

Virginia Soil and Water Conservation Board
Thursday, June 28, 2012
General Assembly Building, Senate Room A
Richmond, Virginia

Virginia Soil and Water Conservation Board Members Present

Susan Taylor Hansen, Chair	Raymond L. Simms, Vice Chair
Frank Blake, Jr.	Thomas M. Branin
C. Frank Brickhouse, Jr.	Herbert L. Dunford
Gary Hornbaker	Jerry L. Ingle
Daphne W. Jamison	Stephen Lohr
Richard A. Street	
Jeb Wilkinson for David A. Johnson, Ex Officio	
John A. Bricker, NRCS, Ex Officio	

Virginia Soil and Water Conservation Board Members Not Present

Joan DuBois

DCR Staff Present

Robert Bennett
James Davis-Martin
Ann Crosier
David C. Dowling
Michael R. Fletcher
Roberta Gargiulo
J. Michael Foreman
Darryl Glover
Stephanie Martin
John McCutcheon
Joan Salvati
Gary Moore
Elizabeth Andrews, Office of the Attorney General
Matthew L. Gooch, Office of the Attorney General

Others Present

Greg Wilchens, Culpeper Soil and Water Conservation District
Martha Moore, Virginia Farm Bureau
Kendall Tyree, Virginia Association of Soil and Water Conservation Districts
Jack Frye, Chesapeake Bay Commission
Roy Mills, Virginia Department of Transportation
Monira Rifaat, Culpeper Soil and Water Conservation District

Ed Overton, Virginia Association of Soil and Water Conservation Districts
Peggy Sanner, Chesapeake Bay Foundation
Barry Purcell, Custis Pond
Jim Alexander, Custis Pond
Kay Wilson, City of Virginia Beach
Sherry Painter, City of Virginia Beach
Charles Hassen, City of Virginia Beach
Steve Hubble, Stafford County
Jeff Perry, Henrico County
Bob Brame, Culpeper SWCD
Lou Wallace, Virginia Association of Soil and Water Conservation Districts

Call to Order and Introductions

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

Approval of Minutes from the March 29, 2012 Meeting

MOTION: Mr. Branin moved that the minutes of the March 29, 2012 meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff.

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Wilkinson gave the Director's report.

Mr. Wilkinson said that since the last meeting a very well attended Environment Virginia 2012 was held at VMI in Lexington. He said that he had been meeting with District directors and discussed that Districts become more involved in Environment Virginia. He said that Ms. Tyree will be involved with the planning for Environment Virginia 2013.

Mr. Wilkinson said that there had been a lot of interest generated in the rollout of the stormwater management regulations.

Mr. Wilkinson said that Virginia's Phase II WIP was submitted on March 30. The public comment period ended on May 30. Staff have held a series of meetings in the Chesapeake Bay Watershed. Staff is developing a recommended response.

Legislative and Regulatory Update

REVISED: 8/2/2012 2:44:48 PM

Ms. Andrews said that this would be her last meeting with the Soil and Water Conservation Board. She introduced Matthew Gooch who will be working with the Board and the Division of Stormwater Management. Ms. Andrews will retain other responsibilities with DCR.

Mr. Dowling gave the following legislative, budget and regulatory update.

LEGISLATION OVERVIEW

Stormwater Management

- **HB1065 (Sherwood) and SB407 (Hanger) – Erosion and Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs. GOVERNOR’S BILL**

Integrates elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board.

The Board will need to initiate several regulatory actions to amend the stormwater management regulations; to amend the erosion and sediment control regulations; and to repeal, promulgate the repealed regulations with new numbers under the VSWCB, and to amend the Chesapeake Bay Preservation Area Designation and Management Regulations.

Status: Chapters 0785 and 0819 of the 2012 Virginia Acts of Assembly

- **HB176 (Knight) and SB77 (Watkins) – Nutrient credit; expansion of exchange program, procedures for certification, etc.**

In order to meet the goals of the Chesapeake Bay Watershed Implementation Plan, and other TMDLs statewide, this legislation is intended to expand the Nutrient Credit Exchange Program. This bill (i) amends the State Water Control Act; (ii) amends current law regarding stormwater nonpoint nutrient offsets; (iii) establishes the Nutrient Trading Act; and (iv) contains enactment clauses. The bill allows the Virginia Soil and Water Conservation Board and the State Water Control Board to adopt regulations governing the certification of specified nutrient credit types and sets out certain requirements of the regulations. It also permits the Department of Conservation and Recreation to establish an online registry of certified credits.

Status: Chapters 0748 and 0808 of the 2012 Virginia Acts of Assembly

- **HB1210 (Lingamfelter) – Lawn maintenance fertilizer; nitrogen application rates; labeling.**

This legislation requires that beginning July 1, 2014, lawn maintenance fertilizer list on its directions for use its nitrogen application rates. If such fertilizer does not list on its directions for use nitrogen application rates that are consistent with rates recommended in the Virginia Nutrient Management Standards and Criteria, it cannot be registered, sold, distributed, or used in Virginia. The bill also requires the Department of Conservation and Recreation to adopt fast-track regulations to incorporate the application rates recommended by the Virginia Department of Agriculture and Consumer Services in their 2011 report on Slow Release Fertilizers.

These regulations will require approval of the VSWCB also. In accordance with § 10.1-104.2 “[t]he Department shall, with the approval of the Virginia Soil and Water Conservation Board, adopt regulations...[p]roviding for criteria relating to the development of nutrient management plans for various agricultural and urban agronomic practices.

Status: Chapter 0797 of the 2012 Virginia Acts of Assembly

- **HB1291 (Gilbert) and SB678 (McDougle) Governor’s reorganization of executive branch of state government [enrolled version]**

Reorganizes the executive branch of state government and certain local transportation entities. The bill contains numerous technical amendments to accomplish this reorganization.

VSWCB related item:

Moves the Municipal Separate Storm Sewer System (MS4) Program from the Virginia Soil and Water Conservation Board to the State Water Control Board. The bill has to be reenacted to become effective; except that the assessment by the Secretary of Natural Resources of the water quality programs of the Commonwealth can begin on July 1, 2012.

“That the Secretary of Natural Resources, working with the Directors of the Department of Environmental Quality and the Department of Conservation and Recreation, shall assess the organization of water quality programs in the Commonwealth and report his finding to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by no later than November 1, 2012. As part of this assessment the Secretary of Natural Resources shall consider organizational measures that may streamline water

quality permitting in the Commonwealth as well as changes that may provide for improved long-term and strategic planning for water quality improvements.”

Status: Chapters 0803 and 0835 of the 2012 Virginia Acts of Assembly

Dam Safety

Delegate Ed Scott (HB293) and Senator Reeves (SB253)

Requires the Soil and Water Conservation Board to consult with the Department of Emergency Management in implementing the dam safety program.

BUDGET OVERVIEW

Chapter 3 of the 2012 Virginia Acts of Assembly Special Session 1

Secretary of Natural Resources (183)

358.	Administrative and Support Services (79900)	627,585	628,181
	General Management and Direction (79901)	627,585	628, 181
Fund Sources:	General	527,585	528,181
	Federal Trust	100,000	100,000

Authority: Title 2.2, Chapter 2; and § 2.2-201, Code of Virginia

A. The Secretary of Natural Resources shall report to the Chairman of the Senate Committees on Finance and Agriculture, Conservation, and Natural Resources, and the House Committees on Appropriations and Conservation and Natural Resources, by November 4 of each year on implementation of the Chesapeake Bay nutrient reduction strategies. The report shall include, but not be limited to, information on levels of dissolved oxygen, acres of submerged aquatic vegetation, computer modeling, variety and numbers of living resources, other relevant measure for the General Assembly to evaluate the progress and effectiveness of the tributary strategies. In addition, the Secretary shall include information on the status of all Virginia’s commitments to the Chesapeake Bay Agreements.

B. It is the intent of the General Assembly that a reserve be created within the Virginia Water Quality Improvement Fund to support the purposes delineated within the Virginia Water Quality Improvement Act of 1997 (WQIA 1997) when year-end general fund surpluses are unavailable. Consequently, 15 percent of any amounts appropriated to the Virginia Water Quality Improvement Fund due to annual general fund revenue collections in excess of the official estimates contained in the general appropriation act shall be withheld from appropriation, unless otherwise specified. When annual general fund revenue collections do not exceed the official revenue estimates contained in the general appropriation act, the reserve fund may be used for WQIA 1997 purposes as directed by the General Assembly within the general appropriation act.

C. Notwithstanding paragraph B. above no deposit to the reserve within the Virginia Water Quality Improvement Fund shall be made in the first year. In addition, the General Assembly designates that an amount not to exceed \$1,000,000 may be used for local stormwater assistance grants by the Department of Conservation and Recreation.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Department of Conservation and Recreation

360	Land and Resource Management (50300)	68,464,575	56,415,340
	Stormwater Management (50301)	55,119, 777	44,243,320
	Dam Inventory, Evaluation and Classification and Flood Plain Management (50314)	1,811,069	1,552,779
	Natural Heritage Preservation and Management (50317)	4,004,240	4004,240
	Financial Assistance to Soil and Water Conservation Districts (50320)	3,042,395	2,128,000
Fund	General	18,650,279	13,234,556
Sources:			
	Special	3,833,971	3,526,309
	Dedicated Special Revenue	37,995,921	31,580,164
	Federal Trust	8,074,401	8,074,401

Authority: Title 10.1, Chapters 1, 5, 6, 7 and 21.1; Title 62.1, Chapter 3.1, Code of Virginia.

A.1. Out of the amounts appropriated for Financial Assistance to Soil and Water Conservation Districts, \$4,487,091 the first year and \$4,487,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support. These funds shall be distributed to the districts only in accordance with the program, financial and resource allocation policies of and upon approval by the Soil and Water Conservation Board. Those amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections H. and K. of this item.

2. The Secretary of Natural Resources shall convene a stakeholder group consisting of representatives including, but not limited to, the Secretary of Agriculture and Forestry, the Department of Agriculture and Consumer Services, the Department of Conservation and Recreation, the soil and water conservation districts, the Virginia Association of Soil and Water Conservation Districts, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Chesapeake Bay Commission, and the Chesapeake Bay Foundation to examine funding needs for administration and operation of the soil and water conservation districts and the technical assistance they provide for implementation of agricultural best management practices needed to meet Virginia’s Watershed Implementation Plan as well as the Southern Rivers Total Maximum Daily Load limits.

The stakeholder group is directed to conduct a review of the following and make recommendations to the Governor and the Chairman of the Senate Finance and the House Appropriations Committees no later than October 1, 2012.

- a. The historical distribution of funding for administration and operations of all soil and water conservation districts and a projection of future funding needs and any recommended changes to the methodology for distribution of these funds;

- b. The historical distribution of funding for technical assistance for agricultural best management practices and a projection of the future funding and staffing needs necessary for districts to provide efficient and effective technical assistance to farmers.
- c. Operational and technical assistance needs in relation to the amount of agricultural best management practices cost-share dollars allocated to the districts, and,
- d. The process, timing and methodology for distribution of agricultural best management practices cost-share funds to be provided to farmers by the Department of Conservation and Recreation through the districts.

3. The Soil and Water Conservation Board shall not create, merge, divide, modify or relocate the boundaries of any district pursuant to § 10.1-506, Code of Virginia, until such time as the General Assembly has received the recommendations of the stakeholder group and taken action on any such recommendations.

F.1. Out of the amounts appropriated for Dam Inventory, Evaluation and Classification and Flood Plain Management, \$600,000 the first year and \$600,000 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, established pursuant to § 10.1-603.17, Code of Virginia...

2. Notwithstanding § 10.1-603.9, Code of Virginia, the Director, Department of Conservation and Recreation, in consultation with the Virginia Resources Authority, is authorized to provide financial or other assistance from the Dam Safety, Flood Prevention and Protection Assistance Fund, including the provision of a grant to a locality of up to \$408,402, or 25 percent of the costs of modifying a high hazard dam operating under a conditional certificate extension and that has receive approval as of November 30, 2010 for federal funding from the U.S. Department of Agriculture's Natural Resources Conservation Service for at least 65 percent of the cost of repairing the locally-owned dam. The local government shall contribute 10 percent of the total costs of modifying this high hazard dam.

