

**Virginia Soil and Water Conservation Board
Thursday, March 10, 2011, 9:30 a.m.
Senate Room A, General Assembly Building
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Susan Taylor Hansen, Chair	Raymond L. Simms, Vice Chair
Frank Blake, Jr.	C. Frank Brickhouse, Jr.
Darlene Dalbec	Jerry L. Ingle
Daphne W. Jamison	Stephen Lohr
Jeb Wilkinson, for David A. Johnson	
John A. Bricker, NRCS	

Virginia Soil and Water Conservation Board Members Not Present

Gary Hornbaker

DCR Staff Present

Robert Bennett	Nissa Dean
David C. Dowling	Michael R. Fletcher
Jack E. Frye	Ken Harper
Lee Hill	John McCutcheon
Mark B. Meador	
Ryan Brown, Office of the Attorney General	

Others Present

Jess Cadwallender, VCU
Wilkie Chaffin, VASWCD
Doug Crain, Lake of the Woods Association
Jeff Flynn, Lake of the Woods Association
Bruce Kay, Lake of the Woods Association
Robin Knepper, The FreeLance-Star
John Martin, Albemarle County
David McIntire, VCU
Glen Morrow, East Tennessee Natural Gas
Ernest Myer, Lake of the Woods Association
Ed Overton, VASWCD
Bob Shope, Lake of the Woods Association
La' Jessica Stringfellow, David Bailey Associates
Kendall Tyree, VASWCD

Call to Order and Introductions

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

Approval of Minutes from November 18, 2010

MOTION: Ms. Dalbec moved that the minutes of the November 18, 2012 meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff.

SECOND: Mr. Blake

DISCUSSION: None

VOTE: Motion carried with Mr. Simms abstaining

Director's Report

Mr. Wilkinson gave the Director's report. He called on Mr. Dowling for an overview regarding the stormwater management regulations and the recently completed General Assembly session.

Mr. Dowling reviewed the following Timetable for Stormwater Regulatory Action:

- December 29, 2010, EPA establishes the Bay TMDL
- March 3, 2011, Submit public notice for 30-day public comment period
- March 9, 2011 RAP Meeting
- March 28, 2011, Publication of notice in Virginia Register and beginning of 30-day public comment period
- April 27, 2011, Close of 30-day public comment period
- Summarize comments and modify regulations accordingly
- Target mailing to Board by May 17, 2011
- May 24, 2011, Board adoption of final regulations
- Finalize the Regulatory Document for Filing
- June 10, 2011 thru August 5, 2011 (about 60-days), Review by the Administration
 - Official OAG review – 3 days
 - 14 days DPB fiscal analysis review
 - 14 days SNR
 - No deadline Governor
- August 10, 2011, Deadline for submittal of regulatory materials to the Registrar for publication
- August 29, 2011, Publication in Virginia Register (30-day final adoption period)

- September 28, 2011, End of 30-day final adoption period
- October 5, 2011, Statutory Effective Date Target (280 days)

Mr. Blake asked if there would be public meetings. Mr. Dowling said there would not and that the public comment period was actually going beyond the requirements.

Mr. Dowling reviewed significant legislation from the 2011 Session. A full copy of his report is available from DCR. He highlighted the following bills with direct impact on the Soil and Water Conservation Board.

HB1829 and SB1412 Virginia Soil and Water Conservation Board; increases voting membership.

Mr. Dowling explained that this legislation adds three additional at-large members to the Virginia Soil and Water Conservation Board. This also removes the Director as a voting member, but leaves the position on the Board in an ex-officio capacity.

Ms. Hansen asked when the new members would be appointed.

Mr. Dowling said that the presumption would be that the new appointments would be effective July 1st in conjunction with the effective date of the legislation.

House Bill 1830 Resource management plans; effect of implementation exclusions.

This legislation allows owners and operators of agricultural land who implement and maintain applicable components of a resource management plan to be deemed as being in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL addressing benthic, bacteria, nutrient or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment. The legislation also stipulates that the Virginia Soil and Water Conservation Board shall by regulation determine the criteria to be included in a resource management plan in accordance with the minimum criteria set out in the legislation for the regulations.

Ms. Jamison asked if this applied to just the Chesapeake Bay area or if it was statewide and if it was on a volunteer basis only.

Mr. Frye explained that the legislation applied statewide. He also noted that this was available to all farms, but was a voluntary resource management plan.

Mr. Dowling presented a draft motion for Board consideration.

MOTION: Mr. Lohr moved the following:

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Motion to authorize and direct the development of Agricultural Resource Management Plan Regulations and other associated actions:

In accordance with HB1830 of the 2011 General Assembly Session, the Board authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to develop proposed Agricultural Resource Management Plan Regulations for the Board's consideration.

The regulations shall at a minimum:

1. Be technically achievable and take into consideration the economic impact to the agricultural landowner or operator;
2. Include (i) determinations of persons qualified to develop resource management plans and to perform on-farm best management practice assessments; (ii) plan approval or review procedures if determined necessary; (iii) allowable implementation timelines and schedules; (iv) determinations of the effective life of the resource management plans taking into consideration a change in or a transfer of the ownership or operation of the agricultural land, a material change in the agricultural operations, issuance of a new or modified total maximum daily load (TMDL) implementation plan for the Chesapeake Bay or other local total maximum daily load water quality requirements, and a determination pursuant to Chapter 4 (§ 3.2-400 et seq.) of Title 3.2 that an agricultural activity on the land is creating or will create pollution; (v) factors that necessitate renewal or new plan development; and (vi) a means to determine full implementation and compliance with the plans including reporting and verification;
3. Provide for a process by which an on-farm assessment of all reportable best management practices currently in place, whether as part of a cost-share program or through voluntary implementation, shall be conducted to determine their adequacy in achieving needed on-farm nutrient, sediment, and bacteria reductions;
4. Include agricultural best management practices sufficient to implement the Virginia Chesapeake Bay TMDL Watershed Implementation Plan and other local total maximum daily load water quality requirements of the Commonwealth; and
5. Specify that the required components of each resource management plan shall be based upon an individual on-farm assessment. Such components shall comply with on-farm water quality objectives as set forth in item 4 above, including best management practices set out in HB1830 and any other best management practices approved by the Board or identified in the Chesapeake Bay Watershed Model or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan.

As part of the regulation development process, the Board directs that a stakeholder group shall be established to make recommendations to the Director and the Board on the contents of the proposed regulations. The stakeholder group shall include representation from agricultural and environmental interests as well as Soil and Water Conservation Districts and the regulations shall be developed in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality.

