

**Virginia Soil and Water Conservation Board
Thursday, July 19, 2007 – 9:30 a.m.
Association of Electric Cooperatives
Richmond, Virginia**

MINUTES

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair	Michael Altizer
Darlene Dalbec	Susan Taylor Hansen
Granville M. Maitland, Vice Chair	Joseph H. Maroon, Director, DCR
Jean R. Packard	Michael J. Russell
John A. “Jack” Bricker, NRCS, Ex Officio	

Virginia Soil and Water Conservation Board Members Not Present

Richard E. McNear	Raymond L. Simms
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DCR Staff Present

Russell W. Baxter	William Browning
David C. Dowling	Ryan J. Brown
Jack E. Frye	Pam Landrum
Mark B. Meador	Jim Robinson
Dean Gall	
Elizabeth Andrews, Office of the Attorney General	

Others Present

John Bailey, Lake of the Woods
J. C. Berger, Virginia Association of Soil and Water Conservation Districts
Lisa Cahill, Watershed Services
Mike Gerel, Chesapeake Bay Foundation
Robin Knepper, Fredericksburg Freelance-Star
Doug Rogers, Lake of the Woods
Eldon Rucker, Lake of the Woods

Call to Order and Introduction of Members

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

Approval of Minutes May 17, 2007 Meeting

MOTION: Ms. Packard moved that the minutes of the May 17, 2007 meeting be approved as submitted.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Maroon gave the Director's report.

Mr. Maroon welcomed Ms. Dalbec as the newest member of the Board. He said that a letter and plaque of appreciation had been prepared for Mr. Graham.

Mr. Maroon noted that the Dam Safety Regulations had advanced to the Governor's office and that the hope was to have them available for public review in the near future.

Mr. Maroon said that Mr. Dowling would give a more complete update regarding regulations later in the meeting.

Mr. Maroon said that a working group that was helping to draft dam safety (dam break inundation zone) legislation had been reconvened. The group held their most recent meeting earlier in July.

Soil and Water Conservation District Related Topics

Director Resignations and Appointments

Mr. Meador presented the following list of District Director Resignations and Appointments.

Culpeper

Resignation of Joseph E. Baltimore, Culpeper County, effective 4/2/07, elected director position (term of office expires 1/1/08).

Recommendation of Thomas A. O'Halloran, Culpeper County, to fill unexpired elected term of Joseph E. Baltimore (term of office to begin on or before 8/18/07 – 1/1/08).

James River

Resignation of David B. Robinson, Chesterfield County, effective 7/5/07, elected director position (term of office expires 1/1/08).

Lord Fairfax

Resignation of Darryl G. Merchant, Warren County, effective 1/11/07, elected director position (term of office expires 1/1/08).

Recommendation of Richard W. Hoover, Warren County, to fill unexpired elected term of Darryl G. Merchant (term of office to begin on or before 8/18/07 – 1/1/08).

Prince William

Resignation of Alex P. Lucas, III, Prince William County, effective 7/5/07, elected director position (term of office expires 1/1/08).

Recommendation of Austin B. Haynes, Jr., Prince William County, to fill unexpired elected term of Alex P. Lucas, III (term of office to begin on or before 8/18/07 – 1/1/08).

MOTION: Ms. Packard moved that the list of District Director resignations and appointments be approved as submitted.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Evaluation Criteria for 2008 Grant Agreement Deliverables

Mr. Meador presented a draft of the Evaluation Guidance for DCR/SWCD FY2007-2008 Grant Agreement Deliverables. A copy of this document is available from DCR.

Mr. Meador said that at each July meeting following the approval of grant agreement deliverables at the previous May meeting, staff brings forward the evaluation guidance. He noted that the form had not changed dramatically from last year. He said criteria presented are what the Board previously reviewed and what the CDCs use in the evaluation process.

Mr. Maroon said that item #1 was the most critical. Under that item are the basic programmatic responsibilities that the districts carry forth. He suggested that over the course of the coming year, the Board might wish to add additional specific criteria to that item.

Ms. Hansen said that would be helpful in justifying allocations and would form a basis for requesting additional funding.

Mr. Altizer noted that not all districts were involved in each of these activities.

Ms. Hansen said the goal is to measure how well a District accomplished what it set out to do, not to measure Districts against one another.

Members were comfortable with the list as presented for the current year, but noted a desire to see an expanded list and ideas for further review for the next year.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Evaluation Guidance for DCR/SWCD FY2007-2008 Grant Agreement Deliverables and directed staff to continue developing the guidance for the next fiscal year.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Follow up from May Board Meeting

Mr. Meador presented the projection of unmet Cost Share needs by allocation category. A copy of this document is available from DCR.

Mr. Meador said that DCR had asked Districts to outline, based on funding received, the programs not accomplished due to a lack of funding.

Mr. Maroon said that this document will be increasingly important in order to demonstrate how much Cost Share money is actually needed.

VASWCD request for financial support

Mr. Meador addressed the Virginia Association of Soil and Water Conservation Districts (VASWCD) request for financial support. He provided the following summary prepared on July 18, 2007.

Use of funds managed by DCR [as directed by the Virginia Soil and Water Conservation Board (VSWCB)] on behalf of all Soil and Water Conservation Districts (SWCDs)

Total available monies set aside by the VSWCB to support SWCDs	\$108,000
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<u>Audits of SWCDs</u> 24 each year (no less than 24 to maintain a 2 year audit cycle of all SWCDs) at \$3,500*/per audit – ideally we do more than 24 *reflects a \$900 per audit increase with a newly established contract	-\$84,000
<u>Surety Bond</u> for all SWCDs (annual expense**) **reflects a savings of \$13,000 with a newly established contract	-\$5,683
<u>SWCD Directory</u> (printing)	-\$1,300
<u>Public Notices</u> District Director Elections, no expense until Spring 2011 – estimated expense \$45,000	-\$0 (FY08)
<u>VASWCD support</u> from DCR (DCR/VASWCD Grant Agreement (\$15,000 “base” plus \$5,000 “supplemental”)	\$20,000
Other support expense needs that include: Revisions/printing of the <u>SWCD Desktop Guide for Fiscal Operations</u> Training provided by auditors for SWCD Admin. Secretaries District Director focused training/orientation (multiple sessions in 2008)	\$0
Total projected expenses	\$110,983
Estimated shortfall in funding	\$2,800

Mr. Meador noted that at the May Board meeting the Board elected to keep \$12,000 in reserve and to reconsider the Association request at this meeting. Mr. Meador noted that the handout did not address the \$12,000 in reserve, but with the current scenario, there was a shortfall of \$2,800.

Mr. Meador explained that the \$12,000 was part of the additional \$300,000 that was allocated from the General Assembly. He said that the Board elected to retain \$25,000 to reimburse DCR for the expense of the election public notices.

Ms. Campbell called on Mr. J.C. Berger, representing the Virginia Association of Soil and Water Conservation Districts.

Mr. Berger said that the \$300,000 was allocated from the General Assembly based on the legislative program initiated by the Association. He said that the Association had been agreeable to distributing \$25,000 to DCR for the election notices.

Mr. Maroon clarified that none of the funding had been allocated at this point. The funds had been reserved for the Districts with the exception of the remaining \$12,000.

Mr. Meador said that the \$25,000 basically covers expenses incurred by DCR last April.

Mr. Berger presented the following:

**Explanation of Request for Grant Increase
July 19, 2007
Submitted by: JC Berger and Ricky Rash**

Following is the explanation by the VASWCD for the additional monies previously requested at the last Virginia Soil and Water Conservation Board meeting. Without going into a great amount of detail we think we can justify the increase provided the available funds are not needed elsewhere in the SWCB budget.

Attachment A (Scope of Work) to the most recent grants to the VASWCD in the Scope of Services says: "Funds are made available to support the VASWCD as it carries out its role in furthering the programs of Soil and Water Conservation Districts (and DCR) and to help the VASWCD defray the cost of supporting the mission of individual Soil and Water Conservation Districts."

Further definition includes: Travel expenses for VASWCD Board members to the Annual Meeting; Area Meetings; special meetings supporting the mission of districts; travel expenses for VASWCD members participating in VASWCD Standing Committee meetings; Expenses associated with planning, promoting and implementing the Annual Meeting; Expenses supporting VASWCD representation on the JED Committees and expenses associated with coordinating and delivering JED initiated training programs.

