

**Virginia Soil and Water Conservation Board
Thursday, September 23, 2021, 10:00 a.m.
Drury Plaza Hotel, Richmond, Virginia**

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board took place at 10:00 a.m. on Thursday, September 23, 2021 at the Drury Plaza Hotel in Richmond, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Charles A. Arnason, Chair
Adam D. Wilson, Vice-Chair
Charles Newton
Pamela Mason
Dr. Stephen Hill
Clyde E. Cristman, DCR Director, Ex Officio

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

Jay C. Ford
Kay Maybury
Dr. Dahlia O'Brien
Dr. Edwin M. Martinez, NRCS, Ex Officio

DCR STAFF PRESENT

Darryl Glover, Deputy Director for Soil and Water Conservation/Dam Safety and Floodplain Management
Wendy Howard Cooper, Director, Division of Dam Safety and Floodplain Management
Christine Watlington Jones, Policy and Regulatory Coordinator
Michael Fletcher, Board and Constituent Services Liaison
Blair Gordon, SWCD Liaison
Lisa McGee, Director of Policy
Aaron Wendt, Shoreline Erosion Engineer
Dan Ingersoll, OAG

OTHERS PRESENT

Richard Chaffin, VASWCD
Sharon Connor, Hanover Caroline SWCD
Daphne Jamison, Blue Ridge SWCD
Stephanie Powell, Virginia Farm Bureau
Kyle Shreve, Virginia Agribusiness Council
Dr. Kendall Tyree, VASWCD

ESTABLISHMENT OF A QUORUM

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

CALL TO ORDER AND INTRODUCTIONS

Chairman Arnason called the meeting to order at 10:00 a.m.

BOARD OFFICER ELECTIONS

Chairman Arnason turned the gavel over to Mr. Wilson for the purpose of electing a Board Chair.

Election of Board Chair

Mr. Newton nominated Mr. Arnason to serve another term as Board Chair. Ms. Mason seconded.

There were no further nominations and the motion carried with Mr. Arnason abstaining.

Mr. Wilson turned the gavel back to Chairman Arnason.

Election of a Board Vice-Chair

Ms. Mason nominated Mr. Wilson to serve another term as Board Vice-Chair. Mr. Newton seconded.

There were no further nominations and the motion carried with Mr. Wilson abstaining.

APPROVAL OF MINUTES FROM MAY 20, 2021

Chairman Arnason noted that clerical corrections had been made to the original version provided to members. A corrected copy was emailed prior to the meeting.

BOARD ACTION

Mr. Arnason moved that the minutes of the May 20, 2021 virtual meeting of the Virginia Soil and Water Conservation Board be approved as amended.

Mr. Wilson seconded and the motion carried unanimously.

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

Director Cristman gave the DCR Director's report.

Director Cristman reported that Governor Northam had recently appointed Ann Jennings to be the next Secretary of Natural and Historic Resources. Secretary Jennings was previously with the Chesapeake Bay Foundation and the Chesapeake Bay Commission prior to serving as Deputy Secretary.

Director Cristman asked the Board to join him in honoring the life of William Tayloe Murhpy, Jr. who recently passed. Mr. Murphy was a member of the House of Delegates for several years. He was the patron of the 1996 Water Quality Improvement Act as well as the Chesapeake Bay Preservation Act. He served as Secretary of Natural Resources during the Warner Administration.

Director Cristman noted that it was fitting to be at the meeting to report that the WQIA fund, which Mr. Murphy championed, has provided the Department and the Board with an unprecedented deposit of \$312 million dollars. The Board will address the disposition of these funds at the spring meetings.

Director Cristman asked that the Board adjourn the meeting in honor of W. Tayloe Murphy, Jr.

Director Cristman noted that with regard to the \$312 million, agencies were in the budget development process at this time. He recognized Ms. Watlington Jones who has been working on the budget for this funding. He noted that the agency operating budget request was due to the Governor's office by October 1.

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

Mr. Wilson reported that the Audit Subcommittee met prior to the Board meeting. He noted that there is currently one vacancy on the Subcommittee.

Mr. Wilson noted that the Subcommittee reviewed the assessments and the results of the grant agreement deliverables. He noted that most districts reviewed met the requirements, but that Tri-County/City District had several items that needed to be corrected.

Mr. Wilson advised that the Audit Subcommittee recommended a course of action for the District. As some of the measures are outside of the normal scope of the Audit Subcommittee, he noted that the Subcommittee was requesting the Board approve the actions taken.

Ms. Watlington Jones reviewed the recommended action. She noted that for some of the actions the Audit Subcommittee has clear authority, but that there some actions in the motion that were slightly outside the normal actions taken by the Subcommittee

Ms. Watlington Jones advised that the Audit Subcommittee generally looks at two things:

1. Physical audit results.
2. Assessment results conducted by the CDC.

Ms. Watlington Jones read the motion as passed by the Audit Subcommittee:

The Audit Subcommittee of the Virginia Soil and Water Conservation Board directs the Department to send a Letter of Notice (LON) to the Tri-County/City Soil and Water Conservation District receiving a "C" score for not fulfilling certain grant deliverables in accordance with the *FY2021 Administration and Operations Policy* and *FY2021 Grant Agreements*.

Tri-County/City Soil and Water Conservation District (District) will receive a LON for not fulfilling the following Deliverables:

Administration and Operations Grant Deliverables

Deliverable 9 (*Submit complete and accurate quarterly reports and electronic Attachment E*)

Cost-Share and Technical Assistance Grant Deliverables

Deliverable 6 (*Was data entered into the AgBMP Tracking Module within 15 days after the end of every quarter to accurately reflect District Board approvals, cancelations, carryovers, and participant funding requests?*)

Deliverable 7 (*What percentage of the District's VACS allocation for this grant period was obligated to participants?*)

Deliverable 10 (*Did the District submit complete and accurate End of Year Cash Balance Reports and Carry Over Reports by the reporting deadline?*)

Therefore, the Subcommittee directs the District to develop a Performance Improvement Plan (PIP) within 60 days.

The PIP must include the following elements:

1. Trainings District staff will attend as part of a continuing education initiative to ensure staff is knowledgeable about:
 - a. The Administration and Operations grant deliverables and the Cost-Share and Technical Assistance grant deliverables;
 - b. The AgBMP Tracking Module including how to accurately and correctly enter the required BMP data; and
 - c. The administration and operations of the District including how to utilize Quickbooks, and how to establish appropriate administrative and financial controls.
2. In order to ensure all reports are submitted accurately and on-time to the Department, the District will complete the following:
 - a. A review of existing process to determine where improvements should be made to ensure accurate reports are submitted to the Department as required;
 - b. An examination of the existing review process to determine where improvements should be made to enhance the current process; and

- c. The adoption of formal process, based on the review of the current processes, to ensure all financial reports are submitted to the Department in an accurate and complete format, after being reviewed effectively by appropriate staff and District Board members.
3. To address deficiencies related to monthly reconciliations of credit card statements and bank statements, the District will complete the following:
 - a. A review of existing process to determine where improvements should be made to ensure reconciliations of both credit card statements and bank statements are occurring on a monthly basis;
 - b. An examination of the existing review process to determine where improvements should be made to enhance the current process; and
 - c. The adoption of formal process, based on the review of the current processes, to ensure all reconciliations occur monthly, are reviewed by a Director with check signing authority, and are initiated by the reviewing Director once the statements are reconciled.
4. To encourage an increase in the obligation of VACS funds, the District will determine the following:
 - a. Activities that the District has undertaken or will undertake to market the VACS Program such as brochures, radio ads, farmer breakfasts or dinners;
 - b. Outreach activities that have been or will be conducted such as attendance at local farm bureau meetings or field days;
 - c. Techniques utilized by the District to ensure existing Program participants are moving forward on current contracts to reduce end-of-the year contract cancelations;
 - d. Methods to ensure all data is entered into the AgBMP Tracking Module at least monthly but no later than March 31, 2022; and
 - e. A commitment to provide a report to the Department no later than April 15, 2022 which includes:
 - i. A narrative of all the marketing and outreach activities that have been undertaken; and
 - ii. The percentage of FY2022 cost-share obligated or transferred to other Districts.

