



**Virginia Association of Soil & Water Conservation Districts**

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**VASWCD POLICY MANUAL  
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**Virginia Association of Soil and Water Conservation Districts**  
**PROCEDURE FOR APPROVING VASWCD STATE LEGISLATIVE AGENDA**

1. At Area meetings in March-April legislative issues for upcoming session should be discussed.
2. Each district needs a legislative contact or local committee to review proposals and get input from all Directors, staff, and partners.
3. Each Area Chair should consider having an Area Legislative Meeting or Conference Call to discuss and endorse issues/proposals to be submitted to the VASWCD Legislative Committee by **August 15**.
4. Districts shall return recommendations, comments, revisions, etc. to VASWCD Legislative Committee by **August 15**.
5. VASWCD Legislative Committee will compile all comments and revisions and make its final report to the Board of Directors during the September/October Board meeting.
6. Board of directors will debate and approve the legislative agenda at its late September or October meeting.
7. At the Annual Meeting, the Directors would ratify the actions of the Board of directors, including the legislative agenda. If a legislative item is not ratified, it could still be deleted from the VASWCD legislative agenda.

**Rationale:**

1. The current December Annual Meeting time frame precludes the VASWCD from adequately securing General Assembly sponsorship by the 2<sup>nd</sup> Wednesday in December which is the bill pre-filing deadline.
  - a. Rationale: The current year's legislative agenda may be carried forward in the next session with proper sponsorship.
2. In order to facilitate securing adequate input from partners, legal advice, etc., the December Annual Meeting would need to be moved back to 2<sup>nd</sup> week of November. It has been determined that this is not feasible due to:

-Fall planting	-Fall harvest
-Veteran's Day Holiday	-Primitive weapons deer season
3. Retaining the current Annual Meeting date will necessitate more and greater involvement in our legislative process earlier rather than waiting until the December Annual Meeting.

**ADOPTED:** 2004  
**CONFIRMED:** December 8, 2015  
**EXPIRES:** December 31, 2018

## **Virginia Association of Soil and Water Conservation Districts Policy on Agricultural BMPs, Tax Incentives and Cost Share Programs**

### **Policy**

- This is a budgetary consideration. The VASWCD will continue to seek support for Agricultural BMPs and Cost Share Programs - Funding and Tax Incentives both at the state level through the General Assembly and at the federal level through Congress.
- We need a process of more dependable sources of support for these programs. This will involve finding interested and supportive legislators and persuading them to help us find those sources.

**Issue** – Voluntary actions on the part of farmers is the primary way that Virginia attempts to deal with non-point source pollution (NPS) resulting from agricultural activities. Tax incentives are a powerful motivating factor in order to encourage implementation of best management practices (BMPs). Cost Share is a direct sharing between the landowner and the Commonwealth of the costs involved with installing BMPs. Soil and Water Conservation Districts (SWCDs) are the primary vehicle for encouraging and implementing these practices.

Currently, the major programs in the Commonwealth of Virginia to promote conservation practices are the Virginia Agricultural BMP Cost Share Program, Virginia Conservation Assistance Program for non-agricultural areas (VCAP), USDA Environmental Quality Incentive Program (EQIP), and the Conservation Reserve Enhancement Program (CREP). Individual SWCDs are allocated specific amounts to be administered during the fiscal year (July to June) and accept applications from landowners and managers. EQIP and CREP follow guidelines and regulations of USDA. District staff, its partner agencies and the private sector provide technical assistance to ensure BMPs are planned and implemented according to program needs.

The main source of state funding for the Virginia Agricultural BMP Cost Share Program is the Water Quality Improvement Act (WQIA), which receives 10% of the previous year's state surplus or general funds as appropriated by the General Assembly and \$10 of the title recordation fees. The Virginia Natural Resources Commitment Fund (VNRFCF) is a subfund of the WQIF and may receive direct general fund deposits as well as budget surplus and recordation fee deposits. The amounts vary from year to year and are split in some arrangement between the Cost Share Program and other water quality projects. While in recent years WQIA has been a significant source of funding, there is no assurance it will be in the future.

Virginia Conservation Assistance Program for non-agricultural areas (VCAP) is a program that has been initiated through specific grants to provide retrofit practices on older projects in non-agricultural areas. It has proven to be beneficial and needs reliable funding and staff at the local district level.

**Virginia BMP Tax Credit Program** – This program allows individuals to take a credit on their state taxes of 25% of their out of pocket expenses for the cost of the BMP that is being implemented. Beginning in tax year 2011 any Agricultural Best Management Practices tax credit that exceeds the participant's tax obligation will be refunded to the taxpayer.

**Equipment Tax Credit** – This allows for a state tax credit of 25% of the purchase cost of a piece of no till equipment (or \$2500 whichever is less). Under a similar program covering pesticide and fertilizer application equipment, the same is true except that the dollar amount of the exception is increased to \$3750.