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

SECOND: Mr. Simms

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DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Wilkinson noted that Virginia State Parks would be celebrating their 75th Anniversary at Hungry Mother State Park on June 18, 2011. He also noted that the Division of Natural Heritage would celebrate its 25th Anniversary on August 7, 2011.

Mr. Wilkinson noted that the organizational study of the Department had been concluded. He noted that management changes within the Department would be implemented in the coming weeks.

Division Directors' Reports

Division of Soil and Water Conservation

Mr. Frye gave the report for the Division of Soil and Water Conservation. A copy is included as Attachment #1.

A copy of this report is included as Attachment #___.

Division of Dam Safety and Floodplain Management

Mr. Bennett gave the report for the Division of Dam Safety and Floodplain Management. He provided a copy of the Dam Owner's Handbook for Board review. He said that the document had received a very good reception from dam owners.

Mr. Bennett noted that the Division had received approval to hire a fifth Dam Safety regional engineer. He also discussed the Dam Safety early warning system as well as grants that will be offered to dam owners to help with studies and engineering work regarding maintenance aspects of dams.

Dam Safety

Regular Certificates

Mr. Bennett presented the list of Regular Certificates. He noted that among the list for consideration was the Lake of the Woods Dam and that representatives from Lake of the Woods were present.

Chairman Hansen called on Mr. Bruce Kay, of the Lake of the Woods Association to make comments.

Mr. Kay said that the Lake of the Woods Association was grateful for the cooperation given by dam owners regarding legislation passed. He said that the legislation will lead to significant improvement in dams and the cost effective use of resources.

The following dams were presented for Regular Certificates:

Holiday Lake	01101	APPOMATTOX	6-Year Regular
Brookneal Dam	03106	CAMPBELL	6-Year Regular
Wildwood Dam #1	03108	CAMPBELL	6-Year Regular
Roanoke Creek #70A	03701	CHARLOTTE	6-Year Regular
ARWA Sludge Lagoon Dam	04147	CHESTERFIELD	6-Year Regular
South Twin Lakes Dam	05911	FAIRFAX	6-Year Regular
Hampton Forest Dam	05947	FAIRFAX	6-Year Regular
Carrington Dam	05949	FAIRFAX	6-Year Regular
Kinloch Farm Dam	06109	FAUQUIER	6-Year Regular
Licking Run Dam	06109	FAUQUIER	6-Year Regular
Cavalier Rifle & Pistol Club Dam	08522	HANOVER	6-Year Regular
Lake Monroe Dam	09906	KING GEORGE	6-Year Regular
Izaak Walton League Dam	10704	LOUDOUN	6-Year Regular
Lake Monacan Dam	12502	NELSON	6-Year Regular
Lake of the Woods Dam	13701	ORANGE	6-Year Regular
Northrup Dam	13706	ORANGE	6-Year Regular
Foundry Lake Dam	14532	POWHATAN	6-Year Regular
Mottley Dam	14718	PRINCE EDWARD	6-Year Regular

Mr. Bennett noted that the Director should abstain from voting regarding Holliday Lake Dam.

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

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried with Mr. Wilkinson abstaining.

Conditional Certificates

Mr. Bennett presented the recommendation for conditional certificates.

Totier Creek Dam	00306	ALBEMARLE	1 Year Conditional
Hillcrest Dam	00379	ALBEMARLE	1 Year Conditional
Tusculum Dam	00926	AMHERST	2 Year Conditional
Lake Ridge Drive Dam	01932	BEDFORD	1 Year Conditional
Brunswick Dam	02501	BRUNSWICK	1 Year Conditional
Slate River #7	02936	BUCKINGHAM	1 Year Conditional
First Branch	04146	CHESTERFIELD	1 Year Conditional
Collins Upper Dam	04903	CUMBERLAND	1 Year Conditional
Bragan Dam	05315	DINWIDDIE	1 Year Conditional
North Twin Lakes Dam	05912	FAIRFAX	1 Year Conditional
Lake Monticello Settlement Pond Dam	06510	FLUVANNA	1 Year Conditional
Lake St. Clair Dam	06903	FAUQUIER	1 Year Conditional
Broad Branch Dam	07526	GOOCHLAND	1 Year Conditional
Rivergate Lake Dam	07528	GOOCHLAND	1 Year Conditional
Stony Pond Dam	07529	GOOCHLAND	1 Year Conditional
Twin Lakes Dam #2	07912	GREENE	2 Year Conditional
Twin Lakes Dam #1	07913	GREENE	1 Year Conditional
Brewery Road Dam	09517	JAMES CITY	1 Year Conditional
Massie Farm Pond Dam	09526	JAMES CITY	1 Year Conditional
South Anna Dam #4	10932	LOUISA	2 Year Conditional
South Anna Dam #6B	10933	LOUISA	2 Year Conditional
Upper Byers Dam	14505	POWHATAN	1 Year Conditional
Gatewood	15509	PULASKI	1 Year Conditional
Lake Front Royal Dam	18705	WARREN	1 Year Conditional
College Lake Dam	68002	CITY OF LYNCHBURG	2 Year Conditional

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

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

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Mr. Bennett presented the list of extensions. He noted that Ms. Jamison should abstain from voting regarding dams owned by the Blue Ridge Soil and Water Conservation District and that Mr. Lohr should abstain from voting regarding the dams owned by Shenandoah Soil and Water Conservation District. He also noted that Mr. Wilkinson should abstain from voting regarding Swift Creek Dam and Bear Creek Dam, owned by the DCR Division of State Parks.