An expense report for reimbursement is submitted quarterly to DCR in accordance with DCR guidance. For FY 2005-2006, a total of \$25,066 allowable expenses were documented in the reports. For FY 2006-2007, a total of \$24,045 allowable expenses were documented. The difference between the requested \$32,000 for legitimate expenses and these totals is due partly to the difference in fiscal years for the state and the VASWCD. More significantly, the FY 2006-2007 reported expenses did not include approximately \$3000 annual meeting supplies, reproduction and audio/visual rental costs, which would have increased the allowable total to more than \$27,000. For FY 2007-2008, we will also incur a cost of \$6,000 for the services of a contractor to manage the planning, promotion

and implementation of the annual meeting, plus a significant jump in the mileage reimbursement costs for travel.

- Summarizing projected legitimate costs for FY 2007-2008

FY 2006-2007 baseline	\$27,000
4% inflation and fuel costs	1,200
Meeting contractor	6,000
Total	\$34,200

This total clearly exceeds the requested \$32,000

The VASWCD responsibilities have expanded significantly since the current \$15,000 grant limit was established in 1999 and the additional \$5,000 increase in 2003 (?) as NPS-related conservation programs and initiatives have increased. Consequently, participation and attendant travel in these efforts have increased. The fuel costs only augment that increase in travel costs. The requested \$32,000 in grant funds from DCR will be needed to permit execution of the expanded leadership role of the VASWCD. It is intended to help cover the costs of the VASWCD in “planning, promoting and implementing” as outlined in the current grant agreement.

Without further breakdown of the Association budget I hope this covers the unanswered questions posed at the May 2007 board meeting.

Ms. Campbell asked how the budget was impacted since the Association currently was not incurring staff expenses.

Mr. Berger said that the hope was to have a replacement in the next three months.

Mr. Berger said that survey results from annual meetings showed that the Association could do a better job with meetings.

Ms. Campbell noted that, at the May meeting, the Board had affirmed support for the Association, particularly with regard to the legislative efforts. She said that the issue pertained to how to best use the public money, particularly with regard to allocating it to a separate entity.

Ms. Campbell thanked Mr. Berger for the additional information.

Action on this item was delayed until later in the meeting.

Erosion and Sediment Control Program

Update on ESC Program Reviews

Mr. Frye gave an update on the Erosion and Sediment Control Program. He referenced a Local Erosion and Sediment Control Program Review Status Summary provided in member packets. A copy of this document is available from DCR.

Mr. Altizer said it would be helpful to have an explanation of the categories. Ms. Hansen agreed and said it would be helpful to have abbreviations explained or spelled out.

Ms. Packard asked if no action had been taken with regard to the Big Sandy district. Mr. Capps said that the controversy with Big Sandy is whether the program is owned by the County or the District.

Mr. Frye said that the list is a work in progress.

Ms. Campbell said that the document is very helpful.

Local Program Reviews – July 1, 2007 through June 30, 2008

Mr. Capps presented the following list of Local Program Reviews for FY2008:

Local Program	Type	Watershed Office
Allegheny (If possible)	County	Shenandoah
Augusta	County	Shenandoah
Bedford	County	Roanoke
Carroll	County	New River
Chase City	Town	Roanoke
Chesterfield	County	James
Clarke	County	Shenandoah
Colonial Heights	City	James
Dickenson	County	Upper Tennessee & Big Sandy
Dinwiddie	County	Albemarle, Chowan & Coastal
Dumfries	Town	Potomac
Fairfax	County	Potomac
Franklin (If possible)	City	Albemarle, Chowan & Coastal
Grayson	County	New River
Greensville	County	Albemarle, Chowan & Coastal
Henrico	County	James
Herndon	Town	Potomac
Highland	County	Shenandoah
Hopewell (If possible)	City	James
Isle of Wight	County	Albemarle, Chowan &

		Coastal
Lancaster	County	Rappahannock/York
Louisa	County	James
Mathews	County	Rappahannock/York
Montgomery	County	New River
Northumberland	County	Rappahannock/York
Patrick	County	New River
Pittsylvania	County	Roanoke
Poquoson	City	Rappahannock/York
Russell	County	Upper Tennessee & Big Sandy
Salem	City	Roanoke
Surry	County	Albemarle, Chowan & Coastal
Tazewell	County	Upper Tennessee & Big Sandy
Warren	County	Shenandoah
Warrenton	Town	Potomac
Washington	County	Upper Tennessee & Big Sandy
West Point	Town	Rappahannock/York
Williamsburg	City	Rappahannock/York

Mr. Maroon asked if these dates had been coordinated with the Chesapeake Bay Local Assistance programs. He said that he would like to make sure they were coordinated.

Mr. Russell asked that the Watershed and Regional office names referenced in the documents presented to the Board be referred to in the same manner to eliminate confusion.

Mr. Capps presented the following list of Local Program Reviews for FY2009:

Local Program Reviews - July 1, 2008 through June 30, 2009 (FY09)

Local Program	Type	Watershed Office
Amherst	County	James
Big Sandy SWCD for Buchanan	SWCD/County	Upper Tennessee & Big Sandy
Bristol	City	Upper Tennessee & Big Sandy
Campbell	County	James
Caroline	County	Rappahannock/York
Christiansburg	Town	New River

Clifton Forge (If possible)	City	Shenandoah
Covington	City	Shenandoah
Craig	County	Shenandoah
Cumberland	County	James
Fluvanna (If possible)	County	James
Floyd	County	New River
Gloucester	County	Rappahannock/York
Hampton (If possible)	City	Albemarle, Chowan & Coastal
Harrisonburg (If possible)	City	Shenandoah
Haymarket	Town	Potomac
Henry	County	Roanoke
Hillsville	Town	New River
King & Queen	County	Rappahannock/York
Lee	County	Upper Tennessee & Big Sandy
Lynchburg	City	James
Norton	City	Upper Tennessee & Big Sandy
Occoquan	Town	Potomac
Portsmouth	City	Albemarle, Chowan & Coastal
Prince George (If possible)	County	James
Prince William	County	Potomac
Richmond	County	Rappahannock/York
Roanoke	City	Roanoke
Roanoke	County	Roanoke
Rocky Mount	Town	Roanoke
Spotsylvania	County	Rappahannock/York
Stephens City	Town	Shenandoah
Suffolk	City	Albemarle, Chowan & Coastal
Vienna	Town	Potomac
Virginia Beach	City	Albemarle, Chowan & Coastal
Wytheville	Town	Upper Tennessee & Big Sandy

Ms. Campbell said that both items would come back later in the agenda to allow time to answer the question regarding coordination with the Division of Chesapeake Bay Local Assistance.

Mr. Capps presented the list of local programs found consistent:

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board commend the following localities for successfully improving the localities' Erosion and Sediment Control Program 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:

Amelia County
Page County
Wythe County
Town of Blacksburg
Rockbridge County
Town of Dumfries
City of Norfolk
Town of Cape Charles
Accomack County
Pulaski County
City of Alexandria
City of Galax
King George County

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps presented the list of Alternative Inspection Programs.

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Program(s) for the following localities as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations and further the Board request that DCR staff monitor the implementation of the alternative inspection program by the City to ensure compliance.

City of Danville
Montgomery County
Isle of Wight County
Shenandoah County

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Initial Acceptance of Alternative Inspection Program

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for the City of Newport News. The Board concurs with the staff recommendation and accepts the City's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Initial Acceptance of Erosion and Sediment Control Program

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Erosion and Sediment Control Program for the Town of Hillsville. Further that the Board concur with the staff recommendation and accept the Town's proposed Erosion and Sediment Control Program for review and future action at the next Board meeting.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

Approval of Linear Project Standards and Specifications

Mr. Russell asked if these approvals were reviewed like the localities.

Mr. Capps said that companies must submit their request on an annual basis. This approval is only valid through December 31 of the current year.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2007 annual standards and specifications for Old Dominion Power/E on

US Company. Further that the Board concur with staff recommendations for conditional approval of the 2007 specifications for the Old Dominion Power/E on US Company in accordance with the Erosion and Sediment Control Law, and that the Board request the Director to have staff notify said companies 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 August 31, 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 August 31, 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. Maitland

DISCUSSION: Ms. Hansen said that if there were violations filed on these types of projects, the Board would want to know.

Mr. Frye said that companies are required to submit a list of upcoming projects.

VOTE: Motion carried with Ms. Dalbec abstaining.

Stormwater Management Program

Update on Stormwater Construction General Permit Coverage

Mr. Capps gave an update on General Permit Coverage. Permit coverages were issued as follows:

FY 2006	2,433
FY 2007	2,707

Mr. Capps said the numbers were steadily increasing. He said that was partially attributable to a greater presence of regional staff on the ground as well as trainings and outreach programs.

Update on Regulatory Reviews

Mr. Dowling presented an update on the Regulatory Reviews. A copy of Mr. Dowling's presentation is available from DCR.

Mr. Dowling said that he wanted to provide an update on the status of each ongoing regulatory action as well as conduct a preliminary review of the current draft proposed stormwater regulation.

