

Preliminary Performance Review

West Virginia Conservation Agency

**The Conservation Agency's Program for
Operation, Maintenance, and Repair of Flood
Control Structures Is Proactive in Assuring
Flood Control and Dam Safety**

**The West Virginia Conservation Agency
Provides Adequate Oversight of Funds
Distributed to Conservation Districts**



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John Sylvia
Director

July 10, 2005

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the West Virginia Conservation Agency, which will be presented to the Joint Committee on Government Operations on Sunday, July 10, 2005. The issues covered herein are "The Conservation Agency's Program for Operation, Maintenance, and Repair of Flood Control Structures Is Proactive in Assuring Flood Control and Dam Safety;" and "The West Virginia Conservation Agency Provides Adequate Oversight of Funds Distributed to Conservation Districts."

We transmitted a draft copy of the report to the West Virginia Conservation Agency on June 27, 2005. The West Virginia Conservation Agency opted not to have an exit conference. We received the agency response on June 30, 2005.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

Issue 1 The Conservation Agency’s Program for Operation, Maintenance, and Repair of Flood Control Structures Is Proactive in Assuring Flood Control and Dam Safety.

The West Virginia Conservation Agency (WVCA) has been proactive in its efforts in the management of flood control structures.

The West Virginia Conservation Agency (WVCA) has been proactive in its efforts in the management of flood control structures. To assist in those efforts, the WVCA instituted the Operation, Maintenance, and Repair of Flood Control Structures Program. This program is responsible for the 169 flood control structures in the state that were designed and constructed by the federal Natural Resources Conservation Service (NRCS). To ensure that the WVCA’s program is successful, the agency regularly inspects these flood control structures for problems. This is done through multiple inspections of the flood control structures throughout the state each year. As a result, **there has never been a failure of an NRCS flood control structure in the state.**

The WVCA properly oversees the \$4.6 million in funds that it distributes to the state’s 14 conservation districts.

An area that may be of concern in the near future is the possible rehabilitation of flood control structures that have reached or are approaching their designated 50-year life span. As of now, the WVCA is confident that many of these structures will surpass their life span as a result of the regular inspection and maintenance that these structures have undergone for years. Still, if a flood control structure does need to be rehabilitated, it will be costly. The federal government, through the NRCS, has created the Watershed Rehabilitation Program to determine rehabilitation needs and provide for a 65/35 federal-to-state match in funding to carry out rehabilitation of flood control structures that have reached their estimated life span. The WVCA should inform the Legislature through its annual report of the flood control structures on a priority list, the status of these flood control structures with respect to when rehabilitation may be necessary, and an estimate of the costs as the rehabilitation becomes necessary.

Issue 2 The West Virginia Conservation Agency Provides Adequate Oversight of Funds Distributed to Conservation Districts.

The WVCA properly oversees the \$4.6 million in funds that it distributes to the State’s 14 conservation districts. Independent audits are conducted annually on each of the conservation districts on funds distributed by the WVCA to assure that they are being spent properly. The independent audits that have been conducted have revealed no major problems. The WVCA also has staff located at each conservation district office to monitor

fiscal activities. The WVCA is meeting its mandates in this area.

Recommendations

1. The Legislative Auditor recommends that the West Virginia Conservation Agency be continued.

2. The Legislative Auditor recommends the West Virginia Conservation Agency inform the Legislature through its annual report of the flood control structures on a priority list, the status of these flood control structures with respect to when rehabilitation may be necessary, and an estimate of the costs as the rehabilitation becomes necessary.

Review Objective, Scope and Methodology

This Preliminary Performance Review of the West Virginia Conservation Agency (WVCA), of the West Virginia Department of Agriculture is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10, of the West Virginia *Code*, as amended.

The WVCA provides administrative, technical, and financial assistance to citizens of West Virginia through the State's 14 conservation districts; secures the assistance of various federal government agencies to cost share programs and to provide additional technical assistance; disseminates conservation information statewide; provides state funding for conservation program, education and support activities; coordinates with federal agencies in emergency flood recovery efforts; and assures proper operation and maintenance of flood control structures and properties.