Albemarle Dam	00305	ALBEMARLE	1 Year Extension
Clover Dam	00341	ALBEMARLE	1 Year Extension
Crozet Sportsman Club Dam	00345	ALBEMARLE	1 Year Extension
Mink Creek Dam	00352	ALBEMARLE	1 Year Extension
Hollymead Dam	00353	ALBEMARLE	1 Year Extension
Blue Ridge Forest Dam	00371	ALBEMARLE	1 Year Extension
Southern Region Park Dam	00374	ALBEMARLE	1 Year Extension
Mountain Valley Dam #1	00385	ALBEMARLE	1 Year Extension
Amelia Dam	00701	AMELIA	1 Year Extension
East Fork Falling River #7	01102	APPOMATTOX	1 Year Extension
East Fork Falling River #15	01103	APPOMATTOX	1 Year Extension
East Fork Falling River #21	01104	APPOMATTOX	1 Year Extension
South River Dam #3	01510	AUGUSTA	1 Year Extension
Staunton Dam	01518	AUGUSTA	1 Year Extension
South River Dam #7	01522	AUGUSTA	2 Year Extension
Mill Place Commerce Park BMP	01532	AUGUSTA	1 Year Extension
Bath Alum Farm Dam	01703	BATH	1 Year Extension
Stoney Creek Dam	01904	BEDFORD	1 Year Extension
Springhill Lake Dam	01906	BEDFORD	1 Year Extension
Elk Garden Lake Dam	01930	BEDFORD	1 Year Extension
Willis River Dam #3	02903	BUCKINGHAM	1 Year Extension
Willis River Dam #4	02904	BUCKINGHAM	1 Year Extension
Willis River Dam #5E	02905	BUCKINGHAM	1 Year Extension
Willis River #5F	02906	BUCKINGHAM	1 Year Extension
Willis River #6A	02908	BUCKINGHAM	1 Year Extension
Willis River #9	02910	BUCKINGHAM	1 Year Extension
Little Falling River Dam #1	03101	CAMPBELL	1 Year Extension
Little Falling River Dam #2	03103	CAMPBELL	1 Year Extension
Little Falling River Dam #3	03104	CAMPBELL	1 Year Extension
Olde Mill Golf Club Dam	03504	CARROLL	1 Year Extension
Swift Creek Dam	04104	CHESTERFIELD	1 Year Extension
Margaret Dam	04114	CHESTERFIELD	1 Year Extension
Chesterfield Power Station	04145	CHESTERFIELD	1 Year Extension
Mountain Run Dam #8A	04701	CULPEPER	2 Year Extension
Mountain Run Dam #13	04705	CULPEPER	2 Year Extension
South Wales Country Club Dam	04710	CULPEPER	1 Year Extension

Troiano Dam	04724	CULPEPER	1 Year Extension
Bear Creek Dam	04902	CUMBERLAND	1 Year Extension
Burnt Quarter Dam	05307	DINWIDDIE	1 Year Extension
Burke Lake Dam	05902	FAIRFAX	1 Year Extension
Kings Park West Sect. 18 Dam	05939	FAIRFAX	1 Year Extension
Burke Centre Section 11B Dam	05940	FAIRFAX	1 Year Extension
Fair Lakes Dam #1	05943	FAIRFAX	1 Year Extension
Thompson Dam	06107	FAUQUIER	1 Year Extension
Johnson Dam	06114	FAUQUIER	1 Year Extension
Coventry Dam	01118	FAUQUIER	1 Year Extension
Lake Brittle Dam	06122	FAUQUIER	1 Year Extension
Lower Warrenton Lakes Dam	06143	FAUQUIER	1 Year Extension
Willow Pond Farm Dam	06146	FAUQUIER	1 Year Extension
Bremo Power Station Dam	06520	FLUVANNA	1 Year Extension
Lake Monticello Dam	06501	FLUVANNA	1 Year Extension
Fluvanna Ruritan Dam	06502	FLUVANNA	1 Year Extension
Upper Blackwater River Dam #4	06702	FRANKLIN	2 Year Extension
Twin Lakes Dam	06907	FREDERICK	1 Year Extension
Meadow Lakes Dam	06907	FREDERICK	1 Year Extension
Silver Lake Dam	06922	FREDERICK	1 Year Extension
Picketts Creek Dam	07501	GOOCHLAND	1 Year Extension
Green Acres Dam	07903	GREENE	1 Year Extension
Greene Mountain Dam	07915	GREENE	1 Year Extension
Forest Lake Hills Dam	08518	HANOVER	1 Year Extension
Gillie Creek Dam	08703	HENRICO	1 Year Extension
Leatherwood Creek Dam #2A	08905	HENRY	2 Year Extension
Horse Pasture Creek Dam #2	08909	HENRY	2 Year Extension
Lake Matoaka Dam	09510	JAMES CITY	1 Year Extension
Cranstons Mill Pond Dam	09513	JAMES CITY	1 Year Extension
Keokee Dam	10502	LEE	1 Year Extension
Horsepen Dam	10707	LOUDOUN	1 Year Extension
Dulles Airport Dam	10708	LOUDOUN	1 Year Extension
Sleeter Lake Dam	10710	LOUDOUN	1 Year Extension
Precision Dynamics Lake Dam	10711	LOUDON	1 Year Extension
Gore Dam	10714	LOUDOUN	1 Year Extension
J.T. Hurst Dam	10719	LOUDOUN	1 Year Extension
Nelson Dam	12501	NELSON	1 Year Extension
Woodhaven Dam	12701	NEW KENT	1 Year Extension
Burton Dam	14304	PITTSYLVANIA	1 Year Extension
Arey Dam	14312	FRANKLIN	1 Year Extension
Lower Byers Dam	14506	POWHATAN	1 Year Extension
Westlake Dam	14533	POWHATAN	1 Year Extension
Prince Edward Dam	14704	PRINCE EDWARD	1 Year Extension

Clifford D. Craig Memorial Dam	16104	ROANOKE	1 Year Extension
Cold Sulpher Springs Dam	16307	ROCKBRIDGE	1 Year Extension
Lower North River Dam #80	16501	ROCKINGHAM	2 Year Extension
Lower North River Dam #78	16502	ROCKINGHAM	2 Year Extension
Lower North River Dam #22B	16504	ROCKINGHAM	2 Year Extension
Lake Shenandoah Dam	16505	ROCKINGHAM	1 Year Extension
Shoemaker River Dam #1A	16509	ROCKINGHAM	2 Year Extension
Shoemaker River Dam #4C	16510	ROCKINGHAM	2 Year Extension
Shoemaker River Dam #3B	16511	ROCKINGHAM	2 Year Extension
Bark Camp Dam	16901	SCOTT	1 Year Extension
Ni River Dam #1	17701	SPOTSYLVANIA	1 Year Extension
Motts Run Reservoir Dam	17704	SPOTSYLVANIA	1 Year Extension
Lake Pocahontas Dam	17718	SPOTSYLVANIA	1 Year Extension
Upper Clinch River Valley Dam #1B	18505	TAZEWELL	1 Year Extension
Lake John Dam	18702	WARREN	1 Year Extension
Loch Linden Dam	18712	WARREN	1 Year Extension
Hidden Valley Lake Dam	19104	WASHINGTON	1 Year Extension
Gardy Millpond Dam	19308	WASHINGTON	1 Year Extension
Toms Creek Dam	19510	WISE	2 Year Extension
UVA Wise #1	19517	WISE	1 Year Extension
UVA Wise #2	19518	WISE	1 Year Extension
Upper Norton Reservoir	72002	CITY OF NORTON	1 Year Extension
Spring Valley Lake Dam	77002	ROANOKE	1 Year Extension
Lake Burnt Mills Dam	80003	CITY OF SUFFOLK	1 Year Extension
Kingston Lake Dam	81002	CITY OF VIRGINIA BEACH	1 Year Extension

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

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried with Ms. Jamison, Mr. Lohr and Mr. Wilkinson abstaining.

