

**Virginia Soil and Water Conservation Board
Tuesday, March 15, 2007
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair
Michael Altizer
Richard McNear
Michael Russell
Joseph H. Maroon

Granville M. Maitland, Vice Chair
Susan Taylor Hansen
Jean R. Packard
Raymond L. Simms
John A. Bricker

Virginia Soil and Water Conservation Board Members Not Present

Benjamin H. Graham

DCR Staff Present

Ryan J. Brown
Eric Capps
David C. Dowling
Jack E. Frye
Mark B. Meador

William G. Browning
Matthew Criblez
Michael R. Fletcher
Carrie Hileman
Jim Robinson

Others Present

John S. Bailey, Lake of the Woods
Kenneth Carter, NRCS
Herbert Dunford, Henricopolis SWCD
Dennis Gaston, Virginia Department of Forestry
Ann Jennings, Chesapeake Bay Foundation
Monira Rifaat, Culpeper SWCD
Ricky Rash, VASWCD

Call to Order

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

Minutes of January 19, 2007 Meeting

MOTION: Ms. Packard moved that the minutes of the January 19, 2007 meeting be approved as submitted by staff.

SECOND: Mr. Maitland

DISCUSSION: Mr. McNear said that he would abstain from the vote, as he was

not present at the January meeting.

VOTE: Motion carried with Mr. McNear abstaining.

Introduction and Welcome of new NRCS State Conservationist

Ms. Campbell introduced Mr. John A. “Jack” Bricker as the new Virginia State Conservationist. Mr. Bricker was previously the State Conservationist in Michigan

Director’s Report

Mr. Maroon gave the Director’s report. He thanked the Association of Electric Cooperatives for the use of their boardroom.

Mr. Maroon said that with regard to the Agriculture Stewardship Act appeal that the Board addressed on January 19, VDACS has been informed that Mr. Spenard, owner of the farm that was the subject of the complaint, has been working with Tri-Cities/County SWCD to develop an agricultural stewardship plan in accordance with the requirements of the Agricultural Stewardship Act.

Mr. Spenard has 60 days from the time of the Board’s decision to complete a plan. VDACS anticipates receiving a completed plan before the end of the 60 days.

Mr. Maroon was a keynote speaker at the Virginia Lakes and Watershed Association’s Annual meeting in Richmond. Several DCR staff also made presentations on floodplain management, dam safety, stormwater management and land conservation. A special workshop for dam owners drew an unexpectedly large number of participants.

Mr. Maroon said that DCR had recently embarked on two marketing ad campaigns.

The Farm conservation awareness pilot program launched in the Valley Region is an effort to increase participation the state cost-share program. The ad campaign is designed to improve awareness of the resources that are available that can help farmers more readily adopt the most effective conservation practices.

The advertising campaign strikes a balance between the pressure farmers feel to produce and their desire to conserve. Most of the ads encourage farmers to attend a specific event where conservation practices will be presented or to visit their local Soil and Water Conservation District for information on cost-sharing programs.

The advertising campaign was conceived and produced by McFadden Clay Marketing Group of White Stone, Virginia and grew out of market research commissioned by DCR that looked at farmers’ awareness levels and attitudes toward government-funded cost-share programs.

Mr. Maroon said the other campaign that has just begun in Richmond and Hampton

Roads is aimed at homeowners. The Chesapeake Bay Club focuses on the connection between individual lawn care and the health of local rivers and streams.

The campaign was originally developed by the regional Chesapeake Bay Program and had a successful two-year run in the Washington, D.C. market. As a Bay Program partner, DCR has been involved with the Chesapeake Club since its inception.

Mr. Maroon distributed the following:

- Two brochures on land conservation: One focuses on land conservation in general. The second focuses on tax benefits for the conservation of land.
- The latest issue of Grassroots Newsletter. Mr. Maroon noted that there was an article about the award given in memory of long time employee Linda Cox.

Legislative and Budget Update

Mr. Maroon referenced a document in member packets entitled Key Legislation Followed by the Department of Conservation and Recreation during the 2007 General Assembly Session. A copy is available from DCR.

Mr. Maroon referenced the following specific pieces of legislation:

HB2568 and SB821 Erosion and sediment control; violation of ordinances: This legislation amends §10.1-562.J of the Erosion and Sediment Control Law dealing with civil penalties associated with violations of the law.

HJ0812 Commending the 10 River Basin Grand Winners of the Clean Water Farm and Bay Friendly Farm Awards.

SB1301 Water Quality Improvement Fund; CSO funding for the City of Lynchburg and the City of Richmond. This legislation allows for transfers from non-point funds within the Water Quality Improvement Fund between July 1, 2007 and June 30, 2017 to address the cities of Lynchburg and Richmond's combined sewer overflow projects.

Mr. Maroon noted that members had a copy of this bill in their packets. As originally submitted, funding was just provided for Lynchburg to deal with combined sewer overflow problems and the upgrades that are needed. The bill was modified to include Richmond.

The effect of the bill is that it makes CSO a nonpoint issue when it really is a point source issue. The Bay Foundation, the Districts, the Association of Soil and Water Conservation Districts and the agricultural community all spoke against this bill during the Session. The bill passed the Senate on a 21-18 vote.

The Governor has the option of signing, amending or vetoing the bill.

Ms. Packard noted that there was a move to ask the Governor to veto the bill.

Ms. Campbell said that the Board could take a position with regard to the bill if they so desired.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board recommend to Governor Kaine that SB1301 be vetoed.

