said that with the potential change in Board meeting dates there was an issue with construction and alteration permits. He said that staff was asking for the Board to delegate to the Director the authority to issue those permits in cases where a delay would hinder the construction process.

MOTION: Mr. Ingle moved the following:

Motion for the Board to authorize the Director of the Department of Conservation and Recreation or his designee to issue Impounding Structure Construction Permits and Alteration Permits in accordance with § 10.1-605.1 of the Code of Virginia.

In accordance with § 10.1-605.1 of the Dam Safety Act (Delegation of powers and duties), “[t]he Board may delegate to the Director or his designee any of the powers and duties vested in the Board by this article, except the adoption and promulgation of regulations or the issuance of certificates. Delegation shall not remove from the Board authority to enforce the provisions of this article.”

Pursuant to this authority, the Virginia Soil and Water Conservation Board delegates the power and duty to issue Construction Permits and Alteration Permits for impounding structures to the Director of the Department of Conservation and Recreation or his designee.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Hornbaker asked if a copy of the Dam Owners Handbook could be made available to Districts and the Board.

Mr. Bennett said that would be provided.

Erosion and Sediment Control

Mr. Hill presented the Erosion and Sediment Control actions.

2011 Annual Standards and Specifications for Utility Companies

MOTION: Ms. Jamison moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2011 annual standards and specifications for electric, natural gas, telecommunications, and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2011 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction from January 1, 2011 to December 31, 2011 must be submitted by January 1, 2011. 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
 - Proposed project start and finish dates
2. Project information unknown prior to January 1, 2011 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

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

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

Companies recommended for conditional approval with the four conditions are:

Dominion Virginia Power Electric Transmission; East Tennessee Natural Gas/Duke Energy/Spectra; Holcomb Rock Company; Roanoke Gas

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Lohr moved the following motion:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2011 annual standards and specifications for electric, natural gas, telecommunications, and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2011 specifications and the request for variations for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variations.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction from January 1, 2011 to December 31, 2011 must be submitted by January 1, 2011. 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
 - Proposed project start and finish dates
2. Project information unknown prior to January 1, 2011 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

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

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

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

American Electric Power Company; AT&T Corporation; Dominion Virginia Power Electric Distribution Company; Virginia Telecommunications Industry Association

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

2011 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Williamsburg Environmental Group, Inc.

MOTION: Mr. Lohr moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2011 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 2011 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 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 2011 must be submitted by January 1, 2011. 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 January 12, 2011 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 be employed 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.

Recognition of King & Queen County and Washington County Erosion and Sediment Control Programs

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board commend King and Queen County and Washington County for successfully improving their respective County's Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Hill noted that this action leaves only eleven localities operating under Corrective Action Agreements.

CAA Follow-up – Greensville County's CAA Compliance

Mr. Hill gave the background for Greensville County.

The Virginia Soil and Water Conservation Board approved Greensville County's Corrective Action Agreement (CAA0 with a completion date of March 18, 2010. At the direction provided by the Board, Department of Conservation and Recreation staff reviewed Greensville 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 Greensville County be given until May 19, 2011 to comply with the outstanding CAA.

MOTION: Mr. Brickhouse moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grant

Greensville County an extension until May 19, 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 July 2011 Board meeting.

SECOND: Mr. Johnson
DISCUSSION: None
VOTE: Motion carried unanimously

Presentation of Enforcement Options available to Board related to Local Programs

Mr. Hill noted that the Board had requested that he review information regarding enforcement options. He presented the following outline:

Local Erosion and Sediment Control Program Review & Evaluation

Section 10.1-561.E – VSCWB

- to conduct reviews
- to develop a schedule of reviews

Section 10.1 – 526.E

- Local Program – Not Consistent
- Corrective Action Agreement (CAA) Signed
- Locality – Implements the CAA

Staff reviews CAA

CAA Completed – Consistent

CAA not Completed – Extend CAA

Or

VSWCB may (i) impose a Civil Penalty or (ii) Revoke the Local Program

(i) Civil Penalty

Maximum of \$5,000 per day per CAA Item

Maximum of \$20,000 per CAA item

If 5 CAA items - \$100,000 maximum

(i) Revoke the Local Program

Locality in a SWCD – SWCD Program
Section 10.1-562 F

Locality not in a SWCD – VSWCB Program
Section 10.1-562 G

To Charge a Civil Penalty or Revoke a Program

VSWCB – Conduct a formal hearing per Administrative Process Act

Mr. Hornbaker asked if in the situation where a locality does not have projects for review or does not have full time staff if that locality could partner with another locality.