Mr. Bennett noted that due to the change in the Board meeting schedule it was necessary to request that the Board extend certain certificates that were scheduled to expire between March 10, 2011 and the date of the next Board meeting, May 24, 2011.

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MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board extend Regular and Conditional Operation and Maintenance Certificates that expire between today, March 10, 2011, and May 24, 2011, to May 24, 2011, the date of the next Board meeting.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Enforcement Actions

Mr. Bennett noted that at the last meeting the Board had requested background and a chronological history of the dams currently in the enforcement action category. He provided a document outlining that information. A copy of that document is available from DCR.

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

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

Ms. Hansen thanked Mr. Martin for his comments and said that the Board would look to staff to address his concerns.

Mr. Bennett said that staff would review the information and report to the Board at the next meeting.

Mr. Bennett said that staff would be working on enforcement to develop a standardized process.

Erosion and Sediment Control

Mr. Hill presented the Erosion and Sediment Control items.

Approval of Annual Standards and Specifications for Wetland and Stream Restoration Banks

Agenda Item: 2011 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Angler Environmental.

MOTION: Mr. Lohr moved the following motion:

The Virginia Soil and Water Conservation Board (Board) receives the staff update concerning the review of the 2011 annual standards and specifications for wetland and stream restoration bank construction by Angler Environmental. The Board concurs with staff recommendations for conditional approval of the 2011 specifications for Angler Environmental in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Angler Environmental of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2011 must be submitted by April 15, 2011. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to April 11, 2011 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook. Variance to Minimum Standard 6.a and 6.b. is granted such that the project may employ reinforced silt fencing in lieu of a temporary sediment trap in areas with slopes less than 2% and when the contributing drainage areas is 3 acres or less; use a modified sediment trap (large flat areas surrounded by berms with armored outlet structures) in lieu of a temporary sediment basin when the contributing drainage area exceeds 3 acres.

SECOND: Ms. Dalbec
DISCUSSION: None
VOTE: Motion carried unanimously

Agenda Item: 2011 Annual Standards and Specifications for Wetland and Stream Restoration Banks for Foggy Bottom LLC.

MOTION: Mr. Brickhouse moved the following motion:

The Virginia Soil and Water Conservation Board (Board) receives the staff update concerning the review of the 2011 annual standards and specifications for wetland and stream restoration bank construction by Foggy Bottom LLC. The Board concurs with staff recommendations for conditional approval of the 2011 specifications for Foggy Bottom LLC in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Foggy Bottom LLC of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

5. A revised list of all proposed projects planned for construction for 2011 must be submitted by April 15, 2011. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
6. Project information unknown prior to April 15, 2011 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@dcr.virginia.gov.
7. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: MitigationBank@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
8. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook. Variance to Minimum

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Standard 6.a and 6.b. is granted such that the project may employ reinforced silt fencing in lieu of a temporary sediment trap in areas with slopes less than 2% and when the contributing drainage areas is less than 3 acres; use a modified sediment trap in lieu of a temporary sediment basin when contributing drainage area exceeds 3 acres.

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

Approval of 2011 Annual Standards and Specifications: Linear Projects

Mr. Hill presented the staff recommendations for conditional approvals of the 2011 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction from in 2011 must be submitted by April 15, 2011. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to April 15, 2011 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

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

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

Companies recommended for conditional approval with the 4 conditions are:

Electric: Allegheny Power, Old Dominion Power/Kentucky Utilities/EonUS, (TrAILCo) Trans-Allegheny Interstate Line Company, Virginia Association of Electric Cooperatives, Williams/Transco

Gas: Colonial Pipeline Company, Columbia Gas Transmission/NiSource, Dominion Gas Transmission, Washington Gas

Railroad: CSX Transportation

Telecommunication: Virginia Cable Telecommunications Association (VCTA)

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

Gas: Columbia Gas Distribution

Telecommunication: Virginia Cable Telecommunications Association (VCTA)

Two companies have requested project specific variations to Minimum Standard 16.a. DCR central and regional office staff have worked closely with the companies requesting the variations and recommend approval with specified conditions. ETNG/Spectra Energy has 2011 annual standards and specifications approved by the Board at its November 2010 meeting.

Approval of the variance to Minimum Standard 16.a is recommended for ETNG Spectra's NET Project with the following conditions:

1. ETNG/Spectra Energy will fund and provide a DCR Certified Erosion and Sediment Control Inspector in addition to the normal three ETNG/Spectra Energy Environmental Project Inspectors.
2. The DCR Certified Inspector will provide inspection services per the DCR approved scope of work. The scope of work will include provisions that inspections will be conducted and documented at the following frequency: during or immediately following the installation of erosion and sediment control measures, at least once every seven days, within 24 hours of a runoff producing event (0.5- inch rainfall event) and following completion of the project till adequate vegetative cover is fully established. Inspection reports will be e-provided weekly to staff in DCR's Abingdon Office.
3. No more than 7.0 miles of excavated trench shall be open at any one time, no portion of excavated trench greater than 500 linear feet in length shall remain open for longer than 30 days and temporary soil stabilization shall be applied to all denuded areas that may not at final grade but will remain dormant for more than 30 days.
4. Remove Detail Figure #32 and any references to Wet Crossings from all plan sheets, no Wet Crossings shall be allowed.

