

Virginia Soil and Water Conservation Board
April 16, 2015
Old Dominion Electric Cooperative
Glen Allen, Virginia

Virginia Soil and Water Conservation Board Members Present

Herbert L. Dunford, Jr. Chair	Daphne W. Jamison, Vice Chair
Gary Hornbaker	Stephen Lohr
Raymond L. Simms	Richard A. Street
Clyde E. Cristman, DCR Director, Ex Officio	
Keith Boyd, for John A. Bricker, NRCS, Ex Officio	

Virginia Soil and Water Conservation Board Members Not Present

Thomas M. Branin	C. Frank Brickhouse, Jr.
Joan DuBois	
Dr. Bobby Grisso, Virginia Cooperative Extension, Invitee	

DCR Staff Present

Rochelle Altholz	Scott Ambler
Robert Bennett	David Dowling
Michael Fletcher	Darryl Glover
Stephanie Martin	Gary Moore
Roland Owens	
Matthew Gooch, Office of the Attorney General	

Others Present

Suzanne Brown, Loudoun Soil and Water Conservation District
Sharron Connor, Hanover-Caroline Soil and Water Conservation District
Katie Hellebush, Virginia Grain Producers Association
Ann Jennings, Chesapeake Bay Foundation
Martha Moore, Virginia Farm Bureau
Julie Morris, Department of Planning and Budget
Ed Overton, Colonial Soil and Water Conservation District
Ben Rowe, Virginia Grain Producers Association
Dr. Kendall Tyree, Virginia Association of Soil and Water Conservation Districts
Toni Walker, Department of Planning and Budget
Greg Wichelns, Culpeper Soil and Water Conservation District

Call to Order and Introductions

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

Mr. Dunford noted that this was the 8th anniversary of the shootings at Virginia Tech. He asked members and guests to rise for a moment of silence.

Approval of Minutes from March 10, 2015

MOTION: Mr. Simms moved that the minutes of the March 10, 2015 meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried with Mr. Street abstaining

Director's Report

Mr. Cristman gave the Director's Report. He noted that he had attended the Association meeting the day prior. He also noted that he had attended four of six area meetings.

Mr. Cristman said that, later in April, DCR would begin the recruitment process for a Deputy Director of Soil and Water, Dam Safety and Floodplain management. He said that the intent is to have continuity as administrations change every four years.

Mr. Cristman said that with regard to the budget, the budget template has been very useful. He noted that the 100% funding of SL-6 will continue through June 30, 2015. He said that DCR is looking at information based on district signup to determine where the demand is.

Update on 2015 Cost-Share 4th Quarter Reallocation; Budget Discussion and Considerations

Mr. Dowling presented an update regarding the 2015 Cost-Share 4th Quarter Reallocation. A full copy of his presentation is available from DCR.

Mr. Dowling said that this was an update to what was presented at the March meetings.

Mr. Dowling said that at this point, the recordation fee funds were running about half a million short of the budget. He said that at the last meeting the Board took action to set aside funds to cover that shortfall. However, he noted that the recordation fee deposits are beginning to pick up. He said that the shortfall is now between \$250-500K.

At the March 10, 2015 meeting the Board directed the Department to implement the following five recommendations to address the potential shortfall:

- Revert unobligated balances in accordance with the Board's June 30, 2014, FY 2015 Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations.
- As we anticipate a shortfall in the Recordation Fee revenue below budgeted amounts and as we anticipate limited funding left to commit by Districts as of April 1st we recommend that no 4th quarter reallocations be made in FY2015.
- Any uncommitted balances after April 1st will be retained to address budget shortfalls.
- Any remaining balances after budget shortfalls have been addressed will be allocated in accordance with the FY2016 Policy or subsequent discussions with the Board.
- Absent any General Assembly budget actions that would impact recordation balances, we recommend budgeting in FY2016 for \$6.5 million in available recordation fee revenue.

Mr. Dowling reviewed the current SL-6 Commitments. He said that the total estimated Cost-Share Payment was a little more than \$18 million. He noted that there were still a number of projects with no amounts assigned. He said that staff took an average of \$50K per practice and assigned those amounts back accordingly.

Mr. Dowling said that this reflects about \$24 or 25 million in pending SL-6 practices. He reviewed a breakdown of those dollars as reflected by district.

Mr. Dowling said that staff would be able to provide an additional update regarding the final fiscal year numbers at the September meeting and recommendations regarding allocations of any uncommitted funds.

Mr. Dowling reviewed the deliberations regarding the SL-6 cap. He noted that the recommendation at the March meeting was to set the cap at \$70,000. He said that staff had also been instructed to bring back additional information.

