

**Virginia Soil and Water Conservation Board
Wednesday, December 11, 2019
Norfolk, Virginia**

MINUTES

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board convened at 10:00 a.m. on Wednesday, December 11, 2019 at the Norfolk Sheraton Waterside in Norfolk, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Chuck Arnason, Chair
Adam Wilson, Vice Chair
Mario Albritton
Kristen Saacke Blunk
Gray Coyner
Kat Maybury
Charles Newton
Dr. Dahlia O'Brien
Cindy Smith
Clyde Cristman, DCR Director, Ex Officio
Keith Boyd for John A. Bricker, Natural Resources Conservation Service, Ex Officio
Dan Goerlich, Virginia Cooperative Extension, Invitee

DCR STAFF PRESENT

Rochelle Altholtz, Deputy Director for Administration
Russell W. Baxter, Deputy Director of Soil and Water Conservation/Dam Safety and Floodplain Management
Isaac Sarver, Deputy Director for Boards and Constituent Services
Denny Collins, Conservation District Coordinator
Jim Echols, Western Area Manager
Michael Fletcher, Board and Constituent Services Liaison
Jaclyn Friedman, Virginia Management Fellow
Darryl M. Glover, Director, Division of Soil and Water Conservation
Blair Gordon, SWCD District Liaison
Mark Hollberg, Conservation District Coordinator
Wendy Howard Cooper, Director, Division of Dam Safety and Floodplain Management
Lisa McGee, Policy Director
Sharon Partee, Finance Manager
Amanda Pennington, District Engineering Services Manager
Amy Walker, Conservation District Coordinator
Christine Watlington, Policy and Regulatory Coordinator
Gray O'Dwyer, Office of the Attorney General

OTHERS PRESENT

Michelle Carter, Three Rivers SWCD
Everett Chadbourne, Timberlake Watershed Improvement District

Anne Coates, Thomas Jefferson SWCD
Sharon Connor, Hanover-Caroline SWCD
Charles Falwell, Timberlake WID
Giannina DiMaio Frantz Tri-County/City SWCD
Lynn Graves, Culpeper SWCD
Steve Hill, Culpeper SWCD
Matt Kowalski, Chesapeake Bay Foundation
Bob Lund, Colonial SWCD
Martha Moore, Virginia Farm Bureau
John Peterson, Northern Virginia SWCD
George Schrader, Timberlake Watershed Improvement District
Kelly Snoddy, Peter Francisco SWCD
Barbara Teeple, Peter Francisco SWCD
Joe Thompson
Dr. Kendall Tyree, VASWCD
Greg Wichelns, Culpeper SWCD
Danny Withers, Three Rivers SWCD
Frank Johnson, Northern Neck SWCD

ESTABLISHMENT OF A QUORUM

With nine (9) members of the Board present, a quorum was established.

CALL TO ORDER AND INTRODUCTIONS

Chairman Arnason called the meeting to order at 10:00 a.m. and asked for introductions.

Director Cristman introduced the three new At-Large members.

- Kristen Saacke Blunk, Richmond
- Kat Maybury, Charlottesville
- Dr. Dahlia O'Brien, Moseley

APPROVAL OF MINUTES FROM SEPTEMBER 27, 2019

BOARD ACTION

Mr. Coyner moved that the minutes from the September 27, 2019 meeting of the Virginia Soil and Water Conservation Board be approved as submitted. Mr. Wilson seconded and the motion carried.

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

Director Cristman noted that he had already given an agency update at the Association meeting. He thanked Dr. Tyree and her staff for the conference and for allowing this Board to meet in conjunction with the Annual Meeting.

FINAL RESULTS AND RECOMMENDATION FROM 2019 PROGRAMMATIC REVIEW - *Clyde Cristman*

Director Cristman reported that DCR has an internal audit committee that consists of himself, the Deputy Directors and the DCR Internal Auditor. This review looked at the Virginia Agricultural Cost-Share (VACS)

Program and how the Board and DCR administer the program. This review is not intended to replace the regular financial audits the Districts undergo.

The following recommendations were made.

