

**Virginia Soil and Water Conservation Board  
Wednesday, December 6, 2017  
The Portsmouth Renaissance Hotel  
Portsmouth, Virginia**

**TIME AND PLACE**

The meeting of the Virginia Soil and Water Conservation Board convened at 9:00 a.m. on Wednesday, December 6, 2017, at the Portsmouth Renaissance Hotel in Portsmouth, Virginia.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT**

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|--------------------------|--|
| Richard A. Street, Chair | Stephen Lohr                                     |
| Mario Albritton          | Cindy Smith                                      |
| Chuck Arnason            | Clyde Cristman, DCR Director, Ex Officio         |
| Gray Coyner              | Keith Boyd for John A. Bricker, NRCS, Ex Officio |
| Janette Kennedy          | Dr. Bobby Grisso, VCE, Invitee                   |

**VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT**

|                          |             |
|--------------------------|-------------|
| Barry Marten, Vice Chair | Adam Wilson |
|--------------------------|-------------|

**DCR STAFF PRESENT**

Rochelle Altholz, Deputy Director for Administration and Finance  
Darryl Glover, Acting Deputy Director for Soil and Water Conservation and Dam Safety and Floodplain Management  
Jim Echols, Western Area Manager  
Michael Fletcher, Board and Constituent Services Liaison  
Mark Hollberg, Conservation District Coordinator  
Wendy Howard-Cooper, Acting Director, Dam Safety and Floodplain Management  
Melissa Jackson, Budget Manager  
Lisa McGee, Director of Policy and Planning  
Gary Moore, Ag Incentives Program Manager  
Amanda Pennington, District Engineering Services Manager  
Carl Thiel-Goin, Conservation Planning and Training Coordinator  
Scott Thomas, Regional Dam Safety Engineer  
Amy Walker, Conservation District Coordinator  
Christine Watlington, Policy and Regulatory Coordinator  
Aaron Wendt, Shoreline Engineer  
Matthew Gooch, Office of the Attorney General

**OTHERS PRESENT**

Arielle Brown, VAFB  
Rick Brown, Halifax SWCD  
Anne Coates, Thomas Jefferson SWCD  
Sharon Connor, Hanover-Caroline SWCD  
Pete Framer, New River SWCD  
Giannina Frantz, VASWCD  
Daphne Jamison, Blue Ridge, SWCD  
Bob Lund, Colonial SWCD

Darryl Marshall, VDACS  
Charles Newton, Shenandoah Valley SWCD  
Dr. Kendall Tyree, VASWCD  
Greg Wichelns, Culpeper SWCD

**ESTABLISHMENT OF A QUORUM**

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

**CALL TO ORDER**

Chairman Street called the meeting to order at 9:00 a.m. and asked for introductions.

**APPROVAL OF MINUTES FROM NOVEMBER 16 2017**

**BOARD ACTION**

Mr. Lohr moved that the minutes from the November 16, 2017 meeting of the Virginia Soil and Water Conservation Board be approved as submitted. Mr. Coyner seconded and the motion carried.

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

Director Cristman commended Dr. Tyree for a successful Annual Meeting of the Virginia Association of Soil and Water Conservation Districts.

Director Cristman reported that DCR would be accepting applications for the position of Deputy Director for Soil and Water Conservation and Dam Safety and Floodplain Management through December 15, 2017. He noted that during the interim, Mr. Glover was serving both as Acting Deputy and the Director of the Division of Soil and Water Conservation. Ms. Howard-Cooper is currently serving as Acting Director of the Division of Dam Safety and Floodplain Management.

Director Cristman also reported that Stephanie Martin would be retiring at the end of the year.

**PARTNER REPORTS**

Chairman Street made an adjustment to the Board agenda and called for partner reports.

*Virginia Association of Soil and Water Conservation Districts*

Ms. Frantz announced that she was the newly elected Second Vice President of the Association. She thanked Board members and staff for attending the Annual Meeting and expressed that the Association looks forward to a continued working relationship.

