

Virginia Soil and Water Conservation Board
Thursday, November 16, 2017
Virginia Department of Forestry, Charlottesville, Virginia

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board convened at 10:00 a.m. on Thursday, November 16, 2017 at the Virginia Department of Forestry in Charlottesville, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Richard A. Street, Chair	Stephen Lohr
Barry Marten, Vice Chair	Adam Wilson
Charles Arnason	Clyde E. Cristman, DCR Director, Ex Officio
Gray Coyner	David Kriz for John A. Bricker, NRCS, Ex Officio
Janette Kennedy	

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

Mario Albritton	Cindy Smith
Dr. Bobby Grisso, Virginia Cooperative Extension, Invitee	

DCR STAFF PRESENT

Rochelle Altholz, Deputy Director for Administration and Finance
Darryl Glover, Acting Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management
Michael Fletcher, Board and Constituent Services Liaison
Wendy Howard-Cooper, Acting Director, Dam Safety and Floodplain Management
Stephanie Martin, Soil and Water Conservation District Liaison
Scott Thomas, Regional Dam Safety Engineer
Christine Watlington, Policy and Regulatory Coordinator
Sharon Partee, Finance Director
Melissa Jackson, Budget Manager
Paul Kugelman, Office of the Attorney General

OTHERS PRESENT

Katie Frazier, Virginia Agribusiness Council
David Gunn, Henrico County
Ann Jennings, Chesapeake Bay Commission
Martha Moore, Virginia Farm Bureau Federation
Lucia Street
Greg Wichelns, Culpepper Soil and Water Conservation District
Dr. Arthur Miller

ESTABLISHMENT OF A QUORUM

With seven (7) members of the Board present, a quorum was established.

CALL TO ORDER

Mr. Street called the meeting to order and declared a quorum present.

He introduced new members Chuck Arnason and Adam Wilson. The third new member, Mario Albritton, was not present.

ELECTION OF OFFICERS

Mr. Street passed the gavel to Director Cristman for the purpose of entertaining nominations for Board Chair.

Mr. Lohr nominated Mr. Street to serve as Board Chair. Mr. Coyner moved that the nominations be closed. Mr. Arnason seconded and the motion carried.

Mr. Coyner moved that Mr. Street be named Chair by acclamation. Ms. Kennedy seconded and the motion carried.

Director Cristman passed the gavel back to Chairman Street.

Ms. Kennedy nominated Mr. Marten to serve as Vice Chair of the Board. Mr. Coyner moved that the nominations be closed. Mr. Arnason seconded and the motion carried.

Mr. Coyner moved that Mr. Marten be named Vice Chair by acclamation. Mr. Arnason seconded and the motion carried.

APPROVAL OF MINUTES FROM SEPTEMBER 26, 2017

BOARD ACTION

Mr. Lohr moved that the minutes of the September 26, 2017 meeting of the Virginia Soil and Water Conservation Board be approved as submitted. Mr. Coyner seconded and the motion carried unanimously.

DIRECTOR'S REPORT

Director Cristman asked for a moment of personal privilege and introduced a resolution for the Board's consideration honoring David C. Dowling, former Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management.

Director Cristman read the following resolution:

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

In honor of

David C. Dowling

At a regular meeting of the Virginia Soil and Water Conservation Board held on Thursday, November 16, 2017 at the Virginia Department of Forestry in Charlottesville, Virginia the following resolution was unanimously adopted.

WHEREAS, David C. Dowling served as Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management for the Virginia Department of Conservation and Recreation from May 2015 until his passing on October 30, 2017;

WHEREAS, Mr. Dowling served as Director of Policy and Planning for the Virginia Department of Conservation and Recreation from November 2004 to May 2015;

WHEREAS, Mr. Dowling served as Policy and Planning Manager for the Virginia Department of Conservation and Recreation from November 1999 to November 2004;

WHEREAS, Mr. Dowling served as Policy Analyst for the Virginia Department of Conservation and Recreation for the Virginia Department of Conservation and Recreation from February 1999 to November 1999;

WHEREAS, Mr. Dowling served as Special Projects Biologist for the Virginia Department of Game and Inland Fisheries from April 1996 to February 1999;

WHEREAS, Mr. Dowling served as State District Fisheries Biologist for the Virginia Department of Game and Inland Fisheries from August 1991 to April 1996;