Revolving Loan Fund for Structural BMPs – DEQ administers a fund that can provide low interest loans (3%) for structural BMPs such as litter sheds or manure tanks. District administration is still an integral part of this program as well.

Small Business Environmental Assistance Fund – DEQ and the Department of Business Assistance jointly administer a fund that provides low interest loans (3%) for the implementation or purchase of structural BMPs. Conservation plans approved by the district are very important to this program.

**Why is it important** –

- Technical assistance for BMPs is the primary role of SWCDs in the state. Without these programs Districts would be without the primary tool that we have to solicit support for conservation practices in our regions.
- Our staff would not be able to aggressively market these practices without adequate levels of funding from year to year.
- It is entirely possible that if the pollutant reductions were unable to be achieved with these voluntary programs, that the alternative that would be imposed or chosen would be of a regulatory nature.
- Consistency is critical to conservation remediation programs and Cost Share Programs are not an exception. Eight percent of the cost-share allocation may be used by the district to implement the practices. Therefore, staff availability is dependent on consistent size of allocations.

**Rationale** –

Districts are the infrastructure through which the voluntary, incentive based programs are achieving progress to prevent agricultural non-point source water pollution. Public investment in these programs has been shown to be an efficient and effective way of solving this problem. The alternative of unfunded mandates is a possibility that is not worthy of serious consideration. We must maintain and hopefully increase the levels of support currently being used. The current sources of support are shown to be inadequate in several annual needs studies.

**ADOPTED:** December 10, 2002  
**REVISED:** December 8, 2015  
**EXPIRES:** December 31, 2018

## **Virginia Association of Soil and Water Conservation Districts Policy on Dam Safety, Maintenance and Rehabilitation**

### **Policy:**

- Securing funding for annual maintenance of the 104 dams operated and maintained by soil and water conservation districts, periodic rehabilitation and major modifications to comply with the Virginia Dam Safety Act from state and federal resources is a high priority issue for the VASWCD.
- Approximately 45 to 50 of the 104 dams do not meet current Virginia Dam Safety Regulations and it is essential for the Commonwealth of Virginia to develop and implement a program to rehabilitate those dams.

**Issue:** There are 104 dams in Virginia operated and maintained by 12 soil and water conservation districts that are regulated by DCR through the Soil & Water Conservation Board. The SWCD dams have been built under USDA supervision through the Natural Resources Conservation Service under Federal programs created through the Watershed Protection and Flood Prevention Act of 1954 (PL 83-566 and PL 78-534). Many of these dams are in need of major rehabilitation to meet the current Virginia Dam Safety Act and Regulations. Additional funding is needed for dam repair and maintenance.

**Why it is important:** Dam failure can result in loss of life and great economic loss. The impact of land use changes around dams and lakes affects the definitional category of a dam. A subdivision can quickly replace a forest or a farm, and all of a sudden a high hazard Class 1 dam with great potential for loss has been created out of what began as a Class 4 dam constructed under low density downstream land use assumptions. Federal funding for dam repair will also now be available on a matching grant basis to leverage funds set aside by Virginia.

### **Rationale:**

- Ownership of Virginia's dams is divided as follows:

Privately held	49%
SWCD	22%
Local govt.	21%
State	8%
- The age of the dams are as follows:

14 percent	are 40-50 years old
49 percent	are 30-59 years old
21 percent	are 20-29 years old
12 percent	are 10-19 years old
4 percent	are less than 10 years old
- A classification system has been established for dams that categorize them according to the potential loss of life or economic loss that would result in case of dam failure. There are four classes of dams.
  - Class 1 means that if failure occurred there would be probable loss of life and great economic loss
  - Class 2 means that if failure occurred there would be possible loss of life and high economic loss
  - Class 3 means that if failure occurred there would be no loss of life and minimum economic loss

- Class 4 means that if failure occurred there would be no loss of life and no economic loss outside the owner's property

- About 40 percent of the regulated dams in Virginia are categorized as Class 1 or 2.
- SWCD-owned dams are inspected regularly by the Soil and Water Conservation Division of DCR. District employees and other local government officials (such as the Department of Emergency Services) work together with DCR to insure that the structures are as safe as possible. Reports are made to the Soil and Water Conservation Board, which grants the operating permits. Sometimes conditional permits are granted.
- SWCDs perform routine maintenance on their dams drawing from local funds and a State fund created in the mid-1990's by the General Assembly. In 2000 this fund was expanded in scope and provided with dollars to begin to (1) rehabilitate two of the Commonwealth's most high hazard dams and to (2) have funds available to match Federal money which could come as a result of the "Lucas bill" in Congress.
- The "Lucas Bill" was passed in 2000 and signed by President Clinton in November. This bill provides Federal funds of 65 percent to be matched by other funds of 35 percent to rehabilitate dams owned by SWCDs in Virginia and other states. The amount of Federal money, when appropriated, should be \$60 million per year for 10 years. Future availability of Federal funds for dam rehabilitation is questionable.