SECOND: Ms. Packard

DISCUSSION: Mr. Russell asked if there had been a study regarding the impact if the funds came from point source funding.

Mr. Maroon said that wherever the money comes from there will be an impact. He noted that the point sources are currently receiving more funding than non-point issues.

Mr. Russell said that he would like to offer an amendment to the motion that the funding comes from the point source funds.

Mr. Altizer seconded the amendment.

Ms. Packard said that with that change the motion would lose the original intent. She said she would be opposed to the amendment.

Ms. Campbell called for a vote regarding the amendment.

AYE: Altizer, Simms, Russell

NO: McNear, Packard, Maitland, Hansen, Campbell

ABSTAIN: Maroon

The motion to amend the original motion failed.

Ms. Campbell called for the vote on the original motion.

VOTE: Motion carried with Mr. Maroon abstaining.

Ms. Campbell will send a letter to the Governor on behalf of the Board. A copy will be provided to Board members.

Mr. Maroon reviewed the budget changes. He noted that DCR lost well over \$20 million from the Governor's proposed budget. He noted there were significant reductions in the funding for land conservation.

Mr. Maroon noted that in positive budget developments, \$300,000 was added for Soil and Water Conservation District funding. DCR also received two new positions for responsibilities on biosolids and nutrient management.

With regard to tracking BMP implementation, DCR has worked closely with the Association of Soil and Water Conservation Districts. DCR was given the authority to spend up to \$500,000 in the interest from the Water Quality Improvement Fund for improvements in that system. DCR will be working with the Board and NRCS to improve the BMP tracking system.

Soil and Water Conservation District Related Topics

Mr. Meador addressed the Soil and Water Conservation District related topics.

Director Resignations and Appointments

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

Lake Country

Recommendation of Sam G. Griffin, Brunswick County, to fill unexpired elected term of Harold L. Alderfer (term of office to begin on or before 4/14/07 – 1/1/08).

Monacan

Resignation of Katie Flannagan, Goochland County, effective 2/12/07, elected director position (term of office expires 1/1/08).

Recommendation of George Sullivan, Goochland County, to fill unexpired elected term of Katie Flannagan (term of office to begin on or before 4/14/07 – 1/1/08).

Peanut

Resignation of Edward B. Ashby, Jr., Surry County, effective 1/1/07, elected director position (term of office expires 1/1/08).

Recommendation of Jerry L. Rogers, Surry County, to fill unexpired elected term of Edward B. Ashby, Jr. (term of office to begin on or before 4/14/07 – 1/1/08).

Pittsylvania

Resignation of Bruce Jones, Pittsylvania County, effective 3/5/07, Extension Agent director position (term of office expires 1/1/09).

Prince William

Resignation of Ronald G. Simkulet, Jr., Prince William County, effective 1/17/07, elected director position (term of office expires 1/1/08).

Recommendation of Robert P. Shiner, Prince William County, to fill unexpired elected term of Ronald G. Simkulet, Jr. (term of office to begin on or before 4/14/07 – 1/1/08).

Tazewell

Recommendation of Edward K. Neel, Tazewell County, to fill unexpired elected term of William F. Neel (deceased) (term of office to begin on or before 4/14/07 – 1/1/08).

Thomas Jefferson

Resignation of Scott Byars, Louisa County, effective 12/9/06, Extension Agent director position (term of office expires 1/1/09).

Recommendation of Carrie Swanson, Albemarle County, to fill unexpired Extension Agent term of Scott Byars (term of office to begin on or before 4/14/07 – 1/1/09).

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation District approve the list of District Director resignations and appointments as submitted.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Maroon moved that the Virginia Soil and Water Conservation Board send a letter of congratulations and appreciation on behalf of the Board and the Department to Mr. Edward Ashby for his years of service to the Peanut Soil and Water Conservation District.

SECOND: Ms. Packard

DISCUSSION: Ms. Packard suggested that the Association check with the National Association of Conservation Districts to see if Mr. Ashby's 49 years of service are a national record.

VOTE: Motion carried unanimously

2007 District Director Elections

Mr. Meador said that at the last meeting staff had explained that DCR would need to post notices for Director elections in all 47 districts. The Board had recommended that staff work with the State Board of Elections. However, according to the Board of Elections and to the Code of Virginia there is no relief available to help DCR meet the requirement.

The law requires a notice in a newspaper in each of the 47 Districts. All elected director positions will be on the ballot in November.

Mr. Meador said the cost of posting the notices is expected to be \$30-40K statewide.

Ms. Campbell asked what amount was budgeted.

Mr. Meador said that no amount had been budgeted, but that DCR has a possible \$15,000 available in funds carried forward.

Mr. Maroon said this is the first time the agency has been required to advertise statewide in the same year. Previously there had been staggered elections.

Possible Changes to the FY08 Performance Deliverables for SWCD Operational Funding Issued by DCR

Mr. Meador presented a document entitled, "Soil & Water Conservation District FY 2007-2008 Performance 'Deliverables' for Acceptance of DCR Funds to Carry Out This Agreement and for Operating Expenses to the Extent that Funding Permits." A copy of this document with suggested draft revisions is included as Attachment #1.

Mr. McNear asked if the document was intended to say that Districts should get involved in local land use practices.

Mr. Meador said that, in his opinion, it was very appropriate as localities review their comprehensive plans.

Mr. Altizer noted that it would be better to list the Governor's 400,000-acre land conservation goal further down in the list. The goal is important, but is not the first priority for Districts.

