

AGENDA

TAC Stream Protection & Forestry Subcommittee – 2nd Meeting

September 10, 2025

Smith East Room, Augusta County Government Center

18 Government Center Lane, Verona, VA 24482 - (540)248-5600

9:30 a.m. – Welcome, introductions, declaration of a quorum, assign note taker, review agenda discuss the prioritization

1. Review of TAC Ground Rules and General Decorum

- ADVANCE – To officially adopt a recommendation to the TAC as it was submitted and send it to the SWCB.
- AMEND – To officially adopt language based upon, yet not identical to, a recommendation to the TAC, and send it to the SWCB.
- TABLE – To officially suspend consideration of a recommendation to the TAC. Note: Tabled items will not be brought back to the TAC for at least three years.
- DEFER – To officially postpone consideration of a recommendation to the TAC. Deferred items will be reconsidered in a future TAC year.

2. New Business:

- Continue addressing TAC suggestions.

3. Public Comment (NOTE: Per TAC Ground Rules and Procedures, anyone attending the meeting who is NOT a member of the subcommittee or an invited guest is considered a member of the public and must reserve their comments until the public comment period)

4. Review the day's discussion/outcomes/actions. This will help with creating minutes.

- Final check of matrix items

5. Adjourn: No Later Than 3:00 p.m.

MATRIX OF ADVANCED STREAM PROTECTION FORESTRY RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028
1S		<p>Multiple suggestions regarding FR-3 planting width:</p> <ul style="list-style-type: none"> a. FR-3- “The entire flood plain is eligible for planting, not to exceed 100 feet.” Remove the “not to exceed 100 feet.”, if a producer is willing to plant an entire flood plain it should be eligible for cost-share no matter the width as long as trees are being planted in a legitimate flood plain. The Buffer Payment could remain the same but cost-share and incentive would be issued to all acres. b. Remove 100’ from stream planting requirement from FR-3 and allow FR-3 to cover plantings up to 300’ from stream. Many buffer plantings go over 100’ in width and farmers are penalized for creating larger buffers by having to switch to an FR-1 at 100’ plus. Buffer payments and buffer reporting do not stop at 100’ and the buffer planting practice should be consistent regardless of program. The FR-3 should not be limited to 100’ as it limits adoption of larger buffers. c. Years of scientific research* indicate that wider vegetated buffers not only filter out more pollutants from overland runoff, but also allow for more absorption, processing, and removal of nutrients before water makes its way to a stream. Additionally, research shows* that a buffer of 150’ is needed to support a healthy natural stream ecosystem.*citations available upon request We therefore suggest that the BMP manual be changed so that the FR-3 practice be eligible for the width of 150 feet from the top of bank (increased from 100’). d. FR-3 should not be limited to 35 ft. Participants who do a narrower exclusion option or who have previously excluded water features on their own at a narrower setback should still be able to qualify for an FR-3. As long as VA DOF can approve this in their plan. "10. The width of the wooded buffer will be a minimum of 35 feet from the edge of the stream bank. The entire flood plain is eligible for planting, not to exceed 100 feet." 			
2S		<p>Change the name of the [FR-3] practice to “Forest Riparian Buffer”.</p> <p>Justification: DCR is the only agency using this inaccurate term of “Riparian Filter”. All other agencies and groups in the conservation partnership refer to this practice as a buffer or FRB. The inaccurate use of the name filter comes from the early days of the EPA Chesapeake Bay Program where the USDA–Forest Service developed an elaborate forested riparian filter standard for use in the states. This was a three-zone practice involving the establishment of</p>			

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		a minimum 35-foot-wide forest planting, a second shrub zone, and then a final grass zone whose outer edge was on the contour in order to achieve sheet flow runoff across the width of the buffer. This practice proved to be extremely difficult to install and was quickly modified to include only the wooded buffer. The existing DCR standard makes only a limited reference or requirement for filtering, but does nothing in regards to achieving sheet flow. Some will occur on many sites, but without clear guidance for sheet flow across this area, the term “buffer” used by all other groups is a better and more accurate name.			
3S		<p>Modify the current FR-3 rates</p> <ul style="list-style-type: none"> · Maintain the 95% payment rate for eligible costs in items C.1. and C.2. · Increase C. 1. (i) rates to: Conifer buffers - \$3,000 for a 10-year lifespan/ \$5,000 for a 15-year lifespan · Increase C. 1. (ii) rate to: Hardwood buffers - \$7,500 for a 10-year lifespan/ \$10,000 for a 15-year lifespan <p>Justification: Incentive payments have not kept up with rising land values and no long serve as a true incentive for adoption. This type of practice necessitates a producer to remove acreage from production, whether it be cropland, hay land or pasture land. Higher rates of incentive need to be a driving point to encourage producers to make this land use change and receive adequate fair market value for the land they are converting. The VDOF effort targeted this as a key item needing attention for additional action.</p> <ul style="list-style-type: none"> · Add language “By Accepting either cost share payment or a state tax credit for this practice, the participant agrees to preserve this area and all practice components of the specified lifespan. Additional financial assistance is available to help producers with the cost of maintaining proper tree growth and viability. All other maintenance components on the practice (fence, etc.) are the responsibility of the participant · Drop C. 3. <p>Justification: An incentive payment is included in item C-1. Additional payments are listed in item C.3. This is confusing and bothersome for producers trying to understand the program, what they may be eligible and what their financial assistance might be. In addition, this double figuring is burdensome for staff to calculate and then explain why there are various</p>			

