

**Virginia Soil and Water Conservation Board
Wednesday, March 23, 2022
Drury Plaza Hotel, Richmond, Virginia**

TIME AND PLACE

The meeting of the Virginia Soil and Water Conservation Board took place at 10:30 a.m. on Wednesday, March 23, 2022 at the Drury Plaza Hotel in Richmond, Virginia.

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT

Charles Arnason, Chair
Adam Wilson, Vice Chair
Jay Ford
Dr. Stephen R. Hill
Anna Killius
Charles Newton
Dr. Dahlia O'Brien
Matthew S. Wells, DCR Director, Ex Officio
Patrick Vincent for Dr. Edwin Martinez, NRCS, Ex Officio
Daniel Goerlich, VCE, Invitee

VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT

Pamela Mason
Kat Maybury

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
James Martin, Director, Division of Soil and Water Conservation
Christine Watlington Jones, Policy and District Services Manager
Michael Fletcher, Board and Constituent Services Liaison
Blair Gordon, SWCD Liaison
Amy Walker, Eastern Area Manager
Denney Collins, Conservation District Coordinator
Marissa Roland, Conservation District Coordinator
Dan Ingersoll, Office of the Attorney General

OTHERS PRESENT

Kendall Tyree, VASWCD
Janet Gayle Harris, Tri-County/City SWCD
Giannina Frantz, Tri-County/City SWCD
Kyle Shreve, Virginia Agribusiness
Greg Wichelns, Culpeper SWCD
Sharon Connor, Hanover-Caroline, SWCD

ESTABLISHMENT OF A QUORUM

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

CALL TO ORDER AND INTRODUCTIONS

Chairman Arnason called the meeting to order at 10:30 a.m. and declared a quorum present.

APPROVAL OF MINUTES FROM SEPTEMBER 22 2021

BOARD ACTION

Mr. Newton moved that the minutes from the September 22, 2021 meeting of the Virginia Soil and Water Conservation Board be approved as submitted. Mr. Wilson seconded and the motion carried.

DIRECTOR'S REPORT – *Matthew S. Wells, DCR Director*

Director Wells gave the Director's report. He commented that he was honored to have been appointed and was now on the third day in the position. He expressed appreciation to the DCR staff for answering questions. He gave a brief overview of his background prior to coming to DCR.

Director Wells noted that the legislative session had just concluded but noted that the budget was not completed. There will be a veto session on April 27. Prior to that, Governor Youngkin will call a special session to complete the budget.

Legislative Update

The following agency-related bills were passed:

SB508 shifts the oversight for the Community Flood Preparedness fund from DCR to the Soil and Water Conservation Board. This bill would also require two new non-legislative members for the Board. One member, appointed by the Speaker of the House, would be from outside the Chesapeake Bay watershed. The second member, from within the Chesapeake Bay watershed, would be appointed by the Senate Rules Committee.

HB1309/SB756 establishes the Resilient Virginia Revolving Loan Fund. Monies are used primarily to make loans and grants to local governments to finance or refinance the cost of any project. Project means: (i) home upgrades or home buyouts related to mitigation projects or resilience projects; (ii) gap funding related to home buyouts in floodplain hazard areas or during projects undertaken to increase the efficiency of floodplains; (iii) assistance to low-income or moderate-income homeowners to help lower flood risk; (iv) loans and grants to persons for hazard mitigation and infrastructure improvement projects; and (v) projects included in the Virginia Flood Protection Master Plan or the Virginia Coastal Resilience Master Plan. The Board is responsible for directing the distribution of loans and grants from the Fund to particular local governments, following consultation with the Virginia Resources Authority.

HB516/SB551 codifies requirements under Executive Order 24 (2018) and requires additional actions by the Department related to statewide flooding resilience efforts. The Department must:

- Develop a statewide Virginia Flood Protection Master Plan no later than December 31, 2026;
- Update the Virginia Coastal Resilience Master Plan by December 31, 2024;

- Develop an outreach and engagement plan for updates to the Virginia Coastal Resilience Master Plan and for development and updates to the Virginia Flood Protection Master Plan no later than December 31, 2022;
 - Must be developed jointly with the Director of Diversity, Equity, and Inclusion, and in coordination with the Chief Resilience Officer and the Special Assistant to the Governor for Coastal Adaptation and Protection.
- Implement both the Flood Protection Master Plan and the Virginia Coastal Resilience Master Plan; and
- Ensure both plans are integrated and updated at least once every 5 years.

This legislation also formally establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the development, updating, and implementation of the Virginia Coastal Resilience Master Plan.

HB206 is designed to address concerns about the impacts of small energy projects (solar farms) on prime agricultural land and forest lands.

- If proposed project would disturb more than 10 acres of prime agricultural soils or 50 acres of contiguous forest lands or if it would disturb forest lands enrolled in certain programs for forestry preservation, a significant adverse impact is assumed.
- Prime agricultural soils means soils recognized by USDA as “prime farmland”
- DEQ must convene an advisory panel to assist in developing regulations to further develop criteria for determining significant adverse impact on natural resources and guidelines for plans to mitigate such adverse impacts.

Budget

As noted, the budget was not finalized prior to the end of the session. Conferees continue to try to reach agreement. This will be dealt with during the Special Session to be called by the Governor.

The Water Quality Improvement Fund (WQIF) is poised to receive an unprecedented amount of funding. DCR and the Board will work to make sure the money can be appropriately allocated. The Board will discuss and review policies and grant agreements at the April meeting.

REPORT FROM THE AUDIT SUBCOMMITTEE - *Adam D. Wilson Chair, VSWCB Audit Subcommittee*

Mr. Wilson gave the report of the Audit Subcommittee. He advised that the Subcommittee met in February and addressed concerns regarding the Robert E. Lee SWCD. The Subcommittee also met prior to the Board meeting to discuss issues regarding two additional Districts.

Ms. Watlington Jones gave the update regarding Robert E. Lee SWCD. She noted that the Board received background materials as part of the packets for the meeting.

During the audit of Robert E. Lee District, Robinson Farmer Cox Associates (RFCA) found what appear to be substantial irregularities in the processing and payment of certain travel reimbursements. During FY2020 and FY2021, a District employee, Mr. Jonathan Wooldridge, received a total of roughly \$100,000

in reimbursement for 174,729 miles traveled. Based on a standard work-year of 2,080 hours, that equates to approximately 349.346 miles per day or 42 miles per hour, every hour of a work day. A travel reimbursement was submitted every week of both years, leaving the impression that Mr. Wooldridge never took advantage of any extended leave from work over the past two years. The travel reimbursements do not appear to have been approved or reviewed by any individual at the District, either another employee or a District Board member. The reimbursement rate appears to exceed the federal mileage reimbursement rate. The federal mileage rate for FY2020 was 0.575; Mr. Wooldridge utilized the FY2019 rate of 0.58. Many of the travel reimbursements listed the inspection of the District-maintained dams as the reason for the travel. Of additional concern to this Subcommittee is the payment of those reimbursements with technical assistance funds provided to implement the Virginia Agricultural Best Management Practices Cost-Share Program. Technical assistance funds are not authorized, and have never been authorized, to provide funding for dam maintenance related activities.

The Subcommittee minutes were amended to note that it would be sent to the Board for full approval.

Ms. Watlington Jones also noted that the District has already sent polices to the Department for review and approval. They have also agreed to purchase two vehicles and agreed to the withholding of the funds for the fourth quarter disbursement.

BOARD ACTION

Mr. Wilson moved the following motion on behalf of the Audit Subcommittee:

The Virginia Soil and Water Conservation Board (Board) directs the Robert E. Lee Soil and Water Conservation District (District) to return \$33,199.58 in technical assistance funds to the Department of Conservation and Recreation (Department), as recommended by the Audit Subcommittee. These funds will be withheld from the FY2022 fourth quarter disbursement of technical assistance funds. The return of these funds will address the inappropriate use of technical assistance funds to reimburse travel for reasons not related to the implementation of the Virginia Agricultural Best Management Cost-Share (VACS) Program. In order to ensure an effective and appropriate policy is in place to address travel reimbursements, the Board directs the District to complete the following:

- a. A review of the existing process to determine where improvements should be made to address the concerns raised by the Audit Subcommittee and this Board, including revisions to existing travel voucher request forms; and
- b. The adoption of formal process, based on the review of the current processes, to ensure all travel reimbursements are reviewed and processed effectively by appropriate staff and District Board members.

Further, the Board recognizes the key role that training provides in ensuring Districts are able to adhere to the financial policies and practices, which provide integrity to all facets of District management and delivery of programs and services for the public good. Therefore, District administrative staff must participate in the Virginia Association of Soil and Water Conservation District Admin/Ops Committee meetings.

Finally, the Board firmly encourages the District to purchase a vehicle for use by the appropriate staff. Given the amount of funding provided to an employee in travel reimbursement, the purchase of a vehicle would be a more cost-effective and appropriate use of state funds.

No later than May 15, 2022, the District must provide the following information to the Department:

1. A revised District Board-approved travel expense policy to the Department for review and approval. Within 30 days of approval of the travel expense policy by the Department, the District must fully implement the revised travel expense policy into its normal operations.
2. The District Board's formal decision about the purchase of a vehicle. The decision must be formally documented in the Board approved minutes. If the District decides not to purchase a vehicle, the reasons why such a purchase will not be made must be fully documented in the minutes as well. If the District chooses to purchase a vehicle, the District should also develop and adopt a vehicle use policy to ensure the vehicle is used appropriately.
3. A formal commitment approved by the District Board ensuring participation by District administrative staff in the Virginia Association of Soil and Water Conservation District Admin/Ops Committee meetings.