3. Included in the amounts provided for Dam Inventory, Evaluation and Classification and Flood Plain Management is \$258,290 for the improvement of a high hazard dam, originally constructed in 1960, to comply with a Special Order issued by the Director, Department of Conservation and Recreation, on June 24, 2011, and in order to meet dam safety requirements.

...

H.1. Included in the amounts for Stormwater Management is \$9,100,000 the first year and \$9,100,000 the second year from nongeneral funds to be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds shall be dispersed pursuant to § 10.1-2128.1, Code of Virginia.

2. The source of an amount estimated at \$9,100,000 the first year and \$9,100,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund shall be the recordation tax fee established in Part 3 of this act.

3. Out of these amounts, at total of eight percent, or \$1,200,000, whichever is greater, shall be provided to Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices.

...

K.1. Out of this appropriation, \$5,029,933 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997.

This full amount is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund. These monies shall be disbursed in accordance with § 10.1-2128.1, Code of Virginia, including the eight percent for distribution to soil and water conservation districts to provide technical assistance.

2. This appropriation, together with the amounts included in Item 366 of this act, meets the mandatory deposit requirements associated with the FY 2011 excess general fund revenue collections and discretionary year-end general fund balances.

Xxxx

Capital Projects

Department of Game and Inland Fisheries (403)

C-33.20,	Repair and Replacement of High Hazard Dams (17970)	5,500,000	5,500,000
Fund Sources:	Bond Proceeds	5,500,000	5,500,000

1. The Department of Game and Inland Fisheries shall utilize these bonds proceeds for repair and replacement of classified high hazard dams. The department shall establish each high hazard dam repair or replacement of classified high hazard dams. The department shall establish each high hazard dam repair or replacement as a subproject within this project and shall establish a cost code within the Commonwealth Accounting and Reporting System for the recording expenditures on each subproject.

2. Debt service shall be paid solely from agency nongeneral funds.

xxxx

Central Capital Outlay (949)

38.10.	Capital Outlay Project Pool (17967)	103,154,056	0
Fund Sources	General	19,500,000	0
	Dedicated Special Revenue	10,285,200	0
	Bond Proceeds	73,368,856	0

A. 1. The capital projects in paragraph B. of this item are hereby authorized and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.30.24 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principle amounts will not exceed \$73,368,856 plus amounts to fund related issuance costs, and other financing expenses, in accordance with § 2.2-2263 of the Code of Virginia.

2. From the list of projects included in paragraph B of this item, the Director of the Department of Planning and Budget shall provide the Chairman of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this item shall be provided from appropriations to the Treasury Board.

4. The appropriations for said capital projects are contained in this item and are subject to the conditions in § 2-0 F of this act.

B. The General Assembly hereby appropriates \$19,500,000 from the general fund and \$10, 285,200 from non general fund sources in the first year for the projects listed in this section.

*Note: Only DCR related items are listed below

Agency	Project Title
Department of Conservation and Recreation	Repairs and Upgrades to State Park Owned Dam
Department of General Services	Capital Projects Space Improvement for Dept. of Conservation and Recreation
College of William and Mary	Improve Lake Matoaca Dam Spillway
College of William and Mary	Improve Campus Stormwater Infrastructure
University of Mary Washington	Improve Stormwater Management
James Madison University	Newman Lake Dam Repair
University of Virginia's College at Wise	Dam Safety Modifications

C. The Department of General Services, with the cooperation and support of the Workers' Compensation Commission, is hereby directed to manage acquisition or to construct a new headquarters facility for the commission out of such funds as are appropriated for such purposes. If construction is the most suitable alternative, the department shall undertake design and construction of the facility as well as acquisition of any land required for such construction. Upon completion of the new facility, the department shall sell the existing headquarters facility located at 1000 DMV Drive in Richmond, Virginia after first considering needs of the Commonwealth and other state departments, agencies and institutions.

REGULATION OVERVIEW
DRAFT Regulatory Work Plan Discussion Document
June 28, 2012 version

Upcoming Regulatory Actions for the Virginia Soil and Water Conservation Board

Board Meeting	Regulation	Action
June 28, 2012	Nutrient Trading Certification Regulations (4VAC50-80 – new chapter)	Authorize filing of NOIRA appointment of RAP, and drafting of proposed regulations
September 27, 2012	Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60); Part XV General Permit for Discharges from Small Municipal Separate Storm Sewer Systems	Approve proposed regulations
September 27, 2012	Chesapeake Bay Preservation Area	Approve final exempt

	Designation and Management (9VAC10-20) transfer to (4VAC40-90 – new chapter)	
September 27, 2012	Erosion and Sediment Control Regulations (4VAC50-30)	Approve final exempt
September 27, 2012	Erosion and Sediment Control Certification Regulations (4VAC50-50)	Approval final exempt/fast-track (?)
September 27, 2012	Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60): All Parts	Approve final exempt
December 11, 2012	Resource Management Plan Regulations (4VAC50-70 – new chapter)	Approve final regulations
December 11, 2012	Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60): Part XIV General Permit for Discharges of Stormwater from Construction Activities	Approve final regulations
December 11, 2012	Nutrient Management Training and Certification Regulations (4VAC5-15)	Approve final fast-track
December 11, 2012	Virginia Technology Assessment Protocol (VTAP) Regulations (Under Consideration)	Approval final fast-track

Impounding Structure Regulations (4VAC50-20):

The purpose of this regulatory action is to advance amendments to the Board's Virginia Impounding Structure Regulations (§4VAC50-20) that will result in reduced and streamlined compliance requirements that will provide less costly services for mapping, provide additional mechanisms through which a hazard potential classification and related spillway design flood may be reduced through new provisions including low volume roadway and expanded incremental damage analysis considerations, as well as provided for a streamlined general permit process for the regulation of low hazard potential impounding structures.

- **May 24, 2011**, the Virginia Soil and Water Conservation Board authorized fast-track action
- **December 7, 2011**, the Virginia Soil and Water Conservation Board approved this final regulation and authorized and directed its filing as a fast-track final regulation.
- **February 29, 2012**, fast-Track Regulatory Action filed on Town Hall.
- **March 1, 2012**, submitted to DPB.
- **April 10, 2012**, DPB review of action completed (40 days allowed).
- Next steps:
 - **April 16, 2012**, Cabinet Secretary Review began [**Met with Secretary's Office June 26, 2012**]
 - Governor Review – no deadline

- Submit to Registrar for publication
- Fast-track is published – 30-day comment period (if objection from legislative standing committee members, JCAR, or 10 or more members of public then fast-track will serve as NOIRA, standard rulemaking)
- Otherwise; regulation effective 15 days after close of public comment period

Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60): Part XV General Permit for Discharges from Small Municipal Separate Storm Sewer Systems:

The purpose of this regulatory action is to consider amendments to the applicable portions of Virginia Soil and Water Conservation Board's Virginia Stormwater Management Program (VSMP) Permit Regulations in order to reauthorize and amend the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). Regulations developed under the federal Clean water Act (33 USC §1251 et seq.) and § 10.1-603.1 et seq. of the Code of Virginia require that VSMP permits be effective for a fixed term not to exceed five years [§ 10.1-603, 2:2 (B)]. The existing 5-year General Permit became effective on July 9, 2008; thus necessitating the regulatory promulgation of a new General Permit before the July 8, 2013 expiration date.

- **May 24, 2011**, the Board authorized and directed the filing of a Notice of Intended Regulatory Action (NOIRA) related to the Part XV of the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations and other related sections.
- **March 6, 2012**, the NOIRA was filed with the Registrar of Regulations (exempt from Administrative Review).
- **March 26, 2012** published in Volume 28: Issue 15.
- **March 26, 2012 – April 25, 2012**, 30-day public comment period [Five Comments]
- **May 15-18, 2012**, Develop RAP recommendations and make appointments.
- **June 13, 2012**, distributed meeting agenda for June meeting, TAC list, NOIRA, etc.
- **June 30, 2012**, first RAP meeting was held in East Reading room of the Patrick Henry Building.
- **Next steps (target dates):**
 - **RAP Meetings:** **June 20, 2012,**
 July 25, 2012,
 August 7, 2012,
 August 22, 2012.
 - **September 13, 2012**, complete proposed regulation and discussion package and mail to Board.
 - Develop Federal Fact Sheet, public hearing remarks, public notice.
 - **September 27, 2012**, Take proposed regulations to the Board.
 - **October 17, 2012**, file by noon with the Registrar's Office.

- **November 5, 2012**, publish in the Virginia Register of Regulations.
- **November 5, 2012 to January 4, 2013**, 60-day public comment period.
 - EPA official review during this time period
 - Publish a notice twice in 10 newspapers (federal requirement) 30 days in advance of the close of the public comment period.
- **December 4, 2012 and December 6, 2012 (target dates only)**, hold at least two Public hearings early December 2012.
- Review Comments and Coordinate general permit approval with EPA.
- **December 2012 and January 2013**, develop final regulation and package.
- **February 1, 2013**, send draft final regulation to EPA for unofficial review and comment.
- **March 1, 2013**, target for EPA to respond to DCR with its unofficial comments on the final regulations.
- **March 11, 2013**, send final regulation to EPA for official review and concurrence
- **March 14, 2013**, mail package to Board.
- Prepare Town Hall filing discussion forms and regulation on RIS.
- **March 25, 2013**, target for EPA to provide verbal concurrence with the final regulations.
- **March 28, 2013 (potential target date for meeting)** take final regulation to Board.
 - **April 3, 2013**, file on the Town Hall and with Registrar.
 - **April 22, 2013**, published in the Virginia Register of Regulations.
 - **May 22, 2013**, public comment period ends and regulations are final.
 - **July 1, 2013**, effective date.

Resource Management Plan Regulations (4VAC50-70 – new chapter)

The purpose of this regulatory action is to encourage farm owners and operators through a regulatory framework to voluntarily implement a high level of BMPs on their farmlands in order to be productive of water quality and for them to then benefit from the following legal provision stating that ‘notwithstanding any other provision of law agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan, in accordance with the criteria for such plans set out in § 10.1-104.[8] and any regulations adopted there under, shall be deemed to be in full compliance with (i) any load allocation contained in the total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment.’ The new regulations (4VAC50-70-10

et seq.) specify the criteria to be included in a resource management plan and the processes by which the RMPs are developed and approved, implementation verified and certification issued, and compliance maintained and where necessary corrected.

- **March 10, 2011**, the Board authorized and directed the development of the Resource Management Plan Regulations and establishment of a RAP.
- A regulatory advisory panel (RAP) was assembled to assist the Department with the development of the proposed regulations. The RAP met on 5 occasions.
 - June 29, 2011**; West Reading Room, Patrick Henry Building
 - November 9, 2011**; VCR Rice Center, Charles City
 - December 16, 2011**; Virginia Farm Bureau Federation Office
 - January 3, 2012**; Virginia Farm Bureau Federation Office
 - February 14, 2012**; West Reading Room, Patrick Henry Building
- Plan Development Subcommittee:
 - August 12, 2011**; Dept. of Environmental Quality Piedmont Regional Office
 - September 30, 2011**; Virginia Farm Bureau Federation Office
- Compliance Subcommittee
 - August 15, 2011**; Dept. of Environmental Quality Piedmont Regional Office
 - September 28, 2011**; Dept. of Environmental Quality Piedmont Regional Office
- Assessment Subcommittee
 - August 19, 2011**; Dept. of Environmental Quality Piedmont Regional Office
 - September 30, 2011**; Virginia Farm Bureau Federation Office
- Joint meeting of Assessment and Plan Development Subcommittees
 - September 30, 2011**; Virginia Farm Bureau Federation Office
- **March 29, 2012**. Virginia Soil and Water Conservation Board advanced. **“Motion to approve, authorize and direct the filing of proposed regulations.”**
- **April 30, 2012** – Department completed development of required regulatory forms and economic analyses and posted to the Regulatory Town Hall initiating DPB 45-day review.
- **June 15, 2012** – DPB completed its economic analysis.
- **June 25, 2012** – DCR submitted its response to DPB EIA.
- **June 25, 2012**- DCR submitted the proposed regulation to the Registrar.
- Next steps:
 - **July 16, 2012 – September 14, 2012**, the proposed regulations would be published on July 16th in Volume 28: Issue 23 initiating a 60-day public comment period. At least one public hearing will be held during the comment period, likely in early August.
 - **September 2012 – October 2012**, DCR will analyze comments received, prepare comment summary/response, develop final regulations, and confer with the Administration. Recommended final regulation is mailed to Board in mid-November with supporting documentation.

