

Division of Soil and Water Conservation  
Division Director's Report

September 29, 2020

Presented by Darryl M. Glover;  
Director, Division of Soil and Water Conservation

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

**Division Operations during Executive Order #55**

The majority of Division of Soil and Water Conservation staff continue to telework during the public health emergency due to COVID-19. Division staff continue to provide training for Soil and Water Conservation District (SWCD) staff as requested via webinars. All regional offices remain open with skeleton coverage and rotating staff. Field work by all division programs is continuing, primarily by appointment.

**Chesapeake Bay WIP III Update**

The Environmental Protection Agency (EPA) provided its evaluation of Virginia's 2020-2021 Milestones in late July. Numerous strengths were noted in that evaluation. EPA will emphasize additional reporting for agriculture by Virginia in 2020-2021 on the implementation rates achieved for soil and water conservation plans, animal waste management storage, and cover crops.

All of the Department's FY2020 (with producer privacy protected) agricultural BMP data, with the exception of Nutrient Management Plans (NMPs) prepared by the private sector, was submitted to the Virginia Department of Environmental Quality in early September. FY2020 private sector NMP plan acreage will be submitted to DEQ by early November.

As you know, the Virginia General Assembly passed, and Governor Northam signed into state law, an amended version of HB1422/SB704. This law requires:

- Develop an (office) method for determining perennial streams by Dec. 2020
- Portable livestock stream exclusion fencing specification by July 2021
- OSNR to appoint a stakeholder group to develop plan for nutrient management plan adoption on cropland >50 acres, and stream exclusion if 20+ cattle, and monitor progress

- Stakeholder group membership largely defined (includes SWCDs)

The "Bay Bill" Stakeholder Group held its first meeting in August. This Stakeholder Group "...shall develop a process to assist any operator of 50 or more acres of Chesapeake Bay cropland in developing a nutrient management plan that meets the requirements of the goals to be achieved by the target date and develop a plan for the stream exclusion program in the Chesapeake Bay watershed. Such plans and progress reports shall include identification of priority regions, operators affected within each region, initiatives to enhance progress, an accounting of funding received toward the agricultural commitments, shortfalls remaining, and the consequences of such funding shortfalls..." The Department has been assigned preparation of the plan to implement the requirements of this legislation. This will include a non-field method for determining stream perennial flow. A draft plan will be presented to the Stakeholder Group this fall.

### **Ag BMP Technical Advisory Committee (TAC) Update**

The Department had to revise our meeting plans for the Agricultural BMP Technical Advisory Committee (TAC) cycle this year based on guidance from the Office of Attorney General. The only mechanism the Board or the Department has to conduct a TAC meeting electronically is through Item 4-0.01 of the 2020 Appropriations Act (Chapter 1289 of the 2020 Acts of Assembly). This budget language permits electronic meetings by public bodies only under certain circumstances and functionally limits the matters any public body may consider during an electronic meeting. The only matter before the TAC that meets the limitations in the Act is the development of a portable stream fencing practice as required by Chapters 1185 and 1186 of the 2020 Acts of Assembly (the "Bay bills"). Consequently, the TAC Stream Protection Subcommittee met electronically to discuss the portable stream fencing practice on September 15th.

The Department has received several requests from stakeholders to find a mechanism that allows at least some of the over 50 suggestions received this year to move forward and to allow for involvement by TAC members. Therefore, after further discussion with the Office of the Attorney General, the Department is going to hold several webinars to present the Department's recommended actions on the suggestions received this year. Recommended actions may include revising specifications, deferring action until next year's TAC cycle, or tabling certain suggestions.

The webinar schedule can be found below; exact time and call-in information will be announced at a future date:

- **September 29th**, Programmatic Webinar
- **October 21st**, Animal Waste Webinar
- **November 12th**, Cover Crop Nutrient Management Webinar
- **December 1st**, Stream Protection and Forestry Webinar

Each webinar will be led by the TAC Subcommittee's Chair who will outline the Department's recommendations. Although these webinars will not be interactive and no voting is allowable, TAC members are welcomed and encouraged to submit any comments that they may have (i.e. support, recommended revisions to the Department's recommendation, or opposition) on any particular issue to the Subcommittee Chair by email within two calendar weeks of the respective webinar. All comments will be reviewed and considered by the Department.

