

Division of Soil and Water Conservation
Division Director's Report

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

Chesapeake Bay WIP III Update

Virginia's final WIP III document was released to the public on August 23. It is posted on the Virginia Department of Environmental Quality website and there is a link to it from the DCR website. A response to public comments about WIP III has also been released. On August 28, at a meeting of the Chesapeake Bay Stakeholder Advisory Committee, hosted by Virginia Secretary of Natural Resources, Matt Strickler, and Deputy Secretary Ann Jennings, Mr. Dana Aunkst, Director of the U.S. Environmental Protection Agency (EPA), Chesapeake Bay Program, explained EPA's review process and what to expect regarding feedback about Virginia's Final Phase III Chesapeake Bay Total Maximum Daily Load Watershed Implementation Plan (WIP III). EPA will not formally approve or disapprove any jurisdiction's WIP III document, rather, they will score it as either "satisfactory" or not. This feedback can be anticipated sometime within the October – November period.

Deputy Secretary Ann Jennings has hosted two meetings of the Voluntary Best Management Practices Task Force. The goal of this committee is to "develop and refine approach (es) to document voluntary agriculture best management practices (BMPs) in collaboration with (several stakeholders including the VASWCD)..." DCR is about to issue a contract to GeoSolutions to conduct a demonstration project in Rockingham County, to identify livestock exclusion fencing near stream buffers. This project will utilize VGIN, DEQ, and DCR reference data sets to improve upon the accuracy achievable by the analysis of imagery datasets alone. Rockingham County was selected for this project because it has the second highest population of cattle (beef and dairy combined) of any county in Virginia. This project should be completed this winter. DCR has also begun conceptual development of a survey for cover crop establishment in the Chesapeake Bay watershed of Virginia. This survey will have a target date of winter/spring 2021-22. Also, a new survey of conservation tillage, this time only in Virginia's Chesapeake Bay watershed, has a tentative target date of spring 2021.

VACS Programmatic Reviews

Due to the record amount of agricultural best management practice (BMP) cost share and technical assistance funding appropriated by the Virginia General Assembly in FY20 for Soil and Water Conservation Districts (SWCDs), and in order to help implement the Phase 3 Chesapeake Bay Watershed Implementation Plan (WIP III) by year 2025, the Virginia Agricultural Cost Share (VACS) Program will need continued high levels of funding for several years, the Department of Conservation and Recreation (DCR) will conduct a review to determine if existing VACS programmatic policies, procedures, and processes provide adequate guidance and oversight. This will be different than either our financial audits or annual assessments of SWCDs in that DCR is evaluating the VACS Program itself. This review will not result in any report card on any SWCD. 10 SWCDs have been selected for this review. This review will be conducted in September (at DCR) through October (at SWCDs). A report will be submitted to the Soil and Water Conservation Board at their meeting in December, with any recommendations for changes to VACS policies and procedures.

Base Technical Assistance for SWCDs

On August 27, 2019 the Soil and Water Conservation Board's Allocation Subcommittee had its first meeting at the Virginia Department of Forestry offices in Charlottesville. The subcommittee is comprised of seven voting members: three Soil and Water Conservation Board (Board) members, three representatives from the Virginia Association of Soil and Water Conservation Districts, and one DCR manager. It also has a nonvoting member from Virginia Farm Bureau. The subcommittee is charged with "reviewing "the current methodology used for calculating the baseline technical assistance allocation to Districts and to provide recommendation(s) for alternative method(s) to determine the baseline". This Subcommittee will meet again in October, and if needed, in November, then provide its recommendations to the Board at the December 11, 2019 Board meeting. If adopted by the full Board, a new base technical assistance will replace what is currently used in the Board's Cost Share and Technical Assistance Policy as early as fiscal year 2021. The next meeting will be in October (tbd). These meetings are open to the public.

COIA Training Requirements

A new section (§2.2-3132 of the Code of Virginia) requires every local elected official to complete training on the Conflict of Interest Act within two months of assuming office and at least once every two years after the initial training is completed. Additionally, every local elected official in office as of July 1, 2019 must complete the training by December 31, 2019.

Pursuant to §2.2-3132, this training **must** be provided by the Virginia Conflict of Interest and Ethics Advisory Council (Council); therefore, any training that has been provided by the Attorney General's Office does not meet this training requirement.

The Department has contacted the Council regarding this training. The Council will be providing an in-person training at the Virginia Association of Soil and Water Conservation Districts Annual Meeting in December. Additionally, the Attorney General's Office will continue to provide additional opportunities to answer any questions Directors may have, although these opportunities will not meet the requirement set out in §2.2-3132.

Poultry Litter Transport Expansion

As a result of significantly increased state funding, and continued partnership with the Virginia Poultry Federation, the DCR Poultry Litter Transport Incentive Program is expanding in order to far exceed what has historically been between 5,000 – 6,000 tons of litter transported per year. Since July 1, 2019, in only the first two months of FY20, nearly 9,000 tons of poultry litter from both the Valley and Eastern Shore has already been requested by farmers in counties eligible to receive it. In the true spirit of partnership, and to help raise awareness about the availability of poultry litter within eligible areas, Virginia Farm Bureau has requested 2,000 of the new DCR Poultry Litter Transport Incentive Program brochures for its local offices to make them available to farmers. DCR can also supply any Soil and Water Conservation District and/or U.S. Department of Agriculture office in litter eligible areas with these brochures if requested.