Approval of the variance to Minimum Standard 16.a is recommended for Williams-Transco's Mid Atlantic Connector Project with the following conditions:

1. Williams-Transco will fund and provide a DCR Certified Erosion and Sediment Control Inspector in addition to the normal Environmental Project Inspectors.
2. The DCR Certified Inspector will provide inspection services per the DCR approved scope of work. The scope of work shall include provisions that inspections be conducted and documented daily from initial land disturbance till adequate vegetative cover is fully established. Inspection reports will be e-provided weekly to staff in DCR's Warrenton Office.
3. Individual sections of excavated open trench shall not exceed 2,000 linear feet in length and individual no portion of excavated trench greater than 500 linear feet in length shall remain open for longer than 30 days.
4. Remove all Wet Water-body Crossing typical drawings and references from the final Project Specific Erosion and Sediment Control Plans. There shall be no Wet Water-body Crossings.
5. Show on the final Project Specific Erosion and Sediment Control Plan: Flow Direction Arrows, Side Spoil Locations and Sediment Trapping or Sediment

Filtering Measures on the downward side of all diversions and on the downward side of all runoff producing limits of land disturbance.

6. A pre-construction site reconnaissance visit with Williams-Transco personnel and DCR Warrenton Office staff shall be jointly conducted. The final Project Specific Erosion and Sediment Control Plans shall be reviewed and approved by DCR's Warrenton Office prior to initiating land disturbance.

MOTION: Mr. Blake moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2011 annual standards and specifications and variance requests the linear utility and railroad companies noted above and that the Board concur with staff recommendations for conditional approval of the 2011 specifications and the requests for variances for Allegheny Power, Colonial Pipeline Company, Columbia Gas Distribution, Columbia Gas Transmission/NiSource, CSX Transportation, Dominion Gas Transmission, Old Dominion Power/Kentucky Utilities/EON US, Trans-Allegheny interstate Line Company (TrAILCo), Virginia Association of Electric Cooperatives, Virginia Cable Telecommunications Associations (VCTA), Washington Gas, Williams/Transco, ETNG's NET Project and Williams Transco's Mid-Atlantic Connector Project in accordance with the Erosion and Sediment Control Law. Further that the Board request the Director to have staff notify said companies of the status of the review and the conditional approvals of the annual standards and specifications and the requests for variances.

SECOND: Mr. Brickhouse

DISCUSSION: None

VOTE: Motion carried unanimously

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

MOTION: Mr. Ingle moved that the Virginia Soil and Water Conservation Board commend Chesterfield County, Floyd County, Richmond County and the Town of Christiansburg for successfully improving their respective Erosion and Sediment Control Program(s) to become fully consistent with the requirements of the Virginia

Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried unanimously

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

Mr. Hill presented the background for the City of Covington.

The Virginia Soil and Water Conservation Board (Board) approved the City of Covington's Corrective Action Agreement (CAA) with a completion date of November 18, 2010. At the direction provided by the Board, Department of Conservation and Recreation (DCR) staff reviewed Covington's progress on implementing the CAA. Based on the results of the review, the staff has determined that due to the lack of land disturbing projects the City of Covington has not achieved compliance with the CAA. DCR staff recommends that the City be given until December 1, 2011 to comply with the outstanding CAA.

MOTION: Mr. Brickhouse moved that the Virginia Soil and Water Conservation Board accept the staff recommendations and grants the City of Covington an extension until December 1, 2011 to fully comply with the outstanding CAA. And further that the Board request that the Director of DCR and his staff evaluate the City's compliance with the outstanding CAA and provide a report at the January 2012 Board meeting.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Schedule of Local Erosion and Sediment Control Program for program Review in Fiscal Year 2012 and Revised Program Review Documents

Mr. Hill presented the following list for Local Erosion and Sediment Control Programs for review in Fiscal Year 2012. He noted that the Board did not need to take action regarding this list and that a final schedule would be presented to the Board after July 1, 2011.

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Local Program	Regional Office
Accomack County	Suffolk
Amelia County	Richmond
Ashland, Town	Richmond
Bedford, City	Christiansburg
Blacksburg, Town	Christiansburg
Buena Vista, City	Staunton
Bristol City	Abingdon
Bridgewater, Town	Staunton
Danville, City	Christiansburg
Farmville, Town	Christiansburg
Fauquier County	Warrenton
Franklin County	Christiansburg
Halifax County	Christiansburg
Hampton, City	Suffolk
Hanover, County	Richmond
James City County	Tappahannock
King George, County	Tappahannock
Madison County	Warrenton
Norton, City	Abingdon
Orange County	Warrenton
Powhatan County	Richmond
Pulaski, Town	Christiansburg
Rappahannock County	Warrenton
Roanoke County	Christiansburg
Rockbridge County	Staunton
Rockingham County	Staunton
Southampton County	Suffolk
Stafford County	Tappahannock
Stephens City, Town	Warrenton
Sussex, County	Suffolk
Virginia Beach, City	Suffolk
Waynesboro, City	Staunton
Wythe County	Abingdon
Wytheville, Town	Abingdon
York County	Tappahannock

TOTAL LPR's by Office

Abingdon	4
Christiansburg	8
Richmond	4
Staunton	5
Suffolk	5
Tappahannock	4

Warrenton	5
Total LPR's	35

Mr. Hill presented the new revised program documents. These were developed with staff and with significant input from the localities. The new process will begin July 1, 2011.

Local Soil and Water Conservation District Operations

District Director Resignations and Appointments

Mr. Meador presented the list of District Director resignations and appointments.

Colonial

Recommendation of Daniel Nortman, York County, to fill unexpired Extension Agent term of James Orband (term of office to begin on or before 4/9/11 — 1/1/13),

Evergreen

Resignation of Matthew Miller, Smyth County, effective 1/1/11, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Andrew Overbay, Smyth County, to fill unexpired Extension Agent term of Matthew Miller (term of office to begin on or before 4/9/11 - 1/1/13).

Headwaters

Resignation of Daniel Metraux, City of Staunton, effective 2/15/11, elected director position (term of office expires 1/1/12).

Recommendation of Roy T. Stephenson, City of Staunton, to fill unexpired elected term of Daniel Metraux (term of office to begin on or before 4/9/11 - 1/1/12).

Lonesome Pine

Resignation of Lynda Hubbard, Wise County, effective 2/9/11, elected director position (term of office expires 1/1/12).

Recommendation of Danny Cantrell, Wise County, to fill unexpired elected term of Lynda Hubbard (term of office to begin on or before 4/9/11 - 1/1/12).

Monacan

Resignation of Eric Bowen, Powhatan County, effective 12/16/10, appointed Extension Agent director position (term of office expires 1/1/13).

Mountain

Resignation of Alicia R. Gordon, Alleghany County, effective 5/6/10, elected director position (term of office expires 1/1/12).