The Board will take action on this document at the May meeting.

Possible Changes to the Policy for Financial Assistance for SWCDs

Mr. Meador distributed several handouts referencing possible changes to the Board Policy for Financial Assistance for Soil and Water Conservation Districts. Copies of these documents are available from DCR.

Mr. Meador referenced the Board policy adopted in 2003 that says if there is a realignment or creation of a district that creates a financial impact on the total funding that the locality would have to bear the cost of the realignment until more funding was provided to offset the cost. This commitment must continue annually until an increase in funding is established within state funds.

Mr. Meador noted that the City of Roanoke had joined the Blue Ridge SWCD and the City of Charlottesville had joined the Thomas Jefferson SWCD and that the Board had not yet provided funding for the directors from those localities.

Mr. Meador said that staff was recommending that the travel for the Directors from Roanoke and Charlottesville be included in the funding for the respective districts and also that DCR be allotted \$25,000 for the purposes of advertising in the upcoming election cycle.

Mr. Meador noted that the contract for the auditor has expired and the contract for the bonding of District Directors would expire in July. He said that DCR expects both of these items to increase in cost.

Mr. Meador presented several scenarios for the distribution of the remaining funding. He noted that the funds available do not meet the recommended \$110,000 for each district.

Ms. Campbell called on Mr. Rash to give comments from the Association of Soil and Water Conservation Districts.

Mr. Rash said that the Association Board would discuss funding formula options at their Board meeting the following week. He said that at this time, he could not speak on behalf of the Board.

Ms. Campbell said that it would be helpful for the Soil and Water Conservation Board to have recommendations from the Association prior to the May meeting.

Ms. Campbell called on Monira Rifaat, Chair of the Culpeper SWCD for comments. Ms. Rifaat said that she would defer to the VASWCD Board for specific comments. However she noted that the matter of rent has had a negative impact on districts. With the Farm Service Agency closing or consolidating offices, Districts have had to share a larger portion of the rent with NRCS.

Ms. Campbell said that the Board would appreciate additional comments from the Association and Districts.

Mr. Rash said that the Association may seek an increase in their grant agreement amount. Mr. Herb Dunford, Chair of the Henricopolis SWCD said that the Henricopolis District believes that it is important to keep the core funding distributed equally.

Mr. Russell said that with the FSA office closures in nine locations and the NRCS adjustments there will be significant cost increases for Districts.

Ms. Rifaat said that the line item for rent for Culpeper is anticipated to go from \$9,750 to over \$30,000.

Ms. Campbell noted that the Board has previously contacted local governments with regard to the importance of Soil and Water Conservation Districts.

Mr. Meador distributed a handout summarizing the current year's funding. A copy of that handout is available from DCR.

Ms. Campbell said that the Board would take action at the May meeting on the Financial Assistance Policy.

Annual Approval of Lake Barcroft WID Budget

Ms. Packard presented the annual budget for the Lake Barcroft Watershed Improvement District. The Northern Virginia SWCD has approved the budget.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the budget for Lake Barcroft WID as presented.

SECOND: Ms. Hansen

DISCUSSION: Mr. Altizer asked for a brief history of the WID.

Ms. Packard said that for years, Lake Barcroft was the only Watershed Improvement District set up under state law. The WID is allowed to levy taxes, which are collected by the County. The budget is approved by the Soil and Water Conservation District and by the Soil and Water Conservation Board.

VOTE: Motion carried unanimously

Erosion and Sediment Control Program

Mr. Frye presented the Local ESC Program Review Status Summary Table for Fiscal Year 2005. A copy of this handout is available from DCR.

Mr. Frye said the goal is to achieve a review of all local Erosion and Sediment Control

programs on a 2-year cycle. The goal is to have 90% of the programs consistent by 2010.

Ms. Hansen asked the nature of the inconsistencies.

Mr. Frye said the reality was that some localities had not been reviewed for several years.

Mr. Maroon said that the intent is to keep the Board apprised of the status of the local programs.

Local Programs Recently Found Consistent

Mr. Capps presented five programs for recognition of consistency.

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board commend the Town of Culpeper, Charles City County, Green County, the City of Newport News and the City of Waynesboro for being 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. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Amendment to Local Program Review Schedule FY07

Mr. Capps said that in the original list of local program reviews, Dickinson County was listed incorrectly. Scott County should have been listed instead.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs and that the Board concur with the staff recommendations on the revised local programs to review for FY07 and approve the revised list of localities allowing for the completion of up to 32 reviews in FY07.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Approval of Alternate Inspection program for the City of Bristol

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Program for the City of Bristol as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations and that the Board request the DCR staff to monitor the implementation of the alternative inspection program by the County to ensure compliance.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Approval of Linear Project Standards and Specifications

MOTION: Ms. Packard moved that the VSWCB receive the staff update concerning the review of the 2007 annual standards and specifications for Holcomb Rock Company and that the Board concur with staff recommendation for conditional approval of the 2007 specifications for the Holcomb Rock Company in accordance with the Erosion and Sediment Control Law. Further, the Board requests the Director to have staff notify the company 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 in 2007 must be submitted by April 30, 2007. 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 30, 2007 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.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Stormwater Management Program

Update on General Permit Issuance

Mr. Capps said that in FY07 DCR has issued 1560 permits, a 7% increase from last year.

Update on MS4 Permits

Mr. Dowling gave the following update on MS4 Permits.

