



GREENBRIER VALLEY

Conservation District

USDA Service Center ♦ 179 Northridge Drive ♦ Lewisburg, WV 24901
Phone: (304) 645-6173

Serving Greenbrier, Monroe, and Pocahontas Counties

Minutes of the GVCD Regular Board Meeting June 18, 2019

The Greenbrier Valley Conservation District Board of Supervisors met on Tuesday, June 18, 2019 in the conference room of the Lewisburg USDA Service Center. Those attending were:

Supervisors:

Timothy VanReenen
Gary Sawyers
Gary Truex
Jerry Clifton
Avery Atkins

Others:

Linda Ortiz (NRCS)
Jeremy Salyer (WVCA) (by skype)
Judith Lyons (WVCA)
Lynn Woods

Supervisors Absent:

Carolyn Miller was absent to do work obligations.

Call to Order

Chairman Gary Sawyers called the meeting to order at 7:07pm.

Approval of Minutes

Motion was made by Jerry Clifton and seconded by Gary Truex to approve the minutes of the May 16, 2019 regular board meeting. Motion passed. Motion was made by Gary Truex and seconded by Avery Atkins to approve the minutes of the June 12, 2019 special board meeting. Motion passed.

Guests

- Judith Lyons was present for WVCA Watershed cooperating agency report and requested to speak early due to her travel schedule.
 - She submitted a written report (copy attached) and updated the Board on the status of on-two going CCRs, the sites of which she had visited earlier in the day.
 - Judith reminded the Supervisors that they were given a copy of the updated Emergency Watershed Response Policy manual for review and any comments should be submitted by June 30, 2019. The manual is focused on developing standards for a working relationship with NRCS for flood response.
 - Judith explained and answered questions about a proposed Memorandum of Understanding with WVCA and Southern Conservation District. This is a state-wide pilot program to have routine dam maintenance done by CD work crews to minimize the need for job showings and related contracting issues. The MOU would be for mowing, weed-eating, and debris removal. Judith Lyons and Bryan Fry of WVCA have met with SCD's work crew and negotiated amounts for the upcoming season of \$8,125.00 (subject to change,

but not without prior approval, depending on debris load) for Howards Creek and \$2,500.00 for Marlin Run. A work order must be approved and signed prior to commencement. Judith assured the Supervisors that any changes to those amounts would require approval and that she would not verify completion of the job unless all specifications on the work order were met satisfactorily. Prices would be re-negotiated each year based on conditions. It was pointed out that the MOU could be terminated with 30-day written notice. There was a lengthy discussion and Supervisors expressed concerns which arose from past experiences. **Timothy VanReenen moved to sign the MOU with WVCA and SCD for one year. Jerry Clifton seconded the motion. The vote was split, with Timothy VanReenen and Jerry Clifton voting “yea” and Avery Atkins and Gary Truex voting “nay”. Gary Sawyers cast the deciding vote of yea and the motion passed.** Judith Lyons will draft the work order to be signed. **Gary Sawyers appointed Gary Truex to sign the work order between meetings.**

District Manager Report

- Lynn Woods submitted a written report (copy attached).