Recommendation of David L. Byer, Alleghany County, to fill unexpired elected term of Alicia R. Gordon (term of office to begin on or before 4/9/11 - 1/1/12).

Mountain Castles

Resignation of John D. Seibel, Botetourt County, effective 2/15/11, appointed director position (term of office expires 1/1/15).

Recommendation of Walter Nelson, Botetourt County, to fill unexpired appointed term of John D. Seibel (term of office to begin on or before 4/9/11 - 1/1/15).

Northern Neck

Resignation of Matthew Lewis, Lancaster County, effective 1/14/11, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Kelly J. Liddington, Richmond County, to fill unexpired Extension Agent term of Matthew Lewis (term of office to begin on or before 4/9/11 - 1/1/13).

Peanut

Resignation of Rexford Cotten, City of Suffolk, effective 6/30/10, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Glenn Slade, Surry County, to fill unexpired Extension Agent term of Rexford Cotten (term of office to begin on or before 4/9/11 - 1/1/13).

Piedmont

Recommendation of Eric Bowen, Prince Edward County, to fill unexpired Extension Agent term of Brent Clayton (term of office to begin on or before 4/9/11 — 1/1/13).

Robert E. Lee

Resignation of Kent L. White, City of Lynchburg, effective 12/8/10, elected director position (term of office expires 1/1/12).

Recommendation of Shannon Brennan, City of Lynchburg, to fill unexpired elected term of Kent L. White (term of office to begin on or before 4/9/11 - 1/1/12).

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

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

Review of Board Policy: Financial Assistance for Districts

Mr. Meador distributed a copy of the Board Policy “Financial Assistance for Soil and Water Conservation Districts” as amended by Board action on May 15, 2010. He noted that the policy states that the Board will review and make changes prior to June 1 of each year.

The Board deferred action on this item until the May meeting in order to allow Board members time to review.

DRAFT FY12 Performance Deliverables for DCR/Districts Grant Agreements for Operational Funding

Mr. Meador addressed a copy of the memorandum dated March 1, 2011 with the subject “Explanation for Attached Draft DCR/SWCD Grant Agreement Performance Deliverables for FY12 Operational Funds.” A copy of this memorandum is available from DCR.

Mr. Meador noted that the staff was recommending the following item at the end of the document:

Assist all 47 districts in Virginia in achieving their natural resource conservation goals by supporting the Virginia Association of Soil and Water Conservation Districts by 1) volunteering to help the Association work toward district goals, and 2) providing financial assistance to the Association in an amount determined by the Association membership.

Mr. Meador noted that item was proposed by the Virginia Association of Soil and Water Conservation Districts.

He noted staff would also recommend addition of the following footnote at the bottom of the document “DCR Conservation District Coordinators will not evaluate SWCD fulfillment of the last two items on this list.”

Wilkie Chaffin spoke as past President of the Virginia Association of Soil and Water Conservation Districts. He noted that the concept was to encourage districts to support conservation statewide, not just within their own districts and that support to the Association was essential.

Dr. Chaffin said that the Association would not support the addition of the footnote. He said that the suggestion from the Association would be that the item regarding funding be in the evaluation document, but not the grant agreement.

Mr. Simms said that he would question whether there should be an item with regard to contributions to the Association.

MOTION: Mr. Ingle moved that the document entitled “Attachment A: Soil and Water Conservation District FY 12 Performance “Deliverables” For Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent that Funding Permits” be approved with the deletion of the footnote regarding DCR evaluation of the funding recommendation.

SECOND: Ms. Jamison

DISCUSSION: Chairman Hansen said that she would call for a roll call vote.

VOTE: Ayes: Ingle, Jamison, Simms, Hansen, Blake

Nays: Lohr, Brickhouse, Dalbec

Abstention: Wilkinson

The motion carried.

Mr. Ed Overton, President of the Association of Soil and Water Conservation District Directors said that he wanted to emphasize that DCR and the Association are partners and that the statement regarding funding was a reminder to Districts that the Association works on their behalf.

Board notification of SWCDs concerning public notice requirements for district director elections pursuant to § 10.1-523. Code of Virginia

Mr. Meador provided copies of a draft memorandum to Soil and Water Conservation District Chairs regarding Director Elections and the Oath of Office. This memo will be

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sent to Districts from DCR Director David Johnson. A copy of this correspondence is available from DCR. The purpose of the memorandum was to notify Districts of the requirements to post notices for the filing of petitions to be a candidate for Soil and Water Conservation District Director.

Mr. Meador said that this was for information purposes and did not require Board action.

Lake Barcroft WID Budget

Mr. Meador noted that members had received a copy of the proposed budget for the Lake Barcroft Watershed Improvement District. He noted that the Board must annual approve this budget. He also noted that it had been approved and recommended by the Northern Virginia Soil and Water Conservation District.

MOTION: Ms. Dalbec moved that the Virginia Soil and Water Conservation Board approve the Lake Barcroft Watershed Improvement District FY 2012 budget as submitted by the Northern Virginia Soil and Water Conservation District and presented by DCR staff.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

Partner Reports

Natural Resources Conservation Service

Mr. Bricker gave the report for NRCS. A copy of the report is included at Attachment #2.

Virginia Association of Soil and Water Conservation Districts

Mr. Overton spoke on behalf of the Association. He said that the Association was pleased that the General Assembly appropriated an additional million dollars for district operating expenses.

Mr. Overton noted that the Association had begun the planning processes for the Envirothon, the Youth Conservation Camp and the 2011 Annual Meeting.

Public Comment

There was no further public comment.

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New Business

The next meeting of the Virginia Soil and Water Conservation Board will be Tuesday, May 24, 2011. The meeting will begin at 9:30 a.m. in Senate Room a of the General Assembly Building in Richmond, Virginia.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Susan Taylor Hansen
Chair

David A. Johnson
DCR Director

Attachment #1

Department of Conservation and Recreation
Report to the Virginia Soil and Water Conservation Board
March 10, 2011

1. DCR/SWCD Operational Funding: All 47 SWCDs were issued a grant agreement with DCR in May, 2010 for operational funding this fiscal year (FY11). Each returned a fully endorsed agreement to their CDC. Each has been issued 75% of the approved operational funding for FY11. At the outset of this fiscal year (FY11), operational funding for all districts totals \$3,186,573. This amount reflects a decrease below the peak funding level experienced by districts in FY01 (\$4,301,000). However, over two thirds of the 47 districts are also receiving this fiscal year, funds that total \$1,712,500 to employ conservation specialists for the implementation of agricultural BMPs. In addition to the preceding amounts, districts receive funding for staff through appropriations language that enables 8% of the amount deposited in the Virginia Natural Resources Commitment Fund or \$1.2 million –whichever is greater, to support technical staff of SWCDs that are performing assistance with implementation of agricultural BMPs. The combined total for technical assistance funding in FY11 is \$2,912,500.