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		components to the final amount. Combining all of incentive payments into one amount is easier to understand and will improve marketing effectiveness and efficiency.			
4S		Our experience implementing riparian forested buffer (RFB) projects has demonstrated that simplified payment strategies not only make it easier to administer, but simple payment strategies also make it easier to recruit participants. RFBs are easily one of the most cost-effective BMPs to improve water quality. And there is a broad recognition that Virginia needs to find ways to accelerate implementation of effective agricultural BMPs. We therefore suggest that the BMP Manual be changed so that the FR-3 practice offers 90% cost-share for pine plantings, and 100% cost-share for mixed hardwood tree plantings; eliminate the incentive payments and different rates dependent on contract length (no change to the \$80/acre bonus under C.3). We believe changing the payment strategy to be straightforward (a percentage-based payment without the necessary calculations for contract length) will reduce confusion and increase recruitment of participants.			
5S		Develop a new Practice FR 3-W - Forest Riparian Buffer (Wide) · Establish a FR3–W to aggressively encourage wider and better riparian buffer zones. · Allow buffers from 100 feet to 400 feet wide. · Maintain existing 95% financial assistance for eligible components. · Establish incentive payments as follows: i. Conifer Buffers: \$10,000. per acre for a 20-year lifespan ii. Hardwood Buffers: \$12,500 per acre for a 20-year lifespan Justification: For decades now, all of the emphasis has been on establishing minimum amounts in terms of size, length, or acreage of many BMPs used in water quality improvement work. Forest Riparian Buffers have been proven through scientific research to provide far greater on-site and off-site benefits the wider they are. Minimum width buffers may or may not provide filter action of suspended sediments depending on the site. Wider buffers do a much greater job in trapping suspended sediment. In addition, research has shown a wider living forest on these riparian sites can be extremely effective in removing dissolved nutrients from shallow ground water passing through the root zones of these wide buffers. Narrow buffers have been plagued with problems due to periodic flooding, debris trapping, and stream scouring and erosion. The wider the buffer, the better on-site and downstream flood damage mitigation benefits occur. These are all goals of the			

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		Commonwealth’s total Chesapeake Bay Program effort, yet the opportunity to maximize these benefits is ignored. “Wider is better” is scientifically proven and is sometime we should be striving to achieve. The presence of a viable living thriving forest in a riparian zone is one of the best things that can be done for water quality improvement.			
6S		<p>Modify FR-3M</p> <ul style="list-style-type: none"> · Modify B.1. to allow maintenance on FR-3 funded through VCAS and remove the language “VACS” in FR-3M B. Policies and Specifications. Part 1. · Establish a “FR-3M Initial” practice for use at 3 to 4 years after planting. · Establish a “FR-3M Follow-up” practice for use at 6 to 8 years after planting. · Establish rates as follows: FR-3M Initial - \$750 per acre FR=3M follow-up - \$1,000 per acre <p>Justification: The common theme from most of the 30-plus stakeholders convened by VDOF’s planning effort, was that maintenance is the key item for the success of forest riparian buffers. Extensive case studies exist to show where buffers failed to be adequately established were the direct result of improper, untimely, or total lack of maintenance. The existing DCR policy is a direct cause of a large degree of this failure. The existing policy states that it is the participants responsibility: “Control of noxious of noxious and invasive species plants to ensure the survival of the stand is the responsibility of the participant.” At the time this was written and adopted, the standard treatment option was to mow around the trees periodically. This did not prove to be a problem. However since adoption, specifications have changed to allow different and denser planting options. Simple mowing is no longer feasible on many sites. In addition, with over 30 years of experience, many of the problems are not noxious or invasive related. Experience has shown many native vines species have the ability to girdle and kill young trees. Over the years, it is apparent that early and regular maintenance is needed to ensure the success and survival of the initial planting. Common practices now include the use of very expensive chemicals, hand labor, hand mowing (weed eating), tree pruning, and tree tube maintenance to prevent “flopping.” As we have learned more about buffers, policies to aid in their establishment and success have not kept up with the needs to ensure their survival. The current standard is inadequate and out-of-date.</p>			