Funding Requests

Cooperating Agency Reports

- **NRCS** – Linda Ortiz reported on the status of NRCS applications and submitted a written report (copy attached).
 - Linda presented the Board with information regarding the status of FCAs and requesting Board input and approval for submissions for the upcoming year. She noted that 2019 is the last year for Stamping Creek and proposes to do a year of outreach in 2020 for Deer Creek prior to requesting funds for that area. 2019 is also the last year for Meadow River and the plan is in place to move to Anthony Creek. She is concerned about the Indian Creek FCA, as there was only one application in 2019. She presented options of keeping it for another year and doing extensive outreach or withdrawing the FCA. She would prefer not to withdraw the FCA as it may affect future funding. She asked the Board to commit to outreach for that area and take the lead with advertising and promotion and cited the success of Meadow River as a result of personal contacts by Supervisors. Unfortunately, she said, the bulk of 2019 funds ~~will~~ may have to be returned. After a lengthy discussion, she asked for approval to submit the FY20 plans in July. **Jerry Clifton moved and Timothy VanReenen seconded the motion to submit the FCA plans in the amounts of \$500,000 for Indian Creek, \$300,000 for Anthony Creek, and a year of outreach for Deer Creek, as presented by Linda Ortiz. Motion passed.**
 - Linda reminded the Board that the Local Work Group Meeting will be held on June 27, 2019 at 9:30am in the conference room of the Lewisburg USDA Building. This will focus on planning FCAs for 2021. Partners have been invited and the meeting has been publicized.
 - Linda explained that she and her staff have been attending training in recent weeks, resulting in some office closures. She wanted the Board to be aware of the reason for the closures in case they were asked or heard comments.
 - Linda provided more information on a previously proposed NRCS-funded employee opportunity. There was again discussion, but the Board was not inclined to pursue the option due to a number of reasons, including concerns about being responsible for an employee, over whom they had no supervision or control. They did re-state that they are willing to address the NRCS State Office to request a replacement in Pocahontas County. Linda and Lynn are working on a letter of support.
- *WV Division of Forestry* – Not present
- *FSA* – not present
- *WVCA* - Jeremy Salyer submitted a written report which is attached.

Unfinished Business

- Banquet – Lynn reported contract and payment have been submitted to the fairgrounds.
- Conservation Farm – Target date for Area Tour is week of August 5, 2019.

Committee Reports

Finance Committee:

Financial Report:

- *General and CDO Funds Report* – Gary Truex moved to accept the General and CDO Funds Reports and file for audit. Seconded by Avery Atkins. Motion passed.
- *WVCA Restricted Funds Report* – Timothy VanReenen moved to accept the WVCA Restricted Funds Reports and file for audit. Seconded by Avery Atkins. Motion passed.
- *Payment of all General Funds bills*— Gary Truex moved to pay all General Funds bills, per payables list, as presented. Seconded by Timothy VanReenen. Motion passed. List is attached.

Agricultural Enhancement Program Committee:

Timothy VanReenen presented the AgEP invoices for lime listed on the agenda for payment:

Lime

Julian Wolfenbarger	\$2,073.00
Sam Jasper	\$2,819.25
Mitchell Hughes	\$668.25
Brandon McCormick	\$1,680.00
Jordan Neil Mason	\$472.50
Kenneth H. Varner	\$1,413.75
Gerald P. Simmons	\$561.00
Nicholas Wikle	\$1,050.00
Wilkins Farms - Jack Wilkins	\$2,757.15
Ralph Warren	\$2,477.25
Eitel Heritage Farm	\$806.40
McNeel Farms	\$2,007.48

Total Lime Payments (M) \$18,786.03

Timothy VanReenen moved on behalf of the committee and Gary Truex seconded the motion to pay the AgEP Lime invoices totaling \$18,786.03. Motion passed.

Timothy VanReenen presented the following cancellations:

AgEP Cancellations:**Lime**

Kenneth Butcher	\$150.00
Tieche Angus Farm	\$612.00
Total Cancellations (M)	\$762.00

Timothy VanReenen moved on behalf of the committee and Avery Atkins seconded the motion to approve the cancellations totaling \$762.00. Motion passed.

Timothy VanReenen presented the following AgEP Emergency Assistance payments for approval:

AgEP Emergency Payments:**Re-seeding**

Tuckwiller Brothers Farm	\$3,000.00
Benjamin L. Ellis	\$498.00
Woody Hanna	\$1,032.00
Stuart Dameron	\$1,962.00
Jobey Holliday	\$2,358.00
Moe Rapp	\$606.00
David Kennedy	\$534.00
John Nelson	\$384.00
Matt Morgan	\$768.00
Richard Nichols	\$486.00
Dennis Kowalsky	\$636.00
Jack Morgan	\$204.00
Total Re-seeding (M)	\$12,468.00

Timothy VanReenen moved on behalf of the committee and Gary Truex seconded the motion to approve the AgEP Emergency payments totaling \$12,468.00. Discussion ensued regarding the requirements of the program. Upon clarification a vote was taken. Motion passed.

Timothy VanReenen moved on behalf of the committee and Jerry Clifton seconded the motion to send the LOR for FY20 AgEP funds, in the amount of \$95,000.00. Motion passed.