**ADOPTED:** December 10, 2002

**REVISED:** December 8, 2015

**EXPIRES:** December 31, 2018

## **Virginia Association of Soil and Water Conservation Districts Policy on Support for VASWCD and District Education Programs**

### **Policy**

- Provision of appropriate levels of funding to support environmental education programs of VASWCD and the Soil & Water Conservation Districts
- We need to make Districts and the VASWCD leaders in the big picture plan for providing environmental education on all levels in the Commonwealth. The Association has approved the concept of developing a program that would be administered through the Educational Foundation of VASWCD. The program would solicit private contributions to support not only the Envirothon but other district-based initiatives as well. A program such as this would give a potential supporter the option of flexibility by allowing a choice of where and how to contribute.
- The legislature could offer assistance in creating incentives above the tax write off currently existing for businesses, private foundations, and philanthropists that contribute to this fund. A program of public recognition is only one of the incentives that could be created.
- The VASWCD shall work with organizations from education, conservation, business, health care among others who believe rich outdoor learning opportunities tied to classroom instruction are important for preparing students for the 21<sup>st</sup> century workforce in order to identify and promote actions, programs, and policies with local and state partners that ensure all Virginia students graduate environmentally literate. Impress upon the legislators the leadership role that districts are already playing with environmental education and how much more work is necessary.

**ISSUE:** The provision of appropriate levels of funding to support environmental education programs of Virginia's Soil and Water Conservation Districts and the Virginia Association of Soil and Water Conservation Districts.

**IMPORTANCE:** The quality of the environment depends upon the attitudes and practices of the citizens of tomorrow, as well as the citizens of today. In Virginia, local SWCDs, as well as the VASWCD, are primary agencies for providing knowledge and information about the environment and the importance of conservation. Partnerships with school systems, the business community, and state agencies allow the statewide infrastructure of SWCDs to facilitate providing quality conservation information to the interested public. There is no dedicated source of funding for environmental education programs, public or private, in the state of Virginia.

The source of grant funding (319 Grant Program) that once supported Envirothon and Youth Conservation Camp is no longer available due to changes in grant criteria focusing on impaired waters. The VASWCD is constantly looking for replacement funds to administer these programs.

### **STATEWIDE PROGRAMS:**

- **Envirothon** – The Virginia Envirothon Academic Competition has existed since 1995. Since then, Envirothon has been awarded the 2001 Environmental Stewardship Award from the Virginia Petroleum Council & the Commonwealth of Virginia as well as received financial support from the Virginia Dominion Foundation. Virginia has frequently placed in the top 15 at the North American Envirothon. Envirothon is a natural resources competition for high school students. Teams of five students compete in the areas of: soils, forestry, aquatics, wildlife, an environmental issue, and an environmental issue oral presentation. Students are tested on the topics above and their ability to

apply that knowledge to solve real-life environmental problems. Each year a specific environmental issue is also addressed at the regional, state and national levels.

### **Goals**

- 1) To promote a desire to learn more about the natural environment and develop knowledge and skills to apply the basic principles and practices of resource management and ecology.
- 2) To promote stewardship of natural resources and develop critical thinking skills, cooperative problem-solving skills, and decision making skills of students to balance the quality of life and the quality of the environment.
- 3) To provide students with experience in environmentally oriented activities that enables them to become environmentally aware, action oriented citizens.

By incorporating the Envirothon curriculum into classrooms, Conservation Districts in Virginia and across the nation are taking a notable lead in responding to the public school system's need for a strong, hands-on approach to environmental education. Annually over one thousand students in the Commonwealth of Virginia participate in this year long event. Envirothon teams spend the academic year working with a coach and advisors to improve their knowledge and skills in the aforementioned subjects. Numerous Ecology Clubs, 4H Clubs and FFA Clubs have resulted from the Envirothon Program. Six Area/Regional Competitions are held to determine the eighteen teams that advance to the State Competition, held in May at a different location each year. The first-place team at the May competition will go on to represent the Commonwealth at the North American Envirothon typically held the first week in August.

- **Youth Conservation Camp (YCC)** – For 40 years, the Virginia Association of Soil and Water Conservation Districts has sponsored week long summer conservation camps for high school students (grades 9-12) on the campus of Virginia Tech. The program brings together about 50 interested students for a week of learning about Virginia's natural resources from conservation professionals and faculty from Virginia Tech. Most of the instruction is hands-on and outdoors. The purpose of the camp is to broaden students' knowledge of conservation and prepare them as future decision makers in resource management. Camp participants are selected based on their interest, teacher recommendations and/or essay applications and come from rural and urban backgrounds. Many students pursue education and career goals in the areas covered in the camp curriculum, including: forestry, agriculture, water quality, E&S, stormwater management, wildlife, conservation and land use planning, using new conservation technology, soils and groundwater issues. Scholarships are provided by the 47 Soil and Water Conservation Districts in Virginia. Youth Conservation Camp is typically held the 2<sup>nd</sup> or 3<sup>rd</sup> week in July.