*Virginia Department of Agriculture and Consumer Services*

Mr. Marshall provided an update regarding Cullers LLC and the Agricultural Stewardship appeal heard by the Board at the September meeting. He indicated that DCR and VDACS had been advised that the appellant was no longer operating a cattle operation on the property. While the information has been communicated to DCR, the owner needs to work with VDACS in that regard. Mr. Marshall will provide an update at a subsequent meeting of the Board.

*Virginia Cooperative Extension*

Dr. Grisso advised that he had no additional report. He thanked the Board for the opportunity to participate.

*Natural Resources Conservation Service*

Mr. Boyd noted that December 5, 2017 was World Soils Day.

Mr. Boyd advised that a continual concern for NRCS is staffing. Many seasoned employees were retiring and filling these vacant positions will be a challenge.

Director Cristman noted that there was an announced reorganization at the U.S. Department of Agriculture. He asked that the Board be updated at subsequent meetings regarding how this might impact working relationships between the Board, DCR, and NRCS.

**DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION REPORT**

*Guidance Document regarding the use of HydroTurf™ - Christine Watlington*

Ms. Watlington reviewed the draft guidance document regarding HydroTurf™. She noted comments had been received from the manufacturer and from Dr. Christopher Thornton. She advised that the draft guidance document reflected the recommendations from the consulting committee that were presented to the Board at the November 16, 2017 meeting.

Ms. Watlington noted that the document establishes the guidance for the DCR Director to follow when approving the use of HydroTurf™. She advised that this document applies recommended conditions on the use of HydroTurf™.

Mr. Coyner asked if this would address engineering and installation of the product.

Ms. Watlington responded that the Director will approve the use of the product, but that the dam owner would still need to apply for an alteration permit. That permit will provide a time table and schedule for the installation of the product and would address any concerns with each individual dam.

Director Cristman noted that, at this time, HydroTurf™ was the only product of this type available for use. The guidance document is specific to that product. If other products come along in the future, each product will need to be addressed on an individual basis. He advised that a guidance document can be amended as necessary.

Director Cristman noted that staff was seeking a motion to approve the draft guidance document with the provision to include the additional comments provided for clarification.

**BOARD ACTION**

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the document titled "Virginia Soil and Water Conservation Board Guidance Document on the use of Overtopping Protection

Systems on Existing Dams” with the understanding that clarifying comments would be added as discussed. Mr. Lohr seconded and the motion carried.

*Dam Safety Grants – Wendy Howard-Cooper*

Ms. Howard-Cooper reviewed the draft 2018 Grant Manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund. She noted the intent is to publish the document on February 9, 2018 for the next grant round which will be in the amount of \$900,000. That amount includes unused funding returned from previous grant rounds.

Ms. Howard-Cooper noted that the only significant change from the 2017 manual was a clarification of flood prevention and protection categories on page 7 of the draft.

Ms. Howard-Cooper also noted a change in Appendix C with regard to development upstream or downstream.

Mr. Coyner expressed a concern regarding the use of the term “development.” He noted that there was not a clearly defined use of the term. He suggested the use of “industrial and residential” development and noted that development could, at times, mean a change from agricultural use.

**BOARD ACTION**

Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve the draft 2018 Grant Manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as presented by staff and that staff be given the latitude to address concerns expressed by the Board. Mr. Arnason seconded and the motion carried.

*Revisions to the Guidance Document on Agricultural Exemption Requirements – Christine Watlington*

Ms. Watlington noted that there had been concerns regarding the use of agricultural purpose dams and associated exemptions under the law. DCR staff conferred with the Office of the Attorney General in this regard. The guidance document states that while a dam may be operated for agricultural use; the dam is not exempt from construction standards. Dams must still be developed and constructed according to the regulations. Once the dam meets those requirements, the owner may apply for the agricultural exemption.

Director Cristman suggested that action be deferred until staff had time to confer with the Virginia Farm Bureau and the Virginia Agribusiness Council. The item would be part of the Board’s March meeting agenda.

**BOARD ACTION**

Mr. Coyner moved that the Virginia Soil and Water Conservation Board defer action regarding the Guidance Document on Agricultural Exemption Requirements to the March, 2018 meeting. Ms. Kennedy seconded and the motion carried.

**SOIL AND WATER CONSERVATION DIVISION**

*Division Staffing – Darryl Glover*

Mr. Glover noted that in addition to the Deputy Director vacancy and Ms. Martin retiring, the Division has several other vacancies. The department re-advertised for the position of grant manager. An additional agricultural engineer position will be funded from the the DuPont Settlement.

Director Cristman noted that Governor McAuliffe would be making a significant announcement with regard to the DuPont Settlement on Friday, December 8. This will include significant land conservation projects in and around the City of Waynesboro.

Mr. Glover presented the following resolution for the Board's consideration.

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

In honor of

**Stephanie L. Martin**

At a regular meeting of the Virginia Soil and Water Conservation Board held on Wednesday, December 6, 2017, at the Renaissance Portsmouth-Norfolk Waterfront Hotel in Portsmouth, Virginia, the following resolution was unanimously adopted.

WHEREAS, Stephanie L. Martin served as Soil and Water Conservation District Liaison for the Virginia Department of Conservation and Recreation from November 2007 until December 2017;

WHEREAS, Mrs. Martin served as Assistant Agricultural Incentives Program Manager for the Virginia Department of Conservation and Recreation from March 2006 to November 2007;

WHEREAS, Mrs. Martin served as District Study Coordinator for the Virginia Department of Conservation and Recreation from April 2005 to July 2005;

WHEREAS, Mrs. Martin served as Executive Director of the Virginia Association of Soil and Water Conservation Districts from June 1999 to February 2005;

WHEREAS, Mrs. Martin served as District Manager and Conservation Specialist for the Hanover-Caroline Soil and Water Conservation District from January 1985 to May 1999;

WHEREAS, Mrs. Martin devoted endless hours towards the conservation and protection of Virginia's natural resources; be it

RESOLVED that the Virginia Soil and Water Conservation Board commends Stephanie L. Martin for her services to the Board, the Department of Conservation and Recreation, the citizens of the Commonwealth of Virginia, and recognizes with gratitude her devotion and commitment to protecting the quality of the land and water resources of the Commonwealth of Virginia.

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the resolution honoring Ms. Stephanie Martin as presented. Mr. Lohr seconded and the motion carried.

*Conservation Planning Program Update – Carl Thiel-Goin*

Mr. Thiel-Goin gave an update regarding the Conservation Planning Program. At the December 2016 meeting, the Board approved a motion for DCR to move ahead with the development of a program. Since that time a Stakeholder Advisory Group met four times to identify resource considerations and responsible partner agencies. DCR staff also created planning documents and developed associated training requirements for certification as well as recertification.

Mr. Thiel-Goin noted that certification courses will be available on the Commonwealth Learning Center. It is anticipated that specific courses will be available beginning in March, 2018.

Mr. Thiel-Goin presented two documents for Board consideration regarding initial certification and contact hours necessary for certification.

Director Cristman noted that concerns had been expressed but that he wanted to provide assurance that this program was not intended to lessen the importance of the NRCS conservation planning program. The DCR program will allow staff at the District level to process state cost-share funds and state tax credit requests. DCR will continue to work with NRCS and will continue to recognize NRCS certification.

BOARD ACTION

Mr. Lohr moved that the Virginia Soil and Water Conservation Board approve the certification documents for the DCR conservation planning program as presented by staff. Mr. Albritton seconded and the motion carried.

*Ag BMP TAC Recommendations Regarding Horse BMP Cost Share – Darry Glover*

Mr. Glover noted that at the November meeting staff had presented a letter from the Association Area II Chair on behalf of districts in Area II. The districts asked DCR and the Board to consider whether cost-share funds can be made available for recreational equine operations. This issue was discussed by the Virginia Agricultural BMP Technical Advisory Committee (TAC) at their October meeting.

The TAC could not come to consensus regarding carving out a fund to address residential equine water quality issues. Instead, the TAC supports inclusion of equine water quality measures in the Virginia Conservation Assistance Program (VCAP), which is administered by the Virginia Association of Soil and Water Conservation Districts.

Director Cristman advised that the Virginia Farm Bureau is opposed to using cost-share for equine purposes. He noted that there is not enough funding to meet all of the needs. He added that Fairfax County allows three horses per acre.

Dr. Tyree noted that there is currently no funding for equine cost share through VCAP.

Ms. Connor noted that the Hanover-Caroline SWCD had been able to apply for grants to address equine issues. She advised that often having a small amount of funding to offer can provide an opportunity to talk with horse owners about adopting the necessary practices to improve water quality.

DCR staff will prepare a letter of response for Chairman Street's signature.

*Guidance Document on Engineering Job Approval Authority – Amanda Pennington*

Ms. Pennington reviewed the draft document. She noted that NRCS previously provided this service but has not offered job approval authority since October 2013. As of January 1, 2018, DCR will no longer be recognizing previously grandfathered job approval authority.

Ms. Pennington has reviewed 39 of 47 districts. She also noted that she had met with the Board of the Department of Professional and Occupational Regulations (DPOR) and presented the proposed program. The DPOR Board did not believe that this program would fall under their regulations regarding professional engineering licensing.

BOARD ACTION

Mr. Arnason moved that the Virginia Soil and Water Conservation Board approve the document titled "Virginia Soil and Water Conservation Board Guidance Document on Engineering Job Approval Authority Procedures" as presented by staff. Mr. Coyner seconded and the motion carried.

*List of Ag BMP TAC Issues – Gary Moore*

Mr. Moore addressed a list of proposed changes to the 2019 VACS Manual. He noted that most of the changes were issues of clarification identified by field staff. He advised that this list was for the Board's information and review. A list of potential actions will be brought before the Board at the March meeting.

The proposed changes are as follows:

Policies:

1) Pg. 19: Allow WP-4C to be built adjacent to and simultaneously with a \$70,000 WP-4 cap practice

Guidelines:

2) Pg. II-7: RMP SAG recommendation: Edit priority consideration; to further clarify priority given to BMPs in RMPs

3) Pg. II-12 8: Clarify relationship of VACS and federal conservation programs

4) Pg. II-13 last: Address cultural resources reviews

5) Pg. II-19, 2: Remove Emergency Watershed Protection Program, this program focused on drought and flood relief not water quality

6) Pg. II-20, 3) Clarify maximum amount of cost-share is based upon the cost-share rate in the BMP specification

7) Pg. II-20, 8: Clarify that issuance of a tax credit requires retaining application documentation

8) Pg. II-20 10: Clarify that "other professional services" (such as cultural resources review by private vendors) may be included in the cost-share calculation

- 9) Pg. II-25, 1: Add language to allow second carryover when approved by DCR, primarily for "SL-6 Pending" practices
- 10) Pg. II-71-73, Edit Spot Check Procedures and form to reflect EPA required verification procedures

BMP Specifications: (Based upon existing TAC recommendations)

- 11) CCI-FRB-1 Continuing Conservation Initiative Forested Riparian Buffer, change rate from \$100/acre to \$200/acre, remove reference to DOF Forestry BMPs for Water Quality in Virginia, technical manual
- 12) FR-1, Afforestation of Crop, Hay and Pastureland, remove reference to DOF Forestry BMPs for Water Quality in Virginia, technical manual
- 13) FR-3, Woodland Buffer Filter Area, remove reference to DOF Forestry BMPs for Water Quality in Virginia, technical manual
- 14) LE-2, Livestock Exclusion with Reduced Setback, clarify that intermittent springs and seeps are being protected by exclusion fence
- 15) NM-1A Nutrient Management Plan Writing and Revisions (Annual), edit to clarify 12 month period, zero is an application rate, and participant must submit application records
- 16) NM-5N Precision Nutrient Management of Nitrogen on Cropland, clarify when 12 month period starts and modify to include zero as an application rate
- 17) RMP-2, RMP SAG Recommendation: Resource Management Plan Implementation, edit to remove ability to pass through costshare payment
- 18) SL-1 Long Term Vegetative Cover on Cropland, modify to make 5 or 10 year contract only Page 2 of 2
- 19) SL-1 Long Term Vegetative Cover on Cropland, WQ-1 Grassed Filter Strips, WP-3 Sod Waterway, WQ-4 Legume Cover Crop, edit to require NMP on file with District before cost-share payment can be issued
- 20) SL-6 Stream Exclusion with Grazing Land Management, clarify that intermittent springs and seeps are being protected by exclusion fence
- 21) SL-8B Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management, remove one year exemption to implement BMP without having a Nutrient Management Plan to require when initially implemented
- 22) WP-1 Sediment Retention, Erosion or Water Control Structures, add latest NRCS standards, engineering workgroup recommendation
- 23) WP-2 Stream Protection, clarify that intermittent springs and seeps are being protected by exclusion fence
- 24) WP-4 Animal Waste Control Facility, require consideration of all existing waste storage when calculating volume of cost-share facility and allow WP-4C composting bins to be simultaneously constructed under the same roof or attached to the WP-4 within the WP-4 \$70K cap
- 25) WP-4C Composting Facilities, modify WP-4C to allow cost-share funding on drum composters