Grassland Committee:

- **Gary Truex moved on behalf of the committee and Timothy VanReenen seconded the motion to donate \$100.00 to the Grasslands Steering Committee for their State-Wide Farm Field Day. Motion passed.**

Building/Equipment Committee:

- The agenda item regarding review/adjustment of Equipment Insurance coverages and costs was tabled.
- The agenda item regarding collection of delinquent account was tabled.
- The PSD has not requested payment since it was communicated to them that no facilities have been installed. We are to notify them when installation takes place.
- Avery Atkins will try to get a quote for insulation in July.

Other Committees

- Two Expressions of Interest were received from engineering firms. Timothy VanReenen has recused himself from the selection committee due to a family relationship with one of the firms. **Gary Truex moved and Timothy VanReenen seconded the motion to appoint Jerry Clifton to the committee to replace Timothy VanReenen. Motion passed.** The committee (Miller, Sawyers, Clifton) will schedule a meeting to rank the EOIs.

Watershed Reports

- *WVCA O, M & R Report* - Judith Lyons presented earlier in the evening.

319 Committee:

- **Jerry Clifton moved on behalf of the committee and Timothy VanReenen seconded the motion to delegate authority to Gary Truex to sign the modification and approve payment for 2019-04-16 GVCD CS319 Wades Ck SS&R Phase 2. Motion passed.**
- **Gary Truex moved and Timothy VanReenen seconded the motion to send the LOR for C-Bay Initiative 32.10 NPS1614 - Potts Creek, in the amount of \$65,000.00. Motion passed.**
- **Jerry Clifton moved on behalf of the committee and Avery Atkins seconded the motion to approve up to \$400.00 for food & supplies for field day(s). Motion passed.**
- **Jerry Clifton moved on behalf of the committee and Avery Atkins seconded the motion to approve up to \$200.00 for food & supplies for contractor's workshop. Motion passed.**
- **Jerry Clifton moved on behalf of the committee and Timothy VanReenen seconded the motion to approve the updated 319 SOP manual provided by Dennis Burns. Motion passed.**
- **Jerry Clifton moved on behalf of the committee and Avery Atkins seconded the motion to approve the return of federal funds totaling \$9,148.48, as requested by Brian Farkas. Motion passed.**

Jerry Clifton presented the following 319 invoices for payment:

Invoice From	Project	Invoice For	Invoice Cost	Note
LD Hanna	Wades Creek	Contract	\$125,002.28	2019-04-16 GVCD CS319 Wades Ck SS&R Phase I
Hines Fencing	Indian Creek	Kathleen Wilson	\$ 299.00	Remainder of payment previously denied
Total May Invoices (M)			\$125,301.28	

Jerry explained that the amount of \$299.00 which was previously questioned and denied had been explained to the satisfaction of the committee and that it should have been paid when first presented. **Jerry Clifton moved on behalf of the committee and Avery Atkins seconded the motion to pay the listed invoices totaling \$125,301.28.**

Actions Between Board Meetings

None

Correspondence

- A request was received from Suzy Funka-Petery (WV NRCS) for district participation in a special project on food deserts being conducted by WVU Davis College and School of Public Health, assisted by NRCS. They are requesting a 30-40 minute interview of a Supervisor or district representative. Discussion ensued and the board requested that Lynn Woods, with input from Linda Ortiz, accommodate their request.
- No action was taken on buying space in the State Fair edition of the WV Daily News.

New Business

- The Partnership Plan of Work was reviewed and proposed revisions drafted on June 12, 2019. Partners were invited to submit their input and comments received were incorporated into the draft. The draft was submitted to Guthrie "pending approval" to meet the June 15 deadline. Lynn Woods presented the draft with the proposed changes. **Timothy VanReenen moved and Gary Truex seconded the motion to approve the proposed changes and revise the Plan of Work. Motion passed.**
- It was requested that the August regular board meeting moved to another date due to schedule conflicts. **Gary Truex moved and Timothy VanReenen seconded the motion to reschedule the regular August Board meeting from 8/15/2019 to 8/22/2019. Motion passed.**

Approval of Conservation Agreements & Terminations

- None

Approval of Conservation Plans

- None

CREP

- None

Other Business

- Gary Sawyers reported that employee appraisals had been conducted and as a result proposals were being made for a salary increase for Barry Level and a change in employment status for Eugene Wickline from part-time to full-time. Discussion ensued.
- **Timothy VanReenen moved and Gary Truex seconded the motion to approve a pay increase for Barry Level, equal to the amount of the pay increase being given, across-the-board, to WVDA and WVCA employees, effective July 1, 2019. Motion passed.** A request will be sent to Brian Farkas for an increase in CD support to accommodate this increase.
- Gary Sawyers reminded the Board of the request and proposal Eugene Wickline submitted for full-time status for one year. **Gary Truex moved and Avery Atkins seconded the motion to change Eugene Wickline's employment status as Equipment Coordinator from part-time to full-time, effective July 1, 2019, with a flat pay rate of \$14.00 per hour (no commissions) for the period of one year.** Discussion ensued. It was noted that a full-time job description would need to be written to clearly state responsibilities and expectations. There were concerns about funding a full-time position because a projected income statement prepared by the District's bookkeeper indicates that the equipment program does not generate enough revenue to absorb this cost and therefore, would have to be significantly supplemented from general funds. **Motion passed, three to one, with Timothy VanReenen casting the nay vote.**

- Reminder that the public comment period for Senate Bill 655 ends June 29, 2019 at 4pm.

Adjournment

With no further business, the meeting adjourned by consensus at 10:54pm.

Respectfully submitted,

~~Gary Sawyers~~
Chairman

Handwritten signature of Jerry Clifton in blue ink.

Carolyn Miller
Secretary/Treasurer

Handwritten signature of Carolyn Miller in black ink.

GS/CM/lw

Recorded by Lynn Woods, District Manager

GVCD District Manager Report

June 18, 2019

- AgEP FY20 has been announced. Press release was sent to newspapers, posted on facebook, and posted at the office. Sign-ups are by appointment. Funds in the amount of \$95,000.00 are pending for FY20 program. Barry Level has scheduled days to take applications at several locations throughout the District and posted calendars.
- 2019-04-16 GVCD CS319 Wades Ck SS&R Phase 1, with modification, is complete and verified and payment is on the agenda. Phase 2 is at a standstill due to a necessary re-design on the bridge. A modification will be forthcoming.
- Partnership Plan of Work has been revised and draft is on the agenda for approval. Draft was submitted to Guthrie "pending board approval" in order to meet the June 15 deadline.
- CD employee appraisals were held on 6/12/19.
- Local Work Group meeting will be held on 6/17/19 at 9:30am. NRCS will facilitate. Invitations have been sent to partners, published on Facebook, and notices sent to the newspapers in the district. Notice is also posted on the front door.
- Supervisors are requested by WVACD to sign-up for the State Fair booth.
- O&M MOU Draft is on the agenda for approval. Brian Fry and Judith Lyons have worked with Southern CD to develop estimates for Marlin Run and Howards Creek, based on the five-year plan and current conditions.
- Copies of Updated EWP Policy Manual were distributed to Supervisors at committee meetings for review. The comment period is the month of June. Any comments should be submitted to Area Director by June 30.
- A State-Wide Farm Field Day is scheduled for August 3, 2019. It is being sponsored by the Grasslands Steering Committee, who requested our financial assistance and advertisement. Information is posted on Facebook.
- Outreach event with the Conservation Fund is being postponed. This will be targeted to high school students age students (FFA, 4-H, etc.) and teachers, leaders, etc. Dennis Burns will keep the board updated.
- GVCD participated in Farmer's Day on June 8th. Bill and Carolyn Canterbury, Aaron & Tara Helmick and their children, and Frank Masters represented the GVCD as West Virginia Conservation Farms of the Year for 2016, 2017, and 2018 in the parade. Thank yous have been sent. NRCS and the GVCD also set up an information booth. Gary Sawyers, Gary Truex, Carolyn Miller, Linda Ortiz, Wanda Smith, Dewey Broyles, Barry Level and Lynn Woods participated.
- EOI for engineering firms was advertised in the Monroe Watchman, WV Daily News, and Pocahontas times. The legal ads ran two weeks each with a deadline for submission of May 31. We received two EOIs. Committee will meet to review and rank.
- Inland marine schedule with cost break-down has been provided as requested.
- The District provided skype access to the Public Comment Hearing on SB 655 held on June 5. Gary Sawyers, Jerry Clifton, and Lynn Woods were present.
- WVU has requested participation from the District in their Food Desert study. They have asked for a representative to be interviewed. See Lynn for available times.
- New agreement for OMR with Town of Marlinton has been mailed for signature and an invoice sent for FY19.
- Banquet date has been set for 9/26 and WVU Building is under contract. Soil Tunnel Trailer will be on site for social hour. "Save the Date" emails have been sent to Legislators and other key attendees.
- Layla Pence from Greenbrier County will be sponsored for Junior Conservation Camp.
- Sponsorship offer has been announced for the State Conservation Camp (senior camp.)
- Posters were judged by NRCS. Nearly 70 posters were submitted. Winners in each age group will be submitted to state contest. Timothy VanReenen and Lynn Woods visited PCHS on May 15 to present awards. Lynn Woods visited GEHS to present awards and also presented awards at the office to 4-H members who participated. Photos have been posted on Facebook.
- Jacob Lavender won the photo contest and received 2 tickets to the WV State Fair. The photo has been submitted to WVACD for the state contest.

- Reminder to close non-interest bearing account.
- Efforts are being made to accommodate equipment renters in the absence of office personnel. Contracts and instructions have been made available outside the office for times when all office personnel are unavailable. Renters will still need to have prior approval from the Equipment Coordinator.
- GVCD Conservation Farm Winner was selected and has been submitted to Area Director. Staff is working with the farmer in preparation for the Area Tour. Target date for the Area Tour is the week of August 5th.

Dates to Note:

June 20	WV Day (Office Closed)
June 27	Local Work Group Meeting 9:30am
July 4	Independence Day (Office Closed)
July 10	Standing Committee Meetings 9am
July 18	Regular Board Meeting 7pm
July 15-16	WVACD Quarterly Meeting @ Triadelphia
August 3	State-Wide Field Day @ Mill Creek 10am

June 2019 WVCA Report

Request to Conservation Districts

The WVCA is encouraging Conservation Districts to review and update your District Plan of Work. Plans are due to Guthrie by June 15.

Engineering Expression of Interest

Review your current contract and if needed, prepare to advertise and go through interview/selection process if needed.

A template has been provided to all DMs for CDs to use moving forward. This effort is to ensure that engineering services can provide the service that may be required moving forward with O&M work/repairs.

The WVCA is interested in working with the district to ensure they retain a firm that has strong civil engineering and is familiar with dams.

Because of questions raised about these agreements, it's important to make sure that the scope of work is clearly defined and an agreement between the district and engineering firm is signed.

Also, the district may want to consider whether it wants an engineering firm that also can perform environmental assessments.

Conservation Farm Tour

CDs should have submitted their district farm selection to their Area Directors by May 31.

Timelines:

- **July** - Area judging.
- **August** - Statewide judging.
- **October** – Presentation of Area and State awards at WV Conservation Partnership Annual Conference. County and District winners at local Conservation District annual banquets.

WV Conservation District News: *New section for district updates*

The Northern Panhandle Conservation District had a great turnout of 225 to their 10th Annual Women in Ag event May 14 in Moundsville.

The Little Kanawha Conservation District took part at Youth Conservation Days at North Bend State Park on May 18. About 200 children took part. Mikayla Hayes took the Enviroscope and the children were very interested in it.

Also on May 18, the Eastern Panhandle Conservation District held a Community Conservation Day event at Ranson, where the documentary "Living Soil" was shown.

On May 22 the Southern Conservation District held its fourth Women in Ag event at Tamarack in Beckley. About 50 attended and those who did plan to return next year. The SCD has also held a series of Agroforestry workshops this spring.