### **DISTRICT PROGRAMS:**

- **Natural Resources Conservation Week** (fall)/**Soil and Water Stewardship Week** (spring)
- **Environmental Education field days for school children**– Districts sponsor field days to expose school children to conservation themes and ideas. The Staunton River Field School (implemented by the Halifax SWCD) is a great example of this activity oriented toward middle school students.
- **Meaningful Watershed Educational Experiences (MWEE):** According to the Chesapeake 2000 Agreement, all Virginia high school students are required to complete a 'meaningful watershed experience' prior to high school graduation. Districts serve as the primary resource to local school



districts to ensure this criteria is met. Districts have consistently provided resources, funding, and expertise to over 60 Virginia schools and 6,000 Virginia students a hands-on, place based learning experiences in their local watershed to meet the statewide education requirements.

- **Educator Workshops** – Districts sponsor multiple events during the year that involves outreach to teachers. SWCDs throughout Virginia offer training opportunities for educators at the local level to address specific need of school systems. Teacher training is correlated to Virginia’s Standards of Learning and qualifies for the continuing education recertification credits.
- **Poster Contests** – Poster contests with a conservation theme connect SWCDs to all grade levels.
- **Water Quality Monitoring Projects** – Many SWCDs initiate watershed monitoring programs as a way to generate information to be used in local or state decision-making. However, they have found it to be an excellent method to demonstrate the sources and effects of non-point source pollution to the public.
- **Exhibits and newsletters** – Many SWCDs have displays and exhibits at their local festivals and events to educate the public about the district practices and programs. Newsletters are another way to promote the value of conservation within our communities.
- **Ag Field Days and Farm Tours** – Tours of farms and developments that implement Best Management Practices is an often-used technique to educate the public about methods of reducing pollution.

There are other state agencies that have environmental education programs. Each summer the Virginia Department of Forestry offers Forestry Camp to over 100 students. The Virginia Department of Game and Inland Fisheries provides several outdoor education programs. Districts use partnerships as an attempt to make programs work cooperatively and efficiently.

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**Virginia Association of Soil and Water Conservation Districts**  
**Policy on the Right to Farm Law, Agriculture and Forest Districts, Land Use**  
**Taxation and Farmland Protection in Virginia**

**Policy -**

- It is the Policy of the VASWCD to support farmland protection and right to farm.
- It is the Policy of the VASWCD to support Agriculture and Forest Districts and Land Use Taxation programs and encourage their adoption statewide.
- It is the Policy of the VASWCD to support Virginia's Conservation Easement Act, , Open Space Land Act, & the Virginia Land Conservation Foundation Laws
- It is the Policy of the VASWCD to support the Virginia Office of Farmland Preservation and funding for its implementation
- It is the Policy of the VASWCD to support the Agriculture Lands Easement component of the Agricultural Conservation Easement Program as established in the 2014 Federal Farm Bill

**ISSUE:** The Right to farm law in Virginia and the Office of Farmland Preservation are the measures to protect farms and communities from the increasing pressures of suburban sprawl across the Commonwealth. **Agriculture and Forest Districts and Land Use Taxation programs protect current land uses and make agricultural and forestry operations feasible.** These programs establish the framework for a statewide program allowing localities to move forward with the pressing issue of open space preservation, and protecting farms from unreasonable controls that would inhibit their ability to use their property to produce agricultural or silvicultural products.

**WHY IT IS IMPORTANT:** Recent growth in the Commonwealth has reached a point where farmland is now being converted at an unprecedented rate. The Piedmont region, including Virginia, has been identified as the second most threatened farmland region in the United States. The Farmland Information Center (FIC) compiles data showing the rate of farmland lost to development in Virginia. The FIC, a clearinghouse for information about farmland protection and stewardship authorized by the federal Farmland Protection Policy Act (FPPA), is a public/private partnership between the USDA Natural Resources Conservation Service (NRCS) and American Farmland Trust (AFT). According to the most recent numbers from the FIC, between 2002 and 2007, Virginia lost 60,800 acres of agricultural land directly to developed uses. That loss of agricultural land slowed to 57,400 acres between 2007 and 2012. A similar trend occurred when looking at other rural lands as well. When looking at agricultural land, forestland and other rural lands combined, Virginia lost 200,200 acres directly to developed uses between 2002 and 2007, and 112,100 acres between 2007 and 2012.

The 2012 Census of Agriculture conducted every five years by USDA National Agricultural Statistics Service also captures the change in land used for farming during the same time period, though these data do not illustrate whether or not the farmland was converted to developed uses, was left fallow, was managed for conservation, or was used for other purposes. Those data report that between 1997 and 2002, there was a 128,796 acre decline in "land in farms" in Virginia. This decline significantly increased between 2002 and 2007, with a 520,904 acre decline in "land in farms" during this five-year period. However, these data also indicate a significant increase between 2007 and 2012, with an additional 198,519 acres added to the amount of "land in farms."