Ms. O'Brien seconded and the motion carried.

Mr. Wilson noted that the Subcommittee took actions regarding two additional districts.

Tri-County/City SWCD appeared before the Audit Subcommittee for the second time. They are moving forward with corrections required by the Audit Subcommittee in response to the FY2021 grant deliverable assessments. The District Board has begun holding weekly meetings with staff.

Mr. Wilson noted that the District Manager was no longer with the District as of that morning.

The Subcommittee did approve withholding twenty-five percent of the Administration and Operation funds which the District may earn back by meeting the requirements of the Performance Improvement plan.

Mr. Newton noted that the District Chair and Treasurer agreed with the actions taken.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the following motion as adopted by the Audit Subcommittee:

The Audit Subcommittee of the Virginia Soil and Water Conservation Board directs the Department to send a letter to Tri-County/City Soil and Water Conservation District (District) directing the District to submit a corrective plan of action to the Department for review and approval no later than June 1, 2022. The corrective action plan must outline the steps that have been or will be taken to correct the issues identified in the audit report. This plan must include any relevant changes to policies, procedures and staff responsibilities, as well as planned training activities. Within 90 days of approval of the corrective action plan by the Department, the District must fully implement the corrective action plan and incorporate all changes to policies and procedures into its normal operations.

The corrective action plan must address the following elements:

1. Ensuring all employee recognition payments are appropriately taxed:
 - a. All monetary recognition for employees must be processed through payroll and have the appropriate tax withholdings made.
 - b. A review of the existing procedures regarding the processing of employee recognition and bonus payments; and
 - c. The adoption of a formal process by the District Board, based on the review of the current process, to ensure all employee compensation is made through the payroll system and taxed appropriately and in accordance with the IRS guidelines and the Desktop Procedures for District Fiscal Operations.
2. Ensuring all employee bonuses are documented and accurately paid:
 - a. All employee bonuses must be approved by the District Board and the Board approval of the bonus must be accurately reflected in the meeting minutes. A pay action form showing the approved compensation should be maintained in the employee files.
 - b. Employee bonuses should be awarded in a separate check from the regular payroll to ensure compensation matches the Board approved amount.
 - c. A review of the District's existing procedures regarding the processing of employee recognition and bonus payments.
 - d. A review of the District's existing procedures regarding reconciliation and check signing for District payroll and additional compensation; and
 - e. The adoption of formal processes by the District Board, based on the review of the current processes, to ensure all employee compensation is accurately paid.

Additionally, the District will be required to undergo a special one-year audit for the period ending June 30, 2022. The cost of this special audit will be at the expense of the District and will be reduced from the FY2023 administration and operation allocations.

Further, as the District failed to address all required components of the Performance Improvement Plan (PIP) required by the Virginia Soil and Water Conservation Board on September 23, 2021; and as of March 10, 2022, the District Board has yet to approve revisions recommended by the Department and the District's PIP Committee; and as issues continue to be present regarding the submission of accurate and complete quarterly reports; and as during the regular financial audit of the District, additional deficiencies were found; the Virginia Soil and Water Conservation Board, at the recommendation of the Audit Subcommittee, directs the following:

1. 25% of the District's total allocation established under the ***Virginia Soil and Water Conservation Board Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2023*** will be withheld from the District.
2. The funds being withheld will be provided to the District either through the regular fourth quarter disbursement of FY2023 or through a special disbursement during the fourth quarter of FY2023 if the District complies with all of the following:
 - a. All policies and procedures identified in the PIP as well as the corrective action plan required by this action are fully implemented to the satisfaction of the Department;
 - b. All FY2023 quarterly reports, as well as FY2022 end of year reports, are submitted accurately and by the expected deadlines;

- c. The District Board shall review the District's annual plan of work each month; assign appropriate individuals to ensure each task included in the annual plan of work is completed; and ensure each task is successfully completed; and
- d. No new findings are identified during the FY2022 one-year special audit.

Mr. Ford seconded and the motion carried unanimously.

Mr. Wilson reported that the Audit Subcommittee also took action regarding Henricopolis SWCD. He noted that this was the second time Henricopolis had issues brought before the Subcommittee.

Ms. Watlington Jones advised that Henricopolis SWCD was before the Audit Subcommittee in 2020 due to failure to meet some of the grant deliverables. They developed a PIP, which was approved in 2020. She noted that there were issues found in the recent audit that indicate financial reporting issues. These issues should not have occurred if the District was adhering to the PIP.

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approve the following motion as adopted by the Audit Subcommittee:

The Audit Subcommittee of the Virginia Soil and Water Conservation Board directs the Department to send a letter to Henricopolis Soil and Water Conservation District (District) directing the District to submit a corrective plan of action to the Department for review and approval no later than June 1, 2022. The corrective action plan must outline the steps that have been or will be taken to correct the issues identified in the audit report. This plan must include any relevant changes to policies, procedures and staff responsibilities, as well as planned training activities. Within 90 days of approval of the corrective action plan by the Department, the District must fully implement the corrective action plan and incorporate all changes to policies and procedures into its normal operations.

The corrective action plan must address the following elements:

1. The loss of District financial records:
 - a. The lost QuickBooks financial records for FY2020 and FY2021 should be reconstructed to the best of the District's abilities. It is highly recommended that the District utilize a CPA firm to assist with this reconstruction.
 - b. A review of the existing procedures regarding the required monthly back-ups of the District's QuickBooks records; and
 - c. The adoption of a formal process, approved by the District Board, based on the review of the current process, to ensure all financial report back-ups are being completed timely and in accordance with the *Desktop Procedures for District Fiscal Operations*.
2. Ensuring all employees are being compensated in accordance with Fair Labor Standards Act (FLSA):
 - a. All employees must have an updated FLSA checklist completed and recorded in the employees file.
 - b. Non-exempt employee timesheets for FY2020 and FY2021 must be reconciled for over-time hours and any compensation owed to an employee must be paid in accordance with FLSA.

- c. An examination of the existing review process for employee timesheets and overtime compensation; and
 - d. The adoption of a formal process, approved by the District Board, based on the review of the current process, to ensure all employee timesheets are reconciled and overtime compensation is provided in accordance with FLSA.
- 3. Ensuring proper reconciliation and reporting of VRS contributions:
 - a. The District must reconcile the FY2020 and FY2021 quarterly submissions of the IRS Form 941 to ensure all VRS contributions have been reported properly as nontaxable.
 - b. The District must reconcile all VRS contributions reflected on the payroll summaries to VRS statements to ensure that each employee's VRS contributions are being accurately paid.
 - c. An examination of the existing process to determine where improvements should be made to ensure all VRS and ICMA-RC payments are submitted by the required due dates.
 - d. The adoption of a formal process, approved by the District Board, based on the review of the current processes, to ensure all VRS and ICMA-RC payments are submitted by the required due dates

Additionally, the District will be required to undergo a special one-year audit for the period ending June 30, 2022. The cost of this special audit will be at the expense of the District and will be reduced from the FY2023 administration and operation allocations.

Further, as the District was directed to develop and implement a Performance Improvement Plan less than two years ago for failing to meet grant deliverables for financial reports and financial management; and as the most recent audit has found significant financial deficiencies; the Virginia Soil and Water Conservation Board, at the recommendation of the Audit Subcommittee, directs the following:

- 1. 15% of the District's total allocation established under the ***Virginia Soil and Water Conservation Board Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2023*** will be withheld from the District.
- 2. The funds being withheld will be provided to the District either through the regular fourth quarter disbursement of FY2023 or through a special disbursement during the fourth quarter of FY2023 if the District complies with all of the following:
 - a. All policies and procedures identified in the PIP, approved by the Audit Subcommittee on December 16, 2020, as well as the corrective action plan required by this action are fully implemented to the satisfaction of the Department;
 - b. All quarterly reports, as well as FY2022 end of year reports, are submitted accurately and by the expected deadlines; and
 - c. No new findings or concerns are identified during the FY2022 one-year special audit.

Dr. Hill seconded and the motion carried unanimously.

Mr. Wilson advised that the Audit Subcommittee also addressed signatures on VACS contracts. Without appropriate signatures there is no valid contract. The recommendation is that Districts be responsible for the costs of practices implemented with no signed contract. Districts would also be responsible for providing the associated technical assistance funds back to DCR.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board, with the recommendation of the Audit Subcommittee, directs the following:

1. For any practice funded in whole or in part by the VACS Program, a VACS contract must be completed and signed in its entirety by both the appropriate District staff or District Director and the participant;
2. VACS cost-share files will be examined during financial audits, administrative cost share file reviews, and verifications to ensure the appropriate signatures have been obtained;
3. For any practice marked complete and issued payment on or after July 1, 2022, failure to obtain the appropriate signatures on a VACS contract in its entirety will result in the amount provided in VACS cost-share funding for the practice, including the associated technical assistance funding, being withheld from the District's cost-share and technical assistance allocation for the next fiscal year by the Department.

Dr. Hill seconded and the motion carried unanimously.