- **December 5, 2012**, Virginia Soil and Water Conservation Board will consider a **“Motion to approve, authorize and direct the filing of a final regulation.”**
- **January 9, 2013**, File a final exempt action for publication in the Virginia Register of Regulations
- **January 28, 2013**, publication; Volume 29: Issue 11.
- **February 12, 2013**, “Such regulation shall become effective 15 days after publication in the Virginia Register of Regulations...”

Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60): Part XIV General Permit for Discharges of Stormwater from Construction

Activities:

The purpose of this action is to consider changes and solicit recommendations related to the Part XIV of the Board’s Virginia Stormwater Management Program Permit Regulations [entitled **General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities**] and other necessary related sections, including but not limited to, Part I definitions, the VSMP General Permit Registration Statement – Construction Activity Stormwater Discharges (DCR-01) form, or other forms which are incorporated by reference. The changes may include, but not be limited to, compliance with water quality and quantity standards set out in Part II of these regulations, compliance with Part III local program technical criteria of these regulations, compliance with the technical and administrative requirements set out in Technical Criteria and Permit Application Requirements for State Projects [Part IV], compliance with the general requirements set out in VSMP General Program Requirements Related to MS4s and Land-Disturbing Activities [Part IV], compliance with the requirements set out in VSMP Permit Applications [Part VIII], Stormwater Pollution Prevention Plan requirements including water quality and quantity standards, consistency requirements for impaired waters and TMDLs including the Chesapeake Bay, timing of effective date of permit coverage, registration statement requirements, timing of registration submittal and other registration processes, procedures for permit termination and transfer, operation and maintenance of construction site controls and procedures, natural resource protection considerations, and monitoring processes.

- **September 8, 2011**, the Board authorized and directed the filing of a Notice of Intended Regulatory Action (NOIRA) related to the Part XIV of the Board’s Virginia Stormwater Management Program (VSMP) Permit Regulations and other related sections.
- **May 1, 2012**, filed NOIRA with the Registrar of Regulations (exempt from Administrative Review).
- **May 21, 2012** published in Volume 28: Issue 19
- **May 21, 2012 – June 20, 2012**, 30-day public comment period [Four comments]
- Next steps (target dates):
 - **July 18, 2012**, Develop RAP recommendations, seek Director’s approval, send letter from Director making appointments.

- **August 15, 2012**, distribute meeting agenda for August meeting, TAC list, NOIRA, etc.
- **RAP Meeting:** **August 29, 2012**
 September 19, 2012
 October 4, 2012, and
 October 17, 2012
- **November 21, 2012**, complete proposed regulation and discussion package and mail to Board.
- Develop Federal Fact Sheet, public hearing remarks, public notice.
- **December 5, 2012**, Take proposed regulations to the Board.
 - **January 9, 2013**, file by noon with the Registrar's Office.
 - **January 28, 2013**, publish in the Virginia Register of Regulations
 - **January 28, 2013 to March 29, 2013**, 60-day public comment period.
 - EPA official review during this time period
 - Publish a notice twice in 10 newspapers (federal requirement) 30 days in advance of the close of the public comment period.
 - **March 5, 2013 and March 7, 2013** (target dates only), 30 days in advance of the close of the public comment period.
 - **March 5, 2013 and March 7, 2013 (target dates only)**, hold at least two Public hearings early March 2013.
 - Review Comments and Coordinate general permit approval with EPA.
- **March 2013 and April 2013**, staff meetings to develop final regulation and package (various dates).
- **May 1, 2013**, send draft final regulation to EPA for unofficial review and comment.
- **June 1, 2013**, target for EPA to respond to DCR with its unofficial comments on the final regulations.
- **June 11, 2013**, send final regulation to EPA for official review and concurrence.
- **June 12, 2013**, letter to be issued by Counsel in the Attorney General's Office.
- **June 13, 2013**, mail package to Board.
- Prepare Town Hall filing discussion forms and regulation in RIS.
- **June 20, 2013**, target for EPA to provide verbal concurrence with the final regulations.
- **June 27, 2013 (potential target date for meeting)**, take final regulation to Board.
 - **June 10, 2013**, file on the Town Hall and with Registrar.
 - **July 29, 2013**, published in the Virginia Register of Regulations.
 - **August 28, 2013**, public comment period ends and regulations are final.
 - **July 1, 2014**, effective date.

Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60):

The purpose for this fast-track action is to amend 4VAC50-60-54 E regarding approval of TMDLs.

4VAC50-6054. Stormwater pollution prevention plan requirements.

E. In addition to the above requirements, if a specific WLA for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the WLA.

- **September 8, 2011**, Board approved this fast-track action and section language.
- Next steps (target dates):
 - **July 6, 2012 (target)**, file fast-Track Regulatory Action Filed on Town Hall.
 - **July 11, 2012 (target)**, AG approval
 - **July 23, 2012 (target)**, DPB determination whether appropriate for Fast-Track status.
 - **August 23, 2012 (target)**, DPB review of action to be completed (30 days allowed).
 - Cabinet Secretary Review
 - Governor Review – no deadline
 - Submit to Registrar for publication
 - Fast-track is published. 30-day comment period (if objection from legislative standing committee members, JCAR or 10 or more members of public then fast-track will serve as NOIRA; standard rulemaking)
 - Otherwise, regulation effective 15 days after close of public comment period.

Nutrient trading certification regulations development (4VAC50-80)

The purpose of this regulatory action is to adopt regulations for the purpose of establishing statewide procedures for the certification by the Board of nonpoint nutrient credits. In order to meet the goals of the Chesapeake Bay Watershed Implementation Plan, and other TMDLs statewide, HB176 and SB77 during the 2012 Session were introduced to expand the Nutrient Credit Exchange Program. These bills (i) amend the State Water Control Act; (ii) amend current law regarding stormwater nonpoint nutrient offsets; (iii) establish the Nutrient Trading Act; and (iv) contain enactment clauses. The bills allow the Virginia Soil and Water Conservation Board and the State Water Control Board to adopt regulations governing the certification of specified nutrient credit types and sets out certain requirements of the regulations. They also permit the Department of Conservation and Recreation to establish an online registry of certified credits. Nonpoint credits established by the Virginia Soil and Water Conservation Board would include credits generated from agricultural and urban stormwater best management practices, incineration or management of manures, land use conversion, stream or wetlands

restoration, shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal.

1. Next steps (target dates):

- **June 28, 2012**, Virginia Soil and Water Conservation Board (Board) to pass motion authorizing the filing of a **Notice of Intended Regulatory Action** (NOIRA) and subsequent appointment of a RAP.
- **May and June**, develop draft of NOIRA Package [Form TH-1]
- **July 18, 2012**, file NOIRA with DPB on Town Hall.
- **July 18, 2012 – August 1, 2012**, DPB review – 14 day deadline.
- **August 2, 2013 – August 16, 2012**, if no objection by Cabinet Secretary or Governor within 14 days of DPB review, agency is authorized to submit NOIRA to Register.
- **September 10, 2012**, Nutrient Trading Regulation NOIRA Published in Register.
- **September 10, 2012 – October 10, 2012**, 30-day public comment period.
- **October 24, 2012**, develop Regulatory Advisory Panel (RAP) member list and issue letter of invitation from Director to participate.
- **September and October**, working with internal team, develop draft regulation framework for consideration of RAP.
- **November 14, 2012**, RAP meeting 1.
- **December 12, 2012**, RAP meeting 2.
- **January 25, 2013**, RAP meeting 3.
- **February 22, 2013**, RAP meeting 4.
- Complete proposed regulations; mail recommended proposed regulation to Board.
- **March 28, 2013 (potential target date for meeting)**, Virginia Soil and Water Conservation Board to pass motion approving and authorizing the filing of the proposed regulations.
- **February and March**, finish development of draft of Proposed Package [Form TH-2]
- **April 15, 2013**, regulatory action filed on Regulatory Town Hall and sent to AG for approval.
- **April 17, 2013**, DPB review (including economic analysis) – 45 day deadline.
- **June 1, 2013**, DPB completes economic analysis.
- Agency response to Economic Analysis issued
- **June 4, 2013 – June 18, 2013**, Cabinet Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor.
- **June 19, 2013 – September 19, 2013**, Governor's Review (no deadline).
- **September 24, 2013**, within 14 days of Governor's approval, the agency shall submit the proposed regulation package to the Registrar.
- **October 21, 2013**, proposed Nutrient Trading Regulation Published in Registrar.
- **October 21, 2013 – December 20, 2013**, 60-day public comment period.
- Public Hearing held during the public comment period.

- Agency assembles final regulatory action package; mail recommended final regulation to Board.
- **March 27, 2014 (potential target date for meeting)**, Virginia Soil and Water Conservation Board to pass motion adopting and authorizing the filing of the final regulations.
- **February and March**, finish development of draft of Final Package [Form TH-3]
- **April 14, 2014**, regulatory action filed on Regulatory Town Hall and sent to AG for approval.
- **April 17, 2014 – May 1, 2014**, DPB review – 14 day deadline.
- **May 5, 2014 – May 19, 2014**, Cabinet Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor.
- **May 20, 2014 – August 18, 2014** Governor's Review (no deadline)
- **August 20, 2014**, within 14 days of Governor's approval, the agency shall submit the proposed regulation package to the Registrar.
- **August 8, 2014 – October 8, 2014**, final Nutrient Trading Regulation published in the Register (30-day final adoption period).
- Final Regulation is effective.

Integration Bill: Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC10-20)

The purpose of this exempt regulatory action is to move the regulations to the Virginia Soil and Water Conservation Board from the Chesapeake Bay Local Assistance Board, to conform to the regulations to the integration bill, and to remove stormwater requirements (including 9VAC10-20-120 General Performance Criteria #8) and erosion and sediment control requirements.

Integration Bill (HB1065 and SB407)

3. That the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 10-20) shall be transferred from the Chesapeake Bay Local Assistance Board to the Virginia Soil and Water Conservation Board on July 1, 2012, and the Virginia Soil and Water Conservation Board may amend, modify or delete provisions in those regulations in order to implement this Act. Current regulations that are in effect shall remain in full force and effect until altered, amended, or rescinded by the Virginia Soil and Water Conservation Board.

Chapter 41 of the 2005 General Assembly stated that:

5. That the Chesapeake Bay Local Assistance Board shall have the authority to amend, modify, or delete provisions in the Chesapeake Bay Preservation Area Designation and Management Regulations (9-VAC 10-20 et seq.) in order to implement Chapter 372 of the Acts of Assembly of 2004 and the provisions of this act. Those amendments to the regulations necessitated by these acts shall be

exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

- Next steps (target dates):
 - **September 27, 2012**, take exempt final regulations to the Board.
 - **October 17, 2012**, file on the Town Hall and with Registrar.
 - **November 5, 2012**, published in the Virginia Register of Regulations.
 - **December 5, 2012**, public comment period ends and regulations are final.

Integration Bill: Erosion and Sediment Control Regulations (4VAC 50-30):

The purpose of these exempt regulatory action is to update the E&S regulations to conform to integration bill.

ALSO INCLUDED IN THIS ACTION

Colleges and universities E&S plan review – Budget language 2010 – Exempt action

Item 351 I.1. Notwithstanding § 10.10564, Code of Virginia, public institutions of higher education, including community colleges, colleges and universities, shall be subject to local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Conservation and Recreation, in accordance with § 10.1-564 A (I, Code of Virginia. 2. The Virginia Soil and Water Conservation Board is authorized to amend the Erosion and Sediment Control Regulations (4 VAC 50-30 et seq.) to conform such regulations with this project review requirements and to clarify the process. These amendments shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

- Next steps (target dates):
 - **September 27, 2012**, take exempt final regulations to the Board.
 - **October 17, 2012**, file on the Town Hall and with the Registrar.
 - **November 5, 2012**, published in the Virginia Register of Regulations
 - **December 5, 2012**, public comment period ends and regulations are final.

Integration Bill: Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60):

The purpose of this exempt regulatory action is to update the stormwater management regulations to conform to integration bill.

- Next steps (target dates)
 - **September 27, 2012**, take exempt final regulations to the Board.
 - **October 17 2012**, file on the Town Hall and with Registrar.
 - **November 5, 2012**, published in the Virginia Register of Regulations.
 - **December 5, 2012**, public comment period ends and regulations are final.