1. DCR should work to identify additional compliance items that can be tested through various means, including CDC case file reviews, and consider the merits of various measures, in addition to the existing financial audits, to address Districts found in repeated non-compliance with program requirements.
2. DCR should evaluate how it might further utilize the AgBMP Tracking Module for more efficient and effective oversight of the program, to include,
 - a. Using Stop and Go edits within the system that could necessitate required documents related to a practice be uploaded to the system, and/or specific tasks be completed, before the contract would move forward.
 - b. Generally a random sample of practices for compliance testing using the Cost-Share Case File Administrative Review Checklist and/or other means. This could reduce the work to be done onsite.
 - c. Increasing the information in the system in order to enable random queries of projects with engineering components for remote EJAA consultation, oversight and approval where appropriate, as well as the ability to request DCR engineering assistance through the system, and
 - d. Generating exception reports or an online dashboard for the timely monitoring and follow-up of outstanding District issues. This may also help identify where additional District training may be necessary.
3. Engineering Job Approval Authority (EJAA) reviews should not let District staff select the practices for review. The DCR should consider if a better solution might be to provide in advance the practices being selected for EJAA on-site reviews, but then select a separate set of practices for file review once at the District office.
4. DCR should work with the Office of the Attorney General to formalize guidance and ensure compliance with applicable law regarding the collection thresholds of non-compliant practices.
 - a. Define the amount of practice funds owned, under which, the practice is
 - i. Is written-off;
 - ii. Refund is pursued by the District; and
 - iii. Is referred for collection.
 - b. For property that is sold and no notification is provided to the District, consider how the District might be notified pre-sale to ensure the new owner is aware of the obligation.

Director Cristman advised that no action was necessary at this point. DCR will take these recommendations into consideration when developing policies in the next year.

REPORT FROM AUDIT SUBCOMMITTEE – *Adam Wilson, Subcommittee Chair*

Mr. Wilson reported that the Audit Subcommittee met prior to the Board meeting and reviewed the Performance Improvement Plans (PIP) submitted by the following districts:

1. Big Sandy;
2. Headwaters;

3. Mountain Castles;
4. Natural Bridge; and
5. Shenandoah Valley.

Mr. Wilson noted that the Subcommittee approved the PIPs for the five districts. He also reported that the districts were advised that failure to follow the plans might result in further Subcommittee or Board action.

The Subcommittee also reviewed the Corrective Action Plan submitted by Tri-County/City SWCD. Based on the updated plan and ongoing District actions, the Subcommittee reversed a prior decision to require the District to undergo a special audit in 2019.

The Subcommittee will meet again in March and April.

REPORT AND RECOMMENDATIONS FROM ALLOCATION SUBCOMMITTEE – *Adam Wilson, Subcommittee Chair*

Mr. Wilson reported that the Allocation Subcommittee met twice to develop a recommendation that included an equitable amount of base funding for each district. He noted that the base funding had not been revised since 2013.

The recommended base funding on the chart provided were developed using the budget templates that were submitted by each district this year.

Recommended Motion:

Mr. Wilson moved the following:

The Virginia Soil and Water Board appreciates the work and time commitment of all the Subcommittee members. Based on the recommendations and input of the Subcommittee, the Board directs the Department to utilize the recommended FY2021 base technical assistance funding allocations for the *FY2021 Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations*.

Additionally, the Board directs the Department to review and revise, as needed, the recommended base technical assistance funding allocation every odd-numbered calendar year for implementation at the beginning of the next biennium to reflect revised nonpoint source assessments, state priorities, and the Attachment D (budget template) submitted by the Districts.

The Board authorizes the Department to continue to work in coordination with the Budget Template Peer Review Committee, the Virginia Association of Soil and Water Conservation Districts, and other partners as needed to ensure (i) the instructions related to the completion of the Attachment D (budget template) are adequate and clearly understandable and (ii) adequate training opportunities are made available on completion of the Attachment D (budget template).

Mr. Coyner seconded and the motion carried

RECOGNITION OF OUTGOING BOARD MEMBERS

Mr. Coyner moved the adoption of the following resolutions.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD
COMMENDING RESOLUTION**

Presented to

RICHARD A. STREET

At a regular meeting of the Virginia Soil and Water Conservation Board held on Wednesday, December 11, 2019 at the Norfolk Sheraton Waterside Hotel in Norfolk, Virginia, the following resolution was unanimously adopted.