Mr. Dowling noted that staff also needed to request the Board initiate a new regulatory action associated with the stormwater regulations (Construction General Permit).

Mr. Dowling said that the current regulatory actions were in different stages of development. He reviewed them as follows:

Impounding Structure Regulations

The Board proposed Impounding Structure regulations are still progressing through the regulatory process. The proposed regulations and supporting documentation were submitted on March 20th, 2007 for Administrative review.

Department staff met with DPB to discuss the regulations and our analysis on April 5th.

The Department of Planning and Budget completed their Economic Impact Analysis on May 4th. In general the analysis fairly represented the proposed regulations.

DCR completed our response to DPB's analysis and posted it on May 21st.

A meeting with the Secretary of Natural Resources was held on June 6th.

The Secretary of Natural Resources completed his review on July 3rd.

The regulation is currently under review in the Governor's Policy Office.

Upon completion of the Administrative review, the regulation will go out for a 60-day public comment period and public hearings.

Again, our current target is to bring a final regulation to the Board at the November 15th meeting but our window of opportunity is narrowing.

Ms. Hansen asked what would happen to the process if the Governor's office requested changes as a result of the policy review.

Mr. Dowling said that the intent would be to discuss these changes with the Board before the Regulations are finalized. He said if the changes were significant there may be need for additional public comment and a need for further Board review.

Mr. Dowling again said that the current plan is to bring the Impounding Structure Regulations to the Board at the November 15th Board Meeting.

Mr. Maroon noted that all state regulations, not just those from DCR, go through the Governor's office for review. He said that a delay in review may occur simply due to the volume of work to be reviewed.

Stormwater Management

Mr. Dowling gave a briefing regarding current Stormwater Management regulatory activities.

Four Stormwater Inter-Related Regulatory Actions

1) Stormwater Water Quality and Quantity and Local Program Criteria Action

2) Stormwater Fees Action

Board Motions: July 21, 2005

Filed NOIRAs: November 15, 2005

Full blown APA process

3) General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) Action

Board Motion: September 28th, 2006

Filed NOIRA: February 13th, 2007

Modified APA process

4) General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities Action

Board Motion Requested: July 19th, 2007

Modified APA process

1) Stormwater Water Quality and Quantity and Local Program Criteria Action

2) Stormwater Fees Action

ACTIONS TO DATE

- Board passed a motion authorizing the development of NOIRA(s): July 21, 2005
- The NOIRAs were filed on: November 15, 2005
- On December 26, 2005 the two Notices of Intended Regulatory Action or NOIRAs related to Stormwater Management were published in the Virginia Register of Regulations by DCR on behalf of the Board. They were:
 - The Virginia Stormwater Management Program VSMP Permit Regulations NOIRA related to the development of local stormwater program criteria and permit delegation procedures; and
 - The Virginia Stormwater Management Program VSMP Permit Regulations NOIRA related to the changes in the statewide stormwater fee schedule.
- The public comment period for each of these NOIRAs opened on December 26, 2005 and closed 60 days later on February 24, 2006 at 5:00 p.m.
- Two public hearings were held on these NOIRAs. One on February 16, 2006 in Roanoke and one February 17, 2006 in Richmond.
- The public stormwater meeting held in Roanoke was attended by 24 people (primarily localities, engineering companies, and state agencies). No one wished to provide any formal comments, although clarifying questions were asked by a number of individuals in attendance.
- The public stormwater meeting held in Richmond was attended by 23 people with 4 people who spoke. Again, questions were asked by other individuals in attendance. In addition to the individuals who spoke at the public meetings, 10 people submitted written comments on stormwater issues.
- During March and April of 2006 the Department selected the TAC and secured a facilitator.

- The TAC is composed of 23 members including local governments (9); environmental groups (3); state agencies (5 members; 4 agencies); federal agencies (1); consultants - Home Builders (3); soil and water conservation district (1); planning district commission (1).

Committee and Subcommittee Meetings

- The 1st meeting of the TAC: May 4, 2006 at the Science Museum of Virginia.
 - Three Parts under consideration in the regulatory action:
 - Part II (Minimum Local stormwater management program Water Quality and Quantity Criteria)
 - Part III (Local Program Administrative and Delegation Procedures and Requirements)
 - Part XIII (Fees)
- The 2nd meeting of the TAC: May 18, 2006 at Department of Forestry.
- The 3rd meeting of the TAC: June 8, 2006 at Department of Forestry.
- The 4th meeting of the TAC: June 20, 2006 at the Science Museum of Virginia.
 - Part III subcommittee meeting: August 8, 2006 at DEQ regional office.
 - Part II subcommittee meeting: August 16, 2006.
- The 5th meeting of the TAC: August 21, 2006 at the Science Museum.
 - Part XIII subcommittee meeting: August 29, 2006 at DEQ regional office.
 - Part II subcommittee meeting (2nd meeting): August 21, 2006 at DOF in New Kent.
- The 6th meeting of the TAC: October 3, 2006 at DOF in New Kent.
 - Part II technical discussion meeting; October 12 at DCR.
- The 7th meeting of the TAC: October 16, 2006.
- October 23, 2006: DCR advised the TAC that the Department was extending the target date for filing proposed regulations. The extended time will enable DCR to address several key items as listed below. Our intention was to complete the analyses and then to reconvene the TAC to discuss our findings.
 - 1) Allow for a thorough scientific review and evaluation of the current Part II water quality and quantity draft regulations. The review was contracted out to the Center for Watershed Protection. They were asked to critique the draft proposed regulations, determine whether BMPs and other practices exist to achieve the draft load limits, and to develop recommendations of potential regulatory amendments for the TAC's consideration should further revisions be advisable; and
 - 2) Allow for the Department to discuss the current Part III local Stormwater Management Regulations and delegation procedures with the EPA and to consider potential revisions to this and perhaps related sections.
- The 8th meeting of TAC: May 22, 2007 – Presentation of the CWP results

- The 9th meeting of the TAC: June 14, 2007
- The 10th meeting of the TAC: June 26, 2007
- The 11th meeting of the TAC: June 29, 2007
- 1 or 2 additional meetings are being considered but have not been scheduled yet,

Center for Watershed Protection Study

- Meetings were held with the Center's project manager on February 28th, March 19th, and May 7th to review project progress and results. A draft final report was received from CWP on May 11th. In order to address questions arising from the TAC, DCR continues to coordinate with CWP to refine the regulation based on the best science available.

Conversations with the EPA

- Preliminary conference call with EPA on regulations: August 31, 2006.
- Conference call with EPA to discuss their review of the proposed regulations: October 27, 2006.
- Draft regulations were submitted to EPA for review on December 21st, 2006.
- Comments on the draft regulations were received from EPA on March 2nd, 2007.
- EPA Conference call March 22, 2007
- Overall, they characterized the regulations as an "exciting and innovative product". Based on these conversations, we believe that we should be able to address EPA's issues.

Internal discussions and drafting meetings (46 to date)

Additional related activities

CWP presentation April 10, 2007 Environment Virginia Conference at VMI

Stormwater regulation presentation April 12, 2007 VMI

Development of the Technical Oversight Committee

BMP Clearinghouse discussion meeting April 10, 2007 VMI

1st BMP Clearinghouse meeting May 30, 2007 VMI

2nd BMP Clearinghouse meeting June 21, 2007

Development of the TAC for the Virginia Stormwater Management Handbook

3) General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) Action

ACTIONS TO DATE

- Board Motion: September 28th, 2006

- Filed NOIRA: February 13th, 2007
- Discussion of TAC composition May 29, 2007
- The 30-day public comment period opened on March 5th and closed on April 4th.
- We mailed out approximately 340 notices of the NOIRA and the regulatory Town Hall sent notices to 738 individuals.
- We received 8 comments and 16 requests to be placed on the TAC.
- The MS4 TAC is composed of 26 members including local governments (12); environmental groups (3); state agencies (5 - representing 4 agencies); federal agencies (3 members - representing 2 agencies); colleges and universities (2); planning district commission (1)

Committee Meetings

- The 1st meeting of the TAC: June 19, 2007
- The 2nd meeting of the TAC: July 26, 2007
- The 3rd meeting of the TAC: August 22, 2007

Internal discussions and drafting meetings (4 to date)

- As of yesterday we had completed a draft proposed regulation discussion draft and distributed it to the TAC.

Process (Modified Administrative Process Act Procedures)

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

9. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, **(c) Virginia Soil and Water Conservation Board pursuant to the Virginia Stormwater Management Act (§ 10.1-603.1 et seq.) of Title 10.1,** and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) **provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01,** (ii) **following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee**

composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

Timeline

- The proposed timeline for the regulation is to bring the proposed regulation to the Board at the September 20th/ 21st 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)
(We also have newspaper publishing requirements (federal) during this time period)
- We would then bring the Final regulation to the Board at the January 18th (tentative) meeting. We would expect to have the amended General Permit regulation in place sometime in March.