Mr. Dowling noted that the tables show that only 10% of projects exceeded the \$70,000 cap.

Mr. Cristman said that there had been a good dialog with the Association Board. He said that no one spoke in opposition to the cap.

Ms. Jamison asked if the shortfall would be discussed at the May meeting.

Mr. Dowling said that final numbers would not be known until the end of the fiscal year. He said that staff would give an update in May but would report on the final numbers in September.

Virginia Soil and Water Conservation Board FY 2016 VACS Program and Policy Discussion

Approval of the Board's Program Year 2016 Virginia Agricultural Cost-Share (VACS) BMP Manual (including tax eligibility list)

Mr. Moore reviewed an update of the changes to the 2016 Virginia Agricultural Cost Share Manual. He distributed an updated table reflecting the changes made by the Board at the March 10, 2015 meeting. A copy of this table is available from DCR.

Mr. Dowling noted that on item #19 the following language was also changed in the manual:

In FY2016, any FY2014 or FY2015 SL-6 Pending 100% reimbursement application that has not initiated construction or negotiated and signed contract(s) to install the practice by the end of 90-days after being offered cost-share funds will be cancelled by the District.

Mr. Cristman noted that item #20 had been initiated via the Governor's integrity comment system. DCR worked through the issue with the Office of the Attorney General. Guidance will be included in the cost-share manual and district agreements.

Mr. Cristman said that DCR was asking the Board to approve the entire manual.

Mr. Dunford called for public comment.

Mr. Wichelns asked if the \$70,000 cap was limited to one per applicant.

Mr. Moore said that an applicant may have multiple SL-6 practices but that the aggregate total may not be more than \$70,000.

Ms. Connor asked about SL-11B being tied to a grazing system rather than a standalone practice. She said a lot of times, roads need to be stabilized before a farm becomes a subdivision.

Mr. Moore said that this was not tied to another practice. He said that SL-11B has always been a standalone practice.

Ms. Jennings asked if, regarding the cover crop planting date, staff had discussed the issue with Delegate Bloxom.

Mr. Dowling said that staff was first waiting for Board action.

At this point the Board took a brief recess.

Mr. Dunford called on Mr. Gooch for a comment.

Mr. Gooch said that regarding the discussion about the BMP Cost-Share manual, allowing contracts between SWCD Directors and the District, he had some concerns. He said that he had reviewed the manual and believed that the basic Conflict of Interest Act (COIA) language added was sound. He said that at the May meeting he could address in more detail what the COIA says in this regard.

Mr. Dowling said that staff would be presenting the actual policy and grant agreements for approval at the May meeting.

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board approve the proposed changes to the Program Year 2016 Virginia Agricultural Cost-Share BMP Manual (including the tax eligibility list) as proposed by staff.

SECOND: Mr. Street

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Dowling said that the items below were presented in preparation for the May meeting:

- *Review of Draft Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2016*
- *Review of Draft Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2016)*
- *Review of Draft Administration and Operations and Cost-Share and Technical Assistance Grant Agreements and Deliverables/Assessment*

Mr. Dowling said that as noted at the March meeting, that staff are not recommending any major changes from last year's policies and grant agreements. He said that some changes may be recommended with regard to small dam repairs.

Mr. Cristman said that staff would be working to reduce the cost of district bonding. He said that staff would also be refining the district deliverables.

Mr. Dowling said that the documents presented were in draft form. He said that staff could accept comments and recommendations on the drafts. He noted that the four documents had been sent to the Association. A copy of the associated documents is available from DCR. The Chairman established a due date for comments of April 24th.

Dr. Tyree said that the Association had shared the documents with area chairs. Each district has been provided with an electronic copy.

Mr. Cristman said that DCR had received two written comments and that they were provided in member packets.

District FY 2013 and FY 2014 Audit Results

Mr. Cristman gave an update regarding the District FY2013 and FY2014 Audit results. He noted that of the twenty-one districts audited, fifteen districts had no findings.

A general summary letter of audit findings has been provided to districts. A copy of that letter is available from DCR. He said that the entire audit for a given district had also been sent to that district.

RMP Modules Interactive Demonstration

Mr. Owens gave an interactive demonstration of the RMP Module.

Mr. Owens said that the main goals for the RMP portion of the application were:

- Web-based
- Managed RMP workflow- modeled after the regulations
- Spatially enabled – query data
- Integration with AgBMP Tracking portion of application
- Security

Mr. Owens walked through the process of an RMP application. He said that the program was cutting edge. He said that staff did not want users to have to guess where they were in the plan.

