

**Virginia Soil and Water Conservation Board
Wednesday, September 23, 2020
Electronic Meeting**

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board took place via GoToMeeting on Wednesday, September 23, 2020

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Charles A. Arnason, Chair
Adam D. Wilson, Vice Chair
Kristen Saacke Blunk
Jay C. Ford
Pamela Mason
Charles Newton
Dr. Dahlia O'Brien
Clyde E. Cristman, DCR Director, Ex Officio
David Kriz for Dr. Edwin Martinez, NRCS, Ex Officio
Daniel Goerlich, VCE, Invitee

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

Mario Albritton
Kat Maybury

DCR STAFF PRESENT

Rochelle Altholtz, Deputy Director for Administration
Russell W. Baxter, Deputy Director, Soil and Water Conservation/Dam Safety and Floodplain Management
Darryl Glover, Director, Division of Soil and Water Conservation
Wendy Howard-Cooper, Director, Division of Dam Safety and Floodplain Management
Christine Watlington, Policy and Regulatory Coordinator
Blair Gordon, SWCD Liaison
Michael Fletcher, Board and Constituent Services Liaison
Sharon Partee, Director of Finance
David Bryan, Agricultural Incentives Program Manager
Debbie Cross, Conservation District Coordinator
Jaclyn Friedman, Conservation District Coordinator
Lisa McGee, Policy Director
Amy Walker, Conservation District Coordinator
Gray O'Dwyer, Office of the Attorney General

OTHERS PRESENT

Doug Perrow, Robert E. Lee, SWCD
Cindy Miller, Robert E. Lee, SWCD
Emily Francis, Chesapeake Bay Foundation
Norman Pitt, Eastern Shore SWCD
Carmie Savage, Eastern Shore SWCD
Dr. Kendall Tyree, VASWCD
Martha Moore, Virginia Farm Bureau
Greg Wichelns, Culpeper SWCD
John Anstad, Timberlake WID
Kyle Shreve, Virginia Agribusiness Council
George Schrader, Timberlake WID
Robert Lockridge, Timberlake WID
Matt Kowalski, Chesapeake Bay Foundation
Charles Falwell, Timberlake WID

ESTABLISHMENT OF A QUORUM

With seven (7) member of the Virginia Soil and Water Conservation Board present, a quorum was established.

CALL TO ORDER

Chairman Arnason called the meeting to order at 10:01 a.m. and read the following statement.

Good morning, I would like to call this virtual meeting of the Virginia Soil and Water Conservation Board to order.

Generally, public bodies are prohibited from meeting electronically under the provisions of the Freedom of Information Act (FOIA). However, emergency language approved by the Governor and General Assembly in the 2020 Appropriations Act allows us to move forward with certain restrictions that I will outline below.

Before I review those provisions, please let me take a moment to review how this meeting will work. We want to allow for participation by Board members, staff, and members of the public who wish to comment. However, it is essential that we are able to manage the conversation effectively.

I am chairing this meeting today from the DCR offices in downtown Richmond. I have with me Christine Watlington, Michael Fletcher, and Blair Gordon. They will assist with presentations, responding to comments, and the overall coordination of the meeting.

Please be patient with all of us as we work through this. We understand and appreciate the challenges.

Chapter 1289 of the 2020 Acts of Assembly, also known as the “Budget Bill,” includes language addressing the ability of public bodies to conduct electronic meetings without the need for a quorum being present in a single physical location (“Electronic Meeting”).

This language was submitted as an amendment by the Governor and approved by the General Assembly at their April 22, 2020 reconvened Session. The Governor subsequently signed the Budget Bill and the Bill was effective on July 1, 2020.

The Budget Bill allows public bodies to hold Electronic Meetings when the Governor has declared a state of emergency pursuant to §44-146.17 if:

“(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location;

(ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body...and the discharge of its lawful purposes, duties, and responsibilities...” §4-0.01(g).

The Budget Bill also has language regarding recordings and transcriptions of Electronic Meetings. Please be advised that this meeting is being recorded. This recording will be available to the public through the DCR website. The comments in the chat room will also be preserved as a public record. Official minutes of this meeting will be drafted and posted in accordance with regular procedures.

The Budget Bill does not allow the Board to hold an Electronic Meeting to discuss or transact business for *any purpose*. Rather, they may do so as long as the agenda items that the public body plans to take up are: (a) statutorily required or (b) necessary to continue operations and discharge lawful purposes, duties and responsibilities.

It is the Board’s responsibility to determine whether “the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location.”

At the conclusion of my remarks, I will ask for a motion for the board to make this determination. If that motion fails, this electronic meeting will end at that point.

The Budget Bill requires compliance with the provisions of § 2.2-3708.2. Therefore, in accordance with § 2.2-3708.2.D.2, public bodies must include a telephone number that may be used to notify the public body of any interruption in the telephonic or video broadcast of the meeting.

In the event that a disruption occurs, participants should contact Mr. Fletcher by phone or text at 804-317-8934.

Additionally, if there is an interruption in the broadcast, the meeting must be suspended until public access is restored.

Those provisions of the Virginia Freedom of Information Act not addressed by the Budget Bill remain in effect.

Before we continue with the business portion of the meeting, I will ask Mr. Fletcher to call the roll for Board members and anticipated staff. Other participants will be recorded through the chat window. If

you are participating by phone and your name is not called, please call or text Mr. Fletcher at 804-317-8934.

In addition, if at any time you lose connection and are unable to reconnect, please contact Mr. Fletcher at the same number.

I will now turn to Mr. Fletcher for the calling of the roll.

Mr. Fletcher called the roll:

Present: Charles A. Arnason, Chair
Adam D. Wilson, Vice Chair
Charles Newton
Kristen Saacke Blunk
Dr. Dahlia O'Brien
Pamela Mason
Jay C. Ford

Not Present: Mario Albritton
Kat Maybury

A quorum was declared present.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board certifies that the nature of the declared COVID-19 emergency makes it impracticable or unsafe for the Board to assemble in a single location and further that the agenda items to be taken up at this meeting are necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

Ms. Saacke Blunk seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

Chairman Arnason continued.

I want to explain further how we will handle participation by board members, staff, and the public. Everyone, except the individual presenting materials for an agenda item, will be muted. Once the presentation is completed, the board members, and only board members, will be unmuted for discussion. Michael, Christine, and Blair will assist me with ensuring board members are recognized when they have

questions or comments. As needed, staff will be unmuted to address questions or concerns. Members of the public will be able to ask questions and provide input by utilizing the chat box function only. As time allows, we will respond to those questions and comments.

We will now proceed with the business of the Board as outlined in the agenda.

ELECTION OF OFFICERS

Chairman Arnason turned the meeting over to Mr. Wilson.

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board re-elect Mr. Arnason as Chair for the next fiscal year. Ms. Saacke Blunk seconded and the vote was as follows:

AYE: Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

ABSTAIN: Arnason

The motion carried and Mr. Arnason was reelected as Board Chair.

Mr. Wilson turned the meeting back to Mr. Arnason.

BOARD ACTION

Ms. Saacke Blunk moved that the Virginia Soil and Water Conservation Board re-elect Mr. Wilson to serve as Vice Chair for the next fiscal year. Mr. Newton seconded and the vote was as follows:

AYE: Arnason, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

ABSTAIN: Wilson

The motion carried and Mr. Wilson was reelected as Vice Chair.

MINUTES FROM JUNE 3, 2020

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the minutes of the June 3, 2020 meet as submitted by staff. Mr. Newton seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried and the minutes were approved.

DIRECTOR'S REPORT –*Clyde E. Cristman, DCR Director*

Director Cristman welcomed Board members to the second virtual Board meeting. He introduced Pamela Mason and Jay Ford as the newest members of the Board.

Director Cristman noted that Governor Northam had introduced an interim budget but, as of the date of the meeting, the General Assembly had not passed a revised budget during the Special Session.

AUDIT SUBCOMMITTEE REPORT – *Adam Wilson, Chair SWCB Audit Subcommittee*

Mr. Wilson reported that the Audit Subcommittee met earlier that morning. He advised that the subcommittee reviewed the assessment of the grant deliverables. The Subcommittee approved the issuance of a letter to Henricopolis SWCD directing the SWCD to develop a Performance Improvement Plan to be presented at the December Subcommittee meeting.

SOIL AND WATER CONSERVATION DIVISION

Timberlake Watershed Improvement District (WID) – Christine Watlington, Policy and Regulatory Coordinator

Resignation and Appointment of WID Trustee

Ms. Watlington reported that Mr. Everett Chadborne had resigned from the Timberlake WID Board of Trustees. The Robert E. Lee Soil and Water Conservation District appointed Dr. Robert Lockridge to fill the vacancy.

BOARD ACTION

Ms. Saacke Blunk moved that the Virginia Soil and Water Conservation Board approve the appointment of Dr. Robert Lockridge by the Robert E. Lee Soil and Water Conservation District to serve as Trustee for the Timberlake Watershed Improvement District. Mr. Wilson seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

Action on WID proposed budget

Ms. Watlington advised that the Timberlake WID was requesting approval of their budget for the fiscal year. She noted that, similar to the Lake Barcroft WID in Northern Virginia, the Soil and Water Conservation Board must approve the budget for the WID.

Mr. George Schrader spoke on behalf of the Timberlake WID. He expressed appreciation for the approval of the new trustee.

Mr. Schrader reviewed the proposed WID budget and a proposed project.

Mr. Schrader advised that the Timberlake WID was requesting approval of the WID budget.