4) General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities Action

ACTIONS TO DATE

Board Motion Requested: July 19th, 2007
Modified APA process

Committee Meetings

None

Internal discussions and drafting meetings

Development of the motion July 6th, 2007

Mr. Maroon noted that this was a very complicated effort as DCR currently was managing multiple regulatory actions.

Mr. Dowling said that a concern was how long it would take to review the regulations with the Board.

Ms. Campbell said that the Board should discuss a two-day meeting or separate meeting dates.

Mr. Dowling said that staff would not bring the Stormwater Management regulations and the MS4 regulations to the Board on the same day.

Ms. Hansen said that she would prefer a two-day meeting. She said it would be helpful to have an executive summary of the regulations.

Mr. Dowling said that there was one additional action for Board consideration regarding the approval for the Department to file a NOIRA related to the Construction General Permit.

Ms. Packard moved the following:

Motion to authorize and direct the filing of a Notice of Intended Regulatory Action (NOIRA) related to the Part XIV of the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations and other related sections:

The Board authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to prepare and submit a NOIRA to consider changes and solicit recommendations related to the Part XIV of the Board's Virginia Stormwater Management Program Permit Regulations [entitled **General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities**] and other necessary related sections, including but not limited to, Part I definitions and the VSMP General Permit Registration Statement – Construction Activity Stormwater Discharges (DCR-01) form which is incorporated by reference. The changes may include, but not be limited to, compliance with water quality and quantity standards set out in Part II of these regulations, compliance with Part III local program technical criteria, requirements for Stormwater Pollution Prevention Plans, consistency requirements with other regulations such as Erosion and Sediment Control, requirements regarding impaired waters and TMDLs, timing of permit coverage and other registration processes, procedures for permit termination and transfer, natural resource protection considerations, monitoring processes, and operation and maintenance of construction site procedures. As part of this exempt process, and in accordance with § 2.2-4006 A9, the Board further authorizes that following the passage of 30 days from the publication of the Notice of Intended Regulatory Action, the Department shall form a technical committee composed of relevant stakeholders to make recommendations to the Director and the Board on potential regulatory changes, that the Department hold other stakeholder group meetings as it deems necessary, and that the Department prepare a draft proposed regulation for the Board's review and consideration.

In implementing this authorization, the Department shall follow and conduct actions in accordance with the Administrative Process Act exemption

requirements specified in § 2.2-4006 A9, the Virginia Register Act, and other technical rulemaking protocols that may be applicable.

This authorization extends to, but is not limited to, the drafting and filing of the NOIRA, the holding of public meetings if determined to be necessary, the development of the draft proposed regulation and other necessary documents and documentation, as well as the coordination necessary to gain approvals from the Attorney General, the Virginia Registrar of Regulations, and the U.S. Environmental Protection Agency.

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

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

Dam Safety Certificates and Permits

Mr. Browning presented the Dam Safety Certificates and Permits

Compliance Issues

Mr. Browning gave an update on the Enforcement Actions. A copy of the update is available from DCR. There were no recommended Board actions.

Conditional Operation and Maintenance Certificate Recommendations

Mr. Browning presented the Conditional Operation and Maintenance Certificate Recommendations.

03504	Old Mill Golf Club Dam	CARROLL	Class III Regular	7/31/08
04114	Lake Margaret Dam	CHESTERFIELD	Class III	7/31/09
05938	West Ox Road BMP Dam	FAIRFAX	Class I	7/31/09
05939	Kings Park West West Section 18 Dam	FAIRFAX	Class II	7/31/09
05940	Burke Centre Section 11B Dam	FAIRFAX	Class I	7/31/09
77002	Spring Valley Lake Lake Dam	CITY OF ROANOKE	Class I	7/31/09

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the Conditional 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: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning presented the staff recommendation for Jolly Pond Dam.

09509 Jolly Pond Dam JAMES CITY Class II 7/31/08

MOTION: Ms. Packard moved that contingent upon James City County's submission of a properly executed Operation and Maintenance Application, an Emergency Action Plan and the As-Built for Jolly Pond Dam not later than August 15, 2007, the Virginia Soil and Water Conservation Board issues a one year Conditional Operation and Maintenance Certificate to James City County, the leasing agent of Jolly Pond Dam from Mr. William C. Kaine

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning gave an update regarding the Lake of the Woods owned dams.

Mr. Browning reminded the Board that the conditional certificate that applies to Lake of the Woods for dam #13701 deals with the floodwall. The floodwall has been completed.

Mr. Browning said that originally, LOWA came forward with a design that the Board approved. Because of the costs, LOWA came back and asked for an opportunity to do an alternative plan. We have been working with Lake of the Woods regarding the alternative plan that the LOWA came to the Board and requested. That request was to modify the existing spillway and install a new gate.

The current engineer has been working on the alternate design. Mr. Browning said that there was to have been additional information regarding the alternative design presented at this meeting. It was hoped that staff would have received and reviewed an alternative plan to bring to the Board in September for approval for an alteration permit.

Mr. Browning said that there has been a change in the actual design. He said that the action from June of 2006 dealt with a different gate. The current engineer has a different proposal. DCR staff received the information today.

Mr. Browning said that while there is a different gate, the plan is moving forward.

Ms. Campbell clarified that the date for the completion of the construction would still be February 2008.

Ms. Hansen asked when Mr. Browning learned of the gate change and whether Mr. Browning felt that staff had been receiving timely communication.

Mr. Browning said that staff had met with the LOWA engineers but that the option for a new gate was new information. He said that the information that the Board had requested be provided by February had not been received by staff until March 19, following the March Board meeting. Mr. Browning said that staff had not received any of the required technical information since February.

Ms. Hansen asked if staff intended to present something in depth in September, when would they need the information to give it an adequate review.

Mr. Browning said that the information had been promised to staff by July 27, 2007.

Mr. Bailey confirmed that the promise of that information had been provided in a letter to DCR.

Ms. Campbell asked if the intent was for DCR to have the full information in hand by July 27, 2007.

Mr. Bailey said that it was. He said that the larger piece of that information was the hydrology which was provided to staff on July 18.

Mr. Bailey said that LOWA had a meeting December of 2006 regarding an alternative spillway from the original plan. The original plan had a floodwall, which is completed. A middle piece, which was a gate in the existing spillway and the third piece was an RCC 750 feet of concrete across the main dam. That would bring the dam to the full PMF by June of 2009.

In March of 2006, LOWA discussed an alternative plan with the Board. It was initially requested that the alternative plan be submitted by September 2006. At that time DCR was reviewing the regulatory calendar and dates were tied to that process. The date for the alternative spillway proposal was moved to February 28, 2007 with a preliminary meeting with DCR staff on December 1, 2006.

Since that time there have been several meetings regarding questions. Most recently questions have been posed by the engineer.

Mr. Bailey said the difference between the original plan and the current plan is that in the original plan the lake would have to be lowered 5-7 feet during construction. With the alternative proposal the lake does not have to be lowered more than 6-12 inches.

Mr. Browning said that the other clarification was that regardless of what the engineers need, that cannot be a deterrent. LOWA has committed to have the information and give DCR adequate time to review this proposal. There will be a full design to present to the Board by September. The engineer needs to coordinate with LOWA to make sure dates coordinate.

Ms. Hansen said that the Board was extraordinarily liberal in extending the dates as they were extended. She said that the engineer's schedule is not the problem of the Board, but that the Board expects those dates to be met. She said that Mr. Browning should express the internal deadlines to LOWA and that the association would be expected to work with those internal deadlines. She said that it was important that DCR staff be able to present their recommendations to the Board with confidence having had enough time for review.

Ms. Campbell said that the Board understood the dynamic process. She noted that in several cases staff and the Board have received the information just prior to the Board meeting. She said that the Board is concerned about adequate time for staff review and has expectations that the deadlines will be met.

Regular Operation and Maintenance Certificate Recommendations

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

01511	South River Dam #4	AUGUSTA	Class I Regular	7/31/13
13715	Orange Raw Water Reservoir Dam	ORANGE	Class II	7/31/13
15506	Lake Powhatan Dam	PULASKI	Class II	7/31/13

MOTION: Mr. Maitland 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: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Construction and Alteration Permits

Mr. Browning presented the Construction and Alteration Permit recommendations.