The Potomac Valley Conservation District held a rain barrel workshop on May 25 at Brookedale Farm in Mineral County. Another workshop was held in Hampshire County on April 13. The WV Soil Tunnel Trailer was at Romney Elementary School on May 23 and at North Fork Elementary in Circleville on May 24. The Upper Ohio Conservation District will hold a Forestry Field Day at Thomas Stoney Knob Farm in Middlebourne on Saturday, June 22 at 10 a.m. Forestry health and chainsaw safety will be discussed. The West Fork Conservation District held a land judging on the Paul Woodford Farm in Gilmer County on May 22.

The Greenbrier Valley Conservation District saw a lot of good participation in its Conservation Poster contest around the district. More than 50 Pocahontas County High School students participated this year.

Conservation districts around the state have also been selecting their Conservation Farms of the Year for their counties and their district.

2019 WVACD Quarterly Meeting Dates/Locations:

July 15 & 16	Highlands Event Center, Triadelphia
October 21 & 22	Flatwoods

AGEP:

- **June 15, 2019** – Deadline for CDs submit final practice list to WVCA (CDs can submit final list any time after SCC approval)
- **July 1 2019**- Start of Program Year
- **July 15 2019** – Deadline for DMs to close out database for previous FY
- **July 31 2019** - CDs submit annual progress report/AgEP Newsletter
- **October 31 2019** – Deadline for CDs to submit allocation formula proposals and new practices for FY 21 program year.
- **November/December 2019** – State AgEP committee mid-year meeting to review allocation formula proposals and new practices
- **February 2020**- Comments reviewed and forms revised
- **March 2020**- State AgEP committee meeting to finalize upcoming FY AgEP
- **April 2020**- Presentation of upcoming FY AgEP to SCC
- **May/June/July 2020**– CDs to finalize upcoming FY program, update AgEP agreement addendum, take action to approve LORs
- **June 15 2020**– Deadline for CDs submit final practice list to WVCA (CDs can submit final list any time after SCC approval of practice list)

If you haven't updated your AgEP Administration agreement and addendum for the upcoming year please do so now.

AgEP Funding allocation figures have been released. Please begin the necessary steps to have your LORs processed with the start of the new FY.

West Virginia Legislative Calendar

SB 655: Effective June 5, 2019

The purpose of this bill is to clarify that the State Conservation Committee may operate and administer a conservation grant program providing financial assistance to conservation districts and others to promote approved conservation practices.

The legislation puts in law a practice that was based on a 2010 Attorney General's opinion relating to the SCC's ability to award grants for conservation practices.

AgEP lead Jennifer Skaggs is leading a committee has been formed to complete necessary legislative rules and set program guidelines. This program change will include grant opportunities for AgEP and SSRP. Upper Ohio Supervisor Bill Gellner and Monongahela Supervisor Rick Able are on the committee.

Because of changes in legislative rulemaking, a draft rule will be available for 30-day public comment by the end of May. The rule will be presented to the SCC at its July meeting. A public meeting is tentatively scheduled for June 5 in Flatwoods.

If supervisors have input or concerns as we move through the process forward them to your Area Director.

More information will be provided by Area Directors as it becomes available.

State Fair of WV Volunteer Sign Ups

The schedule for state fair volunteers is now available under WVCA admin. If you would like to schedule a time to work at the state fair, please contact your district manager. State Fair Committee Chairman Clyde Bailey encourages district supervisors and others who wish to sign up to work at the fair to do so as soon as possible.

WVACD has scheduled a block of rooms for supervisors who work at the state fair. Please call the Fairfield Inn, attention Susan McCormick to make reservations. 1-304-645-7999

O&M

WVCA is in the midst of developing agreements with the districts that will perform the work. The agreements will spell out the costs for each dam and watershed total and require the signatures of the district doing the work, the district where the dams are located and WVCA.

We may need special meetings, or delegation of authority so we can start the process of cutting the dams in late spring/early summer. If you have not delegated the authority please do so in your June meeting.

Given the Legislature's allocation for dam maintenance and repair, a lot of work is being planned for this calendar year and FY2020. Local districts will be briefed on the plan before the end of the month.

NACD/WVACD Listening Session

NACD and the association is working to hold a listening session in October to coincide with the conservation farmer event. The event will be in Flatwoods and ALL supervisors are encouraged to attend.

Ag Day

Ag Day will be January 31, 2020

Site Visits Conducted:

CCRs:

No new ones received. Erma Jean McKinney and Evelyn Dolin have called in again for the month.