The WID hopes to move forward with a project that involves dredging certain areas of the lake. The WID has developed a sediment management plan, which addresses water quality, reservoir capacity, the fish-wildlife habitat, the ecosystem, navigation, and accessibility.

Specifics of the plan.

1. The collection of 17,500 yards(3) of accumulated sediment in FY 2021.
2. This would be a recurring project on a five year basis with the intent to continue sediment collection and mitigate large future expenses.

The loan would be procured through the eVA Procurement IFB process. It would be a 15-year conversion loan for construction at an interest rate of 4-5%. Repayment of the loan would come from real estate tax proceeds.

Chairman Arnason thanked Mr. Schrader for the presentation and opened the meeting for Board questions. In response to questions, Mr. Schrader noted:

- A contractor has been selected, but no contract has been awarded.
- The WID has discussed wetland mitigation with the Department of Environmental Quality (DEQ) and the Army Corps of Engineers. No wetlands will be impacted with the dredging project.
- The loan will be repaid through tax receipts. All property owners will receive a tax bill. This was approved by referendum.
- Property owners are aware of the tax and have been informed of the tax rate. There has been numerous efforts made to inform the public of the tax.
- The sediment removed will be transferred to an approved site in Campbell County.

Chairman Arnason shared concerns with approval of the indebtedness prior to the authorization of the necessary permits. He suggested that the proposed motion be amended to indicate the approval pending the receipt of the appropriate permits. He advised that the other option would be to defer the motion to the December meeting allowing the WID time to obtain the necessary permits as well as the specific loan rate.

Mr. Schrader noted that the loan could not be obtained without budget approval and the permits. He advised that the WID would be comfortable with approval of the budget based on the noted contingencies.

Ms. O'Dwyer advised that it was important to note the distinction between deferring action and approving the budget with contingencies.

Chairman Arnason suggested that the board address the motion to approve the budget pending the receipt of the permit approvals and the loan information. That would allow the WID to proceed if the requirements are met.

RECESS

At this time, the Board recessed to allow time to consult with counsel regarding proper wording of the motion.

RECONVENE

Chairman Arnason called the meeting back to order.

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board approve the Timberlake Watershed Improvement District FY2021 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Timberlake Watershed Improvement District Trustees, pending receipt of approved environmental permits and submission of loan documents demonstrating statutory compliance on or before March 1, 2021.

Mr. Ford seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

Chairman Arnason thanked Mr. Schrader and the other WID members for their presentation.

Redistribution of funding for approved projects funded by the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund – Christine Watlington

Ms. Watlington advised that this item was similar to one voted on in the spring for Piedmont Soil and Water Conservation District.

The Southside Soil and Water Conservation District (District) received approval from the Virginia Soil and Water Conservation Board for funding through the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund (Fund) for the following projects:

SDR19018 SDR17029 SDR17030

A total of \$60,000 was allocated to these projects from the Fund - \$25,000 for design of the projects and \$35,000 for construction of SDR17029. The District, with the concurrence of the Department, is requesting \$28,200 be transferred from the funds allocated for construction of SDR170296 to the funds allocated for the project engineering and design. There will be a cost-savings for the District to have designs completed for all 3 projects; having completed, final designs will also allow the District and the Department to have more definitive construction cost estimates for these projects.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the redistribution of funding for the following projects at Piedmont Soil and Water Conservation District:

SDR19018 SDR17029 SDR17030

Further, that the Virginia Soil and Water Conservation Board approve transferring \$28,200 from the funding provided for project construction to funding providing for project engineering and designs. The total allocation of \$60,000 for all 3 projects remains the same.

Ms. Saacke Blunk seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

District Director Appointments and Resignations – Christine Watlington

Ms. Watlington presented the following list of District Director appointments and resignations.

James River

Appointment of Mr. Stuart Jones, of Chesterfield County, effective 9/23/2020, to fill the unexpired at-large appointed director position (term of office expires 1/1/2023).

Monacan

Appointment of Mr. Kenton Moyer, of Powhatan County, effective 9/23/2020, to fill the vacant unexpired elected director position (term of office expires 1/1/2024).

Robert E. Lee

Appointment of Ms. Joetricia Humbles, of Appomattox County, effective 9/23/2020, to fill the un-expired at-large appointed director position (term of office expires 1/1/2023).

Appointment of Ms. Nancy Jo Billings, of Appomattox County, effective 9/23/2020, to fill the un-expired elected director term of Ms. Mary Lund (term of office expires 1/1/2024).

Scott County

Resignation of Mr. Larry Huff's, of Scott County, effective 9/8/2020, at-large appointed director position (term of office expires 1/1/2023).

Appointment of Mr. Danny Meade, of Scott County, effective 9/23/2020, to fill the un-expired at-large director position (term of office expires 1/1/2023)

Thomas Jefferson

Resignation of Mr. Navarre Bartz, of the City of Charlottesville, effective 7/7/2020, elected director position (term of office expires 1/1/2024).

Appointment of Ms. Julie Jones, of the City of Charlottesville, effective 9/23/2020, to fill the unexpired elected director term of Mr. Navarre Bartz (term of office expires 1/1/2024).

BOARD ACTION

Ms. Mason moved that the Virginia Soil and Water Conservation Board approve the list of District Director appointments as presented by staff. Mr. Wilson seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION

Projects Funded by the Dam Safety, Flood Prevention and Protection Assistance Fund - Wendy Howard-Cooper, Director, Division of Dam Safety and Floodplain Management

Ms. Howard-Cooper advised that at the June meeting, the Board approved the projects funded by the Dam Safety, Flood Prevention and Protection Assistance Fund. Two projects from Amherst County were inadvertently left off the initial list. The applications were received on time. Staff requested Board approval for these projects.

BOARD ACTION

Dr. O'Brien moved the following:

The Virginia Soil and Water Conservation Board approves the two (2) grant applications, with an approval amount of \$5,250.00, as recommended by the Department. Approval of these grants is conditioned on 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 upon the Department's and the Authority's written approval. Extension requests must be received by the Department not later than 90 days prior to the expiration of the original agreement or grant funds are subject to rescission at the Departments discretion. No extensions shall exceed an additional year without specific Board 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 consultation with VRA, is authorized to rescind those grant funds and allocate in subsequent grant rounds.

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 the application.

Mr. Wilson seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

Appeal of projects to be de-obligated – Wendy Howard-Cooper

Ms. Howard-Cooper advised that in prior grant rounds several projects were not completed within the timeframe established in the Board motion and the grant agreement; however the grantees did not request an extension to extend the timeframes in accordance with the grant agreement. Upon notification by the Department that grant funds were going to be rescinded, the grantees contacted the Department seeking an extension. The Department is able to extend the project timeframe for an additional year;

however, these projects are requesting an extension beyond that timeframe. These additional extensions require specific Board approval. These projects have either been completed or are under review by the Department.

The following projects were recommended for extension:

Project No.	Applicant	Dam Name	Project Type	Project Cost	Grant Request	Grant Award
DSFP-85-17	City of Newport News	Hardwood's Mill Dam 199001	Principle and/or Emergency Spillway and/or Trash Rack Repair/Replacement Study	\$130000.00	\$65,000.00	\$65,000.00
DSFP-14-18	City of Martinsville	Beaver Creek Dam, 089003	Beaver Creek Dam Evaluation & Alternatives Analysis	\$142,488.00	\$71,244.00	\$71,244.00
DSFP-18-18	Ellis Clark Kenley & John Hoskins Henley II, Trustee	Henley's Dam, 003008	Dam Break Inundation Zone Study	\$15,675.00	\$7,837.50	\$7,837.50
DSFP-30-18	Rivanna Water and Sewer Authority	Beaver Creek Dam #1, 003001	Alternative Analysis for Spillway Capacity and Stability	\$82,400.00	\$41,200.00	\$32,800.00

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board approve the appeals by the grantees and directs the Department to continue to work with the grantees to allow reimbursement for the completed projects. Mr. Wilson seconded the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried.

Approval of 2021 Dam Safety, Flood Prevention and Protection Assistance Fund grant manual – Wendy Howard-Cooper

Ms. Howard-Cooper presented the draft 2021 Dam Safety, Flood Prevention and Protection Assistance Fund grant manual. The draft grant manual was published in the Virginia Register of Regulations on August 3, 2020; the public comment period ended on September 2, 2020. No comments were received.

BOARD ACTION

Dr. O'Brien moved that the Virginia Soil and Water Conservation Board approve the 2021 Dam Safety, Flood Prevention, and Protection Assistance Fund Grant Manual, effective November 1, 2020 as presented by the Department. Ms. Saacke Blunk seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

Motion carried

Withdrawal of Notice of Intended Regulatory Action (NOIRA) for Impounding Structure Regulation – Christine Watlington

Ms. Watlington advised that a NOIRA was published in the Virginia Register on November 8, 2019 in response to a periodic review of the regulations.

Key issues to be addressed were:

- (i) roadways on or below an impounding structure for hazard potential classifications;
- (ii) the incremental damage analysis process;
- (iii) gate requirements;
- (iv) the requirements for agricultural exempt dams;
- (v) requiring the use of temporal curves to determine the probable maximum precipitation; and
- (vi) the development of a realistic and achievable process for certain impounding structures to achieve regulatory compliance, while maintain public safety.

Executive Order 14 (2018) (amended), the proposed stage of this regulatory action should have been filed no later than 180 days after the conclusion of the public comment period for NOIRA. This deadline was not met. In an attempt to understand appropriate options, the NOIRA was inadvertently withdrawn. The Department is requesting the Board ratify the withdrawal of the NOIRA.