WHEREAS, Mr. Dowling's work was featured in numerous professional and scientific publications;

WHEREAS, Mr. Dowling devoted endless hours towards the conservation and protection of Virginia's natural resources;

WHEREAS, Mr. Dowling was greatly respected by those who knew him;

WHEREAS, the relationships Mr. Dowling built and maintained within the conservation community have been invaluable;

WHEREAS, Mr. Dowling passed from this life on October 30, 2017 after a long and courageous battle with cancer, during which he continued to fulfill his duties as Deputy Director; be it

RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds the life and work of David C. Dowling for his services to the Board, the Department of Conservation and Recreation, the citizens of the Commonwealth of Virginia, and recognizes with gratitude his devotion and commitment to protecting the quality of the land and water resources of the Commonwealth of Virginia.

BOARD ACTION

Mr. Coyner moved that the Board adopt the resolution honoring David C. Dowling as presented by Director Cristman. Mr. Lohr seconded and the motion carried.

Director Cristman thanked the Board. He noted that he had taken the following actions:

- Darryl Glover has been named Acting Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management
- Wendy Howard-Cooper has been named Acting Division Director for Dam Safety and Floodplain Management.
- Christine Watlington has been moved from the Policy Office to the Divisions and will report to the Deputy Director as Policy and Regulatory Coordinator.

Director Cristman noted that the agency had received permission to move ahead with the recruitment process to hire a new Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management.

AUDIT SUBCOMMITTEE REPORT

Chairman Street advised that the Audit Subcommittee met prior to the meeting to review the special audits for New River Soil and Water Conservation District and Big Walker Soil and Water Conservation District. He reported that New River SWCD had met the requirements of the corrective action plan and addressed the findings of the audit.

Chairman Street reported that Big Walker SWCD is still working through some of the issues of concern. The Audit Subcommittee voted to provide Big Walker SWCD until March 1, 2018 to address all outstanding issues of concern. The Audit Subcommittee will review the District progress at their April meeting.

Chairman Street noted that, as Vice Chair of the Board, Mr. Marten will assume chairmanship of the Audit Subcommittee. He further noted that at the December Board meeting he would appoint a third member to the Subcommittee.

WQIF STAKEHOLDER ADVISORY GROUP REPORT

Ms. Watlington reminded the Board that DCR had been tasked with developing two legislative reports through the 2017 Appropriations Act. DCR established two Stakeholder Advisory Groups (SAGs) to address the issues.

The first issue was looking at ways to stabilize funding for agricultural best management practices (BMPs). A copy of that report was provided to members and is available on line at the following link: <https://rga.lis.virginia.gov/Published/2017/RD84>

Ms. Watlington noted key recommendations.

1. There was a consensus of the group around the concept of establishing a base funding amount of \$35 million per year for agricultural BMP funding. This amount should be increased for

inflation and as needs increase. There was no consensus from the SAG regarding the source of this funding.

2. Currently there is a recordation tax of \$20 on each property sold within the Commonwealth. One half of that \$20 is deposited into the Virginia Natural Resources Commitment Fund with the remaining \$10 placed in the State General Fund. The SAG recommended that the second \$10 also be deposited into the WQIF Reserve Fund so that a balance could be maintained and a reserve developed for years when no surplus funds are available to deposit.
3. The SAG agreed that providing adequate funding for Soil and Water Conservation Districts for administration, operations, and for technical assistance but could not come to consensus regarding a funding source.

Director Cristman noted that while the SAG did not reach an ultimate solution the discussion was beneficial. He also advised that a presentation would be made to the Senate Finance Committee the following day regarding the Chesapeake Bay and partnerships within the Bay. The discussion regarding funding will carry into the General Assembly Session.

RMP STAKEHOLDER ADVISORY GROUP REPORT

Ms. Watlington advised that the second report was regarding how to increase implementation of Resource Management Plans. A copy of that report was distributed to members and is available at the following link: <https://rga.lis.virginia.gov/Published/2017/RD353>

Ms. Watlington noted that, while the SAG met three times, there is considerable confusion regarding the program. The program has made significant progress, but there is much that can be done.

