

MINUTES

CULPEPER SOIL AND WATER CONSERVATION DISTRICT

BOARD MEETING

Electronic Meeting via Telephone

Culpeper, Virginia 22701

April 6, 2021

The Chairman informed Board members on the call of necessary actions to conduct an electronic meeting.

Generally, public bodies are prohibited from meeting electronically under the provisions of the Freedom of Information Act (FOIA). However, language approved by the Governor and General Assembly in Chapter 56 of the 2020 Special Session 1, Acts of Assembly allows the District to move forward with certain restrictions.

The Budget Bill allows public bodies to hold Electronic Meetings when the Governor has declared a state of emergency pursuant to §44-146.17 if:

- (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; and
- (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body...and the discharge of its lawful purposes, duties, and responsibilities.

The Budget Bill also has language regarding recordings and transcriptions of Electronic Meetings. Please be advised that this meeting is being recorded as usual. As required, this recording will be available to the public through the District website.

It is this Board's responsibility to determine whether the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location. I will request a motion for the board to make this determination. After duly seconded, we will conduct a roll call vote. If that motion fails, this electronic meeting will end at that point. The Budget Bill also requires compliance with the provisions of §2.2-3708.2. Therefore, in accordance with §2.2-3708.2.D.2, public bodies must include a telephone number that may be used to notify the public body of any interruption in the telephonic or video broadcast of the meeting. In the event that a disruption to the meeting occurs, participants should contact the District Manager by phone at 434-760-3269 or 540-825-8591.

Tom O'Halloran moved that the District Board certify that the nature of the state of emergency caused by the COVID-19 pandemic, as declared by the Governor of Virginia, makes it impracticable or unsafe for the District Board to assemble in a single physical location, and further that the purpose of the meeting including all agenda items as reflected in the meeting's prepared agenda is to transact or discuss business that is statutorily required or that is necessary to continue operations of the District Board and the discharge of the District Board's lawful purposes, duties and responsibilities. Dennis Verhoff seconded the motion.

L. Graves, T. O'Halloran, M. Biniek, R. Bradford, S. Hill, R. Runkle, D. Verhoff,
7 yeas; 0 nays.

DIRECTORS PRESENT: Lynn Graves, Madison County
Tom O'Halloran, Culpeper County
Mike Biniek, Rappahannock County
Robert Bradford, Orange County

Stephen Hill, Madison County
Robert Runkle, Greene County
Dennis Verhoff, Culpeper County
Michael Sands, Rappahannock County

DIRECTORS NOT PRESENT:

Warren Lee, Orange County, Associate Director
Robert Brame, Orange County
Phillip Morris, Greene County
Steve Morris, Greene County
Sarah Sharpe, Greene County
James Byrne, Madison County
Brad Jarvis, Madison County, Virginia Cooperative Extension,
Associate Director
Bob Williamson, Culpeper County, Associate Director

STAFF PRESENT:

Greg Wichelns, District Manager
Stevie Ross, Administrative Secretary

OTHERS PRESENT :

Debbie Cross, CDC, DCR

1) CALL TO ORDER, MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE

L. Graves welcomed everyone on the call. Following a moment of silence, Lynn Graves led the Pledge of Allegiance.

2) DRAFT MINUTES

L. Graves called for approval of the substance of the March 2, 2021 Draft District Board Meeting Minutes and for any substantive corrections or additions. R. Bradford moved to approve the minutes as presented. D. Verhoff seconded the motion. (R. Bradford, D. Verhoff, unanimous)
L. Graves, T. O'Halloran, M. Biniek, R. Bradford, S. Hill, R. Runkle, D. Verhoff,
7 yeas; 0 nays.

3) AGENDA APPROVAL

L. Graves called for Agenda approval. He added the Legislative Committee Report. Technical Committee Report was removed from the Consent Agenda and placed on the Agenda as 5.1, along with the Addendum to the Report. R. Bradford moved to adopt the Agenda as modified. T. O'Halloran seconded the motion. (R. Bradford, T. O'Halloran, unanimous)
L. Graves, T. O'Halloran, M. Biniek, R. Bradford, S. Hill, R. Runkle, D. Verhoff,
7 yeas; 0 nays.