Mr. Owens said that maintaining the security of the data and confidentiality was vital to the program. He showed how an RMP plan developer would create an RMP.

Mr. Glover said that trainings began in March. These are hands on trainings to allow users to work with the program.

Soil and Water Conservation

Division Director's Report

Mr. Glover gave the following report:

Resource Management Plan (RMP) Program

Since the RMP and Conservation Plan computer modules went into production at the end of February, the department has begun offering training to certified RMP Developers as well as for SWCDs. Two sessions for SWCD RMP Technical Review Committees (TRCs) were offered in March. Two more are being offered in April and three in May, for SWCDs. The latter five training sessions will have more of an emphasis on conservation planning.

Work continues under several contracts, totaling approximately \$473,000, for 274 Resource Management Plans (RMPs) in the Chesapeake Bay watershed by December 2015. The new RFP for \$100,000 for contracts to develop RMPs in the Southern Rivers/Outside the Chesapeake Bay (OCB) will be released in a few months.

Conservation Planning

As an option for SWCDs that desire to utilize it, and as a companion to our new Conservation Planning computer module, the department will soon hire a new staff person to develop a DCR Conservation Planning and Certification curriculum. When fully implemented, the department's program will be another option for SWCDs. Certification through USDA Natural Resource Conservation Service will continue to be accepted for the state cost-share program.

Shoreline Erosion Advisory Service

With the dedicated funding provided in the FY2016 agency budget, the department will advertise for a Shoreline Erosion Advisory Service (SEAS) position in May, to be hired in July. There will be one full-time SEAS position hired, who will be stationed in Tappahannock.

Voluntary BMP Project

The Conservation Tillage Survey component of the Voluntary BMP Project is underway. SWCDs were offered \$108,000 to conduct a total of 56 surveys, lasting an average of two or three days each, including 34 in the Chesapeake Bay watershed and 22 in the Southern Rivers/OCB. Where the planting season will allow, these surveys can be done in either 2015 or 2016, provided all work is completed by April 30, 2016.

Other components of this voluntary project, totaling another \$300,000 in funding offered to SWCDs, will be addressed via separate 2016 grant agreements that will be offered to SWCDs who want to participate. As with the Tillage Surveys, SWCDs will have the option to decline our offer to participate. The department will then determine alternative ways to obtain the needed data with the funding available.

Stream Exclusion

Since the Board's meeting in March, the SL-6 stream exclusion projects in pending status awaiting state funding under the 100% guarantee, has grown from just over \$16 million, to nearly \$18.7 million. This total includes a little more than \$3 million from FY2014 sign-ups, i.e. over \$15 million of this backlog is from (FY2015) current year sign-ups. Further, over 100 of the SL-6 FY2015 sign-ups, out of roughly 560 in pending status, still lack cost estimates. When submitted, those cost estimates, combined with additional sign-ups through June 30, 2015, will substantially increase the current backlog estimate to a projected minimum of \$25 million.

Engineering Services

Amanda Pennington, our Agricultural BMP Engineer, continues to receive assistance from the Natural Resource Conservation Service (NRCS). She also continues to work with the SWCD Engineering Workgroup. We are currently evaluating where to station an additional employee who will be hired in FY2016 to assist Amanda and SWCDs.

During FY2016, after at least one additional engineering staff person has been hired, the department will approach the Virginia Department of Professional and Occupational Regulation (DPOR) regarding establishing Engineering Job Approval Authority under Amanda's Professional Engineer License.

We are also considering the option to reapply for U.S. Department of Agriculture Regional Conservation Partnership (RCPP) Grants to fund additional engineering staff.

BMP Verification

The department is working with the Department of Environmental Quality on a plan, required by the US Environmental Protection Agency, with a draft submittal in June 2015, and a final submittal in October, to verify all best management practices (BMPs), in agricultural, urban, and other sectors. This is necessary in order to continue to receive pollution reduction credit in the Chesapeake Bay model. It is a major reason for the Voluntary BMP Project. This plan might affect the frequency of spot checks for some agricultural BMPs, i.e. some could go up, while others could come down. As a first step, we have reviewed our historical spot check data and can demonstrate that frequency of BMP failures or abandonment within lifespan averages less than 2% in Virginia. These data should be helpful in minimizing increases in workloads for SWCDs or DCR staff.