Stream Permits:

- Site 14560-P. McMahan-Dropping Lick-Lindside-Monroe Co.
- Site 5979-W. Weese-Pond Lick-White Sulphur Springs-Greenbrier Co.

Dams:

EAPS are up- to- date.

Below is the estimate that Dave the crew foreman Brian Fry and myself agreed upon with the SCD.

This is for routine maintenance. The Howards Creek was estimated with mowing and debris removal. This may change when the work is done due to the fluctuation with the weather bringing it in and taking it out.

GVCD

Marlin Run	\$2,500.00
Howards	\$8,125.00
\$10,625.00	

MEMORANDUM OF UNDERSTANDING
Between
Greenbrier Valley and Southern Conservation Districts
And
WV Conservation Agency

This Memorandum of Understanding (MOU) establishes and defines duties and responsibilities concerning a pilot project for the annual operation and maintenance for small watershed flood control dams and channels for the WV Conservation Agency (WVCA) and the Greenbrier Valley and Southern Conservation Districts (CDs).

A. BACKGROUND

There exists an identified need to protect people and property from the dangerous and costly effects of floods. WVCA, CDs and local municipal and county governments have the responsibility to maintain and operate West Virginia's flood control dams and channels built as part of a federal effort to control flooding across the nation. These flood control structures require annual maintenance to ensure they continue to operate as designed. Proper maintenance is a necessary step to making sure these flood control structures comply with the WV Dam Safety Act.

Operation and Maintenance means annual work that must be performed to properly maintain the flood-control structure such as mowing grass, brush cutting and removing woody vegetation and debris. It does not include repairs required because of age, use, erosion or other impacts that affect a flood-control structure's normal operation.

WVCA, as the administrative agency of the State Conservation Committee (SCC), has a mission to assist and support the CDs' conservation efforts statewide. This MOU outlines an approach that allows conservation districts to partner with one another to efficiently and effectively perform annual operation and maintenance on structures by hiring work crews from one conservation district to perform operation and maintenance on structures in the hiring conservation district, with technical and administrative support from WVCA.

B. AUTHORIZATION

West Virginia Code §19-21A-4 and §19-21A-4(9).

C. PURPOSE AND SCOPE

WVCA, and the conservation districts who have work crews (Work Crew CDs), have partnered to provide all work necessary to implement annual operation and maintenance on assigned flood control dams and channels throughout the state. This pilot project will allow CDs without their own work crew to hire a Work Crew CD for the necessary work and will allow Work Crew CDs to plan for needed equipment and labor. All work will be performed by Work Crew CD employees. Efficiencies in administration are a bonus expected outcome.

Each CD that signs this MOU agrees to entering into a binding contract with a Work Crew CD for that work, with negotiated costs, on an annual basis. Negotiated costs will be on a not-to-exceed (or lump sum) basis. Work Crew CDs have the duty to properly hire, equip and train employees to deliver safe

and effective operation and maintenance work. Work Crew CDs have the duty to follow all state and federal laws, rules and regulations related to workplace safety during performance of the work.

Work Crew CDs acknowledge the members of their work crew are employees of the Work Crew CD and neither WVCA, nor the hiring CD, bear any risk or liability for their actions. Work Crew CDs must provide adequate liability insurance for their employees. WVCA will provide technical assistance and oversight for operation and maintenance activities, as well as verification of completed work prior to payment.

D. MUTUAL TERMS

1. This MOU is effective upon final signature and continues until either Party elects to terminate by providing a 30-day written notice to the other parties. The termination will be effective 30 days after receipt of such notification.
2. This is the entire agreement between the parties relating to this MOU. Any changes to this MOU must be in writing and signed by all parties.
3. If any part of this MOU is found to be voided, the remaining portions remain in full effect.
4. This MOU is governed by the laws of the State of West Virginia.
5. This MOU is contingent on the availability of funds to pay for operation and maintenance.
6. This MOU does not confer any right or benefits on any other party other than signatories.