WHEREAS, Richard A. Street of Fredericksburg, Virginia was appointed by Governor Bob McDonnell to serve as a member of the Virginia Soil and Water Conservation Board from 2011 through 2015; and

WHEREAS, Mr. Street was reappointed by Governor Terry McAuliffe to serve a second term as a member of the Virginia Soil and Water Conservation Board from 2015 through 2019; and

WHEREAS, Mr. Street served as Chairman of the Virginia Soil and Water Conservation Board from 2017 through 2019; and

WHEREAS, Mr. Street served as Vice Chairman of the Virginia Soil and Water Conservation Board from 2015 through 2017; and

WHEREAS, Mr. Street served as Chair of the Virginia Soil and Water Conservation Board Audit Subcommittee; and

WHEREAS, Mr. Street serves as an At-Large Director for the Tri-County/City Soil and Water Conservation District; and

WHEREAS, Mr. Street is Deputy Director for Zoning and Environmental Codes for Spotsylvania County; and

WHEREAS, Mr. Street serves as Executive Director of the Virginia Environmental Professional's Organization; be it

RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds Richard A. Street for his services to the Board and extends sincere appreciation for his services to this Board, recognizing with gratitude his contributions and dedication to protecting the quality of the land and water resources of the Commonwealth.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD
COMMENDING RESOLUTION**

Presented to

JANETTE F. KENNEDY

At a regular meeting of the Virginia Soil and Water Conservation Board held on Wednesday, December 11, 2019 at the Norfolk Sheraton Waterside Hotel in Norfolk, Virginia, the following resolution was unanimously adopted.

WHEREAS, Janette F. Kennedy of Wise, Virginia was appointed by Governor Terry McAuliffe to serve as a member of the Virginia Soil and Water Conservation Board from 2015 through 2019; and

WHEREAS, Ms. Kennedy was elected as a District Director of the Lonesome Pine Soil and Water Conservation District in 2015; and

WHEREAS, Ms. Kennedy is a Government Liaison for Carbon Research and Development Corporation; and

WHEREAS, Ms. Kennedy owns and operates J Kennedy LTD in Wise, Virginia; and

WHEREAS, Ms. Kennedy holds a B.A. in Business Administration from Strayer University and a Masters in Environmental Law and Policy from Vermont Law School; be it

RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds Janette F. Kennedy for her services to the Board and extends sincere appreciation for her services to this Board, recognizing with gratitude her contributions and dedication to protecting the quality of the land and water resources of the Commonwealth.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD
COMMENDING RESOLUTION**

Presented to

BARRY L. MARTEN

At a regular meeting of the Virginia Soil and Water Conservation Board held on Wednesday, December 11, 2019 at the Norfolk Sheraton Waterside Hotel in Norfolk, Virginia, the following resolution was unanimously adopted.

WHEREAS, Barry L. Marten of Williamsburg, Virginia was appointed by Governor Terry McAuliffe to serve as a member of the Virginia Soil and Water Conservation Board from 2015 through 2019; and

WHEREAS, Mr. Marten served as Vice Chair of the Virginia Soil and Water Conservation Board from 2017 through 2019; and

WHEREAS, Mr. Marten served as Chair of the Virginia Soil and Water Conservation Board Audit Subcommittee from 2017 through 2019; and

WHEREAS, Mr. Marten was appointed by Governor Tim Kaine to serve as a member of the Chesapeake Bay Local Assistance Board from 2008 through 2012; and

WHEREAS, Mr. Marten served as Vice-Chair of the Chesapeake Bay Local Assistance Board from 2011 through 2012; and

WHEREAS, Mr. Marten owns and operates B.L. Marten and Associates in Williamsburg, Virginia; and

WHEREAS, Mr. Marten holds a B.S. ed. and M.S. ed. in Chemistry from Western Illinois University; be it

RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds Barry L. Marten for his services to the Board and extends sincere appreciation for his services to this Board, recognizing with gratitude his contributions and dedication to protecting the quality of the land and water resources of the Commonwealth.

Mr. Wilson seconded and the motion carried.