Both agricultural dams and the development of a different process for dams to achieve regulatory process may be better handled through legislation, rather than through a regulatory process. We are currently discussing the concerns related to these dams with agricultural stakeholders.

The Department is planning to revise current guidance documents to address conflicting standards and expectations that will help to address the incremental damage process and how roadways are considered when determining hazard potential classification.

The Department is currently developing a new guidance document about gate requirements and drain systems, which we expect to bring to the Board for approval in December

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board ratify the withdrawal of this NOIRA related to the Impounding Structure Regulations. Mr. Wilson seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

Motion carried

Approval of Regulatory Action Requiring Use of Dam Safety Inventory System (DSIS) – Christine Watlington

Ms. Watlington presented the recommended regulatory action regarding use of the Dam Safety Inventory System. She noted the following:

- The action requires all dam owners to have submissions required by Impounding Structure Regulations to submit information through DSIS (Dam Safety Inventory System)
- This regulatory action would not require everything be entered into DSIS at once; as things are due, information needs to be submitted (example: when an operation and maintenance certificate application is due, all data and application information needs to be submitted through DSIS)
- The language allows the Department to provide an alternative way to submitting information if necessary and approved prior to submission due date
- This action will dramatically increase the Department's ability to respond effectively and accurately to requests for information or to take emergency actions during emergency situations such as hurricanes or dam failures. Additionally, requiring the dam owner to ensure that all information is provided in DSIS will enable the regional engineers to focus on completing comprehensive reviews of the information submitted by the dam owner to ensure statutory and regulatory requirements are met; to ensure engineering analysis were completed using accepted best engineering practices; and to provide opportunity for the regional engineers to be more effective resources for dam owners.
- This action will also remove a conflict between the regional engineer's regulatory review of information and the need for information to be entered into DSIS. Currently, the regional engineers are entering data into DSIS in order to assist dam owners and to ensure the information is available if needed. The regional engineers are entering data, reviewing the data entered by them, and then approving the data. As the regulator, the regional engineers should only be approving the information entered after careful review of the information to ensure it meets professional standards.
- This action does have fiscal impacts; however, no regulated entity bears disproportionate cost.
- Many dam owners currently utilize DSIS to submit the required information to the Department; this regulatory amendment will ensure consistency in the application of DSIS across the Commonwealth.

Ms. Howard-Cooper noted that the system was implemented in 2016/2017. Prior to that time, all files were in paper format and scattered across the Commonwealth. DCR is in the process of scanning the remaining documents into the system.

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board approve the submission of a fast-track regulatory action requiring all dam owners to utilize the Dam Safety Inventory System (DSIS) for all information required to be submitted under the Impounding Structure Regulations (4VAC50-20 *et seq*). The Board directs the Department to submit the regulatory action in accordance with the Administrative Process Act, Executive Order 14 (2018) (Amended), and all other applicable policies and procedures. This authorization extends to the Department coordinating, as necessary, with the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations to gain the approvals necessary to file the regulatory action. Ms. Saacke Blunk seconded and the vote was as follows:

AYE: Arnason, Wilson, Newton, Saacke Blunk, O'Brien, Ford, Mason

NAY: None

The motion carried

PUBLIC COMMENT

There was no further public comment

The following written reports are included as attachments:

- A. DCR Division of Soil and Water Conservation
- B. DCR Division of Dam Safety and Floodplain Management
- C. Virginia Department of Agriculture and Consumer Services Ag Stewardship Act Report
- D. Natural Resources Conservation Service
- E. Virginia Association of Soil and Water Conservation District Directors

NEXT MEETING

December, time and place to be determined.

ADJOURN

There was no further business and the meeting adjourned at 12:30 p.m.

ATTACHMENT A

Division of Soil and Water Conservation
Division Director's Report

September 23, 2020

Presented by Darryl M. Glover;
Director, Division of Soil and Water Conservation

Mr. Chairman, members of the Virginia Soil and Water Conservation Board, please accept this Soil and Water Conservation Division Report.

Division Operations during Executive Order #55

The majority of Division of Soil and Water Conservation staff continue to telework during the public health emergency due to COVID-19. Division staff continue to provide training for Soil and Water Conservation District (SWCD) staff as requested via webinars. All regional offices remain open with skeleton coverage and rotating staff. Field work by all division programs is continuing, primarily by appointment. Since this Board's last meeting, nutrient management plan verification has resumed.

Chesapeake Bay WIP III Update

The Environmental Protection Agency (EPA) provided its evaluation of Virginia's 2020-2021 Milestones in late July. Numerous strengths were noted in that evaluation. EPA will emphasize additional reporting for agriculture by Virginia in 2020-2021 on the implementation rates achieved for soil and water conservation plans, animal waste management storage, and cover crops.

All of the Department's FY2020 (with producer privacy protected) agricultural BMP data, with the exception of Nutrient Management Plans (NMPs) prepared by the private sector, was submitted to the Virginia Department of Environmental Quality in early September. FY2020 private sector NMP plan acreage will be submitted to DEQ by early November.

As you know, the Virginia General Assembly passed, and Governor Northam signed into state law, an amended version of HB1422/SB704. This law requires:

- Develop an (office) method for determining perennial streams by Dec. 2020
- Portable livestock stream exclusion fencing specification by July 2021
- OSNR to appoint a stakeholder group to develop plan for nutrient management plan adoption on cropland >50 acres, and stream exclusion if 20+ cattle, and monitor progress
- Stakeholder group membership largely defined (includes SWCDs)

The "Bay Bill" Stakeholder Group held its first meeting in August. This Stakeholder Group "...shall develop a process to assist any operator of 50 or more acres of Chesapeake Bay cropland in developing a nutrient management plan that meets the requirements of the goals to be achieved by the target date and develop a plan for the stream exclusion program in the Chesapeake Bay watershed. Such

plans and progress reports shall include identification of priority regions, operators affected within each region, initiatives to enhance progress, an accounting of funding received toward the agricultural commitments, shortfalls remaining, and the consequences of such funding shortfalls..." The Department has been assigned preparation of the plan to implement the requirements of this legislation. This will include a non-field method for determining stream perennial flow. A draft plan will be presented to the Stakeholder Group this fall.

Ag BMP Technical Advisory Committee (TAC) Update

The Department had to revise our meeting plans for the Agricultural BMP Technical Advisory Committee (TAC) cycle this year based on guidance from the Office of Attorney General. The only mechanism the Board or the Department has to conduct a TAC meeting electronically is through Item 4-0.01 of the 2020 Appropriations Act (Chapter 1289 of the 2020 Acts of Assembly). This budget language permits electronic meetings by public bodies only under certain circumstances and functionally limits the matters any public body may consider during an electronic meeting. The only matter before the TAC that meets the limitations in the Act is the development of a portable stream fencing practice as required by Chapters 1185 and 1186 of the 2020 Acts of Assembly (the "Bay bills"). Consequently, the TAC Stream Protection Subcommittee met electronically to discuss the portable stream fencing practice on September 15th.

The Department has received several requests from stakeholders to find a mechanism that allows at least some of the over 50 suggestions received this year to move forward and to allow for involvement by TAC members. Therefore, after further discussion with the Office of the Attorney General, the Department is going to hold several webinars to present the Department's recommended actions on the suggestions received this year. Recommended actions may include revising specifications, deferring action until next year's TAC cycle, or tabling certain suggestions.

The webinar schedule can be found below; exact time and call-in information will be announced at a future date:

- **September 29th**, Programmatic Webinar
- **October 21st**, Animal Waste Webinar
- **November 12th**, Cover Crop Nutrient Management Webinar
- **December 1st**, Stream Protection and Forestry Webinar

Each webinar will be led by the TAC Subcommittee's Chair who will outline the Department's recommendations. Although these webinars will not be interactive and no voting is allowable, TAC members are welcomed and encouraged to submit any comments that they may have (i.e. support, recommended revisions to the Department's recommendation, or opposition) on any particular issue to the Subcommittee Chair by email within two calendar weeks of the respective webinar. All comments will be reviewed and considered by the Department.

Following these Subcommittee webinars, the Department will present its final recommendations on all of the suggestions received to the Full TAC through a final webinar to be held on **December 17th**. Once again, this webinar will not be interactive and no voting will occur. However, TAC partners are welcome and encouraged to submit any comments that they may have (i.e. support, recommended revisions to the

Department's recommendation, or opposition) on any particular Department recommendation to the Full TAC Chair (i.e. David Bryan - DCR) by email within two calendar weeks of the final webinar. All comments will be reviewed and considered by DCR.

There will be an electronic meeting of the full TAC to address the portable stream fencing specification. Details on that meeting will be provided in the near future.

BMP Verification

In addition to the usual annual random spot checks of BMPs statewide, 491 structural agricultural state cost share or tax credit BMPs have been identified in 22 SWCDs, within Virginia's Chesapeake Bay watershed, whose credit duration lifespans will expire in either calendar year 2020 or 2021. These SWCDs have been notified. Assigned Department Engineering Services staff is available to either conduct, assist, or accompany any SWCDs that elect to pursue verification inspections in order to extend or renew the lifespans of these BMPs.

After a long period of negotiations by the Office of the Secretary of Natural Resources, Department management, and both the Office of the Chief of the U.S.