4) CONSENT AGENDA

Consent Agenda adopted as modified.

COMMITTEE REPORTS

EDUCATION COMMITTEE REPORT
OPERATIONS COMMITTEE REPORT
LEGISLATIVE COMMITTEE REPORT
TREASURER'S REPORT
NRCS PLANS – CRP-Forest Management Incentive Plan

5) **ADDITIONS TO AGENDA**

5.1) TECHNICAL COMMITTEE REPORT w/ Addendum

March 23, 2021 Technical Committee Meeting Minutes (Updated)

The Directors present discussed options for meeting by conference call due to the pandemic, preventing the Committee from safely assembling in one location. Tom O’Halloran moved to meet by conference call. Mike Sands seconded. O’Halloran – yea, Sands – yea, Graves – yea, Bradford – yea, Runkle- yea.

Items in italics were added at the April 6, 2021 Board Meeting

Present: Robert Bradford, Chairman; Lynn Graves, Madison; Tom O’Halloran, Culpeper; Robert Runkle, Greene; Mike Sands, Rappahannock; Greg Wichelns, District Manager; Spencer Yager, Conservation Specialist; David Massie, Conservation Specialist; Amanda McCullen, Conservation Specialist; Kendall Dellinger, Conservation Specialist

1) The following BMP applicants have been approved by the Technical Committee for funding. All applications were thoroughly screened for compliance with Priority Recruitment Guidelines. All met at least two of the priority criteria.

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> | <u>Tax Credit</u> |
|-----------------|-------------|-----------------------------|-----------------|-----------------|---------------|---------------|-------------------|
| SL-1 | 2021 VACS | Kenneth Anderson | 07-21-0272 | 426951 | Madison | \$ 7,424.00 | \$ 0.00 |
| SL-1 | 2021 VACS | Scott Boggs | 07-21-0265 | 426428 | Orange | \$ 21,750.00 | \$ 0.00 |
| SL-6N | 2021 VACS | Tucker Farms LLC | 07-21-0276 | 427652 | Madison | \$ 7,965.75 | \$ 1,072.31 |
| SL-6W | 2021 VACS | Christopher Haney | 07-21-0275 | 427203 | Orange | \$ 50,523.00 | \$ 0.00 |
| SL-6W | 2021 VACS | Somerset Plantation Inc. | 07-21-0049 | 404690 | Orange | \$ 62,188.50 | \$ 0.00 |
| SL-7 | 2021 VACS | Tucker Farms LLC | 07-21-0276 | 427665 | Madison | \$ 3,660.00 | \$ 305.00 |
| SL-8B | 2021 VACS | Battlepark Farm | 07-21-0278 | 427663 | Culpeper | \$ 26,133.00 | \$ 0.00 |
| SL-8H | 2021 VACS | Marshall Dairy | 07-21-0266 | 426583 | Orange | \$ 8,990.00 | \$ 0.00 |
| SL-10 | 2021 VACS | Calvin Powell | 07-21-0277 | 427653 | Greene | \$ 5,094.75 | \$ 0.00 |
| SL-10 | 2021 VACS | Calvin Powell | 07-21-0277 | 427654 | Greene | \$ 4,423.50 | \$ 0.00 |
| SL-10 | 2021 VACS | Lyle Alexander | 07-21-0254 | 424679 | Culpeper | \$ 3,675.00 | \$ 0.00 |
| SL-10 | 2021 VACS | Liberty Hall Plantation LLC | 07-21-0274 | 427656 | Culpeper | \$ 7,214.25 | \$ 0.00 |
| SL-10 | 2021 VACS | Robert Rodden | 07-21-0269 | 426875 | Rappahannock | \$ 2,625.00 | \$ 0.00 |
| WP-2W | 2021 VACS | Chris Parrish | 07-21-0207 | 422350 | Rappahannock | \$ 5,840.00 | \$ 115.00 |
| WP-3 | 2021 VACS | AMCARWILL LLC | 07-21-0282 | 427688 | Madison | \$ 963.38 | \$ 80.28 |
| WP-3 | 2021 VACS | AMCARWILL LLC | 07-21-0282 | 427689 | Madison | \$ 953.63 | \$ 79.47 |
| WP-3 | 2021 VACS | AMCARWILL LLC | 07-21-0282 | 427690 | Madison | \$ 1,926.75 | \$ 160.56 |
| WP-3 | 2021 VACS | AMCARWILL LLC | 07-21-0282 | 427691 | Madison | \$ 2,251.13 | \$ 187.59 |
| WP-3 | 2021 VACS | AMCARWILL LLC | 07-21-0282 | 427692 | Madison | \$ 1,123.13 | \$ 93.59 |

