

Browns Run, Craig Run and Marsh Run TMDL Implementation Plan Development

Tuesday, November 16, 2010

7 P.M.

Cedar Lee Middle School, Bealeton, Virginia

Public Meeting #2

Attendance:

Melissa Allen, John Marshall Soil and Water Conservation District
Rich Buchanan, Citizen
Toni Buchanan, Citizen
Ted Bullard, Virginia Department of Health
Jennifer Carlson, Virginia Department of Environmental Quality
Deirdre Clark, Rappahannock-Rapidan Regional Commission
Earnie Dodson, Citizen
Virginia Dorkey, Citizens for Fauquier County
Michael H. Dwyer, Citizen
Roger Flint, Natural Resources Conservation Service
John Green, Citizen
Beth Harris, Citizen
Tom Harris, Citizen
Eugene Hankinson, Citizen
Lana Hankinson, Citizen
Joe Korpsak, Citizen
Bob Lee, Virginia Outdoors Foundation
Charles Lunsford, VA Dept. of Conservation and Recreation
Jay Marshall, Farmer, Fauquier County
Frank Ott Jr., Citizen
Morgan Ott, III, Citizen
Byron Petrauskas, Blue Ridge Environmental Solutions, Inc.
Jack Queen, Citizen
Mary Root, Citizen
John Schied, Fauquier Farm Bureau
Bob Slusser, VA Dept. of Conservation and Recreation
Chester Stribling, Fauquier County Board of Supervisors
Bryant Thomas, Virginia Department of Environmental Quality
Tom Turner, John Marshall, SWCD
Rob Walton, Citizen

Introduction:

Mr. Chester Stribling, Fauquier County Board of Supervisors, welcomed attendees and provided a brief summary of the number and types of meetings held to date. He expressed his appreciation for the interest and knowledgeable input of those who had participated in the development of the TMDL-IP and noted the importance of their continued involvement in water quality issues in Fauquier County.

Browns Run, Craig Run, Marsh Run TMDL-IP Draft Plan:

Mr. Byron Petrauskas, Blue Ridge Environmental Solutions, Inc., reviewed a summary of the Craig, Browns, Marsh Runs Water Quality Improvement Plan. He distinguished between the Chesapeake Bay TMDL and the local plan which is focused on reducing the bacterial contamination identified in the three stream segments. Having provided each participant with a copy of his presentation, Mr. Petrauskas proceeded to explain why the plan is needed, what a TMDL actually is, what is included in a TMDL-IP, and the importance of public participation in the process. Mr. Petrauskas briefly reviewed the TMDL study and elaborated on the bacteria sources identified. Noting input from the Residential, Agricultural and Government Working Groups, Mr. Petrauskas reviewed implementation actions proposed, methods used to identify them, potential costs and expected improvements. Proposed agricultural practices are;

- Livestock stream exclusion including exclusion fencing, riparian buffers, cross-fencing, alternative watering sources, and hardened crossings;
- Improved pasture management;

- The use of stormwater retention ponds as a last resort, and
- Cropland improvements including permanent vegetative cover, conversion to pasture or forest, incorporation of bio-solids into soil, and storing dairy liquid manure before land application to reduce bacteria content.

Implementation actions proposed to address residential sources are:

- The replacement of straight pipes and remediation of failing septic systems;
- Effective management of pet waste to include education of pet owners, installation of pet waste composters, and the implementation of confined canine unit waste treatment systems; and
- Implementing stormwater best management practices to include vegetated buffers, rain gardens and infiltration trenches.

Stage 1 implementation cost estimates and examples were provided and discussed, as were measurable goals and milestones. It was noted that JMSWCD will track the installation of agricultural Best Management Practices, while the Virginia Department of Health will work with homeowners to improve problems associated with on-site sewage disposal. Attendees were provided with a list of potential funding sources and reminded of the opportunity to comment until December 15, 2010.

Virginia Outdoors Foundation- Partnership Opportunities:

Mr. Bob Lee, Executive Director, Virginia Outdoors Foundation, presented information on the availability and benefits of easement programs available to landowners in Virginia:

- Conservation incentives in Fauquier County include the PDR program, tax credits that can be sold to any Virginia tax payer, and 100% reimbursement for legal, accounting, appraisals and associated fees;
- Virginia tax credit is 40% of the appraised value of the land property under easement;
- Demand for conservation easements exceeds available funding, however, priority is given to those that protect water quality;
- With over 70,000 acres under easement, Fauquier leads the Commonwealth in eased lands; and
- All programs are voluntary.