SOIL AND WATER CONSERVATION DIVISION

Division Report – James Martin, Director, Division of Soil and Water Conservation

Mr. Martin gave the report for the Division of Soil and Water Conservation. As this was his first report as Division Director, he provided an overview of his background. Mr. Martin began with DCR in 1995 working in the Division's Shoreline Erosion Advisory Service. He served active duty with the Coast Guard following the attacks of September 11th, returning to DCR in 2009 to work on the development of local TMDL Implementation Plans and the first and second Chesapeake Bay WIPs. He moved to the Department of Environmental Quality in 2013 before returning to DCR as Division Director.

Mr. Martin noted the following:

Need for SWCD's to Build Capacity to Deliver Anticipated Funding Increases

- Significant increases in District Admin/Ops funding and unprecedented levels of Cost-Share funding for the next two years are proposed in both House and Senate budget bills.
- SWCDs are encouraged to aggressively recruit the additional staff, both technical and administrative, needed to deliver the significantly expanding program funding.
- Retention of existing trained and experienced staff will also be critical to our success both to bring new staff up to speed and to deliver the programs. Please take this huge funding increase as an opportunity to review the compensation packages (including pay, health insurance, retirement and paid time off) of your staff to ensure they are competitive in the current job market.

Chesapeake Bay Bill Update

- As required by the “Bay Bill,” the Department has developed, and the Virginia Soil and Water Conservation Board (Board) adopted, an (office) method for determining perennial streams. A project to apply the approved methodology and develop the resulting maps of perennial streams was contracted with GeoDecisions and is nearing completion. We anticipate the map product will be released this summer. Some Districts will be asked to volunteer to help the Department to test the method’s accuracy and determine if any modifications are needed.

District Dam Remote Monitoring Equipment Update

- Sixty (60) additional remote monitoring units have been procured to be installed on District owned flood control dams. Each District will be responsible for the installation of the remote monitoring equipment. The units will be installed early spring/summer of 2022. The equipment allows Districts to monitor the water level in the lake via a website and receive text message and email alerts for high water events. Once the procured units have been installed, a total of seventy-eight (78) district dams will be remotely monitored.

Improved and Automated Data Quality Assurance Procedures

- A new automated process to assist in the quality assurance (QA) of best management practice (BMP) data submitted to DCR through the Virginia Agricultural Cost Share Program has been established. The new process sends an email to each District every two weeks identifying potential QA issues in the data. The process should greatly simplify the QA process for both Districts and DCR as we move forward.

Cover Crop Survey

- The Division of Soil and Water Conservation partnered with the VCU Center for Environmental Studies to complete a roadside transect survey to determine the extent of potential cover crops within the Chesapeake Bay Watershed. Seven teams of two graduate students each have been conducting the surveys since mid-January and are nearing completion. Over 12,000 data points have been collected. Smartphone based technology was utilized for the survey to collect data and pictures, An app was also used to aid the teams in determining the amount of cover present. All without entering any farms. Following completion, the data will be analyzed and the results are expected to help inform our understanding of the adoption of this important practice.

Tillage Survey

- This survey is being undertaken to update existing rates of tillage practices in the Chesapeake Bay watershed. DCR has held two informational webinars and contacted Districts to determine their intent for participation. Memorandums of Understanding will be provided to those that plan to undertake the survey along with compensation for the work. For those few Districts that choose not to participate, DCR is investigating alternatives for data collection to ensure that all Bay area localities are surveyed. The smartphone based data collection technology used successfully in the Cover Crop Survey will also be used for this survey. Training on use of the data collection technology will be offered to participating Districts in late-March. The effort will

be getting underway later this month and will be completed by May 31, 2022. Results from this survey will be statistically summarized at the county scale and used to report tillage practices to the Bay Program.

Nutrient Management Rule Making

- The fast track rulemaking to amend the education requirements for nutrient management planners has complete the required public comment period and will be effective April 1.

Virginia State University (VSU) Small Farms Outreach Program (SFOP)

- Work is continuing with VSU on the Small Farms Outreach Program. A conference for with over 100 small farmers was held in Roanoke in November, 2021
- Division and VSU staff met at VSU's Randolph Farm to identify current BMPs that can be showcased in future farm tours as a part of the SFOP. These BMPs included cover crops, grazing land management, and animal composting.
- Several virtual informational sessions were held where Participants received information about our Nutrient Management, Litter Transport, Virginia Agricultural Cost Share (VCAS) offerings, conservation planning, Resource Management Plans, and information on tax credits. The participants had many questions and a strong interest in participating in the programs was expressed.
- VSU-SFOP has completed a survey of small farms. Among the results, only 15% of survey respondents have applied for cost share from SWCDs within the last three years. DCR is considering strategies to recommend to the Soil and Water Conservation Board that could improve upon this level of participation.

SWCD Staff Training

- The Department has continued to collaborate with the Association on several training classes for District staff and Conservation Planners in training. Planned courses include: Perennial Stream Identification, Conservation Selling Skills, and DCR Conservation Planning. DCR is assisting with coordination for the Association's upcoming Ag 101 training.

Environmental Education

- We are very pleased to see a couple of Environmental Education positions and funding in the budget language this year. We are actively exploring how best to apply those positions to maximize their benefits.

Department Staff and Offices

- Hunter Landis has assumed the **Nutrient Management Program Manager** position. Hunter previously served as the Director of State Farm Agribusiness for the Department of Corrections State Farm in Goochland.
- Stephanie Dawley has been promoted into the **Nutrient Management Training and Certification Coordinator** position. Steph previously served as our Nutrient Management Planning Specialist out of the Suffolk office.
- Angela Ball has been promoted into the **Western Area Manager** position. Angie previously served as the Conservation District Coordinator in the Abingdon Office.
- Christine Watlington Jones has been promoted into the expanded role of **Policy and District Services Manager** supervising the Agricultural Incentives Program Manager, the Conservation Planning and Training Coordinator and the SWCD Liaison as well as continuing to lead policy for the Division.

Positions Currently Under Recruitment: Agricultural Incentives Program Manager, Conservation District Coordinators in Suffolk and Abingdon, Nutrient Management Planning Specialist in Suffolk, and Division Grants Manager.

Return to Office

Effective March 1, 2022 Department staff are returning to our offices in a hybrid work status. In general, staff will have a minimum of one day per week in the office. In the Main Street Centre office in Richmond, office days will be grouped by program area as follows:

- District Services Group – **Mondays**
- Nutrient Management Group – **Tuesdays**
- Data Services Group – **Wednesdays**
- Engineering Services Group – **Thursdays**
- (Also) Dam Safety/Floodplain Management Division staff will be in Central Office on Thursdays

Approval of budgets for Watershed Improvement Districts – Christine Watlington Jones, Policy and District Services Manager

Ms. Watlington Jones advised that the Board annually has the responsibility to approve the operating budgets for the two Watershed Improvement Districts (WIDs) in the Commonwealth: Lake Barcroft WID and Timberlake WID. Those budgets were emailed to Board members prior to the meeting.

Lake Barcroft Watershed Improvement District

- At the beginning of FY 2023, the LBWID anticipates a balance of \$1,488,477 distributed among four reserve funds (operations, dredging, general capital, and general reserves). The LBWID expects to collect property taxes of \$1,335,000 (a 3.3% increase over FY 2022, which is within the 3.5% inflation rate expected by the community) and identifies other available modest income sources, which will provide \$2,830,477 in available funds.

- The planned FY 2023 budget expenditures of \$1,619,700 include \$907,200 for operating expenditures (personnel, administration, overhead, environment, maintenance, and equipment), \$575,000 for dam renovation projects (including ingress and egress improvements to the WID operational facility), \$105,000 for dredging and silt removal, and \$32,500 for general capital expenditures (including the biennial recertification of the dam). An ending balance of \$1,210,777 is expected.
- Throughout the remainder of FY 2022 and into FY 2023, the LBWID will focus on the six-year recertification plan for the dam, evaluate the impacts of increased stormwater runoff on the lake and dam, and continue their efforts to secure a long-term location for dredge spoil disposal.

BOARD ACTION

Mr. Newton moved that the Virginia Soil and Water Conservation Board approve the Lake Barcroft Watershed Improvement District FY2023 budget as submitted by the Northern Virginia Soil and Water Conservation District and

Mr. Ford seconded and the motion carried unanimously.

Timberlake Watershed Improvement District

- The budget is prepared with no change in the current WID tax rate of \$0.15 per \$100 assessed value.
- Actual budget needed:

Operating Expenses:	\$9,000
Interest Expenses:	\$22,062
Loan Amortization:	\$51,825

BOARD ACTION

Ms. O'Brien moved that the Virginia Soil and Water Conservation Board approve the Timberlake Watershed Improvement District FY2023 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Department.

Mr. Wilson seconded and the motion carried.

Agricultural BMP Cost-Share Manual Amendments – Christine Watlington Jones

Ms. Watlington Jones presented the recommended amendments to the Agricultural BMP Cost-Share Manual. She noted that Board members were provided a copy of the matrix of recommended changes to the BMP specifications.