Further, the Audit Subcommittee recognizes the key role that training provides in ensuring that Districts are able to meet their grant deliverables. Therefore, Tri-County/City staff is directed to participate in trainings provided by the Department or the Virginia Association of Soil and Water Conservation Districts. It is expected that District technical staff will attend any Virginia Agricultural Best Management Practice Cost-Share (VACS) Program training provided, including the upcoming VACS 101 training; District technical staff will participate in any AgBMP Tracking Module training provided as well. District administrative staff, including the District Manager, must attend all administrative and Quickbooks trainings offered; administrative staff and the District Manager will participate in the Virginia Association of Soil and Water Conservation District Admin/Ops Committee meetings.

The District must provide the District Board-approved PIP to the Department no later than Monday, November 29, 2021 in preparation for the December 2021 Audit Subcommittee meeting. A complete and accurate list of all trainings District staff has attended must be submitted to the Department with the PIP.

In accordance with the *FY2021 Administration and Operations Policy*, the *FY2021 Administrative and Operational Support Grant Agreement*, and the *FY2021 Cost-Share and Technical Assistance Grant Agreement*, the PIP must be presented by the District Board Chairman or designated Director to the Board's Audit Subcommittee at their December 2021 meeting.

Further, due to the seriousness of the financial and procedural deficiencies that have been discovered during the FY2021 assessment, the Audit Subcommittee of the Virginia Soil and Water Conservation Board requires the District to undergo a one-year audit for the period ending June 30, 2021. The cost of the 2021 audit will be at the expense of the District and will be reduced from their 2022 administration and operation allocations.

Finally, disbursements of cost-share funds and technical assistance funds shall be provided to the District by the Department as follows:

1. "FY22 TA Addition to the FY21 TA Base" funds will only be disbursed when:
 - a. FY2021 quarterly reports and end-of-year reports are appropriately reconciled; and
 - b. The Subcommittee –approved Performance Improvement Plan is fully implemented to the satisfaction of the Department.
2. The amount of cost-share funds and "FY22 TA Addition to the FY21 TA Base" funds disbursed shall be determined:
 - a. The amount of disbursed cost-share funds shall be limited to the amounts needed to fulfill obligated contracts that are entered correctly and completely in the AgBMP Tracking Module to the satisfaction of the Department; and
 - b. "FY22 TA Addition to the FY21 TA Base" funds shall be limited to the amounts that are proportional to the amount of cost-share funds disbursed. These funds will be calculated by the Department utilizing the FY22 TA Calculator.

An update on progress made by the District in implementing the PIP will be provided to the Subcommittee at their anticipated March meeting by the Department; however, upon the request of the Subcommittee, the District Board chairman, or a designated Director, shall appear at the March meeting.

Ms. Watlington Jones advised that the sections different from past motions included:

- Because of the financial issues and concerns, disbursements of cost-share and technical assistance will be somewhat limited.
- The District maintains the FY21 technical assistance base as provided.
- All technical assistance in addition to the base will only be disbursed when the FY 2021 quarterly reports and year-end reports are appropriately reconciled.
- The cost-share funds will be limited to the amounts needed to fulfill obligated commitments.

Ms. Watlington Jones noted that the Department would provide an update to the Board at the March meeting. The Board may request that the District Chair or Director appear at that meeting.

Mr. Wilson commented that this action only affects this particular District. It does not affect any producers who have applied for cost-share. This limits the District, not the producers.

Mr. Newton noted that the District has had massive staff turnover and that was the part of the basis for the training requirements.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Board endorse the actions and recommended motion and letter as approved by the Audit Subcommittee.

Mr. Newton seconded and the motion carried unanimously.

Mr. Wilson also noted that Robinson, Farmer, and Cox were retained to conduct the next round of District audits.

DAM SAFETY AND FLOODPLAIN MANAGEMENT DIVISION

Division Report – Wendy Howard Cooper, Director, Division of Dam Safety and Floodplain Management

Ms. Howard Cooper gave the report for the Dam Safety and Floodplain Management Division. A copy of that report is included as Attachment #1.

Ms. Howard Cooper highlighted several items from her report.

Status Report on Key Initiatives

1. Lake Accotink Dam Consulting Committee
 - i. The Department has held several meetings with the USACE Wilmington and Baltimore Districts regarding the inundation study in the City of Fairfax for Lake Accotink Dam.
 - ii. The Corps has indicated staffing and other resources have caused delays in this project.
 - iii. The Department hoped to have the study completed prior to this meeting; however, the Department now hopes to have the study completed and be able to report to the Board at the December meeting.

2. Local Government Pilot Project

- i. Southampton County and City of Franklin is in the queue for Phase II activities with USACE Wilmington District.
- ii. Frederick County is in the queue for Phase II activities with the USACE Baltimore District.
- iii. This includes the development of necessary floodplain studies.
- iv. The Corps has indicated staffing and other resources have caused delays in these projects.
- v. The Department hopes to report the results of this project at the December meeting.

3. Unknown Dam Initiative and Next Steps

Ms. Howard Cooper commented that this initiative was one of the most important undertaken by the Department. She noted that the Department previously had 830 dams in the inventory with unknown regulatory determinations. The Department intends to send a letter dam owners, beginning with the first 100 of the high-hazard dams, to inform owners of the potential responsibilities they have and to encourage the owners to begin working with the Department to achieve compliance with the Act and the regulations.

4. Chappell Creek Dam

Ms. Howard Cooper advised that on August 19, 2021, the Department received a citizen notification of a flooding event and partial failure on the downstream face of Chappel Creek Dam in Prince George County. Failure of this dam would inundate Route 10, a major roadway that serves as a hurricane evacuation route. Failure would also inundate a power structure.

The Department ordered the immediate draw down of the dam. The owner agreed.

On August 30, 2021 due to on-going public safety concerns, on-site preliminary review, and the failure of the owner to appropriately respond, the Department advised the owner that the Department would implement immediate action to completely drain the Chappell Creek Dam until such a time that a plan to either repair, replace, or remove the dam could be implemented.

Upon receiving the notice, the owner implemented drawdown actions.

Ms. Howard Cooper advised that the dam remains on reservoir restriction, but that no alteration permit has been received.

Director Cristman reviewed for the Board the agency's authority to draw down the dam. The Department works with local emergency management and a contractor to perform the necessary drawdown is hired. The Governor's Office was also notified of the action. Breaching the dam requires

the Governor's approval. The next step will be for the Department to work with the Office of the Attorney General to recover the cost of these actions.