Department of Agriculture, Natural Resources Conservation Service (NRCS), and the Acting NRCS State Conservationist for Virginia, an agreement has been reached for NRCS to share data with the Department, conditioned on written permission from farmers, on a specific (short) list of federally funded agricultural best management practice (BMP) types, whose lifespans either are about to or have expired. The Department, will invite Soil and Water Conservation Districts in the Chesapeake Bay watershed, to help inspect these BMPs to confirm that they are still functioning properly. This will enable extension/renewal of nutrient and sediment reduction credit in the Chesapeake Bay model and contribute towards meeting reduction goals. Logistical procedures needed to implement this agreement will be finalized in the near future by the NRCS Virginia Office and the Department. Implementation of this agreement is should begin in calendar 2021.

SWCD Audit Planning

Clifton, Larson, Allen (CLA) is contracted by the Department to conduct 24 SWCD audits in fall 2020. CLA and Department staff, hosted two informational webinars, on August 12 and August 26, for the SWCDs that are scheduled to be audited this year. These sessions addressed the impact that COVID-19 will have on audits to be conducted this year. The sessions also included audit document sampling, how to use the new CLA client portal, which is a secure online document sharing system for SWCDs to use to transfer files to CLA, as well as a question and answer session for SWCD staff. Thirty-four SWCDs and Department staff attended the webinar and it was recorded for future reference.

Grant Opportunities

The Department was invited to, and subsequently submitted a full grant proposal, in the amount of \$750,000, to the National Fish and Wildlife Foundation (NFWF) to design and install living shoreline practices in several tidal watersheds, excluding the lower James River, and to verify existing shoreline protection practices that can be counted towards the WIP III shoreline target for year 2025. Unfortunately, due in part to its similarity to a grant application by the James River Association for living shorelines in the Lower James, the DCR application will not be funded.

Staffing and Recruitment

The Division of Soil and Water Conservation is pleased to welcome Stuart Blankenship as the new Nonpoint Source Data Manager. “Stu” started in this position, previously held by Roland Owens, on August 10th.

We have not yet advertised to replace Nick Yakish, our former Urban Nutrient Management Program Coordinator, who left the Department in July, however we have advertised for the vacant Conservation District Coordinator position in our Tappahannock Office (which primarily serves Area 3).

ATTACHMENT B

Division of Dam Safety and Floodplain Management
Division Director's Report
September 23, 2020

Presented by Wendy Howard Cooper
Division of Dam Safety and Floodplain Management

Mr. Chairman, members of the Virginia Soil and Water Conservation Board, please accept this Dam Safety and Floodplain Management Division Report.

Critical Statistics of the Dam Safety Program as of June 30, 2020

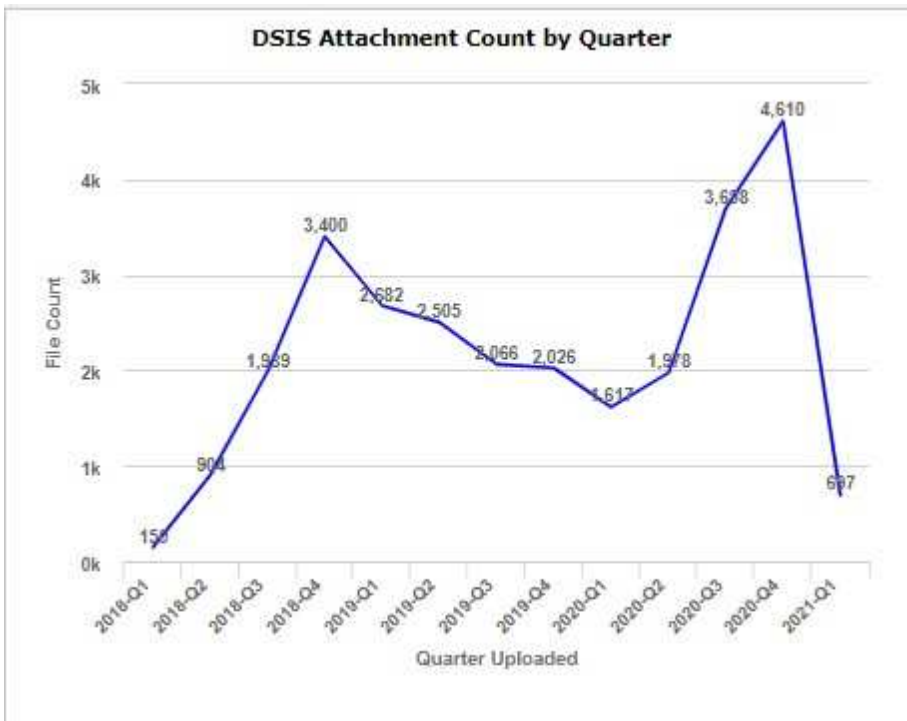
1. Total number of Dams Potentially Regulated by DCR – 2851
 - a. Regulatory Size – 2222
 - b. To be determined – 532 down from 829
2. Dams of Regulatory Size by Hazard Classification – 2851 Dams
 - a. 324 High Hazard (11%)
 - b. 169 Significant Hazard (6%)
 - c. 261 Low Hazard (9%)
 - d. 2097 Unknown Hazard (74%)
3. Certificate or Permit Status
 - a. Regular Operation and Maintenance Certificate or General Permit Issued and Current - 15%
 - b. Conditional Operation and Maintenance Certificate Issued and Current –10%
 - c. Expired or No Operation and Maintenance Certificate – 75%

Dam Safety Inventory System (DSIS)

Online Payments: Dam Safety went live with online payments in late June. This coordinated development effort between DCR and VITA staff has produced a product that allows Dam Safety participants to pay application fees online either through the DSIS application or DCR's online payment portal. With this addition to the DSIS application, Dam Safety participants now have the option of completing all steps of regulatory application filings online for the first time in the program's history.

DSIS Phase 4 Project: DSIS phase 4 added an emergency dashboard to the DSIS application as well as add a quick data entry interface for regional engineer weekly reports. The new additions to the system went live in August 2020. The new emergency dashboard provides real time existing and future rainfall estimates for all dams in Virginia through the DSIS application. This will provide valuable information needed to support Dam Safety's preparations for tropical system events just in time for the peak of the 2020 hurricane season.

Backlog Data and Scanning Initiatives: Wage staff continue scanning documents into the Dam Safety Inventory System to ensure electronic access to data and documents submitted to DCR prior to the DSIS kick off in the fall of 2017. Currently all scanning efforts for high hazard dams in the northern, southeast, eastern, and western regions (regions 1, 2, 3, and 4) have been completed. Scanning efforts for significant hazard dams for the southeast and eastern regions (regions 2 and 3) have been completed as well. Currently scanning staff are focused on scanning all high hazard region 5 documents as well as beginning the process of scanning all remaining documents. During the April 1st, 2020 through June 30th, 2020, DCR scanned an additional 4,610 documents into DSIS (Figure 2).



Unknown Dams Project: Our part time Dam Safety Technician continues to review unknown regulatory status dams and implementing research efforts to identify their potential regulatory status as well as initiating outreach to dam owners of the unknown regulatory status dams. Current efforts have resulted in the development of methods that estimate the size and capacity of unknown regulatory status dams, generate standardize reports, and conduct standardized owner outreach. As of the end of June 2020, ~50% of unknown dams have been reviewed and analyzed.

This effort has introduced new GIS and Lidar data analysis techniques to assist in the estimates of Dam size. This is another example of VA Dam Safety continuing to modernize its program as well as utilize advanced data analysis techniques.

Education and Training and Public Outreach: DCR implemented a lengthy hiatus on much of our social media activity from March through June, with a few exceptions. This was necessary due to COVID-19 messaging and emerging and troubling social issues. Dam Safety Awareness Day unfortunately fell on the weekend when the social justice protests began in the

Commonwealth and across the country. Facebook post originally scheduled for May 31, 2020 were cancelled to be respectful of the social crisis.

Public outreach *included a proclamation from Governor Northam and a press release issued by DCR on May 28, 2020.* In addition, there were 11 posts on Facebook and Twitter from May 28-31. Tweets had a total of 13,066 impressions and 356 engagements. The Facebook post had 548 users reached and 229 engagements, with 24 shares. This was an increase in traffic over normal engagement.

DCR added an education page to the Dam Safety and Floodplain Management website to be more user friendly, as well as public friendly, to increase awareness about dam safety and associated risks of living and recreating around dams. A particular highlight is an article related to pond safety, published by the Farm Bureau of Virginia to which Scott Thomas, Region 3 Engineer, was the primary contributor. The article is titled “Unclogging Pond Pipes Can Prove Deadly” and can be found here <https://vfbarticles.personifycloud.com/news-andfeatures/categories/unclogging-pond-pipes-can-prove-deadly>. DCR also implemented a “Message to Dam Owners” section to provide a place to communicate with dam owners directly and to maintain those communications for future reference. These messages are sent via email based on information maintained in the Dam Safety Inventory System.

Simplified Mapping Analysis: Per 4VAC50-20-40. Hazard Potential Classifications of Impounding Structures of the Virginia Impounding Structure Regulations, the owner of an impounding structure that does not currently hold a regular or conditional operation and maintenance certificate, or the owner of an impounding structure that is already under certificate but the owner believes that a condition has changed downstream of the impounding structure that may reduce its hazard potential classification, may request in writing that the department conduct a simplified dam break inundation zone analysis to determine whether the impounding structure has a low hazard potential classification. Due to the vacancy of the Simplified Mapping Engineer, DCR suspended this program and is no longer taking applications until the position can be filled and trained. All applications that were in the queue have been subcontracted to Schnabel Engineering and is currently in process. DCR expects this process to be completed by the end of October. Recruitment is ongoing.