2. Conservation Partner Employee Development: The conservation partners continue to work through the Joint Employee Development or “JED” system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The last quarterly meeting of the state JED group was held as a conference call on December 15th, 2010.

The next meeting of the JED state team will be held as a conference call on March 23rd at 9:00 a.m.

3. SWCD Dams: The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others, continues to meet approximately every 3 months (generally a quarterly schedule). Of the roughly 4 meetings per year, one session is focused on Emergency Action Plans (EAPs), another addresses routine annual maintenance of district dams and the remaining meetings address the priority topics identified by the group. The group last met on February 24, 2011. The attendees numbered over 30 individuals representing SWCDs, NRCS, DCR and Bryce Resort. During the day DCR’s Design and Construction (DAC) staff provided an update on the use of the \$20 million in bond funds for SWCD owned dams. The remainder of the session was devoted to annual dam maintenance with presentations by SWCDs, NRCS and DCR. The group will meet again on April 28th, 2011. DAC staff will be present to share the latest news and plans for completing the remaining Break Inundation Zone Studies and mapping, and the next steps for structural modifications to five SWCD dams to enable their passage of the required storm and flood events. The balance of the next session will be devoted to Emergency Action Planning.

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4. VA Agricultural BMP Cost Share (VACS) Program: The VACS Technical Advisory Committee (TAC) conducted their business as a conference call on January 25th. The TAC received updates and provided feedback to attendees and members of its subcommittees on several topics including 1) further changes to stream exclusion BMPs such as expansion of the SL-7 into the Southern Rivers to extend CREP watering systems, 2) refining recommendations for a pasture management practice and 3) entertaining changes to nutrient management BMPs. DCR staff shared that they will recommend to the DCR Director that he remove the NM-2 (Three Year Contract for N.M. Plan Implementation and Record Keeping) from the FY12 program and not offer this practice as a cost share BMP. On March 7th the TAC members met face to face at the Department of Forestry state office in Charlottesville. Discussion topics included those addressed during the January conference call and additional items. The TAC reached closure on its recommendations to the DCR Director for revisions to the upcoming 2012 program. DCR staff will discuss the TAC's recommended changes with the Director on March 17th. Final decisions of the Director will be shared with the TAC, SWCDs and partner agencies in advance of the start of the 2012 program (begins July 1, 2011).

Monthly revenues from the land recordation fees localities collect for land transactions (authorized by the 2010 Virginia General Assembly) continue to be deposited for VACS program use. The amounts received by DCR through January, 2011 reflect an average monthly revenue of \$759,894. If this average continues for the balance of this fiscal year, DCR will receive \$9.1 million in revenue for FY11.

Agricultural BMP Tracking Program: DCR continues to work with WorldView, Inc. to refine additional enhancements and reporting capabilities of the Ag BMP Tracking program. DCR and WordView staff conducted 4 webinars in late February and early March to provide basic training to SWCD program users on the LogiXML reporting capabilities. "Canned" reports and special unique reports are now available using this advanced reporting software. The need for additional webinars and training sessions will be evaluated and additional sessions may be scheduled in the coming weeks. .

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

5. Nutrient Management: The State Water Control Board's proposed revisions to the Biosolids Use Regulations are now open for comment. These regulations govern how biosolids are permitted, applied to the land, set back and buffers required, and the timing of applications. Several public meetings are being held throughout the state for citizens to express their views on the content of the proposed regulations. These will be held at 7:00 pm at the following locations: Lynchburg – 3/31, Richmond – 4/05, Bridgewater – 4/07, Bealeton 4/12. The comment period for written comments ends on 4/29/2011.

NRCS has proposed revising the National 590 Standard, which is their guide to Nutrient Management on production acres in the U.S. for farmers receiving NRCS financial assistance on practices that require NMPs or cases where NRCS staff develops NMPs. DCR reviewed the proposed changes which include a soil phosphorus level where no additional Phosphorus can be applied if the level is 10 times the soil test level at which no crop response is expected. DCR's initial evaluation of this phosphorus level proposed by NRCS appears to be approximately in line with Virginia's existing 65% phosphorus saturation level where no phosphorus can be applied in Virginia NMPs. NRCS also proposes to have a limit on Potassium where soil test values would cause an imbalance in other nutrient availability. The 590 Standard would also create a limit of nitrogen on legumes from manure applications at a maximum of 150 lbs/acre/year. The Standard will also require mandatory record keeping of nutrients applied for all fields where any federal subsidy or cost share is being sought.

6. DCR TMDL Activities: Currently DCR is working on three TMDL implementation plans in the following watersheds across the Commonwealth: Cherrystone Inlet and Kings Creek (Northampton County); Upper York River Basin - Goldmine Creek (Louisa County), Beaver Creek, Mountain Run, Terry's Run and Pamunkey Creek (Orange County) and Plentiful Creek (Spotsylvania County); and Upper Bannister River, Bearskin Creek, Cherrystone Creek, Whitehorn Creek, and Stinking River (Pittsylvania County). Staff is also supporting DEQ in the development of the James River - Richmond area implementation plan being developed for bacteria impairments.

DCR has a new Watershed Field Coordinator (Eileen Rowan) working in the Christiansburg Regional Office as a contract employee through Virginia Tech. Eileen will support TMDL development and implementation efforts in the New River and Roanoke River Basins.

7. Chesapeake Bay TMDL: Phase 1 of Virginia's Watershed Implementation Plan (WIP) to address the Chesapeake Bay TMDL has been approved by EPA. Phase 2 of the actions each Bay state will address requires the development of plans on a smaller segment scale. The Virginia portion of the Chesapeake Bay drainage basin contains 39 unique segments. DCR staff will coordinate development of the Phase 2 WIP with the goal of preparing a draft plan by the close of this calendar year. Submission of a Phase 2 plan to EPA will occur during calendar year 2012. A work plan is under development by DCR to lay out the process that will be followed for Phase 2 of the WIP. When the work plan is complete it will be posted on DCR's public web site. There is need to engage local county and city governments as plans to address pollutant loads at the level of local governments are developed. Support and cooperation from Planning District Commissions (PDCs) will likely be sought as one means of effectively reaching all localities in the state's Bay basin. To learn more about plans and expectations of the Bay states, visit the official EPA website for Bay TMDL information at: www.epa.gov/chesapeakebaytmdl/. DCR's website for the Bay TMDL is: <http://www.dcr.virginia.gov/sw/baytmdl.shtml>

8. Stormwater Management Program: DCR staff has issued coverage to 1,169 projects qualifying for the General Permit for Discharges of Stormwater from Construction Activities for the period of July 1, 2010 through March 2, 2011. As of this Board meeting, six localities remain under Corrective action Agreements related to the last program review cycle. The programs are: Cities - Covington and Petersburg; Counties - Greensville, Lee and Northumberland; Town - West Point.