Part of this BMP verification plan will include verification of nutrient management plan implementation. This will be performed by DCR Nutrient Management Planners and DCR Nutrient Management Plan contractors. SWCDs will see no changes as a result of this initiative. DCR will survey all producers in FY2016 with plans written by DCR to establish a baseline of consistency with those plans. We shall then work with producers over the coming year, to increase the level of consistency where needed. Upon revisiting those same producers, DCR will make determinations of reasonable efforts to implement plans. After working with them for a year, any producers who are still not making efforts to implement their nutrient management plans will have to start obtaining their plans from the private sector. DCR will no longer provide a free service to that minority. After the one year period, SWCDs will only be asked to verify that a producer still has a plan that is in effect, to pre-qualify them for cost-share on applicable practices.

Nutrient Management Plan Program

We are continuing to make progress in having nutrient management plans written on golf courses. We now have a total of 102 such plans written, covering over 11,000 acres. We anticipate an additional 10,000 acres of plans written on another 90 golf courses via this year's contracts by December 2015.

District Director Resignations and Appointments

Ms. Martin presented the following recommendation.

Loudoun SWCD

Resignation of Chris Simmons, Loudoun County, effective 2/17/15, elected director position (term of office expires 1/1/16).

Recommendation of Erwin Burwell Wingfield, Loudoun County, to fill unexpired term of Chris Simmons, (term of office to begin upon qualifying - 1/1/16).

- MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board approve the District Director Resignation and Appointment recommendations as presented by staff.
- SECOND: Mr. Simms
- DISCUSSION: None
- VOTE: 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 Ken Turner, the PE who oversees district dams and state park dams was currently on medical leave of an undetermined length. George Eller has been appointed in Mr. Turner's absence.

Mr. Bennett said that staff would be presenting the recommendations for the Dam Safety and Floodplain Protection Assistance Fund Grants at the May meeting. These are 50% matching grants for dam maintenance and repair as well as floodplain work. There is \$500,000 available in the fund. Applications are due on May 1, 2015.

Mr. Bennett said that the third meeting of the Probable Maximum Precipitation Study Technical Review Board had been held on April 7th and 8th. This is the third meeting in an eighteen month process. The study report is due to the General Assembly on December 1, 2015.

Mr. Bennett said that the study is progressing well. He said that the end result will be a grid for the state which will show the PMP in that area and that may be averaged over a dam's watershed. This will allow engineers to determine adequate spillways for the dams.

Mr. Bennett said that staff met on April 10 with the Virginia Emergency Operations Center and discussed Virginia's Dam Break Early Warning System. Staff was able to explain to VEOC how the system works.

Mr. Bennett said that Virginia was hosting staff from the FEMA Region 3 out of Philadelphia including state representatives from the floodplain management field as well as the heads of mitigation. Region 3 covers five states and the District of Columbia.

Mr. Bennett noted that the high hazard dams list and the summary report had been mailed to members. He said that there were no significant changes from the last meeting.

Mr. Bennett noted that the changes in the enforcement cases report were indicated in bold. He corrected numbers regarding Rainbow Forest Dam. To date they have spent about \$80,000 with most of that for engineering work. They have approximately \$442,000 remaining in unspent funds that were appropriated for the dam.

Mr. Cristman noted that for several years it had been assumed that districts owned/ managed a total of 104 dams. However, he noted that Patrick SWCD may own seven dams previously unaccounted for. Rather than split available funds provided for in the Appropriations Act to accommodate those dams, the recommendation has been that a budget amendment be considered for the 2016 General Assembly Session to address funding for these dams.

Partner Reports

Natural Resources Conservation Service

Mr. Boyd gave an update from NRCS.

Mr. Boyd said that the NRCS allocation for EQIP is \$13.1 million. He noted that this was a 30% reduction from the previous year.

Mr. Boyd said NRCS has close to 2,300 conservation contracts across Virginia. The total value of those contracts is a little over \$75 million.

Mr. Boyd said that JED sessions would be held on April 23 in Gloucester and on April 28 on the Eastern Shore. He said that these sessions will take a look at cover crops. He said that cover crops were no longer just about controlling soil erosion but also about making soils more productive.

Virginia Association of Soil and Water Conservation Districts

Dr. Tyree gave the report for the Virginia Association of Soil and Water Conservation Districts. She thanked members who had attended the Association meeting the previous day. She said that several Association members had already expressed their appreciation for Board member and DCR participation.

Dr. Tyree noted that President Chris Simms had resigned due to moving out of the state. Richard Chaffin has assumed the position of President.

The next quarterly meeting of the Association is June 23-24.

Public Comment

There was no additional public comment.

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be Wednesday, May 20th at the Department of Forestry in Charlottesville.

The Board will meet again on Thursday, September 24th. The location will be determined at a later date.

Adjourn

Respectfully submitted,

Herbert L. Dunford, Jr.
Chair

Clyde E. Cristman
DCR Director