

## Meeting Minutes

TAC Stream Protection & Forestry Subcommittee – 1st Meeting

August 28, 2025

Smith East Room, Augusta County Government Center

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

Attendees:

<b>TAC Subcommittee Member</b>	<b>Organization</b>	<b>Voting</b>
Ben Chester	Virginia Department of Conservation and Recreation (DCR) (Chair)	Yes
Brent Hunsinger (Proxy)	Friends of the Rappahannock	Yes
Chris Barbour	Skyline SWCD	Yes
Keith Burgess (Proxy)	Monacan SWCD	Yes
Eric Heberling	Headwaters SWCD	Yes
Gary Boring	New River SWCD	Yes
Hunter Wyatt	Holston River SWCD	Yes
Jack Carlton	Shenandoah Valley SWCD	Yes
Jim Riddell	Virginia Cattlemen's Association	Yes
Patti Nylander	Virginia Department of Forestry	Yes
Kevin Dunn	Piedmont SWCD	Yes
Mark Campbell	Virginia Farm Bureau	Yes
Matt Kowalski	Chesapeake Bay Foundation	Yes
Robert Bradford	Culpeper SWCD	Yes
Sam Chappell	Blue Ridge SWCD	Yes
Stacey Sovik	Hanover-Caroline SWCD	Yes
Tim Higgs	Virginia Department of Agriculture and Consumer Services (VDACS)	Yes
Tricia Mays	Southside SWCD	Yes
<b>Proxies Present</b>		
Chanz Hopkins	Skyline SWCD	No
Aaron Shull	Headwaters SWCD	No
Elizabeth Dellinger	Shenandoah Valley SWCD	No
<b>Others Present</b>		
Andrew Smith	DCR	No
James Martin	DCR	No
Tracy Culbertson	DCR	No
Marie Schirmacher	DCR	No
Sara Bottenfield	DCR	No
Raleigh Coleman	DCR	No
Wheeler Wood	VCU L. Douglas Wilder School of Government and Public Affairs	No
Sofia Tortolero	VCU L. Douglas Wilder School of Government and Public Affairs	No
Hunter Gravatt	Hanover-Caroline SWCD	No
Hunter Arehart	Shenandoah Valley SWCD	No

**Voting Members Present: 18**

## **Introductions**

Ben Chester (DCR) called the meeting to order at 9:01 with a quorum of 14 voting members present. He invited everyone in the room to introduce themselves and sign the sign-in sheet. He asked James Martin (DCR) to give a few opening remarks.

Mr. Martin went over the changes to the ground rules for TAC subcommittees and full TAC meetings:

1. Items tabled by a subcommittee can be re-evaluated in two (2) years starting with this year's recommendations. Formerly, items could not be re-evaluated for three (3) years.
2. Beginning in calendar year 2026 and each third year thereafter, the TAC will review the practices employed in the VACS program to assess their use and effectiveness.
3. At least two-thirds of members must vote in favor of a motion for it to carry. (This was previously 80%.)
4. Facilitators have been contracted to help facilitate the TAC process this year.

Mr. Martin then introduced Wheeler Wood from the VCU L. Douglas Wilder School of Government and Public Affairs, who will facilitate the meeting with Sofia Tortolero. Mr. Wood explained that the facilitator's role is to be neutral and to guide the conversation, focusing on process and not on content. The facilitator wants to make sure everyone is heard and consensus is reached.

## **New Business**

Mr. Chester read through each of the matrix items and asked the group for suggestions on how to begin addressing the items. Two options were discussed – dealing with non-forestry items first, or dealing with forestry items first, since some forestry items require practice creation, which may take some time. Based on a show of hands, most preferred to address the non-forestry items first, but that 2S could potentially be addressed quickly since it is a name change.

**Matrix Item 2S:** *Change the name of the [FR-3] practice to “Forest Riparian Buffer”. 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 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.*

Matt Kowalski made a motion to address Matrix Item 2S by changing the name of the FR-3 practice from “Woodland Buffer Filter Area” to “Riparian Forested Buffer.” Hunter Wyatt seconded the motion. In discussion, questions were raised about whether the terminology should be changed elsewhere in the manual, including the similarly-named FR-3M practice. After discussion, Mr. Kowalski amended his motion to address Matrix Item 2S by changing any references to “Woodland Buffer Filter Area” in the VACS Program Manual to “Riparian Forested Buffer.” Hunter Wyatt seconded the motion. In further discussion, Mr. Burgess expressed concerns with this changing the original intent of the practice as more of an actual created buffer. The motion passed (16Y, 2N (Burgess, Higgs)).