2) The following BMP applicants have been granted an increase by the Technical Committee for their previously approved projects:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> | <u>Tax Credit</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|-------------------|
| SL-6W | 2021 VACS | Debra Speyer* | 07-21-0183 | 418799 | Madison | \$ 45,354.28 | \$ 0.00 |
| SL-6W | 2021 VACS | Kelly Robson** | 07-21-0235 | 422073 | Culpeper | \$ 18,343.00 | \$ 0.00 |

*Increase of \$26,600.75 for additional stream exclusion fence, two troughs, pipeline, and stream crossing.

**Increase of \$8,808.50 for additional cross fence, trough and pipeline.

3) The following BMP participants have been approved by the Technical Committee for payment:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> | <u>Tax Credit</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|-------------------|
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|-------------------|

| | | | | | | | |
|-------|-----------|--------------------------|------------|--------|----------|-------------|---------|
| SL-8H | 2021 VACS | J-Team Dairy LLC* | 07-21-0156 | 421225 | Orange | \$ 2,979.60 | \$ 0.00 |
| SL-8H | 2021 VACS | Phil and Phillip Goodwin | 07-21-0131 | 420628 | Orange | \$ 1,298.40 | \$ 0.00 |
| SL-8H | 2021 VACS | Hunter Weaver* | 07-21-0130 | 420518 | Orange | \$ 562.20 | \$ 0.00 |
| SL-8H | 2021 VACS | Ashland Farms Inc. | 07-21-0090 | 419606 | Culpeper | \$ 1,940.00 | \$ 0.00 |

*Increase for additional acres.

4) The following Robinson River Residential applicants have been approved by the Technical Committee for funding:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-3M | DEQ16679 | Peggy Jenkins | 07-21-0279 | 427664 | Madison | \$ 1,600.00 |
| RB-1 | DEQ16679 | Vicki Elmore | 07-21-0271 | 426937 | Madison | \$ 280.00 |
| RB-3M | DEQ16679 | Vicki Elmore | 07-21-0271 | 427666 | Madison | \$ 1,600.00 |
| RB-4 | DEQ16679 | George Nicholson | 07-21-0267 | 426652 | Madison | \$ 6,400.00 |

5) The following Upper York River Residential applicants have been approved by the Technical Committee for funding:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-3M | DEQ16974 | Melody Jackson | 07-21-0270 | 426917 | Orange | \$ 1,000.00 |
| RB-3M | DEQ16974 | Aron Austin | 07-21-0268 | 426658 | Orange | \$ 1,000.00 |
| RB-3M | DEQ16974 | Dwight Paschall | 07-21-0232 | 426954 | Orange | \$ 2,600.00 |
| RB-3M | DEQ16974 | Mildred Johnson | 07-21-0290 | 427975 | Orange | \$ 1,600.00 |
| RB-3M | DEQ16974 | Jeanne Comeau | 07-21-0287 | 427935 | Orange | \$ 1,000.00 |