04158	Meadowville BMP MP-1	CHESTERFIELD	Class IV Construction	7/19/07 – 7/31/09
08551	Dabney Lake Dam	HANOVER	Class IV Construction	7/19/07 – 7/31/09
09525	Mirror Lakes Dam No. 1	JAMES CITY	Class III Regular	7/19/07 – 7/31/08

MOTION: Ms. Hansen 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. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Browning presented the extensions recommendations. He said that in January DGIF had made a presentation regarding their dams. He noted that 5 DGIF dams were under consideration for extensions at this meeting. He said at this point, staff was making no recommendation regarding the DGIF dams.

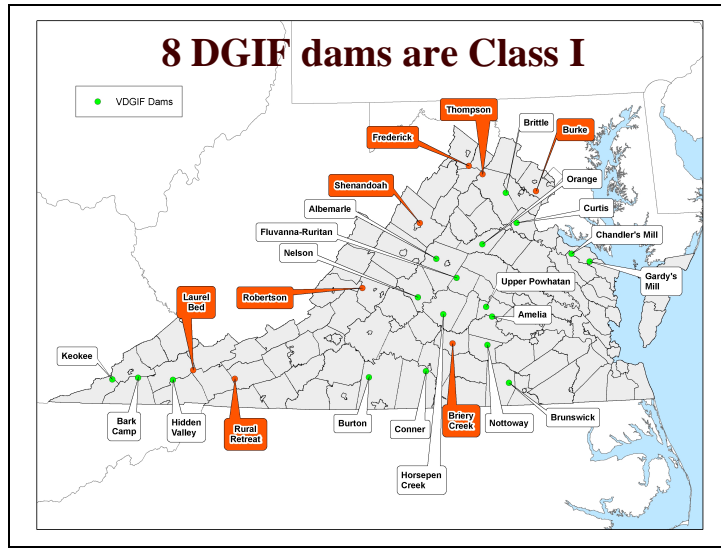
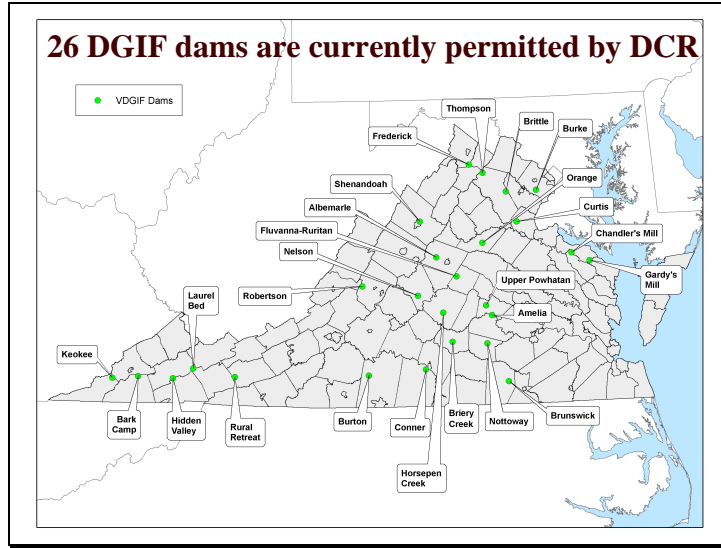
Mr. Krisnitski from DGIF gave the following presentation. He noted that he and Gary Martel had been at the January meeting.

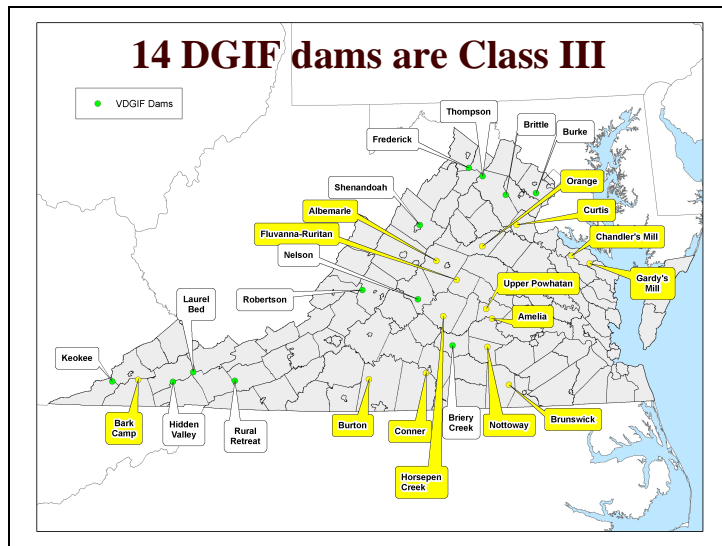
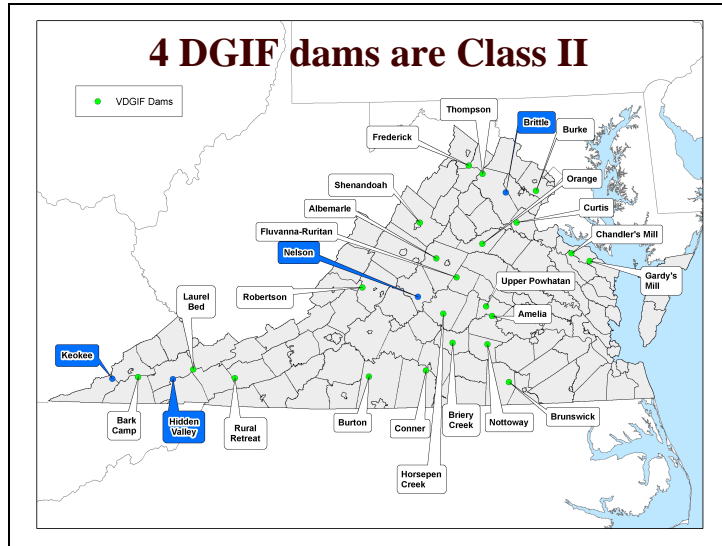
*Virginia Department of Game and Inland Fisheries
Dam Safety Program*

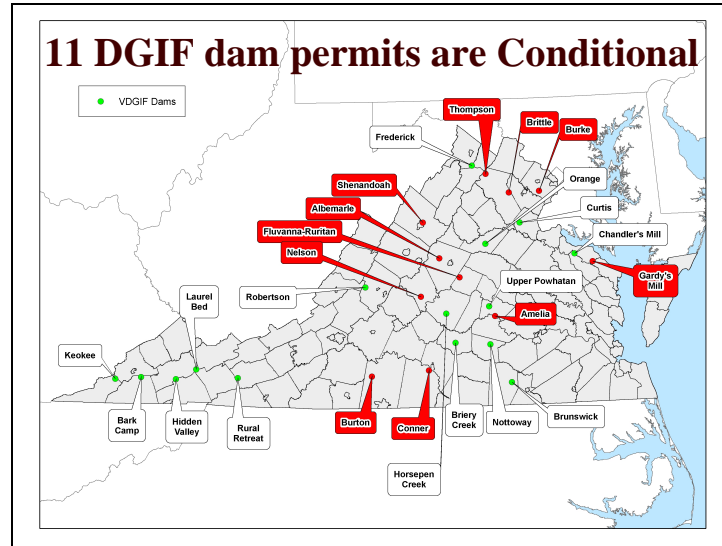
Presented to the
Virginia Soil and Water Conservation Board
July 19, 2007

DGIF Dam Safety Program

- The Department of Game and Inland Fisheries is the largest single owner of dams in Virginia with 55 impoundments.







Additional Challenges

- DGIF has several dams that will experience an increase in Class and still more that need to be permitted per the 2002 size changes.

Compliance

- DGIF is serious about having a safe and compliant system of dams.
- The Department has been taking steps and is making progress.
- The DGIF Board has approved the 2008 budget including significant money for dams.

Staffing

- In June, 2004, the Fisheries Division hired a Virginia Licensed Engineer to manage its Dam Safety Program.

Consultants

- We have solicited for and initiated term contracts with A/E firms specifically for dam safety projects.
- We are currently contracting with F&R Engineers to do a PER on the entire DGIF system of dams.
- The deliverables include a risk based project priority list.

Progress

- DGIF has had to be creative in its efforts to accomplish its dam safety goals.
- Using in-house work, other state agencies and their contracts, careful selection of projects, and design by term contract A/E consultants.
- Several projects have been completed within the DGIF Dam Safety Program.

Engineering Reviews

- Two Class I dams with Regular Permits were found to exhibit warning signs.
 - Rural Retreat Dam - Dye testing was performed and we were able to eliminate a concern about seepage found.
 - Laurel Bed Dam - Dye testing was performed which confirmed a concern over seepage.
 - An A/E preliminary investigation was completed and a subsequent full seepage analysis was conducted.
 - In the interim, the lake manager has been instructed to lower the pool elevation as a precaution.