Mr. Hill said that the law provides for cooperative efforts.

Local Soil and Water Conservation District Operations

Soil and Water Conservation District Director Resignations and Appointments

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

Culpeper

Recommendation of Jocelyn P. Lambert, Culpeper County, to fill four year appointed position (term of office to begin on 1/1/11 – 1/1/15).

Daniel Boone

Resignation of Harold Jerrell, Lee County, effective 6/30/10, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Scott Jerrell, Lee County, to fill unexpired Extension Agent term of Harold Jerrell (term of office to begin on or before 12/18/10 – 1/1/13).

Pittsylvania

Recommendation of Aubrey R. Pritchett, Pittsylvania County, to fill four year appointed position (term of office to begin on 1/1/11- 1/1/15).

MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board approve the list of resignations and appointments as presented by staff.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

DCR Assessment of SWCD Compliance with DCR/SWCD FY09-10 Grant Agreement Deliverables

Mr. Meador presented an update regarding how DCR assesses the compliance of Soil and Water Conservation Districts with the completion of grant agreements. He said that the Board policy for funding Districts directs how DCR administers the operating funds. The Board approves the grant agreement deliverables.

Mr. Meador provided copies of the deliverables and a chart indicating how each District addressed the deliverables. Copies of those handouts are available from DCR.

Mr. Meador said that no action was necessary by the Board.

Partner Agency Reports

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment #1.

Division of Soil and Water Conservation

Mr. Frye gave the Division Director's report. A copy is included as Attachment #2.

Virginia Association of Soil and Water Conservation Districts

Mr. Chaffin gave the report for the Virginia Association of Soil and Water Conservation Districts.

Mr. Chaffin said that the Association was experiencing a problem with Districts that either do not pay their dues or that pay a part of them. He said funding was a continued concern.

Mr. Chaffin said that the Association shortfall was about 10% of normal funding.

Mr. Chaffin said that the District Association meeting would be held in December. He said that the Association would like to discuss a new grant deliverable for Districts with regard to Association support.

Public Comment

There was no further public comment.

New Business

There was no new business.

2011 Meeting Calendar

Mr. Wilkinson presented the following as proposed meeting dates for 2011.

Thursday, March 10

Thursday, June 9

Thursday, September 8

Wednesday, December 7 *in conjunction with the VASWCD Annual Meeting*

Mr. Dowling noted that due to the schedule with the Stormwater Management Regulations, an additional meeting might be required in the spring.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Susan Taylor Hansen
Chairman

David A. Johnson
Director

Attachment #1

**NRCS REPORT
VA SOIL AND WATER CONSERVATION BOARD MEETING
GENERAL ASSEMBLY BUILDING – RICHMOND
NOVEMBER 18, 2010**

FARM BILL

Financial Assistance Programs:

We just received our FY-11 budget for the Mandatory Farm Bill Programs. NRCS received the following financial assistance funds for FY-11:

Chesapeake Bay Watershed Initiative = \$13,540,833
EQIP = \$9,132,649
EQIP Organic = \$774,587
EQIP Cooperative Conservation Partnership Initiative = \$551,713
Farm and Ranchland Protection Program = \$1,587,170
Grassland Reserve Program = \$634,720
Wildlife Habitat Incentive Program = \$210,425
WHIP Cooperative Conservation Partnership Initiative = \$43,829
WHIP Long Leaf Pine Initiative = \$150,000
Wetlands Reserve Program = \$1,155,642

NRCS Programs staff is currently developing the FY-11 Farm Bill offerings and providing detailed training to our field staff.

FY-11 Program Schedule

- 1st Application Deadline: January 14, 2011
 - CSP Application Date: January 7, 2011
- 1st Ranking Deadlines:
 - Forestry Ranking Date: January 14, 2011
 - Orchard Ranking Date: January 14, 2011
 - Ranking Date for All Others: February 18, 2011
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- 2nd Application Deadline: February 18, 2011
- 2nd Ranking Date: March 4, 2011

Conservation Security and Conservation Stewardship Programs

NRCS staff is currently making CSP payments for FY-10 practices. Producers can decide whether to receive payments in tax year 2010 or tax year 2011. Payments for tax year 2010 should be made by December 15, 2010 and payments for tax year 2011 should be made by April 1, 2011.