Integration Bill: Erosion and Sediment Control Certification Regulations (4VAC50-50)

The purpose of this exempt regulatory action is to update the E&S certification regulations to conform to integration bill. Include the new stormwater certification component. A new § 10.1-603, 4:2 (Education and training programs) in the Integration Bill specifies that “[a]s part of education and training programs authorized pursuant to subsection E of § 10.1-561, the Department shall develop or certify expanded components to address program administration, plan review, and project inspection elements of the Stormwater Management Act (§ 10.1-603.2 et seq.) and attendant regulations.

ALSO INCLUDED IN THE ACTION:

Erosion and Sediment Control Certification Regulations (4VAC50-50):

In accordance with the Attorney General’s Government and Regulatory Reform Taskforce make amendments to address committee recommendations. See attached Table.

- Next steps (target dates):
 - **September 27, 2012**, take exempt final regulations to the Board.
 - **October 17, 2012**, file on the Town Hall and with Registrar.
 - **November 5, 2012**, published in the Virginia Register of Regulations.
 - **December 5, 2012**, public comment period ends and regulations are final.

Nutrient Management Training and Certification Regulations (4VAC5-15)

The purpose of this fast-track action is to amend the Virginia Nutrient Management Standards and Criteria in a document incorporated by reference in 4 VAC 5-15, Nutrient Management Training and Certification Regulations to better control the application of nitrogen from lawn fertilizer and lawn maintenance fertilizer through the implementation of recommended application rates for “Slow or Controlled Release Fertilize,” and for “Enhanced Efficiency” lawn maintenance fertilizer. The 2011 session of the Virginia General Assembly (Chapter 341 of the 2001 Virginia Acts of Assembly; Enactment Clause 3) tasked the Virginia Department of Agriculture and Consumer Services (VDACS), in consultation with the Department of Conservation and Recreation (DCR) and the Chesapeake Bay Commission (CRC), with the preparation of a report concerning the use of slowly available nitrogen in lawn fertilizer and lawn maintenance fertilizer. A Report on the Use of Slowly Available Nitrogen in Lawn Fertilizer and Lawn Maintenance Fertilizer (December 2011) resulted (Report Document No. 396). As a follow-up to the report, during the 2012 Legislative Session, HB1210 was advanced that creates a § 10.1-104.2:1 that specifies the following:

§ 10.1-104.2:1 Nitrogen application rates; regulations.

A. The Department shall adopt regulations that amend the application rates in the Virginia Nutrient Management Standards and Criteria by incorporating into such regulations the recommended application rates for nitrogen in lawn fertilizer and law maintenance fertilizer and the recommended application rates for “slow or controlled release fertilizer” and “enhanced efficiency lawn fertilizer,” as defined and described in the Virginia Department of Agriculture and Consumer Services’

“Report on the Use of Slowly Available Nitrogen in Lawn Fertilizer and Lawn Maintenance Fertilizer.”

B. Such regulations shall follow a fast-track regulatory process established pursuant to §2.2-4012.1 of the Administrative Process Act and shall be adopted no later than July 1, 2014.

In accordance with §10.1-104.2.C, the Department shall with the approval of the Virginia Soil and Water Conservation Board, adopt Nutrient Management Training and Certification Regulations.

ALSO INCLUDED IN THE ACTION:

Nutrient Management Training and Certification Program (4VAC5-15):

In accordance with the Attorney General’s Government and Regulatory Reform Taskforce make amendments to address committee recommendations. Handle through a fast-track action (includes exempt items as well). See attached Table.

- Next steps (target dates):
 - **December 5, 2012**, Take final fast-track regulations to the Board.
 - **July 1, 2014**, statutory deadline for fast-track regulations to be in place.

Nutrient Trading Certification Regulations

Mr. Dowling presented the following regarding the Nutrient Trading Regulations. He said the intent of the discussion was to begin the regulatory process.

Action Overview

Today we are seeking the Board’s authorization to file a Notice of Intended Regulatory Action regarding the development of proposed Nutrient Trading Certification Regulations and authorization to develop such proposed regulations for the Board’s consideration with the assistance of a Regulatory Advisory Panel.

Authorizing legislation, Chapters 748 (HB176 – Delegate Knight) and 804 (SB77 – Senator Watkins) of the 2012 Virginia Acts of Assembly, expanded the Commonwealth’s Nutrient Credit Exchange Program. This legislation established the Nutrient Trading Act and allows the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of specified nutrient credit types and sets out certain requirements of the regulations. It also permits the Department of Conservation and Recreation to establish an online registry of certified credits.

Nonpoint credits established by the Virginia Soil and Water Conservation Board in accordance with the legislation and this regulatory action may include credits generate from agricultural and urban stormwater best management practices, incineration or management of manures, land use conversion, stream or wetlands restoration, shellfish

aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal.

Regulatory Amendment Process and Next Steps

This action will involve a full regulatory process in accordance with the Administrative Process Act (APA). Actions such as this are typically comprised of three primary steps: the Notice of Intended Regulatory action, the Proposed Regulations, and the Final Regulations. Routinely under the APA, this process takes about 2 years.

The tentative regulatory schedule that has been developed for this action is as follows:

- **June 28, 2012**, Virginia Soil and Water Conservation Board (Board) to pass motion authorizing the filing of a **Notice of Intended Regulatory Action** (NOIRA) and subsequent appointment of a RAP.
- **July 18, 2012**, NOIRA filed on Regulatory Town Hall; Administration review begins.
- **September 10, 2012**, Nutrient Trading Certification Regulation NOIRA published in Register.
- **September 10, 2012 – October 10, 2012**, 30-day public comment period.
- **October 2012**, develop Regulatory Advisory Panel (RAP) and prepare for meetings.
- **November 14, 2012, December 12, 2012, January 25, 2013, and February 22, 2013**, RAP meetings.
- **March 28, 2013 (potential target date for meeting)**, Virginia Soil and Water Conservation Board to pass motion approving and authorizing the filing of the proposed regulations.
- **April 15, 2013**, regulatory action filed on Regulatory Town Hall; Administration review begins.
- **October 21, 2013**, proposed Nutrient Trading Certification Regulation published in Register.
- **October 21, 2013 – December 20, 2013**, 60-day public comment period.
- Public Hearing held during the public comment period.
- **March 27, 2014 (potential target date for meeting)**. Virginia Soil and Water Conservation Board to pass motion adopting and authorizing the filing of the final regulations.
- **April 14, 2014**, regulatory action filed on Regulatory Town Hall; Administration Review begins.
- **September 8, 2014 – October 7, 2014**, final Nutrient Trading Certification Regulation published in Register (30-day final adoption period).
- Final Regulation is effective.

Board Action

The Department respectfully requests the Board to consider the adoption of the attached motion authorizing the Department to begin a regulation action that will result in the development of Nutrient Trading Certification Regulations.

MOTION: Mr. Blake moved the following:

Motion to authorize and direct the filing of a Notice of Intended Regulatory Action (NOIRA) related to the development of Nutrient Trading Certification Regulations and other associated actions:

In accordance with Chapters 748 (HB176 – Delegate Knight) and 808 (SB77 – Senator Watkins) of the 2012 Virginia Acts of Assembly and upon or after July 1, 2012 effective date of the statutes governing this action, the Board authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to prepare and submit at NOIRA to solicit recommendations regarding the development of new proposed Nutrient Trading Certification Regulations for the Board’s consideration.

Specifically, in accordance with §10.1-603.15:2. Titled “Nutrient credit certification” within the new Nutrient Trading Act (Article 1.1:1 in Chapter 6 of Title 10.1) established pursuant to the legislation, the Board stipulates that the NOIRA shall be guided by and reflect that the Board has been directed in subsection A to “adopt regulations for the purpose of establishing statewide procedures for the certification of the Board of nutrient credits other than (i) point source nitrogen and point source phosphorus credits generated by point sources covered by the general permit issued pursuant to §62.1-44.19:14 and (ii) nutrient credits certified by the State Water Control Board and the Department of Environmental Quality pursuant to §62.1-44-19:20. During the promulgation of the regulations, the Board shall consult with the Department of Environmental Quality to avoid duplication and promote consistency where appropriate. The regulations shall be designed in a manner that promotes certainty for credit market participants to the extent possible.”

Further, in accordance with §10.1-603.15:2 B, the NOIRA shall stipulate that the proposed regulations shall include the following specified components:

1. Establish procedures for the certification and registration of credits including:
 - a. Certifying credits that may be generated from agricultural and urban stormwater best management practices, use or management of manures, managed turf, land use conversion, stream or wetlands projects, shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal as appropriate;
 - b. Establishing a process and standards for wetlands or stream credits to be converted to nutrient credits. Such process and standards shall apply to wetland or stream credits established after July 1, 2005, and have not been transferred or used. Under no circumstances shall such credits be used for both wetland or stream credit and nutrient credit purposes;
 - c. Certifying credits from multiple practices that are bundled as a package by the applicant;

- d. Prohibiting the certification of credits generated from activities funded by federal or state water quality grant funds; however, baseline levels may be achieved through the use of such grants;
- e. Establishing a timely and efficient review certification process including application requirements, a reasonable application fee schedule not to exceed \$10,000 per application, and review and approval procedures; and
- f. Requiring public notification of a proposed nutrient credit-generating facility;
2. Establish credit calculation procedures for all proposed credit-generating practices, including the determination of baselines in accordance with the following:
 - a. Baselines established for agricultural practices shall be those actions necessary to achieve a level of reduction assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs as implemented on the tract, field, or other land area under consideration.
 - b. Baselines for urban practices from new development and redevelopment shall be in compliance with post-construction nutrient loading requirements of the Virginia Stormwater Management Program regulations. Baselines for all other existing development shall be at a level necessary to achieve the reductions assigned in the urban sector in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs.
 - c. Baselines for land use conversion shall be based on the pre-conversion land use and the level of reductions assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs applicable to that land use.
 - d. Baselines for other credit-generating practices shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs using the best available scientific and technical information.
 - e. Unless otherwise established by the Board, for certification within the Chesapeake Bay Watershed a credit-generating practice that involves land use conversion shall represent controls beyond those in place as of July 1, 2005. For other waters for which a TMDL has been approved, the practice must represent controls beyond those in place at the time of TMDL approval.
 - f. Credit quantities shall be established using the best available scientific and technical information at the time of certification.
 - g. The Board shall establish baseline dates for all credit-generating practices based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;
3. Provide certification of credits on an appropriate temporal basis, such as annual, term of years, or perpetual, depending on the nature of the credit-generating practice. A credit shall be certified for a term of at least 12 months;
4. Establish requirements to requirements to reasonably assure the generation of the credit depending on the nature of the credit-generating activity and use, such as legal instruments for perpetual credits, operation and maintenance requirements and associated financial assurance requirements. Financial assistance requirements may include but not be limited to letters of credits, escrows, surety bonds, insurance, and where the credits are used or generated by a locality, authority, utility, sanitation district, or permittee operating an MS4 or a point source permitted under Article 4.02 (§62.1-44.19:12 et seq.) of Chapter 3.1 of Title 62.1, its existing tax rate or authority.

5. Establish appropriate reporting requirements;
6. Provide for the ability of the Department to inspect or audit for compliance with the requirements of such regulations;
7. Provide that the option to acquire nutrient credits for compliance purposes shall not eliminate any requirement to comply with local water quality requirements;
8. Establish a credit retirement whereby five percent of credits in the Chesapeake Bay Watershed are permanently required at the time of certification pursuant to this section for the purposes of offsetting growth in unregulated nutrient loads; and
9. Establish such other requirements as the Board deems necessary and appropriate.

Pursuant to §10.1-603.15:2 B 9, the NOIRA shall specify that the proposed regulations may also include but not be limited to language that addresses other components of Article 1.1:1 in Chapter 6 of Title 10.1 or Article 1.1 in Chapter 6 of Title 10.1 (the Stormwater Management Act) as deemed necessary. As needed the action may also include the development of necessary forms and may include documents incorporated by reference.