PARTNER REPORTS

Virginia Association of Soil and Water Conservation Districts

As the newly elected President, Ms. Frantz spoke on behalf of the Association. She expressed appreciation to Board members and staff who participated in the Annual Meeting.

Virginia Cooperative Extension

Mr. Goerlich reported that the current focus of Extension was on the budget request forwarded to the Governor's Office. He advised that, based on the funding available, they would be reviewing services and resource centers with the hopes of expanding some programs.

Virginia Department of Forestry

There was no one present from the Department of Forestry.

Natural Resources Conservation Service

Mr. Boyd noted that NRCS had previously reported to the Association. He noted that an NRCS longleaf pine restoration effort in Southeast Virginia is going well.

DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION

Report on High Hazard Dams - Wendy Howard Cooper, Director, Division of Dam Safety and Floodplain Management

Ms. Howard Cooper gave the following update regarding the status of High Hazard Dams.

As of November 30, 2019 there are 324 High Hazard Dams in 79 communities in the Commonwealth that are regulated by DCR.

| | Active | Expired | No Certificate | Total | Percentage |
|----------------------------------------------------------|-----------|---------|----------------|-------|------------|
| Regular Operation and Maintenance Certificate Status | 133 | 11 | 0 | 144 | 44% |
| Conditional Operation and Maintenance Certificate Status | 97 | 71 | 0 | 168 | 52% |
| No Operation and Maintenance Certificate | 0 | 0 | 12 | 12 | 4% |
| | Total All | | | 324 | |

| | Active | Expired | No Certificate | Total |
|---------------------------------------|--------|---------|----------------|-------|
| Emergency Action or Preparedness Plan | 183 | 130 | 11 | 324 |
| Percentage | 56% | 40% | 3% | |

| | Satisfactory | Fair | Poor | Unsatisfactory | Not Rated | Total |
|----------------|--------------|------|------|----------------|-----------|-------|
| PE Inspections | 157 | 73 | 8 | 1 | 85 | 324 |
| Percentage | 48% | 23% | 2% | 0% | 26% | |

Update on Unknown Dam Initiative – Wendy Howard Cooper

Ms. Howard Cooper reported that there are almost 900 dams in the Commonwealth that DCR does not have enough information about to determine if they should be regulated. DCR does not have the hazard classification for any of these dams. Recently received federal funding is allowing DCR to hire staff to do preliminary work to determine if these dams are of regulatory size. Staff is developing operating procedures to make sure the data provided is defensible and clear before dam owners are notified. DCR expects to begin sending notifications out in late winter or early spring of 2020.

Update on the Dam Safety Pilot Project Update – Wendy Howard Cooper

Ms. Howard Cooper reported that the pilot project approved by the Board at the March meeting is moving forward. The first agreement was signed as of November 1 allowing DCR to move forward with the project. Staff met with the locality on November 26 and a second meeting is scheduled for December 17. The initial budget for the project is \$30,000.

DCR staff will present to the Southampton Board of Supervisors in January.

Update on Executive Order 45 (Floodplain Management Requirements and Planning Standards for State Agencies, Institutions, and Property - Russell W. Baxter, Deputy Director of Soil and Water Conservation/Dam Safety and Floodplain Management

Mr. Baxter reported that Governor Northam signed Executive Order 45 in November establishing standards the state must abide by the state to comply with the National Flood Insurance Program. . These standards apply the development of state-owned lands in flood prone areas.

The Governor's Executive Order can be read at the following link:

<https://www.naturalresources.virginia.gov/initiatives/resilience/floodstandard/>

Update on NOIRA – Christine Watlington, Policy and Regulatory Coordinator

Ms. Watlington noted that in the spring the Board authorized the posting of a NOIRA (Notice of Intended Regulatory Action) related to the Impounding Structure Regulations (4VAC50-20). She advised that staff was requesting that the Board authorize the establishment of a Regulatory Advisory Panel (RAP) to assist with the development of proposed regulations. The Department also requests to be allowed to meet with stakeholders as needed.