Repair Projects

- Gardy's Mill Pond dam in Westmoreland County was successfully designed in-house, lowered, repaired, and refilled.
- Nottoway Dam was successfully repaired after damage from Hurricane Isabel.
- Powhatan Lakes' reconstruction was designed and are currently under contract. Construction is well under way and should be complete this fall.
- Conner Dam in Halifax County was designed and bid. Construction of the repairs is nearly complete.

Breaching

Breaching a dam is the least desirable option.

- Pete's Pond Dam in Pittsylvania County was drained and breached because it was found to be structurally deficient and a definite threat to public safety.
- Two of our other dams will likely have to be breached, not for structural but rather regulatory deficiencies, unless funding can be secured to upgrade them.
- The estimates to meet Dam Safety requirements for just these two exceed \$3M.

Maintenance

- Internally, maintenance funds have been released to address the Conditional Permit requirements at Brittle Dam in Fauquier and Amelia Dam. Amelia is being handled internally, Brittle's scope is increasing and will go out to the consultant.
- Burton, Nelson, Albemarle, and Fluvanna dams are in line waiting for funds to proceed.

Future Plans

- We have a contract with our Dam Safety A/E to complete the PER document. It should begin this month.
- Meanwhile, higher risk needs (i.e. structural) are already being addressed in the interest of public safety.
- Maintenance work to address Conditional Permit requirements at DGIF dams is progressing and each dam will be corrected as soon as funds and opportunity are available.

Current Needs

- The current estimate to upgrade all DGIF dams is nearly \$40M.
- This is 80% of DGIF's annual budget and 10X our available Capital Funding.
- The Department is pursuing additional funding for Dam Safety projects.

DGIF Dam Safety Program

DGIF is managing its dams with a program level mindset. We have been prioritizing projects based on that concept.

Mr. Maitland asked if the changes in dam classification were due to structural or other issues.

Mr. Krisnitski said that in most cases the changes were regulatory. However he noted that the regulations did not change, but there was additional downstream development.

Mr. Altizer asked Mr. Browning what DCR would be recommending.

Mr. Browning said that DGIF was asking to deal with the higher hazard dams and placing a higher priority on constructions. He said that DCR staff was not certain how the Board would like to proceed.

Ms. Hansen noted that there are regulations to enforce and that they cannot be changed because someone does not have the resources.

Mr. Maroon noted that no one else was in the same situation as DGIF with 55 dams. He asked if the Board would be comfortable with asking DGIF to return to the September meeting with a priority list regarding how they will move forward.

Mr. Altizer said that until DGIF had the funding to move forward, the Board would not be able to feel comfortable with their actions.

Ms. Hansen noted that this was still creating another track for DGIF not afforded to other dam owners.

Mr. Russell said that he believed the Board should send a message to DGIF and, in turn, DGIF send a message to the General Assembly of the action needed to be taken in this regard.

Ms. Campbell noted that the permits had expired and asked what the recommended action would be.

Mr. Browning said that, following Mr. Maroon's suggestion that would give an additional two months and that the dams would come back before the Board in September.

Mr. Maitland said that he would like to have staff work with DGIF to develop a list of priorities and get the classifications squared away and move forward from that point in September.

Mr. Maroon suggested giving an extension until January 2008 in order for DGIF to provide a prioritized list and a funding proposal their Board is willing to pursue. He said that would allow DGIF time to work on these issues and for the General Assembly to review the matter including the possible consideration of a bond to provide the necessary funding to conduct the repairs.

Ms. Campbell said that would require a caveat that if there was no action, the Soil and Water Conservation Board would act accordingly.

Ms. Hansen said that the list should be submitted by November.

MOTION: Ms. Hansen moved that the Soil and Water Conservation Board direct the Department of Game and Inland Fisheries no later than November 1, 2007 to prepare a risk-based priority list with classifications provided for the relevant DGIF owned dams in order to allow DCR staff to bring a recommendation to the November meeting. The certificates for these dams would be extended through the date of the Board meeting.

SECOND: Mr. Altizer

DISCUSSION: Mr. Maroon asked what would happen in November.

Ms. Hansen said that the Board needs to retain the ability to move forward as they would with anyone else.

Mr. Maroon suggested amending the November deadline to include a financial plan. That amendment was accepted.

It was suggested that a letter from the Chairman be directed to the Department of Game and Inland Fisheries Board Chairman, noting the action of the Board and the intent of the Board to move forward.

The motion was amended to also include 3 DGIF owned dams expiring in September.

VOTE: Motion carried as amended.

Mr. Browning presented the remaining list of Extension actions.

00345	Crozet Sportsman Club Dam	ALBEMARLE	Class III Regular	11/30/07
00384	North Fork Pond	ALBEMARLE	Class II Construction	11/30/07

	Pond 1 Dam			
01702	John Lawrence Dam	BLAND	Class II Bland	11/30/07
01903	Beaverdam Creek Dam	BEDFORD	Class II Conditional	5/31/08
01905	Bedford Lake Dam	BEDFORD	Class II Conditional	1/31/08
01906	Springhill Lake Dam	BEDFORD	Class II Conditional	1/31/08
01930	Elk Garden Lake Dam	BEDFORD	Class III Regular	1/31/08
01934	Boonsboro Country Club	BEDFORD	Class III Conditional	7/31/08
02303	Rainbow Forest Dam	BOTETOURT	Class I Conditional	1/31/08
02304	Blue Ridge Estates Dam	BOTETOURT	Class I Conditional	11/30/07
03331	Lake Devolia Dam	CAROLINE	Class II Conditional	11/30/07
03332	Lake Heritage Dam	CAROLINE	Class I Conditional	11/30/07
03333	Lake Dover Dam	CAROLINE	Class III Conditional	11/30/07
07907	Lake Saponi Dam	GREENE	Class III Regular	7/31/08
09529	Eastern Pond Dam	JAMES CITY	Class III Conditional	11/30/07
09906	Lake Monroe Dam	KING GEORGE	Class I Conditional	11/30/07
10923	Gordonsville Dam	LOUISA	Class III Conditional	11/30/07
14116	Ararat River Dam #32	PATRICK	Class III Regular	11/30/07
14117	Ararat River Dam #28	PATRICK	Class I Regular	11/30/07
14319	Elkhorn Lake Dam	PITTSYLVANIA	Class III Conditional	1/31/08
14533	Sheller Lake	POWHATAN	Class III Conditional	1/31/08
17923	Bridle Lake Dam	STAFFORD	Class I Conditional	7/31/08
18501	Upper Clinch River #8 Dam	TAZEWELL	Class I Conditional	7/31/08
18701	Lake of the Clouds Dam	WARREN	Class II Conditional	5/31/08

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff, with the exception of the DGIF owned dams, and that the staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Election of Chair and Vice Chair

Chairman Campbell yielded the Chair to Mr. Maroon.

MOTION: Ms. Packard moved that Ms. Campbell be elected to another year as Chairman of the Virginia Soil and Water Conservation Board.

SECOND: Ms. Hansen

DISCUSSION: There were no other nominations

VOTE: Motion carried unanimously

MOTION: Ms. Packard moved that Mr. Maitland be elected to another year as Vice Chairman of the Virginia Soil and Water Conservation Board.

SECOND: Ms. Hansen

DISCUSSION: There were no other nominations

VOTE: Motion carried unanimously

Review of DRAFT Dam Safety, Flood Prevention and Protection Assistance Fund Loan and Grant Manual

Mr. Brown gave a review of the DRAFT Dam Safety, Flood Prevention and Protection Assistance Fund Loan and Grant Manual. He said that this was the DRAFT version of the manual that will guide the Dam Safety Flood Prevention and Assistance Fund.

Mr. Brown gave the following presentation. A copy of this presentation is available from DCR.

Draft Virginia Dam Safety, Flood Prevention & Protection Assistance Fund Loan and Grant Manual Program Year 2007

Virginia Dam Safety Program

- Intends to issue a Regular Operation and Maintenance Certificate for dams of regulated size
- Applicable to dams that are:
 - 25 feet and higher and create a maximum impoundment capacity of 15 acre-feet or greater

- Six feet or higher and create a maximum impoundment capacity of 50 acre-feet or greater

Virginia Floodplain Management Program

- Program objectives include:
 - Preventing loss of life
 - Reducing property damage caused by flooding
 - Conserving the natural and beneficial riverine & coastal floodplains of the Commonwealth

Background

- Dam Safety, Flood Prevention and Protection Assistance Fund (Va. Code 10.1-603 16)
- Expanded in 2006
- Fund to be administered by the Virginia Resources Authority
- Loans and grants to be provided by DCR with the concurrence of the Board
- Grants and loans may be awarded to local governments for:
 - Repair of dams owned by a local government
 - Dam break inundation zone mapping
 - Funding of a program to be administered by a local government that repairs private dams
 - Flood prevention and protection studies
 - Flood prevention and protection projects
- Loans may be provided to private dam owners for repair of dams not meeting the Board's regulatory standards, with priority given to high hazard dams.
- Cost-share with federal agencies is also authorized for flood protection studies of statewide or regional significance.

