

**Virginia Soil and Water Conservation Board  
December 7, 2011  
Omni Hotel, Richmond, Virginia**

**Virginia Soil and Water Conservation Board Members Here**

Susan Taylor Hansen, Chair	Raymond L. Simms, Vice Chair
Thomas M. Branin	Herbert L. Dunford
Gary Hornbaker	Jerry L. Ingle
Daphne W. Jamison	Stephen Lohr
Richard A. Street	
David A. Johnson, DCR, ex officio	
John A. Bricker, NRCS, ex officio	

**Virginia Soil and Water Conservation Board Members Not Present**

Frank Blake, Jr.	C. Frank Brickhouse, Jr.
Joan M. DuBois	

**DCR Staff Present**

Robert Bennett	David C. Dowling
Michael R. Fletcher	J. Michael Foreman
Ken Harper	Stephanie Martin
John McCutcheon	Reese Peck
Elizabeth Andrews, Office of the Attorney General	

**Other Present**

David W. Ball, Peter Francisco SWCD  
J.C. Berger, Northern Neck SWCD  
Jennifer Brophy-Price, WSSI  
Wilkie Chaffin, VASWCD  
Randy Formica, Town of Blacksburg  
Roy Mills, VDOT  
Ed Overton, VASWCD  
David Sample, Virginia Tech  
Tom Tracy, VTC  
Don Wells, VASWCD

**Call to Order and Introductions**

Chairman Hansen called the meeting to order. A quorum was declared present.

Ms. Hansen welcomed Mr. Thomas Branin and Mr. Richard Street as new members of the Board. Ms. Joan DuBois has also been appointed to the Board but was unable to attend this meeting.

### **Minutes from September 8, 2011**

MOTION: Mr. Simms moved that the minutes from the September 8, 2011 meeting of the Virginia Soil and Water Conservation Board be approved as submitted by staff.

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

### **Director's Report**

Mr. Johnson gave the Director's report.

He noted that DCR has been engaged in a number of activities including the Chesapeake Bay TMDL and the Watershed Implementation Plan. Phase I was completed last year. Phase II is the roll out of the implementation of Phase I as it relates to partners with local governments, land owners, Soil and Water Conservation Districts, and others involved in the implementation.

The Department has been in active discussions with the EPA regarding their watershed model. The model has been identified by DCR staff and staff from other states as providing inconsistent results that were not predicted. Mr. Johnson said that part of the disagreement with EPA relates to land use and agricultural practices. Mr. Johnson said that part of the problem was how nutrient management is treated in the model.

Mr. Johnson said that there had been some movement from EPA and that the hope was that the Department could begin renegotiating.

Mr. Johnson said that Department staff was involved in the recent VASWCD Annual Meeting. He said the meeting was well attended and that the cooperation between DCR and Districts continues to be healthy. He said that he hoped the relationship could be strengthened. He said that the relationships between SWCDs and localities also should be strengthened.

Mr. Johnson said that the Governor's biennial budget would be coming up in the General Assembly Session.

Mr. Johnson said that a bill is being introduced during the 2012 Session that would integrate the erosion and sediment control permit program and the federal and state stormwater permit programs into one program and process to be handled by local governments. He said that the combined permit program had the potential to be tremendously better and would provide more environmental protection than the current permitting process.

### **Division Director Reports**

#### *Division of Stormwater Management*

Mr. Peck gave the report for stormwater management. A copy of the division report is included as Attachment #1.

Mr. Peck gave the following presentation entitled “Annual Funding Needs for Effective Implementation of Agricultural BMPs.” A copy of Mr. Peck’s presentation is available from DCR.

#### Background

- §10.1-2128.1 requires DCR to determine an annual funding amount for technical assistance and agricultural BMPs
- In consultation with representatives of the agriculture community, conservation community, and SWCDs
- Requires estimates for 6 years into the future with more detail for the next 2 years

#### Historical Sources of Ag BMP Funding Related to State Cost Share

State Cost-Share	61.28%
Federal Cost-Share	11.58%
Farmer Share	23.16%
State Tax Credits	3.98%

#### Approach Used

- Established cost-share costs of implementing Ag BMPs contained in the Chesapeake Bay Phase I Watershed Implementation Plan using a “ramp-up” approach
- Determine Southern Rivers based on funding split prescribed in Natural Resources Commitment Fund (55% Bay, 37% SR, 8%TA)
- Target some funds for small watershed TMDLs in the Southern Rivers
- Incremental TA needs based on the above formula

#### Theoretical Funding Needs

- Assumes 100% farmer participation to achieve Chesapeake Bay WIP Goals
- Assumes adequate technical assistance to deliver cost-share
- Assumes no BMPs are implemented voluntarily without cost-share

<b>Projected State and Federal Agricultural BMP Cost-Share Funding</b>						
	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
State BMP Cost-Share Funding Needs	\$66.6	\$70.9	\$79.8	\$97.6	\$100.7	\$110.1
Related Federal BMP Funding Needs	\$12.6	\$13.4	\$15.1	\$18.5	\$19.0	\$20.8
Total	\$79.2	\$84.3	\$94.9	\$116.1	\$119.7	\$130.9
*Projected costs exclude technical assistance, farmers' cost and tax credits.						

### Funding Strategies

- Use cash flow model
- Obligate and expend funds at rates higher than historical levels
- Test farmer sign-up demand and installation of practices at higher amounts of available funding
- If farmer demand outstrips available funding, can request greater levels of funding in FY14
- Account for voluntary BMPs that could be subtracted from funding needs
- Greater emphasis on long-term BMPs in early years

### *Division of Dam Safety and Floodplain Management*

Mr. Bennett gave the report for the Division of Dam Safety and Floodplain Management.

Mr. Bennett said that the Governor had asked DCR to do a report looking at the cost of bring all dams in Virginia up to minimum safety standards, prioritizing the high hazard dams. He said that staff did an initial survey of the owners of all 1700 dams in the database. Input was also received from NRCS and others who have done dam rehabilitations.

Mr. Bennett said that many owners did not respond because they often do not know the cost of rehabilitating their dams. Staff developed formulas that relate to the existing spillway capacity of the dams where cost is known. Then using the spillway capacity for other dams, staff was able to use that formula to estimate the cost of rehabilitation.