Dr. Hill asked if some of the unknown dams were on the Department list because the regulatory authority was moved from federal to state government.

Ms. Howard Cooper responded that while that does happen, it is infrequent. Most dams are reported to the agency and added to the inventory. She noted that the Department does not regulate agricultural dams.

Ms. Mason asked if there was an estimated cost of the actual study of a dam break inundation zone.

Ms. Howard Cooper replied that the cost depends on the location and the height of the dam.

Approval of 2022 Dam Safety, Flood Prevention and Protection Assistance Fund Grant Manual

Ms. Howard Cooper presented the 2022 Dam Safety, Flood Prevention and Protection Assistance Fund Grant Manual. She noted that the Department is prioritizing the dams that receive the letter from the Department related to the unknown dam initiative mentioned above. The remainder of funds will be offered to other high hazard dams.

Ms. Watlington Jones noted that the Grant Manual is a guidance document. The manual was open for a 30-day public comment period, but no comments were received.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the 2022 Dam Safety, Flood Prevention, and Protection Assistance Fund Grant Manual as presented by the Department.

Mr. Newton seconded and the motion carried.

Director Cristman noted that he would like to officially announce and congratulate Darryl Glover for being named the new Deputy Director for Soil and Water Conservation and Dam Safety and Floodplain Management. He advised that the agency is in the process of filling the Division Director position.

SOIL AND WATER CONSERVATION DIVISION

Division Report – Darryl Glover, Deputy Director for Soil and Water Conservation and Dam Safety and Floodplain Management

Mr. Glover gave the report for the Division of Soil and Water Conservation. A copy is included as Attachment #2.

Mr. Glover noted that in addition to the items in the Division report, the Department has been working with Districts in the Chesapeake Bay watershed to edit stream exclusion buffers. The Department has reviewed the existing data and documented additional buffers that were installed that can now be reported to the Bay program. For FY21, this review provided an additional 424 acres of buffers in the Bay area.

Repeal of Virginia Soil and Water Conservation Board Guidance Document on the Tax Credit for Precision Agriculture Equipment (VSWCB-DCR-044) – Christine Watlington Jones, Policy and Regulatory Coordinator

Ms. Watlington Jones advised that the Department was requesting authority to repeal this guidance document as it was duplicative. She noted the following:

- During the 1990 General Assembly Session, Chapter 416 established the tax credit for precision agriculture equipment.
- The Guidance Document on the Tax Credit for Precision Agriculture Equipment was originally approved in July 1996.
- In 2017, a workgroup was convened to revise the guidance document to reflect the increased equipment and technology options available. The Board approved the revised guidance document on April 19, 2018.
- There is no requirement for the Board to adopt a guidance document to implement §§ 58.1-337 or 58.1-436.
- The Board is required to certify which type of equipment reduces soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection.
- Currently, this information is duplicated in this guidance document and the Virginia Agricultural Best Management Practices Cost-Share Program Manual (VACS Manual).

Ms. Watlington advised that the VACS Manual is also subject to Board approval and receives a significant amount of stakeholder and partner input. Therefore, the Department recommended that the guidance document be repealed.

BOARD ACTION

Ms. Mason moved that the Virginia Soil and Water Conservation Board approve the repeal of the Guidance Document on the Tax Credit for Precision Agriculture Equipment as presented by the Department.

Mr. Newton seconded and the motion carried.

Periodic Review of Nutrient Management Training and Certification Regulations (4VAC50-85 et seq.) – Christine Watlington Jones

Ms. Watlington Jones reminded the Board that they approved the initiation of a periodic review that began on May 10, 2021 and ended on May 31, 2021. As requested by the Board, private nutrient management planners were notified of the periodic review.

Seven comments were received.

Ms. Watlington Jones noted that a revision was needed to one comment provide to the Board. The comment by Richard Fitzgerald was accidentally copied into the cell and not addressed. She provided a revised version of the document on the screen for Board review.

Ms. Watlington Jones advised that staff was requesting that the Board approve the responses, as amended, and authorize the Department to post the report of findings to the Virginia Regulatory Town Hall and to publish the findings in the Virginia Register.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the responses to the comments received during the periodic review of the Nutrient Management Training and Certification Regulations (4VAC50-85) and authorize the Department to post the report of findings to the Virginia Regulatory Town Hall and to publish the findings in the Virginia Register.

Ms. Mason seconded.

Mr. Newton asked if it would be possible to coordinate with the Department of Environmental Quality (DEQ) in the future.

Ms. Watlington Jones responded that the Department typically participates on DEQ's regulatory technical advisory committee. As changes are made to those regulations, the Department may have the opportunity to coordinate.

There was no further discussion and the motion carried.

Initiation of Fast-Track Regulatory Action – Christine Watlington Jones

Ms. Watlington Jones advised that in response to several of the comments received during the periodic review, the Department was requesting the authorization to initiate a fast-track process to provide an additional option to meet the education criteria. She noted the following:

- Individuals who successfully complete a two-year college degree program and one and one-half years of practical experience will meet the educational components of these requirements.
- This regulatory action is expected to be non-controversial as it provides an additional option for achieving the educational components needed to achieve nutrient management certifications.
- This does not have any impact on the individuals who are currently certified.
- Additionally, increasing the number of certified planners will assist Virginia in meeting its water quality goals.

Ms. Watlington Jones reviewed the actual language:

b. A copy of a college transcript indicating completion of a two-year college degree with a major in an agriculturally related area with coursework in the area of nutrient management such as soils, soil fertility, and plant science, and one and one-half years of practical experience related to nutrient management planning or implementation of nutrient management concepts and principles acceptable to the department...

Ms. Watlington Jones advised that the Department was requesting that the Board approve the submission of a fast-track regulatory action expanding the eligibility criteria for certification established in 4VAC50-85-40.

BOARD ACTION

Mr. Newton moved the following:

The Virginia Soil and Water Conservation Board approves the submission of a fast-track regulatory action expanding the eligibility criteria for certification established in 4VAC50-85-40. The Board directs the Department to submit the regulatory action in accordance with the Administrative Process Act, Executive Order 14 (2018) (Amended), and all other applicable policies and procedures. This authorization extends to the Department coordinating, as necessary, with the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations to gain the approvals necessary to file the regulatory action.

If objections to the use of the fast-track regulatory process are received in accordance with the provisions of 2.2-4012.1, the Department is authorized to convene a regulatory advisory panel to make recommendations on the potential regulatory change, to hold other stakeholder group meetings as it deems necessary, and to prepare a draft proposed regulation and any associated documents for the Board's review and consideration. The Board further directs the Department to conduct these activities in accordance with the Administrative Process Act, Executive Order 14 (2018) (Amended), and all other applicable laws, policies, and procedures.

Dr. Hill seconded and the motion carried.

*Approval of James River Association and Colonial Soil and Water Conservation District Grant Project –
Christine Watlington Jones*

Ms. Watlington Jones advised that on August 8, 2021, the Colonial Soil and Water Conservation District entered into a Partner Agreement with the James River Association.

Earlier this year, the James River Association was a grant award recipient for National Fish and Wildlife Funds; the funds will be used to create water quality improvements in the James River through a living shoreline collaborative. These grant funds will accelerate the implementation of living shorelines along the James River.