In addition to ideas to be considered in the development of this proposal, the NOIRA shall request comments on the costs and benefits of the alternatives stated in the background document or other alternatives and on the potential impacts of the regulation. The Board will also seek information on impacts on small businesses as defined in §2.2-4007.1 of the Code of Virginia. Such information may include 1) projected reporting, recordkeeping and other administrative costs), 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

The Board further authorizes that following the passage of 30 days from the publication of the Notice of Intended Regulatory Action form, a Regulatory Advisory Panel composed of relevant stakeholders shall be established to make recommendations to the Department and the Board on the development of the Nutrient Trading Certification Regulations, and that the Department prepare a draft proposed regulation for the Board's review and consideration. Such action shall include the establishment of a new Chapter in the Virginia Administration Code under the Virginia Soil and Water Conservation Board likely numbered 4VAC50-80-10 et seq.

In implementing this authorization, the Department shall follow and conduct actions in accordance with Administrative Process act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, the Governor's Executive Order 14 (2010) on the "Development and Review of Regulations Proposed by State Agencies," and other technical rulemaking protocols.

This authorization extends to, but is not limited to, the drafting and filing of the NOIRA, the establishment and operation of a RAP, the development of the draft proposed regulation and other necessary documents and documentation, as well as the coordination necessary to gain approvals for the NOIRA including those from the Department of

Planning and Budget, the Secretary of Natural Resources, the Governor, and the Virginia Register or Regulations.

The Board also directs that at least one public hearing shall be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website and in other appropriate venues. Both oral and written comments may be submitted at that time.

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

SECOND: Mr. Lohr

DISCUSSION: Ms. Hansen reminded members that this was just the initiation of the action.

ACTION: Motion carried unanimously

Dam Safety and Floodplain Management

Mr. Bennett gave the report for the Division of Dam Safety and Floodplain Management.

Mr. Bennett said that in September of 2011, DCR completed a Governor's report regarding the status of dams throughout the Commonwealth. He said that prompted the authorization of close to \$14 million for the repair of dams. A large portion of that went to DGIF for their high hazard dams.

Mr. Bennett said that the partnership with North Carolina for the website will allow people to determine whether or not their property is within the flood plain. Two pilot programs are underway in the website in Richmond and Poquoson. This will be available to the entire state by October. Virginia will be adding dam break inundation zones to a layer on the website.

Ms. Hansen asked that the information on the website be provided to the Board for review.

Mr. Bennett said the Dam First Aid program was moving forward. Four trailers had been purchased and equipped. They are housed at Pocahontas State Park. The trailers will be used to lower water levels in dams in case of emergency and to prevent dam failure.

DCR is working with the Office of the Attorney General regarding the dam break early warning system. Mr. Bennett said that the hope was to award a contract in the near future. This will include over 600 high and significant hazard dams.

DCR's dam dragnet is continuing through the work of an intern from Virginia Tech. This is an effort to locate all dams of regulated size that may not yet be identified.

Mr. Bennett reviewed a report concerning the status of high hazard dams. There are 249 dams in the Commonwealth identified as high hazard. A copy of this report is available from DCR.

Mr. Bennett reviewed the list of enforcement cases. A copy of this report is available from DCR.

Mr. Bennett reviewed the proposed allocations for the 2012 Dam Safety, Flood Prevention and Protection Assistance Fund. He said that VRA will prepare grant contracts for grant recipients that are allowed one year to complete their projects unless extensions are granted.

Mr. Dowling presented a recommended motion regarding the allocations.

Ms. Jamison noted that she did not see the one year provision. She recommended approval of the motion with the phrase "not to exceed one year" included in item #2.

MOTION: Ms. Jamison moved the following motion as amended.

Motion for the Board to approve 2012 Dam Safety, Flood Prevention and Protection Assistance Fund grant projects and funding allocations.

In accordance with its responsibilities pursuant to § 10.1-603.16 et seq. (Article 1.2) of the Code of Virginia, the Virginia Soil and Water Conservation Board (Board) approves the projects for funding from the Dam Safety, Flood Prevention and Protection Assistance Fund (DSFPPAF) in the amounts specified in the attached spreadsheet. In addition to other terms and conditions as specified in the 2012 DSFPPAF Grant Manual, the Grant Agreement, and as will be determined by the Virginia Resources Authority (VRA), this approval is conditional upon the following:

1. All grants are made on a reimbursement basis and will be governed by a Grant Agreement developed in consultation with the Virginia Resources Authority. All applicants will be given a period of 90 days to enter into a Grant Agreement following the Agreement being sent. The Department of Conservation and Recreation (Department) is authorized to further extend this date in its discretion and following consultation with VRA.
2. All grant agreements will require that projects be completed within 12 months of the date of execution of the Agreement. Upon receipt of a written request for a project extension with a specified completion date by the Grantee to the Department with a copy to VRA, the Department is authorized to consider such request and may amend the terms of the Agreement and allow a specified

extension, not to exceed one year, upon the Department's and the Authority's written approval.

3. In the event that any of the above applicants fail to execute a Grant Agreement with VRA within 90 days of such an Agreement being sent to the applicant, the Department, in conjunction with VRA, is authorized to distribute grant funds not utilized by that applicant, among other approved Grantees who did not receive the total amounts of their requests.
4. Special Grant Agreements for Rainbow Forest dam and South River dam 10A will be disbursed by VRA after the funds are received by the Department and transferred to VRA pursuant to Item 360 F of Chapter 3 of the 2012 Virginia Acts of Assembly Special Session 1, and other Agreement terms have been satisfied.

The Department is authorized to communicate this approval to the Virginia Resources Authority (VRA) so that VRA's review of applications may proceed. The Department is also authorized to take any action necessary to proceed with the closing and administration of grants subsequent to VRA's approval of this application.

SECOND: Mr. Dunford

DISCUSSION: None

ACTION: Motion carried unanimously

Mr. Bennett said that in the last year \$855,000 was distributed to 73 grant applicants. He said that the time frame for those grants with VRA was 12 months. He said that the Department is beginning to receive request for extensions and that the Department was suggesting handling these at one time.

Ms. Jamison asked what percentage of grant recipients would be requesting extensions.

Mr. Bennett said that 22 projects were closed leaving around 50. He said that some would not expire right away. The range of time is based on when they were signed.

MOTION: Mr. Dunford moved the following:

Motion for the Board to Authorize Amendments to the Board Approved 2011 Dam Safety Flood Prevention and Protection Assistance Fund Grant Projects and Funding Allocations to Allow for Up to One Year Extension.

In 2011, in accordance with its responsibilities pursuant to §10.1-603.16 et seq. (Article 1.2) of the Code of Virginia, the Virginia Soil and Water Conservation Board (Board) approved projects for grant funding from the Dam Safety, Flood Prevention and Protection Assistance Fund.

Currently, all grant agreements approved in 2011 require that projects be completed within 12 months of the date of the execution of the Grant Agreement (Agreement) developed in consultation with the Virginia Resources Authority (VRA).

Pursuant to this motion, the Board authorizes the Department of Conservation and Recreation (Department) and the Authority to approve amendments to the 2011 contracts to allow for up to a one-year extension of the authorized projects in accordance with the following:

Upon receipt of a written request for a project extension with a specified completion date by the Grantee to the Department with a copy to the Authority, the Department is authorized to consider such request and may amend the terms of the Agreement and allow a specified extension upon the Department's and the Authority's written approval.

The Department and the Authority are authorized to take any action necessary to implement the elements of this motion.

SECOND: Mr. Lohr

DISCUSSION: None

ACTION: Motion approved unanimously

Division of Stormwater Management

Mr. Wilkinson gave the report for the Division of Stormwater Management. A copy of that report is included as Attachment #1.

Mr. Wilkinson said that he had the opportunity to visit with nine Soil and Water Conservation Districts. He thanked Mr. Overton suggesting the meetings.

Mr. Branin brought a matter to the attention of the Board. He said that VDOT was changing specifications that would directly affect DCR. He said that 5-8 years ago there was a huge influx of silt fence imports from China and Vietnam. The use of these products was causing the silt fencing to fail. In April VDOT changed their policy to use a silt fence material that is 300 times the cost of a regular silt fence.

Mr. Branin said that he wanted to make DCR aware of the change.

Erosion and Sediment Control

Mr. McCutcheon presented the Erosion and Sediment Control issues.

2012 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Evergreen Environmental

MOTION: Mr. Street moved the following:

The Virginia Soil and Water Conservation Board (Board) receives the staff update concerning the review of the 2012 annual standards and specifications for wetland and stream restoration bank construction by Evergreen Environmental. The Board concurs with staff recommendations for conditional approval of the 2012 specifications for Evergreen Environmental in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Evergreen Environmental of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2012 must be submitted by August 1, 2012. 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 area start and finish dates
2. Project information unknown prior to August 1, 2012 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook. Variance to Minimum Standard 6.a and 6.b. is granted such that the project may employ temporary sediment traps with drainage areas greater than 3 acres. The traps will be constructed in coordination with the wetland cells. Drainage areas will range from 1 to 6 acres for each cell. Drainage areas to each cell will have minimal disturbance and disturbed areas will be immediately stabilized.

SECOND: Mr. Dunford

REVISED: 8/2/2012 2:44:48 PM

DISCUSSION: None

VOTE: Motion carried unanimously

Approval of Variance Request to Columbia Gas Transmission's Annual Standards and Specifications for the VM-109 Pipeline Extension

Background: The VM-109 project is located in Chesterfield County. The work involves installation of a 24" natural gas pipeline, paralleling and existing 24" line which connects the VM-108 line to the existing Rolls Royce plant. The variances requested involve the 500ft. limit to trenches that can be open at one time and the requirement to place excavated material on the uphill side of the trench.

MOTION: Mr. Simms moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the request for a Variance to Columbia Gas Transmission's 2012 Annual Standards and Specifications for its VM-109 Pipeline Extension Project in Chesterfield County. The Board concurs with staff recommendations for conditional approval of the Variance in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Columbia Gas Transmission of the status of the review and the conditional approval of the Variance to its 2012 Annual Standards and Specifications.

The five items for conditional approval are:

1. The variance to Minimum Standard 16.b is not necessary due to Minimum Standard 16.f which allows applicable safety regulation to supersede Virginia Erosion and Sediment Control Regulations.
2. Excavated open trench shall not exceed 1 mile in length and individual sections of excavated open trench shall not remain open for longer than 30 days.
3. Columbia Gas Transmission will fund and provide a DCR Certified Erosion and Sediment Control Inspector in addition to the normal Environmental Project Inspectors.
4. The DCR Certified Inspector will provide inspection services per the DCR approved scope of work. The scope of work shall include provisions that inspections will be conducted and documented at the following frequency: during or immediately following the installation of erosion and sediment control measures, at least once every seven days, within 24 hours of a runoff producing event (0.25- inch rainfall event) and following completion of the project until adequate vegetative cover is fully established. Inspection reports will be e-provided weekly to staff in DCR's Richmond Regional Office.

5. A pre-construction site reconnaissance visit with Columbia Gas Transmission personnel and DCR Richmond Regional Office staff shall be jointly conducted and a determination made regarding the need for safely fencing around the open trench.

SECOND: Mr. Street

DISCUSSION: Ms. Hansen said that she appreciated the extra conditions added based on Board concerns expressed at the last meeting. She asked if the requirement within 24 hours meant prior to an event.

Mr. McCutcheon said that would be within one day following an event.

Ms. Hansen asked if it made sense to consider 24 hours prior to an anticipated event.

Mr. McCutcheon said that the thought as that one week prior would be sufficient.

Mr. Ingle noted that the motion provided did not appear to be consistent with what was presented.

VOTE: Motion carried with Mr. Ingle, Mr. Dunford and Mr. Blake voting no.

Mr. Ingle said that he voted no because he was trouble with what was presented not matching what was written.

Mr. Dowling said that staff would prepare a corrected motion for the Board to address later in the meeting. (NOTE: Text above is the correct motion)

Alternate Inspection Programs

Amelia County

At the last SWCB meeting the Board accepted the proposed Alternative Inspection Program for Amelia County for consideration. Staff has received the proposed Alternative Inspection Program and finds it to be within the recommended guidelines, therefore staff recommends approval as submitted.

Greensville County

At the last SWCB meeting the Board accepted the proposed Alternative Inspection Program for Greensville County for consideration. Staff has reviewed the proposed

Alternative Inspection Program and finds it to be within the recommended guidelines, therefore staff recommends approval as submitted.