In addition to the mutual terms above, the parties hereby agree to put their best efforts into meeting the operation and maintenance needs of their districts by meeting their obligations under this MOU. In furtherance of that effort:

E. WVCA AGREES TO

1. Provide technical assistance to the parties.
2. Perform annual scheduled operation and maintenance inspections in the fall, at a time mutually agreed to by the parties.
3. Determine the type and scope of work needed on each work site and determine an estimate of cost.
4. Negotiate with the Work Crew CD for the not-to-exceed or lump sum price for the work.
5. Issue a work order for each site.
6. Preapprove Work Crew CD staff, and equipment, necessary for the work to be performed.
7. Verify to the Hiring CD that work performed by the Work Crew CD was completed in an adequate and satisfactory manner and can be paid.

F. HIRING CDs AGREES TO

1. Attend annual scheduled operation and maintenance inspections at a time mutually agreed to by the parties.
2. Pay the Work Crew CD upon proper billing and WVCA verification.
3. Pay for any costs outside of the negotiated work in a separate agreement.

4. Resolve easement/land rights issues as needed.

G. WORK CREW CDs AGREES TO

1. Attend annual scheduled operation and maintenance inspections at a time mutually agreed to by the parties.
2. Perform operation and maintenance on assigned flood control dams and channels with Work Crew CD employees
3. Perform only work that has been preapproved by WVCA.
4. Be responsible for ensuring the operation and maintenance work assigned is completed as specified in the work orders for each site.
5. Complete all necessary paperwork and documentation required for payment.
6. Provide employee rates and payroll documentation to WVCA annually or upon request.
7. Maintain all insurance and other employee benefits normally afforded to other Work Crew CD employees.
8. Maintain disciplinary and workplace safety control over all Work Crew CD employees performing the work.
9. Maintain adequate liability insurance on all Work Crew CD employees.
10. Provide all parties a list of any work that will not be completed in the calendar year by September 16, 2019.

By their signatures below, signers attest they have the legal authority to enter into this MOU and agree to use their best efforts to carry out its purpose.

GREENBRIER VALLEY CONSERVATION DISTRICT
HIRING CREW CD

By: _____

Title: _____

Date: _____

**This action authorized at an
Official meeting of the
Greenbrier Valley Conservation District on
the ____ day of _____, 2019,
in the State of West Virginia.**

Attest:

(Signature)

(Title)

SOUTHERN CONSERVATION DISTRICT
WORK CREW CD

By: _____

Title: _____

Date: _____

This action authorized at an
Official meeting of the
Southern Conservation District on
the ____ day of _____, 2019,
in the State of West Virginia.

Attest:

(Signature)

(Title)

WEST VIRGINIA CONSERVATION AGENCY

By: _____

Title: _____

Date: _____



Natural Resources Conservation Service
179 Northridge Drive
Lewisburg, WV 24901

PHONE: 304-645-6172
FAX: 304-647-9627

**Greenbrier Valley Board Meeting
June 18th, 2019**

NRCS Progress Report: Linda Ortiz- District Conservationist

Farm Bill Programs Applications, Obligations and Deadlines:

- Continuous progress with contract management to check on the status of planned/contracted conservation practices.
- A total of 5 more applications have been pre-approved under Meadow River FCA.
- Still waiting for additional detail regarding to the Conservation Stewardship Program- Grasslands Conservation Initiative (CSP-GCI).
- A new sign-up period to promote NWQI was released on 5/22/2019. Cut-off day is this Friday-June 21st, 2019. We have received a total of 8 applications until today.
- Local Work Group meeting is planned for Thursday- June 27th at the Lewisburg Field Office.

Farm Bill Programs and Staff Activities:

- Half of the staff participated of the Economics of Conservation Planning Training in Morgantown, WV, while the other half participated of the Grassland Training in Union, WV from May 21st to May 23rd, 2019.
- Some of the staff participated of the Soil Health training in Martinsburg, WV from June 4th to June 6th, 2019.
- The Union Field Office staff participated of the Farmer's Day on June 8th, 2019.
- Linda Ortiz and Katy McBride participated of the Extending Outreach to All Customers training in Hurricane, WV from June 11th to June 14th, 2019.
- Staff continues to work actively with contracts, practice certification, designs and payments.

Greenbrier Valley Conservation District Existing and Proposed FCA Watershed Locations