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board authorize the Department to convene a regulatory advisory panel to make recommendations on potential regulatory changes, to hold other stakeholder group meetings as it deems necessary, and to prepare a draft proposed regulation and any associated documents for the Board's review and consideration, and that the Board direct the Department to conduct these activities in accordance with the Administrative Process Act, Executive Order 14 (2018, Amended), and all other applicable laws, policies, and procedures. Mr. Coyner seconded and the motion carried.

SOIL AND WATER CONSERVATION DIVISION

Division Report – Darryl Glover, Director, Division of Soil and Water Conservation

Mr. Glover presented the following report.

Division of Soil and Water Conservation
Division Director's Report

Chesapeake Bay WIP III Update

Comments from the Environmental Protection Agency (EPA) on Virginia's final Chesapeake Bay Watershed Implementation Plan (WIP III) have been delayed but are expected by the end of December.

The Department completed updates to the Agricultural Needs Assessment, which includes the costs of WIP III implementation. This assessment will be included in the annual Water Cleanup Report submitted by the Virginia Department of Environmental Quality (DEQ), which has been under executive review. DEQ and the Department are working collaboratively to explore with EPA whether an extension in cover crop planting dates can be approved for credit in the Chesapeake Bay Model. This effort will involve the Bay Program Agricultural Workgroup and other Bay jurisdictions.

The Voluntary Best Management Practices Task Force, led by Deputy Secretary of Natural Resources Ann Jennings, is embarking on the development of a farmer survey. The survey will be used to solicit

information on agricultural best management practices (BMPs) that have been installed without state or federal cost share funding or tax credits. A team made up of members of the Task Force, including the Department, led by Virginia Cooperative Extension (VCE), will develop the survey questions over the next several months. An outside party will then develop the actual survey. As was done in Pennsylvania, and will be repeated there in 2020, 10% of the responses must be field verified in order for EPA to accept the data. VCE will conduct these BMP verification inspections. The Department will endeavor to develop a process to identify and omit duplicate BMP data in cases where it cannot be determined whether cost-share funding or tax credits were received.

Also, similar to what Maryland has done, Virginia will begin working on establishing our own list of agricultural Resource Improvement (RI) best management practices which will need to be approved by the Environmental Protection Agency Chesapeake Bay Program. RI practices do not necessarily follow either federal or state best management practice specifications, have been installed without any federal or state cost share or tax credits, and generally have yet to be documented for nutrient or sediment reduction credit.

The demonstration project in Rockingham County to identify livestock exclusion fencing near stream buffers using VGIN, DEQ, and DCR reference data sets is on schedule to be completed by the end of December. Findings will be presented to first to the Secretary of Natural Resources, then to industry and other key stakeholders, before release to the public.

SWCD Financial Audits

A new financial auditing firm, Clifton, Lawson, and Allen (CLA), has been awarded a contract to assume the task of performing financial audits of Soil and Water Conservation Districts (SWCDs). CLA has a wealth of experience auditing small government and non-governmental groups including local governments, PTAs, homeowners associations, etc. The contract with CLA is for two years, with three additional two-year renewal options. Due to the lengthy selection process, SWCD financial audits are beginning later than usual. However, all financial audits should be completed by the end of January or early February 2020. A final report will be submitted to the VSWCB Audit Subcommittee in the spring.

VACS Programmatic Reviews

The Department has completed our review of our VACS programmatic policies, procedures, and processes. Although we expected to, visits by our Internal Auditor to SWCDs were not necessary. The review was completed entirely by using Department information. Four areas of risk were identified as needing either policy or procedural changes. These are: 1) identify additional compliance items for review of SWCDs and corrective measures in addition to the existing financial audits; 2) increase utilization of the Agricultural BMP Tracking System to ensure specific tasks are completed prior to approval of cost share contracts; 3) improve the Tracking System to enable random selection of project reviews for DCR Engineering Job Approval; and, 4) work with the Office of the Attorney General to develop a policy regarding recovery of pro-rata share VACS when an applicant either sells their property with no transfer of responsibility or passes away. The Department will present proposed solutions to the Board at future meetings.

Ag BMP Technical Advisory Committee (TAC) Update

The Agricultural BMP Technical Advisory Committee (TAC) will finish its meetings for 2019 on December 18. The TAC voted on and will again submit a number of recommendations to the Board for consideration of adoption into the VACS Program. The Department will also submit several proposed changes developed by our staff. However, due to budget and staffing limitations, not all of the proposed changes can be programmed into the Agricultural BMP Tracking System in time for implementation in July 2021. The

Department will prioritize all of these recommendations and present a proposed implementation schedule at the March 2020 Board meeting.