Henrico County

At the last SWCB meeting the Board accepted the Alternative Inspection Program for Henrico County for consideration. Staff has reviewed the proposed Alternative Program for Henrico County for consideration. Staff has reviewed the proposed Alternative Inspection Program and finds it to be within the recommended guidelines, therefore staff recommends approval as submitted.

MOTION: Mr. Branin moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Programs for Amelia County, Greensville County, and Henrico 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 to monitor the implementation of the alternative inspection program by each County to ensure compliance with the approved programs.

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

Westmoreland County's Proposed Alternative Inspection Program

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for Westmoreland County. The Board concurs with the staff recommendations and accepts the County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

Local Programs recommended to be found consistent based on Program Reviews

City of Norton

Staff conducted a program review of the City of Norton ESC control program on February 22-23, 2012 and conducted a close out meeting with the City. The scores for the individual program elements were as follows: Administration 100 – Plan Review 80- Inspection 100 – Enforcement 100. All program elements received a score of 70 or higher. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the City of Norton’s Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

City of Waynesboro

Staff conducted a program review of the City of Waynesboro ESC control program on February 22, 2012 and conducted a close out meeting with the City. The scores for the individual program elements were as follows: Administration 95 – Plan Review 70 – Inspection 80 – Enforcement 70. All program elements received a score of 70 or higher. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the City of Waynesboro’s Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Powhatan County

Staff conducted a program review of the Powhatan County ESC control program on February 29, 2012 and conducted a close out meeting with the County. The scores for the individual program elements were as follows: Administration – 100 – Plan Review 70 – Inspection 100 – Enforcement 100. All program elements received a score of 70 or higher. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the Powhatan County Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Town of Bridgewater

Staff conducted a program review of the Town of Bridgewater’s ESC control program on March 19, 2012 and conducted a close out meeting with the Town. The scores for the individual program elements were as follows: Administration 95 – Plan Review 100 – Inspection 100 – Enforcement 100. All program elements received a score of 70 or higher. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the Town of Bridgewater’s Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board commend the City of Norton, the City of Waynesboro, Powhatan County and the Town of Bridgewater for successfully implementing their respective Erosion and Sediment Control Program(s) to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations

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

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

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

Greensville County

Staff conducted a CAA review of the County of Greensville ESC control program on June 12, 2012 to determine if the two remaining CAA items regarding inspections were complete. Staff determined that the two remaining items had been completed. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the Greensville County Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board commend the County of Greensville for successfully implementing the County's Erosion and Sediment Control Program to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

Local Programs recommended to be found inconsistent based on Initial Review and request for Board approval of Corrective Action Agreement (CAA)

City of Bristol

Staff conducted a program review of the City of Bristol ESC program on March 28-29, 2012 and conducted a close out meeting with the City. The scores for the individual program elements were as follows: Administration – 100, Plan Review – 80 – Inspection 60 – Enforcement 100. All program elements did not receive a score of 70 or greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the City of Bristol Erosion and Sediment Control Program inconsistent with the Virginia

Erosion and Sediment Control Law and Regulations and approve the draft CAA for the City.

City of Virginia Beach

Staff conducted a program review of the city of Virginia Beach ESC program on May 23, 2012 and conducted a close out meeting with the City. The scores for the individual program elements were as follows: Administration 85 – Plan Review 80 – Inspection 45 – Enforcement 20. All program elements did not receive a score of 70 or greater.

Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the City of Virginia Beach Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the City.

Buckingham County

Staff conducted a program review of the Buckingham County ESC program on January 31, and February 1, 2012 and conducted a close out meeting with the County. The scores for the individual program elements were as follows: Administration 90 – Plan Review 40 – Inspection 5 – Enforcement 40. All program elements did not receive a score of 70 or greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the County of Buckingham's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Fauquier County

Staff conducted a program review of the Fauquier County ESC program on January 19, 20, 24, 2012 and conducted a close out meeting with the County. The scores for the individual program elements were as follows: Administration 30 – Plan Review 90 – Inspection 80 – Enforcement 100. All program elements did not receive a score of 70 or greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the County of Fauquier Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Madison County

Staff conducted a program review of the Madison County ESC program on February 28-29, 2012 and conducted a close out meeting with the County. The scores for the individual program elements were as follows: Administration 95 – Plan Review 40 – Inspection 80 – Enforcement 100. All program elements did not receive a score of 70 or greater. Therefore staff recommends that the Virginia Soil and Water Conservation Board find the Madison County Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Stafford County

Staff conducted a program review of the Stafford County ESC program on November 1, 2012 and conducted a close out meeting with the County. The scores for the individual program elements were as follows: Administration 95 – Plan Review 60 – Inspection 70 – Enforcement 80. All program elements did not receive a score of 70 or greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the Stafford County Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Ms. Hansen asked if there were comments from the public regarding these programs.

Mr. Hassen from Virginia Beach thanked the Board for the opportunity to speak. He said that the City of Virginia Beach was very serious about their program and that they have a good program. He said that the City was appreciative of DCR staff that helped walk them through the process and give a clear understanding of what needed to be done.

Mr. Hassen said that the City was already taking steps to address necessary issues. The statute was changed last year and the ordinance has already been updated. He said the City was making additional administrative changes to address the concerns.

The representative from Buckingham County said that the County has been making necessary changes. The County building inspector has taken a class for certification. She said that the audit by DCR staff was helpful in determining what needs to be done. She said that one of the issues was having enough available vehicles for staff to perform inspections. She said that the hope was that the County would be obtaining the necessary vehicles in the next few weeks.

Mr. Hubble from Stafford County thanked the Board and said he was available to answer any questions.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board accept staff recommendations to find the City of Bristol, the City of Virginia Beach, the Buckingham County, the Fauquier County, the Madison County and the Stafford County Erosion and Sediment Control Programs inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the CAAs as drafted for the respective localities. The Board directs DCR staff to monitor the implementation of the CAAs by the above mentioned localities to ensure compliance.

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. McCutcheon said that Mr. Perry from Henrico County wanted to give comments concerning the alternative inspection program.

Mr. Perry said that if the Board had the opportunity to open the Erosion and Sediment Control Regulations that the requirement for an inspection within 48 hours of a runoff producing event should be changed. He said that it was virtually impossible for localities to make that deadline.

Mr. Branin asked what Mr. Perry would recommend.

Mr. Perry said that one alternative would be to inspect every two weeks. He said that the 48 hours requirement was unrealistic.

Report from the Subcommittee on District Funding

Mr. Dunford said that the subcommittee had been developed at the March meeting because there was concern about the four different pools of money for districts as well as a concern regarding requirements for non-agricultural items.

Mr. Dunford said that the subcommittee held two meetings. He presented results from a district survey regarding district operations. A copy of those survey results is available from DCR.

Ms. Gargiulo said that at the meeting staff had given presentations regarding funding for the districts. She said that the discussions focused mostly on FY13 funding.

Ms. Gargiulo said that based on the discussion and concerns from the districts that the concept of a discretionary fund had been tabled. She said that in discussions with staff and the district that it was determined the best path for FY13 was to provide the same level of funding as FY12. She said that the summer study would be a way to too in depth at the funding issues.

Ms. Gargiulo gave an overview of the FY13 funding as well as the district grant contracts. She said that DCR would be using the same grant agreement for FY13 as was used for FY12. She said that quarterly payments would be disbursed by August 15 depending upon when DCR received the signed contract.

Ms. Jamison expressed concern about the effective date and the payment schedule.

Ms. Gargiulo said that if the Board approved the grant agreements they would go directly to the districts the following day. She said that the effective date would be the date the districts received the contract. She said if possible the payments would be made sooner than August 15.

Ms. Gargiulo reviewed the grant agreement and spreadsheet with the allocation of funds.

Ms. Gargiulo said that staff would ask the Board to approve the two grant agreements as presented, the operational agreement and the proposed spreadsheets regarding funding.

Ms. Hansen asked if there were comments from the public.

Mr. Brame, Chair of the Culpeper Soil and Water Conservation District said that his district had been concerned about the breakdown of communication. He said that the work of the subcommittee had helped to address that.

Ms. Moore with the Virginia Farm Bureau complimented the subcommittee. She said that she was looking forward to the summer study and looking to a permanent solution to stabilize funding for districts.

Mr. Overton from the Virginia Association of Soil and Water Conservation Districts suggested that, similar to action earlier in the meeting, staff be allowed time to develop a written motion and return that to the Board following the break. That would allow time to review the necessary language.

Ms. Jamison expressed a concern about the verbiage in the non point source agreement. She said that she had concern about the requirement regarding distribution of funds on January 31, 2013 and the requirement to meet NRCS standards.

Ms. Gargiulo said that if the funds were under contract they were considered obligated to the District and would be paid accordingly.

Mr. Dowling said that the language in the agreement speaks to a policy, provided by the Board and amended by Board action. He said that the motion should speak to support the policy as well as the contracts.

Mr. Foreman said that staff was in the process of making changes to the policy, but that because of the summer study, the existing policy was sent out. He said that no changes were recommended at this time.

Mr. Wilkinson said that the motions recommended at this meeting would be based on the existing policy. Any recommended changes would come after the completion of the summer study.

Soil and Water Conservation District Summer Study

Mr. Davis-Martin gave an update regarding the summer study. He noted that members had received a copy of the summer study plan in the Board mailing. A copy of that plan is available from DCR. He noted that the requirements for the study were outlined in the document.

Mr. Davis-Martin said that the Summer Study Workgroup met on June 20 and would meet again on July 11. Two additional meeting would also be scheduled. He said that this would allow the work to be concluded in time to submit the study results by October 1, 2012.

Board review and approval of BMPs eligible for tax credit

Ms. Martin said that members were provided a list of agricultural BMPs that staff would like the Board to deem eligible for tax credit. A copy of that list is available from DCR.

Mr. Blake asked how items were included on the list.

Ms. Martin said that the Technical Advisory Committee reviews the BMPs to determine whether they should be cost-share eligible, cost-share and tax credit eligible or just tax credit-eligible. The TAC recommendations are reviewed by the DCR Director prior to submitting them to the Board for final approval.

MOTION: Mr. Dunford moved that the Virginia Soil and Water Conservation Board approve the list of best management practices specified within the 2013 Virginia Agricultural BMP Manual (published by the Department of Conservation and Recreation effective July 1, 2012), to be eligible for the Agricultural best management tax credit as provided by 58.1-339.3 Code of Virginia.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Soil and Water Conservation District Director Resignations and Appointments

Ms. Martin presented the following list of Soil and Water Conservation District resignations and appointments.

Skyline

From the March 29, 2013 VSWCB Meeting:

Resignation of Jason Pratt, Pulaski County, effective 1/4/12, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Jon Vest, Floyd County, to fill unexpected Extension Agent term of Jason Pratt (term of office to being 4/28/12 – 1/1/13).

Mr. Vest was unable to take his Oath of Office by the 4/28/12 deadline leaving the seat vacant. VCE has sent correspondence that supports Mr. Vest's re-nomination.

Recommendation of Jon Vest, Floyd County, to fill unexpired Extension Agent term of Jason Pratt (term of office to begin 7/28/12 – 1/1/13).

Blue Ridge

Resignation of Sheri Dorn, Roanoke County, effective 6/1/12, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Cynthia Martel, Franklin County, to fill the unexpired Extension Agent term of Sheri Dorn (term of office to begin 7/28/12 – 1/1/13).

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board approve the list of district director resignations and appointments as presented by staff.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Partner Reports

Natural Resources Conservation Service

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy of the report is included as Attachment #2.

Virginia Association of Soil and Water Conservation Districts

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

Mr. Overton said that he was joined by Kendall Tyree and Lou Wallis, the Association First Vice President from Russell County.

Mr. Overton said that referring to the earlier discussion, Mr. Wilkinson had sent out an email in response to the discussion at the subcommittee meeting about operational disbursements. He said that the email outlined the target dates for disbursements. He said that it would be helpful to include these targeted dates in the agreements.

Mr. Wilkinson said that staff did not want to over promise. He said that the main point for this meeting was to get the contract approved.

Mr. Overton reviewed dates for upcoming Association events, including district director training in July and the Annual Meeting in December.

Mr. Overton expressed appreciation to the Board and staff for working through the district funding issue.