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| FY-10 Farm Bill Programs Allocations and Obligations | | | | | |
|---|------------------------|------------------------|---------------------|----------------|---------------|
| Fund | Allocation | Obligated | Unobligated | # of Contracts | % Obligated |
| WHIP | | \$654,617.29 | \$13,159.71 | 87 | 98.03% |
| EQIP | \$11,315,043.05 | \$11,265,450.87 | \$49,592.18 | 357 | 99.56% |
| CSP | \$3,571,008.00 | \$3,313,041.00 | \$257,967.00 | 270 | 92.78% |
| CBWI | \$10,129,087.00 | \$10,060,955.93 | \$68,131.07 | 267 | 99.33% |
| | \$25,682,915.05 | \$25,294,065.09 | \$388,849.96 | 981 | 98.49% |

EASEMENTS – FY-10 PROGRESS

Farm and Ranchland Protection Program

Allocation – **\$1,587,170**

Applications – **Four new agreements for a total of 888 acres**

Funds Obligated – **\$1,175,430**

Funds Unobligated – **\$411,740**

Backlog of applications or requests and amount requested - **0**

Easements Closed – **Three closings on 413 acres for a total of \$877,986**

Grassland Reserve Program

Allocation – **\$634,720 (+\$1.5M added later)**

Applications – **15**

Backlog of applications – **Six** and amount needed – **\$988,829**

Contracts or Agreements – **Eight new easements for \$2,052,393 on 607.5 acres**

Rental Contracts – **One rental contract on 16.4 Ac. @ \$10/ac for 10 yrs**

Easements Closed – **One on 57.68 acres for a total of \$220,345.24**

Wetland Reserve Program

Allocation – **\$4,622,569**

Applications – **Three**

Funds Obligated – **\$371,720**

Funds Unobligated – **\$4,090,622 sent back to NHQ**

Backlog of applications or requests – **Four** and amount needed – **N/A**

Contracts or Agreements – **Two new contracts on 131 acres**

Easements Closed – **Three closing on 58.7 acres for a total of \$215,848.38**

Restoration Completed – **49 acres for a total of \$60,700**

DAM REHABILITATION

Pohick Creek Site 3 (Woodglen Lake) in Fairfax County – This project has been completed except for some tree planting that should be finished by the end of December.

Pohick Creek Site 2 (Lake Barton) in Fairfax County – This site is under construction and will be completed in the spring or summer of 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 – A final plan is expected in 2011.

South River Site 25 (Toms Branch) in Augusta County – Construction has been 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 – The Chief of NRCS recently authorized this dam rehabilitation plan. We can now move into the final design phase of the project.

Upper North River 10 (Todd Lake) in Augusta County – NRCS staff is assisting the Headwaters SWCD and Augusta County to develop a rehabilitation plan for this dam. The final plan will not be completed until 2012.

Assessments for High Hazard Dams – Five assessments have been completed and four more are underway. The remaining four should be completed by the end of February.

WATERSHED OPERATIONS

North Fork Powell River Watershed – Two sites have been completed and three are under construction using ARRA funds to remediate abandoned mine land sites 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.

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 December 2010.

RESOURCE CONSERVATION AND DEVELOPMENT

Eastern Shore RC&D, partnering with the Chesapeake Bay Foundation, was awarded a National Fish and Wildlife Federation (NFWF) grant. The grant is \$500,000 for a community-wide pollution reduction and watershed restoration project in Onancock, VA.

The Shenandoah Resource Conservation and Development Council was awarded a second grant this month (also from NFWF) for \$700,000 to facilitate a culture of “conservation from farm to table” and reducing nutrients and sediments in food and fiber production on a regional scale.

An agreement was signed between NRCS and VDOF for two additional foresters to assist the RC&D Councils. Patrick Murphy in Farmville and Joe Lehnen in Woodstock will provide assistance.

At the SE Association of RC&D's meeting in Biloxi, MS, Virginia won the Regional title for the Outstanding Youth Project-- Woodlawn Learning Center, South Centre' Corridors RC&D; Outstanding Council- Shenandoah RC&D; Outstanding RC&D Council- Black Diamond RC&D, and Outstanding RC&D Staff support- Lorraine Cormier of Shenandoah RC&D; and the SE Presidents Special Project recognition- Shenandoah RC&D.