China Delegation Visit

On September 27, DCR Deputy Director Russ Baxter, DSWC Director Darryl Glover, and DNH Director Jason Bullock each presented to a delegation of 20 engineers and conservation specialists from the Jiangsu Province of the People's Republic of China. Jiangsu Province surrounds but excludes the city of Shanghai on the coast of the East China Sea. It also includes the cities of Nanjing, Suzhou, and Hangzhou. The presentations by DCR staff were on the mission and structure of the agency and the programs of each of the respective divisions. Through an interpreter that accompanied the delegation, many thoughtful questions were asked about specific aspects of DCR programs.

Grant Opportunities

A \$500,000 grant from the Virginia Environmental Endowment was awarded to the Department. It will help farmers in the Upper and Middle James River watersheds install new animal-waste storage facilities with the goal of reducing excess nutrient and bacteria loads into the area's freshwater streams and the James River. The VEE grant will reduce, or in some cases eliminate, the farmer's portion of cost share of expenses for construction of these facilities through the state cost-share program. Grant payments up to \$25,000 could be covered for as many as 20 facilities. In order to qualify for the funds, farms must be in specified sub-watersheds of the James River watershed in these counties: Alleghany, Bath, Botetourt, Buckingham, Craig, Cumberland, Highland and Rockbridge. Participating SWCDs are Mountain, Mountain Castles, Natural Bridge and Peter Francisco.

The Department is partnering with Thomas Jefferson SWCD on a Regional Conservation Partnership Program (RCPP) grant application. RCPP is administered by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). If awarded, this \$9.5M grant would expand the Whole Farm Approach (WFA) into this second SWCD for three years. Thomas Jefferson will be responsible for marketing, outreach, and participant feedback.

The Department is also seeking to augment additional programs through other grant opportunities. We shall report on any grant awards we receive in future meetings.

District Staff Training

The Department has provided several training sessions for SWCD staff since the Board met in September.

November - There were two VACS Mid-Year Update Webinars in November to ensure that SWCD staff fully understand current cost share program procedures, particularly with regards to state agency resource reviews. Conservation Selling Skills Training was also conducted in Lynchburg. Twenty-two Soil and Water Conservation District Staff and other partners participated in this training, which is a required part of the DCR Conservation Planner Certification curriculum.

October – Department conducted training class for additional Soil and Water Conservation District staff on the AgBMP Tracking and Conservation Planning Modules at the DCR Staunton Office. This included an update on the state resource review process for agricultural best management practices. We also conducted a training that was requested by Soil and Water Conservation Districts in VASWCD Area IV. Topics included: AgBMP/CP Training System, Guidelines for Determining Buffer Area for Stream Exclusion BMPs, Buffer Data Cleanup, Guidelines for BMP State Resource Reviews, Guidelines for Piggybacking BMPs, Accessing

Plan/BMP Spatial Data via Conservation Toolbar in ArcGIS/ArcMap and Logi QA/QC Reports. The training was attended by 16 SWCD employees representing eight Area IV SWCDs. Finally, in early October, the Department partnered on Perennial Stream Identification Training with Chesapeake Bay National Estuarine Research Reserve (CBNERR), and William and Mary Virginia Institute of Marine Science (VIMS), in Gloucester Point and James City County. Fourteen Soil and Water Conservation District Staff and agency partners working on DCR conservation planning certification attended this training.

Staffing and Recruitment

The Division of Soil and Water Conservation is pleased to welcome Jason Wilfong to the DCR District Engineering Services Team. Jason comes to DCR from Headwaters SWCD where he has served as a Conservation Technician since April of 2018. He is Marine Corps veteran, having served seven years as a Combat Engineer, earning the rank of Sergeant, and completing three combat tours during Operation Enduring Freedom. He went on to earn his BS in Environmental Science from American Military University before joining the Headwaters team. Jason will be located in Staunton and starts at DCR on December 10th as our second Agricultural BMP Engineering Technician. A considerable percentage of this position's time will be spent conducting structural BMP verifications.