While the two data sets track different information, and while the 2012 Census of Agriculture actually shows an increase in land in farms for the period between 2007 and 2012, taken together, they illustrate an increasing amount of farmland no longer available for agricultural use in Virginia over time. In many parts

of the state, this loss of available farmland increases the competition for the land that remains. The result is an increase in land values, which threatens the economic viability of farms by making it harder for them to generate the income needed to pay for the land from farming. . This loss also results in increased fragmentation of the remaining farm and forest land. This fragmentation places additional pressures on farmers and foresters who now face a public that is increasingly divorced from production agriculture

Agriculture is the primary provider of working landscapes and open space in Virginia. A business environment, which supports the continuation of the agricultural community, is among the best ways to insure the preservation of open space. Therefore, The Virginia Association of Soil and Water Conservation Districts has a strong commitment to support responsible agricultural activities in the Commonwealth. We promote BMPs and stewardship among the farm community and conversely it is necessary to support that same community against actions that may endanger its existence.

#### **RATIONALE:**

- The development of suburban land in Virginia has greatly expanded since 1970 as people moved farther away from the cities; and the suburban areas themselves became employment centers. Development has brought with it the infrastructure requirements associated with communities such as more schools; new highways, roads, and transit systems; and sewer connections. This in turn, is consuming more natural habitats, forestland, open space and farmland and destroying scenic landscapes and recreational resources as the cycle repeats itself.
- There has been growing public pressure throughout Virginia to develop programs to preserve open space either by purchase, providing expanded incentives to property owners to donate land or by the acquisition of conservation and other similar types of easements.
- Preserving open space and low density land use options such as farming, provides Virginia with low-cost, low maintenance approaches for meeting water quality management challenges facing Virginia waterways and the Chesapeake Bay while also promoting a more diversified economy.
- Soil erosion rates on construction sites generally range from 10 to 100 tons/acre/ year and more. By way of comparison, this rate is as much as 100 times greater per acre than erosion rates on agricultural land and perhaps 2,000 times greater than erosion rates from undisturbed forestland.
- Farming has been and continues to be a vital component of Virginia's economy, both economically and environmentally. The total economic impact of agriculture and forestry-related industries in Virginia was almost \$70 billion in total industry output in 2011. The total employment impact was approximately 415,000 employees. Relative to the state economy, agriculture and forestry related industries represent approximately eight percent of Virginia's Gross Domestic Product (GDP). The total impact of agriculture-related industries was over \$52 billion in total industry output and approximately 310,900 jobs. The forestry sector had a total impact of over \$17 billion in total industry output and approximately 103,800 jobs.
- The Right-to-farm law in Virginia provides valuable protection for agricultural production operations in the Commonwealth. This law, as amended in 1995, strengthens the legal position of farmers when nearby property owners sue them for private nuisance.

- Virginia's Open Space Land Act and the Virginia Conservation Easement Act in the Virginia Code provide the legal basis for acquiring and preserving open space in the Commonwealth through the use of conservation easements.
- In 2001, the Virginia General Assembly created the Office of Farmland Preservation which shall have the following powers and duties:
  1. To develop, in cooperation with the Department of Business Assistance, the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia Cooperative Extension Service: (i) model policies and practices that may be used to establish local purchase of development rights programs; (ii) criteria for the certification of local purchase of development rights programs as eligible to receive grants, loans or other funds from public sources; and (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements;
  2. To create programs to educate the public about the importance of farmland preservation to the quality of life in the Commonwealth;
  3. To provide technical, professional, and other assistance to farmers on matters related to farmland preservation;
  4. To provide technical, professional, and other assistance to local governments interested in developing additional farmland preservation policies and programs. Such policies and programs shall include (i) use value assessment and taxation pursuant to §§ 58.1-3230 and 58.1-3230; (ii) transfer of development rights pursuant to Article 7.1 (§ 15.2-2316.1 et seq.) of Chapter 22 of Title 15.2; (iii) agricultural and forestall districts pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2; and (iv) establishment of local lease of development rights; and
  5. To administer the Virginia Farm Link program established pursuant to § 3.2-202.
    - State grants shall be distributed to local purchase of development rights programs under policies, procedures, and guidelines developed by the Office of Farmland Reservation. In general, for each \$1 in grant moneys awarded by the Office, the applicable local purchase of development rights program of the county or city shall be required to provide a \$1 match. However, as part of these policies, procedures, and guidelines developed by the Office, The Office shall include incentives that recognize and encourage counties and cities in use value taxation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1.
    - The 2006 Appropriation Act provided \$305,000 (\$225,000 in fiscal year (FY) 2007 and \$80,000 in FY 2008) and one full-time equivalent for the Office of Farmland Preservation. The first Coordinator for OFP was hired in January 2007.
- The 2007 budget amendment provided the Office of Farmland Preservation with \$4.25 million in state matching funds for the 2006-2008 biennium. OFP allocated these funds in February 2008. These funds were to be used to match local funds from certified local PDR programs. This funding was significant, as it was the first time that the Commonwealth of Virginia provided state funds to match local PDR efforts. An additional \$5.45 million has been allocated since that time. New funding allocation for FY2016 is expected to be \$1.78 million.