**Matrix Item 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.*

Mr. Chester briefly explained the history of how this came to be and why it works against incentivizing wider buffers. In discussion, many SWCD employees were not aware of the change in the program guidelines section of the manual that allows up to 100% cost-share on practices piggybacked with NRCS. The VACS payment itself is still capped at the applicable VACS practice rate, but it can bring the NRCS payment up to 100% of the SWCD's eligible cost. Those in favor of keeping it the way it is explained that being able to cost-share at 100% on the narrower setbacks has been the “make-or-break” on getting a lot of exclusion fence on the ground, and that the buffer payment is still an additional incentive to go with the 35' setback. Those in favor of 16S want to be able to spread VACS funding to get more projects accomplished (especially outside of the Chesapeake Bay, where there is often more sign-up than funding), and pointed out that the rates in the SL-6N and SL-6W were carefully crafted to incentivize wider buffers because the buffer credit in the Chesapeake Bay model requires a 35' minimum. Those in favor of keeping it the way it is said that it makes sense to get as much exclusion accomplished as we can while funding is robust and it may work itself out in a few years when funding is lower and projects with wider buffers will get prioritized over narrow ones.

Tricia Mays made a motion to table Matrix Item 16S. The motion was seconded by Jim Riddell. In discussion, the question was posed to Sara Bottenfield as to whether or not an individual board could choose to only fund a piggyback project up to its VACS practice rate and not up to 100%. Ms. Bottenfield confirmed it is a choice in the guidelines.

The motion passed unanimously (17Y, 0N (Sovik not present at time of vote)).

**Matrix Item 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.*

After discussion, the group came to the consensus that the livestock just need to be using an off-stream waterer (to distinguish it from being a WP-2 variant, where animals are still drinking from the stream). If the animals are using a waterer that is located in another field, that is fine (even if the waterer is under lifespan for another practice, but in that case the trough under lifespan would not be eligible for the CCI payment).

Sam Chappell made a motion to change the language in the CCI-SL-6W to the following (new language in red/italics; deleted language in strikethrough):

This practice provides protection by fencing along **all live streams or live water in a field** to prevent stream bank erosion, direct deposition of animal waste and contamination of water from agricultural nonpoint sources of pollution. Stream exclusion fencing *is a required component of this practice* and an off-stream watering ~~facility~~ *source must be provided* ~~are required components of this practice.~~

Mr. Burgess seconded the motion. The motion passed unanimously (17Y, 0N (Sovik not present at time of vote)).

**Matrix Item 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 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.*

Several expressed the viewpoint that the buffer payment is made at the same rate whether it is forested or herbaceous, so the timber harvest should be allowed. Ms. Bottenfield pointed out that the language in the practice specifications says that the buffer must be maintained as perennial species. Some expressed concerns with creating a sediment source by harvesting timber in the buffer, and that if they choose to receive the buffer payment, then it should stay established and not be cut. Patti Nylander explained DOF's involvement in commercial timber harvest. Some felt that no harvest should be allowed within the 35' setback from the stream since this is the minimum definition of a buffer. Mr. Dunn stated that we should treat all buffers the same – if don't allow hay-making in the buffer, shouldn't allow timber harvest in buffer. He proposed that timber harvest just can't happen within the minimum setback of the practice (e.g., 35', 50'). Robert Bradford suggested that they have to follow DOF guidelines within the buffer. Ms. Nylander sated that it would be hard to enforce and hard for loggers to know.

Mr. Chappell made a motion to specify that timber harvest should not be allowed within the minimum fence setback of the approved VACS practice. Mr. Kowalski seconded the

motion. In discussion, Mr. Bradford asked about situations like cutting a few trees for firewood. The group felt like this is a training issue, and clear-cutting would be a noticeable difference from cutting a few dead trees for firewood. The motion passed (15Y, 2N (Riddell, Nylander), 1 abstain (Bradford)). Raleigh Coleman asked for clarification that the harvest can still occur within the buffer payment area outside of the minimum setback distance, and this was confirmed by the group. Mr. Chester stated that he would work on some proposed practice language over lunch for the group to take action on.