Ms. Watlington Jones noted that there were two specifications where the Department recommendation differs from the AgBMP TAC:

- WP-6 (Agricultural chemical and fertilizer handling facility)
 - Requirements exist for pesticide and herbicides licenses
 - Protocols in place for spills to minimize the impact
 - AgBMP TAC is keeping specification, since it does no harm
 - Department would prefer it be removed as it has not be utilized by producers
- FR-3M (Woodland buffer filter area maintenance)
 - New specification (language is recommendation of the AgBMP TAC; revisions are the Department's recommendations)
 - Practice would now be for buffers that are voluntarily installed but have no access to a funding option if trees die or an "act of nature" occurs
 - VACS practice would be eligible for funds for "extreme act of nature" funding
 - Will ensure voluntary practices are reported to the Chesapeake Bay Model for credit
 - Met with key stakeholders to discuss this practice; are comfortable with the language

Ms. Watlington Jones reviewed Department recommended changes to other sections of the Manual:

i. Guidelines

- Definition of applicant – clarifies that an individual must be at least 18 years old in order to participate in VACS
- Revisions to priority considerations to reflect several new recommended BMPs (stream exclusion in floodplains, WFA-NN; WFA-CC; cover crop with fall manure applied)
- Language the board will hopefully approve later authorizing Districts to partner with non-profit organizations similarly to how Districts are able to partner with other organizations now
- Additional practices have been included in the list of practices eligible to participate through the variance process – livestock stream exclusion practice with animal waste practices
- Occasionally, a practice fails due to no apparent lack of maintenance or Extreme Act of Nature. Language has been included that allows participants in this situation to be eligible for additional cost-share funds, utilizing a similar existing process, as the case-by-case judgment of the District Board and DCR. The language has been recommended by the AgBMP TAC.

ii. Tax Credit

- Language has been added to clarify that a soil conservation plan is required for both structural and agronomic BMPs
- Language has been added that removes the requirement for Districts to approve tax credits prior to the completion of a BMP. The tax credit can be approved, certified, and paid once the project is complete and the producer provides receipts to the District documenting the out-of-pocket expenses.
- Language has been added that notifies Districts that the date that a BMP Instance's approval date and the date when the tax credit was approved may be different. This language reflects the ability of the District to approve tax credits after a BMP is complete and the producer is able to determine out-of-pocket expenses.

- In several places, existing language has been stricken, as it is no longer reflective of the process established by the Department of Taxation. Language has been included that reflects the current process.

iii. Voluntary

- Minor edits have been made to this section of the Manual to add clarity and to correct references (such as AgBMP Tracking Module versus Agricultural BMP Tracking Program).
 - Three new specifications have been developed that mimic the cost-share specifications:
 - Four specifications are recommended for deletion as the specifications have not been utilized, are recommended to be replaced by a new specification, or are mostly duplicated in another specification:
 - Twenty-five specifications have been updated to more accurately reflect the associated cost-share practice specification and the requirements to receive credit in the Chesapeake Bay Model:
 - This is the first step in revising and updating this section and associated specification of the Manual. There are additional edits that need to be made to the section and specifications including reviewing the language referencing contracts, verifications, and inspections. Additionally, the language needs to ensure that partners, such as VDACS, are appropriately included and that the standards set out in the specifications are what is needed to receive Chesapeake Bay Model credit. The Department will continue to review and revise this language and these specifications over the upcoming year.

iv. CREP

- Language has been amended to reflect the recommendation that the cost-share match for CREP be increased from 35% to 50%.
- Language has been added that references the availability of tax credits to producers who install certain agricultural best management practices. Language has been amended in several specifications as well.

1. Poultry Litter

Recommended revisions include:

1. Clarifies that only the counties that are specifically included in sections G, H, and I are eligible to participate
2. Clarifies the process to submit requests for payment and the documents that must be included as part of a request
3. Removal of the language below in numerous places throughout the document that states:

ADDITIONALLY, fields eligible for payment must have maximum phosphorus application rates not to exceed crop removal of phosphorus or crop phosphorus needs (as described in the *Virginia Nutrient Management Standards and Criteria*, Revised July 2014), whichever is greater.

Fields eligible for payment must have maximum nitrogen application rates not to exceed crop nitrogen needs as described in the *Virginia Nutrient Management Standards and Criteria*, Revised July 2014.

Specifically, this language change will:

- Maintain all water quality protections (nutrient timing, nutrient placement, application setbacks, etc.) required by the Nutrient Management Training and Certification Regulations.
 - Producers must still comply with their nutrient management plan.
 - Producers must still comply with DEQ's end user requirements.
- Avoid confusion among plan writers and farmers new to the incentive program but experienced with nutrient management plans.
- Allow farmers to build soil test phosphorus to optimum levels in fields currently deficient in phosphorus. That optimum level being defined as the point where no crop yield response is expected to result from phosphorus application according to Virginia Tech recommendations.
- Limit phosphorus application to crop removal once the optimum level is obtained, resulting in no increase in soil phosphorus above that optimum level over time.
- Limit nitrogen application to crop nitrogen needs as described in the Virginia Nutrient Management Standards and Criteria, Revised July 2014.

4. Require the off-loading and storage of litter at the receiving site to be handled in accordance with DEQ's ***Fact Sheet: Requirements for Poultry Litter Use and Storage***.

v. Glossary

- Applicant" has been revised to clarify that any individual must be a minimum of 18 years of age to participate in VACS.
- "Fully implemented nutrient management plan" has been revised to more accurately reflect current programmatic procedures and interpretation. Currently, the producer certifies that they understand the nutrient management plan; that the plan was developed by a certified nutrient management planner; and they have adhered to all the nutrient recommendations in the nutrient management plan. Language included in #3 of this definition has added confusion for both producers and Districts; it is unnecessary as the individual specifications establish the requirements for nutrient management plans.
- "Specialty crop" has been revised to include small grain as a type of crop.

vi. Other documents

- Schedule: Dates have been updated to 2022 and 2023

- Table of BMPs: Revision dates have been updated
- Administration Review Checklist: Minor revisions have been made to clarify the process and how many files should be reviewed yearly

Approval of language authorizing partnerships with non-profit conservation organizations

- A request was made by partners and stakeholders that the Board approve this language at the earliest opportunity.
- A motion was approved by this Board last September for Colonial District, who is working with the James River Association, to install living shorelines.
- Approval of this motion will allow Districts to partner with non-profits, similarly to how Districts partner with other organizations, without needing specific Board approval.

Recommended Motion:

Mr. Ford moved the following:

The Virginia Soil and Water Conservation Board (Board) approves the following language for inclusion in the Guidelines Section of the 2023 Virginia Agricultural Cost-Share (VACS) BMP Manual. Additionally, Districts are authorized to immediately enter into partnerships with non-profit conservation organizations to provide additional reimbursement opportunities to producers in accordance with the approved language, the Virginia Agricultural Cost-Share (VACS) BMP Manual, and any additional guidance provided by either this Board or the Department.

Districts ~~and~~ 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. Other sources of funding, including funding from local sources, ~~and~~ private sources, and non-profit conservation organizations, may provide additional reimbursement opportunities in addition to the rates listed in the VACS BMP specifications, up to 100% cost-share or greater. Experience has shown that a contribution towards implementing the practice by the participant encourages the long-term maintenance of the practice. Districts are encouraged to meet with local conservation workgroups to discuss funding options, priorities, and program administration. In addition, Districts may use locally-approved current commercial rates (e.g. seed, lime, fertilizer, machinery, and labor), District approved unit cost, or statewide average costs to establish estimates for eligible practice components.

Mr. Wilson seconded and the motion carried.

DAM SAFETY AND FLOODPLAIN MANAGEMENT

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

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

*Revision to the 2022 Dam Safety, Flood Prevention, and Protection Assistance Fund grant round –
Christine Watlington Jones*

- Applications for the 2022 Virginia Dam Safety, Flood Prevention, and Protection Assistance Fund grant round were accepted beginning November 1, 2021; applications were no longer accepted after 4:00 p.m. on February 28, 2022. Applications were required to be submitted through the Dam Safety Inventory System (DSIS).
- According to the language in the 2022 Grant Manual, a minimum of \$850,000 is available for the repairs, safety modifications and removal of dams (Part III: Dam Safety Projects Section 2). Based on preliminary review of submitted applications, the full \$850,000 will not be awarded.
- Only \$400,000 in funding was available for engineering studies according to the 2022 Grant Manual (Part III: Dam Safety Projects Section 1). The Department has received applications that far exceed this available funding amount.
- The Department would like to shift funding from Part III: Dam Safety Projects Section 2 (repairs, safety modification and removal) to the Part III: Dam Safety Projects Section 1 (engineering studies) as needed to fund the most appropriate applications.
- Additionally, the Department has determined that some applications, rather than being submitted to the Department, were inadvertently left in DSIS in the “development” stage. The Department has contacted these applicants and has confirmed that the applicants intended to apply. The Department requests the flexibility to review those applications that remained in the “development” stage of the application process for eligibility and possible funding.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board approves the shifting of available funding from the Part III: Dam Safety Projects Section 2 – Repairs, Safety Modifications and Removal to Part III: Dam Safety Projects Section 1 – Engineering Studies as needed to fund the most appropriate applications.

Additionally, the Department is authorized to review applications that were inadvertently left in the “development” stage of the grant application process for eligibility and possible funding.

Mr. Newton seconded and the motion carried unanimously.

*Extension for a project funded through the Dam Safety, Flood Prevention, and Protection Assistance Fund
– Christine Watlington Jones*

Ms. Watlington Jones advised that Lake Dillon Dam (Camp T. Brady Saunders), inventory number 075025, is located in Goochland County. In 2020, the dam owner applied for funds from the Dam Safety, Flood Prevention, and Protection Assistance Fund to complete an analysis of the dam break inundation zone and the project was approved by the Board (Grant number DSFP-61-20). The dam break inundation study is underway and the owner is cooperating with the Department.

