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Working for Clean Streams and Protected Natural Resources in Fairfax County

Legislative Task Force July 2021 Report to the NVSWCD Board of Directors

The NVSWCD Legislative Task Force met on Tuesday, July 14, 2021 via WebEx Teleconference System to discuss legislative items for the Area II Legislative Agenda, establishing a year-round legislative process at NVSWCD, and an emerging local issue.

Scott Cameron chaired the Task Force and facilitated the discussion with participation from John Peterson, Monica Billger, George Lamb, and Laura Grape. Johna Gagnon was also invited but could not attend. The outcomes of the discussion include:

Area II Legislative Agenda Items:

- Submit items prepared by NVSWCD Directors to John Flannery, Area II Chair by July 15 deadline, as items we are interested in or deem important.
- Request that Area II maintain the VCAP item as the third priority on the agenda and promote \$2 million in support of the program.

The Area II Legislative Call will take place via Zoom on August 11, from 8:30 – 10:30 AM. While several Task Force members will attend, John Peterson will be NVSWCD's voting representative. To Register: https://us02web.zoom.us/join/register/tZcpcOuhrDopHNPxuuCyki_cRvoqin_mmaIW

NVSWCD Legislative Processes and Policies:

The Task Force proposes to submit to the Board for its approval at an upcoming Board meeting, a Task Force charter that contains at least the following two ideas:

- Vet matters for Board consideration, to provide timely input into the annual VASWCD legislative recommendations process, and
- To be a standing subordinate organization of the Board, available year-round to vet matters for the Board consideration, to facilitate engagement and decisionmakers with whom the Board wishes to communication **outside** of the formal seasonal VASWCD legislative recommendations process.

In addition, the Task Force will review existing NVSWCD policies related to Official Board Communication and Board Representation and Disclaimers and to make enhancements, as necessary. For example, the Task Force discussed the importance of Directors, Associates, and NVSWCD staff being mindful that opinions they express to others outside the NVSWCD may be construed as official views of the NVSWCD. Official Board views should be reflected in written

communications from the Board (e.g.: letters to the General Assembly or Fairfax County Board of Supervisors), Board meeting minutes, or motions adopted by the Board. Directors, Associates, and staff can confidently use those written communications to subsequently describe official NVSWCD views and position. If we cannot link to one of those forms of documentation when communicating with others, then to protect ourselves and the Board, we must use an upfront disclaimer in our communications pointing out that we are expressing personal opinions, rather than official NVSWCD positions, which is consistent with existing NVSWCD policy.

Urgent Issue in Process:

A new and highly invasive species of Water Chestnut is invading water bodies throughout Northern Virginia with a prevalence in Fairfax County. The Virginia Department of Wildlife Resources needs additional funding to support the volunteer management of this aquatic pest and keep it at bay.

- Prepare a letter for NVSWCD Board of Director approval and the Chairman's signature, to the Fairfax County delegation in the General Assembly to request a portion of the FY21 surplus be provided to the Department of Wildlife Resources to assist with Trapa control; copy the Fairfax County Board of Supervisors; and coordinate with VASWCD. The letter is on the subsequent page.

Dear <Member of the Virginia General Assembly representing Fairfax County>,

The Northern Virginia Soil and Water Conservation District (NVSWCD) promotes sustainable urban and suburban activities and stewardship to conserve our soil, water, air, plants, and animal resources in Fairfax County. These are vital components of the Chesapeake Bay Watershed. We achieve this through effective leadership, technical assistance, and outreach programs in partnership with government, industry, non-profit organizations, and the public.

Given our mission to conserve natural resources, the NVSWCD requests your help during the upcoming special budget session in supporting the Virginia Department of Wildlife Resources by adding \$240,000 to fund two temporary wage positions and respond and manage the eradication of an invasive aquatic weed that is rapidly expanding and impacting waterways, in Northern Virginia. This important but modest investment will protect the County's fish, wildlife, and navigation, those of our neighboring counties, and ultimately the Chesapeake Bay and inland lakes elsewhere in the Commonwealth from a growing threat.

An invasive aquatic weed (*Trapa bispinosa*), usually simply called Trapa or Water Chestnut, is native to Taiwan but now rapidly spreading across Northern Virginia. It is not the plant that produces edible water chestnuts. Across the Commonwealth, it is today found at about 70 sites in five counties. The hotbed of this infestation are about 30 sites in Fairfax County. These are the only known current Trapa infestations in North America, so if Virginia can eradicate this pest, it will not only protect our own environmental quality, but also be providing a service to the entire nation. Trapa was discussed at the April 12, 2019 meeting of the Potomac Watershed Roundtable, chaired by Fairfax County Board of Supervisor Penny Gross and again briefly on July 9, 2021.

Trapa grows in dense unsightly mats. It impacts the functionality and aesthetics of ponds, including stormwater facilities, that are maintained by private homeowner associations or residents. In rivers, Trapa clogs marinas, inhibits boat movement, crowds out native aquatic plants on which our region's fish, waterfowl, and crabs depend. Additionally, Trapa has a large seed with two pair of long, stiff spines that can cause very painful injuries to people and their pets walking in the water near the shore. Finally, Trapa degrades the water quality that the General Assembly has worked so hard to improve through significant investments for many years.

Eradication does work, but the larger the problem the more investment will be needed. Another species of Trapa infested the tidal Potomac River in the 1940s. Over 5 years the U.S. Army Corps of Engineers succeeded in eradicating it at a cost of over \$4 million. The current scale of the Trapa infestation in Northern Virginia is manageable and can be addressed with a fraction of the funds. We cannot afford to delay.

The good news is these new Trapa populations currently are found only in small, mostly privately owned ponds except for the first population which was found in 2013 in Pohick Bay (Gunston Cove), Fairfax County. That population was found in 2013 by Department of Wildlife Resources staff. They organized a volunteer hand-harvesting crew and over several years managed to eradicate Trapa there. The existing Trapa locations threaten to undo that success at Pohick Bay. The responsibility of maintaining stormwater facilities often falls on individual residents and homeowner associations. Without assistance, Trapa in infested facilities will continue to thrive and migrate from one pond to another. If the General Assembly acts next month to fund a comparatively small effort to eradicate Trapa where it has reinvaded Virginia, we can confidently avoid a multi-million dollar problem several years from now. You will also protect our Commonwealth's fish and wildlife resources and benefit the millions of Virginians who enjoy outdoor recreation.

Trapa seeds spread by being carried downstream by river currents, or by being stuck in the feathers of the ducks and geese that fly all over Northern Virginia and the Chesapeake Bay. There are more than 520 ponds, lakes, and streams within two miles of the Northern Virginia waters now infected with Trapa. Supporting the Virginia Department of Wildlife Resources by adding \$240,000 to fund two temporary wage positions and respond and manage Trapa in the Northern Virginia region will demonstrate a proactive approach and avoid a problem from spiraling out of control and across the entire Commonwealth.

Thank you in advance for your support and your continuing commitment to Virginia's environmental quality.

Sincerely,

John W. Peterson
Chairman, Northern Virginia Soil and Water Conservation District

Cc:
Fairfax County Board of Supervisors
Dr. Kendall Tyree, Executive Director, Virginia Association of Soil and Water Conservation Districts
Ryan Brown, Executive Director, Department of Wildlife Resources
Becky Gwynn, Deputy Director for Fisheries and Wildlife, Department of Wildlife Resources
Mike Bednarski, Chief of Fisheries, Department of Wildlife Resources
John Odenkirk, Fisheries Biologist, Department of Wildlife Resources