Recommendations were:

1. For the purposes of discussion, the work of the SAG should continue even if there is no legislative mandate.
2. The SAG would like to develop a communications plan that would provide more unified marketing and educational activities and materials for all stakeholders.
3. The Department and the Board should review the financial incentives that are currently offered for any unanticipated hindrances to RMP implementation.
4. DCR should look at the regulations to see if there are some administrative efficiencies that would assist producers with implementation and certification.

Mr. Coyner noted that not every agricultural operation will be able to use an RMP. He also advised that the financial incentives for Districts should be continually reviewed.

Director Cristman responded that the issue of RMPs has been factored into the District Budget Template. He noted that while there had been approximately 400 RMPs written, only a handful have been certified. Some of the plans may require structural practices that require cost-share funding, which could delay implementation. The program started in 2014 and is still somewhat new. DCR will continue to monitor and work with the SAG in an informal capacity.

DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION REPORT

Guidance Document on Dam Break Inundation Zone Modeling and Mapping Procedures

Ms. Watlington noted that DCR has been attempting to standardize issues with regards to Dam Safety to develop consistency in the regions. This guidance document is part of that process.

She advised that there were some questions with regard to storm events, duration of storms, and other technical issues regarding mapping. The guidance document applies to dam break inundation zone mapping used to determine hazard classifications.

Ms. Watlington reviewed the draft changes in the guidance document.

BOARD ACTION

Mr. Coyner moved that the Board approve the revisions to the Guidance Document on Dam Break Inundation Zone Modeling and Mapping Procedures as presented by staff. Mr. Lohr seconded and the motion carried.

The revised document is available at this link: <http://www.dcr.virginia.gov/dam-safety-and-floodplains/dcrdsdocs>

SOIL AND WATER CONSERVATION DIVISION REPORT

Division Update

Mr. Glover presented the following written report:

Members of the Virginia Soil and Water Conservation Board, please accept this Soil and Water Conservation Division Report.

Resource Management Plan Certification

Pursuant to the work of the Resource Management Plan (RMP) Stakeholder group, the Department is implementing incentives to increase the number of certified RMPs. Certification payments, via the RMP-2 practice, are being prioritized over additional RMP development (RMP-1), from July 2017 – December 2017. Although RMP development will not be interrupted, the next round of RMP contracts within the Chesapeake Bay watershed, issued during calendar year 2018, will emphasize RMP certification. RMP operational support payments will be established for Soil and Water Conservation Districts to help cover their costs to perform RMP certification inspections. Most importantly, for fiscal year 2019, which begins July 2018, the Department will propose for approval by this Board, and with the support of the Agricultural BMP Technical Advisory Committee, to amend the BMP specification for RMP-2, to ensure payments can only go to participating farmers who achieve RMP certification. Other recommendations in the legislative report may result in additional incentives to promote RMP certification.

BMP Verification Project

Twenty-eight Soil and Water Conservation Districts, within the Chesapeake Bay watershed, have been offered voluntary supplemental grant agreements to re-inspect nearly 1,800 selected agricultural best

management practices whose pollution reduction credit lifespans either have, or will, expire from 2016 – 2019. DCR has obtained grant funding from the Environmental Protection Agency (EPA) to compensate Districts for this project. A similar project was first conducted two years ago, for agricultural BMPs with end of lifespans that ended from 2010 - 2015. Under the Chesapeake Bay Program's Phase 6 Model, every BMP, for every sector, must be re-inspected to ensure it continues to function properly. In return, EPA will extend BMP pollution reduction credit lifespans.

To assist Districts with this project, DCR-DSWC held two web-based training sessions on November 7th and 8th, to inform Districts about the new DCR BMP Verification Computer Module, including a new mobile application they can use when they conduct these and future BMP verifications.

Nutrient Management

The Department has made considerable progress, since the Board's meeting in September, with the remaining golf courses that need to obtain a nutrient management plan. The number who have been unresponsive has fallen from a few dozen to only five. These five were recently mailed a follow-up letter, this time to the golf course owners, instead of the superintendents, notifying them about the requirements in state law. The other golf courses, that did not obtain a nutrient management plan by the June 30, 2017 deadline, as required by state law, are either working with contractors the Department has made available, or have provided adequate documentation that resolves all concerns.

Jonathan Wooldridge has been hired as a Nutrient Management Specialist in the DCR Christiansburg Regional Office. He will cover an area from Albemarle County (Charlottesville area) south to the Virginia – North Carolina state line. In addition to both growing up on and currently living on a livestock agricultural operation, Jonathan has considerable experience promoting agricultural conservation to other farmers at Robert E. Lee Soil and Water Conservation District. His first day at DCR was on October 25.