The work was delayed due to COVID impacts to engineering community; not due to lack of effort on applicant’s part. An extension through June 30, 2023 is being requested to allow the dam break inundation study to be completed.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board approves an extension of the dam break inundation zone project (DSFP-61-20) for Lake Dillon Dam (Camp T. Brady Saunders), inventory number 075025. The project is extended through June 30, 2023.

Dr. Hill seconded and the motion carried unanimously.

Approval of increased funding for study of Lake Accotink Dam – Christine Watlington Jones

Previously, the Virginia Soil and Water Conservation Board approved the appointment of a committee to evaluate the hydrologic and hydraulic aspects of Lake Accotink Dam, inventory number 059006, to satisfy questions of safety in the alteration and operation and maintenance of the impounding structure.

BOARD ACTION

Mr. Wilson moved the following:

The Virginia Soil and Water Conservation Board authorizes the Department to utilize an additional \$25,000 for the costs and expenses incurred by the consulting committee evaluating the hydrologic and hydraulic aspects of Lake Accotink Dam (inventory number 059006). These costs will be paid per §4VAC50-20-210 item B. using the Dam Safety Flood Prevention and Protection Assistance Fund in accordance with §10.1-603.19 item D. The total costs and expenses paid by the Board for the consulting committee shall not exceed \$100,000.

The Department is authorized to communicate this approval to the Virginia Resources Authority (VRA) so that cost incurred may be reimbursed from the Fund.

Dr. Hill seconded and the motion carried unanimously.

Approval of small dam repair projects for Districts – Christine Watlington Jones

- The Appropriations Act (Chapter 552 of the 2021 Special Session¹ Acts of Assembly, Item 373) provides \$500,000 annually for small dam repairs of known or suspected deficiencies on District-owned dams.
- Typically, these projects are approved in December. As the Board did not meet in September, DCR staff requests approval at this meeting.

BOARD ACTION

Mr. Newton moved the following:

The Virginia Soil and Water Conservation Board (Board) approves funding for seven (7) projects in the amount of \$1,115,350.50, as presented and recommended by the Department. For FY2022, the Board also approves allocating \$129,592.25 for contingency funds and \$50,000 for emergency project funds.

Additionally, the Board ratifies the decision of the Department, after consulting with a majority of Board members, to provide payment to Culpeper Soil and Water Conservation District for the following projects up to the amount of \$411,000:

- Beautiful Run #5 primary conduit slip lining construction project (ID#20-12) in the amount of \$168,500;
- Beautiful Run #6 primary conduit slip lining construction project (ID#20-13) in the amount of \$168,500; and
- Beautiful Run #2A additional funds for wave berm construction project (ID#22-01) in the amount of \$74,000.

Further, the Board directs the Department to reimburse Soil and Water Conservation Districts for all eligible costs associated with the installation of the remote monitoring equipment as provided for in Chapter 552 of the 2021 Special Session 1 Acts of Assembly. The funding for the reimbursements shall be provided from the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

Approval of District Director resignations and appointments – Christine Watlington Jones

The following resignations and appointments were presented.

Evergreen

Resignation of Mr. Justin McClellan, of Smyth County, effective 3/23/2022, elected director (term of office expires 12/31/2023).

Appointment of Mr. David Spence, of Smyth County, effective 3/23/2022, to fill the un-expired elected director position of Mr. Justin McClellan (term of office expires 12/31/2023).

Appointment of Ms. Dianne Beck, of Smyth County, effective 3/23/2022, to fill the un-expired elected director position of Mr. Billy Bear (term of office expires 12/31/2023).

Natural Bridge

Resignation of Mr. John Knox, of the City of Lexington, effective 3/23/2022, elected director (term of office expires 12/31/2023).

Appointment of Mr. Charles Winder, of City of Lexington, effective 3/23/2022, to fill the unexpired elected director position of Mr. John Knox (term of office expires 12/31/2023).

Patrick

Resignation of Mr. Travis Bunn, effective 2/9/2022, Extension Agent appointed director (term of office expires 12/31/2024)

Appointment of Mr. Christian Taylor, effective 3/23/3033, to fill the un-expired Extension Agent appointed director position of Mr. Travis Bunn (term of office expires 12/31/2024).

Piedmont

Resignation of Ms. Haley Norton, effective 3/23/2022, Extension Agent appointed director (term of office expires 12/31/2024)

Appointment of Ms. Erin Small, effective 3/23/3033, to fill the un-expired Extension Agent appointed director position of Ms. Haley Norton (term of office expires 12/31/2024).

Pittsylvania

Resignation of Mr. Tim Alderson, of Pittsylvania County, effective 10/5/2021, elected director (term of office expires 12/31/2023).

Appointment of Mr. James Rigney, of Pittsylvania County, effective 3/23/2022, to fill the unexpired elected director position of Mr. Tim Alderson (term of office expires 12/31/2023).

Skyline

Resignation of Mr. Jeff Reeves, of Pulaski County, effective 1/13/2022, elected director (term of office expires 12/31/2023).

Appointment of Mr. Andy Pratt, of Pulaski County, effective 3/23/2022, to fill the un-expired elected director position of Mr. Jeff Reeves (term of office expires 12/31/2023).

Thomas Jefferson

Resignation of Ms. Carrie Swanson, effective 3/23/2022, Extension Agent appointed director (term of office expires 12/31/2024)

Appointment of Mr. Enrique Hernandez, effective 3/23/3033, to fill the un-expired Extension Agent appointed director position of Ms. Carrie Swanson (term of office expires 12/31/2024).

Tri-County/City

Resignation of Mr. Tim Makee, of Stafford County, effective 2/18/2022, elected director (term of office expires 12/31/2023).

Appointment of Mr. John Howe, of Stafford County, effective 3/23/2022, to fill the un-expired elected director position of Mr. Tim Makee (term of office expires 12/31/2023).

BOARD ACTION

Mr. Wilson moved that the Virginia Soil and Water Conservation Board approves the appointment of the individuals being recommended.

Dr. Hill seconded and the motion carried.

PUBLIC COMMENT

Mr. Ford noted that the Board had previously discussed the Carbon Sequestration Legislation sponsored by Senator Lewis. He advised that no action was needed at the present but that staff may wish to consider appropriate language. He agreed to send the report for distribution to the Board.

Natural Resources Conservation Service

Mr. Vincent gave the report for NRCS. A copy of the report is included as Attachment #2.

Virginia Association of Soil and Water Conservation Districts

Dr. Tyree expressed appreciation for the coordination of the SWCB meeting and the Association meeting. She welcomed those who would be staying for the Association Board meeting the following day.

Trainings on the horizon include Administration and Operations trainings on April 6. The Association looks forward to working with DCR over the next two meetings.

Agribusiness Council

Mr. Shreve discussed the revisions and conversations that were had during the General Assembly Session on HB206 regarding solar placement and mitigation.

Agribusiness is interested in poultry litter. Mr. Shreve noted that the availability of fertilizer is an issue of concern.

Virginia Cooperative Extension

Mr. Goerlich presented the report for Virginia Cooperative Extension. A copy of the report is included as Attachment #3.

UPCOMING MEETINGS

- April 21, 2022 – Virginia Department of Forestry, Charlottesville
- May 18, 2022 – Bear Creek Lake State Park, Cumberland

ADJOURN

There was no other business and the meeting adjourned at 1:52 p.m.

Attachment #1

Division of Dam Safety and Floodplain Management
Division Director's Report
March 23, 2022

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 February 1, 2022

<u>As of 2/1/2022</u>	<u>High</u>	<u>Significant</u>	<u>Low</u>	<u>Unknown</u>	<u>Totals</u>	
Total Number of Dams	353	174	283	1877	2687	
Percent of All Dams	13%	6%	11%	70%	100%	
Ownership	High	Significant	Low	Unknown	Totals	Percentage
Private Ownership	117	90	187	1080	1474	55%
Public Ownership	231	80	78	77	466	17%
Unknown Ownership	5	4	18	720	747	28%
Total	353	174	283	1877	2687	100%
Dam Type	High	Significant	Low	Unknown	Totals	Percentage
Earthen Dams	313	168	257	1365	2103	78%
Concrete/Stone/Other	35	6	21	71	133	5%
Unknown Type	5	0	5	441	451	17%
Total	353	174	283	1877	2687	100%
Operation Certificate Status	High	Significant	Low	Unknown	Totals	Percentage
Active or Archived	338	162	219	73	792	29%
No Approved Certificate	15	12	64	1804	1895	71%
Total	353	174	283	1877	2687	100%
% of Compliance	96%	93%	77%	4%	29%	
% of Noncompliance	4%	7%	23%	96%	71%	
Operation Certificate Type	High	Significant	Low	Unknown	Totals	Percentage
Regular O&M Certificate	157	70	107	3	337	13%
Conditional O&M Certificate	181	92	112	70	455	17%
No O&M Certificate	15	12	64	1804	1895	71%
Total	353	174	283	1877	2687	100%
% of Compliance	96%	93%	77%	4%	29%	
% of Noncompliance	4%	7%	23%	96%	71%	

Emergency Plans	High	Significant	Low	Unknown	Totals	Percentage
Active or Archived	342	150	204	76	772	29%
No Approved EP	11	24	79	1801	1915	71%
Total	353	174	283	1877	2687	100%
% of Compliance	97%	86%	72%	4%	29%	
% of Noncompliance	3%	14%	28%	96%	71%	
Adjustment for Unknown	High	Significant	Low	Unknown	Totals	
Total Number of Dams	353	174	283	1877	2687	
Potential New Hazard	400	750	727	0	1877	
Adjusted New Totals	753	924	1010	0	2687	
Percent of All Dams	28%	34%	38%	0%	100%	
Note: Unknown means dams are of regulatory size but do not have a hazard classification						

Dams of Regulatory Size without Hazard Classification:

As of this report, there are 1,877 dams of regulatory size without a hazard classification in the DCR dam safety inventory.