9. Water Quality Improvement Fund 2010 Request For Proposals (RFP) results – as a result of a competitive RFP, DCR will be awarding 23 local and regional nonpoint source water quality improvement projects. DCR received 66 proposals requesting approximately \$7.8M for projects located throughout the Commonwealth. The total WQIF funding available is \$2,652,550. The RFP utilized reprogrammed funding from the DCR 2006 and 2007 WQIF project allocations. Selected projects for the Chesapeake Bay Watershed total \$1,406,933 for 14 projects. Selected projects for the Southern Rivers watersheds total \$1,245,617 for 9 projects.

Both the Chesapeake Bay and the Southern Rivers watersheds had specific amounts of funding available based upon each watershed's original allocations in accordance with Virginia Code §10.1-2123-2128. One set of exciting projects are 2 pilot projects for local stormwater engagement. The Central Shenandoah Planning District Commission and Powhatan County are leading the way with this important initial effort around our emerging revised stormwater regulations. Also, the James River Association's "Extreme Stream" makeover project was funded to demonstrate both conservation and restoration of local streams.

Funding was targeted for projects to support nonpoint source pollution reduction initiatives targeted to the restoration of streams that fail to meet state water quality standards, or that support protection or restoration of other priority waters such as those containing critical habitat or drinking water sources.

Attachment #2

NRCS REPORT
VA Soil and Water Conservation Districts Board Meeting
VA General Assembly Building
March 10, 2011

CONTINUING RESOLUTION

President Barack Obama signed a stopgap measure that will keep the federal government funded through March 18, averting a shutdown for two more weeks while congressional leaders broker a longer-term deal. The resolution, which passed the Senate 91 to 9, will cut \$4 billion in spending by targeting programs that Obama has already marked for elimination and reductions. That's far less than House Republicans had wanted to cut, but with the clock ticking and public opinion sharply divided, GOP leaders were willing to make concessions.

FARM BILL

Financial Assistance Programs:

We just completed processing and ranking applications received through March 4, 2011. We have made pre-approvals in most programs to producers who ranked out high. The development of program contracts is underway and the obligation of funds should be completed by April 29th. NRCS received the following financial assistance funds for FY-11:

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

Conservation Innovation Grants (CIG)

We have both national and state CIG.

- National – \$25 million available. Final proposals due March 14th. NRCS reviews at the state level and provides comments, but decisions are made at the national level.
- State CIG – \$225,000 available with maximum of \$75,000 per grant.
 - We received 9 pre-proposals by the February 18th deadline.
 - We asked 6 to submit full proposals by April 15th

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Conservation Security and Conservation Stewardship Programs

NRCS staff is currently undergoing an internal review of all 2010 CSP contracts. Payments are being made for 2010 contracts that complete the audit.

Cooperative Conservation Partnership Initiative (CCPI)

This is a national submittal. Virginia submitted 5 projects for consideration. No word on approvals yet.

Strategic Watershed Action Teams (SWAT) Proposals

- Objective is to put additional “Boots on the Ground” and implement conservation practices by leveraging funds. NRCS pays 75% and non-federal partners pay 25%. Not sure when or if these will be funded.
- Virginia has joined with other states to submit two SWAT proposals for funding
 - Chesapeake Bay
 - Long Leaf Pine

DAM REHABILITATION

Congress has proposed to zero out funding for both the Watershed Operations and Dam Rehabilitation Programs for the remainder of 2011. Both programs are also zeroed out in the 2012 President’s budget. We will keep you posted on this issue as we know more.

Pohick Creek Site 3 (Woodglen Lake) in Fairfax County – This project has been completed and we are finalizing all the paperwork to close out the project.

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

Both Pohick Creek rehabilitation projects are sponsored by the Fairfax County Board of Supervisors and the Northern Virginia SWCD. Funding is provided by the American Recovery and Reinvestment Act (ARRA) for these projects.

Pohick Creek Site 8 (Huntsman Lake) in Fairfax County – A final plan is expected in 2011.

South River Site 10A (Mills Creek) in Augusta County – NRCS is currently working on the final design for this project. A request for construction funding is expected in 2012.

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

Assessments for High Hazard Dams – Five assessments have been completed and four more are underway.

WATERSHED OPERATIONS

North Fork Powell River Watershed – Four sites have been completed and one site is under construction using ARRA funds to remediate abandoned mine land sites in this watershed. The project is sponsored by the Lee County Board of Supervisors, the Daniel Boone SWCD, and the Virginia Department of Mines, Minerals and Energy.

Buena Vista Flood Control Project –NRCS hired an A&E firm to design the channel modification project for Chalk Mine Run.

DISCRIMINATION CLAIMS BY HISPANIC AND WOMEN FARMERS

As part of continued efforts to close the chapter on allegations that discrimination occurred at USDA in past decades, Agriculture Secretary Tom Vilsack and Assistant Attorney General Tony West announced the establishment of a process to resolve the claims of Hispanic and women farmers and ranchers who assert that they were discriminated against when seeking USDA farm loans. Hispanic and women farmers and ranchers who allege past discrimination can now come forward to participate in a claims process in which they have the opportunity to receive compensation.

VSU OUTREACH CONFERENCE

Virginia State University is hosting the fourth annual USDA Outreach Conference on Monday, March 14 at the L. Douglas Wilder Building on campus. NRCS is one of 10 agencies involved in the day-long event with presentations focusing on the theme, "Locally Grown Food – Bridging the Gap between Farmers and USDA". Two NRCS State Office employees will serve as presenters. Highlights will include farmer panels and breakout sessions on Conservation, Bio-fuels, Locally-Grown Food and grant writing. The conference affords Virginia's small farmers the opportunity to learn more about various USDA services available and how to access them.