At the September 28th meeting, the Board gave DCR authority to initiate a regulatory action to amend the small Municipal Separate Storm Sewer System (MS4) General Permit

The permits are good for 5 years and the General Permit is set to expire December 9, 2007.

On February 13, DCR filed the NOIRA at the Board's request.

The 30-day public comment period opened on March 5th and closes on April 4th.

DCR mailed out approximately 340 notices of the NOIRA.

The notices went out to everyone in DCR's public participation database interested in the stormwater regs, DEQ's old mailing list, all MS4s. Neighboring states (Maryland, Kentucky, North Carolina, Tennessee, West Virginia) were also sent information. Other Virginia agencies notified include Dept. of Health, Historic Resources, Game and Inland Fisheries, Environmental Quality, Institute

of Marine Science and the Virginia Marine Resources Commission. The U.S. Fish and Wildlife Services, the Department of Commerce, and EPA were also notified.

The regulatory Town Hall sent notices to 738 individuals.

So far DCR has received 2 comments and 3 requests to be placed on the TAC.

Upon the close of the public comment period, DCR will need to assemble the TAC and begin revisions to the General Permit regulations.

The proposed timeline for the regulation is to bring the proposed regulation to the Board at the September 20th meeting. (File on Sept. 26th; Published on October 15th)

A 60-day public comment period will begin on October 15th (Ends December 14th)

EPA will also review during this time period.

There are also newspaper publishing requirements (federal) during this time period.

The Final regulation would be brought to the Board at the January 18th (tentative) meeting. DCR would expect to have the amended General Permit regulation in place sometime in March.

Extension of MS4 Registration Statement Filing Deadline

The regulatory timeline will create the following issue in that the new permit will not be in place before the existing permit expires on December 9th. The regulations contemplate this occurring (and it does) and allows individuals that have filed their registration statement to be able to have continued coverage under the old permit until the new permit is in place.

However, the catch is, currently the permit holders are required to submit their registration statements by September 10th (90 days in advance of the permit expiration date). As the proposed regulations will not even be going to the Board until September 20th, staff requested that the Board administratively extend this due date from September 10th to December 7th which is within the Board's regulatory authority to do so.

This extension will allow the applicants to have a better understanding of where the new permit is heading and the requirements that will be embodied in it and additional time to prepare their registration statement and supporting documentation. DCR feels that the current regulatory timeline supports this

administrative extension and will be appreciated by the permit holders.

Authority is set out in:

4VAC50-60-1240(III)(M)

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive and approve staff recommendation to extend the deadline for owners of small municipal separate storm sewer systems (MS4s) who are currently covered under the VSMP General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems to submit a new Registration Statement from September 10, 2007 until December 7, 2007, in accordance with 4 VAC 50-60-1240 Section III.M.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Stormwater Regulations

Mr. Dowling gave the following update regarding the Stormwater Regulations.

At the last meeting staff had temporarily delayed further meetings of the Technical Advisory Committee in order to discuss the draft regulations with the Environmental Protection Agency and to have the Center for Watershed Protection assess whether the regulations and the incorporated load limits were reasonable and achievable.

The EPA sent preliminary comments on March 2nd. They characterized the regulations as an “exciting and innovative product”. Staff is working on setting up a meeting with them to discuss their comments in detail as soon as possible.

One of the elements that staff will be discussing with them are their requirements to achieve water quality standards. They suggest it is “maximum extent practicable” which translates to tech-based limits.

In terms of the Center for Watershed Protection study, DCR had a preliminary

meeting with their project manager on February 28th.

A preliminary look at their information indicates that they are conducting a thorough review of the draft regulations that will result in sound recommendations for the Department's, TAC's, and Board's consideration.

DCR's meeting with them on Monday, March 19th, should provide direction on where DCR might improve the draft regulations.

Following the next CWP meeting and a meeting with EPA staff will reassess the progress on the regulations and next steps, including bringing the TAC back together.

Dam Safety Regulations

Mr. Dowling gave an update regarding the dam safety regulations.

Since the Board meeting staff has continued to work diligently in drafting the regulation's supporting documentation. The supporting documentation is longer than the actual regulation.

The package includes a detailed explanation of each change made and why, how each comment provided by the public during the 60-day public comment period and the associated public meeting was treated, and it includes a detailed economic impacts discussion.

Staff reviewed the package with the Director yesterday and the plan is to submit the regulation for Administration review early next week.

Dam Safety Certificates and Permits

Compliance Issues

Mr. Browning gave an update on the Compliance Issues. A copy of the update is available from DCR.

There were no recommended Board actions.

Conditional Operation and Maintenance Certificate Recommendations

There were no recommendations in this category and no recommended Board actions.

Mr. Browning gave an update regarding Lake of the Woods Dam, Inventory Number 13701. A copy of the update is available from DCR. Mr. Browning noted the following updates to the report presented in January:

- On 2/12/07 Dam Safety received LOWA's engineer's certification that the floodwall was constructed in compliance with the designed plans and specifications.
- The as built plans still need to be submitted.
- A meeting held on 2/28/07 at which time Dam Safety staff received engineering design, plans and specifications.
- During the meeting to review the design, plans and specifications, Dam Safety requested LOWA to address the questions posed in a December 1, 2005 document concerning the Draper Aden Alternative and provide the hydrologic computer modeling for the PMF with the proposed Alternative II.
- To date DCR has not received this information.