Letters of Engagement:

DCR sent “Letters of Engagement” to the owners of the first 200 dams considered to have the highest downstream risks. These “Letters of Engagement” were directly tied to the funding strategy identified in the Dam Safety, Flood Prevention and Protection Assistance Fund (DSFPPAF) grant manual approved by the Board in September 2021.

9/30/2021	127 letters issued for 100 dams (multi-owners)
12/17/2021	112 letters issued for 100 additional dams (multi-owners)

The letters provided a specific pathway to compliance for dam owners and advised that as the owner of a regulated dam, dam owners were responsible for the safe design, construction, operation, and maintenance of the dam and must, at a minimum, have the following on file with DCR:

1. Annual Inspection Report (4VAC50-20-105(C)(2) and (E))
2. Dam Break Inundation Study to determine Hazard Classification (4VAC50-20-54)
3. Emergency Action or Emergency Preparedness Plan (4VAC50-20-175 and 4VAC50-20-177)
4. Operation and Maintenance Certificate (4VAC50-20-105 and 4VAC50-20-150)

Since letters were issued

- Five dams have come under conditional operation and maintenance certificates
- 20 dams have submitted PE inspections
- 10 have submitted agricultural exemption requests – 6 approve, 1 denied, 3 under review
- 1 confirmed regulated by Department of Energy
- 2 dams confirmed size exempt

Dam owners were advised that financial assistance would be available through the DSFPPAF grant to those who received a Letter of Engagement. Dam owners were encouraged to apply for all eligible categories under the 50/50 matching grant program. Dam owners who chose not to apply for grant funding were provided a specific timeline to provide the required documents to DCR

Of the 200 dams receiving letters, 66 eligible dam owners submitted 205 applications \$981,489.50 in grant funding. Only \$400,000 was earmarked in the grant manual for letter recipients. \$850,000 was earmarked for dam rehabilitation. **A motion will be presented today related to how funding is allocated between categories in the grant manual.**

Of the 200 dams receiving letters, 134 did not apply. Next steps for this group will be to monitor the deadlines provided in the initial letters, send follow up correspondence and if necessary move to enforcement for further action.

Public Outreach:

During the month of October 2021 DCR launched a Public Outreach Campaign across the state. The campaign included public service announcements and news releases in both English and Spanish, social media ads and messaging, and radio and newspaper ads. The campaign was designed to heighten awareness and inform the public about dam safety responsibilities, and drive questions and requests for technical assistance to the DCR website.

Reporting dates	Campaign	Ad Budget	Results	Result Indicator	Unique Link Clicks (individuals who clicked the link, so this means 47 people clicked the link more than once)	Reach (how many individuals saw this post)	Impressions (how many times the post was seen)
Oct. 1-29, 2021	Dam Outreach	\$400	505	Link click	458	17,234	47,098

Reach is the total number of people who saw the content. Impressions are the number of times the content is displayed, no matter if it was clicked or not.

On Tuesday, January 11-13, 2022, DCR Dam Safety and Floodplain Management provided virtual training to encourage participation in the 2022 Virginia Dam Safety, Flood Protection and Protection Assistance Fund and the 2022 Community Flood Preparedness Fund (DSFPPAF). Training was targeted to Southwest Virginia localities.

- Dam Safety Track: Training included Dam Owner 101 and regulatory requirements, Letters of Engagement, the Dam Safety, Flood Prevention and Protection Assistance Grant, and the Dam Safety Inventory System access, required use and training. Eighty-eight people attended these sessions including dam owners, engineers, and VDEM staff. Dam owners present were new to dam safety requirements and were recipients of the first step Letters of Engagement from DCR that outlined requirements to bring their dams into compliance.

- **Floodplain Management Track:** Training included Mitigation and Recovery presented by VDEM and a section on dam risk, Risk Rating 2.0 Equity in Action presented by FEMA, and the Community Flood Preparedness Fund (CFPF). The CFPF training included the expansion of flood planning and resiliency efforts across the state, identifying community needs for capacity, planning and studies, steps to develop a Resilience Plan and how to apply for funding, and an overview of future training opportunities for floodplain staff to become certificate Floodplain Managers. There were 62 registrants for the floodplain management track. On Tuesday, March 1-3, 2022, The Floodplain Management team provided an additional in-person training.

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 continued to cause delays in this project. DCR received a draft cost share agreement from the Norfolk District on March 4, 2022, which was forwarded, to the Attorney General's Office for review. Comments were sent back to the Corps on 2/28/2022. Currently, the Norfolk District is in communication with USACE HQ for clarification regarding the comments from the Attorney General's Office. The Project Management Plan is also being routed to the Norfolk and Baltimore Districts for approval and signatures. Prices have increased and we are finally negotiating the cost share agreement. **A motion will be presented today related to the increased cost of this project.**
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 continue to cause delays in these projects. This project will be delayed until after the completion of the Lake Accotink project.

Dam Incidents and Failures:

Since 2016, DCR has recorded 32 dam incidents and failures. Sixteen of them have occurred since 2020. Three have occurred since January 2022.

Year	Date of Failure	No.	Dam Name	Damage or Deaths	County	Hazard Class
2022	1/5/2022	099006	Lake Monroe Dam	Pipe Collapse	King George County	High Hazard
2022	1/17/2022	193011	Chandler's Mill Dam	Partial Failure	Westmoreland County	Significant
2022	3/21/2022	065006	Mclver Dam	Pipe Collapse	Fluvanna County	Unknown

Enforcement

There are currently 19 dams under active enforcement. Three high hazard, four significant hazard, two low hazard and 10 with an unknown hazard classification.

<u>Hazard Classification</u>	<u>Inventory #</u>	<u>Dam Name</u>	<u>Locality</u>
Significant	003162	Clover Dam	Albemarle County
Unknown	011011	Muddiman Dam	Appomattox County
Significant	019015	Ramsey Dam	Bedford County
Unknown	035017	Webb and Stricken Deer Reserve Dam	Breached
Low	137015	Spotswood Drive Dam	Breached
Unknown	149027	Afton Drive/Chappell Creek Dam	Chesterfield County
Unknown	049007	Flippen Dam	Cumberland County
High	061032	Warrenton Lake Dam	Fauquier County
Unknown	075004	Killarney Dam	Goochland County
Unknown	085070	Ashland Mill Dam	Hanover County
Significant	095025	Mirror Lakes Dam No. 1 (west)	James City County
Low	095054	Kingspoint Dam	James City County
Unknown	107002	Kingsley Dam	Loudoun County
Unknown	107022	Lowry Dam	Loudoun County
High	107027	Ashburn Village Lake #1	Loudoun County
High	107034	Ashburn Village Lake #2	Loudoun County
Unknown	145016	Lake Shawnee Dam #3	Powhatan County
Significant	165012	Massanutten Dam	Rockingham County
Unknown	183005	Spring Hill Dam	Sussex County

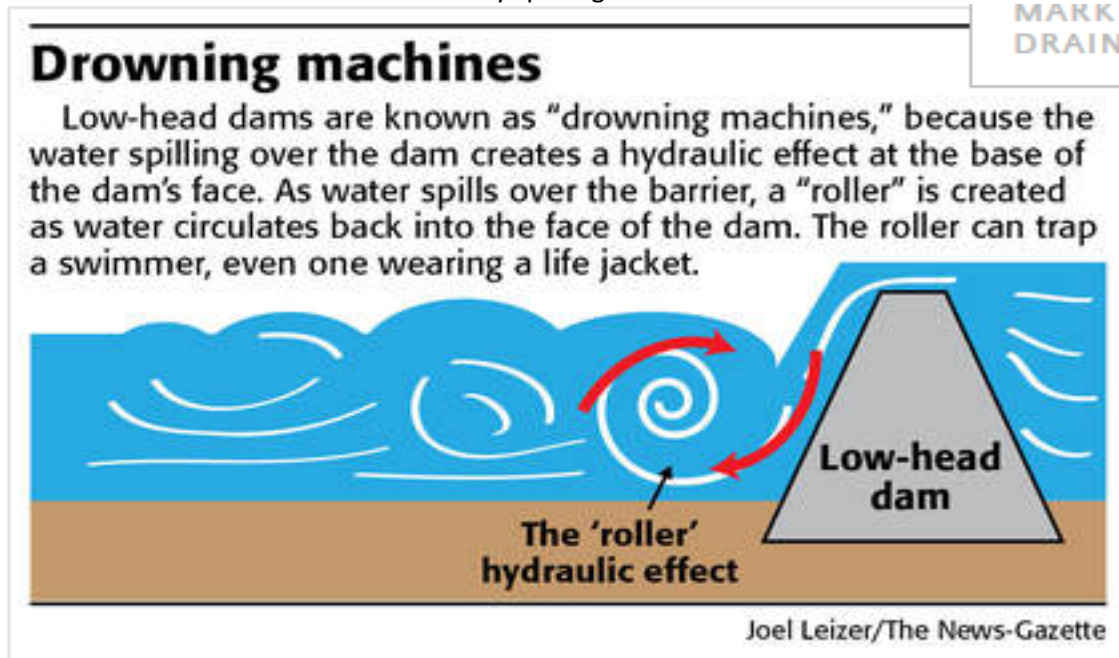
Additional Agenda Item:

Dam Safety, Flood Prevention and Protection Assistance Grant Extension Request beyond DCR 12 Month Authority.