Objective

The objective of this review is to determine if the WVCA fulfills its role in the flood protection of the State of West Virginia.

Scope

The scope of this review covers the period of calendar years 2000 through 2004.

Methodology

Information compiled in this report has been acquired through interviews, correspondence and information requests with staff from the WVCA and the federal Natural Resources Conservation Service (NRCS). Observation of routine inspections of flood control structures were conducted by the audit team. Annual financial audits conducted on funds distributed from the WVCA to the State's conservation districts were also reviewed. Every aspect of this evaluation complied with Generally Accepted Government Auditing Standards (GAGAS).

Issue 1

The Conservation Agency’s Program for Operation, Maintenance, and Repair of Flood Control Structures Is Proactive in Assuring Flood Control and Dam Safety.

Issue Summary

There has never been a failure of an NRCS flood control structure in the state.

The West Virginia Conservation Agency (WVCA) has been proactive in its efforts in the management of flood control structures. To assist in those efforts, the WVCA instituted the Operation, Maintenance, and Repair of Flood Control Structures Program. This program is responsible for the 169 flood control structures in the state that were designed and constructed by the federal Natural Resources Conservation Service (NRCS). To ensure that the WVCA’s program is successful, the agency regularly inspects these flood control structures for problems. This is done through multiple inspections of the flood control structures throughout the state each year. As a result, **there has never been a failure of an NRCS flood control structure in the state.**

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An area that may be of concern in the near future is the possible rehabilitation of flood control structures that have reached or are approaching their designated 50-year life span. As of now, the WVCA is confident that many of these structures will surpass their life span as a result of the regular inspection and maintenance that these structures have undergone for years. Still, if a flood control structure does need to be rehabilitated, it will be costly. The federal government, through the NRCS, has created the Watershed Rehabilitation Program to determine rehabilitation needs and provide for a 65/35 federal-to-state match in funding to carry out rehabilitation of flood control structures that have reached their estimated life span. The WVCA should inform the Legislature through its annual report of the flood control structures on a priority list, the status of these flood control structures with respect to when rehabilitation may be necessary, and an estimate of the costs as the rehabilitation becomes necessary.

Mission of the Operation, Maintenance, and Repair of Flood Control Structures Program

The West Virginia Conservation Agency has instituted the Operation, Maintenance, and Repair of Flood Control Structures Program to maintain the safety and operational capability of certain flood control structures within the state. This program is specifically focused to address the operation, maintenance and repair of flood control structures that were designed and built, beginning in 1954, by the Natural Resources Conservation Service (NRCS). Currently, there are 169 of these flood control structures located throughout

the state. In order to effectuate the program, the WVCA works with the NRCS, the state's 14 conservation districts, and county and local municipal sponsors, that actually are in charge of the day-to-day operation and maintenance of the flood control structures. The WVCA's role in the program is to ensure the safe operation, maintenance and repair of flood control structures through regular inspection. Therefore, **the Legislative Auditor recommends that the West Virginia Conservation Agency be continued.**

The role of flood control structures is to reduce downstream flooding that would result from the 100 year six-hour duration storm.