Public Comment

Ms. Sanner from the Chesapeake Bay Foundation said that she wanted to make clear that her comments were made with respect for the work of DCR. She said that the CBF was concerned about inaction regarding a proposed amendment to the Stormwater Management Regulations. She said that the issue had not been addressed in the current public version of the regulations. She said this was important to make sure there were no internal inconsistencies.

Mr. Dowling said that this was an important housekeeping item to address. He said that there were several other areas that needed to be addressed.

Mr. Wilchens from the Culpeper Soil and Water Conservation District said that earlier in the meeting there was a discussion regarding inspections before a storm event. He said he would encourage the Board and staff that the concept not be lost in addressing other program needs.

At this time the Board recessed for lunch.

At 1:30 the Board reconvened for an informal fact-finding proceeding regarding the Agricultural Stewardship Act. The proceedings from that session are available from DCR.

Chairman Hansen reconvened the Board into regular session.

Corrected motion regarding Variance for Columbia Gas Transmission

Mr. McCutcheon presented corrected language for the motion regarding Columbia Gas Transmission. The correct version is included with Mr. McCutcheon's presentation earlier in this document.

MOTION: Mr. Street moved that the Virginia Soil and Water Conservation Board approve the Variance for Columbia Gas Transmission as discussed earlier in the meeting and with the correct language as noted.

SECOND: Mr. Simms

REVISED: 8/2/2012 2:44:48 PM

DISCUSSION: None

VOTE: Motion carried unanimously

District Contracts

Ms. Gargiulo presented a revised motion with regard to contracts with soil and water conservation districts. She said that staff had added the projected disbursement schedule as agreed.

MOTION: Mr. Dunford moved the following:

In accordance with the Virginia Soil and Water Conservation Board Policy regarding financial assistance for Soil and Water Conservation Board Districts as amended May 2011, the Board approves the grant agreements pertaining to "Operational Support" from the Commonwealth of Virginia and "Nonpoint Source Implementation Assistance" from the Commonwealth of Virginia as well as the Fiscal Year 2013 funding allocations as presented by staff.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

Soil and Water Conservation Grand Agreement Deliverables

Ms. Gargiulo said that the Board had received a copy of the Soil and Water Conservation District Grant Agreement Deliverables. She said that Board policy is that these be approved on an annual basis. She said that no changes were made except for the date language at the top of the document. She asked that the Board approve this document.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the list of Soil and Water Conservation District Grant Agreement Deliverables as presented by staff.

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

Next Meeting

Mr. Dowling said that the next meeting would include training for the Board regarding new responsibilities assumed under the Chesapeake Bay Act. He asked members the preference for dates of September 26-27 or September 27-28.

Consensus was that the training be held on the afternoon on Thursday, September 27 and the full Board meeting on Friday, September 28.

Mr. Dowling noted that for the December meeting, due to the nature of regulations to be presented and necessary Board actions staff was recommending that the December meeting be moved from December 5, in Roanoke (with the Association meeting) to Tuesday, December 11, in Richmond. The Board concurred with this change.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Susan Taylor Hansen
Chairman

David A. Johnson
Director

Attachment #1

Division of Stormwater Management
Report to Virginia Soil and Water Conservation Board
June 28, 2012

Office of Conservation and Restoration Programs

Conservation Partner Employee Development

The conservation partners continue to work through the Joint Employee Development (JED) system which relies on four regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff.

The state level JED team continues to focus on the delivery of three core courses. The short course “Conservation Selling Skills” has been held at least annually for the past 10 years. The Conservation Selling Skills course will be offered in the future on the even years and the delivery of the EP&I (“Effective Presentation and Instruction”) short course will be offered on the odd years. The third core course – “Conservation Orientation for New Employees” - is now available at a regional scale. In addition, a one week long “State Boot Camp” training program is being considered. The state level JED team will revisit a discussion about delivery of this course in 2012-2013. Delivery in the Richmond area would minimize travel by the majority of trainers from NRCS and conservation partners.

Virginia Agricultural BMP Cost-Share (VACS) Program Development

The VACS program provided a 2012 supplemental cost-share allocation to all Districts that request additional cost-share funds. Districts were asked to request the amount of funds that they could implement in three different categories, stream exclusion, animal waste practices and a selected list of other priority practices. Almost nine million dollars (\$8,942,476) in cost-share funds along with an additional eight percent or \$715,398 for Technical Assistance (TA) funds to Districts for reimbursement of time spent delivering the VACS. This “2012 Supplemental” allocation is documented with separate grant agreements for those Districts that participated. The 2012 Supplemental grant agreements delineate District deliverables and a different approach to delivery of the associated TA to Districts.

Monthly deposits of the Recordation Fee to the Virginia Natural Resources Conservation Fund (VNRFCF) have increased with estimated deposits expected to reach the \$9.1 M. originally projected.

VACS programmatic training for conservation staffs has been scheduled. The training will be delivered at four different locations throughout the state. The training sessions are open to all and please consult your regional Conservation District Coordinator (CDC) to determine your most convenient location and date.

Nutrient Management Program Activities

The Nutrient Management section is conducting training this week in nutrient management to 25 students interested in the Agricultural Certification Program. The training is being held in Wytheville, Va. Although located in the far south western portion of the state, most participants are from the area where additional planners are badly needed. Also this week the section is teaching a Precision Ag course at Virginia State University, where student will learn about many options available in techniques that can enable them to do a better job of in-field management using technologies they can afford. In addition, this week the program manager will be evaluating how Thermal Imagery and Forward Looking Infrared Radar (FLIR) may be of benefit to the agricultural farm community in hopes of detecting disease and insect problems in crops systems before they can be seen with the naked eye. The corn field below shows a FLIR image. One can see the field variations in cropping patterns.



The nutrient management section is also continuing to work with Virginia Tech to create the new NutMan 4 software which is GIS & GPS based software that will track the location of fields involved in nutrient management and the cropping systems associated with the farm. This new software will also automatically provide reporting streams to EPA reporting mechanisms. The roll out of the software should occur in the fall of this year.

TMDL Activities

DCR is continuing work on TMDL implementation plans in the Lower Banister River, Sandy Creek, and Polecat Creek in Halifax County; Spout Run and Page Brook in Clarke County, and the Piankatank River and Gwynn's Island in Gloucester, Matthews, and

Middlesex Counties. The development of plans for the Middle Fork Holston and Wolf Creek in Washington County and Linville Creek in Harrisonburg and Rockingham County has been contracted. The first public meeting for Middle Fork Holston and Wolf Creek will be in July.

DCR staff assisted the NRCS state office in selected three 12-digit hydrologic units with impaired stream segments as candidates for the National Water Quality Initiative. The watersheds include Molly's Creek in Campbell County, Somerton Creek in Suffolk City, and Wolf Creek in Washington County. NRCS will be providing \$475,000 of FY12 EQIP funds to these watersheds with sign-up ending June 15. The goal is to get this Initiative into the new Farm Bill with the hope of having a long-term commitment of cost-share funds to improve water quality in these impaired watersheds.

Halifax, Patrick, and Pittsylvania Districts are being offered cost-share funding by DCR for a Southern Rivers Livestock Exclusion Initiative targeted to the Banister River in Pittsylvania and Halifax County and the Mayo River and Smith River in Patrick County. The goal is to have grant agreements assigned in July with a project date of July 1, 2012 through June 30, 2014.

Healthy Waters Initiatives in Virginia

The Virginia Healthy Waters Initiative has been making significant progress expanding the program into areas outside the Chesapeake Bay watershed. VADCR has partnered with the Albemarle-Pamlico National Estuary Program (APNEP), North Carolina Department of Environment and Natural Resources, Nature Conservancy and Virginia Commonwealth University to acquire field data in the Chowan Basin to inform the development of the Comprehensive Coastal Management Plan for the APNEP, develop a Healthy Waters data set in the basin and serve as a possible template for the State of North Carolina to follow in developing a Healthy Waters effort. This project will also develop a template for using USEPA 319 monies for protection efforts. The VADCR is also partnering with the Nature Conservancy and USEPA conduct a Comprehensive Watershed Assessment to prioritize actions in the Clinch and Powell Watersheds. In addition, VADCR has developed a draft MOU for Interstate and Inter-basin Watershed Coordination between North Carolina and Virginia.

Office of Regulatory Programs

Chesapeake Bay TMDL

As previously reported, Virginia's Phase II WIP was submitted to EPA on March 30. Once submitted, staff opened up a public comment period which ended on May 30. In addition to the formal public comment period, staff held a series of public meetings throughout the Chesapeake Bay watershed to receive input and questions from the general public. All comments have now been summarized and staff will be providing

recommended responses and possible changes to the Final WIP to the Secretary of Natural Resources' office on June 29.

Going forward, DCR local engagement teams, lead by the regional Watershed Field Coordinators, continue to work with local government staff to refine and update their submitted load reductions strategies. Staff will also be working with local governments on the identification of the costs to implement their strategies and BMP reporting. Details of the Phase II WIP can be found on DCR's website for the Bay TMDL at: <http://www.dcr.virginia.gov/vabaytmdl>

Stormwater Regulatory Roll-Out Program

Office of Regulatory Programs staff continues working on several key initiatives to advance local adoption of the revised stormwater management regulations. The initiative includes comprehensive outreach to local governments, the development and initiation of a training program and the development of tools to assist localities in program development. The Office is also working with a Stormwater Local Government Advisory Group (SWLGAC) which is providing feedback on these initiatives.

Outreach Plan

Please find below our Stormwater regulatory roll-out outreach plan.

1. Individual Visits to localities currently without stormwater programs (non-MS4, non-Bay Act). Conducted primarily by Regional Office Staff December through February.
 Purpose: Inform them of the revised regulations and their ability to administer their own programs
 Status: COMPLETE

2. Various Symposiums and Lecture Events (Environment Virginia, VWEA Stormwater Seminar, Center for Watershed Protection Webinar, etc.)
 Purpose: We will present the revised regulations and provide an update on DCR tool development
 Status: ONGOING (RRBC June 13, 1pm)

3. Commission Level PDC Meetings
 Purpose: Present general overview of Integration Bill and Revised Regulations; discuss locality program implementation and DCR tool development
 Status: ONGOING
 5/17 Region 2000 Regional Commission: 5:00 p.m., √
 5/23 Middle Peninsula PDC: 7:00 p.m., √
 5/24 West Piedmont PDC, 7:30p.m., √
 6/14 Richmond Regional PDC: 1:00 p.m., √
 6/18 Central Shenandoah PDC: 7:00 p.m., √

- 6/18 Accomack/Northampton PDC, ✓
- 6/28 Crater PDC: 6:00 p.m.,
- 7/16 George Washington Regional Commission: 6:00 p.m.,
- 7/16 Northern Neck PDC: 6:00 p.m.,

4. Regional Initial Outreach Meetings (Phase I Regional Meetings)

Purpose: We will present the revised regulations and provide an update on DCR tool development including ePermitting demonstration

Status: ONGOING

6-22: Fairfax, Fairfax County Government Complex, Herrity Building, Rooms 106 & 107 10:00 – 1:00 ✓

7-12: Chesapeake, HRPDC, 12:30 – 3:30

7-17: Verona, Augusta County Government Center, 1:00 – 4:00

7-31: Culpeper, VDOT Culpeper District Office, 9:30 – 12:30

There are four more to be scheduled. They will likely be held in Chatham, Farmville, Petersburg, and Hungry Mother State Park.

5. Regional Training Meetings (Phase II Regional Meetings)

Purpose: Provide initial training on the revised regulations to localities and other interested parties

Status: PLANNING FOR EARLY FALL

6. Individual Locality Meetings

Purpose: We will present the revised regulations and provide an update on DCR tool development including ePermitting demonstration

Status: PLANNING. We are establishing individual DCR contact person for each locality and designing a tracking mechanism for following individual locality program development.

To clarify: There is overlap in material between Webinar and the initial regional meetings (Phase I). The regional meetings will be much longer with more information. The webinar is intended to be a blast of information and will be recorded and saved. A link will be on the DCR website if anyone wants to see it at a later date.

Training Plan

The following is the training plan that has been developed by ORP Training & Certification staff:

	2012			2013				2014				Beyond 2014						
Audience	Jan	March	May	July	Sept	Nov	Jan	March	May	July	Sept.	Nov.	Jan.	March	May	July	Sept.	Nov.