Tax Credit:

- 26) Pg. VI-17 & 18: Clarify implementation guidance and eligible equipment criteria for both Precision Ag. Equipment and Conservation Tillage Equipment tax credits

CREP:

- 27) Pg. VI -3 clarify that SWCD Boards must approve and sign CREP contract part II

Glossary:

- 28) Pg. VIII – 2 Definition of Engineering Job Approval Authority, remove reference to NRCS EJAA

*Small Dam Repairs Project – Amanda Pennington*

Ms. Pennington reviewed the FY2018 Project Funding Recommendations for the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund. DCR had previously established a prioritization system for funding as requests consistently exceed available funds.

Ms. Pennington reported that there were 29 applications for funding in 2018. DCR staff recommended funding for 25 of those projects. One goal of the project is to have all 104 district owned dams operating gates on a regular basis.

**BOARD ACTION**

Mr. Lohr moved that the FY 2017 Project Funding Recommendations for the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund be approved as submitted by staff. Mr. Coyner seconded and the motion carried.

*District Director Resignations and Appointments – Darryl Glover*

Mr. Glover presented the following resignations and appointments.

**Blue Ridge**

Resignation of G. Dan Pace, Henry County, effective December 31, 2017, at-large appointed director position (term of office expires 1/1/19).

Appointment of Byron Brooks, Franklin County, to fill the unexpired term of G. Dan Pace, (term of office expires 1/1/19).

**John Marshall**

Resignation of Mary Lou Trimble, Fauquier County, effective January 1, 2018, at-large appointed director position (term of office expires 1/1/19).

Appointment of Howard Grove, Fauquier County, to fill the unexpired term of Mary Lou Trimble (term of office expires 1/1/19).

**BOARD ACTION**

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

**OLD BUSINESS**

Mr. Fletcher advised that the letters to the Districts reviewed by the Audit Subcommittee had been sent.

**NEW BUSINESS**

There was no new business.

**PUBLIC COMMENT**

Mr. Lund from the Colonial SWCD told the Board that the issue of horses and funding remains a concern for his district. He noted that one county in his area has a zoning ordinance that allows seven horses per acre. The District is working with localities and hopes to develop a program to secure local funding to address these concerns. He noted that cost-share funding would be very helpful to districts.

Ms. Connor from the Hanover-Caroline SWCD mentioned that in prior years DCR had offered innovative BMP grants. She suggested that this type of grants could be used for a model horse farm.

Director Cristman suggested that DCR open a dialogue with the Virginia Horse Council and with Virginia Cooperative Extension. Staff will consider the matter and would report back to the Board at subsequent meetings.

Ms. Coates from the Thomas Jefferson SWCD noted that many people in her district have horses but do not have access to the Internet. Informational materials provided on the Internet were not always the most effective way to educate people. She advised that funding for educational purposes would be beneficial.

Mr. Glover noted that the Department continues to work with Virginia Cooperative Extension and will conduct educational workshops for horse owners in 2018, similar to the "Healthy Lands for Healthy Horses" project in 2017. Mr. Coyner replied that this earlier project was well received.

#### **NEXT MEETINGS**

The Board will meet in March, April, and May of 2018. DCR staff will work with Board members, as well as Association staff, to coordinate meeting dates that avoid area meetings and local district board meetings.

#### **ADJOURN**

There was no further business and the meeting adjourned at 10:29 a.m.