Ms. Watlington noted that currently, the Virginia Agricultural Best Management Practices Cost-Share Program Manual (VACS Manual) allows “[d]istricts, federal agencies, or other conservation organizations may choose to combine resources to fund mutually high priority practices up to a maximum state and federal cost-share rate as listed in the VACS BMP specifications.” (Page II-31) While the VACS Manual states “[o]ther sources of funding, including funding from local and private sources, may provide additional reimbursement opportunities,” it does not specifically allow nonprofit conservation organizations to contribute financial resources to fund practices up to 100% of the practice cost.

Ms. Watlington Jones advised that the Department was requesting authorization for the Colonial Soil and Water Conservation District to utilize the Virginia Agricultural Best Management Practices Cost-Share (VACS) Program cost-share funds to fund living shoreline practices up to the maximum allowable VACS Program cost-share rate. The District would also be authorized to utilize funds awarded through the National Fish and Wildlife Foundation grant to the James River Association to provide additional financial resources to producers, up to 100% of the cost of the living shoreline practice.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board authorize Colonial Soil and Water Conservation District (District) to utilize Virginia Agricultural Best Management Practices Cost-Share (VACS) Program cost-share funds to fund living shoreline practices up to the maximum allowable VACS Program cost-share rate. The District is also authorized to utilize funds awarded through the National Fish and Wildlife Foundation grant to the James River Association to provide additional financial resources to producers, up to 100% of the cost of the living shoreline practice.

Mr. Newton seconded and the motion carried with Ms. Mason abstaining.

Ms. Connor from the Hanover-Caroline SWCD asked if this approval was for the Colonial District only and that all requests would need to come before the Board until the language in the Manual is changed.

Ms. Watlington Jones advised that the AgBMP TAC would consider this change in October. The next opportunity to come before the Board would be in December.

Updates on the Resource Management Plans Program – Christine Watlington Jones

Ms. Watlington Jones gave an update regarding the Resource Management Plans Program. She advised that no Board action was required on these items.

Ms. Watlington Jones noted the following:

- Legislation authorized Program during 2011 General Assembly Session (Chapter 781)
- An RMP is a comprehensive conservation plan that includes proven agricultural best management practices to ensure the farm is meeting a conservation farming standard.
- A farmer’s decision to have an RMP written, or to implement the plan, is completely voluntary.
- The plans are written by certified RMP developers and are specific to the farm operation.
- Different requirements depending on land use – cropland, hayland, or pasture
- Once all required BMPs are implemented, the RMP can be certified.
- In addition to the environmental benefit to the operation and the community,
- Certified RMP farm operation is considered already compliant with any nutrient and sediment water quality measures needed to meet the state’s water quality goals for both the Chesapeake Bay and local waters.
- The certification is valid for nine years provided the farmer continues to implement the RMP.

Annual Report (September 1, 2020 – June 30, 2021)

Ms. Watlington Jones reported the following results to be included in the Annual Report.

- 582 plans covering 130,779 acres
 - 111,581 acres of cropland
 - 10,800 acres of pasture
 - 8,398 acres of hayland
- 35 plans covering just over 8,300 have been certified in this reporting period
- Average plan size is 225 acres
- 157 plans have received certificates of implementation

Overview of Results of 2021 Program Review of District Duties – Christine Watlington Jones

Ms. Watlington Jones advised that no action was required by the Board on this item. She noted the following:

- Reviews required under 4VAC50-70-130 (Review of duties performed by soil and water conservation districts).

- Department develops a schedule based on year the District first had an approved RMP
- Comprehensive review
- Review occurs at least once every 5 years
- Reviews conducted for:
 - General program administration
 - The district has established a Technical Review Committee (TRC).
 - All information is protected from FOIA as required.
 - Technical Review Committee and district board meetings were conducted in accordance with the Administrative Process Act and all Guidance.
 - Review of approved plans
 - The TRC has reviewed all of the RMPs within the required time (90 days) for revised submittals and requests for additional information.
 - Clear comments were provided to the plan developer. All of the required information and minimum standards were contained in the RMPs.
 - Inspections
 - Verification
 - The TRC conducted a verification inspection when a request was submitted by the producer.
 - All of the required information was complete and a current NMP was submitted and a NMP verification was provided by the NMP planner.
 - The inspection ensured all of the required minimum standards had been completed by the producer.
 - Continued implementation (every 3 years after certificate achieved)
 - None of the Districts have continued implementation inspections.
- All three Districts have adequately acted as the RMP program authority.
- There are no recommendations for the Districts at this time.
- Letters will be sent out to Districts with Director and Board chair's signature commending Districts for their implementation and promotion of the program.

Approval of Districts to be Reviewed in 2022 – Christine Watlington Jones

Ms. Watlington Jones advised that the Department was requesting the approval of the Districts for program reviews as required pursuant to 4VAC50-70-130:

1. Appomattox River
2. Colonial
3. James River
4. Lord Fairfax
5. Piedmont

Ms. Watlington Jones advised that all program reviews will follow the process presented to the Board by the Department and will utilize the program review forms previously approved by the Board at the September 27, 2018 meeting.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the schedule for District program reviews as presented by staff. Dr. Hill seconded and the motion carried.

Approval of Payment to Producer in Extraordinary Circumstances

Ms. Watlington Jones advised that during FY2021, Mr. Scott Bell applied for a livestock stream exclusion practice (SL-6W) with the Clinch Valley Soil and Water Conservation District (District). The District approved the practice (Contract # 25-21-0005) and, following standard operating procedures for a structural practice, planned for a new well to be drilled as part of the project.

Ms. Watlington Jones noted the following:

- The well was drilled, at the producer's expense. However, even at a depth of 520 feet, the well recharge rate was approximately 0.5 pints per minute (100 gallons per day).
- This rate is not sufficient to meet the required demand; additionally, any change in the subsurface flow or an error in the initial measurement would make the project unviable. A new, alternative water source would be necessary for the project to be feasible.
- Currently, there is an existing "home developed" spring on site that is part of the exclusion area. During a site visit by the District in May, the spring produced up to 0.33 gallons per minute (475 gallons per day).
- During an additional site visit in June, which included Department staff, the spring was only producing 0.125 gallons per minutes (180 gallons per day); this site visit was conducted during drought conditions. Even if this spring was able to double its production of water and the well was drilled, there would still not be enough water for the demand. Continuing to examine options, an additional possible spring development location was found in a different area of the operation, but the same issues were found there.

Ms. Watlington Jones noted that there were to options for this project:

1. Continue with the project. This would require a significant increase in funds allocated to the project. It is anticipated that the project would require the redevelopment of the existing spring, development of a new spring, installation of a new reservoir, three pumps, and a power supply to allow all the systems to work together to meet the needed demand. Even with the redevelopment and development of the springs, the amount of water each spring would produce is unknown; the practice could still be unviable.

2. Cancel the project and provide payment for the well that was drilled to the producer. Through no fault of the producer's, the practice will not work for this operation; there is not a reasonable solution to provide the necessary amounts of water.

Ms. Watlington Jones advised that the Department was requesting approval to pay \$10,067 by the Clinch Valley Soil and Water Conservation District (District) to Mr. Scott Bell for Contract # 25-21-0005. The District is authorized to utilize FY2021 Virginia Agricultural Best Management Practices Cost-Share Program funds to make this payment.