Mr. Bailey said that Lake of the Woods has the document as well as the drawing. He said he will continue to follow up on any outstanding issues and will provide information accordingly.

LOWA was given until March 31, 2007 to provide DCR Dam Safety the complete engineering design plans and specifications.

Regular Certificates

Mr. Browning presented the list of Regular Operation and Maintenance Certificate Recommendations.

01921	Lake Vista Dam #1	BEDFORD	Class II Regular	3/31/13
04112	Swift Creek Reservoir Dam	CHESTERFIELD	Class I Regular	3/31/13
05909	Lake Anne Dam	FAIRFAX	Class II Regular	3/31/13
05913	Lake Thoreau Dam	FAIRFAX	Class I Regular	3/31/13
05921	Lake Audubon Dam	FAIRFAX	Class II Regular	3/31/13
05924	Upper Occoquan Dam	FAIRFAX	Class II Regular	3/31/13
05930	Lake Newport Dam	FAIRFAX	Class I Regular	3/31/13
15322	Prince William Parkway Dam	PRINCE WILLIAM	Class I Regular	3/31/13

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Construction and Alteration Permits

Mr. Browning presented the Construction and Alteration Permit recommendations. He noted that the Director should abstain from voting on Bear Creek Lake Dam located at Bear Creek Lake State Park.

04902	Bear Creek Dam	CUMBERLAND	Class III Alteration	3/15/2007–7/31/2007
06515	Anderson's Dam	FLUVANNA	Class III Alteration	3/15/2007-3/31/2008
08555	Regional SWF T-40 Dam	HANOVER	Class II Construction	3/15/2007-3/31/2009
10733	Lawrence Dam	LOUDOUN	Class III Alteration	3/15/2007-3/31/2008
16301	Goshen Dam	ROCKBRIDGE	Class I Alteration	3/15/2007-7/31/2008
76011	Winston Lake Dam	CITY OF RICHMOND	Class II Alteration	3/15/2007-3/31/2009

MOTION: Mr. Russell moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried with Mr. Maroon abstaining

Extensions

Mr. Browning presented the recommended list of Extensions

00351	Peacock Hill Dam	ALBEMARLE	Class III Regular	7/31/07
01522	South River Dam #7	AUGUSTA	Class I Conditional	3/31/09
01532	Mill Place Commerce Park BMP #4	AUGUSTA	Class III Conditional	1/31/09
03504	Olde Mill Golf Club Dam	CARROLL	Class III Regular	7/31/07
05106	Laurel Lake Dam	DICKENSON	Class III Conditional	9/30/07
05301	Lake Jordan Dam	DINWIDDIE	Class II Conditional	7/31/08
05923	Pohick Creek #2 Dam	FAIRFAX	Class I Conditional	9/30/07
06102	DiGiulian Dam	FAUQUIER	Class III Conditional	9/30/07
06702	Upper Blackwater River Dam #4	FRANKLIN	Class I Conditional	9/30/07
06904	Cherokee Dam	FREDERICK	Class II Conditional	9/30/07

08539	Mattawan Assn. Dam	HANOVER	Class II Conditional	9/30/07
08902	Leatherwood Creek Dam #5	HENRY	Class II Conditional	3/31/08
08904	Leatherwood Creek Dam #3	HENRY	Class II Conditional	3/31/08
08907	Leatherwood Creek Dam #6	HENRY	Class II Conditional	3/31/08
08909	Marrowbone Creek Dam #1	HENRY	Class I Conditional	7/31/07
09906	Lake Monroe Dam	KING GEORGE	Class I Conditional	7/31/07
14116	Ararat River Dam #32	PATRICK	Class III Regular	7/31/07
14117	Ararat River Dam #28	PATRICK	Class I Regular	7/31/07
14319	Elkhorn Lake Dam	PITTSYLVANIA	Class III Regular	7/31/07
18701	Lake of the Clouds	WARREN	Class II Conditional	7/31/07
72002	Upper Norton Dam	CITY OF NORTON	Class I Conditional	3/31/09
77001	Windsor Lake Dam	CITY OF ROANOKE	Class I Conditional	11/30/07

Mr. Maroon would noted that he would want to abstain from voting on Laurel Lake Dam as he is on the Board for Breaks Interstate Park.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by staff with the exception of Inventory # 05016, Laurel Lake Dam and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the extension recommendation for Inventory # 05106 Laurel Lake Dam and that staff be directed to communicate the Board action to the affected dam owner.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried with Mr. Maroon abstaining

Partner Agency Reports

Department of Conservation and Recreation

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy is included as Attachment #2.

Natural Resources Conservation Service

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment #3.

Virginia Department of Forestry

Dennis Gaston of the Sandston office of the Department of Forestry noted that it was tree-planting season. He also noted that the Commonwealth was in the midst of fire season and that conditions have been rather dry.

Public Comment

There was no additional public comment.

Other Business

Mr. Maitland said that the Districts in the Southern Rivers portion of the state have expressed concerns about the division of funding mentioned in the HB1150 report with the 60/40 split in favor of the Chesapeake Bay areas.

Mr. Altizer said that he represents the only Area that is 100% in the Southern Rivers watershed. He said that he had received several calls regarding this matter.

Future Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, May 17. The location is to be determined.

Adjourn

There was no other business and the meeting was adjourned.