Information Technology Security Awareness Training

To enhance Information Technology (IT) security awareness, and the safe handling of the data management through the Department's Conservation Application Suite, e.g. Ag BMP Tracking System, the Department has made the same IT security training available to Districts, free-of-charge, that all staff at the Department are required to take. Feedback about the content of this on-line class has been positive. Any District staff who use any DCR computer application should complete this training by December 30, 2017. It will be offered to Districts annually, each November – December, and will be included in future Administration and Operations grant agreements.

DISTRICT DIRECTOR RESIGNATIONS AND APPOINTMENTS

Ms. Martin presented the District Director Resignations and Appointments.

Lonesome Pine

Resignation of Lance Hill, Dickinson County, effective October 11, 2017, elected director position (term of office expires 1/1/20).

Appointment of Harry Lee Strouth, Dickinson County, to fill the unexpired term of Lance Hill (term of office expires 1/1/20).

BOARD ACTION

Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve the SWCD Director Appointments as presented by staff. Mr. Wilson seconded and the motion carried.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Director Cristman presented the following resolutions for Board consideration.

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

Presented to

Daphne W. Jamison

At a regular meeting of the Virginia Soil and Water Conservation Board held on Thursday, November 16, 2017 at the Virginia Department of Forestry in Charlottesville, Virginia the following resolution was unanimously adopted.

WHEREAS, Daphne W. Jamison was appointed by Governor Timothy M. Kaine to serve as a member of the Virginia Soil and Water Conservation Board from 2009 through 2013;

WHEREAS, Mrs. Jamison was reappointed by Governor Robert F. McDonnell to serve as a member of the Virginia Soil and Water Conservation Board from 2013 through 2017;

WHEREAS, Mrs. Jamison served as Chair of the Virginia Soil and Water Conservation Board from December 2015 through October 2017;

WHEREAS, Mrs. Jamison was elected a Director of the Blue Ridge Soil and Water Conservation District in 1975 and has served continuously since that time;

WHEREAS, Mrs. Jamison served as Chair of the Blue Ridge Soil and Water Conservation District from 1982-1984, from 1994-1997, and from 2003 to the present;

WHEREAS, Mrs. Jamison has served as Treasurer of Area V of the Virginia Association of Soil and Water Conservation Districts;

WHEREAS, Mrs. Jamison served as Second Vice Chair of the Virginia Association of Soil and Water Conservation Districts in 1997; and

WHEREAS, Mrs. Jamison served as President of the Virginia Association of Soil and Water Conservation Districts from 2001-2002; be it

RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds Daphne W. Jamison for her services to this Board and extends its sincere appreciation and gratitude for her contributions and dedication to protecting the quality of the land and water resources of the Commonwealth.

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

Presented to

Jerry L. Ingle

At a regular meeting of the Virginia Soil and Water Conservation Board held on Thursday, November 16, 2017, at the Virginia Department of Forestry in Charlottesville, Virginia the following resolution was unanimously adopted.

WHEREAS, Jerry L. Ingle of Jonesville, Virginia was appointed by Governor Timothy M. Kaine to serve as a member of the Virginia Soil and Water Conservation Board from 2009 through 2010;

WHEREAS, Mr. Ingle was reappointed by Governor Robert M. McDonnell to serve as a member of the Virginia Soil and Water Conservation Board from 2010 through 2014;

WHEREAS, Mr. Ingle was reappointed by Governor Terry R. McAuliffe to serve as a member of the Virginia Soil and Water Conservation Board from 2014 through 2018;

WHEREAS, Mr. Ingle served as an Associate Director for the Daniel Boone Soil and Water Conservation District for 10 years;

WHEREAS, Mr. Ingle served as a Director of the Daniel Boone Soil and Water Conservation District for 6 years;

WHEREAS, Mr. Ingle served as Chair of the Daniel Boone Soil and Water Conservation District; and

WHEREAS, Mr. Ingle served as Area IV Chairman of the Virginia Association of Soil and Water Conservation Districts; be it

RESOLVED that the Virginia Soil and Water Conservation Board recognizes and applauds Jerry L. Ingle for his services to this Board and extends its sincere appreciation and gratitude for his contributions and dedication to protecting the quality of the land and water resources of the Commonwealth.