6) The following Upper Hazel River Residential applicants have been approved by the Technical Committee for funding:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-1 | DEQ16546 | Sharon K. Spear | 07-21-0286 | 427843 | Rappahannock | \$ 175.00 |
| RB-1 | DEQ16546 | Patricia A. Lane | 07-21-0288 | 427989 | Rappahannock | \$ 175.00 |
| RB-3M | DEQ16546 | Evelyn Bargmann | 07-21-0281 | 427685 | Rappahannock | \$ 1,000.00 |

7) The following Upper Rapidan River Residential applicants have been approved by the Technical Committee for funding:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-1 | DEQ16678 | Daniel Barden | 07-21-0071 | 427902 | Orange | \$ 175.00 |
| RB-4 | DEQ16678 | John Thomas | 07-21-0283 | 427801 | Orange | \$ 4,800.00 |
| RB-4P | DEQ16678 | James Castle | 07-21-0284 | 427802 | Greene | \$ 9,600.00 |
| RB-3M | DEQ16678 | Cherri Lawson | 07-21-0289 | 427974 | Madison | \$ 1,000.00 |

8) The following Robinson River Residential participants have been approved by the Technical Committee for payment:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-3M | DEQ16679 | Francis Newton | 07-21-0045 | 422126 | Madison | \$ 137.50 |
| RB-4P | DEQ16679 | Ryan Meszaros | 07-20-0221 | 379486 | Madison | \$ 6,000.00 |

9) The following Upper Rapidan River Residential participants have been approved by the Technical Committee for payment:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-1 | DEQ16678 | Ricky Colvin* | 07-21-0098 | 420144 | Orange | \$ 280.00 |
| RB-3M | DEQ16678 | James Allen* | 07-21-0210 | 422528 | Madison | \$ 1,000.00 |
| RB-1 | DEQ16678 | Daniel Barden | 07-21-0071 | 427902 | Orange | \$ 175.00 |

*Should have been reported in March Board Minutes

10) The following Upper York River Residential participants have been approved by the Technical Committee for payment:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-3M | DEQ16974 | Nancy Henry | 07-21-0218 | 423001 | Orange | \$ 280.00 |
| RB-3M | DEQ16974 | Dwight Paschall | 07-21-0232 | 426954 | Orange | \$ 1,722.50 |

11) The following Upper Hazel participants have been approved by the Technical Committee for payment:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-1 | DEQ16546 | Mary Forbes* | 07-21-0074 | 413647 | Rappahannock | \$ 175.00 |
| RB-3 | DEQ16546 | Miahcel A. Cioffi | 07-21-0227 | 424509 | Rappahannock | \$ 2,125.00 |

**Should have been reported in March Board Minutes*

12) The following Residential applicants have been cancelled by the Technical Committee:

| <u>Practice</u> | <u>Fund</u> | <u>Participant</u> | <u>Contract</u> | <u>Instance</u> | <u>County</u> | <u>Amount</u> |
|-----------------|-------------|--------------------|-----------------|-----------------|---------------|---------------|
| RB-3M | DEQ16974 | Dwight Paschall | 07-21-0232 | 423204 | Orange | \$ 1,300.00 |
| RB-3M | DEQ16678 | Daniel Barden | 07-21-0071 | 413218 | Orange | \$ 1,000.00 |

13) The District Manager gave an update on the dams:

- a. A pre-bid meeting for the installation of the wave berm for Beautiful Run #2A was completed. Five contractors attended the meeting which was a requirement to bid on the project. Bids are due March 30, 2021 and will be awarded at the April 6, 2021 Board Meeting.
- b. Notices for request for qualifications for the slip lining of six Beautiful Run primary spillways has been sent to local and statewide newspapers and eVirginia. Qualifications/requirements are due on April 22, 2021 and eligibility notices will be made on May 13, 2021. The winning bid for the project will be awarded at the July 6, 2021 Board Meeting and the District expects to have a contract in hand with the winning bidder by August 1, 2021. Construction should take approximately 90 days.
- c. The Department of Conservation and Recreation has reconsidered their approach to conditional permits for low hazard dams. The District now has regular certificates for all low hazard dams.
- d. The District is awaiting a design for foundation/toe drains for Beautiful Run #4 from Schnabel Engineering.
- e. The Technical Committee has set the dates of Wednesday, April 7th and Thursday, April 8th for the annual spring dam inspections. All Directors are invited to attend the dam inspections.