District Dam Rehabilitation

Twelve Soil and Water Conservation Districts (Districts) own, operate, and maintain, a total of 104 regulated flood control dams. In response to concerns about whether impounded water could be drained if ever necessary, DCR initiated a gate valve study. The Phase 1 gate valve evaluation project was finalized in May 2018. Phase 1 covered 20 Dams in Blue Ridge, Mountain Castles, and Robert E. Lee Districts. The Phase 2 gate valve evaluation funding that was previously approved was put on hold in 2018 to help pay for hurricane damage. Thus far, DCR and these Phase 1 Districts have learned that the concrete riser structures are in good shape, most of the metal that is underwater is in acceptable condition, with various levels of corrosion noted, and a large majority of these District dams have low level gates that are covered in sediment. The Phase 1 repair projects are still in need of engineering design. To address this need, Piedmont SWCD in cooperation with DCR has issued a Joint Term Contract for Engineering Services Request for Proposals (RFP). Blue Ridge, Hanover-

Caroline, Lord Fairfax, Mountain Castles, Peter Francisco, Piedmont, Robert E. Lee, Shenandoah Valley, Southside, and Thomas Jefferson Districts are all participating in this Joint Procurement RFP. This will assist Districts in obtaining engineered designs for small dam repair projects. Also, the FY20 state budget was amended to provide \$400,000 for the purchase and installation of remote monitoring equipment for District-owned high and significant hazard dams. Sixty-Nine District dams are high hazard, and 27 are significant hazard classification. DCR plans to procure the remote monitoring equipment from a vendor by issuing a separate Request for Proposals (RFP) and install equipment at as many dams as possible.

Freese and Nicols, Inc., has been selected to design the rehabilitation of two high hazard District dams, South River #19 in Augusta County, and Leatherwood Creek #5 in Henry County. This company is headquartered in Fort Worth, Texas, but this work will be run out of their office in Raleigh, North Carolina. Local subcontractors will also be involved in aspects of this work.

Ag BMP Technical Advisory Committee (TAC) Update

Over 50 stakeholders attended the August 14 meeting of the Ag BMP TAC. The TAC voted on several recommendations that were presented by its subcommittees, asked questions and provided input on other developing recommendations that will be brought back for a vote in later meetings. Among other items, key recommendations that were voted on for referral to the Soil and Water Conservation Board for their consideration next spring, were to allow up to 12 months poultry litter storage for layer/breeder operations, and to allow the rain gutter practice (WQ-12) to become eligible for carry forward into the following program (fiscal) year. The TAC voted to refer new suggestions for changes to the Ag BMP Manual that were received after the requested deadline, to the applicable subcommittees (Animal Waste, Cover Crop/Nutrient Management, and Stream Protection). The Animal Waste Subcommittee presented concepts and solicited input on creating a new animal waste best management practice, to be named “WP-4L,” which could also be used for some equine operations. Next year, additional TAC subcommittees will be combined because fewer new suggestions are anticipated.

The Full TAC will hold its remaining meetings in 2019 on:

October 8 (Goochland), November 20 (Augusta), December 18 (Goochland)

- Programmatic Subcommittee – October 1 (Orange), October 24 (tbd), November 14 (tentative date) (Goochland)
- Stream Protection Subcommittee – September 24 (Staunton)
- Cover Crop/Nutrient Management Subcommittee – October 3 (Farm Bureau)

Resource Management Plans

The Department, on behalf of the Virginia Soil and Water Conservation Board (Board), is conducting a Periodic Review of the Resource Management Plan Regulations (4VAC50-70) (RMPs). The Department accepted comments on ways the RMP regulations could be improved. The comment period began July 9, 2019 and ended September 6, 2019. The Department will provide an update to the Board at their meeting on September 25 and ask their direction on next steps.

Training

The Virginia Association of Conservation District Employees held their annual summer training at Graves Mountain Lodge in August. Several DCR staff attended and presented at three sessions that covered: an in-depth orientation and history of the agricultural cost share program; a required class for Conservation Planning Certification that included a review of the cost share manual; updates to the agricultural best management (BMP) tracking database; planning and design of agricultural BMPs; and, an overall district "engineering blitz" session that focused on common issues and questions from Districts on proper agricultural BMP engineering. RUSLE 2 training by USDA – NRCS was offered to SWCDs via several sessions that ended in June.

Additional in-person classes to qualify for DCR Conservation Planning Certification have either recently been conducted or are scheduled, including:

- Perennial Stream Determination Training – DOF – September 4 – 5
- Ag BMP Tracking/Conservation Planning Module – VIMS – September 18
- DEQ Water Resources Class – DOF – September 24