BOARD ACTION

Mr. Gray moved that the Board approve the resolutions honoring Daphne W. Jamison and Jerry L. Ingle as presented by staff. Ms. Kennedy seconded and the motion carried.

PUBLIC COMMENT

Ms. Jennings called Board member attention to a policy report issued by the Chesapeake Bay Commission on the importance of agricultural technical assistance, who provides that technical assistance, and what is needed. The report was guided by a number of experts. She noted that the report also calls attention to the fact that funding has fluctuated through the years. She provided members with copies of the report.

UPDATE ON CONSULTING COMMITTEE EVALUATION OF THE USED OF HYDROTURF™

Ms. Watlington introduced Dr. Arthur Miller who chaired the consulting committee regarding the use of HydroTurf™. Dr. Miller is a national recognized expert in hydrology, hydraulic engineering, dam safety, and water resource management. He regularly teaches courses for the National Highway Institute, Association of Dam Safety Officials, Federal Regulatory Commission, and the Federal Emergency Management Agency.

Dr. Miller reviewed the charge to the consulting committee:

The Committee was charged with fully evaluating HydroTurf™ (synthetic turf with a cementitious infill) for dam overtopping protection, particularly in situations where it is being recommended in order to meet required spillway design flood requirements. The Committee was asked whether this product may be safely and uniformly used in a consistent manner in the Commonwealth.

Dr. Miller noted that the other two members of the consulting committee were:

Dr. Jorge Zornberg, Professor of Geotechnical Engineering at the University of Texas at Austin, and Amanda J. Hess, Hydrology and Hydraulics Group Manager and Senior Project Engineer, Dams and Hydraulics Section for Gannett Fleming, Inc.

The Consulting Committee held a two-day meeting in Richmond on September 28 and 29, 2017.

Provided in Board member materials were the reports generated by the Committee including a summary of findings and recommendations of the Consulting Committee. Also provided was a letter with comments from WatershedGeo, the manufacturer of HydroTurf™.

Dr. Miller noted that the Committee offered the following recommendation:

The Committee recommends that the use of HydroTurf™ be accepted as part of rehabilitation designs for existing dams in the Commonwealth of Virginia for dam overtopping protection particularly in situations where it is being recommended in order to meet required spillway design flood requirements. The recommendation is intended to be technically valid without regard to the hazard classification of the dam. A number of conditions and engineering protocols, as listed in Section 4 of the Committee's report, should be followed in order to achieve a system that is protective of public safety, durable, and reliable.

Mr. Gunn from Henrico County Public Works noted that the County would like to make use of HydroTurf™ in the renovation of a 60-year-old dam. He noted that the dam has a road that crosses it and thus classifies the dam as high hazard. The use of HydroTurf™ would mean a considerable savings in time and expense for the County.

Director Cristman advised that the Code of Virginia allows the Board to adopt regulations and that the regulatory process typically takes at least eighteen months. The development and approval of a guidance document by the Board would allow dam owners to proceed with the use of this product under alteration permits.

BOARD ACTION

Mr. Coyner moved that the Virginia Soil and Water Conservation Board accept the report of the Consulting Committee and direct DCR staff to move forward with the development of the appropriate guidance document to be presented in draft form at the December 6, 2017 meeting of the Board. Mr. Lohr seconded and the motion carried.

Director Cristman advised that staff would begin work on the draft guidance document. He noted that the intent would be to have the document substantially complete at the December 6, 2017 meeting but that final approval may need to be at the March, 2018 meeting.

PUBLIC COMMENT

Mr. Gunn thanked the Board for addressing the issue and for their consideration for use of the HydroTurf™ product. He noted that the County looks forward to the development of the guidance document and approval to proceed.

NEXT MEETINGS

The next meeting of the Board will be at 9:00 a.m. on Wednesday, December 6, 2017 at the Portsmouth Renaissance Hotel following the conclusion of the Annual Meeting of the Virginia Association of Soil and Water Conservation Districts.

The Board will also meet in March, April, and May, 2018 with exact dates to be determined.

ADJOURN

There was no additional business and the meeting adjourned at 12:00 p.m.

Respectfully submitted,

Richard A. Street
Chair

Clyde E. Cristman
DCR Director