1. Lake Dillon Dam (Camp T. Brady Saunders), inventory number 075025, is located in Goochland County. In 2020, the dam owner applied for funds from the Dam Safety, Flood Prevention and Protection Assistance Fund to complete an analysis of the dam break inundation zone and the project was approved by the Board (Grant number DSFP-61-20). The dam break inundation study is underway and the owner is cooperating with the Department. Unavoidable delays due to COVID-19 and contractors is the primary cause of delay. An extension through June 30, 2023 is being requested to allow the dam break inundation study to be completed. **A motion will be presented today related to this extension request.**
2. April is Low Head Dam Awareness Month. There are currently 59 low head dams of regulatory size in DCR's inventory. Low head dams are generally classified as low hazard dams and pose minimal risk to the public from failure.

Low-head dams might seem small, but they pose a significant risk for drowning due to the force of water moving over the dam. They are called drowning machines for a reason. Water pouring over the top of the dam creates roller effect under the surface that can trap even the strongest swimmer wearing a flotation device.

DCR in collaboration with Department of Wildlife Resources will provide social media messaging and outreach to urge everyone boating, paddling, or floating to stay safe, to find out if any low-head dams occur on their route and always portage around dams.



If you have time, please watch Over, Under, Gone: The Killer On Our Rivers

<https://www.pbs.org/video/over-under-gone-killer-our-rivers/>

Attachment #2

NRCS REPORT

Virginia Soil and Water Conservation Board Meeting
March 23, 2022 ♦ In-person, Drury Hotel, Glen Allen, VA

ASTC-Programs (ASTC-P)**EQIP, CSP, RCPP, VPA-HIP, CIG, TSP and Easement Programs**

Field staff are currently managing 2,081 active conservation program contracts with our participants. These contracts represent \$128 million in financial assistance to Virginia farmers on nearly 469,450 acres.

- **Environmental Quality Incentive Program (EQIP)**
Received and ranked 923 EQIP applications. Applications are currently being evaluated for preapprovals. Secured \$2,983,965 of funding for 3 years for Bland, Botetourt, and Wythe counties through the Joint Chiefs Eastern Divide Restoration Project. Received a total EQIP allocation of \$25.6 million.
- **Conservation Stewardship Program (CSP)–Classic, Renewals & GCI**
Obligated \$5.9 million for 82 CSP renewals on 45,686 acres, a 57% increase in contracts obligated and a 53% increase in acres enrolled over FY21. Funded 13 CSP-GCI contracts for \$26,560 (all applications submitted). Mailed 156 FY23 CSP Renewal applications to eligible participants.
- **Regional Conservation Partnership Program (RCPP)**
Currently managing 24 active contracts with total funding of \$2.6 million covering 8,230 acres. Actively meeting with partners who are interested in submitting RCPP proposals by April 13, 2022, deadline.
- **Agricultural Conservation Easement Program (ACEP)**
Received 3 ALE applications on 1,632 acres and 1 WRE application. Currently 10 ALE acquisitions are in progress.
- **Voluntary Public Access – Habitat Incentives Program (VPA-HIP)**
Virginia NRCS continues to assist DWR with VPA-HIP. The program now has 4 contracts obligated and 16 applications being processed covering 24,161 acres in the Coalfields region of Southwest Virginia.
- **Conservation Innovation Grants (CIG)**

Currently, finalizing State CIG proposal with \$400k available to support the development of new tools, approaches, practices, and technologies to further natural resource conservation on private lands.

Engineering (SCE)**Dam Rehabilitation**

- **Beaver Creek 1** The planning effort is being locally led by the Sponsor, Rivanna Water and Sewer Authority (RWSA). RWSA has retained Schnabel Engineering as their consultant. The draft environmental assessment is being reviewed by the NRCS National Water

NRCS REPORT**Virginia Soil and Water Conservation Board Meeting****March 23, 2022 ♦ In-person, Drury Hotel, Glen Allen, VA**

Management Center for technical adequacy. It is anticipated that a final environmental assessment will be completed by Fall 2022.

- **Cherrystone Creek 1** Funding has been received for the design for the rehabilitation of the structure in accordance with the recommended alternative detailed in the environmental assessment. Pittsylvania County will be the Sponsor for the locally led design process. NRCS is currently working with the County to develop a cooperative agreement for the work. The design process is estimated to take between 18 and 24 months.

EWP

NRCS is providing disaster assistance to Buchanan County, Virginia, through the Emergency Watershed Protection Program (EWPP). The Hurley area of Buchanan County received 6-8 inches of rain (estimated) on Monday, August 30. NRCS and Buchanan County completed damage survey reports (DSRs) for 4 county-identified sites. Funding for 3 eligible sites was received in mid-January 2022. NRCS is currently working with county staff to complete the required documents for the cooperative agreement to implement remedial work. NRCS has been coordinating efforts with Buchanan County and FEMA.

State Resource Conservationist (SRC)**Technical Tools (Field Office Technical Guide**

- Maintaining the Virginia Field Office Technical Guide (FOTG) as a repository of information and references including updates to the conservation practice standards, technical notes, planning criteria and resource concerns, conservation practice physical effects, cost lists and the Virginia Plant Establishment Guide (PEG).

Training to Field Staff

- COVID-19 training, and travel restrictions challenged the team to forage new opportunities to conducted Joint Employee Development (JED) trainings to strength and expand NRCS and partner employee's knowledge and skills. We continue to utilize SRC webinars in place of traditional in-person meetings which has allowed us to disseminate information quickly and efficiently to field staff.
- These training sessions resulted in approximately 1,240 field staff and 1,173 partners being trained in 35 different training opportunities providing the ability to earn 33 contact hours, a few joint-agency webinars include:
 - Prepared a comprehensive RUSLE2 education initiative in response to NRCS field office and DCR partner requests resulting in 6 training webinars for NRCS and SWCD personnel.
 - One day per month set aside to assist area staff and partners with RUSLE2 and cropland agronomy needs.
 - An overview of the different farmer-to-farmer mentoring opportunities in the state to provide field level practitioners the ability to connect with other producers.

Customer Service and Outreach

- Help train, coordinate, and facilitate 13 partnership events where over 1,084 participants attended. These outreach events strive to strengthen and expand NRCS partnership activities

NRCS REPORT

Virginia Soil and Water Conservation Board Meeting

March 23, 2022 ♦ In-person, Drury Hotel, Glen Allen, VA

to achieve common goals, address critical resource concerns and accelerate conservation.

Highlights include:

- Partnered with the farmer-led Virginia No-Till Alliance (VANTAGE) board in planning the Winter Conferences including arranging farmer speakers and helping moderate the conference where 255 participants heard farmers tell our mission; keep the soil covered, minimize disturbance, etc.
- Partnered with VFGC (Virginia Forage and Grassland Council), VCE (Virginia Cooperative Extension), CBF (Chesapeake Bay Foundation) and the forage industry to plan, coordinate and conduct the 2022 statewide winter forage conferences. This year's conference series included 4 in person events plus a live stream option where 455 people participated to learn more about The Green Side of Beef: A Defense of Grassland Agriculture.
- Participated in the Virginia Aquaculture Conference with VIMS/VMRC (Virginia Institute of Marine Science/Virginia Marine Resource Commission) where 105 people attended and learned about of restoration program offerings and benefits they provide to the producer as well as water quality in the Chesapeake Bay.
- Assisted with the development and delivery of a presentation regarding NRCS prescribed burn offerings during the annual Virginia Prescribed Burn Council. Resulting in outreach to approximately 85 attendees on how NRCS can assist and contribute to prescribed burning in Virginia.
- Partnered with the Landscape Partnership Learning Network to offer a series of webinars on various aspects of Native Warm Season Grasses (NWSG) Forages and Grazing Management for Bobwhite Quail.
- Partnered with the Alliance for Grassland Renewal to provide a virtual training opportunity titled, All Things Fescue, to educate cooperative extension and NRCS personnel in understanding toxic tall fescue and novel endophyte tall fescue varieties.
- Conducted a multi-state technical webinar for NRCS and partners in Maryland including University of Maryland and Maryland Department of Natural Resources on our WLFW program.
- Participated in 10 different soil health events where NRCS organized outreach and training with partners and was a keynote presenter. This included 837 agency staff, partners, industry, and producers learning and sharing together, a key feature of the Virginia Soil Health Initiative. Since the 2013 Soil Health Kickoff event in Virginia, NRCS has helped organize and lead 317 soil health events which were attended by over 27,283 participants and heard the NRCS principles on soil health including two invited presentations at the Delmarva Soil Summit.
- Continue to promote and intensively work with the Soil Health Coalition (VSHC) coordinator to facilitate a structure and function of all soil health activities to boost the effectiveness and impact of key pillars in our soil health strategy in Virginia. This includes the implementation of the innovative and partnership-based outreach grant with Virginia Tech in hiring a new integrated conservation agronomist and farmer mentors. This partnership-oriented approach leverages exciting new strategies in support of climate smart agriculture, water quality improvements and a network of demonstration farms including support of a NHQ Soil Plant Science Division agreement with Virginia Tech evaluating soil health assessments using Dynamic Soil Property (DSP) projects.