DCR – Executive Order 45: Virginia Flood Risk Management Standard: The workgroup established by Executive Order 45 had its first meeting on September 3. The group reviewed key elements of the National Flood Insurance Program and the requirements contained in EO 45. A second meeting is being scheduled where the group will begin work on more detailed requirements for state development in areas subject to flooding.

DCR – Hurricane Season: In preparation for Hurricane Season which is June 1 – November 30, 2020, the division is positioned to respond to dam incidents and failures related to storm events. Targeted messaging to dam owners and local communities, messages to engage the general public has been developed and disseminated with the assistance of our Public Communications and Marketing Office.

ATTACHMENT C



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT

Jewel H. Bronaugh, Ph.D.
Commissioner

August 14, 2020

VIRGINIA AGRICULTURAL STEWARDSHIP ACT
ANNUAL REPORT
For Program Year April 1, 2019 - March 31, 2020

BACKGROUND

The 1996 Session of the General Assembly enacted the Agricultural Stewardship Act (ASA) (Va. Code § 3.2-400 *et seq.*), which requires the Commissioner of Agriculture and Consumer Services (Commissioner) to administer and enforce the ASA program. Through an effort of cooperation and coordination involving Virginia's Soil and Water Conservation Districts (SWCD), the Virginia Department of Agriculture and Consumer Services (VDACS), and the agricultural community, the ASA program provides a common-sense solution to water pollution problems caused by agricultural operations.

Subsection B of Va. Code § 3.2-408 requires the Commissioner to compile a report by August 31 of each year listing the number of complaints received, the nature of each complaint, the actions taken in resolution of each complaint, and any penalties that may have been assessed. Additionally, the Commissioner is required to (i) provide this report to the Soil and Water Conservation Board, the Department of Conservation and Recreation, and to every SWCD; (ii) publish notice in the Virginia Register that the report is available; and (iii) make the report available to the public upon request.

The following report on the ASA program is for the program year April 1, 2019, through March 31, 2020.

PROGRAM OBJECTIVES

The ASA Program is designed to:

- Identify water quality problems and to help farmers correct these problems in a commonsense manner that accommodates both the farmer and the environment;
- Establish a system that respects both the farmer and the person voicing concerns about water quality;
- Educate farmers about stewardship and to encourage them to enhance it even in instances in which a water quality problem cannot be proven;
- Support farmers in their efforts to strengthen their stewardship practices, to provide them with the information they need, and to help link them to resources that can provide assistance;
- Educate Virginia citizens about normal farming practices and the impact those practices may or may not have on the environment; and,
- Provide SWCDs with training and the ASA materials they need to the extent that resources will allow.

HOW THE PROGRAM WORKS

Complaints alleging that a specific agricultural activity is causing or will cause water pollution are received by the Commissioner. If a complaint meets the criteria for investigation, the Commissioner (through ASA program staff) contacts the appropriate SWCD about investigating the complaint. If the district declines, ASA program staff conducts the investigation on behalf of the Commissioner. In most cases, a joint investigation involving local district staff and ASA program staff is performed.

The purpose of the investigation is to determine whether the agricultural activity is causing or will cause water pollution. If no causal link is found, the Commissioner determines that the complaint is unfounded. If the Commissioner determines that the activity is the cause of pollution, the farmer is given up to 60 days to develop an agricultural stewardship plan to correct the identified water pollution problems. The

local district typically reviews the plan, and the Commissioner will approve the plan when it is determined that it meets the necessary requirements to solve the water pollution problem.

The ASA provides the farmer up to six months from the date of the Commissioner's determination that a complaint is founded to start implementing the agricultural stewardship plan and up to 18 months from that date to complete plan implementation. The timing allows the farmer to take advantage of suitable weather conditions for outside work or required construction. If a farmer fails to submit a plan for approval or implement a plan within the given timeline, the Commissioner takes enforcement action.

AGRICULTURAL ACTIVITIES

The ASA program received numerous inquiries regarding possible agricultural pollution during the program year of April 1, 2019, through March 31, 2020. Forty-eight of these cases became official complaints. The official complaints fell into 12 categories according to the following types of agricultural activity:

- Beef (17)
- Equine (8)
- Land conversion (7)
- Cropland (4)
- Dairy (4)
- Swine (2)
- Beef, Dairy (1)
- Beef, Cropland (1)
- Beef, Cropland, Dairy (1)
- Sod (1)
- Goats, Sheep (1)
- Other (1)

TYPES OF POLLUTION

The ASA addresses water pollution problems caused by nutrients, sediment, and toxins entering state waters from agricultural activities. The ASA program received complaints based on the following eight pollution categories during the program year of April 1, 2019, through March 31, 2020:

- Sediment (16)
- Nutrients, Sediment (9)
- Bacteria, Nutrients, Sediment (8)
- Nutrients (6)
- Bacteria, Nutrients (5)
- Bacteria, Nutrients, Sediment, Toxins (2)
- Bacteria, Sediment (1)

- Bacteria (1)

COMMISSIONER'S FINDINGS

During the program year, 15 (31 percent) of the 48 official complaints were determined to be founded and required agricultural stewardship plans to address water pollution problems. In each founded case, there was sufficient evidence to support the allegations that the agricultural activities were causing or would cause water pollution.

Eighteen (38 percent) of the complaints received during the program year were determined to be unfounded because there was either insufficient evidence or no evidence of water pollution. In some instances, farmers involved in the unfounded complaints voluntarily incorporated best management practices into their operations to prevent more complaints or to prevent potential problems from becoming founded complaints.

Fifteen (31 percent) of the complaints received during the program year were dismissed for various reasons. Many of the complaints that were dismissed were situations where a water quality concern existed but was remedied prior to the official investigation. Others were cases in which the ASA program had no jurisdiction in the matter or were dismissed because insufficient information was provided by the complainant.

In general, farmers involved in the complaint and correction process were cooperative in meeting the deadlines set up by the ASA and it was not necessary to assess any civil penalties. Under the ASA, the Commissioner issues a corrective order when an owner or operator fails to submit or complete implementation of the agricultural stewardship plan based on the findings of a conference held to receive the facts on a case. There were no corrective orders issued during the 2019 - 2020 program year for failure to submit a stewardship plan, implement an approved stewardship plan, or maintain the measures included in an approved stewardship plan.

ASA CASE DECISIONS

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2019 - 2020 program year.

CASE DECISIONS			
April 1, 2019 - March 31, 2020			
Founded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1085	Augusta County	Beef	Bacteria, Nutrients, Sediment
1090	Grayson County	Beef, Cropland	Sediment

1091	Warren County	Beef	Bacteria, Nutrients, Sediment
1093	Grayson County	Land Conversion	Sediment
1094	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1097	Northumberland County	Cropland	Sediment
1100	Grayson County	Equine	Bacteria, Nutrients, Sediment
1101	Roanoke County	Beef	Nutrients, Sediment
1102	Westmoreland County	Cropland	Sediment
1115	Pittsylvania County	Land Conversion	Sediment
1118	Bedford County	Land Conversion	Sediment
1119	Albemarle County	Land Conversion	Sediment
1120	Grayson County	Beef	Nutrients, Sediment
1122	Lunenburg County	Beef	Bacteria, Nutrients, Sediment, Toxins
1128	Albemarle County	Land Conversion	Sediment

CASE DECISIONS

April 1, 2019 - March 31, 2020

Unfounded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1084	Warren County	Swine	Sediment
1086	Fairfax County	Equine	Nutrients
1089	Brunswick County	Beef	Bacteria, Nutrients, Sediment, Toxins
1095	Amherst County	Beef	Bacteria, Nutrients
1098	Craig County	Beef	Bacteria, Sediment

1099	Orange County	Equine	Nutrients, Sediment
1103	Prince William County	Sod	Sediment
1107	Amherst County	Land Conversion	Sediment
1108	Loudoun County	Equine	Bacteria, Nutrients
1110	Warren County	Beef	Bacteria, Nutrients, Sediment
1111	Botetourt County	Dairy	Nutrients, Sediment
1112	Smyth County	Beef	Nutrients, Sediment
1121	Page County	Beef	Bacteria, Nutrients, Sediment
1123	Mecklenburg County	Other	Sediment
1124	Pittsylvania County	Beef	Sediment
1125	Grayson County	Beef	Sediment
1126	City of Suffolk	Equine	Bacteria, Nutrients
1130	Greene County	Beef	Nutrients

CASE DECISIONS			
April 1, 2019 - March 31, 2020			
Dismissed Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1087	Rockingham County	Dairy	Bacteria, Nutrients, Sediment
1088	Loudoun County	Equine	Nutrients
1092	Bedford County	Beef, Cropland, Dairy	Bacteria, Nutrients
1096	Albemarle County	Equine	Nutrients, Sediment
1104	Prince William County	Goats, Sheep	Bacteria

1105	Rockingham County	Cropland	Bacteria, Nutrients
1106	Augusta County	Beef, Dairy	Nutrients
1109	Fauquier County	Swine	Bacteria, Nutrients, Sediment
1113	Patrick County	Dairy	Nutrients, Sediment
1114	Rockingham County	Beef	Nutrients, Sediment
1116	Hanover County	Land Conversion	Sediment
1117	Rockingham County	Equine	Nutrients, Sediment
1127	Grayson County	Dairy	Nutrients
1129	Rappahannock County	Beef	Nutrients
1131	Albemarle County	Cropland	Sediment

CASE TRENDS

Compared to the previous program year, the ASA program experienced a twenty-four percent decrease in official complaints, from 63 to 48. However, the number of founded complaints requiring plans decreased by only four, from 19 to 15. Unfounded complaints decreased by one case, from 19 to 18, and the number of dismissed complaints decreased from 25 to 15 from the previous program year.