14) The Technical Committee reviewed the Annual Plan of Work and felt it was satisfying all requirements of this document.

15) The District Manager reported on Technical Service Provider (TSP) training that causes some concerns at the Staff level. The Committee recommends monitoring the training to see what messages occur.

16) The Technical Committee continues to delegate the authority to the District Manager to sign BMP contracts on behalf of the Board of Directors on an as needed basis.

17) R. Bradford opened the only submitted bid for upcoming dam project. The board chose not to accept the bid at this time. G. Wichelns will reach out to the contractor for a breakdown of costs. No approval needed at this time.

R. Bradford moved to approve the Committee Report as presented. R. Runkle seconded the motion. (R. Bradford, R. Runkle, unanimous)

L. Graves, T. O'Halloran, M. Biniek, R. Bradford, S. Hill, R. Runkle, D. Verhoff, M. Sands

8 yeas; 0 nays.

6) AGENCY REPORTS

DCR - D. Cross discussed the end of the third quarter and upcoming deadlines associate with this: Quarterly Report is due and the District Secondary Considerations will be due on June 30, 2021. D. Cross suggests that the District begin updating Average Cost List to reflect rising material costs. New AG Tax Credits: Per newly signed legislation, the cap for the 25% agricultural tax credit will be raised from \$17,500 to \$25,000. An enhanced tax credit for BMPs installed on land where there is a certified RMP will be eligible for a 50% tax credit up to a \$50,000 cap. These tax credits will be based upon true out-of-pocket costs after cost-share. In 7/1/2021, CSWCD will become part of the Small Heard Initiative, becoming one of seven districts in the program. D. Cross announces that the Area II Spring Meeting will be held virtually on May 12, 2021 from 10:00-12:00.

7) VOTE TO MEET IN PERSON

7.1) L. Graves surveyed the Board on whether or not Board Meetings should continue to be held electronically or move back to in person meetings. He asked them to indicate their preference: yea or nay on in person meetings.

L. Graves, M. Biniek, R. Bradford, S. Hill, R. Runkle, M. Sands, 6 yeas;
D. Verhoff, 1 nay.

7.2) L. Graves surveyed the Board on whether or not Committee Meetings should continue to be held electronically or move back to in person meetings. He asked them to indicate their preference: yea or nay on in person meetings.

L. Graves, R. Bradford, R. Runkle, D. Verhoff, 4 yeas;
S. Hill, M. Sands, 2 nays;
M. Biniek abstained.

The chairman will work with the District Manager on identifying meeting place options and will communicate to the remainder of the Board that live meetings are being considered and ask for their input. The Education Committee will continue to meet via Zoom.

8) PLAN FOR APRIL COMMITTEE MEETINGS (IN PERSON)

Committees will meet at the Culpeper office on Tuesday, April 20, 2021. Personnel 9:00, Operations 9:30, Technical 10:00 and Educational meeting will be held April 20, 2021 via Zoom or by telephone at 4 pm.

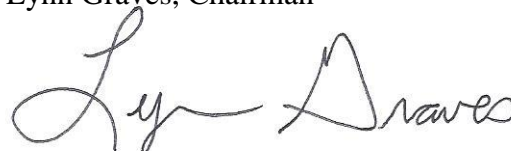
BOARD MEETING FOR MAY WILL TENTATIVELY BE HELD TUESDAY, May 4, 2021, in person, location to be determined.

9) ADJOURNMENT

D. Verhoff motioned to adjourn April 6, 2021 Board meeting at 10:09. R. Bradford seconded the motion. L. Graves, M. Biniek, R. Bradford, S. Hill, R. Runkle, D. Verhoff, M. Sands, 7 yeas; 0 nays.

Respectfully Submitted,

Lynn Graves, Chairman



Stevie Ross
Administrative Secretary

Date Approved 5/4/2021