Regional Staff	Level I	Level II						
Local Govt Staff		Level I	Level II					
Development Community		Level I						
			Level II					
Certification				Program Administrator, Plan Review and Inspector Certification				

* Level I training involves general training for non-technical staff
 Level II training involves detailed training for engineers, plan reviewers and inspectors

Tools Development

To date, staff has developed and disseminated a checklist identifying the minimum required elements of a local stormwater management program, a preliminary draft model ordinance and a time line for localities to develop their programs and submit them to the Board for approval. A final draft of the model ordinance is due to be released to localities in September 2012, after the Attorney General’s office has had the opportunity to review it. The timeline calls for the localities to submit their programs from January 2013 through June of 2013. The Board has the option of extending the deadline for local adoption by one year, which means the Board may be approving local programs though June of 2014. These deadlines are consistent with revisions made to the Stormwater Management Act pursuant to the recently adopted integration bill.

Division of Stormwater Management Metrics Reporting

The Division of Stormwater Management is moving towards utilizing the Quickbase software to report our programmatic progress. This on-line service enables input from anywhere and offers a very complete reporting function. Reports can be generated in a narrative or statistical, graphical fashion. Please find below an example of a tabular report in Quickbase:

Example of Division Activities Summary

Conservation District Coordinator

[Add a New Division activity](#)

Activity contains 'district' OR ...

[EMAIL](#) | [PRINT](#) | [OTHER](#)

Activity	Activity Date End	Q3 FY2012 Number of Division activities	Q4 FY2012 Number of Division activities	TOTALS Number of Division activities
District Board Meeting		12	88	100
District Committee Meeting			9	9
District Grant Report Review			49	49
District Training/Technical Assistance		16	95	111
Grant Quarterly Report Review			9	9
Public Education/Outreach		6	12	18
Spot Check/Field Visit			1	1
TOTALS (10 groups)		34	263	297

Currently, the reports are field-based activity reporting. Over the next quarter, the Division will be moving toward all staff reporting their activities and program work. We will continue to share these staff activity reports with the Board as an additional means of conveying Division information.

Virginia Stormwater Management Permits (VSMP)

Division staff has issued VSMP permit coverage to 837 land disturbing projects since January 1. This is compared to 858 VSMP permit coverages issued during the same time period in 2011. Regional office staff continues to conduct inspection and follow-up to ensure compliance with the VSMP permit.

Erosion & Sediment Control Program Reviews

- Approve Annual Standards and Specifications for Wetland and Stream Restoration Banks -1
- Approve Variance Request for Annual Standards & Specifications for Utility & Railroads – 1
- Final Approval of Alternative Inspection Programs – 3
- Initial Acceptance of Alternative Inspection Programs -1
- Local Programs to be Found Consistent on Program Review – 4
- Local Programs to be Found Consistent on Completing CAA – 1
- Local Programs to be Found Inconsistent on Program Review, Approve CAA - 6

Virginia SWM Handbook

DCR has contracted with the Center for Watershed Protection to complete work on the engineering-related chapters of the revised Handbook. Other chapters, completed earlier, are being reviewed by DCR staff for any final changes that need to be made in response to language in the final Stormwater Management Regulations or the Stormwater Management Integration Bill that passed the 2012 General Assembly.

Virginia Stormwater BMP Clearinghouse

The Stormwater Management Division's Office of Regulatory Programs continues to work with members of the BMP Clearinghouse Committee to (1) provide guidance regarding the current status of manufactured BMPs represented in the 1999 Stormwater Management Handbook, and (2) complete the Virginia Technology Assessment Protocol (VTAP) document. Committee members and BMP manufacturers have provided numerous questions and comments about the draft VTAP, necessitating some revisions to the criteria in the protocol. DCR staff is aiming to complete this work by the fall meeting of the BMP Clearinghouse Committee.

The mission of DCR is to provide opportunities that encourage and enable people to enjoy, protect and restore Virginia's natural and cultural treasures.

Attachment #2

NRCS REPORT
Virginia Soil and Water Conservation Board
June 28, 2012

EQIP, CBWI, CSP, and WHIP Programs

- Organic Initiative - committed \$330,000 (96%) of allotted funds
- Deadline for obligation of funds is July 2.
- \$30,000 was allocated for a special WHIP Initiative for habitat enhancement for Golden Winged Warblers. There are 5 pre-approved applications for \$28,195. There are 3 high priority unfunded requests for \$12,299 and three medium priority unfunded requests for \$5,026.

CCPI

Almost all funding for 7 existing CCPI projects under WHIP (2), EQIP (2), and CBWI (3) has been obligated.

Conservation Initiative Grants

NRCS in Virginia received seven CIG pre-proposals for a total request of \$261,295. The CIG review committee recommended that six move forward to full proposals.

Local Work Group Surveys

Local Work Group Meeting survey letters were sent to SWCD chairs in May. Responses on program comments and suggestions are due back to the State Office by the end of June.

Dam Rehabilitation

- South River 10A – Construction contract has been awarded for \$1,259,122. We anticipate that construction will start the end of July.
- Upper North River Site 10 – Preliminary design process is underway. Draft plan is out for public comment until July 27.
- Pohick 8 – Independent review completed; anticipate final approval by October 2012.
- Town of Culpeper – Two potential rehab projects; site visits and meeting with Town Engineer completed.

Easements

The **Grassland Reserve Program** received additional funds totaling \$211,916 FA and \$16,313 TA; able to fully fund Barlow application in Rockingham County.

National Water Quality Initiative

Three Virginia watersheds were selected as part of the National Water Quality Initiative. They are Wolf Creek (Area 2), Angola Creek (Area 3), and Somerton Creek (Area 4).

Watershed Programs

Watershed dam O&M training was held May 18; there was significant positive feedback from participants.

Soils/NRI/GIS

NRCS received digital copies of the Amherst, Brunswick, Franklin and Patrick County Soil Survey manuscripts. These surveys are ready for publication.

MLRA staffs are working on their approved projects for 2012. While each of these projects are different they are all designed to make the data in the soil surveys blend with surrounding data and improve the quality of the soil survey data available to the public.

NRI data collection for 2011-2012 seasons should begin during October – December 2012 timeframe. Plans are to incorporate the FSA crop history information into the software that is used.

Conservation Planning/Programs

CRP Readiness Initiative Training was held in Charlottesville May 7-8. The training, which was conducted by Penn State University and NRCS, was designed to build capacity for trained private consultants and TSPs to be available to assist with CRP when needed to address workload issues. There are 19 private consultants signed up to become TSPs.

The roll-out of the **Conservation Delivery Streamlining Initiative (CDSI)**, the new planning software, is still on schedule for early next fiscal year. As part of the transition a lot of work is needed to correct errors in the National Conservation Planning (NCP) database to migrate active contracts to the new National Planning and Agreements Database (NPAD).

Water Quality Monitoring

U.S. Geological Survey (USGS) plans to tell two stories: a sediment story and a nitrogen story. In 2011, they began conducting detailed synoptic sampling throughout the watershed to look at spatial concentrations of nitrogen and to determine where the nitrate sources are coming from, such as from manure, commercial fertilizer or urban sources. USGS has also established a station to continuously monitor water resources and to take periodic water quality samples, so that they can better understand sediment transport in the watershed. USGS will measure the progress of the Smith Creek's Partnership's conservation efforts to improve water quality over this 10-year study.

Smith Creek Clean Streams Initiative

The Clean Streams Initiative is a three year National Fish and Wildlife (NFWF) funded project with partners from CBF, Virginia Department of Conservation and Recreation (DCR), Virginia Tech, and Friends of the North Fork of the Shenandoah River. These partners are working closely with NRCS and SWCD staff to increase implementation of agricultural Best Management Practices (BMPs) that improve local water quality in the watershed. The grant project has three main goals: 1) livestock stream exclusion, 2) nutrient management on cropland, and 3) converting dairies to grazing operations. CBF has hired two field technicians who are making farm visits and discussing fencing options with interested farmers. To date, the field technicians have made 191 farm visits with 84 different landowners and completed 78 new conservation contracts that protect 11.95 miles of Smith Creek and its tributaries.

Outreach Events

To introduce conservation opportunities to Smith Creek farmers and urban residents, NRCS and the Shenandoah Valley and Lord Fairfax Soil and Water Conservation Districts (SWCDs) hosted two breakfasts during the winter of 2012. NRCS, in partnership with the Lord Fairfax SWCD, the Shenandoah Valley SWCD, and the Chesapeake Bay Foundation (CBF), is working to meet with every agricultural landowner within the watershed. This effort is part of the outreach plan for the watershed and is designed to offer landowners the opportunity to learn more about available programs and educational events.

Southern Tip Partnership

NRCS participated in the Southern Tip Partnership meeting for the first time on April 24. The Southern Tip Partnership is a causal meeting of various agencies that bring conservation efforts to the southern tip of Delmarva. Wade Biddix, Assistant State Conservationist (Programs), gave a very well received presentation discussing our various easement programs. Tina Jerome, District Conservationist from Accomac, will become a regular member of this partnership.

Climate Change Conference

Keith Boyd served on a panel with the DGIF and the National Wildlife federation to discuss NRCS activities that impact Climate Change. Keith talked about our soils health efforts and gave a demo showing high carbon soils next to low carbon soils.

Reaching out to Minority Landowners

Two Virginians will be featured in a special edition of *Minority Landowner* magazine to be published this summer. Public Affairs Specialist Barbara Bowen developed a story on the Sanns family, describing how they worked with District Conservationist Tina Jerome to put in buffers, a composter, litter sheds, and heavy use protections pads at their Eastern Shore poultry farm. Public Affairs Specialist Pat Paul worked with District Conservationist Yamika Bennett on a story about Clarence Foster who has a WRP easement in Southampton County and is very happy with his wetland restoration.

Field Office of the Future

Seven agencies joined NRCS on April 18 for a videoconference with NRCS Chief Dave White to hear about planning for the Field Office of the Future. Each state, with input from landowners, partners and employees, is to submit a report by September outlining how NRCS will provide conservation and technical assistance in the future. Virginia is using a survey and a series of facilitated meetings to gather the input from landowners, State Technical Committee members, partners, and NRCS field employees and managers. Virginia Farm Bureau has offered to feature a "town hall" discussion at five sponsored meetings in July:

- July 17, 8 a.m. – Warsaw, VA (farmer meeting)
- July 17, 7 p.m. – Farmville, VA (farmer meeting)
- July 19, 9 a.m. – Verona, VA (farmer meeting)
- July 24, 1 p.m. – Richmond, VA (FB Natural Resource Committee meeting)
- July 28, 6 p.m. – Lynchburg, VA (Summer Young Farmers Expo)

Two Chief's Award

STC Jack Bricker and State Forester Carl Garrison were among four individuals/groups to be honored with the 2011 Two Chiefs Partnership Award. Thomas L. Tidwell, Chief of the Forest Service, and Dave White, Chief of NRCS, selected the two leaders for their exemplary leadership and collaborative efforts to support conservation and forest stewardship through the use of targeted contribution agreements and innovative approaches to improve and protect more than 35,000 acres of forest land. A joint NRCS/VDOF news release is being issued to Virginia media.

Chesapeake Bay Photo Shoot

National Headquarters provided funding to five states including Virginia to hire a professional photographer to update the agency's photo files. Virginia Public Affairs coordinated the photography project to document conservation activities in the Chesapeake Bay at the end of June. A professional photographer spent two days in Maryland and three days in Virginia taking photos of various conservation practices. These images, which will be placed on the National Photo Gallery website, are available for the state and provide pictures for magazines, textbooks, educational websites and numerous other uses.

Secretary of Agriculture Visit

NRCS, FSA and RD hosted a visit by USDA Secretary Vilsack at the Virginia Farm Bureau building on May 23. Secretary Vilsack was in Richmond to announce, and solicit comments from attending farmers, on a new microloan program to help small and family operations progress through their start-up years with needed resources

USDA's 150th Anniversary

USDA celebrated its 150th Anniversary on May 15. Virginia NRCS commemorated the occasion at numerous events to include partnership meetings, at Fort Lee's 2012 Earth and Safety Day where NRCS employees and volunteers educated in excess of 1,100 students in Soil Health and Conservation at our "Soil to Spoon" Exhibit for, and at a Conservation Practice Tour for State Office employees.

New Financial System

NRCS is converting to a new financial accounting system – FMFI. During this transition, we are experiencing extended periods for payment processing.