Respectfully submitted,

Linda S. Campbell
Chair

Joseph H. Maroon
Director

Attachment #1

DRAFT DCR/SWCD Grant Agreement No. <<AgreementN>>

ATTACHMENT A

**Soil & Water Conservation District (district)
FY 2007-2008 Performance “Deliverables”
For Acceptance of DCR Funds to Carry Out This Agreement
and for Operating Expenses to the Extent That Funding Permits**

- Administer and provide technical assistance with nonpoint source pollution reduction and natural resource conservation efforts including support and/or implementation of the following:
 - Support the Governor’s 400,000 acre land conservation initiative
 - The Virginia Agricultural BMP Cost-Share program
 - The Virginia Agricultural BMPs Tax Credit Program
 - Virginia Water Quality Improvement Act
 - Conservation Reserve Enhancement Program
 - Voluntary BMP installation by property owners/managers
 - TMDL (Total Maximum Daily Load) development and implementation processes
 - Agricultural Stewardship Act
 - BMP Revolving Loan Program
 - Small Business Environmental Assistance Fund Loan Program
- Wherever applicable, actively participate in the local development and implementation of:
 - Tributary Strategies
 - Small Watershed Management plan development
 - Sound land use planning approaches
 - Environmental Education programs
 - Chesapeake 2000 Agreement goals
 - Nutrient management plans
- Deliver local natural resource conservation programs with consideration to resource needs and issues affecting watersheds within the district, and watersheds that flow beyond the district boundaries.
- Support and foster partnerships with local governments, agencies, organizations, councils, roundtables and others to protect soil resources, to improve water quality and further natural resource conservation.
- Hold monthly meetings with a quorum of district board members present.
- Develop and maintain a longer term plan that enhances district capabilities, on a 4 year cycle consistent with the election cycle of district directors, through a facilitated process with participation by district stakeholders. Review of the plan is expected at least annually during a scheduled meeting of the district board. Plans should include watershed priorities.
- Prepare and follow an annual plan of work that connects to the district’s longer term plan.

- Submit meeting minutes from all routine and special meetings of the district board and a copy of district publications (including an annual plan of work, an annual report, the longer term 4 year plan) to the district's assigned Conservation District Coordinator (CDC).

Submit quarterly financial reports to request funding drawdowns from DCR to the district's assigned CDC.

Maintain employee position descriptions, performance expectations and the district personnel policy; conduct timely employee evaluations. Provide the district's assigned CDC with a copy of employee position descriptions and the district personnel policy once updated documents are resolved.

Provide data, and other information needed for preparation of legislated studies and reports that pertain to programs and services delivered by SWCDs, as requested by DCR to support nonpoint source pollution reduction initiatives that improve water quality.

Ensure staff implementing the Virginia Agricultural BMP Cost-Share Program, and other agricultural related programs, seek and maintain needed conservation planning certification and job approval authority for appropriate BMPs within the service area of the district.

Complete and submit an annual report in a format provided by DCR, reflecting local participation in the agricultural programs and services implemented by the district.

In the interest of local community public health, safety and water quality, assist DCR by notifying DCR of any dams that the district may have identified that could threaten life or property and dams that were formerly non-regulated prior to the July 1, 2002 change in the Code of Virginia which pertains to the definition of impounding structures.

*Adopted by the Virginia Soil and Water Conservation Board
Revised and continued*

*May 26, 2004
May 24, 2006*

Attachment #2

Department of Conservation and Recreation
Report to the Virginia Soil & Water Conservation Board
March 15, 2007

1. DCR/SWCD Operational Funding:

All 47 SWCDs have endorsed a grant agreement with DCR for Operational funding this fiscal year ('07). Each district was issued an initial quarterly disbursement during August, second quarter disbursements were issued during November, third quarter disbursements were sent in February and the final disbursements are scheduled to be issued during May.

This fiscal year (FY07), operational funding for all districts totals \$4,052,240. The total amount is the same as FY06 operational funding, however, FY07 funding is still roughly 6% less than the peak funding level experienced by districts in FY01 (\$4,301,000).

2. Employee Development

The conservation partners continue to work through the "JED" –Joint Employee Development 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 state level JED team has been meeting face to face, or through conference calls roughly every other month since last August. The next conference call is scheduled April 4th, 2007.

The short course "Conservation Orientation for New Employees" was recently delivered to an audience of over 50 SWCD technical employees at Pocahontas State Park during the week of February 26 through March 2nd. Evaluations completed by participants overwhelmingly rated the course "very good". Another important core course will be offered to SWCDs and conservation partners later this spring. The two day Conservation Selling Skills course is being scheduled in early May with tentative plans to deliver the course in the Lynchburg area. Up to 30 participants will be accepted for the session. Further training needs continue to be addressed regionally through the 4 regional JED teams.

3. SWCD Dams:

The SWCD dam owner work group continues to meet and work on specific dam issues among districts. The last meeting was held on February 15, 2007 in Charlottesville at the DOF state headquarters. The focus of that session pertained to the routine maintenance of district dams. Attendance and participation by the group was very good with 10 of the 12 SWCDs owning dams having one or more representatives at the session. Now that most of the major training needs of the group have been addressed, a quarterly meeting frequency is scheduled. Of the roughly 4 meetings per year, one will address Emergency Action Plans, another will address routine maintenance of district dams and the remaining two meetings will address priority topics identified by the group.

4. Agricultural BMP Cost-Share Program:

The availability of the new 3-year contract practices and the increased financial allocations for BMPs continue to have major impacts on the current, 2007 program year. Emphasis this year (that began July 1, 2006) is being placed on advancing farmer implementation of 5 agricultural conservation priorities. The priority practices in no particular order are: livestock exclusion from state waters; vegetative riparian buffers; implementation of nutrient management plans; plantings of cover crops; and continuous no-till.