Mr. Bennett said that when the fiscal analysis report was finalized he would email a copy to members of the Board.

Mr. Bennett said that staff had been working on the dam break early warning system. He said that it would take years to get all dams in Virginia up to minimum safety standards.

Mr. Bennett said that staff had been working with the Office of the Attorney General and with North Carolina to develop an MOU with North Carolina regarding their website mapping system. This information will be available to localities once the data is in the system.

Mr. Bennett said that the report on high hazard dams had been mailed to Board members in their Board packets. A copy is available from DCR.

Mr. Bennett said that at the last Board meeting there were 215 high hazard dams on the list. The current reports listed 229 high hazard dams. He said that it has increased as dam break inundation studies classification determinations are more accurate.

Mr. Branin asked if there was locality involvement in the classification of the dams.

Mr. Bennett said that it was not a locality responsibility.

Ms. Hansen said that the concern with making this a local responsibility was the level of technical capacity. This is a public safety issue.

Mr. Dowling said that when the legislation modified Title 15.2 there was a requirement that localities have an ordinance that says they will review development plans in dam break inundation zones.

### **Dam Safety Compliance Update**

Mr. Bennett said that DCR had been working closely with Rainbow Forest Dam. An administrative order was done to lower the dam which has been accomplished. They have hired a new engineer and are trying to meet the requirements.

Mr. Bennett said that Farmville Dam had been an ongoing problem. Hurricane Irene and Tropical Storm Lee did substantial damage to the dam. A road over the top of the dam has been closed, there is secondary access available. One of the owners was in the process of completing a purchase of the dam. Mr. Bennett said staff was anxious to see the owner move forward with necessary repairs.

Mr. Bennett said that progress was being made regarding Ragged Mountain Dams near Charlottesville. He said that Mr. John Martin was present to address the Board.

Mr. Martin said that he was a citizen water advocate. He said that DCR had issued a construction permit for the dam. Mr. Martin said that the Rivanna Water and Sewer Authority gave the Board a schedule for completion of the project. He said by the end of the month a construction contract would be issued for the building of the new dam.

Ms. Hansen thanked Mr. Martin for his comments. She noted that the Board did not need to take action at this point.

## **Regulatory Fast Track Action: Dam Safety Regulations**

Mr. Dowling gave the following remarks:

### Introductory Remarks

Before you today for consideration and action is a final fast-track regulatory action amending the Board's Impounding Structure Regulations (Version dated Wednesday, November 30, 2011, a copy of the Regulations is available from DCR). This is the revised version we circulated last week by e-mail.

On May 24, 2011, the Virginia Soil and Water Conservation Board authorized the Department to initiate three fast-track regulatory actions to amend the Board's Impounding Structure Regulations in response to approved legislation and directed the Department to assemble a Regulatory Advisory Panel (RAP) to make recommendations to the Director and the Board on the contents of the draft final regulations.

In accordance with the Board's direction an eighteen member RAP composed of private, local and state dam owners and engineers was assembled. The RAP held two meetings, the first on October 18<sup>th</sup> and the second on November 10<sup>th</sup>. The regulations before you today represent general consensus by the committee. I also want to thank Robert and his staff for their leadership and significant efforts on preparing this regulation.

The regulations represent striking a balance between public safety and the reduced risks associated with low hazard impounding structures. As you will note in the presentation, key elements of the regulations include:

- Provisions to allow for the use of incremental damage analyses to modify hazard potential classifications;
- The use of an annual average daily traffic (AADT) volume of 400 vehicles or less as the number where a roadway may be considered "limited use" and process by which such an impounding structure may qualify for low hazard potential classification;
- The implementation of a streamlined general permit process with reduced requirements for low hazard dams; and
- The ability for the Department to assist specified dam owners by conducting simplified dam break inundation zone analyses for them.

All of these provisions provide true economic and regulatory relief for low hazard potential dam owners while remaining mindful of the Department's and the Board's public safety obligations.

### Board Direction and Action Items

The three action items that the Board directed the Department and the RAP to consider in May were as follows:

- 1) Develop regulations (considering existing guidance signed by the Director last year) that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure;
- 2) Develop regulations that provide a method to conduct a simplified dam break inundation zone analysis, and
- 3) Develop regulations that set out necessary requirements to obtain a general permit for a low hazard impounding structure.

These actions were predicated on the following legislation and information which was closely considered in the development of the regulations:

For Action 1:

- Chapter 270 of the 2010 Virginia Acts of Assembly (HB438 – Delegate David J. Toscano) amended § 10.1-605 C. of the Code of Virginia to direct “[t]he Board shall consider the impact of limited-use or private roadways with low traffic volume and low public safety risk that are downstream from or across an impounding structure in the determination of the hazard potential classification of an impounding structure.”
- Chapter 41 of the 2010 Virginia Acts of the Assembly (SB244 – Senator John C. Watkins) resulted in the Codification of § 10.1-605.2 of the Code of Virginia that stipulates “[t]hat the Virginia Soil and Water Conservation Board shall, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low impounding structure under the Dam Safety Act (§ 10.1-604 et seq.)”.
- During 2010, in partial response to these legislative directives, the Director of the Department approved on November 30, 2010 a “Guidance Document on Roadways On or Below Impounding Structures”. The guidance was strongly considered in the construct of the regulations.

For Action 2:

- Chapter 637 of the 2011 Virginia Acts of Assembly (SB1060 – Senator Ryan T. McDougle) created a § 10.1-604.1 titled “Determination of hazard potential class” with a subsection C. that specifies that “[t]he Board may adopt regulations in accordance with § 10.1-605 to establish a simplified methodology for dam break inundation zone analysis”.

For Action 3:

- Chapter 637 of the Virginia Acts of Assembly (SB1060 – Senator Ryan T. McDougle) created a § 10.1-605.3 titled “General permit for certain impounding structures” with a subsection A that specifies that “[t]he Board shall develop a general permit for the regulation of low hazard potential impounding structures in accordance with § 10.1-605”.

### Final Fast-Track Action Overview – Key Elements

- Amends the definitions section (4VAC50-20-30) to:
  - Update an outdated Code reference for “agricultural purpose”; and
  - Inserts a definition for “annual average daily traffic” or “AADT”.
  
- Amends the hazard potential classification section (4VAC50-20-40) to:
  - Exclude roadways with an annual average daily traffic volume of 400 vehicles or less from consideration as major roadways or secondary roadways that traditionally lead to hazard classifications of High or Significant respectively.
  - Establish that the Department may be requested by a dam owner in specified situations to conduct a simplified dam break inundation zone analysis to determine whether the impounding structure appears to have a low hazard potential classification that the owner may be eligible for general permit coverage.
  - Specify that an incremental damage analysis may be utilized as part of hazard potential classification by the owner’s engineer.
  
- Establishes a new section (4VAC50-20-45) on low volume roadways that tracks the guidance previously approved by the Director and specifically:
  - Sets out the analysis methods by which a determination may be made whether a road is impacted by a dam failure.
  - Specifies that an incremental damage analysis may be utilized to refine what roadways should be considered impacted.
  - Establishes that an impounding structure may qualify for low hazard potential classification based on annual average daily traffic (AADT) volume if other downstream factors do not exist that would otherwise raise the hazard classification.
  - Establishes accepted methodologies for determining a roads AADT.
  - Sets an AADT volume of 400 vehicles or less as the number where a roadway may considered “limited use” and how an impounding structure may qualify for low hazard potential classification.
  - Requires that the Emergency Preparedness Plan consider these “limited use” roadways regarding proper notifications during emergency conditions.
  
- Amends the incremental damage analysis section (4VAC50-20-52) to establish processes by which the potential hazard classification of an impounding structure may be lowered based on the results of an incremental damage analysis.
  
- Amends the dam break inundation zone mapping section (4VAC50-20-54) to:



- Clarify that the Department may complete for a dam owner a simplified dam break inundation zone map and analysis in accordance with this section.
- Specify that the Emergency Preparedness Plan shall include maps for the sunny day dam failure and a probably maximum flood with a dam failure.
- Specify the general deliverables and administrative processes associated with the Department conducting a simplified dam break inundation zone analysis.
- Establishes a new section (4VAC50-20-101) on general permit requirements for low hazard potential impounding structures that:
  - Specifies that the owner shall be subject to the following requirements:
    - The dam has a spillway design able to safely pass a 100-year flood.
    - The owner shall develop and maintain an emergency preparedness plan.
    - The owner shall perform an annual inspection and maintain such records and make them available to the Department upon request.
    - The owner shall ensure that the impounding structure is properly maintained and operated and shall have operation and maintenance plans and schedules available to the department for inspection upon request.
    - The owner shall file a dam break inundation zone map with the Department and the locality(ies).
    - The owner shall notify the specified authorities in the event of a failure or imminent failure of the impounding structure.
- Establishes a new section (4VAC50-20-102) regarding registering for coverage under the general permit for low hazard potential impounding structures that specifies that the owner shall submit a complete and accurate registration statement and sets out the eight components of that submittal.
- Establishes a new section (4VAC50-20-103) regarding transitioning from regular or conditional certificates to general permit coverage for low hazard potential impounding structures.
- Establishes a new section (4VAC50-20-104) regarding how a dam owner maintains coverage under a general permit.
- Amends the emergency preparedness plan section (4VAC50-20-177) to simplify and specify the information that must be provided in this streamlined plan.
- Establishes a new section (4VAC50-20-195) regarding the right for judicial review by any owner aggrieved by a decision of the Director, Department or Board.

- Amends the enforcement section (4VAC50-20-200) to specify that failure to comply with the provisions of the general permit may result in the penalties available under the Dam Safety Act.
- Amends the fee authority section (4VAC50-20-340) to track recent Code changes regarding the collection and handling of fees.
- Establishes a new section on the fee for the general permit (4VAC50-20-375) that specifies the fee for such a permit is \$300 (for six years).
- Establishes a new section on the fee for the simplified dam break inundation zone analysis (4VAC50-20-395) that specifies the owner's fee for the Department to conduct the analysis and create the map is \$2,000.

### Fast-track Regulatory Process

- The Fast-track Process is appropriate when an action is expected to be noncontroversial. A rulemaking is deemed noncontroversial if no objections are received from (1) certain members of the General Assembly or (2) ten or more members of the public.
- After approval of the draft final language by the Board and subsequent review by the Administration (DPB, SNR, and Governor) a notice of a proposed fast-track rulemaking will be published in the *Virginia Register of Regulations* and will appear on the Virginia Regulatory Town Hall. This will be followed by a public comment of at least 30 days.
- If, during the public comment period, an objection to the fast-track regulations is received from:
  - Any member of the applicable standing committee of the Senate,
  - Any member of the applicable standing committee of the House of Delegates,
  - Any member of the Joint Commission of Administrative Rules (JCAR), or
  - 10 or more members of the public,

Then publication of the fast-track regulation will serve as the Notice of Intended Regulatory Action (NOIRA) and standard rulemaking process is followed to promulgate the regulation.

If there are no objections as described above, the regulation will become effective 15 days after the close of the public comment period, unless the regulation is withdrawn or a later effective date is specified by the Board.

With that overview of the regulations and the process, we are happy to answer any questions, or turn it back to you Madame Chairwomen for public comment and Board action. A motion for your consideration at the appropriate time is provided.

The Chair open the floor for public comment.

*Public Comment*

There was no public comment regarding this issue.

*Questions from the Board*

Mr. Ingle asked how the traffic number of 400 was derived.

Mr. Dowling said that staff looked at other states and regulatory processes.

Mr. Bennett said that VDOT has adopted these design standards.

MOTION: Mr. Lohr moved the following:

**Motion to approve, authorize and direct the filing of a fast-track final regulation related to the Board's Virginia Impounding Structure Regulations (§ 4 VAC 50-20)**

In May of 2011, the Board authorized the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to develop fast-track regulatory actions for the Board's consideration on the following action items:

- 1) Develop regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure;
- 2) Develop regulations that provide a method to conduct a simplified dam break inundation zone analysis; and
- 3) Develop regulations that set out the necessary requirements to obtain a general permit for a low hazard impounding structure.

The Board approves this fast-track final regulation that addresses these action items in an integrated fashion and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the Board's Virginia Impounding Structure fast-track regulation and any other required documents to the Virginia TownHall and upon approval by the Administration to the Registrar of Virginia.

This authorization is related to those changes that are subject to the Administrative Process Act and to the Virginia Register Act. The Department

shall follow and conduct actions in accordance with the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, and the Governor's Executive Order 14 (2010) on the "Development and Review of Regulations Proposed by State Agencies."

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations for the fast-track final regulatory action publication.

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

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

### **Erosion and Sediment Control**

Mr. McCutcheon presented the Erosion and Sediment Control Actions.

*Local ESC Programs to be found Consistent*

*Town of Ashland*

Mr. McCutcheon presented the background for the Town of Ashland.

Staff conducted a program review of the Town of Ashland's ESC program on August 30 and 31, 2011 and conducted a close out meeting with the Town on October 25, 2011. The scores for the individual program elements were as follows: Administration 100 – Plan Review 70 – Inspection 70 – Enforcement 80. All program elements received a score of 7 or higher. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the Town's Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

MOTION: Ms. Jamison moved that the Virginia Soil and Water Conservation Board commend the Town of Ashland for successfully implementing the Town's Erosion and Sediment Control Program to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations providing better protection for Virginia's soil and water resources.

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

*Rockbridge County*

Mr. McCutcheon presented the background for Rockbridge County.

Staff conducted a program review of the Rockbridge County ESC program on September 28, 2011. The scores for the individual program elements were as follows: Administration 95 – Plan Review 100 – Inspection 80 – Enforcement 100. All program elements received a score of 70 or higher. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find Rockbridge County’s Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulation.

MOTION: Mr. Lohr moved that the Virginia Soil and Water Conservation Board commend Rockbridge County for successfully implementing the County’s Erosion and Sediment Control Program to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia’s soil and water resources.

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

*Local Programs to be found Inconsistent, Approve CAA*

*Rappahannock County*

Mr. McCutcheon presented the background for Rappahannock County.

Staff conducted a program review of the Rappahannock County ESC program on September 8, 2011 and conducted a close out meeting with the County on November 1, 2011. The scores for individual program elements were as follows: Administration 85 – Plan Review 50 – Inspection 30 – Enforcement 80. All program elements did not receive a score of 70 or greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the County’s Erosion and Sediment Control Program

inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board accept staff recommendations to find the Rappahannock County Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the CAA as drafted for Rappahannock County. The Board directs DCR staff to monitor the implementation of the CAA by Rappahannock County to ensure compliance.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

*Town of Blacksburg*

Mr. McCutcheon gave the background for the Town of Blacksburg.

Staff conducted a program review of the Town of Blacksburg's ESC program on September 19-21, 2011 and conducted a close out meeting with the County on November 7, 2011. The scores for the individual program elements were as follows: Administration 65 – Plan Review 75 – Inspection 80 – Enforcement 100. All program elements did not receive a score of 70 greater. Therefore, staff recommends that the Virginia Soil and Water Conservation Board find the County's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County.

Mr. McCutcheon introduced Randy Formica, E&S Administrator for the Town of Blacksburg.

Mr. Formica said that the Town hoped that the issue was already corrected. The Town reviewed the CAA and put several measures in place. He said that the way the Town has inspections set up, plans are inspected by engineering inspectors. The building department is tasked with single family lots. He said that the issue was inspectors whose certifications had lapsed. He said that in the interim the engineering inspectors will perform inspections on single family dwellings. The Town has received a schedule of the necessary classes and that the inspectors should be registered for the appropriate class. He said that the Town would make sure certifications are up to date. He said that the Town had developed a list of inspectors and plan reviewers noting when certifications expire.

Ms. Hansen thanked Mr. Formica for the steps the Town had taken.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board accept staff recommendations to find the Town of Blacksburg Erosion and Sediment Control program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the CAA as drafted for the Town of Blacksburg. The Board directs DCR staff to monitor the implementation of the CAA by the Town of Blacksburg to ensure compliance.

SECOND: Mr. Hornbaker

DISCUSSION: None

VOTE: Motion carried unanimously

*Approve Linear 2012 Annual Standards and Specifications*

Mr. McCutcheon said that the Annual Standards and Specification would be presented as three separate motions because of the variations in conditions each company was seeking.

Mr. Street said that there had been some disconnect between localities and utilities. He said that quite often the minimum criteria are not met.

Mr. McCutcheon said that in the coming year the DCR regional offices will be performing inspections.

Mr. Johnson said that DCR could do targeted inspection checks.

Mr. Street said that it would be helpful to give Board members a heads up that staff would be in their respective locality for inspections.

Ms. Hansen asked for another report in this regard at the next meeting. She said that she would be interested in hearing the results of the outreach and having a better sense of targeted enforcement.

Mr. Johnson said that Mr. Wilkinson was in charge of enforcement and that he would have him coordinate with Mr. Peck and Mr. McCutcheon regarding targeted efforts.

Ms. Jamison moved the following:

The Virginia Soil and Water Board receives the staff update concerning the review of the 2012 annual standards and specifications for electric, natural gas, telecommunication, and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2012 specifications and the request for variances for the utility

companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

Companies recommended for conditional approval with the following 4 conditions are:

- Colonial Pipeline Company
- Dominion Virginia Power Electric Transmission
- East Tennessee Natural Gas/Duke Energy/Spectra
- Holcomb Rock Company
- Old Dominion Power/Kentucky Utilities
- Roanoke Gas, Columbia Gas Transmissions/NiSource

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction from January 1, 2012 to December 31, 2012 must be submitted by January 1, 2012. 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 January 1, 2012 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](mailto: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](mailto: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. Street

DISCUSSION: None

VOTE: Motion carried unanimously



Mr. Hornbaker moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2012 annual standards and specifications for electric, natural gas, telecommunication, and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2012 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control law. The Board requires the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

Companies recommended for conditional approval with the following 5 conditions are:

- American Electric Power Company
- Columbia Gas Distribution

The 5 items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2012 must be submitted by January 1, 2012. 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 January 1, 2012 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](mailto: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](mailto: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.
5. Variance to Minimum Standard 16a is granted such that the project may have more than 500 linear feet of trench length open at one time provided that at the end of each work day the open trenches are adequately backfilled, seeded and

mulched and adjacent property and the environment are protected from erosion and sediment damage associated with the regulated land disturbing activity.

SECOND: Mr. Street

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Lohr moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2012 annual standards and specifications for electric, natural gas, telecommunication, and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2012 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

Companies recommended for conditional approval with the following 6 conditions are:

- Dominion Virginia Power Electric Distribution Company
- AT&T Corporation
- Virginia Telecommunication Industry

The 6 items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2012 must be submitted by January 1, 2012. 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 January 1, 2012 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](mailto: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](mailto:LinearProjects@dcr.virginia.gov). The information to be provided is name, correct 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.
5. Variance to Minimum Standard 16a is granted such that the project may have more than 500 linear feet of trench length open at one time provide that at the end of each work day the open trenches are adequately backfilled, seeded and mulched and adjacent property and the environment are protected from erosion and sediment damage associated with the regulated land disturbing activity.
6. Minimum Standard 16.b: The variance to this criteria is not necessary due to Minimum Standard 16.f which allows applicable safety regulations to supersede the Virginia Erosion and Sediment Control Regulations.

SECOND: Ms. Jamison

DISCUSSION: None

VOTE: Motion carried unanimously

*Approve 2012 Wetland and Streams Restoration Bank Annual Standards and Specifications*

*Wetland Studies and Solutions, Inc.*

Mr. Street moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2012 annual standards and specifications for wetland and stream restoration bank construction by Wetland Studies and Solutions, Inc. The Board concurs with staff recommendations for conditional approval of the 2012 specifications for Wetland Studies and Solutions, Inc. in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Wetland Studies and Solutions, Inc. of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2012 must be submitted by January 1, 2012. 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 January 1, 2012 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address: [MitigationBank@dcr.virginia.gov](mailto:MitigationBank@dcr.virginia.gov).
  3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: [MitigationBank@dcr.virginia.gov](mailto:MitigationBank@dcr.virginia.gov). The information to be provided is name, contact information and certification number.
  4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook. Variance to Minimum Standard 6.a and 6.b is granted such that the project may utilize wetland berms with a gravel outlet in lieu of a sediment trap or basin in wetland cell creation areas, as proposed in Appendix 4 of the specifications.

SECOND: Mr. Ingle

DISCUSSION: None

VOTE: Motion carried unanimously

*Williamsburg Environmental Group, Inc.*

Mr. Lohr moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2012 annual standards and specifications for wetland and stream restoration bank construction by Williamsburg Environmental Group, Inc. The Board concurs with staff recommendations for conditional approval of the 2012 specifications for Williamsburg Environmental Group Inc. in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify Williamsburg Environmental Group Inc. of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction for 2012 must be submitted by January 1, 2012. 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 January 1, 2012 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address: [MitigationBank@dcr.virginia.gov](mailto:MitigationBank@dcr.virginia.gov).
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: [MitigationBank@dcr.virginia.gov](mailto:MitigationBank@dcr.virginia.gov). The information to be provided is name, correct information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook. Variance to Minimum Standard 6.a and 6.b. is granted such that the project may utilize wetland berms with a gravel outlet in lieu of a sediment trap or basin in wetland cell creation areas, as proposed in Section 3.2 (p.12) of the specifications.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

*Approve Virginia Technology Assessment Protocol*

Mr. McCutcheon said that members had received a copy of the Virginia Technology Assessment Protocol in their packets. A copy is available from DCR.

Mr. McCutcheon said that within the stormwater management program the intent was for this protocol to use technology to lower the cost of compliance in the future.

Mr. Hornbaker asked if EPA had been notified that Virginia intended to adopt this protocol. He asked if EPA would accept the other protocols.

Mr. Johnson said that EPA reviews the program but gives deference to the state regarding how to administer.

Mr. Hornbaker said that he would encourage the maker of the motion to specify that EPA be notified.

David Sample, Assistant Professor at Virginia Tech said that this was a good product and that it should be endorsed. He said that the Virginia Stormwater Management BMP Clearinghouse Committee fully endorsed the proposal.

Tom Grizzard, Civil Engineering Faculty at Virginia Tech said that the committee met many times to develop this protocol. He said that this gave some certainty regarding what was actually being put on the ground.

MOTION: Mr. Hornbaker moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the Virginia Technology Assessment Protocol. The Board concurs with staff recommendations for approval in concept of the Protocol in accordance with 4VAC50-60-65.C of the Stormwater Management Regulations. The Board requests the Director to have staff notify the Environmental Protection Agency as well as the Virginia Stormwater Management BMP Clearinghouse Committee of the status of the review and the approval.

SECOND: Mr. Street

DISCUSSION: None

VOTE: Motion carried unanimously

*Update on progress of Northumberland County's CAA*

Mr. McCutcheon gave the following update for Northumberland County:

At the September meeting the Board granted Northumberland County a six month extension of their CAA based on the milestones presented in a letter from the County Administrator to bring the County ESC program into a consistent status. Thus far, the County has met the milestones by bringing one of the projects into compliance thru enforcement actions at the local level. Two other projects that commenced work without an approved ESC plan have had plans submitted for review to bring the projects into compliance and the County is waiting for plan revisions to address corrective actions for both projects. Enforcement of the County ESC ordinance for these two projects is in the early stages to require the project owners to abate off-site damage. The vacant ESC position has been filled. The County has also been sending the required bi-weekly progress reports.

No Board action was necessary.

At this time the Board recessed for a short break.

Following the break Ms. Hansen clarified that the motion was to approve the VTAP in concept.

Mr. Dowling further clarified that the Board would approve in concept but the final document would be signed and approved by the Director.

### **Discussion of Distribution of BMP Funds to Soil and Water Conservation Districts**

Chairman Hansen noted that this issue had been covered in Mr. Peck's presentation. However, she asked if there were comments from the audience. She said that her understanding was that the issue was whether or not the Soil and Water Conservation Districts could submit the necessary information by the January 13 deadline.

Dr. Chaffin, speaking on behalf of the VASWCD said the Association had been interested in the presentation and would seek additional background information regarding the numbers. He said that it was problematic because some Districts did not meet in December.

Mr. Peck said that the date could be flexible as long as funds remain available. Upon recommendation of the Board, staff agreed to extend the deadline for an additional two weeks.

### **Local Soil and Water Conservation District Operations**

#### *Soil and Water Conservation District Director Resignations and Appointments*

Ms. Marin presented the list of Soil and Water Conservation District Director Resignations and Appointments.

#### Big Walker

Resignation of Jim Atwell, Bland County, effective 10/7/11, appointed Extension Agent director position (term of office expires 1/1/13).

Recommendation of Matthew Miller, Wythe County, to fill unexpired Extension Agent term of Jim Atwell (term of office to begin 1/6/11 – 1/1/13).

#### Headwaters

Resignation of Charles Horn, Augusta County, effective 12/31/11, elected director position (term of office expires 1/1/16).

Resignation of Richard Shiflet, Augusta County, effective 12/31/11 appointed director position (term of office expires 1/1/15).

Recommendation of Richard Shiflet, Augusta County to fill elected director position term of Charles Horn (term of office to begin on 1/6/12 – 1/1/16).

Recommendation of Charles Horn, Augusta County, to fill appointed director position term of Richard Shiflet (term of office to begin on 1/6/12 – 1/1/15).

Natural Bridge

Recommendation of Robert L. Simons, Jr., City of Lexington, to fill elected director position. This position is vacant with no individual elected for this seat from the November 8, 2011 General Election (term of office to begin on 1/6/12 – 1/1/16).

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

SECOND: Mr. Dunford

DISCUSSION: None

VOTE: Motion carried unanimously

*SWCD Elections*

Ms. Martin gave an update regarding Soil and Water Conservation District Director Elections. 239 Director seats were on the general ballot. The list of certified candidates is sent to the Director and the Agency is responsible for notifying candidates that they have been elected and have until January 1 to take the Oath of Office. If the Oath is not taken by January 1, the position is considered vacant.

Ms. Jamison said that typically this happens more quickly and asked if there was a backup plan.

Ms. Martin said that a memo went to each District earlier in the year that included a copy of the Oath of Office. She said that one of the problems with certifying write-in candidates was incomplete information.

*SWCD Grant Deliverables Evaluation Summary*



Ms. Martin presented the DCR Assessment of SWCD Compliance with DCR/SWCD; FY10-11 Grant Agreement Deliverables. A copy of this document is available from DCR.

MOTION: Mr. Dunford moved that the Virginia Soil and Water Conservation Board accept the DCR Assessment of SWCD Compliance with DCR/SWCD; FY10-11 Grant Agreement Deliverables as presented by staff.

SECOND: Mr. Lohr

DISCUSSION: None

VOTE: Motion carried unanimously

### **Partner Reports**

#### *Natural Resources Conservation Service*

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment #2.

#### *Virginia Association of Soil and Water Conservation Districts*

Mr. Overton spoke on behalf of the Virginia Association of Soil and Water Conservation Districts. He said that he was joined by members of the Executive Committee.

The previous evening the Association concluded their 73<sup>rd</sup> annual meeting. He said that this was the one occasion of the year where District Directors come together for training and recognition. There were 105 Directors registered for the program.

Mr. Overton noted that the Association had received a grant of \$42,000 from Dominion in support of the 2012 Envirothon.

Mr. Overton said that the Association had gone through the process of changing from a constitutional based organization to a non-profit corporation.

Mr. Overton said that the Association was working on their legislative priorities. He said that one priority was to seek an additional \$2 million in funding for Districts. He said that currently Districts were operating at 65% of what the Board had recommended to be baseline funding for District operations.

Dr. Chaffin said that in the past six months there had been discussion regarding the relationship between the Office of the Attorney General and Districts. He said that the Code specifies that the Office of the Attorney General would represent Districts but that

there had been some controversy regarding how this would work. He said that there as a presentation by the Office of the Attorney General at the Association Board meeting. The presentation clarified a number of issues.

Ms. Hansen said that she appreciated the comments and the work of the Association.

Mr. Ingle said that he would like to see the Virginia Soil and Water Conservation Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts meet in joint session as in previous years. The Board tentatively set the December 2012 meeting in conjunction with the Association Annual Meeting to be a joint meeting of the two Boards. That meeting will be held at the Hotel Roanoke.

### **Public Comment**

There was no further public comment.

### **New Business**

There was no new business.

### **Meeting Schedule for 2012**

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, March 29, 2012. The meeting location will be determined by staff.

Additional meeting dates for 2012 are:           Thursday, June 28  
  Thursday, September 27  
  Wednesday, December 5

### **Adjourn**

There was no further business and the meeting was adjourned.

Respectfully submitted,

Susan Taylor Hansen  
Chair

David A. Johnson  
DCR Director

## Attachment #1

**Division of Stormwater Management Report**

1. Conservation Partner Employee Development: The conservation partners continue to work through the Joint Employee Development or “JED” system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The last quarterly meeting of the state JED group was held at the most recent meeting at the DOF State Office on November 16, 2011.

The state level JED team is focusing on the delivery of 2 “core courses.” The short course “Conservation Selling Skills” has been held at least annually for the past 9 years. The last course was delivered on November 9<sup>th</sup> and 10<sup>th</sup>, 2011 at the Frontier Museum in Staunton. The class consisted of 18 participants. NRCS has always supported the delivery of the EP&I (Effective Presentation and Instruction) short course. Due to retirements and job changes the teams of trainers are lacking to deliver the course. Other alternatives are being considered. The third “core course” – Conservation Orientation for New Employees is available for regional delivery. The state level JED team will revisit discussion about delivery of this course in 2011-2012.

At the November 16<sup>th</sup> meeting the State JED decided to make changes to the “Core Courses.” The Conservation Selling Skills course will be offered every other year starting in 2012 and the EP&I course will be offered on the year between. The Conservation Orientation for New Employees will be delivered at the local JED area based on need. NRCS staff has taken the lead role and coordination of the JED State Team.

2. SWCD Dams: The group met on November 17, 2011, in the training room of the Virginia Department of Forestry’s state office in Charlottesville. DCR’s Design and Construction (DAC) staff were present to share the latest news and plans completing the remaining Break Inundation Zone Studies and mapping, and the next steps for structural modifications to five SWCD dams to enable their passage of the required storm and flood events.
3. VA Agricultural BMP Cost Share (VACS) Program: The VA Agricultural BMP Cost Share Program Technical Advisory Committee (TAC) met on October 25, 2011 in Charlottesville and made progress on its program of work. One subcommittee is working on clarifying Continuous No till language and the harvest exception for cover crops while another is working on providing better integration of VACS and CREP. TAC discussions have included a discussion of Animal Waste projects and how to best fund them.

Director Johnson sent a memo to all Soil and Water Conservation District Chairs outlining a supplemental cost share allocation of \$15.5 million dollars (originally budget for 2013) based upon each district’s capability to effectively implement long term BMPs. These funds are to implement livestock exclusion, animal waste projects as well as certain other priority practices. Estimates of the amount each district can implement are due to DCR by January 13, 2012. The amounts of each district’s supplemental allocation have been promised by January 31, 2012.

New procurement and accounting procedures have been instituted to identify encumbrances of funds and better track cost share disbursements to districts. DCR staff has been assigned to generate procedural guidance documentation itemizing how DCR reaches all decisions that affect our clients. This process will continue section by section through September 2012.

The goal is to publish the guidance documents on the VA Town Hall website to increase transparency in agency decisions.

4. Nutrient Management: On November 9 and 10, 2011 the Nutrient Management program held a Soils and Turf Production School at Dorey Park in Henrico County. This is the first part of the Turf and Landscape Nutrient Management Planner Certification School. This portion of the school is taught by Virginia Tech professors and covers topics like Urban Soils, N and P Management, etc. The second portion of the school was held November 16-17, 2011 also at Dorey Park. This portion covers the Plan Writing section of the school and is taught by DCR Staff members, Dave Kindig, Tim Sexton and Robert Habel. Both portions of the school were attended by 30 students. Testing will occur on February 3, 2012.
5. DCR TMDL Activities: Currently DCR is working on a TMDL bacteria implementation plan (TMDL IP) in the following watersheds across the Commonwealth: Lower Bannister River, Sandy Creek and Polecat Creek in Halifax County. DCR is contracting with Virginia Tech-BSE to provide modeling support to develop implementation plans for Spout Run in Clarke County, Cripple Creek in Wythe County, and Elk Creek in Grayson County.

Staff completed a TMDL bacteria implementation plan for Upper Banister River, Cherrystone Creek, Bearskin Creek, Whitethorn Creek and Stinking River in Pittsylvania County in October.

DCR received eight watershed implementation proposals in response to an RPF that was issued in September to solicit proposals for the start-up of new projects to be funded with 319 (federal funds) beginning in calendar year 2012. Five (5) proposals were selected for funding, three are in the Bay watershed; Brown, Craig and Marsh Runs (Fauquier County), Moore's Creek (City of Charlottesville/Albemarle County), and Smith Creek (Rockingham and Shenandoah Counties), and (2) in the Southern Rivers; Knox and Paw Paw Creeks (Buchanan County), and Lewis Creek (Russell County).

DCR and DEQ TMDL program staff held a meeting on October 20<sup>th</sup> at Smith Mountain Lake State Park, 36 individuals attended this meeting.

DCR will be issuing an RFP for new TMDL Implementation Projects sometime in the next week. There will be a combined total of \$1.4-\$2.5 million of state (VNRFCF) and federal (319) funds to support 2-4 new TMDL Implementation projects for the next several years. Projects will be selected in both the Chesapeake Bay area as well as the Southern Rivers/Non-Bay areas of the Commonwealth.

6. Chesapeake Bay TMDL: Phase 1 of Virginia's Watershed Implementation Plan (WIP) to address the Chesapeake Bay TMDL has been approved by EPA. Phase 2 of the actions each Bay state will address requires the development of plans on a smaller segment scale. The Virginia portion of the Chesapeake Bay drainage basin contains 39 unique segments. DCR staff will coordinate development of the Phase 2 WIP with the goal of preparing a draft plan by the close of this calendar year. Submission of a Phase 2 Process as a coordinating entity for the localities they serve. DCR issued a request for proposals to PDCs, SWCDs, and localities for funding assistance for the Phase 2 engagement process. Contracts are currently being developed with the successful applicants. They will collaborate with localities to hold meetings, gather and verify BMP data and discuss any potential regional strategies to implement additional BMPs to meet the Bay TMD load reduction goals. To date, DCR has

met with all PDC's and localities to share the most up-to-date Chesapeake Bay Watershed Model MPD data available so this work can begin. Additionally, DCR contracted with the Interstate Commission on the Potomac River Basin (ICPRB) to develop a BMP implementation planning tool, known as the Virginia Assessment Scenario Tool (VAST) that will be in the Bay TMDL. As localities and PDCs have been working to develop their approaches to developing BMP implementation scenarios and strategies, Virginia has been at work with EPA to discuss and address model concerns. EPA recently released the issues; we are also continuing to work with PDCs and localities to ensure that the Phase 2 WIP is successfully developed for submittal to EPA. To learn more about plans and expectations of the Bay states, visit the official EPA website for Bay TMDL information at [www.epa.gov/chesapeakebytmdl/](http://www.epa.gov/chesapeakebytmdl/). DCR's website for the Bay TMDL is: <http://www.dcr.virginia.gov/sw/baytmdl.shtml>.

7. Stormwater Management Program: Staff are in the process of contacting government officials in localities for which it is voluntary that they adopt local stormwater management plans under the revised stormwater regulations. Staff will visit these local government officials over the next three months in an effort to convince them of the benefits in a local stormwater management program.
8. Healthy Waters Initiatives in Virginia: DCR and DEQ met on November 13 to discuss how to collaborate to advance the healthy waters program. Discussion centered around finding ways to complete the Healthy Waters identification model (INSTAR) and to better include this information in local decision making. EPA is interested in hosting the next national Conference in Virginia which is scheduled to occur in fall 2012.

Attachment #2

**NRCS REPORT**  
**VA Soil and Water Conservation Districts Board Meeting**  
**Omni Hotel, Richmond**  
**December 7, 2011**

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**BUDGET** (Update will be provided at the meeting)

**FARM BILL PROGRAMS**

**Financial Assistance Programs:**

2011 was a banner year for NRCS programs. In EQIP, CBWI CSP, and WHIP, we obligated a total of \$29,540,193 out of an allocation of \$29,504,929 (99.9%). We developed a total of 1,058 new contracts on 150,292 acres. The breakdown is as follows:

- CBWI = 544 contracts on 63,901 acres for \$16,547,757
- EQIP = 336 contracts on 35,594 acres for \$11,809,327
- CSP = 89 contracts on 46,510 acres for \$1,141,244
- WHIP = 86 contracts on 4,090 acres for \$732,888

**CBWI and EQIP** - The Eastern Shore RC&D Council (Virginia only) under the CBWI category was awarded \$421,650. The Project title is: "On-farm demonstration of energy generation and phosphorus recycling as an alternative to land application of poultry litter on the Delmarva."

**EWP** – The Federal contract for Washington County tornado damage (woody debris) cleanup has been completed. Total construction cost was \$51,000.

**FRPP** - Four easements totaling 534.7 acres were closed with various entities in FY-11. In addition, four new agreements were signed on 556 acres.

**GRP** - NRCS has closed six GRP easements totaling 432 acres in FY2011. In addition, NRCS obligated \$694,027 for two permanent easements on 200 acres and three 10-year and one 15-year rental agreements on 473 acres.

**WRP** – NRCS has closed three WRP easements on 230.8 acres. We have obligated funding for six permanent easements on 284 acres and one 10-year easement on 3.4 acres.

**STEWARDSHIP PROGRAMS**

**Conservation Innovation Grants (CIG)**

Nationally, CIG Projects grants came to a total of \$1,811,210.

Approved State CIG projects came to a total of \$248,704. The approved projects are:

1. Colonial SWCD – Green Seeker Implementation = \$15,804
2. Colonial SWCD – Zone Based Nitrogen Management in Corn = \$50,000
3. VA Tech – Precision Fertilizer Management = \$75,000
4. VA Tech – Large Animal Mortality = \$2,900
5. VA Tech – Reducing Phosphorous Excretions in Grazing = \$30,000
6. Local Food Hub – Comprehensive Outreach and Marketing = \$75,000

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## **DAM REHABILITATION**

**Pohick Creek Site 3 (Woodglen Lake) in Fairfax County** – Completed financial close-out. Final construction cost was \$1,136,271.90 and in-kind credit of \$592,704.03 for a total project cost of \$1,728,975.95.

**Pohick Creek Site 2 (Lake Barton) in Fairfax County** – Construction has been completed at this site. The tree planting will occur this fall.

**Pohick Creek Site 8 (Huntsman Lake) in Fairfax County** – Received Chief's authorization for the final plan. The Fairfax County-led design process is underway. Fairfax County has retained Schnabel Engineering to provide the design. Construction (FA) funds have been requested for FY12.

**Upper North River 10 (Todd Lake) in Augusta County** – The sponsors for this project are Headwaters SWCD and Augusta County. The dam rehabilitation planning process is underway. The first public and scoping meetings have been held to obtain public input into the planning process.

**South River 10A, Mill's Creek in Augusta County** – The sponsor for this project is Augusta County. The 95% designs for the rehabilitation have been completed by NRCS staff in Virginia and are being reviewed by NRCS staff in Ft Worth. Construction (FA) funds have been requested for FY12.

**State funded dam upgrades led by DAC** – NRCS is providing technical assistance and design review for four SWCD-owned dam upgrades that are being managed and funded by DCR's Design and Construction Division. Two structures are owned by Loud Fairfax SWCD and two by Shenandoah Valley SWCD. The upgrades are intended to bring the structures into compliance with VA Dam Safety regulations.

## **Soils/NRI/GIS**

Rockridge County is now available on the Web Soil Survey and the Soil Data Mart.

NRI-CEAP Survey – NASS enumerators are out in the field meeting with land managers/owners and collecting data for the survey. The goal for completion is March 1, 2012.

"Data harmonizing" - to ensure soils information matches from county to county and state to state - is the top Soil Survey Division priority in Projects for the MLRA offices over the next three years.

## **Conservation Planning/Programs**

Meetings with DCR regarding the Resource Management Plan or "Safe Harbor" regulations are on-going with a proposed timeline to have the regulations published by December 2011.

A new Department of Forestry Liaison position will be shared between NRCS and DOF. Todd Groh has been appointed to serve in this position with oversight for all Virginia NRCS forestry needs.

## **Videos**

**Gaining Ground:** NRCS has debuted the two "Gaining Ground" videos which feature farmers from across the state explaining how continuous no-till and rotational grazing have improved their farms and lives. These videos are a product of an intense partnership effort led by NRCS and involving a

range of agencies to include the Virginia Cooperative Extension (VCE). Each 15-minute "Gaining Ground" video leverages the power of farmer-to-farmer contracts by focusing on strong producer testimonials. The "Gaining Ground" videos are being distributed to field offices. The Public Affairs Office has created an email announcement for internal and external audiences as well as a news release for local use.

**Healthy Stream, Healthy Livestock:** The "Healthy Stream, Healthy Livestock" video, produced with NRCS funds, aired on WVPT-TV's show Virginia Farming. The video features veterinarians discussing the benefits to herd health when livestock are excluded from streams. The video was produced through a variety of partnerships including NRCS, the Shenandoah RC&D, and DCR.

**Farm Bill Programs:** Bass-Pro was on site in Halifax County to shoot video footage with District Conservationist Raymond Cocke and Soil Conservationist Reggie Arrington on Friday, November 4<sup>th</sup>. The footage was to capture the technical and financial assistance participant James Edmonds has received through multiple Farm Bill Programs.

#### **Collaborating On Outreach**

Public Affairs worked with FSA and RD to sponsor booths at several conferences including three Hispanic events, the State Fair, and the VSU Small Farm Conference. Urban and suburban audiences as well as historically underserved customers learned about USDA services at these events.

#### **State Fair of Virginia**

NRCS, FSA, and RD joined forces again to host an exhibit at the 10-day fair. We were a popular stop for fairgoers with prime space in the Commonwealth Hall. Visitors learned about buffers from FSA, about runoff and making soil a sponge from NRCS, and about alternative energy sources from RD. Special thanks to Barbara Bowen, Chris Lawrence, Galon Hall, David Kriz, Jeff Barr, Linda Cronin, and Ken Upshaw for their help with setup and to all the volunteers who staffed the exhibit.

#### **Service Center Closings**

Renovations have been completed at the Dinwiddie Service Center. The Prince George Service Center is now officially closed and has been moved to Dinwiddie.

The Kenbridge Service Center was closed; the area formerly serviced by the closed center was consolidated into the Charlotte Courthouse Service Center.