The Division is also recruiting to fill several existing vacancies, namely: a Business Manager, Conservation District Coordinators in both Suffolk and Tappahannock Offices, a part-time VACS Technician, and an Executive Secretary.

Finally, to assist with workload in a few programs, interns and graduate student fellows will be pursued to work on various projects during calendar year 2020.

Approval of Small Dam Repair Projects – Amanda Pennington, District Engineering Services Manager

Ms. Pennington presented the FY2020 Project Recommendations for funding from the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board approve funding for seventeen (17) new projects in the amount of \$865,250.00, as presented and recommended by the Department. For FY2020, the Board also approves allocating \$107,459.49 for contingency funds and \$50,000 for emergency project funds.

Additionally, the Board directs the Department to reimburse Soil and Water Conservation Districts for all eligible costs associated with the installation of the remote monitoring equipment as provided for in Chapter 854 of the 2019 Acts of Assembly. The funding for the reimbursements shall be provided from the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

Mr. Albritton seconded and the motion carried.

Discussion and Recommendations Related to Technical Assistance Funding Request from Districts – Darryl Glover

Mr. Glover noted that this had been a record year for Cost-Share and Technical Assistance (TA) Funding. Some districts have concerns about being able to obligate 90% of their FY2020 cost-share funding allocation and there is concern about losing the TA funding.

Four Districts (Hanover-Caroline, John Marshall, Culpeper, and Shenandoah Valley) wrote to the Chair and requested that they be allowed to retain both 50% of FY2020 addition to base TA funding and 50% of any WIP Acceleration TA regardless of the amount of cost-share funds that are obligated by the District. Mr. Glover advised that this is contrary to existing Board policy regarding Technical Assistance funding.

Staff recommended was that it was premature to make this decision in December and that Districts should continue to pursue voluntary transfers. Staff requested that the Board defer action on the Districts' requests until the March 2020 meeting.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Board defer action on this item until the March 2020 meeting but does wish to encourage the transfer of unobligated cost-share funding and the associated technical assistance funds. Further, the Board directs the Department to coordinate with Districts to voluntarily transfer any cost-share funding that is not expected to be obligated and the associated technical assistance to either other Districts with demonstrated needs or to the Department for targeted initiatives which may include addressing erosion issues in certain areas and the expansion of the Whole Farm Approach. The transfers must occur no later than February 28, 2020. Mr. Albritton seconded.

Districts present expressed concern that delaying any action could make staff hiring difficult.

Ms. Connor from Hanover-Caroline noted that drought conditions in the fall had delayed the planting of cover crops within the district, which could make it difficult for her District to obligate 90% of the cost-share allocation.

Chairman Arnason noted that Mr. Coyner, Ms. Smith, and Mr. Newton represented three of the four districts making the request to retain funding. He advised that it was the recommendation of Counsel that they abstain from the vote.

Chairman Arnason called for the vote. The vote was three (3) Aye, three (3) Nay, and three (3) abstaining. The motion failed.

Mr. Glover proposed an alternate solution that would allow Districts to retain the base level of funding for FY2020 that the Board approved for FY2021. This would not provide the 50% requested but would give the Districts a guaranteed level of TA funding.

Ms. Gordon noted that the only time TA was required to be returned was when the cost share funds were returned to DCR. Transfers, including the amount of TA provided with the cost-share funds, are negotiated between Districts.

BOARD ACTION

Chairman Arnason moved that the Virginia Soil and Water Conservation Board direct that all Districts be eligible to retain from their FY2020 technical assistance allocation up to the approved level of base technical

assistance funding for FY2021. Districts would be eligible to retain this amount regardless of the amount of cost-share funds obligated. Ms. Saacke Blunk seconded. The motion carried with Mr. Coyner, Ms. Smith, and Mr. Newton abstaining.

Reallocation of Unobligated FY2019 Funds – Christine Watlington

Ms. Watlington presented the staff recommendation regarding the reallocation of unobligated FY2019 funds that were returned to the Department.