Loan & Grant Eligibility

- Loan assistance will be awarded:
 - On a competitive scoring base
 - With a required 10% match
- Grant assistance will be awarded:
 - When available
 - With a required 50% match

Project Categories – Category 1

- Applicant-Owned Dam Rehabilitation
 - Both local governments and private dam owners will be eligible for loan funding

- Loan governments may be eligible for grant funding as well in future years
- Authorized uses include repair of Class I and II dams holding a current Regular or Conditional Certificate and Alteration Permit

Category 2

- Locally-Administered Dam Rehabilitation Programs
 - Local governments will be eligible for loan funding to assist them in developing their own grants/loans program for private dams located in their jurisdictions that need repair
 - Similar to this Fund, those programs must only fund repairs necessary to bring those dams into compliance with the Board's regulations

Category 3

- Dam Break Inundation Zone Mapping and Digitization
 - Grants may be made to localities to map the downstream inundation zones of dams located within their jurisdiction, both public and private
 - All dams mapped must be regulated by the Board

Category 4

- Flood Hazard Identification Plans, Studies and Mapping
 - Local governments will be eligible for loans that develop new floodplain studies or supplement existing studies (including floodplain boundary information, floodplain maps, plans to prevent or mitigate damage from flooding, and other studies that assist in the assessment of flood risks)
 - Grant funding may be available in future years

Category 5

- Flood Hazard Damage Mitigation and Reduction Activities
 - Local governments will be eligible for loan funding to assist in implementing techniques necessary to mitigate and reduce flood impacts
 - Grant funding may be available in future years

Other business

Ms. Campbell directed the Board back to consideration of the use of funds managed by DCR on behalf of the Soil and Water Conservation Districts.

MOTION: Mr. Altizer moved that the funds managed by DCR on behalf of Soil and Water Conservation Districts be distributed as follows:

Total available monies set aside for the VSWCB to support SWCDs:	\$108,000 +12,000 TOTAL \$120,000
<u>Audits of SWCDs</u> 24 each year (no less than 24 to maintain a 2 year audit cycle of all SWCDs) at \$3,500*/per-audit – ideally we do more than 24	*Remaining from the \$300,000 -\$84,000
* reflects a \$900 per audit increase with a newly established contract	
<u>Surety Bond</u> for all SWCDs (annual expense**)	-\$5,683
**reflects a savings of \$13,800 with a newly established contract	
<u>SWCD Directory</u> (printing)	-\$1,300
<u>Public Notices</u>	\$-0
District Director Elections, no expense until Spring 2011 – estimated expense \$45,000	(FY08)
<u>VASWCD support</u> from DCR (DCR/VASWCD Grant Agreement)	-\$25,200
Other support expense needs that include:	-\$4,017
<ul style="list-style-type: none"> • Revisions/printing of the SWCD Desktop Guide for Fiscal Operations • Training provided by auditors for SWCD Admin. Secretaries • District Directors focused training/orientation (multiple sessions in 2008) 	
Total projected expenses:	-\$120,000
Balance	0

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Ms. Campbell directed the Board to return to the consideration of the Erosion and Sediment Control Local Program review schedules for FY08 and FY09.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs and the Board concur with the staff recommendations on the revised local program to review for FY08 and FY09. Further, that the Board approve the revised list of localities for completion of up to 37 reviews for FY08 and up to 36 reviews for FY09.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

Partner Agency Reports

Natural Resource Conservation Service

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment # 1.

Department of Conservation and Recreation

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

Public Comment

Mr. Bailey said that he would like to make the Board aware of additional actions taken by the Lake of the Woods Association. He noted the following:

- Contracted with a consultant to upgrade the emergency action plan
- The mapped inundation zone is on file with the Orange County planning department
- Purchased lots inside the inundation zone to prevent development
- Met with all local and regional emergency management responders and reached an agreement regarding 911 calls
- Participated in a successful effort to get rezoning approved

Future Meetings

It was noted that the future meeting dates for the Virginia Soil and Water Conservation Board are:

September 20 – 21
November 15

Adjourn

There being no further business, the meeting was adjourned.

Respectfully submitted,

Linda S. Campbell
Chair

Joseph H. Maroon
Director

Attachment # 1

NRCS REPORT
VA Soil & Water Conservation Board Meeting
July 19, 2007
Association of Electric Cooperatives
Richmond, VA

BUDGET

The Virginia NRCS budget continues to be very tight. I made the decision to fill 4 DC positions and one RC&D Coordinator and I have advertised a vacancy for an Area Engineer. I have had to use lapses in salary to prevent deficit spending. My priority remains to fill positions at the field level first.

OFFICE RENTS

Overall, Districts are responding positively to my request to pay their fair share of office rents. A letter and agreement was sent to each District in May explaining what their fair share is of the rent at the USDA Service Center and most have returned their reimbursement agreement for the amount listed. I am also working individually with each District where the other USDA agencies have vacated. Various arrangements specific to each location are being devised in consultation with the District Board.

NRCS CHIEF AND REGIONAL ASSISTANT CHIEF VISIT VIRGINIA

Chief Arlen Lancaster attended the Outdoor Writers of America Association held in Roanoke on June 19th. NRCS and the Mountain Castles SWCD assisted with a tour on Charles Barnes' farm in Craig County to provide outdoor writers information on the new Farm Bill and what it can mean to the future of wildlife. Participants got to view first hand, habitat improvements made under the existing Farm Bill programs.

Regional Assistant Chief Richard Coombe spent time in the South River Watershed on July 18. He observed some of the dam rehabilitation work underway to meet current safety standards on a reclassified high hazard structure due to development downstream in August County.

FARM BILL PROGRAMS

Financial Assistance (EQIP and WHIP)

All of the available FY 2007 funds have been obligated with unfunded applications remaining in both programs. A request was submitted to

Washington for additional funds should they become available from another state. We will continue to approve applications on a case-by-case basis as additional funds are generated in-state through contract cancellations.

Stewardship (CSP)

All available funding for FY 2007 has been made to producers. Due to the Continuing Resolution budget, producers did not receive their full amount of payment due. Additional emergency money has been authorized for several USDA programs in the Iraq Spending Bill passed by Congress. Discussions are underway in Washington to determine if CSP will receive part of this funding. If approved, we will make an additional payment for part or all of the balance due.

Easements (FRPP, GRP, WRP)

Efforts are underway to obligate funding for 3 Wetland Reserve Easement offers by August 1. We are trying to close all of the remaining 4 Grassland Reserve Program easements by September 1.

New Farm Bill

Various proposals are still being developed by the House and Senate Committees on items to be included in the 2007 Farm Bill. The most recent proposal offered by the Chair of House Ag Committee calls for the administration of all Farm Bill conservation programs to be shifted from NRCS to FSA.

WATERSHED OPERATIONS

Buena Vista Watershed – Designs for two bridge upgrades to Rockbridge Avenue and the Fitzgerald Lumber Company road in Buena Vista are complete and ready for construction. NRCS and Virginia Department of Transportation personnel are working with the engineering firm hired by Buena Vista to complete the projects. The City had a site showing on July 10th and will open bids on July 24th. The project will be constructed in the summer and fall of this year. NRCS received \$1,138,600 in financial assistance for this phase of the project.

NRCS and the Buena Vista Watershed Sponsors recently supplemented the Watershed Plan to include nonstructural measures as a method to achieve flood damage reduction in this watershed. Some channel improvements planned for one section of Chalk Mine Run will be eliminated from the plan and the acquisition and demolition of one home will be substituted. The property will be acquired by the City, the structure removed, and the site restored to a stable condition. Future deed restrictions will limit the use of the property so no

structures can be built in the floodplain. This is the preferred long-term solution for flooding problems in the City. This alternative will result in a net cost savings of about \$31,000.

Land Treatment Watersheds - NRCS has completed implementation of 68 long term contracts with landowners in targeted watersheds in Virginia during 2007. 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.

WATERSHED PLANNING AND SURVEYS

NRCS has completed a watershed plan for the North Fork Powell River Watershed in Lee County. The final plan is being routed for signatures by all the Sponsors in July. The plan will then be submitted to the Chief of NRCS for authorization. However, the Chief has issued a national bulletin that states he will defer requests for fund authorization until further notice. We are unsure when and if the project will ever be authorized for funding. The plan addresses 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.

Congress has restricted funding for initiating planning on new projects. Therefore, NRCS in Virginia will not submit any new planning requests in FY-08 for the following two new planning starts: Town of Glasgow in Rockbridge County; Gross Creek in the Town of Farmville.