NRCS REPORT

Virginia Soil and Water Conservation Board Meeting

March 23, 2022 ♦ In-person, Drury Hotel, Glen Allen, VA

- Led the planning, coordination, and development of the 2022 Virginia Graziers Planner with team support from VFGC, Extension, NRCS and CBF staff and volunteers to produce 3,500 copies to distribute as an outreach tool to grassland farmers across Virginia.
-

State Soil Scientist (SSS)

National Resources Inventory Update

The NRI grazing land field data collection locations have been release and are in the process of being analyzed for data needed to complete. The annual protocol training has not been scheduled yet but should be near the end of April.

Soil Survey Update

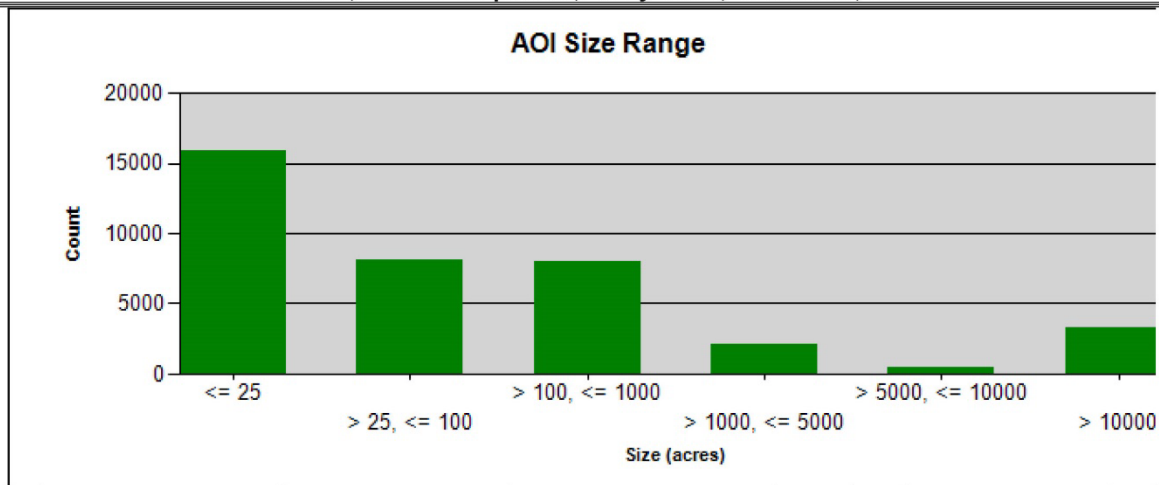
Ecological Site Descriptions for Major Land Resource Area (MLRA) 153 A and B, located on the eastern side of the coastal plain, has begun. The goal for Virginia NRCS is to have consistent vegetative communities for offsite wetland determinations or manipulated wetlands are completed. This project may take up to two years for completion.

Areas of Interest created by Virginia internal and external clients using NRCS soil data this FY.

Web Soil Survey

AOI Size Range

Report Created:	3/4/2022 8:10:27 AM
Start Date:	10/1/2021
End Date:	2/28/2022
State/Territory:	Virginia

NRCS REPORT**Virginia Soil and Water Conservation Board Meeting****March 23, 2022 ♦ In-person, Drury Hotel, Glen Allen, VA**

Size Range (acres)	Count
<= 25	15883
> 25, <= 100	8089
> 100, <= 1000	7981
> 1000, <= 5000	2097
> 5000, <= 10000	452
> 10000	3253
Total:	37755

Public Affairs (PAS)**Communications/Outreach**

Tribal Outreach. Co-hosted a “first of its kind” Virginia Tribal Summit with USDA’s Office of Partnerships and Public Engagement on March 16-17. This virtual outreach event was designed by and for the commonwealth’s federally recognized tribes with multiple state partners heavily engaged in planning and delivering the requested content for two tracks: *Conservation and Knowledge Building* and *Community Growth and Expansion*. State agency representatives delivered presentations on invasive species, shoreline erosion protection, land conservation, broadband and dam safety and floodplain management.

Minority Farmer Recognition. Submitted Virginia grazier Ora Scruggs McCoy for inclusion in **Minority Landowner** magazine’s 2021 “Farmers of the Year” issue. Media placements for our 2021 Civil Rights Advisory Committee Farmer of the Year included the *Times Virginian*, *Virginia Farming* and *On the Farm Radio*. Virginia Farm Bureau also interviewed her for an episode of the

NRCS REPORT

Virginia Soil and Water Conservation Board Meeting

March 23, 2022 ♦ In-person, Drury Hotel, Glen Allen, VA

Real Virginia television program (view the [Ora McCoy](#) tribute video on the Virginia NRCS YouTube channel.).

Urban Ag. Adapted Virginia success story on Prince William County Schools' Community Compost and Food Waste Reduction (CCFWR) pilot for a [USDA blog](#) posted on Dec. 13. Also collaborating with the city of Richmond to develop a success story/news release on their CCFWR project selected for the second wave of funding for the Office of Urban Agriculture and Innovative Production's cooperative agreements/grants.

Landmark Achievements. Coordinated review and clearances of Field to Market January spotlight on Anthony and Trenton Howell that appeared in the group's newsletter and was promoted via their social media channels. (The duo was named trusted advisers in 2021 and featured in a [video](#) introducing that year's spotlight honorees.)

Soil Health Partnerships/Networking. Working with the Virginia Soil Health Coalition to develop an outreach calendar with key dates and messaging for soil health communications and to review/edit a new rainfall simulator video. Collaborated with 4theSoil partners to review World Soils Day announcements and partnership infographics and exhibits.

Social Media Engagement. Continued to focus on social media as a tool to publicize programs, tie ag to current events and implement campaigns like 4theSoil. Posted 9 tweets between December 1 and March 10 that yielded 2,140 profile visits. Top tweet: Signups for TNC RCPP projects in the Clinch-Powell watershed (388 impressions).

Winter Meetings. Collaborated with VIMS to develop new messaging/signage to promote RCPP aquaculture project at the Virginia Aquaculture Conference on Jan. 7-8. Also helped highlight the benefits of **climate-smart agriculture** through the 2022 VFGC Virtual Winter Forage Conference on Jan. 18 – 21 and showcase customer-focused conservation at the Virginia No-Till Alliance Winter Conference on Feb. 9.

Earth Team Program

Welcomed Maura Christian as the new VASWCD liaison to the Virginia Earth Team Advisory Committee. Coordinated presentations of state Earth Team awards for Hannah Clifford (Outstanding Individual Volunteer) and the Prince William SWCD Water Quality Program (Outstanding Group) during the VASWCD's Virtual Annual Meeting on Dec. 6. Will also highlight the PWSWCD and forward state conservationist letters and tokens of appreciation to district partners statewide during National Volunteer Week, April 17-23.

Attachment #3

VCE Report to the Virginia Soil and Water Conservation Board

March 2022

- The Chesapeake Bay Voluntary Agricultural BMP's Task Force completed the producer survey in December 2021. Overall, this effort concludes that participating farmers in the Chesapeake Bay Watershed have collectively implemented non-cost shared and/or previously unreported conservation practices, as follows: core nitrogen and phosphorus nutrient management (88,475 acres); supplemental nitrogen nutrient management for rate (50,547 acres), placement (40,693 acres), and timing (25,174 acres); supplemental phosphorus nutrient management for rate (34,727 acres) and placement (47,715 acres); manure incorporation/injection (2,074 acres); 23 animal waste management units serving 634,218 animals; 131 barnyard water diversion and runoff control systems impacting 187,893 animals; 13,136 acres of prescribed grazing; 8,929 acres with soil conservation and water quality plans; 115,198 acres of no till/minimum tillage practices; 15,847 acres of traditional, traditional with fall nutrients, and commodity cover crops, and; 6,434 acres of riparian buffers (inclusive of all buffer types).
- After 10 years, Dr. Ed Jones, Associate Dean and Director of Virginia Cooperative Extension, is retiring. The search process is underway and March 15 was the review date for applications.
- Extension agent appointments are moving forward for Patrick, Piedmont, and Thomas Jefferson SWCD's.
- Mark your calendars for the 2022 Virginia Agriculture and Natural Resources Summit: *Farm, Forestry, Food, and Fiber of the Future* on April 12 and 13 in Richmond. Also, the Virginia Small Grains Field Day is scheduled for May 19 at the Eastern Shore AREC. Contact Dan Goerlich dalego@vt.edu for more details.
- The VCE-Loudoun County Master Gardeners have received a commendation in the form of [HR 78](#) recognizing the MG's Site Assessment Program for the volunteers' dedication to improving land and resource management in Loudoun County. The Master Gardeners received an Achievement Award from the Virginia Association of Counties in 2021 for the same effort.
- When all the positions currently advertised are filled VCE will have 239 Extension agents, as follows: 102 Agriculture and Natural Resources (ANR), 91 4-H, 34 Family and Consumer Sciences (FCS), and 12 FCS SNAP-Ed.