CONTACTS

Questions regarding this report should be directed to the ASA office at 804-786-2658 or to darrell.marshall@vdacs.virginia.gov.

ATTACHMENT D

NRCS REPORT
Virginia Soil and Water Conservation Board Meeting
September 23, 2020 ♦ Virtual

ASTC-Programs (ASTC-P)

EQIP, CSP, RCPP, VPA-HIP, CIG, TSP and Easement Programs

Field staff are currently managing 2,472 active conservation program contracts with our participants. These contracts represent \$132,189,728 million in financial assistance to Virginia farmers on nearly 534,426 acres.

• **Environmental Quality Incentive Program (EQIP)**

Virginia's EQIP allocation for FY20 was \$26.1 million. We received 1,395 applications for EQIP Financial Assistance by the February 28th application batching cutoff. This is an 18% increase in applications over FY19. This fiscal year 443 contracts were obligated.

Virginia was selected for a Joint Chief's project with the U.S. Forest Service for The North Shenandoah Mountain Restoration Project. This project will provide 3-years of annual funding for livestock practices in the project area.

• **Conservation Stewardship Program (CSP)–Classic & Renewals**

The CSP Classic allocation received was \$6.2 million. NRCS received 377 applications which is a 260% increase in applications over FY19. The number of contracts obligated were 112. In addition to Classic contracts, 23 CSP Renewals were obligated for \$1.2 million.

• **Regional Conservation Partnership Program (RCPP)**

Under the RCPP Program projects 11 contracts were funded for Oyster Bottom Restoration through Aquaculture and 1 contract for Franklin County Dairy Ag and Water Protection. Total funding for the 12 contracts were \$590,894.

• **Agricultural Conservation Easement Program (ACEP)**

The ACEP-ALE allocation for FY20 is slightly over 2.1 Million following our request for additional funds. Virginia received 2 eligible entity applications for new Program Agreements (3 Parcel Contracts) during the FY20 signup. The applications are for 1,094 acres requesting \$2.1 Million. Applications are being approved for obligation. Concurrently, we are managing various stages of 7 existing prior year enrollments in ACEP-ALE. There were no FY20 ACEP-WRE applications, so we returned the allocated \$250,087.

- **Voluntary Public Access – Habitat Incentives Program (VPA-HIP)**

The VDGIF Project is our very first agreement and will provide financial incentives to landowners for providing public access for wildlife -dependent recreation and improving wildlife habitat over a 3-year period. The total award for this project is \$2,998,250.

- **Conservation Innovation Grants (CIG)**

There are 12 total National and State CIG grants that are active for a total of \$9,295,845 in technical assistance funding.

Engineering (SCE)**Dam Rehabilitation**

- **Upper North River 77** – Construction is complete. Contract and administrative closeout of the project is underway.
- **Beaver Creek 1** – This agreement to develop a plan for the rehabilitation of the Beaver Creek 1 dam has been signed and the funds have been obligated. This will be a locally led planning effort with NRCS providing review and approval of the supplemental watershed plan prepared by the sponsor, Rivanna Water and Sewer Authority and their consultant. The planning period will take 18 to 24 months. A virtual pre-meeting with the sponsor and NRCS staff to discuss roles and responsibilities has been held.

State

Resource Conservationist (SRC)**Technical Tools (Field Office Technical Guide)**

- Released final revised VA CART FAQs for FY20 (dated 6.23.2020).
- Posted new NRCS Resource Concerns Fact Sheets to the FOTG (Notice 450-20-474).
- Posted new fact sheets to the FOTG (Notice 450-20-476) on novel endophyte fescue planting recommendations as part of a state CIG project.
- Developed a new 2020 VA NRCS State Soil Health Strategic Plan. Coordinated with staff as well as up to a dozen key partners in developing this important document that helps lay out plan of action and priorities for future VA NRCS soil health activities.
- On-going work on developing a Technical Note with specific definition of Soil Health Management Systems (SHMS).
- On-going work on developing a Technical Note on crop rotation diagraming & analysis for use with crop rotation panning and other practices like cover crops.
- On-going work on revising standards for FY21, Wildlife Habitat Planting CPS420 will be a new practice offering.
- On-going work to clean up the organization of the FOTG and the Plant Establishment Guide (PEG).
- On-going work to integrate CEAP SVI data into planning/programs to assist planners where runoff/leaching could be most prevalent on the landscape.
- On-going work with Troy University to develop flow accumulation and stream power index layers to assist planners where concentrated flow is likely to occur and contributing areas for watercourses.

- On-going work to develop Virginia plant field id guides for common pasture grasses and invasive species to assist staff with pasture recommendations.

Training to Field Staff

- Released VA Bulletin 180-20-6 on the updated Conservation Planning Certification Policy to align with national policy training requirements.
- NRCS certified conservation planning courses (Basic Soils, Planning Criteria, Assessment Tools, Farm Bill Compliance) that were re-scheduled from March to September due to the restrictions on trainings/travel with COVID-19 are now undergoing a revision to the training delivery to make these trainings available through a combination of AgLearn courses, recorded presentations, virtual training and assessments. More information to soon follow, coursework will begin in late September and continue through the fall into winter.
- Partnered with VFGC and M2B to help plan, coordinate and promote a virtual Advanced Grazing School which averaged 205 viewers on Zoom and 97 on a live YouTube stream each night of the three-part series.
- At request of VASWCD/DCR, developed plan to provide webinar-based training on erosion assessment, RUSLE2 and prescribed grazing in fall 2020 to replace Graves Mtn. sessions, plus session on cover crops in winter 2021. Webinars will be open to all conservation partners and will be recorded, serving as an educational opportunity for NRCS.

Customer Service and Outreach

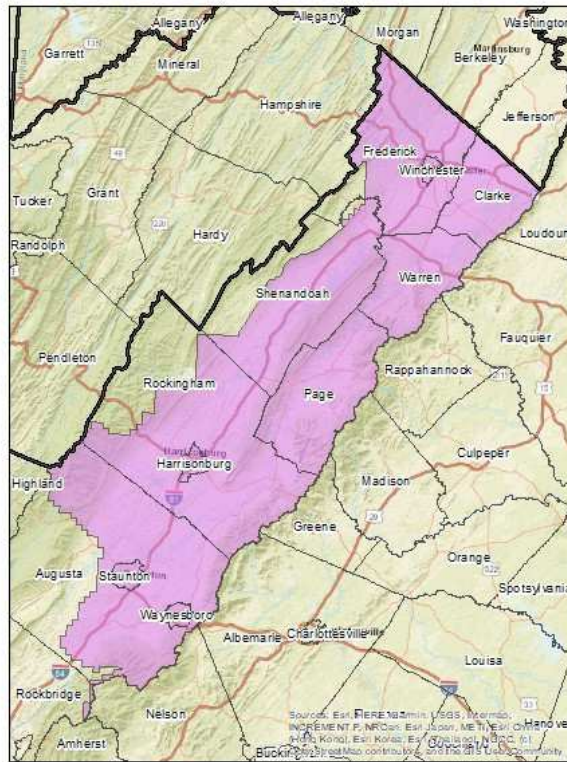
- Coordinating with VA Tech, NRCS NHQ, and VA NRCS to establish two partnership agreements that will use competitive grant as well as VA NRCS funds to establish an innovative partnership staffing strategy and embedded "Integrated Conservation Agronomy" (ICA) staff.
- Coordinating with Pheasants Forever/Qual Forever and NRCS NHQ to bring on additional Private Lands Biologists to support state wildlife action plan and Farm Bill programs.
- Sent to the State Technical Committee for review and comment updated state wetland conservation compliance policy on determining scope and effect of drainage systems.
- Updated the Virginia Food Security Act Compliance web page to better provide transparent customer communications.
- On-going work to revise state instructions for employees on Conservation Compliance.
- Issued new conservation compliance notification letters to provide more clear and concise information to clients.
- Sent to the State Technical Committee the issuance of the final rule for Highly Erodible Land and Wetland Conservation - 7 CFR Part 12.
- On-going work to update sections of the Boots on Ground publication with public affairs showcasing VA NRCS value added to the Commonwealth.
- Coordinated inter-agency training with FSA-NRCS leadership (compliance related issues).
- Reviewed draft portable fence standard for DCR meeting to discuss adopting for VA BMP program.
- Wrote and submitted a producer testimonial article to the Alliance for Grassland Renewal highlighting the successful conversion of toxic endophyte fescue to novel endophyte fescue by Kevin Moyers on Twilight Farms.

- Provided direct support to VA State University to develop a pasture renovation and grazing management plan to support a major demonstration project in development at Randolph Farm by the request of the Dean.
- Participated on a VIMs ZOOM panel discussion on Farmland Resiliency for At-Risk Coastal farmlands. Reviewed and provided comments for their final document. Resulting in partner agencies, landowners/producers, and VIMs being more aware of how NRCS and FSA programs and conservation practices could be utilized to assist in providing some alternatives to producers whose cropland is no longer productive do to saltwater-intrusion on traditionally productive farmland.
- At request of DCR, providing in-depth recommendations on design of possible new state BMP promoting soil health.
- Established VA NRCS Soil Health Team for improved internal coordination; hosted first meeting via MS Teams focused on soil health/dynamic soil properties project discussion. • Worked with partners on various aspects of implementing new “VA Soil Health Coalition” NFWF grant, including planning meetings and discussion of counting carbon credits for BMPs.
- At request of Richmond Dept of Parks & Rec (DPR), discussed opportunities for training to urban farmers on future grant funded DPR programs.
- Forwarded to VA NRCS Public Affairs new Common Grain Alliance video on soil health featuring VA soil health champion Daniel Austin for posting & publicizing.
- Provided quick response, in-depth discussion, and letter of collaboration on short deadline to Dr. Atalay of VA State Univ (VSU) for soil health research proposal.