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**Virginia Association of Soil and Water Conservation Districts  
Policy on Natural Resources Funding**

**POLICY:**

- The Virginia Association of Soil and Water Conservation Districts supports a goal of allocating 2% of the state's general fund revenues to Natural Resources programs.
- **The Virginia Association of Soil and Water Conservation Districts supports dedicated revenues to Natural Resources programs.**

**ISSUE:** Currently, all state agencies reporting to the Secretary of Natural Resources receive less than 1% of the Commonwealth's general fund revenues. Programs administered by the Secretary of Natural Resources include the protection of our soil, water and air resources. Historic resources, parks, natural heritage, waste disposal and recycling, marine resources, game and fish management are also included in these programs.

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**Virginia Association of Soil and Water Conservation Districts**  
**DRAFT Policy on Water Quality and Quantity DRAFT September 1, 2015**

➤ **Policy:**

The Virginia Association of Soil and Water Conservation Districts supports programs to protect the quality and sustainability of surface and ground waters of the Commonwealth. Further, it supports the conservation and wise use of water to provide supplies for future generations.

**ISSUE:** Water is one of the essential elements for conservation planning and sustaining+ life. The Commonwealth's freshwater supply, shaped by rainfall, snowmelt, runoff and infiltration, is distributed unevenly across the landscape, throughout the seasons, and from year to year. In many areas, concerns are growing about the adequacy of the available ground and surface water supply and the quality of the water to support intended uses. Resource planning includes Soil, Water, Air, Plants, Animals and Human considerations.

- **Quality:** The control of pollutants in a water body is essential to meet minimum water quality standards to support the existing and designated uses the state has assigned to a particular water body (e.g., public water supply). Pollutants may include sedimentation, heavy metals, chemicals, fecal coliform bacteria, and nutrients, which also contribute to the formation of harmful algal blooms. Excessive pollution can impact aquatic wildlife in bodies of water. For example, pollution has caused a devastating hypoxic zone within the Chesapeake Bay, where a lack of dissolved oxygen has resulted in a massive dead zone. Nitrogen and phosphorus pollution contribute to the formation of harmful algal blooms (HABs) which can poison shell fish in marine waters or contaminate drinking water supplies in fresh waters. Conservation Districts have been working with producers and landowners to implement best management practices in order to control erosion and nutrient run-off.
- **Quantity:** Conservation and management of water quantities are the keys for surface and ground waters to maintaining a sufficient supply for multiple uses. Whether managing floods in times of excess, or mitigating the effects of drought in times of shortage, water management is an important component of water conservation. Groundwater is the water supply source for more than 4,400 public water systems in Virginia, and in many areas is the sole sustainable water source for rural residents dependent upon wells and springs. Most of the time, surface streams are predominantly comprised of groundwater. The top three uses of surface and ground water in the Commonwealth are 1) rural domestic and agricultural, 2) urban and rural public water systems, and 3) industrial and commercial.

Water protection is the most basic component of watershed management in that it is the source of both headwaters and base flow to rivers and streams. When water supplies are impacted by pollution or over-withdrawal, changes in land- use the results have broad economic and ecological implications, and solutions are often cost-prohibitive.

**ADOPTED:** December 8, 2015  
**EXPIRES:** December 31, 2018

**Virginia Association of Soil and Water Conservation Districts**  
**Policy on the Virginia Soil and Water Conservation Board**

**POLICY:**

- The Virginia Association of Soil and Water Conservation Districts supports the retention and representation of soil and water conservation districts by the Virginia Soil and Water Conservation Board. It currently has statewide representation and is responsible for oversight of district operations, best management practices programs, and dam safety.

**ISSUE:** Over the years there have been studies and considerations concerning the duties and responsibilities of the Virginia Soil and Water Conservation Board. It could be considered for consolidation with another board, to be abolished, changes in its membership, or to retain its current responsibilities and possibly additional duties.

**ADOPTED:** December 10, 2002

**REVISED:** December 8, 2015

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**Virginia Association of Soil and Water Conservation Districts  
Policy on Expanding the Chesapeake Bay Preservation Act**

**POLICY:**

- The Virginia Association of Soil and Water Conservation Districts supports maintaining the voluntary aspects of the existing Chesapeake Bay Protection Act outside the boundaries currently encompassed by the Program. The Virginia Association of Soil and Water Conservation Districts further encourages local soil and water conservation districts to review their programs to determine which elements of the Chesapeake Bay Preservation Act may be appropriate to their respective areas.