DAM REHABILITATION

South River Site 23 (Robinson Hollow) in Augusta County – Construction is underway on the rehabilitation of South River Site 23. The riser will be replaced, the two auxiliary spillways will be hardened with articulated concrete blocks and a concrete parapet wall will be constructed in order to raise the dam about 4 feet. Construction will be completed this summer. Augusta County is administering the contract and NRCS staff is providing engineering and construction inspection services.

South River Site 26 (Inch Branch) in Augusta County – NRCS has completed the design for Inch Branch. The auxiliary spillway will be widened by 50 feet, the principal riser pipe replaced, a new access road built, and all disturbed areas will be seeded and mulched. A project agreement obligating the local and federal funds was signed in June. A site showing was held on July 12th and bids will be opened on August 7th. NRCS has received \$1,031,000 in financial assistance for

this project. A federal contract will be used to implement this construction project.

Marrowbone Creek in Henry County – NRCS is soliciting quotes from contractors for the needed repairs to the Marrowbone Creek dam. Repairs are needed for some cracks that developed in the roller compacted concrete work that was completed on this rehabilitation project. NRCS has received \$40,000 in financial assistance for this project.

Pohick Creek Site 4 (Royal Lake) in Fairfax County – Fairfax County has hired an engineering firm to complete the design of this rehabilitation project. NRCS is doing the engineering review and consultation. The final design will be completed in early August. A project agreement obligating the local and federal funds will be signed in August. The NRCS share of this project is \$2,033,000. A local contract will be administered by Fairfax County for the construction that will occur in FY-08.

Pohick Creek Site 3 (Woodglen Lake) and Pohick Creek Site 2 (Lake Barton) in Fairfax County – Draft dam rehabilitation plans will be completed in FY-07 and final plans in FY-08.

New Applications Received – NRCS now has 14 dam rehabilitation applications that are awaiting planning assistance. NRCS recently received the following 4 new requests for planning assistance under the Dam Rehabilitation Program: South River Watershed in Augusta County Site 7; Lake Wilda South River Watershed in Augusta County Site 19; Waynesboro Nursery Lake Upper North River Watershed in Augusta County Site 10; and Todd Lake Johns Creek in Craig County Site 3. These sites will be assessed and a risk analysis completed for each of them in FY-08.

OPERATION AND MAINTENANCE AGREEMENTS AND PLANS FOR DAMS

NRCS recently completed a database of important information on all 150 dams in Virginia. The information includes the dam name, owner, O&M signatory, and O&M agreement expiration date. This information was compiled from watershed files from as early as the 1950's.

NRCS will be contacting local watershed sponsors in the near future to inform them of the NRCS policy to update existing O&M Agreements and O&M Plans every five years. Many of the old agreements have never been updated since they were developed many years ago. NRCS will work closely with the Sponsors to amend the O&M Agreements and bring them up to current criteria. Existing agreements will be amended to include the information needed to maintain, improve, or create mutual understanding of O&M responsibilities.

Several of our watershed dams have reached their evaluated life span and the O&M Agreements have expired. NRCS will be notifying Sponsors that they have met their O&M responsibilities with NRCS and that the federal interest is complete. The Sponsors are free to operate and maintain the dam unencumbered by NRCS. However, Sponsors will still have to continue their O&M responsibilities in order to remain in compliance with applicable Federal, State, and local laws, regulations and ordinances. In addition, proper O&M is required in order to be eligible for the Dam Rehabilitation Program in future years.

PRESCRIBED BURNING

Prescribed Burning Awareness training was held in Richmond, Farmville, Verona, and Wytheville during June and July. Personnel from NRCS, DOF, DGIF, and DCR –Natural Heritage, helped deliver the training to 63 employees representing NRCS and the Conservation Districts. Prescribed Burning Awareness training is a requirement for certified conservation planners.

BASIC EROSION PROCESSES TRAINING

To be held September 26 & 27 in Verona - required for most new employees (NRCS and SWCD) seeking Conservation Planner Certification. Complementary to this the SRC announced and distributed RUSLE2 practical exercise to NRCS and SWCD employees seeking NRCS Conservation Planner Certification. Completed exercises are being returned and reviewed. This is working very well.

ROANOKE MLRA SOIL SURVEY

The Roanoke MLRA Soil Survey Office is now operating at the USFS District office across from the airport. This office will house three to four soil scientists. Their responsibilities will be to complete the unfinished soil surveys west of the Blue Ridge Parkway and keep the web soil survey of the soils within this region. Jeff Thomas is the leader for this team. Future plans are to set up two more offices; one, dealing with Piedmont soils and the other for Coastal Plain soils.

Attachment # 2

**Department of Conservation and Recreation
Report to the Virginia Soil & Water Conservation Board
July 19, 2007**

1. DCR/SWCD Operational Funding:

All 47 SWCDs were issued a grant agreement with DCR in late May, 2007 for Operational funding this fiscal year ('08). As districts return a fully endorsed agreement to their CDC, each will be issued an initial quarterly disbursement during late July and August. Second quarter disbursements will be issued during November. Third quarter disbursements may be expected to be issued during February. Final disbursements will be issued in late April and early May (2008).

This fiscal year (FY08), operational funding for all districts totals \$4,313,210. The total amount reflects an increase about FY07 operational funding and provides a slight overall increase above the previous 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 meeting of the group is scheduled September 10th, 2007.

The short course "Conservation Selling Skills" was delivered by professional trainer and consultant Chuck Hitzemann on May 2nd and 3rd, 2007. Plans are underway to repeat the course this fall with tentative dates of November 7th and 8th for delivery. A registration announcement with further course details will be issued later this summer. Sufficient enrollment will be the determining factor once registration ends. Broader 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 as a conference call on April 26th, 2007. The primary focus of that session pertained to development of a dam owner resource for SWCDs that will serve for training and reference purposes. The group reviewed and discussed a draft outline of potential components of information and reference materials with a goal of placing the information on the DCR public web site with links to other appropriate resources. Attendance and participation by the group continues to be very good with 10 of the 12 SWCDs owning dams having one or more representatives

participate in each 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. The group will meet again this summer on August 30th in Charlottesville.

4. Agricultural BMP Cost-Share Program:

Agreements between each SWCD and DCR to address program funding commitments and performance deliverables were issued to all districts in late May, 2007. Four regional training programs were delivered during June to explain changes with the 2008 program. The sessions were well attended by members of SWCDs and staff of conservation partner agencies. The 2008 program manual was distributed at those sessions and distributed more broadly thereafter. SWCDs continue to wrap up the 2007 program with a deadline of data reporting that ended July 18, 2007. DCR's ability to assist SWCDs with any data entry problems and needs has been greatly diminished with the departure of the agency's Database Administrator (Becky Cottle). As we work to fill this vacancy, district assistance with ensuring the completeness and accuracy of data entry is especially important.

With regards to the longer term approach to the collection and administration of program data, the needs of DCR and SWCDs 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 to begin later this summer. Based on the outcomes of the analysis and consultant recommendations, replacement or enhancement of the existing program will be pursued. Funds appropriated by the 2007 General Assembly (\$500,000 from WQIF interest) will support the analysis and the actions that follow.

5. Conservation Reserve Enhancement Program (CREP):

Requests for CREP disbursements and CREP bonus payments for completed projects have increased in the last two months, as a sign of support to increased activities and signup in the CREP program. The increased CREP landowner easement payments appear to be raising the profile of the CREP easement program. Several CREP easements have been recorded recently and others are in stages of completion and advancing towards closure and recording. The recorded easements protect over 220 acres of restored riparian buffers in perpetuity. Pending perpetual conservation easement applications will protect an additional three hundred acres of restored buffers.

6. Water Quality Improvement Fund May 15, 2007 was the application deadline (postmark date) for the 2007 Water Quality Improvement Fund request for proposals. DCR received 73 proposals requesting more than \$8 million and matched by more than \$12 million. The \$3.5 million of available funding is targeted to nonpoint source

pollution reduction projects on urban, suburban, and rural developed lands. DCR intends to award \$2.1 million to projects in the Chesapeake Bay Watershed and \$1.4 million to projects in the Southern Rivers Watersheds based on the required 60:40 funding split. Almost three-fourths (~ 73%) of the proposals received were in the Chesapeake Bay Watershed. The majority of the proposals were submitted by local governments, while Virginia colleges and universities, resource and development councils, and nonprofit organizations also submitted numerous proposals. Many of the projects focus on residential septic system repair/replacement programs to address TMDL impaired waters, stormwater management retrofits and low-impact development demonstrations, stream restoration, and managing manure from small acreage horse facilities. Following the review of the proposals by a multi-agency committee, decisions on award recommendations are expected to be announced in August 2007.