Significant increases in program funding are resulting in the implementation of greater numbers of BMPs and therefore a much greater need for collection and entry of program data. DCR is focusing on both short and longer term needs for the automated Tracking Program districts use for BMP data entry. Shorter term enhancements are needed for the upcoming program year (beginning July 1, 2007). Longer term needs will be assessed through an independent contractor/consultant to determine the most appropriate directions to

take for the program in the years to follow. This independent analysis is planned in the coming weeks. Based on the outcomes of the analysis and consultant recommendations, replacement or enhancement of the existing program will be pursued. Funds appropriated by the '07 General Assembly (\$500,000 from WQIF interest) will support the analysis and the actions that follow.

5. Conservation Reserve Enhancement Program (CREP):

New state CREP cost-share caps have stimulated interest in CREP enrollment. With less than ten months of guaranteed enrollment left, the push to signup CREP participants continues to be paramount. However, increases in state cost-share, and EQIP signup continue to compete for applicants. Given these circumstances, 3 CREP training programs were delivered as follows: January 30, Wytheville; January 31, Charlottesville; February 1, Petersburg. Staff of conservation partner agencies attended these programs in great numbers. Representatives from DCR, FSA, NRCS, and DOF shared the latest program information and updates and encouraged field staff to give priority to enrolling participants until the program goals are achieved. Questions raised during the sessions were compiled and answered; the written summary was issued to SWCDs and others electronically as a followup to the events.

Effective January 1, 2007 DCR doubled the financial incentive for landowners that choose to establish perpetual CREP conservation easements. Prior to that date, the incentive payment had been \$500 per acre. The payment rate is now \$1,000 per acre and DCR continues to reimburse participants for "due diligence" expenses. These expenses include the land survey, property title search, and recording expenses

6. Stormwater Management:

DCR staff has issued coverage under the General Permit for Stormwater Discharges from Construction Activities to 1,560 projects since July 1, 2006. In addition, DCR staff is moving forward with the EPA and public review and participation requirements for reissuance of the individual MS4 permits for the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach.

7. Nutrient Management:

DCR is working with the Secretary of Natural Resources and Virginia's poultry industry to address several areas that will improve the agricultural management of nutrients found in poultry litter. The Secretary held a stakeholder meeting on March 13th that included representatives of poultry integrators, poultry farmers, poultry litter brokers, end users of litter, environmental groups and others to begin developing a means to ensure that all poultry litter is being properly managed by the "end user" to minimize water quality impacts. Currently, under the Poultry Waste Management Act, only about 20% of Virginia's poultry litter is applied following a nutrient management plan. In addition, DCR and the Virginia Poultry Federation and other stakeholders are meeting in early April to begin working on the structure of a 3 year litter transport program to move litter to areas that can better utilize the phosphorus for crop production and water quality protection. DCR will provide \$450,000 in funding over the three years and the VA Poultry Federation has agreed to match the \$450,000 through cash and in-kind contributions. DCR staff met with NRCS officials to discuss the best way to coordinate this effort with the existing EQIP poultry litter practice to maximize the impact of both programs.

8. Water Quality Improvement Fund: The Virginia Department of Conservation and Recreation has issued the 2007 Water Quality Improvement Fund (WQIF) Request for Proposals (RFP). DCR is soliciting proposals for approximately \$3.5 million in available funding for nonpoint source water quality improvement projects. Categories for grant awards ranging from \$25,000 to \$200,000 include but are not limited to stormwater management retrofits, low impact development, urban nutrient management planning, alternative animal waste solutions, riparian buffer protection programs, and stream restoration. The RFP deadline for submissions is May 15, 2007. Six workshops will be held across the state during March, 2007. The RFP and workshop schedule are on the DCR website:
<http://www.dcr.virginia.gov/forms/DCR199-166.pdf>.

9. Cooperative Nonpoint Source Program: Watershed Office staff continue facilitation efforts with watershed conservation roundtables and other nonpoint source pollution constituent groups. Roundtable activities encompass a wide range of activities, reflecting the needs and interests of the locals. Examples of

on-going activities include both promoting the WQIF RFP and working with partners to develop effective projects, development of LID (low impact development) materials; implementation of growth readiness programs; promotion of stormwater and urban BMPs and retrofits; development of tools to engage specific stakeholders, promotion of urban nutrient management; and assistance in development of local land conservation tools. Staff are working closely with the Virginia Watersheds Association to build capacity and develop organizational strategies to promote water quality goals and activities.

Attachment #3

NRCS REPORT
VA Soil & Water Conservation Board Meeting
March 15, 2007
Association of Electric Cooperatives Offices
Glen Allen, VA

NRCS WELCOMES NEW STATE CONSERVATIONIST

NRCS in Virginia welcomes John A. (Jack) Bricker as the new State Conservationist. Jack comes to us from Michigan along with his wife Lori and their two daughters. Jack started his career as a Soil Conservationist with the Soil Conservation Service in Wayne County, Ohio in 1984. He served in several locations in Ohio, then on to Syracuse, New York as a Supervisory Contracting Officer in 1991. In 1995 he was the National Urban Program Manager/American Indian Liaison at our national headquarters in Washington, DC and in 1999, became Acting director for the Civil Rights Division. Jack subsequently became Deputy State Conservationist in Albuquerque, New Mexico and was named State Conservationist of Michigan in 2004.