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7S		<p>Establish a new practice Forest Riparian Buffer – Easement (FR3-E)</p> <ul style="list-style-type: none"> · For FR buffers, 100 feet or wider, where the participant enrolls the buffer in a perpetual easement program recognized by the State of Virginia (Virginia Outdoors foundation, Land Trust, Albemarle County, etc.). · Payment rate will be \$5,000 per acre, payable to the participant after the acreage covered by the FR-3 practice is recorded on the property deed. <p>Justification: Easements are a key method to ensure practice longevity after program lifespans expire. Virginia has set aggressive goals for land preservation through easements. A DCR initiative to promote easements through it's VACS program will add additional acres toward the state's goal. More importantly, it will provide long term protection for a valuable BMP used in water quality improvement. Incentive payments such as this, will aide tremendously in the promotion and adoption of FR buffers. In comparing other agency programs, this increased payment rate for the Buffer establishment and the easement is in line with other efforts to promote land use change for long term environmental benefits (i.e. wetland restoration and establishment).</p>			
8S		<p>Permanent Long-term shade practice (trees)- The majority of the shade on many farms is along the stream which is a major reason why farmers do not sign up for the program because their cattle lose access to shade. We propose a practice similar to the FR-1 specifically designed for cattle shade with a cost share rate of 75%. Time must be given for the trees to establish and fast growing trees native to Virginia should be prioritized.</p>			
9S		<p>Multiple suggestions related to <35' field borders:</p> <ol style="list-style-type: none"> Offer cost-share for crop field buffers less than 35': the width of border from edge of field required to obtain any cost share goes so far out into the good part of crop land that few farmers wish to participate. Our fields have 20 foot grass borders. This distance feels practical as it is an area which generally does not produce a profitable crop yet is fertilized along with the rest of the field. By having this smaller border we cut down on overall runoff as well as the quantity of fertilizer applied without losing profitability. If there was some cost share for a narrower border it is possible farmers would take advantage of the opportunity to establish them and benefit all waterways, wildlife, and farm financial strength. 			

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		b. Field border practices including a continuing CCI payment for less than 35' field borders to prevent runoff into ditches and provide travel lanes for equipment on fields			
10S		For grazing system practices, allow livestock to be housed at another farm and still qualify for a grazing system as long a perimeter fence is in place.			
11S		Propose adding a VACS practice for the restoration or construction of wetlands per NRCS conservation practice standards 657 and 658.			
12S		Request to allow the option for SWCD technical staff, with appropriate qualifications (A.S.or B.S Degree in Forestry), to develop and/or approve management plans and complete DOF form 7.8 for all FR practices in the BMP Program. SWCD's already are required to do most of the planning completed in DCR Tracking for these practices and are most frequently the point of contact for the farmer/landowner. Allowing those offices with qualified staff to complete the management plans and inspections could streamline the planning, approval and payment processes. If DOF forms can't be used, suggest creation of an alternative form.			
13S		The suite of practices that include a buffer payment have clauses with the statement "If at any time during the practice lifespan the participant is found to be grazing (including flash grazing) their livestock in the buffer, as documented by photographic evidence, the District shall require the repayment of the entire buffer payment (i.e. non-prorated)." The statement is worded in such a way that it allows no discretion and can be read to construe that if a photograph of an animal in a buffer is taken, then there must be a repayment. In observation, some have taken this statement in the strictest sense, while others interpret it to mean that discretion can be used, and the intention is to apply it to bad actors. Given the general likelihood of animals in the buffer happening at some point and the high likelihood these incidents would end up in court, it is suggested that the TAC spell out in the program manual if and when discretion can be used in these incidents and attach these clauses to a process such as the existing verification process or a process specifically for these incidents.			
14S		Specify in the program manual the limits on timber harvesting in riparian forest buffers. With some buffers now exceeding the 15 acre payment cap by 20 acres or more and 15-year lifespans in place, it needs to be specific whether tree cutting is prohibited, can only be done for maintenance, select cutting is allowed, or if clear cutting is allowed as long			

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		as the forest is replanted, etc., and if part of the buffer can be left out of the practice if it is planned to be harvested during the lifespan. This needs to be clear so staff can inform participants what they are enrolling in and there are no misunderstandings between participants, staff, directors, or DCR.			
15S		Consider removing or modifying the requirement for an off-stream watering facility for the CCI-SL-6W. Consider modifying the language to allow the required off stream watering facility to be associated with an in lifespan BMP, or a different CCI. The focus of the CCI– SL-6W practice should be on capturing the exclusion and should not be dependent on the existence of a watering facility as a paid component of the practice. We do not think that allowing limited access for a CCI-SL-6W should be acceptable and understand that there is a different specification for this situation. By requiring that a CCI-SL-6W have an off-stream watering facility as a paid component of the practice, we are missing out on critical wide buffer exclusion projects, because without the required watering facility we must capture this as a CCI-SE-1, resulting in much less credit.			
16S		Concerns over EQIP/BMP piggybacks on SL-6 practices paying the same (100%) for 10' buffers as they do for 35' plus buffers. Farmers who know how this works are/can take advantage of this glitch in the BMP Program and would get paid the same as other farmers who are given greater buffer areas to the program.			

MATRIX OF DEFERRED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring

MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling