

Virginia Soil and Water Conservation Board
Wednesday, September 7, 2017
Charlottesville, Virginia

TIME AND PLACE

The Meeting of the Virginia Soil and Water Conservation Board was held at 9:30 a.m. on Wednesday, September 7, 2016 at the Virginia Department of Forestry Board Room in Charlottesville, Virginia.

MEMBERS PRESENT

Daphne W. Jamison, Chair
Richard A. Street, Vice-Chair
Jerry Ingle
Stephen Lohr
Raymond L. Simms
Clyde E. Cristman, DCR Director, Ex Officio
Mathew Lyons for John A. Bricker, NRCS, Ex Officio

MEMBERS ABSENT

C. Frank Brickhouse, Jr.
Gary Hornbaker
Janette F. Kennedy
Barry L. Marten
Dr. Bobby Grisso, Virginia Cooperative Extension, Invitee

DCR STAFF PRESENT

Rochelle Altholz, Deputy Director of Administration and Finance
Anne Crosier, Dam Safety Enforcement and Compliance Manager
David C. Dowling, Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management
Michael Fletcher, Board and Constituent Services Liaison
Darryl Glover, Director, Division of Soil and Water Conservation
Stephanie Martin, Soil and Water Conservation District Liaison
Lisa McGee, Director of Policy and Planning
Steve Snell, Regional Dam Safety Engineer
Christine Watlington, Senior Policy and Planning Analyst
David Wilmoth, Dam Safety Engineer
Matthew Gooch, Office of the Attorney General

OTHERS PRESENT

Rob Farrell, Department of Forestry
Julie Morris, Department of Planning and Budget
Matthew Poirot, Department of Forestry
Dr. Kendall Tyree, Virginia Association of Soil and Water Conservation Districts
Greg Wichelns, Culpeper Soil and Water Conservation District

ESTABLISHMENT OF A QUORUM

With five (5) members of the Board present, a quorum was established.

CALL TO ORDER

Chairman Jamison called the meeting to order at 9:30 a.m. and called for the introductions of members, staff, and guests.

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

Director Cristman reported that the Commonwealth is facing a deficit in the current state budget. While the state is experiencing record low unemployment, tax collections are lagging. Agencies are required to submit plans for a 5% reduction in their FY 2017 general funds by September 20, 2016. The Director assured the Board that the FY 2017 WQIF funding is exempt from targeted reductions and there are no plans to cut district operating funding. The budget will be reevaluated at the end of the first full quarter in October.

DEPARTMENT OF FORESTRY UPDATE ON WATER QUALITY FORESTAL BMPS – *Rob Farrell, Department of Forestry*

Mr. Rob Farrell, Deputy Director of the Virginia Department of Forestry, welcomed the board members and meeting attendees to Charlottesville. He offered greetings on behalf of State Forester Bettina Ring. He thanked the Board for the fiscal support they have provided for Water Quality Improvement Fund forestry projects.

Water Quality Improvement Fund Projects – *Matthew Poirot, Department of Forestry*

BMP Logger Cost Share Program

- Innovative program to incentivize the use of BMPs by logging industry.
- Plenty of programs exist to provide cost share to a landowner.
- This program provides cost share directly to the entity that is responsible for the BMP – the Logger!
- 2014-15 Funding - \$150,000.
- 30 Projects, 28 of those involved the purchase of a portable bridge.
- Projects must involve a stream crossing.
- Logger must be a trained SHARP Logger.
- Stream crossing must be in a stream segment identified as “impaired” by DEQ.
- All projects must have an approved plan and oversight by DOF.
- 50% cost share provided up to \$2,500 for BMP installation and up to \$5,000 if the purchase of a portable bridge is involved.

Virginia Trees for Clean Water Program

- 2015/2016 WQIF Funding for VTCW Quick Facts
- 21 Projects Completed.
- \$106,120 Grant Funds Spent.
- \$298,226 Matching Contribution.
- 7,070 Trees Planted.
- 2,595 Volunteer Hours Recorded.
- Avg. Cost of \$15 per tree in Grant Funds.

APPROVAL OF MINUTES FROM MAY 24, 2016

BOARD ACTION

Mr. Simms moved for the approval of the minutes of the May 24, 2016 meeting of the Virginia Soil and Water Conservation Board. Mr. Ingle seconded and the minutes were approved as submitted.

SOIL AND WATER CONSERVATION DIVISION REPORT – *Darryl Glover, Director, Division of Soil and Water Conservation*

Mr. Glover presented the following written report:

Madam Chairwoman, members of the Virginia Soil and Water Conservation Board, Director Cristman, please accept this Soil and Water Conservation Division Report.

Division Staffing

The Department has promoted Wendy Howard-Cooper to the new position of Business Manager for both the Divisions of Dam Safety/Floodplain Management and Soil and Water Conservation. We have also hired Emily Nelson, formerly with Thomas Jefferson Soil and Water Conservation District, as Agricultural BMP Technician, to assist Districts with agricultural BMPs statewide and to help verify structural BMPs within the Chesapeake Bay watershed in order to extend their pollution reduction credit lifespans. Next week, Carl Thiel-Goin, from Tidewater District, will come to the Department as the Conservation Planning and Certification Trainer.

District Engineering Services

The Department has begun conducting engineering job approval authority (EJAA) reviews of grandfathered District staff and engineering competency reviews of newer staff, beginning in Districts with larger SL- 6 (livestock stream exclusion) workloads. Working with the District Engineering Workgroup, the Department has also proposed a framework that Districts with very experienced staff can use to be compensated by other Districts whose staff need on the job training in design and inspection of agricultural BMPs. As EJAA reviews continue, the Department will ask qualified District staff if they want to be designated as “Super Techs” and whether their own District Board would support them assisting other nearby Districts. Participating Districts may choose to make any mutually agreeable arrangements to compensate one another, or may use the framework the Department and District Engineering Workgroup has offered (attached).

Livestock Stream Exclusion Update

As of August 31, 2016, the backlog in SL-6 practices that remain in pending status (awaiting funding) was just over \$37 million. \$50 million of SL-6 practices have been completed statewide and another \$30 million of SL-6s, approved by local Soil and Water Conservation Districts, are currently awaiting completion. Only approximately 100 SL-6 applications have been withdrawn, out of nearly 2,900 SL-6 applications submitted by the June 30, 2015 deadline. Some of these have opted to use the federal/state Conservation Reserve Enhancement Program (CREP) which has offered a combined 100% cost reimbursement for livestock stream exclusion, with the added benefit of a planted buffer, since July 1, 2015.

BMP Verification

Virginia's BMP Verification Plan that the Department of Environmental Quality submitted to US Environmental Protection Agency was approved. It must be fully implemented in FY2018. However, several components in it that our Department is responsible for are already either being done or are under development. One item that the Department will soon be seeking input from Soil and Water Conservation Districts on, is more detailed documentation for agricultural BMP spot checks.

The results of our initial efforts to experiment with BMP verification have been successful to varying degrees. A verification survey of nutrient management plans conducted by Department staff and a few contractors, on approximately 200 farms, almost all of which land applied animal manure or industrial biosolids, documented over 70% of their acres were operating consistent with their nutrient management plans.

Last year, the Department and selected Districts set out to conduct 54 tillage practice surveys statewide with the intention of updating the 2007 classification of tilling practices for cropland. All 34 Chesapeake Bay drainage surveys have been completed. Results indicate a net improvement since 2007 of 72,569 acres, or a 6.9% increase now in conservation tillage. This increases the overall percentage of conservation tilled cropland in Virginia's Chesapeake Bay drainage to around 80%, although this varies by crop type.

The 20 completed surveys in the OCB/Southern Rivers portion of Virginia indicate a net improvement in conservation tillage of 72,651 acres, which is about a 15.7% increase. This increases the overall percentage of conservation tilled cropland in the OCB/Southern Rivers to around 69%. These surveys will be conducted again in year 2020.

We also offered separate grant agreements in 2015 to selected Districts to recertify structural BMPs that had gone out of their contractual lifespans, in order to continue to receive pollution reduction credit from the US Environmental Protection Agency. Out of the 1459 BMPs that were identified for recertification, roughly 700 were successfully recertified. Unfortunately, over 500 producers could not be enlisted to participate. Of these, 291 producers declined to participate and the remaining 239 could not be reached. Also, no voluntary cover crops were documented despite \$86,000 in incentives that were offered to nine Districts (Colonial, Hanover-Caroline, Henricopolis, Monacan, Northern Neck, Peanut, Three Rivers, Tidewater, and Tri-County City).

For 2016 and 2017, the Department will again use EPA grant funding to offer applicable Districts in the Chesapeake Bay watershed the option of recertifying structural agricultural BMPs that will fall out of (pollution reduction) credit lifespan. As noted, Emily Nelson will also assist with BMP verification.

Resource Management Plans

As of the end of August 2016, 322 Resource Management Plans (RMPs), totaling over 65,682 acres had been developed or were in the process of being developed. 12,000 acres were projected in the Chesapeake Bay watershed in calendar year 2016 as the result of development contracts. Additionally, another 10,000 acres are still projected to be planned Outside the Bay (OCB) watershed by the end of calendar year 2016. This will bring the total RMP acreage to approximately 75,000 acres by the end of calendar 2016.

For FY2017, an additional \$120,000 in federal funds will be available for RMP development in the Chesapeake Bay watershed, plus just over \$200,000 of state cost-share this Board designated statewide for both RMP development (via the RMP-1 practice) and RMP implementation (via RMP-2).

District Training

Through the spring and summer of 2016, the Department has provided a considerable amount of training for District Directors and staff. In addition to the usual annual training on changes to the Agricultural Cost-Share Program, orientation training to new District Directors, and book keeping/basic financial training was given to District administrative staff; training on procurement, the recently revised Desktop Procedures, Conflict of Interest, and Freedom of Information Act, was also offered by the Department with the assistance of Kelci Block (OAG) and the Department of General Services.

The Department also conducted four engineering related training sessions to District staff over the summer. Several of these were conducted with the assistance of USDA Natural Resources Conservation Service through Joint Employee Development meetings. One of the sessions was also given at Graves Mountain during the Virginia Association of Conservation District Employees annual summer training meeting. The next training session will be held in Abingdon on October 5. It will focus on watering systems.

Application Development

Department staff worked with the Virginia Department of Agriculture and Consumer Services (VDACS) to assist with the development of a new system for their use. Previously VDACS was managing their agricultural stewardship data through a Microsoft Access database. This project developed a web-based module for complaint data entry and querying including allowing users to map the spatial location of both the complaints and any related issues. The new system also tracks Stewardship Plans for founded complaints, and allows users to add proposed BMPs to the Stewardship Plan through DCR's existing Ag BMP Tracking Program Module. This project was completed at the end of June and is hosted on the DCR server platform.

The VDACS annual report on Agricultural Stewardship Act, covering their program year of April 1, 2015 through March 31, 2016, states that 24 out of 65 official complaints received during that program year "were determined to be founded and required agricultural stewardship plans to address pollution problems." Their report can be accessed on-line at <http://www.vdacs.virginia.gov/pdf/stewardship-report.pdf>

Mr. Glover provided the Board with a copy of the "Super Tech Draft Concept and Summary." This item is included as Attachment A.

DISTRICT BUDGET TEMPLATE UPDATE – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

Mr. Dowling reviewed the district budget template. He provided a spreadsheet with preliminary budget numbers based on information received thus far. He noted that the District Budget Template Workgroup would present a finalized version of the spreadsheet at the September Association meeting. This item is included as Attachment B.

DISTRICT DIRECTOR RESIGNATIONS AND APPOINTMENTS – *Stephanie Martin, SWCD Liaison*

Ms. Martin presented the District Director resignations and appointments.

Colonial - Resignation of Colleen Heberle, City of Williamsburg, effective July 28, 2016, elected director position (term of office expires 1/1/20).

Mountain - Resignation of L. Ryan Hodges, III, Bath County, effective July 1, 2016, elected director position (term of office expires 1/1/20).

New River - Resignation of Steve Ogle, City of Galax, effective August 2, 2016, elected director position (term of office expires 1/1/20).

Resignation of Dan Harrison, City of Galax, effective July 13, 2016, at-large appointed director position (term of office expires 1/1/19).

Recommendation of Gary Boring, Carroll County, to fill unexpired term of, Dan Harrison (term of his office to begin upon qualifying* through 1/1/19).

Recommendation of Mike Rhudy, Grayson County, to fill unexpired term of, Onnie Harmon (term of his office to begin upon qualifying* through 1/1/20).

BOARD ACTION

Mr. Ingle moved for the approval of the District Director Resignations and Appointments as submitted by staff. Mr. Simms seconded and the motion carried.

Ms. Martin presented the Extension Agent District Director appointments.

<u>SWCD Districts</u>	<u>Agent</u>	<u>County</u>
Appomattox River	Michael J. Parrish	Dinwiddie
Big Sandy	W. Bradley Mullins*	Dickenson
Big Walker	Matt Miller	Wythe
Blue Ridge	Cynthia Martel	Franklin
Chowan Basin^	Vacant	Vacant
Clinch Valley	D. Scott Jessee	Russell
<u>SWCD Districts</u>	<u>Agent</u>	<u>County</u>
Colonial^	Vacant	Vacant
Culpeper	Sarah Sharpe	Greene
Daniel Boone	Amy Fannon	Lee
Eastern Shore	Theresa M.J. Long	Accomack
Evergreen	Andy Overbay	Smyth
Halifax	K. Jason Fisher	Halifax
Hanover-Caroline	Laura Maxey-Nay	Hanover
Headwaters	Matt Booher	Augusta
Henricopolis	Edward Olsen	Henrico
Holston River	Phillip K. Blevins	Washington
James River	T. Scott Reiter	Prince George
John Marshall	Timothy A. Mize	Fauquier
Lake Country	C. Taylor Clarke, Jr.	Mecklenburg
Lonesome Pine	W. Bradley Mullins*	Dickenson

Lord Fairfax	Corey Childs	Warren
Loudoun	Jim Hilleary	Loudoun
Monacan	Rachel Grosse	Powhatan
Mountain	Rodney P. Leech	Highland
Mountain Castles	Mary Catherine Lawrence	Botetourt
Natural Bridge	Thomas A. Stanley	Rockbridge
New River	Steve Pottorff	Carroll
Northern Neck	Stephanie Romelczyk	Westmoreland
Northern Virginia	Adria Bordas	Fairfax
Patrick	Travis Bunn	Patrick
Peaks of Otter	Scott M. Baker	Bedford
Peanut	Janet Spencer	Isle of Wight
Peter Francisco	Jennifer Ligon	Buckingham
Piedmont	Haley Norton	Nottoway
Pittsylvania	Jamie Stowe	Pittsylvania
Prince William	Paige E. Thacker	Prince William
Robert E. Lee	Bruce Jones	Appomattox
Scott County	Scott Jerrell	Scott
Shenandoah Valley	Jeremy Daubert	Rockingham
Skyline	John Vest	Floyd
Southside	Robert L. Jones	Charlotte
Tazewell	John Blankenship	Tazewell
Thomas Jefferson	Carrie Swanson	Albemarle
Three Rivers	Keith Balderson	Essex
Tidewater	David M. Moore	Middlesex
Tri-County/City	Mike Broaddus	King George
Virginia Dare	Roy Flanagan	Virginia Beach

* serves Big Sandy & Lonesome Pine

^ Extension Agent vacancy until early 2017

BOARD ACTION

Mr. Lohr moved for the approval of the Extension Agent District Director Appointments as submitted by staff.
Mr. Street seconded and the motion carried.

LAKE BARCROFT WID BOARD OF TRUSTEES APPOINTMENT – *Stephanie Martin, SWCD Liaison*

Ms. Martin presented for Board approval the appointment of Alan Pisarski as a Trustee of the Lake Barcroft Watershed Improvement District (WID). The Virginia Soil and Water Conservation Board is authorized to approve appointments under §10.1-623 of the *Code of Virginia*.

BOARD ACTION

Mr. Street moved that the Virginia Soil and Water Conservation Board accept the resignation of Lake Barcroft WID Trustee Charles deSeve, and approve the appointment of Alan Pisarski to serve as a trustee on the Lake Barcroft WID for a term of five years. Mr. Lohr seconded and the motion carried.

PARTNER REPORTS

- *Natural Resources Conservation Service – Mat Lyons*

Mr. Lyons presented the report for the Natural Resources Conservation Service. A copy of the written report is included as Attachment C.

- *Virginia Association of Soil and Water Conservation District Directors – Dr. Kendall Tyree.*

VASWCD has been wrapping up summer activities. The Headwaters team placed 12th in the National Envirothon competition.

VASWCD will make an extra outreach effort to legislators regarding funding needs due to the difficult budget season facing the Commonwealth.

The next VASWCD Board Meeting will be on September 22 at the Old Dominion Electric Cooperative in Glen Allen, Virginia.

The VASWCD Annual Meeting will be held December 4-6, 2016 at the Hotel Roanoke, in Roanoke, Virginia. Topics will include: Director training, FOIA training, and soil health. The information is currently on the Association website.

- *Virginia Cooperative Extension – VCE* was not represented at this meeting due to a scheduling conflict.

DAM SAFETY AND FLOODPLAIN MANAGEMENT – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

- Wendy Howard-Cooper is now working as Business Administration Manager for both the Division of Soil and Water Conservation and the Division of Dam Safety and Floodplain Management.
- While Tropical Storm Hermine was not a significant rain event in Virginia, the Department of Emergency Management (VDEM) is giving more scrutiny to impounding structures in the state including assessing downstream risks and reviewing Emergency Action Plans (EAPs).
- Staff continues to work with the DCR dams database to centralize necessary information. The data is being migrated to a better system for tracking and reporting information.
- Mr. Dowling referenced an August 2016 report regarding the October 2015 flooding in South Carolina where 160,000 homes were destroyed and 19 lives lost. He focused on a number of dams that failed during the storm event as well as an analysis of South Carolina's dam safety program's funding and staffing levels. He noted that the information helps with perspective should Virginia be hit with a PMP storm.

VIRGINIA SOIL AND WATER CONSERVATION BOARD GUIDANCE DOCUMENT ON DAM BREAK INUNDATION ZONE MODELING AND MAPPING PROCEDURES – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

Mr. Dowling reviewed the draft guidance document on Dam Break Inundation Zone Modeling and Mapping Procedures. He advised that the information was a compilation of subject matter from the *Code of Virginia*, the Impounding Structure Regulations, and from technical documents.

Summary:

This guidance document specifies the procedures to be utilized by the Virginia Soil and Water Conservation Board in determining the adequacy of a dam break inundation zone analysis, which includes modeling and mapping prepared by an impounding structure owner and their engineer in accordance with 4VAC50-20-54.

Electronic Copy:

An electronic copy of this guidance in PDF format is available on the Regulatory Town Hall under the Virginia Soil and Water Conservation Board at <http://townhall.virginia.gov/L/GDocs.cfm>.

BOARD ACTION

Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve the Guidance Document on Dam Break Inundation Zone Modeling and Mapping Procedures as presented by staff. Mr. Street seconded and the motion carried.

VIRGINIA SOIL AND WATER CONSERVATION BOARD GUIDANCE DOCUMENT ON IMPOUNDING STRUCTURE HAZARD CLASSIFICATION PROCEDURES – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

Mr. Dowling reviewed the draft Guidance Document on Impounding Structure Hazard Classification Procedures.

Summary:

This guidance document outlines the decision process to be utilized by the Virginia Soil and Water Conservation Board and an owner and his engineer in determining hazard potential classification of an impounding structure in accordance with the Dam Safety Act and the Virginia Impounding Structure Regulations.

Electronic Copy:

An electronic copy of this guidance in PDF format is available on the Regulatory Town Hall under the Virginia Soil and Water Conservation Board at <http://townhall.virginia.gov/L/GDocs.cfm>.

BOARD ACTION

Mr. Street moved that the Virginia Soil and Water Conservation Board approve the Guidance Document on Impounding Structure Hazard Classification Procedures as presented by staff. Mr. Lohr seconded and the motion carried.

VIRGINIA SOIL AND WATER CONSERVATION BOARD GUIDANCE DOCUMENT ON THE DETERMINATION OF INSURANCE LEVELS IN ACCORDANCE WITH § 10.1-605 OF THE *Code of Virginia* – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

Mr. Dowling reviewed the draft guidance on the Determination of Insurance Levels in Accordance with § 10.1-605 of the *Code of Virginia*. He noted that the law allows certain high hazard dam owners to lower their spillway design flood capacity should they be carrying appropriate insurance amounts. He advised that the amount of costs associated with a dam failure would ultimately be decided by the courts.

Summary:

This document serves to provide guidance to impounding structure owners regarding the establishment of appropriate insurance amounts to be carried by an owner that will substantially cover the costs of downstream property losses to others that may result from a dam failure. Such requirements are applicable to dam owners seeking reductions in spillway design capacity in accordance with the provisions of § 10.1-605 of the *Code of Virginia*. The document outlines procedures to be utilized to determine the flood zone that would require insurance coverage.

Electronic Copy:

An electronic copy of this guidance in PDF format is available on the Regulatory Town Hall under the Virginia Soil and Water Conservation Board at <http://townhall.virginia.gov/L/GDocs.cfm>.

BOARD ACTION

Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve draft Guidance on the Determination of Insurance Levels in Accordance with § 10.1-605 of the *Code of Virginia*. Mr. Street seconded and the motion carried.

VIRGINIA SOIL AND WATER CONSERVATION BOARD GUIDANCE DOCUMENT ON IMPOUNDING STRUCTURE OWNERSHIP – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

Mr. Dowling reviewed the draft Guidance on Impounding Structure Ownership.

Summary:

This updated guidance document serves to clarify who may be considered the “owner” of an “impounding structure” that is the responsible and liable entity for the operation and maintenance of such impounding structure.

Electronic Copy:

An electronic copy of this guidance in PDF format is available on the Regulatory Town Hall under the Virginia Soil and Water Conservation Board at <http://townhall.virginia.gov/L/GDocs.cfm>.

BOARD ACTION

Mr. Street moved that the Virginia Soil and Water Conservation Board approve the draft Guidance on Impounding Structure Ownership. Mr. Lohr seconded and the motion carried.

VIRGINIA SOIL AND WATER CONSERVATION BOARD DAM SAFETY DELEGATIONS OF AUTHORITY – *David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety*

Mr. Dowling reviewed a proposed motion to reaffirm the Dam Safety program delegations of authority.

BOARD ACTION

Mr. Ingle moved the following motion:

MOTION to Reaffirm Dam Safety Program Delegations of Authority

WHEREAS, at a meeting of the Virginia Soil and Water Conservation Board [Board] on December 11, 1991, the Board resolved to hereby delegate “to the Director of the Department of Conservation and Recreation, or his designee, the authority to act in place of the Board in all matters concerning inspections of dams and enforcement of the Dam Safety Law and Regulations, excepting only the issuance of permits and certificates, the promulgation of regulations and the conduct of hearings”.

WHEREAS, in 2006, § 10.1-605.1 of the *Code of Virginia* regarding Delegation of Powers and Duties was promulgated [Chapter 30 of the 2006 Virginia Acts of Assembly] to state that “[t]he Board may delegate to the Director or his designee any of the powers and duties vested in the Board by this article, except the adoption and promulgation of regulations or the issuance of certificates. Delegation shall not remove from the Board authority to enforce the provisions of this article.”

WHEREAS, at a meeting of the Board on November 18, 2010, in accordance with § 10.1-605.1, the Board further delegated “the power and duty to issue Construction Permits and Alteration Permits for impounding structures to the Director of the Department of Conservation and Recreation or his designee”.

WHEREAS, in 2011, § 10.1-605.1 of the *Code of Virginia* regarding Delegation of Powers and Duties was amended [Chapter 323 of the 2011 Virginia Acts of Assembly] to state “[t]he Board may delegate to the Director or his designee any of the powers and duties vested in the Board by this article, except the adoption and promulgation of regulations. Delegation shall not remove from the Board authority to enforce the provisions of this article. ...” This legislative action specifically removed the prohibition to the Board delegating authority for “the issuance of certificates” to the Director or his designee.

WHEREAS, at a meeting of the Board on May 24, 2011, in accordance with § 10.1-605.1, the Board further delegated “the power and duty to issue Regular, Conditional, and Extensions of Operation and Maintenance Certificates for impounding structures to the Director of the Department of Conservation and Recreation or his designee, effective July 1, 2011”.

WHEREAS, § 10.1-605 A of the *Code of Virginia*, states that “[t]he Board shall adopt regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained and operated”.

IT IS THEREFORE RESOLVED and REAFFIRMED by the Board, that the Director of the Department of Conservation and Recreation or his designee, in accordance with § 10.1-605.1 of the *Code of Virginia*, shall have all of the powers and duties vested in the Board by the Dam Safety Act (§ 10.1-604 et seq. of the *Code of Virginia*), except the adoption and promulgation of regulations. Such powers and duties shall include the administration, implementation, and enforcement of the Impounding Structure Regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained and operated. Delegation shall not remove from the Board authority to enforce the provisions of the Act and the attendant regulations.

Mr. Street seconded and the motion carried.

VIRGINIA DAM SAFETY ENFORCEMENT MANUAL David C. Dowling, Deputy Director for Soil and Water Conservation and Dam Safety

Mr. Dowling reviewed the Virginia Dam Safety Enforcement Manual. He advised that the material was presented at the May 2016 Board meeting and that there had been no substantive changes since that time. The document is a compilation of material from the *Code of Virginia*, and the Impounding Structure Regulations.

Mr. Dowling further noted that the Department was seeking approval to move forward with the document with the Board's authority to make formatting changes but not to alter the substantive information.

BOARD ACTION

Mr. Ingle moved that the Virginia Soil and Water Conservation Board approve the Virginia Dam Safety Program Enforcement Manual as presented by staff and that the Board further authorize staff to make necessary formatting changes to the document for the purposes of clarity and efficiency. Mr. Street seconded and the motion carried.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURN

There was no further business and the meeting adjourned at 12:13 p.m.

Respectfully submitted,

Daphne W. Jamison
Chair

Clyde E. Cristman
DCR Director

Attachment A

Super Tech Draft Concept and Summary

Background

Soil and Water Conservation Districts (Districts) responsibilities include implementation of the Virginia Agricultural Cost-Share Program (VACS) at the local farm level. This includes both administrative and technical/engineering support. Engineering work has been an instrumental part of the Districts' delivery of technical assistance to the agricultural community for many years. Historically, USDA Natural Resources Conservation Service (NRCS) provided engineering support to the Districts by way of issuing and administering Engineering Job Approval Authority (EJAA) to Districts' staff. EJAA is the authority to design, inspect, or certify various agricultural best management practices (BMPs). Different levels of EJAA are granted to individual District staff based on their training, experience, and demonstrated competence designing agricultural BMPs. Robust Quality Control procedures are an essential feature of EJAA to ensure adequacy, consistency, and durability of the BMPs District staff design.

On October 1, 2013, NRCS discontinued issuance of EJAA to District staff. Since then, the Department of Conservation and Recreation (DCR) has sought a way to re-establish EJAA at the State level through the Department. In November of 2014, DCR hired its first Agricultural BMP Engineer, who is a licensed professional engineer, to implement the program. This engineer began working with the District Engineering Workgroup to develop a framework for re-establishing EJAA through a new DCR District Engineering Services Program.

The District Engineering Workgroup (EWG) was formed in February 2014 by District technical staff. They recognized the need to work together to resolve many of the issues that had arisen as a result of the change of EJAA availability. The EWG brought together DCR Engineering Services staff, VACS Program staff, and numerous technical staff from many Districts across Virginia to work through these issues and improve the delivery of conservation technical assistance to the agricultural community.

The EWG has worked with DCR over the course of the last year and a half to build the foundation for a new EJAA certification independent of NRCS. This framework includes certain similarities to the federal EJAA that Districts had worked under for years. This framework would be slightly revised to reflect the specific needs and the types of practices that Districts implement most often.

Challenges to the Establishment of DCR EJAA

NRCS implemented EJAA (for both their own and District staff), with no less than 14 technical staff, including 6 Professional Engineers. Currently, DCR has two engineering staff, only one being a Professional Engineer. Prior to full implementation of DCR EJAA, DCR will approach the Department of Professional and Occupational Regulation (DPOR) to ensure the Agricultural

BMP Engineer would not be violating the terms of her license. In order to provide minimally adequate quality control for full implementation of EJAA, DCR needs a minimum of two additional engineering positions, including at least one additional Professional Engineer. These positions would allow DCR to develop a plan of action to present to DPOR on how to monitor approximately 100 district technical employees. This simply cannot be done with only the two existing engineering staff. Implementation of DCR EJAA would include delegation of engineering authority, spot check of design and construction, and training of district staff to ensure adequate understanding of the BMP design standards.

Until two additional engineering staff can be funded, DCR cannot fully re-establish EJAA as planned. An alternative plan has to be considered in the interim. However, due to the \$121 million livestock stream exclusion (SL-6) initiative, and the new requirement to verify the continued functionality of every BMP reported to the Environmental Protection Agency for pollution reduction credit in the Chesapeake Bay watershed, it is imperative to improve District capacity to design and inspect BMPs immediately.

Program Delivery in Light of Budget Constraints

As of October 2013 less than half of all District staff in the Commonwealth had sufficient levels of EJAA under NRCS (49 District staff with a total of approximately 100 who needed it). Additionally, since October 2013, DCR has recognized previously issued NRCS EJAA and those District staff have had no reviews to ensure proper design and construction. This represents a significant bottleneck that needs to be remedied. The survey, design, supervision, and inspection of agricultural best management practices is the major role and responsibility of District technical employees. Having the ability to perform these responsibilities is critical to their performance.

There have been several ideas floated from various partners, including District staffs, to address this capacity issue. Fair consideration has been given to all of these possibilities with the objective being a cost effective, easily implemented, and sustainable method for developing long-term engineering capacity at the District level.

District Super Techs

The most cost effective and efficient alternative for providing engineering assistance on an ongoing basis to so many District technical staff utilizes "Super Techs" recruited from experienced existing District technical staff who possessed high levels of EJAA under NRCS. This would involve incentivizing these seasoned District staff to act as a part-time temporary force multiplier for DCR Engineering Services staff. The following is an outline of this proposed alternative:

- The DCR Agricultural BMP Engineer, with the assistance and concurrence of the District Engineering Workgroup, would qualify several existing District staff persons to be eligible for “Super Tech” designations, based on the following criteria:
 - These individuals must volunteer to participate.
 - Must have held NRCS EJAA for a minimum of five consecutive years and have not had that EJAA revoked.
 - NRCS EJAA must have encompassed practice components required for an SL-6.
 - Engineering designs and construction will be reviewed by the Agricultural BMP Engineer prior to naming District staff person as a Super Tech.
 - The District board for whom this person is employed must agree to allow them to assist other Districts.

- The selected individuals would travel to neighboring Districts, located within their area, on an as needed basis, to do the following. As an alternative, it may be negotiated that the Districts who need the training could travel to the District housing the Super Tech:
 - Train District staff to perform designs and construction management.
 - Assist District staff with survey, design, and construction management.
 - § Please note this assistance would be from a training perspective. This means that the Super Techs would not simply do the work for other Districts, rather assist those less experienced District staff to prepare them for EJAA. **This is not a workload sharing program, rather, a training program.**
 - These Super Techs could also assist DCR with more formal trainings of groups of District staff to help prepare newer staff for DCR EJAA.
 - Upon the completion of training of each individual employee, DCR can then perform Competency reviews of newly trained District staff prior to later issuance of DCR EJAA.
 - All assistance requests will be made through the Board of the District providing the qualified Super Tech with notification to the DCR Agricultural BMP Engineer.

- Both the District and the employee would be compensated based on the following suggested fee schedule:
 - The District receiving the assistance pays 160% of the Super Tech’s pay rate (hourly or daily) plus the standard mileage rate, currently at 0.54 cents per mile. This payment is made to the District providing the services.
 - 135% is retained by the District providing assistance for the Super Tech’s salary and benefits.
 - The remaining 25% is provided to the Super Tech as a documented salary bonus.
 - Districts may use their Technical Assistance money to fund assistance from a Super Tech.

- Finally, to implement this plan as efficiently as possible, the following workload study will be performed by DCR with input from the Engineering Workgroup:

- Determine and map which Districts need the assistance. This would include any district with employees hired after October 2013 who do not have tenured staff or other resources to train new employees. This may also be determined by request (i.e. a District can request assistance to train new employees, even if they have more tenured staff).
- Determine and map where the qualified and willing (remember this is voluntary!) Super Techs are located. Cross reference this with the “needs” map from the above bullet.

Attachment B

Calculation of Funding for District Operations and Administration and Technical Assistance (September 07, 2016 Version) (Numbers will be subject to change)

1	2	3	4	4a	5
Funding Categories	2017 Appropriations Awarded	PRELIMINARY District Budget Template June 2014 (for FY2016)	PRELIMINARY District Budget Template June 2015 (for FY2017)	PRELIMINARY District Budget Template June 2016 (for FY2018)	Funding discussion values
FTE (Admin and Cost-Share)	184.83	191.93	192.63	202.65	
Additional Positions for Enhanced Cost-Share		57.07	53.62	59.15	
Base Personnel and Fringe Benefits		\$3,002,151	\$3,307,394	\$3,662,066	
Total Office Rent and Utilities		\$657,625	\$619,349	\$659,245	
Total Director Travel and Training		\$268,809	\$296,162	\$308,052	
Total Equipment		\$333,039	\$317,183	\$363,364	
Total Office Support		\$511,634	\$542,577	\$593,119	
Base Staff Training and Meetings		\$113,664	\$98,137	\$116,218	
Base Travel/ Vehicles		\$146,597	\$97,486	\$120,761	
ESSENTIAL OPERATIONS SUBTOTAL		\$5,033,519	\$5,278,288	\$5,822,825	
Other Expenses		\$148,275	\$36,735	\$59,921	
Environmental Education		\$1,824,820	\$2,144,930	\$2,265,053	
RMP		\$767,381	\$668,243	\$645,173	
CREP Administration		\$280,400	\$350,358	\$360,965	
ADMINISTRATION AND OPERATIONS SUBTOTAL	\$6,209,091	\$8,054,395	\$8,478,554	\$9,153,937	\$9,153,937
Dam Maintenance and Administration	\$312,000	\$585,785	\$579,028	\$605,444	\$603,200 (\$5,800/dam)
Dam Repair Small	\$500,000	\$303,500	\$593,500	\$500,000	\$500,000
DCR Managed Funds for District Support	\$170,000	\$180,000	\$170,000	\$180,000	\$180,000
ADMINISTRATION AND OPERATIONS TOTAL	\$7,191,091	\$9,123,680	\$9,821,082	\$10,439,381	\$10,437,137
(Increased Administration and Operations Need)					[\$3,246,046]
Personnel and Fringe Benefits		\$4,403,140	\$4,622,696	\$4,860,253	
Staff Training and Meetings		\$130,831	\$115,481	\$124,740	
Travel/ Vehicles		\$224,618	\$227,459	\$220,581	
TOTAL COST-SHARE TECHNICAL ASSISTANCE	\$7,417,751	\$4,758,589	\$4,965,636	\$5,205,574	
TOTAL FISCAL PROGRAM DELIVERY SUPPORT	\$14,608,842	\$13,882,269	\$14,786,718	\$15,644,955	
VACS Base Cost-Share Total	\$52,596,839	\$26,499,337	\$21,799,340	\$25,990,198	
(% TA of Total C-S + TA)		15.22%	18.55%	\$16.69%	
Personnel and Fringe Benefits		\$3,128,344	\$2,928,824	\$3,203,043	
Staff Training and Meetings		\$110,743	\$87,241	\$104,011	
Travel/ Vehicles		\$184,132	\$174,171	\$185,761	
TOTAL COST-SHARE TECHNICAL ASSISTANCE		\$3,423,219	\$3,190,236	\$3,492,815	
TOTAL ENHANCED FISCAL PROGRAM DELIVERY SUPPORT		\$17,305,488	\$17,976,954	\$19,137,770	
VACS Enhanced Cost-Share Total		\$50,675,040	\$50,675,040	\$62,972,854	
[% TA (base + enhanced) of Total C-S + TA]		13.90%	13.86%	12.14%	
SL-6 Earmark (part of VACS)	\$26,606,641				
CREP	\$800,000	\$771,815	\$1,049,863	\$1,179,000	
NMP Golf Courses	\$100,000				
DOF Water Quality Grants	\$250,000				
Deposit to the WQIF Reserve	\$8,244,210				
WQIF Surplus/ Recordation estimate / Reserve/ Special GF Deposit Total (C-S+TA)	\$60,014,590				

Attachment C

NRCS REPORT
Virginia Soil and Water Conservation Board Meeting
September 7, 2016 – Charlottesville, VA

EQIP, CSP, RCPP and Easement Programs

Environmental Quality Incentive Program (EQIP)

- 2,177 applications were ranked requesting more than 71.7 million in conservation funding in 61,425 acres.
- 450 applications contracted to date for \$22,145,472 in EQIP funds across 35 fund pools: StrikeForce, Climate Change (Soil Health), Forestry, Seasonal High Tunnel, Cropland, Beginning Farmer, Socially Disadvantaged, GWW, livestock, Long Leaf Pine Initiative (LLP), National Water Quality Initiative (NWQI), and Wildlife. An additional 40+ applications are approved to be contracted by September 16th.

Conservation Innovation Grant (CIG)

- Funded 3 CIG proposals for \$200,000
 - High Residue Cover Crops for Weed Suppression and Impact on Cash Crop Performance
 - Establishing Native Warm-Season Grass Stands under Grazing
 - Demonstrating Conversion of Wildtype to Novel Endophyte Fescue Pastures for Greater Livestock Performance and Better Environmental Outcomes

Conservation Stewardship Program (CStP)

- 91 contract holders applied for renewal contracts for additional conservation activities
- 29 applications contracted for 13,000 acres allocated out of 81 evaluated

Regional Conservation Partnership Program (RCPP)

- 3 Preproposals were invited to submit full proposals for the current APF due September 19th. Awardees will be announced in January and will begin signup in FY18.
- Current RCPP efforts by award:

Project Name	Award (FA)	Start Year	Contracts	Future Signup
RCPP-DOF	\$940,000	FY15	171	None- All FA Allocated
RCPP-DCR	\$1,450,000	FY16	19	FY17 Year 2
RCPP – NFWF	\$992,000	FY16	8	FY17 Year 2
RCPP – PRISM	\$643,915	FY17	--	FY17 Year 1
RCPP – TNC	\$2,040,000	FY17	--	FY17 Year 1

Agricultural Conservation Easement Program (ACEP)

- We received 5 ALE applications for 1,143 acres and 7 WRE applications for 750 acres. We were able to fund 1 ALE in the Warsaw office on 162 acres for the allocated 1.7 Million and 1 WRE in the Abingdon office on 73 acres for the 400K allocated.
- We are in various states of acquisition on 6 newly enrolled ACEP FY15 applications (2 WRE, 4 ALE) and 4 other prior year easements are in the acquisition process.

- We closed our first ACEP-WRE for 293 acres which is the largest wetland easement to date.

Watershed Rehabilitation Activities

Town of Culpeper – Mountain Run 11 – Plan was authorized on 7/8/16 by the NRCS Chief, distributed to the sponsors and interested public and also posted on the NRCS Virginia website. The design work will move forward with construction scheduled for spring of 2017.

Town of Culpeper – Mountain Run 50 – Plan was authorized on 8/23/16 by the NRCS Chief and information has been distributed. The design work will move forward with construction scheduled for spring of 2017.

Cherrystone Creek 1 and 2A

A Scoping and Public Meeting for both dams was held on June 9, 2016. A Statement of Work and the final costs for the geotechnical investigation services has been obtained. This work should begin in October. The Plan-EA (Environmental Assessment) for the two dams is being developed. A detailed schedule for the completion of both plans will be developed in the near future.

Johns Creek 1

Working on the survey report for the sediment study. A James spiny mussel survey was conducted earlier and the survey found that many of the mussels were present and they were very large in size. We will need to consult with the USFWS and develop a biological assessment for the site.

Upper North River 10 – Todd Lake – Construction Update

The project is complete and the financial close-out is in progress. Augusta County has sent in their in-kind credit information for review. NRCS was providing technical assistance to the District and the Forest Service on some coldwater release issues.

Upper North River 77 Plan – Heartstone Lake

The project is on schedule for construction in FY-17. The design is still being worked on at this time. It will be contracted by Augusta County similarly to the Todd Lake project. Construction should begin next spring.

Outreach

StrikeForce Computer Donations. Coordinated with sister agencies and local staff to donate surplus computers to three schools in target counties for Virginia's StrikeForce for Rural Growth and Opportunity. The team delivered 149 laptop and desktop computers to Wyatt Middle School (Emporia) and Fuqua School (Farmville) in June. An additional 40 machines will be delivered to a Tazewell County school this fall. These donations were made possible through the "Computers for Learning" program that allows agencies to donate surplus equipment to approved, accredited, or licensed schools and nonprofits serving some portion of the pre-kindergarten through grade 12 population.

Veterans Farmers. USDA agencies also helped deliver the Small Business Administration's "Boots to Business" Reboot class for veterans on August 18-19 in Berryville, VA. In addition to facilitating instructor selection for some of the modules, NRCS also participated in the program with Lexington DC Charlie Simmons delivering one of the modules. Disability and Veterans Special Emphasis Program Manager Derek Hancock also attended the program to connect with veterans and assist with the NRCS information booth.

Urban Farming. NRCS Chief Jason Weller will be in Richmond on September 14 for an event to announce our latest partnership project with Tricycle Gardens and Bon Secours. The program will be held at the group's Manchester site and highlight a new initiative with NRCS to develop a curriculum and certification process for urban farmers in Virginia.

Small and Nontraditional Operations. Confirmed Virginia speakers for NRCS oral presentations at the National Small Farm Conference on September 20-22 in Virginia Beach. Six State Office and field employees will attend the meeting to network with attendees and provide support for a combined Virginia StrikeForce and National NRCS exhibit space highlighting locally-led partnerships and organic offerings.

2016 Farmer of the Year. Virginia's Civil Rights Advisory Committee has selected Accomac poultry producer Mohammed Igbal for this year's "Farmer of the Year" award. Igbal has served on the Delmarva Poultry Industry's Board of Directors since 2008 and works with new farmers in his area to help them understand state and federal conservation programs, often accompanying them on their first visits to the Service Center. The presentation will be made at a VSU symposium on Nov. 16 and will include a tribe video.

Earth Team

Reached out to district staff to solicit nominations for 2017 state and national Earth Team awards. NRCS will present state level awards for the outstanding individual volunteer, volunteer group, conservation district, and partnership. Nominations are due by September 23 and the Earth Team Advisory Committee will select state winners at the next quarterly meeting on September 27. Last year, the New River and Eastern Shore SWCDs received state recognition and New River went on to win national recognition.