CONTINUING RESOLUTION

Congress voted to operate the federal government under a continuing resolution for this fiscal year ending September 30, 2007. The resolution did not include earmarks for USDA programs and did not fund Watershed Operations. States are awaiting final budget allocations for this year which are expected to arrive any day now. Until we receive a FY-07 budget no vacancies will be filled; financial agreements are not being entered, including TSPs; and we are operating under restricted spending for travel and purchases.

FARM BILL PROGRAMS

Financial Assistance:

Funding continues to affect the program delivery for the 2007 fiscal year. Sign ups have been completed and all applications have been evaluated and ranked. Approvals have been made for the highest priority practices in Environmental Quality Incentive Program and Wildlife Habitat Incentive Program. Approvals are being capped at 95% of the initial budget allocation for EQIP and 70% for WHIP until the final Virginia budget is received. Once the final budget is in hand, all remaining funds will be obligated. We currently have waiting lists in both programs.

Stewardship:

Due to the current budget, no new applications will be taken in the CSP. The Great

Wicomico-Piankatank had been previously selected for funding. In addition, no new modifications will be allowed to increase a participant's tier level of funding.

Easements:

NRCS will complete all steps to convert the three 2006 Wetland Reserve commitments to obligations prior to April 1. In addition, all Grassland Reserve Program easements are scheduled to close by September 1. The 2007 Announcement of Funding for the Farm and Ranchland Protection Program is expected to be published in the Federal Register within the next several weeks.

New Farm Bill:

The current Farm Bill expires this fall. Hearings and information meetings are taking place across the country. Virginia NRCS will be participating in concurrent sessions to inform the public of the administrations proposals for the new Farm Bill during the Environment Virginia 2007 held in Lexington, VA from April 10-12, 2007.

WATERSHED OPERATIONS

Buena Vista – NRCS is providing assistance to the City's contract for the replacement of two undersized bridges. The City's contract will be awarded in May 2007. Construction will be completed this summer and early fall.

Due to the zeroing out of funds for watershed operations in FY-07, NRCS designs for channel improvements on Chalk Mine Run and a debris basin on Indian Gap Run have been placed on hold pending federal appropriation for FY-08. NRCS staff has been switched over to dam rehabilitation projects.

Land Treatment Watersheds - NRCS will continue to provide assistance to implement conservation practices for existing long term contracts in eight land treatment watersheds in Virginia. No new contracts or agreements will be signed due to the zeroing out of watershed funds for FY-07. Some problems have arisen due to slow payments to landowners caused by a lack of operational watershed funds.

NRCS completed implementation of 27 Long Term Contracts with landowners in targeted watersheds in Virginia during 2006. NRCS provided 75% cost-share to landowners to install needed conservation measures on their farms. The funds were provided by the Small Watershed Programs under PL-566 and PL-534.

WATERSHED PLANNING AND SURVEYS

NRCS is developing a watershed plan for the North Fork Powell River Watershed in Lee County. A draft plan will be completed by April 2007 and a final plan by August 2007.

The plan will address water quality issues associated with abandoned mines and acid mine drainage. The project sponsors are the Daniel Boone SWCD, Lee County, and the Virginia Department of Mines, Minerals and Energy. NRCS will request implementation funds for FY-08.

Congress has restricted funding for initiating planning on new projects causing a delay in servicing planning requests from the Town of Glasgow and the Town of Farmville.

DAM REHABILITATION

South River Site 23 (Robinson Hollow) in Augusta County – Augusta County has awarded a construction contract for the rehabilitation of South River Site 23. Construction will begin in late March or early April 2007. The project sponsors are Augusta County, the City of Waynesboro and the Headwaters SWCD. Augusta County will utilize a local contract for this project. NRCS will provide engineering support and construction inspection services.

South River Site 26 (Inch Branch) in Augusta County – NRCS is nearing completion of the design for Inch Branch. The final design is undergoing technical review at this time and should be completed in April 2007. A project agreement obligating the local and federal funds will be signed this fiscal year. A federal contract will be used to implement this construction project.

Pohick Creek Site 4 (Royal Lake) in Fairfax County – Fairfax County has submitted a preliminary design to NRCS for review. The final design should be completed by June 2007 and the funds obligated by September 2007. The project will be constructed in the fall of 2007 or the spring of 2008.

Pohick Creek Site 3 (Woodglen Lake) and Pohick Creek Site 2 (Lake Barton) in Fairfax County – NRCS has initiated planning on these two dam rehabilitation projects in Fairfax County. Public meetings were held in December 2006. Final plans will be completed in FY-07.

Marrowbone Creek Site 1 in Henry County – NRCS will make the necessary repairs to the dam in FY-07. The repairs will consist of filling the voids in some cracks that have developed in the structure and seeding some areas to improve the vegetative cover.

INNOVATIVE ENVIRONMENTAL TECHNOLOGIES SYMPOSIUM

The Shenandoah RC&D helped to sponsor this symposium on February 22, 2007 in Harrisonburg, VA. The target audience was broad. It consisted of the agricultural community, academia as well as government and agency staff. The symposium provided new solutions, some still under field tests, and others that are being implemented in other states which are cost effective and environmentally sustainable means of utilizing animal

waste. The conference is a spin-off from the Waste Solutions Forum held last year in Roanoke, VA.

Virginia Soil and Water Conservation Board

March 15, 2007

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