State Soil**Scientist (SSS)****LiDAR acquisition**

Below will be flown for new QL2 lidar next fall in cooperation with FEMA, NFS, and USGS.

VA_NorthernShenandoah_2020_D20



Legend

VA_NorthernShenandoah_UTM17_2020_DPA

National Resources Inventory update

- NRI Grazing land data collection is finished across the state for FY20's collection period.
- NRI Local Data collection has just begun for the year of FY19, which will wrap up in January.
- 2017 NRI data summaries will be published this early Fall for use by planners.

Soil Survey Update

- Multiple Technical team and Management team meetings with Virginia's MLRA project leaders for soil survey update projects occurring in the state in FY21.
- Multiple quality assurance reviews are ongoing during the end of FY20.
- 82,692 separate Area of Interests (AOI) were made in Virginia on the Web Soil Survey, stretching the NRCS customer base very far and wide.

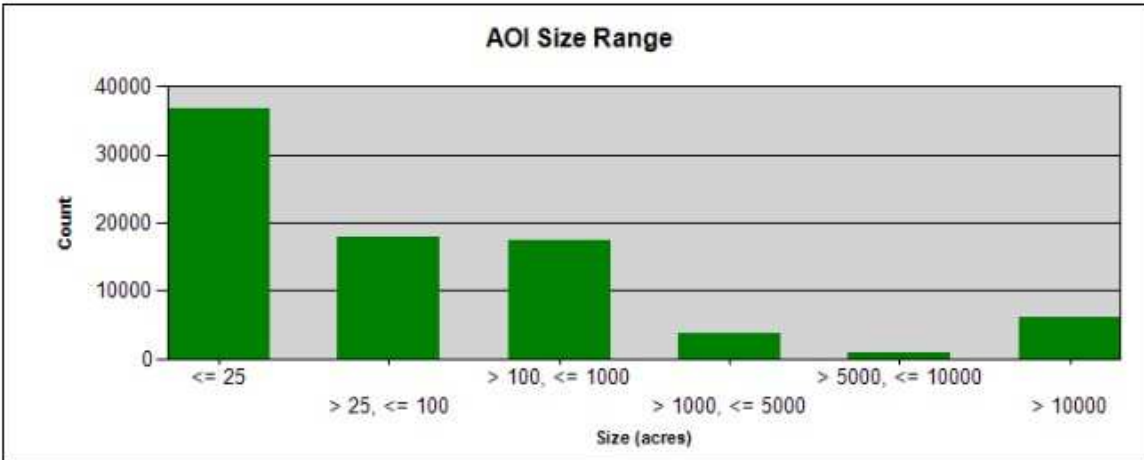
**Web Soil Survey
 AOI Size Range**

Report Created: 9/17/2020 12:12:13 PM

Start Date: 10/1/2019

End Date: 8/31/2020

State/Territory: Virginia



Size Range (acres)	Count
<= 25	36844
> 25, <= 100	17784
> 100, <= 1000	17504
> 1000, <= 5000	3709
> 5000, <= 10000	849
> 10000	6002
Total:	82692

Public

Affairs (PAS)

Outreach/Public Affairs

Minority Farmer Recognition. Soliciting statewide nominations for the Virginia NRCS Civil Rights Advisory Committee’s 2020 Farmer of the Year normally presented at Virginia Small Farm Conference. Also received shipment of *Minority Landowner* magazine’s 2019 “Farmers of the Year” issue featuring NRCS nominees Calvin T. McGhee, Jr., and Calvin T. McGhee, III from Louisa. Copies will be made available to interested staff, partners and committee members.

Smith Creek Showcase Watershed. Finalizing preparations for an Oct. 2 ceremony to celebrate 10 years of collaborative conservation in Rockingham and Shenandoah counties. The Shenandoah Valley and Lord

Fairfax SWCDs will be honored guests and among the dedicated partners who will be recognized for their contributions to improving water quality in this targeted watershed. Special thanks to the SVSWCD for their assistance with event set up, staffing and refreshments.

Urban Ag. Developed a custom distribution list to notify Virginia schools, food banks, markets and local government contacts about two new urban ag grant announcements [Urban Ag and Innovative Production and Community Compost and Food Waste Reduction (CCFWR) pilot grant projects]. NRCS will reach out to Prince William County, the first Virginia CCFWR grant recipient, to develop a joint news release once the agreement is finalized.

Small and Nontraditional Farmers. Collaborated with VSU Small Farm Outreach Program staff to provide updates on NRCS programs and services during USDA Information Sessions on July 30 (Christiansburg area) and Sept. 10 (Strasburg). Another virtual session for Courtland, Dinwiddie and Emporia landowners is planned for Sept. 24.

NRCS in the News. Showcased Pamplin City farmer and Navy Lt. Daniel Longwell in an Independence Day feature heavily promoted on farmers.gov, Facebook, Instagram and Twitter. NRCS also released the story locally and in Maryland and Pennsylvania. (Longwell and wife Joaquina are Pennsylvania natives and Daniel works at the Patuxent Naval Air Station in Maryland.) The couple is working with Farmville staff to realize their goals of raising/growing most of their food, selling the surplus at farmers markets and making the property a haven for small game.

Social Media Engagement. Placed three Virginia photos on the national map for the FPAC #Plant2020 campaign to showcase agriculture as an essential industry and the producers who were moving forward with spring planting during a global pandemic. Featured producers were Paul Davis of New Kent; John and Cappie Montgomery's Fleur-De-Lis, LLC, in Henrico County; and an anonymous Mennonite farmer in Rockingham County.

Summer Meetings. Coordinated NRCS representation and assisted with presentation development for an Aug. 7 Virginia Community Prosperity Summit on *Building Community Resilience*. USDA's Office of Partnerships and Public Engagement hosted the program in collaboration with the Regional Rural Development Centers and Virginia State University to help develop a more holistic approach to fostering economic development in the communities we serve. Presenters provided information on programs/tools available through USDA and its partners and discussed next steps to help rural and underserved communities tackle some of their most pressing issues.

Earth Team Program

Reached out to NRCS and district staff to solicit nominations for 2020 state and national Earth Team awards. While COVID has severely limited service opportunities this year, we still hope to recognize district and NRCS offices that have found creative workarounds to keep volunteers on the job in the field. The Earth Team Advisory Committee will review submissions and select state winners at their next quarterly meeting on October 6.

Admin

(ASTC-M&S)

VA NRCS Personnel Changes

Pathways Conversions:

Stephanie Johansen, Christiansburg, going to Wytheville, 8/2/20
Cassidy Williams, Christiansburg, 8/2/20
Charles Gregory, Lawrenceville, 8/16/20

Retirements: none since 6/1/2020

Positions Vacated/Moved:

Debbie Bullock, District Conservationist, Warsaw, 5/22/2020—moved to State Office 5/26/2020, as State Program Specialist
Harvey Baker, District Conservationist, Emporia, 6/5/20—moved to Lawrenceville FO 6/8/2020
Kelley Smith, District Conservationist, Bedford, 6/20/20—moved to Chatham FO 6/22/2020
Jeffrey Barr, District Conservationist, Warrenton, 6/20/20
Matthew Wescott, Soil Conservationist, Courtland, 6/20/20
Phillip Davis, Area Resource Conservationist, Harrisonburg, 6/24/20
Derek Hancock, District Conservationist, Farmville, 7/3/20—moved to Bonsack FO 7/6/2020
Rachel Loveday, District Conservationist, Amelia, 7/3/20—moved to Farmville AO FO 7/6/2020, as Area Resource Conservationist
Austin Shenk, Soil Conservation, Chatham, 7/18/20—moved to Harrisonburg 7/20/2020
Leticia Holder, Easement Specialist, State Office, 7/18/20—moved within the State Office 7/20/2020, as Realty Specialist
Alan Hawkins, Soil Engineering Technician, Harrisonburg FO, 7/18/20—moved to Harrisonburg AO 7/20/2020, as Soil Conservationist Technician
Jim Jarvis, Soil Conservationist, Rustburg, 8/15/20—moved to Bedford FO 8/17/2020, as DC
Telicia Berry, Soil Conservationist, Hanover, 8/15/20—moved to Amelia FO 8/17/2020, as DC Peggy Shaw-McBee, District Conservationist, Quinton, 8/29/20—moved to Warrenton FO 8/31/2020
Lucia Kossler, District Conservationist, Fredericksburg, 8/29/20—moved to Warsaw FO 8/31/2020
Brad Carter, Soil Conservationist, Accomac, 8/29/20

Personnel Added:

Lydia Fitzgerald, Soil Conservationist, Harrisonburg FO, 1/21/2020
Edwin Martinez Martinez, Ph.D., Virginia State Conservationist, Richmond State Office, 9/14/2020
Corey Bray, Soil Conservation Technician, Culpeper FO, 6/8/2020
Meredeth Miller, Soil Conservation Technician, Smithfield, 6/22/2020
Susan Keheley, Soil Conservation Technician, Wytheville FO, 6/22/2020
Brittany Owens, Administrative Coordinator, Christiansburg AO, 6/22/2020
Jacob Ogle, Soil Conservationist Technician, Christiansburg, 7/6/2020
Maili Page, Soil Conservationist Technician, Strasburg FO, 7/6/2020
Joey Davis, District Conservationist, Emporia FO, 7/20/2020
Emily Bock, Civil Engineer, Christiansburg AO, 8/31/2020
Aneka Collins, Administrative Coordinator, Farmville AO, 8/31/2020

ATTACHMENT E



VIRGINIA ASSOCIATION OF SOIL & WATER CONSERVATION DISTRICTS (VASWCD) Partner Report
to the
Virginia Soil & Water Conservation Board

September 22, 2020

- **VASWCD Annual Meeting Information** - Your leadership at the VASWCD remains committed to serving our SWCDs and continues to adapt programs and efforts to further conservation work during COVID-19. We want to ensure we take all precautions to protect the health and well-being of our members, staff and partners and for that reason we have come to the decision that our 2020 Annual Meeting scheduled for the Hotel Roanoke will no longer be an in person meeting. 2020

This year has taught us many lessons personally and professionally including flexibility and most importantly taking each new challenge and finding opportunity. The VASWCD will offer an online no cost virtual training blitz this fall and winter.