BOARD ACTION

Ms. Mason moved that the Virginia Soil and Water Conservation Board approve the payment of \$10,067 by the Clinch Valley Soil and Water Conservation District (District) to Mr. Scott Bell for Contract # 25-21-0005. The District is authorized to utilize FY2021 Virginia Agricultural Best Management Practices Cost-Share Program funds to make this payment.

Dr. Hill seconded and the motion carried.

Revision of planting dates in WFA specifications – Christine Watlington Jones

Ms. Watlington Jones advised that the FY2022 Virginia Agricultural Best Management Practices Cost-Share Program Manual (VACS Manual), made changes to cover crop specifications including:

- Planting dates;
- The date by which a good vegetative cover is obtained; and
- Allowing the use of two different varieties of rye (Elbon and Ryman).

Ms. Watlington Jones noted that none of these changes were made to the Whole Farm Approach specifications. In order to remain consistent across all of the cover crop specifications, revisions have been made to mimic the revisions made to the cover crop specifications.

Ms. Watlington Jones advised that the Department was requesting approval of the Whole Farm Approach specification as revised. The revised specification would be effective immediately.

BOARD ACTION

Ms. Mason moved that the Virginia Soil and Water Conservation Board approve the *Whole Farm Approach* specification as revised. The revised specification is effective immediately.

Dr. Hill seconded and the motion carried.

Director Appointments and Resignations – Christine Watlington Jones

Ms. Watlington Jones presented the following list of District Director Appointments and Resignations.

Evergreen

Appointment of Mr. Seth Harden, of Smyth County, effective 9/23/2021, to fill the un-expired at-large appointed director position of Mr. Seth Umbarger (term of office expires 1/1/2023).

James River

Appointment of Mr. Stuart Jones, of Chesterfield County, effective 9/23/2021, to fill the unexpired at-large appointed director position of Mr. Jerry Ford (term of office expires 1/1/2023).

Peanut

Appointment of Mr. Richard Gwaltney, of Suffolk, effective 9/23/2021, to fill the unexpired elected director term of Mr. Travis Williams (term of office expires 1/1/2024).

Robert E. Lee

Appointment of Ms. Bonnie Swanson, of Appomattox, effective 9/23/2021, to fill the unexpired elected director term of Ms. Nancy Jo Billings (term of office expires 1/1/2024).

Skyline

Appointment of Mr. Jeff Reeves, of Pulaski County, effective 9/23/2021, to fill the unexpired elected director term of Mr. Blair Sanders (term of office expires 1/1/2024).

Virginia Dare

Appointment of Mr. Francis J Drumm, Jr. (Frank), of Virginia Beach, effective 9/23/2021, to fill the un-expired at-large appointed director position of Mr. Mario Albritton (term of office expires 1/1/2023).

BOARD ACTION

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

PARTNER REPORTS

Virginia Association of Soil and Water Conservation Districts

Dr. Tyree thanked members for attending and for participating in the Association Board meeting the day prior.

Dr. Tyree noted that the Association training program is in full swing. These training are currently held virtually.

In addition, the December Annual Meeting will be a virtual meeting on December 6-7, 2021. She invited members to join the Annual Meeting Planning committee meeting, which will meet on October 7.

The Association has held over 40 virtual training since September 2020.

Natural Resources Conservation Service

Director Cristman noted that Dr. Martinez was not able to attend the meeting. He expressed appreciation for the working relationship with NRCS.

Virginia Department of Agriculture and Consumer Services

Ms. Watlington Jones noted that VDACS was not represented at the meeting. She directed members' attention to the Agricultural Stewardship Act report that was provided.

Virginia Agribusiness Council

Mr. Shreve noted that he was happy to be back to in person meetings. He thanked the Board for being proactive regarding the Nutrient Management Planner requirements. He noted that Virginia Agribusiness is working with Districts and the General Assembly regarding the increased agricultural tax credit and the anticipated funding for the cost-share program.

Virginia Farm Bureau

Ms. Townsend commented that the Virginia Farm Bureau is supportive of full funding for cost-share. VFB is working with farmers to make sure they are aware of available funding.

NEW BUSINESS

Approval of Extension Request for Project Funded by the Dam Safety, Flood Prevention and Protection Assistance Fund – Christine Watlington Jones

Ms. Watlington Jones advised that the Department would like the Board to approve a request to extend a dam safety project originally approved in 2019.

She noted the following:

- Woodland Pond Dam is a significant hazard dam in Chesterfield County, Virginia.
- The project was approved by the Board in 2019 to complete an analysis of the dam break inundation zone.
- The project was extended from June 30, 2020 to June 30, 2021 due to a major change in the geometry of the highway below the dam.

- The completed study was submitted to the Department in June 2021.
- The model is unusual in that it is a two dimensional (2-D) HEC-RAS model as opposed to the more conventional one-dimensional model. Approximately 25 GB of model files were submitted to the Department for review. Upon reviewing the model, it was determined the model shows some level of instability compared to standard submittals.
- While not uncommon for 2-D models, this does necessitate a more thorough review and internal consultations across the Department's Regional Engineering Team.
- The Department has requested that the consultant prepare a memo explaining the instability, methodology, and reasons for acceptability.

Ms. Watlington Jones advised that the Department was requesting a 12-month extension to allow for a thorough review of the existing model and potential corrections to the computer models or subsequent reviews.

BOARD ACTION

Dr. Hill moved that the Virginia Soil and Water Conservation Board approve an extension of the Dam Break Inundation Zone project (DSFP-44-19) for Woodland Pond (041029). The project is extended through June 30, 2022.

Mr. Newton seconded and the motion carried.

PUBLIC COMMENT

There was no further public comment.

NEXT MEETING

The Virginia Soil and Water Conservation Board will meet again in December 2021. The date and location are to be determined.

MOMENT OF SILENCE

Chairman Arnason asked the Board and staff to observe a moment of silence in remembrance of W. Tayloe Murphy, Jr.

ADJOURN

As there was no further business, the Board adjourned in honor of Mr. Murphy.

ATTACHMENT #1

Division of Dam Safety and Floodplain Management
Division Director's Report
September 23, 2021

Presented by Wendy Howard Cooper
Division of Dam Safety and Floodplain Management

Mr. Chairman, members of the Virginia Soil and Water Conservation Board, please accept this Dam Safety and Floodplain Management Division Report.

Critical Statistics of the Dam Safety Program as of August 31, 2021

Dams Regulated by DCR by Hazard Classification							
Year	2002	2006	2008	2012	2017	2020	2021
Total Number of Dams Regulated by DCR	521	580	1678	1641	1971	2056	2663
High	112	120	130	285	332	326	348
Significant	134	166	191	399	218	170	173
Low	275	294			805	261	266
Regulatory Size with Undetermined Hazard Classification			1357	957	616	1299	1876

1. Dams of Regulatory Size by Hazard Classification – 2663 Dams
 - a. 348 High Hazard (13%)
 - b. 173 Significant Hazard (6%)
 - c. 266 Low Hazard (10%)
 - d. 1876 Unknown Hazard (70%)
2. Certificate or Permit Status – 2663 Dams
 - a. Regular Operation and Maintenance Certificate or General Permit Issued and Current - 10%
 - b. Conditional Operation and Maintenance Certificate Issued and Current – 9%
 - c. Regular or Conditional Operation and Maintenance Certificate Expired – 10%
 - d. No Operation and Maintenance Certificate – 68%
3. High Hazard Dam Status – 348 Dams
 - a. Regular Operation and Maintenance Certificate – 133 or 38%
 - b. Conditional Operation and Maintenance Certificate – 121 or 35%
 - c. Expired Regular Operation and Maintenance Certificate – 23 or 7%
 - d. Expired Conditional Operation and Maintenance Certificate – 58 or 17%
 - e. No Operation and Maintenance Certificate – 13 or 3%

Regulatory and other Legislative Updates:

1. The Soil and Water Conservation Board approved a change affecting the Virginia Administrative Code (PDF), Title 4. Conservation And Natural Resources, Agency 50. Virginia Soil And Water Conservation Board, Chapter 20. Impounding Structure Regulations, Part I. General, 4VAC50-20-20. General Provisions. Item F. of this section was updated to include the mandatory use of the Dam Safety Inventory System (DSIS) for all required submissions. Item F. states the following:

F. The owner shall ensure all information required to be submitted under this chapter be provided to the department via the electronic Dam Safety System (DSIS), unless prior approval for an alternative method of submission is granted by the department.