Role of Flood Control Structures

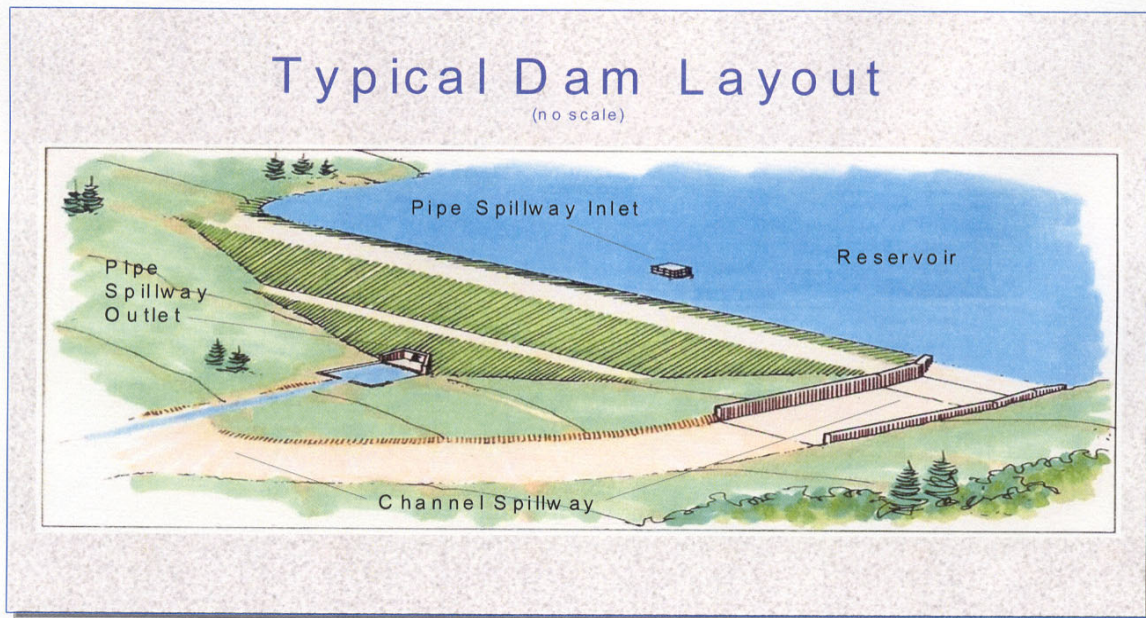
The role of flood control structures is to reduce downstream flooding that would result from the 100 -year six-hour duration storm, which is a storm that has a 1% chance of happening every year. The flood control structures covered by this program provide flood control for small watersheds that typically have smaller drainage areas, generally 1 to 10 square miles. Most of these flood control structures are located on intermittent drainage ways in the upper reaches of watershed tributaries. They can temporarily hold as much as several thousand acre-feet of flood water before water is slowly released downstream after a rainstorm.

Description of Flood Control Structures

Flood control structures typically consist of an earthen embankment, ranging from 20 to 80 feet in height. Such embankments create lakes that range in size from a few acres to several hundred acres and typically hold between 100 and 5,000 acre-feet of water. The inlet of the principal spillway (generally reinforced concrete pipe, 12 to 72-inch diameter) is placed at an elevation that provides storage in the reservoir for the anticipated sediment to be accumulated during the design life of the structure. The pipe spillway or multiple intake structure allows normal discharge which maintains normal stream flow and reservoir level. An auxiliary spillway, overflow channel spillway, is generally a vegetated channel that is set at a higher elevation to safely discharge runoff from storms greater than the 100 -year storm (see Figure 1). A 100-year storm will raise the reservoir to a higher level and cause the channel spillway to flow. Channel spillways have a much greater discharge capacity than pipe spillways. As a result, flow through the channel spillway may result in a dramatic increase in the amount of water discharged to the downstream area, but always less than if the dam were not present. The channel spillway is designed to discharge, in combination with additional reservoir storage to the top of the dam, the Probable Maximum Precipitation (PMP).