The group broke at noon for lunch with a return time of 12:45pm.

Mr. Chester reconvened the meeting at 12:45 with 13 voting members in attendance.

The group looked at MR. Chester's proposed language to address Matrix Item 14s. Ms. Nylander brought up additional concerns that the language might want to take into account: addressing forest health concerns (e.g., woolly hemlock adelgid, emerald ash borer); ensuring that acres in no-cut area would not be impacted by block grant for Hurricane Helene; and account for the riparian tax credit. Mr. Burgess proposed that any exceptions could be allowed on a case-by-case basis if DOF, the district board, and DCR are all in agreement.

Mr. Burgess made a motion to apply the following language to the five practices that it applies to (SN-6N, SL-6W, SL-6F, WP-2N, WP-2W). (New language in red/italics.)

The buffer must be maintained as perennial species for the practice lifespan. *Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District.* Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice. 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).

Mr. Kowalski seconded the motion. The motion passed unanimously (17Y, 0N (Riddell absent for vote.)).

**Matrix Item 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.*

Mr. Chester suggested that this might just be a training issue and does not require a language change. Ms. Bottenfield agreed and pointed out that the term “grazing” is very intentional. Everyone realizes animals will occasionally end up in the buffer due to power outages, down trees, etc. The use of the term “grazing” implies that the animals are intentionally being kept in the buffer.

Mr. Higgs made a motion to table Matrix Item 13S and handle it as a training issue. Mark Campbell seconded the motion. In discussion, Mr. Chappell felt that it is a training issue but that a language change might still be beneficial. Mr. Bradford, Mr. Dunn, and Ms. Mays all agreed that it would be a board’s decision to enforce and not necessarily left up to one person’s interpretation. Mr. Higgs pointed out that a case would need to be made against a bad actor, so a one-time photo would not be sufficient anyways. The motion passed unanimously (18Y, 0N).

**Matrix Item 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.*

Mr. Chester and Ms. Bottenfield stated that they were not aware of any issues with DOF slowing down projects. Ms. Nylander said that if there is an issue with getting DOF to help with these, please notify DOF. She also mentioned that a benefit of DOF staff being involved in these projects is that it gives the landowner an opportunity to be advised by the forester on their other forestland.

Mr. Dunn made a motion to table Matrix Item 12S and continue to rely on DOF. Mr. Hunsinger seconded the motion. The motion passed unanimously (18Y, 0N).

**Matrix Item 11S:** *Propose adding a VACS practice for the restoration or construction of wetlands per NRCS conservation practice standards 657 and 658.*

Mr. Kowalski pointed out that there are already tax credit practices in manual and asked if these could become cost-share. Mr. Chester stated that the engineering would require private professional engineers, and that the practice would somehow have to solve an existing resource concern. Ms. Nylander pointed out that DWR is adding new staff to work on wetland projects.

Mr. Bradord made a motion to table Matrix Item 11S. Mr. Burgess seconded the motion. In discussion, Mr. Martin asked if any districts have had any producers begging for wetlands, and none had. The motion passed unanimously (18Y, 0N).

**Matrix Item 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.*

Mr. Wyatt asked how a stocker operation is different from a chicken house, since now the program allows cost-share to be allocated for litter sheds on sites where chickens are not yet present. Mr. Dunn agreed that he doesn't like it but he also doesn't like treating different groups differently. Mr. Chester pointed out that the change for animal waste happened outside of the TAC's purview, and animal waste is different because they are investing millions of dollars and have a contract with an integrator, so the birds will definitely come. The problem with other types of operations is that you can spend a whole lot of money on infrastructure and then the animals may never be brought in. In further discussion, the group agreed that this project would still qualify if there is perimeter fence on a particular farm and the animals are just currently being held elsewhere. Often animal impact is still evident even when the animals are temporarily moved elsewhere.

Mr. Wyatt made a motion to table Matrix Item 10S. Mr. Bradford seconded the motion. There was some further discussion with Mr. Burgess wondering if the person who submitted the suggestion could provide some additional clarification as to what they are looking for. Mr. Gravatt explained that his district submitted the matrix item. Mr. Higgs said that he has concerns with the unintended consequences and people misusing the program. Mr. Chester explained that the producer always has the option to move the animals to the farm to become eligible. The motion passed unanimously (18Y, 0N).

**Matrix Item 9S:** Multiple suggestions related to <35' field borders:

- a. 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.
- 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

There was some confusion about these suggestions. Mr. Gravatt explained this his district submitted one of these items on behalf of one of his directors who sees value in field borders. Mr. Dunn mentioned that the SL-1 may already be an option but requires management under the NRCS Conservation Practice Standard 512. (He also mentioned that he had a landowner who wanted to convert cropland to pollinator habitat, but couldn't under the SL-1 because of this requirement – something he would like to see changed.) MR. Riddell felt like allowing a field border practice would be beneficial. Ms. Bottenfield

confirmed it can currently be accomplished as an SL-1 as long as it is managed according to CPS 512.

Mr. Burgess made a motion to send Matrix Item 9Sa to the Cover Crop/Nutrient Management Subcommittee as it pertains to land conversion. Ms. Mays seconded the motion. The motion passed unanimously (18Y, 0N).

In discussion of 9Sb, Mr. Burgess worried about the complications of handling this administratively. Mr. Gravatt clarified that it pertains more to crop field ditches and not roadside ditches.

Mr. Kowalski proposed that 9Sb be sent back to submitter to provide additional information (a literature review on the water quality benefits) and pick up discussion in subcommittee again when information is received. He made a motion to request a literature review on the water quality benefits of 9Sb. Ms. Mays seconded the motion. The motion passed unanimously (18Y, 0N).

**Matrix Item 8S:** *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.*

Mr. Chester explained that Mr. Hoffman had reached out prior to the meeting because he was unable to attend and asked that this be handled at the next meeting so that an invited guest with relevant experience could be brought in to discuss. The group was in favor of waiting until the next meeting to handle Matrix Item 8S.

**Matrix Item 7S:** *Establish a new practice Forest Riparian Buffer – Easement (FR3-E)*

*- 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.*

*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).*

Mr. Chester pointed out that this would be a new territory for the VACS program and could potentially require a lot of staff time.

Mr. Higgs made a motion to table Matrix Item 7S. Mr. Burgess seconded the motion. In discussion, Mr. Riddell pointed out that some districts already cosponsor easements. He also mentioned that the state cost-share process is faster than NRCS', and a lot of

farmland is being lost very quickly, so this isn't something that should just be dismissed. The motion passed unanimously (18Y, 0N).

**Matrix Item 6S:** Modify FR-3M

- 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

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.

Ms. Bottenfield mentioned that there is currently a DCR pilot project regarding riparian forest buffer maintenance. Some expressed concerns with the amount of money that this maintenance requires and whether it is truly necessary to achieve a water quality benefit. Mr. Kowalski and Ms. Nylander explained that the value of native species far exceeds invasives for water quality due to natives encouraging in-stream processes that can remove nutrients. Some expressed concerns with potentially treating this practice differently from other VACS practices, where the maintenance is already required without additional cost-share. Ms. Nylander explained that maintenance is especially needed through the establishment period, typically the first 3 years. As the trees get bigger, the maintenance lessens. Mr. Kowalski suggested calling it an establishment practice instead of maintenance. The planting is expensive and it would be unreasonable to ask them to wait 4 years for payment until established, but it's not really established until then. Mr. Chester reminded the group that the incentive payment included with the FR-3 practice was intended to build in some money for maintenance. Mr. Chappell expressed concerns with setting up a new maintenance practice where a producer may be relying on maintenance money in future years, but that money would be contingent on future funding. Mr. Martin suggested making it explicit that the incentive payment is also for the first three years is for maintenance. Mr. Dunn suggested seeing how the DCR RFP progresses to see how lessons learned could be applied to address this matrix item.

Mr. Chappell made a motion to defer item 6S pending information from the DCR Riparian Forest Buffer maintenance RFP pilot, and change language in FR-3 to change "incentive" to

“establishment and maintenance incentive.” Mr. Wyatt seconded the motion. (17Y, 0N (Higgs absent from vote)).

### **Public Comment**

Mr. Chester opened the public comment period. There was no public comment

### **Next Meeting**

MR. Chester reminded everyone that the next meeting would be September 10, 2025, at 9:30am in the same room. The meeting adjourned around 2:50pm.