This requirement was effective May 1, 2021

2. Board Approved guidance document issued December 16, 2020 that provided guidance to dam owners on which devices, methods, or systems may be used to lower the water level in a reservoir created by an impounding structure.
3. Code of Virginia Article 2. Dam Safety Act. § 10.1-604. § 10.1-613.6. Negotiated settlement agreements.

With the consent of any owner of an impounding structure who has allegedly violated or failed, neglected, or refused to obey any regulation or order of the Board, any condition of a permit, or any provision of this chapter, the Board may enter into a negotiated settlement agreement with such owner, so long as the impounding structure or dam is not subject to the provisions of § 10.1-609, to correct deficiencies at the structure according to the schedule of implementation appended to the negotiated settlement agreement and for the payment of civil charges for past alleged violations in specific sums not to exceed the limit specified in § 10.1-613.2. Such civil charges shall be suspended upon compliance with the terms and conditions of the negotiated settlement agreement as determined by the Director. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under § 10.1-613.2 and shall be paid into the Dam Safety, Flood Prevention and Protection Assistance Fund established by Article 1.2 (§ 10.1-603.16 et seq.).

4. Existing Code of Virginia § 55-519. Required disclosures, Item 6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

During the 2020 Legislative session additional language was added to the Code of Virginia § 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence, Item 13. The owner makes no representation with respect to the condition or regulatory status of any impounding structure or dam on the property or

under the ownership of the common interest community that the owner of the property is required to join, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine the condition, regulatory status, cost of required maintenance and operation, or other relevant information pertaining to the impounding structure or dam, including contacting the Department of Conservation and Recreation or a licensed professional engineer.

Enforcement

There are currently 19 dams under active enforcement. Four high hazard, four significant hazard, two low hazard and nine with an unknown hazard classification.

Public Outreach: On September 20, 2021 DCR began a Public Outreach Campaign across the state that will run through October 20, 2021. This campaign will include public service announcements and news releases in both English and Spanish, social media ads and messaging, and radio and newspaper ads. The campaign is designed to heighten awareness and inform the public about dam safety responsibilities, and drive questions and requests for technical assistance to the DCR website. A link to an electronic form allows citizens to enter information for DCR to connect with them. One example of messaging is as follows:

Notice to Dam Owners

There are 3,662 known dams in the Commonwealth of Virginia and 2,663 are regulated by The Department of Conservation and Recreation, Division of Dam Safety and Floodplain Management (Preparedness) (DCR).

DCR regulates dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater unless specifically exempted by the Code of Virginia.

If you own a dam of regulatory size, the Dam Safety Act in Code of Virginia requires dam owners to operate and maintain dams in a safe manner. The dam owner has the responsibility to register the dam with a Certificate of Operation and Maintenance through DCR, make a hazard classification determination, have periodic inspections and perform routine maintenance and repairs. Dam owners are also required to have an Emergency Action Plan (EAP) or Emergency Preparedness Plan (EPP) to provide critical action steps to protect life and property in the event of an emergency.

Per the Code of Virginia § 10.1-613.4. The owner or operator shall be responsible for liability for damage to the property of others or injury to persons, including the loss of life resulting from the operation or failure of an impounding structure.

If you own a dam in the Commonwealth of Virginia and are out of compliance with the Act, you must contact DCR immediately! Please email DCR at dam@dcr.virginia.gov or submit a request for assistance at <https://www.dcr.virginia.gov/dam-safety-and-floodplains/dam-outreach>.

To find the DCR Dam Safety contact for your locality, go to <https://www.dcr.virginia.gov/dam-safety-and-floodplains/dsfpmcontx>.

To enroll in the Dam Safety Inventory System, go to <https://www.dcr.virginia.gov/dam-safety-and-floodplains/ds-dsis>

For information about the Virginia Dam Safety Program, go to <https://www.dcr.virginia.gov/dam-safety-and-floodplains/dam-safety-index>

[Virginia Dam Safety Act](#)

[Virginia Impounding Structure Regulations](#)

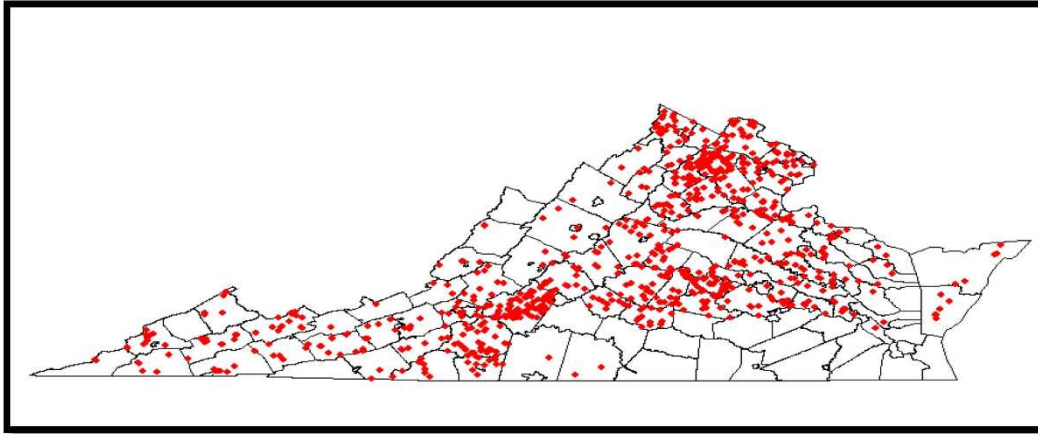
Status Report on Key Initiatives:

1. Lake Accotink Dam Consulting Committee: DCR has held several meetings with the USACE Wilmington and Baltimore Districts regarding the inundation study in the City of Fairfax for Lake Accotink Dam. The Corps has indicated staffing and other resources have caused delays in this project. Our hope was to have this study completed prior to this meeting, however at this time we are hopeful to have the study completed and be able to report out at the December Board meeting.
2. Local Government Pilot Project: Southampton County and City of Franklin is in the queue for Phase II activities with USACE Wilmington District. Frederick County is in the queue for Phase II activities with USACE Baltimore District. This includes the development of inspection reports, inundation studies, PMP analysis, emergency action plans, and if necessary floodplain studies. The Corps has indicated staffing and other resources have caused delays in these projects. Our hope is to have an update at the December Board meeting
3. Unknown Dam Initiative and Next Steps:

Unknown Dams Project

In 2019, DCR began the process of reviewing 830 dams in the DCR inventory with unknown regulatory determinations. The department implemented various research efforts to identify their potential regulatory status including new GIS and Lidar data analysis techniques to assist in the estimates of dam size.