OPTIMIZED COMPUTER ENVIRONMENT (OCE)

The Richmond SO, Fredericksburg, Strasburg, and Warm Spring Service Centers, were selected as OCE Showcases for a national study. The (ITS/ADB team) is looking to better understand the technology needs for our Service Centers and the USDA agencies that are co-located. These four offices represent three office sizes: **large** (> 15 people), **medium** and **small** (<3 people). Computers, electronic faxes, wireless networks, printers, and phone systems will be deployed to evaluate their compatibility with new IT hardware and software.

VSU OUTREACH PROJECT

NRCS extended the partnership agreement initiated with VSU in 2010 to employ two full time outreach coordinators to work with historically underserved customers in 23 Counties, during FY 11. Accomplishments by the two Coordinators between February and September 2010 include:

- 560 personal farmer contacts
- 13 presentations and exhibits conducted
- 38 workshops and field days attended and approximately 1,500 contacts at meetings and conferences
- NRCS Outreach Coordinators are participating in the Small Farm Family Conference in Williamsburg this week

ACTIVITY BASED COSTING (ABC)

NRCS nationwide is conducting an analysis of the personnel and time it takes to complete our work products and the associated tasks. This data will be used to run estimates for the cost of doing business and what is required to carry out programs. The information will be useful when working with our partners and in making budget requests to USDA and Congress. The timeline is as follows:

November 12- Data entry complete

November 16- Validation complete

November 19- Sign off by State Conservationist

Attachment #2

**Department of Conservation and Recreation
Report to the Virginia Soil and Water Conservation Board
November 18, 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 (FY 11). Each has returned a fully endorsed agreement to their CDC. Each has been issued 50% of the approved operational funding for FY11. At the outset of this fiscal year (FYI 1), 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 September 2nd, 2010.

The state level JED team continues to focus on the delivery of 3 "core courses". The short course "Conservation Selling Skills" has been held at least annually for the past 9 years. The course was recently delivered on October 26-27, 2010 at the Central Virginia Community College in Lynchburg. Attendees numbered 22 with representation from SWCDs, DCR, NRCS, DOF and VCE. Evaluations completed anonymously by attendees gave the 2 day session ratings of "Very Good" and "Excellent". 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 December 15th at 2:00 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 (generally a quarterly 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 meetings address the priority topics identified by the group. The group last met on August 4th, 2010. The group received an update on use of the \$20 million in bond funds for State Park and SWCD owned darns. Other discussion topics included updates from DCR and NRCS staff on topics that included Emergency Action Planning, changes to state dam guidance on regulated dams, collaboration with USDA's federal darn rehabilitation program and others. The group opted to forego a fall meeting and will hold the next meeting on January 27th, 2011 in Charlottesville.

4. VA Agricultural BMP Cost Share (VACS) Program: The VA Agricultural BMP Cost Share Program Technical Advisory Committee (TAC) met in Charlottesville October 28th. The full TAC received updates

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and provided feedback to its subcommittees on several topics; 1) expansion of the SL-7 (Extension of CREP Watering Systems) giving VACS support of CREP into the Southern Rivers drainage area 2) the advisability of applying additional grazing land practices when grazing land protection practices have already been applied to a pasture, and 3) providing cost share for wells that do not produce water.

Monthly revenues from the land recordation fees localities collect for land transactions (authorized by the 2010 Virginia General Assembly) are being deposited for VACs program use. To date deposits have been received by DCR for July (\$585,533), August (\$817,865), September (\$703,634) and October (\$853,948). Averaging these 4 months and applying the average to a 12 month period provides a projection of approximately \$8.9 million. While this amount falls slightly below the expected \$9.1 million, the cycle of collections is not yet understood and whether variations above and below the average may be expected in the remaining 8 months of this fiscal year.

Agricultural BMP Tracking Program: Phase I and 2 of the modernization of the Ag BMP Tracking program are essentially complete. A webinar hosted by DCR with participation by WorldView to provide training for program users on the most recent program enhancements was held on November 15. The session is being repeated on November 18 for those that could not join the earlier session. A state of the art reporting system developed by LogiXML is being adapted and incorporated in the Tracking Program. Program users will have greatly enhanced capabilities to generate summary reports of data that's pertinent to their SWCD. Training on the new reporting features will be offered in January, 2011.

CREP: Signup continues statewide with large numbers of projects completing each month. It appears that the removal of per acre cost share caps did stimulate increased enrollment as anticipated. Slightly less than 1,600 acres are available in the Southern Rivers drainage and just over 9,200 acres of CREP remain available for enrollment in the Chesapeake Bay drainage basin.

5. Nutrient Management: Work continues with a precision agriculture study funded by a National Fish and Wildlife Foundation (NFWF) grant. A total of 63 farmers are participating in the four counties of Page, Shenandoah, Rockingham, and Augusta to look at precision nutrient management field practices in detail. The project began in the late spring of 2010. The project is focusing on corn fields having pre-sidedress nitrate tests (PSNT) performed where manures had been applied to determine if additional fertilizer is needed as a side dressing. DCR's Alec Lipscomb and other staff met with the farmers to discuss the PSNT results and advise on crop needs.

Following a hot and very dry summer, 220 corn fields were flown by helicopter with photographs taken at 3000 ft altitude. The photos were enhanced by linear contrasting and spatial filtering to show enhanced shading of green and red spectrums indicating differences in management practices. Based upon visual indicators of the photographs, Corn Stalk Nitrate Tests (CSNT) were taken and analyzed for two distinctly different management patterns in each field just prior to silage cutting. The CSNT test indicates the amount of nitrogen remaining in the stalk late in the growing season, and therefore not used to produce the corn ears. These results give farmers a good indication of how efficiently their applied nitrogen was utilized during the growing season. Due to this year's drought, we predicted the average of the test results to be higher than normal as corn crops did not produce well.

The Specialists are now reviewing the results of the tests, and photo images of each field. Individual meetings with forty four farmers have been conducted to review their information. All farmers have indicated that they have learned much this first year of the study and are anxious to compare with next year as they make minor adjustments to their practices.

6. DCR TMDL Activities: Currently DCR is working on three TMDL implementation plans in the following watersheds across the Commonwealth: Cherrystone Inlet and Kings Creek (Northampton County); Hays Creek, Moffatts Creek, Otts Creek, and Walker Creek (Augusta and Rockbridge Counties), and Little Dark Run and Robinson River (Madison County). To date a total of 46 implementation plans have been completed in Virginia that address 144 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)

NRCS has just hired two new employees (Melissa Allen and Josh Dodson) to provide expertise and technical assistance to 25 TMDL implementation projects across the state, funded by DCR with 319 and WQIF funds. The two recently filled positions were established in 2006 with financial support provided by state funding. Melissa is working out of the Warrenton Field Service Center. She will cover the Chesapeake Bay region. Josh Dodson is based in the Chatham Field Service Center and will cover the Southern Rivers

7. Chesapeake Bay TMDL: The Chesapeake Bay TMDL is to be completed by EPA in December, 2010. On September 3, 2010 Virginia submitted its DRAFT Watershed Implementation Plan (WIP) to achieve the nutrient and sediment allocations set by EPA. On September 24, 2010 EPA released a summary Evaluation of Virginia's Draft Watershed Implementation Plan. It is clear from EPA's summary that they believe the Virginia Plan is not sufficient to achieve the required nutrient reductions and therefore, EPA would impose a moderate level of more aggressive controls on permitted facilities. Public comment was received from September 24 through November 8, 2010. Virginia will submit a final Phase I WIP to EPA by November 29, 2010. 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/wibaytmdl.shtml>

8. Stormwater Management Program: DCR staff has issued coverage to 621 projects qualifying for the General Permit for Discharges of Stormwater from Construction Activities for the period of July 1, 2010 through October 31, 2010.

9. DCR Report in Response to SB346: An action of the 2010 Virginia General Assembly charged the Secretary of Natural Resources (SNR), to submit a report by November 1, 2010, to the Governor and Committee chairpersons on the approach and costs of establishing and maintaining a database of the voluntary agricultural and BMPs implemented by the state's agricultural and silvicultural producers. Under the direction of SNR Douglas Domenech, staff of DCR established an ad-hoc advisory committee comprised of diverse representation of agricultural groups, organizations and agencies. The final report has been submitted with the recommended data collection and storage strategies and projected costs for implementation over the coming three years. The report is available upon request.