**BACKGROUND:** The Chesapeake Bay Protection Act currently has mandatory provisions which apply to the coastal plain localities of Virginia. The Act provides that localities in the Piedmont, Mountain and Valley regions of the Chesapeake Bay drainage basin may adopt mandatory provisions of the Program. Some localities have elected to incorporate some of the provisions of the Chesapeake Bay Preservation Act into their local ordinances but chose not to incorporate all of the provisions since they were not applicable to their locality. With the different geographic elements across the drainage basin, soil and water conservation districts believe that mandatory requirements should not be required at this time.

**ADOPTED:** December 11, 2001  
**CONFIRMED:** December 8, 2015  
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**Virginia Association of Soil and Water Conservation Districts**  
**Policy on Uranium Mining and Milling**

**POLICY:**

- The Virginia Association of Soil and Water Conservation Districts supports the continuance of the moratorium on uranium mining and milling in Virginia until there is scientific evidence that it can be undertaken in such a manner as to safeguard Virginia's environment, natural and historic resources, agricultural lands, and the health and well-being of citizens.

**ISSUE:** Uranium mining and milling has not been undertaken in locations with population density, geology, and climate comparable to Virginia. In other areas, where uranium mining and milling has occurred, there have been significant problems concerning the environment, natural and historic resources, agricultural lands, and the health and well-being of citizens of those communities. Companies that were involved in the mining and milling operations have left large contaminated sites, often declaring bankruptcy and turning the sites over to the Environmental Protection Agency for cleanup. These sites have contaminated both ground and surface water, and left the fate and health of local and downstream residents at risk. The National Research Council completed a study on the scientific, technical, environmental, human health and safety, and regulatory aspects of uranium mining, milling and processing in Virginia. The NRC study did not make a recommendation on whether mining should be permitted within Virginia, nor did it include any site-specific recommendations. In fact, the NRC panel performing the study was prohibited from even visiting the site in question. Meanwhile, Governor McDonnell has assembled a group within his administration to consider the issue. The governor should be encouraged to deliberate carefully, but his administration's review should not be confused with an independent study. While the issue of "could the mining and milling of uranium be accomplished safely within Virginia" was not determined by the panel, the report did point out some issues that were unique to the Virginia site.

**CONCERNS:**

- a. Uranium mining has not been accomplished in the Eastern U.S.
- b. Uranium mining has mostly been accomplished in the Western U.S. where the average rainfall is significantly less. The average rainfall in Moab, Utah is 9.01 inches, St George, Utah is 8.25 inches, Canon City, Colorado is 12.27 inches, and Oglala, South Dakota is 18.6 inches. The rainfall in Chatham, Virginia, location of the proposed mine, is 42.76 inches. All the sites mentioned above are now EPA Superfund sites, and have both contaminated ground and surface water.
- c. Yearly there are either hurricanes or large storms that move up the East coast and in a short period of time drops large amounts of rain on Eastern and South Central Virginia.
- d. Earthquakes are not unknown in Central Virginia and a large one damaged many homes, schools, and a Nuclear power generating plant operating on Lake Anna this past year.
- e. Neither the NRC panel study, nor the Governor's special panel to assess potential regulations that might be required prior to the lifting of the current ban on mining of uranium addressed specific requirements.

- f. A review of the mining operations and the resultant contamination of the western mining sites identified in item (b) cast doubt that a safe uranium mining/milling operation could be accomplished in Virginia.
- g. That being said, the minimum engineering/management efforts that must be accomplished are:
  - 1. An independent “Uranium Mining Safety Advisory Panel” UMSAP, shall be appointed by the Virginia Governor that is charged with oversight of the total process and adherence to VA State requirements. This panel shall include Radiological Safety /Engineering professionals.
  - 2. This independent panel shall develop safety/engineering requirements to ensure safe operations.
  - 3. A phased safety review process shall be required of the facility design and the operational planning. A design package shall be required shall be submitted by the plant design contractor to the independent panel six weeks prior to the review. The design package shall be submitted at the following events:
    - 1. Design concept completion.
    - 2. Preliminary design completion
    - 3. Final Design completion
  - 4. The facility design shall incorporate a dual fault concept. This means that at least two separate failures shall have to occur prior to the release of any hazardous material to the ground or surface water.
  - 5. A failure mode and effects analysis shall be accomplished and submitted to the independent panel for review and approval.
  - 6. A safety plan shall be developed and submitted to the independent panel for review and approval.
  - 7. Contingency plans shall be developed for any identified hazardous operations and emergencies. This plan shall be submitted to the panel for review and approval.
  - 8. Emergency plans shall be developed for the mining/milling site. These plans shall be submitted for approval by the panel.
  - 9. Each operation in both the mining and milling operations shall have operational procedures developed, and training of personnel in each operation shall be accomplished prior to said operations being performed.
  - 10. A State of Virginia oversight office, located within the facility, shall have the authority to stop all activity, if violations of the procedures or the disabling of safety devices are noted.
  - 11. Surface and ground water cleanup plans shall be developed for the mining and milling site and all downstream impacts.