Location of 830 Dams with Unknown Regulatory Determination



This effort resulted in the addition of 512 (62% of 830) dams to the total number of dams regulated by DCR. This addition helped increase total DCR regulated dams from 2056 in 2020 to 2,663 in 2021. This effort also contributed to the increase in the number of dams of regulatory size without a hazard classification from 1,299 in 2020 to 1,876 in 2021.

Dams of Regulatory Size without Hazard Classification:

As of this report, there are 1,876 dams of regulatory size without a hazard classification in the DCR inventory. The effort employed under the Unknown Dam Initiative resulted in the development of methods that estimate the size and capacity of unknown regulatory status dams, identify downstream hazards and population at risk, and allowed for the generation standardize reports.

Using this data, DCR has begun the process of prioritizing the 1876 dams by estimated hazard classification. Beginning no later than October 1, 2021 DCR will begin sending “Letters of Engagement” to the owners of the first 100 dams considered to have the highest downstream risks. These “Letters of Engagement” are directly tied to the funding strategy identified in the Dam Safety, Flood Prevention and Protection Assistance Fund Grant Manual before you today for approval.

4. **Chappell Creek Dam:** On August 19, 2021, DCR received a citizen notification of a flooding event and partial failure on the downstream face of Chappel Creek Dam in Prince George County, Virginia. Upon inspection by the DCR dam safety engineer, the partial failure on the downstream face of the dam was confirmed. Additionally water was confirmed to be passing through the dam outside of the outlet pipe and there was excessive tree growth on and near the dam in direct violation of §10.1-609.2 of the Dam Safety Act. Should Chappel Creek Dam fail, it would inundate Route 10, a major roadway that serves as a hurricane evacuation route and would also inundate a power structure. The road across Chappel Creek Dam was severely damaged and was not safe for emergency vehicles to pass. This road also served as the only form of egress for several homes. Should the dam fail, those residents would be trapped.

DCR notified local emergency and public safety officials, Virginia Department of Emergency Management and others per our emergency operating procedures. Due to seepage through the dam, the unknown condition of the drainpipe, compromised dam embankment, and lack of an emergency spillway DCR issued a letter to the dam owner requiring an immediate drawdown of the reservoir. DCR worked with Fire and EMS to coordinate a full drawdown using an on-site dry hydrant should the owner fail to act.

On August 30, 2021 due to on-going public safety concerns, on-site preliminary review, and the failure to appropriately respond by the dam owner, under the authority of §10.1-609. Unsafe dams presenting nonimminent danger, DCR advised the dam owner DCR would implement immediate action to completely drain the Chappell Creek Dam until such a time that a plan to either repair, replace, or remove the dam could be implemented. DCR advised the owner DCR would issue an emergency alteration permit once provided with a proposed plan of action.

Upon delivery of this notification to the owner by the DCR engineer, additional drawdown actions were immediately implemented by the owner. At this time, the dam remains on reservoir restriction, but no alteration permit has been received.

Dam Incidents and Failures: Since 2016, DCR has recorded 28 dam incidents and failures. Funding to assist dam owners correct deficiencies continues to be a priority for DCR. The Dam Safety, Flood Prevention and Protection Assistance Fund Grant Manual before you today for approval will provide up to \$250,000 to high hazard dam owners who have DCR approved plans and specifications in place and where funding for construction will result in full compliance with dam safety regulations.

Count	Year	Date of Failure	No.	Dam Name	Damage or Deaths	County	Hazard Class
1	2016	10/1/2016	025005	Flatrock Pond Dam	Partial Failure	Brunswick County	Unknown
2	2016	10/5/2016	085039	Mattawan Dam	Riser Failure	Hanover County	Significant
3	2016	10/14/2016	n/a	Yahley Mill Road Dam	Overtopping/Erosion	Henrico County	Unknown
4	2016	10/25/2016	095008	Barlows Millpond Dam	Berm Erosion	James City County	Significant
5	2018	10/12/2018	147005	Goodwin Dam	Downstream Slope Failure	Prince Edward County	Low
6	2018	10/15/2018	159002	Garland Mill Pond	Downstream Slope Failure	Richmond County	Low
7	2018	10/23/2018	083039	Edmunds Lake Dam	Downstream Slope Failure	Halifax County	Low-Special
8	2018	12/12/2018	087002	Canterbury Dam/Pump Road	Partial Failure	Henrico County	High
9	2019	1/15/2019	035017	Webb/Stricken Deer Reserve Dam	Partial Failure	Carroll County	High
10	2019	2/23/2019	015506	Lake Powhatan Dam	Pipe Collapse	Pulaski County	High
11	2019	3/14/2019	077004	Laurel Creek Dam/Lost Lake Dam	Overtopped with Damage	Grayson County	Unknown
12	2019	3/19/2019	067000	Rakes Tavern LP Dam	Pipe Collapse	Franklin County	Unknown
13	2019	5/9/2019	131004	Kellam Dam	Pipe Collapse	Northampton County	Unknown
14	2019	9/16/2019	095054	Kingspoint Dam	Partial Failure	City of Williamsburg	Unknown
15	2019	12/7/2019	177036	Spotsylvania County Dam #9	Pipe Collapse	Spotsylvania County	Unknown
16	2020	5/20/2020	770002	Spring Valley Lake Dam	Overtopped No Damage	City of Roanoke	High
17	2020	6/5/2020	700004	Mauy Dam/Lions Bridge Dam	Downstream Slope Failure	City of Newport News	High
18	2020	6/22/2020	085006	Gaines Mill Dam	Downstream Slope Failure	Hanover County	Unknown
19	2020	8/15/2020	041039	Izaak Walton Park Dam	Overtopped No Damage	Chesterfield County	Unknown
20	2020	8/15/2020	041015	Falling Creek Reservoir Dam	Overtopped with Damage	Chesterfield County	High
21	2020	8/15/2020	041012	Swift Creek Reservoir Dam	Overtopped with Damage	Chesterfield County	High
22	2020	8/15/2020	570001	Lakeview Dam	Overtopped with Damage	Colonial Heights City	High
23	2020	9/1/2020	101026	Central Crossing Dam	Spillway Collapse	King William County	Low
24	2020	10/30/2020	029037	Doug Branch Pond	Partial Failure	Buckingham County	Low
25	2020	11/12/2020	193011	Chandler's Mill Dam	Overtopped with Damage	Westmoreland County	Significant
26	2020	11/12/2020	137015	Spotswood Drive Dam	Partial Failure	Orange County	Low
27	2020	11/30/2020	177036	Spotsylvania County Dam #9	Pipe Collapse	Spotsylvania County	Unknown
28	2021	8/19/2021	149027	Chappell Creek Dam	Partial Failure	Prince George County	Unknown

ATTACHMENT #2

Division of Soil and Water Conservation
Division Director's Report

September 22, 2021

Prepared by Darryl M. Glover;
DCR Deputy Director, DS/FB, and Soil and Water Conservation

Mr. Chairman, members of the Virginia Soil and Water Conservation Board, please accept this Soil and Water Conservation Division Report.

BMP Verification

The Department will compensate SWCDs in the Chesapeake Bay watershed for end of lifespan agricultural BMP verification inspections they completed in both (calendar) 2020 and 2021. Conservation District Coordinators will follow up with applicable SWCDs. The Department has been able to extend the federal funding awarded for the cover crop survey through March 2022, and has funding for the next conservation tillage survey through June 2022. SWCDs in the Bay watershed will be invited to participate and will be compensated for this work.

The Data Sharing Agreement with USDA – Natural Resources Conservation Service (NRCS) is being piloted in Augusta County (Headwaters SWCD). USDA-funded agricultural BMPs with expired lifespans in the Bay Model since 2015 are included in this pilot project. A jointly written letter by NRCS and the Department was recently mailed to over 40 operations, along with an NRCS authorization form. Farmers who are willing to participate will complete and return these authorization forms to the Department to be forwarded to NRCS. NRCS will then share the applicable BMP information with the Department. For the pilot project, Department staff will conduct the BMP verification inspections, accompanied by Headwaters SWCD staff. The results of these inspections will be reported to NRCS. BMPs needing maintenance will be offered a CCI cost share contract by the SWCD.

District Dam Remote Monitoring

Remote monitoring units allow District staff to monitor the water level at each SWCD-owned dam via the Internet and receive text and email notification for high water events. Eighteen units have been installed; an additional 60 units have been recently procured. The recently procured units will be delivered to the Districts this fall and installation will start in early spring 2022. Another 16 dams are targeted for remote monitoring next year.

WIP Task #14 – Coordination of State Agencies that Assist Farmers

Several state agencies, and the Association, which is also a signatory of the WIP Task #14 Memorandum of Agreement (MOA) held their second meeting on September 14. This meeting was a cross-training

meeting of affected agencies as called for by Action Item #3 in the MOA. This group will soon begin drafting its annual report for completion by late December.

Bay Bill Update

As called for by the Bay Bill, a new portable livestock stream exclusion fencing VACS BMP practice specification, WP-2P, became available on July 1, 2021.

Mapping of perennial streams in Virginia's Chesapeake Bay watershed, to determine which streams will need to have livestock exclusion fencing, is ongoing and will be available for use by SWCDs for next program year (July 2022).

The Direct Pay Nutrient Management initiative continues to make good progress in targeted areas within the watershed.

Poultry Litter Storage Hubs

The Department's Poultry Litter Transport Program has greatly expanded, from a budget, in partnership with the Virginia Poultry Federation, of approximately \$80,000 per year to over \$500,000 this fiscal year. In addition, the Department of Environmental Quality is working to improve its ability to track the movement of poultry litter. Nevertheless, the Chesapeake Bay Watershed Improvement Plan (WIP) goal of exporting over 89,200 tons of litter from Rockingham, Page, and Accomack counties annually by year 2025 will be extremely difficult to achieve without additional strategies that will assist with this effort.

Therefore, the Department is working with the Virginia Department of Agriculture and Consumer Services (VDACS) and a handful of potential prospects to pursue establishment of poultry litter storage hubs outside of the Chesapeake Bay watershed. If successful in this undertaking, these hubs will accumulate poultry litter during periods of the year when litter should not be land applied and will redistribute it to local farmers when needed. Doing this will also help to address the shortage of available trucks for long haul when demand for litter is highest each year.

Agricultural BMP TAC

Subcommittees of the Agricultural BMP Technical Advisory Committee (TAC) have resumed in-person meetings. Due to the progress the TAC has made over the past few years, the number of new suggestions for consideration this year have been limited. Three of the four subcommittees have completed their work for this TAC cycle and it is anticipated that the other subcommittee will complete their work prior to the full TAC meeting on October 21..

Soil Health Coalition Update

The Department has been active in the Virginia Soil Health Coalition to further incorporate practices that will benefit soil health into agricultural water quality programs. Staff participated and led various related meetings in both June and July, 2021. This included a July 15 meeting that discussed incorporating soil health benefits into existing agricultural best management practice (BMP) cost share practices and other practices that improve water quality. The Virginia Soil Health Coalition quarterly meeting on July 26

discussed ways to better educate, promote and measure soil health. Additional Coalition meetings involved developing a grazing land BMP soil health bundle (August 19), and a cropland BMP bundle (August 23). These meetings in August are building upon an existing Soil Health Matrix that gives a general qualitative assessment of current cost share practices that could also positively improve soil health and soil function. A number of individuals at both the farm and Soil and Water Conservation District levels are also involved in these conversations. The Soil Health BMP bundle approach being developed will be similar to the “Whole Farm Approach” that is a pilot project in Three Rivers SWCD, in that multiple BMPs can be incorporated together in one cost share contract and have a synergistic effect on one another. The end goal of this effort is provide recommendations to the Department and the Agricultural BMP Technical Advisory Committee on how best to further incorporate and recognize soil health practices into the Department’s agricultural water quality programs.

Resource Management Plans (RMPs)

The RMP annual report is available on the Department website. The reporting period for this report has been transitioned to end on June 30, which is the end of the state fiscal year. Consequently, the RMP report this year covers only 10 months of activity versus the usual 12 months. A second year of Most Effective Basin grant funding from the Chesapeake Bay Program has resulted in a bit more interest in RMPs on Virginia’s Eastern Shore.

SWCD Staff Training

The Department has continued to collaborate with the Association on several training classes for SWCD staff including Conservation Selling Skills and QuickBooks. Another round of DCR Conservation Planning Certification classes is underway, with two key classes being offered in October. Field reviews of conservation plans prepared by SWCD staff and other enrolled persons seeking DCR Conservation Planning Certification are ongoing.

Diversity, Equity and Inclusion

The Department looks forward to working with USDA – Natural Resources Conservation Service on their Virginia Tribal Summit, date to be determined in 2022.

The Virginia State University Small Farm Outreach Program invited the Department to speak at a DCR Informational Session on August 12. Participants, primarily in southeast Virginia, received information about programs offered through the Department’s Division of Soil and Water Conservation. Specific programs covered were Nutrient Management, Poultry Litter Transport, the Virginia Agricultural Cost Share (VACS), agricultural BMP tax credits, conservation planning and Resource Management Plans. A schedule of activities for the outreach project will be circulated to SWCDs within the project area. This outreach project will also include the results of a survey in 2022 of farmers of color to determine what percentage of the farmers have applied for and/or been approved for either federal or state financial or technical assistance for agricultural best management practices over the last few years.

Department Staff and Offices

Most Department staff remain on full-time telework status but come into our offices periodically as needed. This will continue for the time being and be reevaluated on a monthly basis.

The Department office in Christiansburg is moving in October to Radford. The address and phone numbers will be posted on the Department website. John Marshall SWCD and the Department's Warrenton Office have combined offices into a larger shared space at the same location.

The Department congratulates (Glenn) David Kindig, our Nutrient Management Training Coordinator, who is retiring at the end of September after over 20 years at the Department. This position will be advertised promptly. James Martin, Conservation Data Specialist, relocated to the West Coast and then resigned in July. The selection process for his successor is complete and an announcement will be made soon. The Department has also hired Rouchey Edmundson, Business Manager for Soil and Water and Dam Safety/Floodplain Management and interviews for a Grant Manager to succeed Leigh Estes, who also retired, will take place soon. Finally, the first round of interviews for a new Soil and Water Conservation Division Director have been completed.