Implementation Example

TMDL Implementation Program – Carters, Deep, Great and Thumb Runs:

Mr. Tom Turner, John Marshall SWCD, provided a summary of accomplishments within the past four years in the Carters, Great and Thumb runs watersheds as a result of the TMDL-IP:

- Over 75,000 feet of streambank fencing has been installed;
- Clean water is available to livestock through alternative watering devices; and
- Producers have noted improved livestock health and better weight gain.

Participation has been limited in the Deep Run watershed. Mr. Turner noted that even with 85% cost share, the cost to the producer is often significant; however, this is offset by improvements to herd health and operational efficiency. Producers were encouraged to focus on overall benefits.

Mr. Jay Marshall, Fauquier farmer with 350 acres in the Thumb Run watershed, described his personal experience working with the TMDL-IP program. With 1,000 feet of frontage on Thumb Run and several small tributaries crossing his property, Mr. Marshall began a stream access management program 15 years ago by installing fencing along the main stream. Because of impacts from flooding, the first fence was moved farther back from the edge of the stream. Additional fencing was installed to restrict cattle access to three small tributaries. In all cases, Mr. Marshall participated in cost share programs offered through the JMSWCD. Mr. Marshall noted the following:

- The development of 12 paddocks and installation of watering stations allows for rotational grazing, resulting in better grass production and reduced livestock loss from in-stream accidents;
- Rotational grazing, resulting in better grass production, makes up for the 35' setback requirement;
- Setback areas have become significant wildlife corridors, improving habitat and hunting;
- 85% cost-share funding was very helpful in improving farm management and production;
- Performing the required labor can make up the 15% gap; and
- Owners are eligible for 25% tax credit on the 15% difference.

Mr. Marshall urged producers to consider the benefit the program will have to their operation.

Mr. Ted Bullard, Virginia Department of Health, briefly summarized his experience in working to implement the Carter, Deep, Great and Thumb runs TMDL-IP. He noted that the program offers 50% cost share for pumping out of septic tanks with funds for repairs and replacement available for up to 75% of costs, depending on the homeowner's income. Within the past 4 years the program has assisted with the following:

- 121 septic pump-outs;
- 27 septic system repairs;
- Replacement of 5 traditional septic systems; and
- The installation of 1 alternative system.

Mr. Bullard noted that the response to the program within the watersheds has been positive.

Information Provided

In response to questions from attendees, the following information was provided:

- Individual landowners may restrict their deeds and titles; however, enforcement could be problematic;
- Deed restricted land may be "taken for public good," but the judicial process to determine no feasible alternative can be lengthy;
- Since farms are businesses, cost share and tax reductions actually promote business;
- Tax credit can be claimed, if eligible, without participating in cost share;
- Carters Run and Thumb Run have exhibited significant improvement in water quality – coincidentally, both have the greatest number of BMPs;
- JMSWCD and USDA have not yet installed all practices planned for Carters, Deep, Great and Thumb Runs;
- Farmers can exclude livestock and receive cost-share even with a 10' setback; however, cost-share is reduced to 50%;
- Farmers decide which practices work best for their operation;
- Specific sources of contaminants may be identified through citizen observation and reporting, interest in the program, aerial imaging, land use evaluation, etc.;
- State law requires development of an implementation plan – there is no requirement that the plan be implemented;
- Remediating failing drain fields is required;

Comments

- Removal of property from the tax base through easement discourages development and shifts the tax burden to other property owners;
- All property owners pay for cost share;
- Due to the size of the streams not all stream areas provide a recreational use;
- Fauquier Farm Bureau opposes mandatory programs;
- Many farmers on Marsh Run have already installed BMPs and encourage increased participation in the BMP program;
- 35' setback could result in substantial production loss to some farmers;
- SWCD budgets have been reduced;

What's Next?

Attendees were encouraged to comment on the draft document. All meeting notes, maps and presentations, as well as the draft document, may be viewed on-line at http://www.rregion.org/tmdl_bcm.html.

The public comment period is open for thirty days with comments accepted until December 17, 2010.