Following these Subcommittee webinars, the Department will present its final recommendations on all of the suggestions received to the Full TAC through a final webinar to be held on **December 17th**. Once again, this webinar will not be interactive and no voting will occur. However, TAC partners are welcome and encouraged to submit any comments that they may have (i.e. support, recommended revisions to the Department's recommendation, or opposition) on any particular Department recommendation to the Full TAC Chair (i.e. David Bryan - DCR) by email within two calendar weeks of the final webinar. All comments will be reviewed and considered by DCR.

There will be an electronic meeting of the full TAC to address the portable stream fencing specification. Details on that meeting will be provided in the near future.

### **BMP Verification**

In addition to the usual annual random spot checks of BMPs statewide, 491 structural agricultural state cost share or tax credit BMPs have been identified in 22 SWCDs, within Virginia's Chesapeake Bay watershed, whose credit duration lifespans will expire in either calendar year 2020 or 2021. These SWCDs have been notified. Assigned Department Engineering Services staff is available to either conduct, assist, or accompany any SWCDs that elect to pursue verification inspections in order to extend or renew the lifespans of these BMPs.

After a long period of negotiations by the Office of the Secretary of Natural Resources, Department management, and both the Office of the Chief of the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), and the Acting NRCS State Conservationist for Virginia, an agreement has been reached for NRCS to share data with the Department, conditioned on written permission from farmers, on a specific (short) list of federally funded agricultural best management practice (BMP) types, whose lifespans either are about to or have expired. The Department, will invite Soil and Water Conservation Districts in the Chesapeake Bay watershed, to help inspect these BMPs to confirm that they are still functioning properly. This will enable extension/renewal of nutrient and sediment reduction credit in the Chesapeake Bay model and contribute towards meeting reduction goals. Logistical procedures needed to implement this agreement will be finalized in the near future by the NRCS Virginia Office and the Department. Implementation of this agreement is should begin in calendar 2021.

### **SWCD Audit Planning**

Clifton, Larson, Allen (CLA) is contracted by the Department to conduct 24 SWCD audits in fall 2020. CLA and Department staff, hosted two informational webinars, on August 12 and August 26, for the SWCDs that are scheduled to be audited this year. These sessions addressed the impact that COVID-19 will have on audits to be conducted this year. The sessions also included audit document sampling, how to use the new CLA client portal, which is a secure online document sharing system for SWCDs to use to transfer files to CLA, as well as a question and answer session for SWCD staff. Thirty-four SWCDs and Department staff attended the webinar and it was recorded for future reference.

### **Clean Water Farm Awards**

Due to the situation surrounding COVID-19, there are several changes to the program this year. The deadline for submitting nomination packets to our regional offices has been extended to November 1, 2020. SWCDs can submit their district nominee(s) to the DCR regional office that will coordinate selection for the corresponding river basin. Also, due to budget constraints, DCR will not be purchasing signs for local Clean Water Farm Award (CWFA) or Grand Basin winners; however, SWCDs will have the option to order local CWFA signs through the DCR State Parks Sign Shop. Details on the ordering process are forthcoming.

## **Staffing and Recruitment**

The Division of Soil and Water Conservation is pleased to welcome Stuart Blankenship as the new Nonpoint Source Data Manager. “Stu” started in this position, previously held by Roland Owens, on August 10<sup>th</sup>.

We have not yet advertised to replace Nick Yakish, our former Urban Nutrient Management Program Coordinator, who left the Department in July, however we have advertised for the vacant Conservation District Coordinator (CDC) position in our Tappahannock Office (which primarily serves Area 3). The CDC position closed on September 20<sup>th</sup>.