We really only have one chance to perform the task right. Should a spill occur, it is certain that the both the ground and surface within the area will be contaminated with uranium, and will continue to be so for thousands of years. We support continuance of the moratorium until all reservations about mining have been adequately addressed. Continuing studies have not shown that uranium can be mined safely in Virginia's climate to assure environmental protection including water supply for a large portion of the population.

**ADOPTED:** December 8, 2009  
**CONFIRMED:** December 8, 2015  
**EXPIRES:** December 31, 2018

**Virginia Association of Soil and Water Conservation Districts  
Policy on Hydraulic Fracturing (Fracking) in the  
Eastern Virginia Groundwater Management Area**

**POLICY:**

The VASWCD supports revision of Virginia Oil & Gas Act to include:

1. Postponing the issuance of any permits for hydraulic fracturing of gas and/or oil-bearing formations in Virginia/Eastern Virginia Groundwater Management Area until such a time as a baseline of groundwater flow systems and their relationships to the underlying geology can be conducted, interpreted, and reported. The research and interpretation should be conducted by a group of non-partial professionals with the appropriate expertise (e.g. US Geological Survey).
2. Performing a comprehensive review of Virginia regulations concerning resource extraction, specifically updating regulations to incorporate standards for the hydraulic fracturing of gas and/or oil-bearing formations. This review should include consideration of the safe handling and disposal of all products of the fracking process including well cuttings and used fracturing fluids.
3. Strengthening the regulatory process by requiring the Department of Mines, Minerals and Energy (DMME) & the Department of Environmental Quality (DEQ) to have joint permit approval authority throughout Virginia. If Virginia regulatory authority is structured such that joint permit approval is not feasible, then DMME should not issue fracking permits unless all DEQ recommendations are also required by DMME for issuance of a permit.
4. Requiring certain minimum engineering/management practices (BMPs) to safeguard Virginia citizens and resources, including but not limited to: continuous monitoring, full public disclosure of all chemical ingredients and chemical breakdown products and volumes, and emergency cleanup plans.
5. Require bonding in amounts adequate to address comprehensive oversight of each operation and full site remediation.
6. Ensure that DMME, DEQ, and other regulatory agencies with oversight of the hydraulic fracturing industry are funded and staffed at appropriate levels to monitor all extraction operations and enforce all regulations.

**ISSUE:** Several leases for oil and gas drilling have been obtained in the Taylorsville Basin, which is located in the Coastal Plain of Virginia. Currently, the region does not have any active wells and has only had exploratory drilling done in the past. Proximity to the Chesapeake Bay and its tributaries, as well as fragile geology of groundwater aquifers, causes concern of possible water contamination during the drilling and hydraulic fracturing process.

**CONCERNS:**

- a. Hydraulic fracturing requires massive amounts of water, sometimes in the excess of millions of gallons, to create a gas producing well. Where will that water come from?

- b. Procedures for the safe management and /or disposal of waste products, including recovered contaminated injection water, have not been identified.
- c. Fracking processes, as well as the post-fracking injection of fracking fluids, have been identified as contributors and/or causes of seismic activity in several states.
- d. Drilling companies use a variety of chemicals in their drilling process, which is undisclosed because they are considered ‘trade secrets’. What impact can these chemicals have by themselves on the surrounding environment and population?
- e. If drilling were to be approved in the Taylorsville Basin, the minimum engineering/management procedures that must be implemented are:
  - 1. The Department of Mines, Minerals and Energy and the Department of Environmental Quality must have joint approval authority for permits.
  - 2. Monitoring wells must be in place in close proximity to drilling sites to ensure groundwater quality is maintained.
  - 3. All chemicals used in the process must be publicly disclosed with such information being registered with the DMME, the DEQ, Department of Health and the Department of Emergency Management.
  - 4. All recommendations to the drilling permit application by DEQ MUST be implemented before DMME grants final approval.
  - 5. Surface and ground water cleanup plans shall be developed for the drilling site and all downstream impacts.
  - 6. Sufficient bond, paid by the drilling company, shall be in place to cover any potential cleanup costs of contaminated areas at the-drilling site and associated impact areas, and to address the requirements of the surface and groundwater remediation plans. Bonding should also be sufficient to cover physical damage and economic impact from environmental contamination.

The Virginia Association of Soil and Water Conservation Districts supports postponing the issuance of any permits for hydraulic fracturing of gas and/or oil-bearing formations in the Eastern Virginia Groundwater Management Area until all of the concerns noted above have been addressed and appropriate mechanisms are in place to assure the protection of the environmental quality of the region.

**ADOPTED:** December 8, 2015  
**EXPIRES:** December 31, 2018