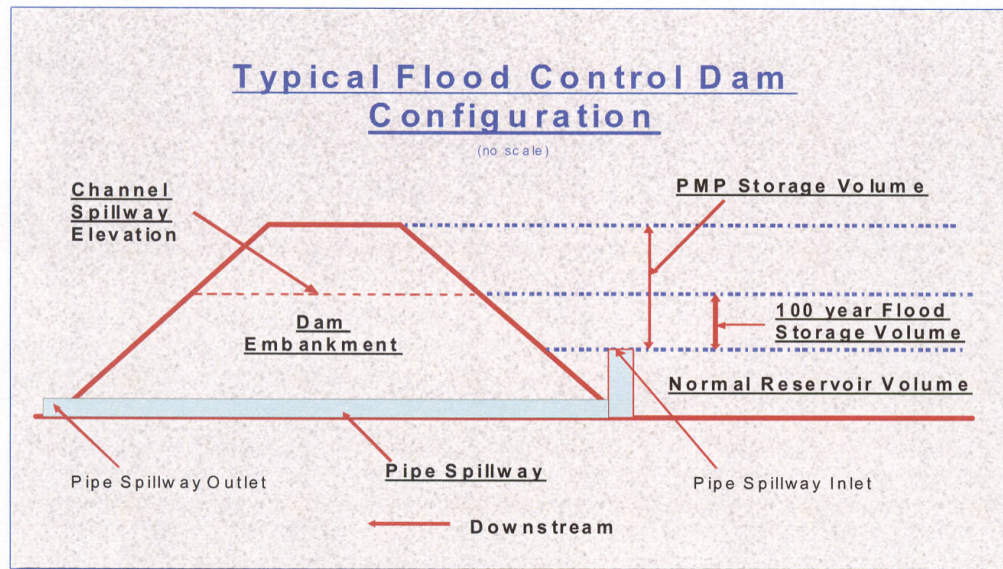
To calculate the PMP rainfall, the National Weather Service theoretically combines meteorological conditions to estimate maximum rainfall amounts for a given location. There is no assigned return frequency for the PMP storm. In West Virginia, the PMP averages 27.5 inches of rainfall in 6 hours. By design, the PMP would raise the reservoir to the top of the dam embankment, but not overtop the embankment, with the channel spillway and pipe spillway both flowing at maximum volume (see Figure 2). Flood control structures are designed to significantly reduce downstream flooding for storms up to and including the 100-year storm. For storm events exceeding the 100-year storm, flood control benefit exists, but is greatly reduced. The structures are designed not to fail during the PMP storm. The detention storage available between the principal and auxiliary spillways provides temporary storage of runoff until it can be slowly released through the principal spillway pipe. With several flood control structures in a watershed, this temporary detention of runoff controls flooding to downstream flood plain areas.

Figure 1



Source: West Virginia Statewide Flood Protection Plan 2005

Figure 2



Source: West Virginia Statewide Flood Protection Plan 2005

Rehabilitation of Aging Flood Control Structures

The NRCS, that designed and constructed the flood control structures, determined that after many years of service the structures would slowly collect sediment loads through storm events or activities upstream and reduce the storage capacity of the structure. Eventually, the reduction in the storage capacity of the structure would make it incapable of handling as much runoff from a major storm event as the dam was originally designed to hold. To prevent the dams from reaching a point of not being able to handle a major storm event due to sediment build-up, the federal government established an estimate on the life expectancy of flood control structures. Older flood control structures that were designed and built by the NRCS were estimated to have a 50-year life span. Later flood control structures were estimated to have a 100-year life span. This does not mean that once a structure reaches its estimated life span that it will fail and collapse or that it will need to be dismantled and rebuilt. It means that if the sediment build-up is to the point that it has affected the structures's holding capacity, it will need rehabilitation to continue to function as it was designed.

Four of the 50-year structures have reached their 50th year, and 13 additional structures will reach their 50th year within the next 5 years

West Virginia has 22 flood control structures that have a 50-year life span and 147 structures that have a 100-year life span. Four of the 50-year structures have reached their 50th year, and 13 additional structures will reach their 50th year within the next 5 years (see Table 1).

The WVCA is appropriated approximately \$1.8 million from the General Revenue Fund annually for maintenance of flood control structures.

The combination of inspections and maintenance performed by the WVCA and flood control structure upkeep performed by structure sponsors have successfully extended the service life of state flood control structures.

Fortunately, according to the WVCA, the fact that 22 state flood control structures have reached the 50-year mark should not have a detrimental impact on the flood control system because regular maintenance and inspections have been performed on all NRCS structures through the Operation, Maintenance, and Repair of Flood Control Structures Program. The WVCA is appropriated approximately \$1.8 million from the General Revenue Fund annually for maintenance of flood control structures. While other states have neglected their flood control structures, West Virginia inspects all flood control structures multiple times each year. This practice ensures that if any problems arise they are identified and dealt with relatively quickly. Furthermore, the WVCA requires structure sponsors to remove debris that washes downstream, and this practice has helped to prevent sediment build-up. The combination of inspections and maintenance performed by the WVCA and flood control structure upkeep performed by structure sponsors have successfully extended the service life of state flood control structures.

**Table 1
NRCS Flood Control Dams with 50-Year Service Life Design**

Name of Dam	County	Year Completed	Age	Years Until Designated Life Span Is Met
Salem Fork 11A	Harrison	1954	51	-1
Salem Fork 13	Harrison	1954	51	-1
Salem Fork 9	Harrison	1955	50	0
Salem Fork 12	Harrison	1955	50	0
Salem Fork 11	Harrison	1956	49	1
Salem Fork 15	Harrison	1956	49	1
New Creek 1	Mineral	1957	48	2
Daves Fork - Christian Fork 3	Mercer	1958	47	3
New Creek 5	Mineral	1958	47	3
Salem Fork 14	Harrison	1958	47	3
New Creek 7	Mineral	1958	47	3
Upper Grave Creek 8	Marshall	1959	46	4
Daves Fork - Christian Fork 1	Mercer	1959	46	4
Daves Fork - Christian Fork 2	Mercer	1959	46	4
Upper Grave Creek 7	Marshall	1959	46	4
New Creek 17	Mineral	1960	45	5
New Creek 16	Mineral	1960	45	5
New Creek 14	Grant	1963	42	8
New Creek 9	Mineral	1963	42	8
Upper Grave Creek 9	Marshall	1963	42	8
New Creek 10	Mineral	1968	37	13
New Creek 12	Grant	1968	37	13

Source: West Virginia Conservation Agency

To assist the states with the rehabilitation of NRCS flood control structures, the federal government created the Watershed Rehabilitation Program, which allows the NRCS to work with local communities and watershed project sponsors to address public health and safety concerns and potential adverse environmental impacts of aging NRCS flood control structures. If a need for rehabilitation is determined, the Watershed Rehabilitation Program provides federal matching funds to rehabilitate NRCS structures. The matching funds are a 65/35 federal dollars to state and local dollars for the cost share to rehabilitate the flood control structure.

Currently the WVCA is establishing a priority list by district to identify flood control dams that the NRCS will need to assist the State in rehabilitating.

Although, there are no immediate funding needs for rehabilitation, according to the WVCA, the cost of flood control structure rehabilitation is high and with a 35 percent cost share coming from the state and local governments, obtaining the funding will be a major factor in how fast rehabilitation can be completed. **The Legislative Auditor recommends the West Virginia Conservation Agency inform the Legislature through its annual report of the flood control structures on a priority list, the status of these flood control structures with respect to when rehabilitation may be necessary, and an estimate of the costs as the rehabilitation becomes necessary.** If state and local funding matches are met, the WVCA estimates that it will be able to rehabilitate two dams every five years. This time frame includes design work to complete dam rehabilitation, construction planning, and construction work. Currently the WVCA is establishing a priority list by district to identify flood control dams that the NRCS will need to assist the State in rehabilitating. This list is scheduled to be completed by October 1, 2005. The WVCA will identify the top two priority flood control dams in the state to be rehabilitated first. In determining priority, the WVCA looks at the condition of the dam in comparison to other flood control dams needing rehabilitation, and most importantly, the hazard class of the dam. The hazard class is based on the effects on population and property downstream of the dam. Rehabilitation priority will continue until the flood control structure rehabilitation needs of West Virginia are fully met.

Flood control structures receive a minimum of four inspections per year.

Flood Control Structures Inspection Process

Flood control structures receive a minimum of four inspections per year. The WVCA has established an inspection schedule for all 169 flood control structures. The inspections are conducted quarterly with one of the inspections being the annual inspection. During the annual inspection, the NRCS provides assistance to WVCA in the inspection of the flood control structures. This is the only time that the NRCS participates in inspections. The other three inspections are conducted solely by the WVCA. Additional inspections are

conducted during high water or extreme storm conditions. The WVCA currently employs two inspectors for the inspection of flood control structures through the Operation, Maintenance, and Repair of Flood Control Structures Program. These two inspectors are responsible for the inspection of all 169 flood control structures in West Virginia. **The Legislative Auditor commends the WVCA for its diligence in conducting inspections of all of its flood control structures with only two inspectors. It should also be noted that there has never been a failure of a NRCS flood control structure in the state.**

The WVCA currently employs two inspectors for the inspection of flood control structures through the Operation, Maintenance, and Repair of Flood Control Structures Program. These two inspectors are responsible for the inspection of all 169 flood control structures in West Virginia.

During the annual inspection, or after major flooding has occurred the WVCA uses an inspection form when conducting its inspection. The NRCS requires the WVCA to use the NRCS inspection form. This form is called “Inspection and Maintenance Report for Structures”. Information recorded on the form include the county, watershed, site location, the hazard class, the date the structure was constructed, the sponsor, type of inspection and who is performing the inspection. Areas of the dam to be checked include the embankment, emergency spillway, riser, outlet channel, impact basin/plunge pool, flood pool, fences, monuments, and vegetation. Any need for maintenance or repair is recorded and comments are made detailing the description of maintenance needed, the estimated cost of maintenance, and the priority of work. At the conclusion of the inspections, all findings are presented to the respective conservation board. Prioritization of work is determined at that time. All completed inspection reports are then submitted to the respective conservation districts. Copies of the inspections go to the NRCS, WVCA, and county or local municipal sponsor of the dam. If the inspection identifies the need for maintenance work to be performed, the work is approved by the respective conservation district. Emergency funds, if needed, are requested from the WVCA for costs that exceed the operations & maintenance account for each respective dam.

As part of the evaluation process, the Performance Evaluation and Research Division (PERD) evaluation team observed annual inspections of four flood control structures. After observing the inspections, the PERD evaluation team concludes that the inspections of NRCS flood control structures conducted by the WVCA are thorough.

Conclusion

State NRCS flood control structures are vital for the protection of people and property from flood waters. The WVCA has implemented the Operation, Maintenance, and Repair Program to ensure that each NRCS flood control structure functions properly. The WVCA inspects each flood control structure at least once every quarter. As a result there has never been a failure of an NRCS flood control structure in the state.

There may be concern in the near future over the possible rehabilitation of flood control structures that have reached their designated 50-year life span. Because of the regular inspection and maintenance that these structures have undergone for years, the WVCA is confident that these structures will exceed the 50-year life span without rehabilitation and is not an immediate problem. However, if a flood control structure does need to be rehabilitated, it will be costly. The federal government, through the NRCS, has created the Watershed Rehabilitation Program to determine rehabilitation needs and provide for a 65/35 federal to state match in funding to carry out rehabilitation of flood control structures. The WVCA should keep the Legislature informed on any funding needs to meet the 35% match required to receive federal funding for flood control structure rehabilitation.

The WVCA should keep the Legislature informed on any funding needs to meet the 35% match required to receive federal funding for flood control structure rehabilitation.

Recommendations

- 1. The Legislative Auditor recommends that the West Virginia Conservation Agency be continued.*
- 2. The Legislative Auditor recommends the West Virginia Conservation Agency inform the Legislature through its annual report of the flood control structures on a priority list, the status of these flood control structures with respect to when rehabilitation may be necessary, and an estimate of the costs as the rehabilitation becomes necessary.*

Issue 2

The West Virginia Conservation Agency Provides Adequate Oversight of Funds Distributed to Conservation Districts.

An independent agreed-upon procedures audit is conducted on each of the state's 14 conservation districts on an annual basis.

WVCA Funding of Conservation Districts

The West Virginia Conservation Agency distributed approximately \$4,632,000 in funding to the state's 14 conservation districts during FY 2004. Of that funding, \$4,220,000 are state dollars and \$410,000 are federal dollars. The majority of the money is spent on flood control projects while \$280,000 is distributed in amounts of \$20,000 to each of the state's 14 conservation districts for operating expenses. The WVCA has numerous controls in place to assure that the funding is spent properly.

Audit Requirements of Conservation Districts

The WVCA oversees funding distributed to the state's 14 conservation districts. Conservation district supervisors are required under WVC §19-21A-7(f)(3) to provide for an audit of the accounts of receipts and disbursements. To meet this requirement, an independent agreed-upon procedures audit is conducted on each of the state's 14 conservation districts on an annual basis. The audits are solicited through a request for quotation (RFQ) to local accounting firms. Once the audits are completed, they are reviewed by the Director of the Administrative Division as well as the Fiscal Service Manager and the Staff Accountant within the WVCA. Each district board is made aware of any recommended improvements by the independent auditor and it is the responsibility of the governing body of the district to ensure compliance with audit recommendations. During the evaluation period, there have been no major problems reported that would require the WVCA to directly intervene. The Performance Evaluation and Research Division evaluation team reviewed copies of the most recent audits completed, FY 2003, for each of the 14 conservation districts. No serious issues were identified.

A WVCA staff member is available at each district on a daily basis to monitor district fiscal activities.

Other Financial Controls the WVCA Uses to Oversee Distributed Funds

In addition to the independent audits, the WVCA monitors the daily fiscal activities of the districts throughout the year. A WVCA staff member is available at each district on a daily basis to monitor district fiscal activities. A senior member of the WVCA management is available on a monthly basis to

monitor district fiscal activities. The WVCA's accountant evaluates districts' financial records on a quarterly basis. Finally, an executive member of the WVCA management reviews annual district audit reports. Through this level of oversight, the WVCA has been able to oversee funds distributed to the state's 14 conservation districts.

Conclusion

The WVCA properly oversees the \$4.6 million in funds that it distributes to the states 14 conservation districts. It ensures that the audit requirements of WVC §19-21A-7(f)(3) are being fulfilled and any audit findings are being addressed. The independent audits that have been conducted have revealed no major problems. The WVCA also has staff located at each conservation district office to monitor fiscal activities. The WVCA is meeting its mandates in this area.

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

June 27, 2005

Truman Wolfe, Executive Director
West Virginia Conservation Agency
Guthrie Center
1900 Kanawha Boulevard, East
Charleston, WV 25305-0193

Dear Mr. Wolfe:

This is to transmit a draft copy of the Preliminary Performance Review of the West Virginia Conservation Agency. This report is scheduled to be presented during the July 10th to 12th interim meeting of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by Wednesday, June 29, 2005. We need your written response by noon on Tuesday, July 5, 2005, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, July 7, 2005 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

Joint Committee on Government and Finance

Appendix B: Agency Response



West Virginia Conservation Agency



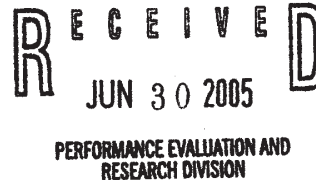
Governor
Joe Manchin III

Chairman
Gus R. Douglass

Executive Director
Truman R. Wolfe

June 28, 2005

Mr. John Sylvia
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0610



Dear Mr. Sylvia:

The West Virginia Conservation Agency has received the draft copy of the Preliminary Performance Review for the agency.

The Conservation Agency appreciated the opportunity to work with the Legislative Auditor during the review of our Operation, Maintenance, and Repair program for flood control structures. OM&R is essential to the proper operation of the structures during a storm event. The Conservation Agency is pleased to have the cooperation of the NRCS, county and local partners in keeping these structures fully functional. The agency will adhere to the recommendations of the Legislative Auditor to inform the Legislature, through our annual report on flood control structures, of the costs associated with anticipated rehabilitation of structures.

The oversight of funds provided to the Conservation Agency and the Conservation Districts is essential for the proper operation of the agency. We are pleased to know that the Legislative Auditor approves of the many financial controls that we use to ensure the proper allocation of funds.

The West Virginia Conservation Agency concurs with the findings of the Legislative Auditor and respectfully declines the exit conference offered in your cover letter.

Sincerely,

Truman R. Wolfe
Executive Director

TRW/rah

330-11