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board direct the Department to redistribute cost-share funds, and the associated technical assistance funds, that were recovered by the Department via reallocation procedures established for FY2019 in the following manner:

Chesapeake Bay Watershed

The Virginia Soil and Water Conservation Board directs the Department to allocate to Three Rivers Soil and Water Conservation District \$2,685,000 for the continued implementation of the Whole Farm Approach (WFA). Of the total \$2,335,950 shall be utilized for the implementation of practices and \$349,050 shall be allocated for technical assistance. The Board approves the revised Whole Farm Approach (WFA-1) specification as presented for FY2021.

Prior to any funding being transferred to the District for this Pilot Project, a supplemental grant agreement, similar to the FY2019 grant agreement for the Whole Farm Approach, must be fully executed by the Department and the District.

Outside of the Chesapeake Bay Watershed

The Virginia Soil and Water Conservation Board directs the Department to review all practices located outside of the Chesapeake Bay Watershed and entered into the AgBMP Tracking Module no later than January 31, 2020 that have not received FY2020 VACS cost-share funding. The Department will utilize the Conservation Efficiency Factor (CEF) to determine which of these practices will receive funding. The Department is authorized to redistribute up to \$494,160 in cost-share funding and up to \$73,840 in associated technical assistance funding. Each District receiving cost-share funding for these practices will receive the associated 13% technical assistance.

Mr. Wilson seconded and the motion carried.

Approval of Response to Resource Management Plan Regulations Periodic Review – Christine Watlington

Ms. Watlington noted that in the spring the Board approved the periodic review of the Resource Management Plan (RMP) Regulations. That review included a sixty (60) day comment period. She advised that staff was requesting Board approval for the drafted responses to comments.

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board approve the responses to the comments received during the periodic review of the Resource Management Plan Regulations (4VAC50-70) and authorize the Department to post the report of findings to the Virginia Regulatory Town Hall and to publish the findings in the Virginia Register. Mr. Wilson seconded and the motion carried.

District Director Resignation and Appointments – Christine Watlington

Ms. Watlington presented the District Director Resignations and Appointments.

Colonial

Resignation of Mr. Charles Carter, of Charles City County, effective 12/31/2019, at-large director position (term of office expires 1/1/2023).

Resignation of Mr. Robert Jeremiah, of New Kent County, effective 12/31/2019, elected director position (term of office expires 1/1/2020).

Appointment of Mr. Robert Jeremiah, of New Kent County, effective 1/1/2020, to fill the unexpired at-large term of Mr. Charles Carter (term of office expires 1/1/2023).

Henricopolis

Resignation of Mr. Herb Dunford, of Henrico county, effective 11/21/2019, at-large director position (term of office expires 1/1/2023).

Appointment of Mr. James Beckley, of Henrico County, effective 1/1/2020, to fill the un-expired at-large term of Mr. Herb Dunford (term of office expires 1/1/2023).

Pittsylvania

Resignation of Mr. Bobby Wilkerson, of Pittsylvania County, effective 12/31/2019, elected director position (term of office expires 1/1/2020).

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the appointment of the individuals being recommended. Ms. Smith seconded and the motion carried.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Timberlake Watershed Improvement District

Chairman Arnason reported that representatives from the Timberlake Watershed Improvement District were present with a request to the Board.

Ms. O'Dwyer advised that the recommendation of Counsel was that the Board take no action at this time regarding the request from the WID. Based on materials received , the WID has not met the requirements as outlined in §10.1-626 and §10.1-629 of the *Code of Virginia*.

Chairman Arnason noted that, while the Board would take no action, as a matter of courtesy the Board would hear the presentation from the WID for future consideration.

Mr. Schrader presented an overview of the dredging project the WID wishes to undertake. The project requires the Board approval to incur indebtedness. He advised that the process began in 1989 to establish the WID. He noted that the WID has been attempting to comply with the law and regulations and asked for Board assistance in meeting those requirements.

Chairman Arnason thanked Mr. Schrader for the presentation. He advised that, on the basis of advice from Counsel, the Board would not make a decision at this time.

PUBLIC COMMENT

There was no public comment.

NEXT MEETINGS

- March 26, 2020 – location tba
- April 22, 2020 – location tba
- May 20, 2020 – location tba

ADJOURN

There was no further business and the meeting adjourned at 1:00 p.m.