The VASWCD will work with Area Chairs to move the important Area meeting component of our in person annual meeting to zoom sessions in the month of November. The Annual Membership Meeting will shift into a virtual platform on Monday, December 7, 2020 @ 2pm. Registration will be required for this meeting. Stay tuned for additional details. (Note the regularly scheduled VASWCD Quarterly Board meeting will be held December 7, 2020 from 9:12 prior to the membership meeting.)

Learn more (and pre-register!) for all training sessions at <https://vaswcd.org/2020-virtualannual-meeting>. Sessions continue to be finalized.

Training Schedule:

September 8, 2020 – 9:30AM-11:30AM (2 CEUs)

Technical: Ag Waste Management – Trainer: Amanda Pennington, DCR

Training Video Available on YouTube Video for

Viewing: <https://www.youtube.com/watch?v=1qmjbvcW8cU&feature=youtu.be>

September 15, 2020 – 9:30AM-12:30PM (2 CEUs)

Diversity, Equity, & Inclusion Training – Trainer: Guy Johnson
Training Video Available on YouTube for
Viewing: <https://youtu.be/YHr4CVKLP8g>

September 22, 2020 – 9:30AM-10:30AM

New Employee Meet & Greet (All Employees Welcome) – Facilitator: Tabbea Zimmerman, Colonial SWCD
Registration and Session Details: Veteran Employee Advice Video To Be Posted

September 24, 2020 – 9:00AM-11:00AM (2 CEUs)

Technical: Pasture Condition Score – Trainer: JB Daniels, NRCS
Registration: <https://us02web.zoom.us/meeting/register/tZUldemqrigoHNwzJRdrQR0plm1YDw5lhMU>

September 28, 2020 – 9:30AM-11:30AM & 12:30-2:30PM (4 Conservation Planning CEUs & 4 Nutrient Management CEUs – Must Attend AM & PM)

AM–Erosion Fundamentals (RUSLE2 Background)/PM–Assessing Sheet & Rill Erosion w/ RUSLE2 (Running RUSLE2)–Trainer: Chris Lawrence, NRCS
Registration: <https://us02web.zoom.us/meeting/register/tZcpduGoqzsuGtGZMBpWaE9Nef8JmkxogMwN>

October 6, 2020 – 9:00AM-11:00AM (2 CEUs)

Technical: Grazing Plan Development – Trainer: JB Daniels, NRCS
Registration: <https://us02web.zoom.us/meeting/register/tZIkfuCoqzsjHNFihTFClaxDnZsC6RkYYee>

October 7, 2020 – 10:00AM-11:30AM

Personnel Management Training – Trainer: Terri Higgins, HR Specialist Registration: <https://us02web.zoom.us/meeting/register/tZwucumtqiMiHNG2Zssahk1zFxfhcGvXF5faO>

October 7, 2020 – Private Appointments w/ Terri Higgins to discuss personnel topics specific to your SWCD

October 13, 2020 – 10:00AM-12:00PM

Education Outreach: COVID-19 Programming Shifts & Success Stories – Panelists: Tim Miller, Mountain Castles SWCD, Ashley Palmer, Northern VA SWCD; Lindy Durham, Henricopolis SWCD; Elizabeth Bennett, Tazewell SWCD; Elise Corbin, Peter Francisco SWCD; Julie Head, Eastern Shore SWCD
Registration: https://us02web.zoom.us/meeting/register/tZApduvrz8uE9CBAvWX7_EZANS8Kb78WjmR

October 20, 2020 – 10:00AM-11:30AM

Education: Water Conservation & Literature–Trainer: Julie Head, Eastern Shore Registration and Session

Details: <https://us02web.zoom.us/meeting/register/tZYkdu2urD0tHNO0eGROFmkyV47fgR5MllbF>

October 27, 2020 – 1:00PM-3:00PM

VA Ag Cost Share (VACS) Program 101 – Targeted for Directors but also Open to Staff – Trainers: David Bryan, DCR

Registration:

https://us02web.zoom.us/meeting/register/tZltdOyvqDlsG9bb_VgcTxSLZWgftH1Ame-

October 29, 2020 – 10:00AM-11:00AM (1 CEU)

Ensuring Your Conservation Efforts Live On: Legacy Planning for Farm & Forest Owners – Trainers: Andrew Fotinos, DOF Forestland Conservation Specialist; Bill Worrell, VCE Forester; Adam Downing, VCE Forester

Registration:

https://us02web.zoom.us/meeting/register/tZwufuhpjrH9KJqNYUltr3KJY4ih5_9WI5

November 11, 2020 – 7:00PM-8:00PM

Director Meet & Greet – Structured socialization with other Directors. Veteran Directors are asked to attend but newbies are strongly encouraged. Registration

Details: <https://us02web.zoom.us/meeting/register/tZMsceGtrj8pHdc1iyR9OCKB1b14BixN799l>

December 15, 2020 – 3:00PM-4:00PM

Freedom of Information Act (FOIA) Training – Meets Code of VA Training Requirements. Targeted for Directors but also Open to Staff – Trainers: Alan Gernhardt, FOIA Council

Registration: <https://us02web.zoom.us/meeting/register/tZlsc-grDoqHdEQINfbgA28mX9u6S1MnqNA>

More trainings to soon be posted on topics to be offered this fall and winter including:

- ✦ VCAP: Identifying Resource Concerns, FAQ, & Local Funding Discussion (Nov or Dec 2020)
- ✦ Legislative Training: Understanding the Legislative Process, the Work of your VASWCD & the SWCD Role and Impact (Dec 2020 or Jan 2021)
- ✦ Partner Agency Panel: Updates and Q&A (Dec 2020 or Jan 2021)
- ✦ Marketing & Outreach: Maximizing Online Presence (January 2021)
- ✦ DEQ Ag BMP Loan Program Training (January 2021)
- ✦ Cover Crop (February 3, 2021)
- ✦ Nutrient Management & Precision Agriculture (March 3, 2021)

We will plan to send an announcement at the beginning of each week to our 'AllDistrict list serve' reminding folks of those virtual training sessions scheduled that week but I encourage you to review the website and plan ahead. All are welcome! Contact Kendall Tyree if you would like to be added to the SWCD All District Email list serve.

- **Fall Virtual VASWCD Board Meeting – Tuesday, September 29** @ 9am is the next scheduled VASWCD quarterly board meeting and will be held virtually using the Zoom platform. Draft agendas will be shared in coming days and posted on the VASWCD website at <http://vaswcd.org/board-meetings>. If you are interested in attending this meeting please contact Kendall Tyree at Kendall.Tyree@vaswcd.org to RSVP and receive meeting information and connection details.
- **Awards Program: Deadlines** – We are still moving forward with our 2020 Awards Program! The application deadline has been extended for Teacher of the Year nominations thru Oct 1. Chaffin Outstanding Employee Awards are also available online at <https://vaswcd.org/awardprogram> and are due by October 1. Winners will be recognized during the VASWCD Virtual Annual Business Meeting, via our listserve, on social media and in partnership with the local district.
- **VASWCD Committees** – The VASWCD has many standing committees that are meeting electronically to further district needs. The following committee activity might be of interest:
 - † The Admin/Ops committee met this past week to hear presentations on Library of VA record retention changes and a presentation on COVID-19 workplace regulations and requirements. The presentation is now available for viewing on YouTube at <https://www.youtube.com/watch?v=WbAuCCyD0mc> and handout/materials are posted on the VASWCD COVID webpage at <https://vaswcd.org/covid-19-guidance>.
 - † The Marketing Committee has started development of a Marketing Toolkit. The Toolkit provides embedded links to numerous website, articles and videos on a variety of marketing and outreach topics as requested by districts. The Toolkit will be launched officially later this winter and a Marketing training will be held as part of the online training blitz in lieu of an in person annual meeting. The Committee is currently drafting an “online content calendar” at the request of district for use in planning. Comments and feedback are welcome on the draft resource. The Committee recently conducted a survey to evaluate what online tools districts are currently utilizing to promote events and programs. Feedback will be used to develop the Marketing Toolkit and training efforts.
 - † The Legislative Committee met on September 17 to begin development of a draft legislative agenda for the 2021 session. The Committee will present their recommendations to the board on September 29 and will include the request for a more focused, steam-lined agenda that will assist with the need for new advocacy outreach methods in light of COVID-19.

CONTACT FOR MORE INFORMATION:

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