

DCR Ag BMP TAC Programmatic Subcommittee Meeting

Monday, September 29, 2025

Central High School Education Complex Auditorium

2748 Dogtown Road

Goochland, VA 23063

10:00 a.m. – 3:00 p.m.

Attendees:

Voting Members

Chair, Sara Bottenfield

Brandon Dilliston, Northern Neck SWCD

Carrie Swanson, Virginia Cooperative Extension

Charles Newton, Shenandoah Valley SWCD

Dana Gochenour, Lord Fairfax SWCD

Keith Burgess, Monacan SWCD

Kendall Dellinger, Culpepper SWCD – proxy for Greg Wichelns

Martha Moore, Virginia Farm Bureau

Melissa Allen, John Marshall SWCD

Michael Tabor, Blue Ridge SWCD

Pam Mason, Colonial SWCD

Ricky Rash, Piedmont SWCD

Sharon Conner, Hanover-Caroline SWCD

Steven Meeks, VASWCD

Brad Copenhaver, Virginia Agribusiness Council – proxy for Trey Davis

Non-Voting Participants

Christine Watlington-Jones, DCR

Blair Gordon, DCR

Olivia Leatherwood, DCR

Jennifer Ciminelli, DCR

Amy Walker, Colonial SWCD

Wheeler Wood, VCU – Facilitator

Gina Barbour, VCU - Faciliator

WELCOME, INTRODUCTION, AND HOUSEKEEPING ITEMS:

Sara Bottenfield called the meeting of the Programmatic subcommittee to order at 10:05am. A quorum of 15 members was present. Ms. Bottenfield welcomed attendees and asked everyone to introduce themselves.

Christine Watlington-Jones introduced changes to the Technical Advisory Committee (TAC) process for calendar year 2025 and 2026 including new voting criteria, facilitators, and review process of Virginia Agricultural Cost-Share (VACS) practices. Mrs. Watlington-Jones introduced Wheeler Wood and Gina Barbour, facilitators.

Mr. Wood explained the role of the facilitators and the expectations for keeping the meeting moving forward and allowing everyone to be heard.

DISCUSSION OF MATRIX ITEMS:

1P: Revision of Bid Process.

Consider revising the Cost-Share Program Bid Process.

- *Consider removing the following practices from the list of VACS Practices with Applicable Components: FR-1, FR-3, SL-1, SL-11, as the bid process is not applicable or appropriate.*
- *Outline the applicable components necessitating evaluation by the bid process associated with each listed practice. Offer an exemption to the bid process if the applicable component is not a planned component of the project.*
- *Consider increasing the bid threshold to at least \$75,000.*

The committee discussed why the bid process was established: as a way to ensure participants are getting the most competitive rate for construction and that participants are making the most informed decision they can. The issue of low contractor availability in some areas and how that impacts the bid process was noted; members also discussed that the four listed practices don't often require the bid process. Committee members requested to address each bullet item of the suggestion separately.

Motion by Keith Burgess to advance the first bullet as presented, second by Dana Gochenour. The motion passed with no opposition and one abstention.

In discussion of the second bullet item committee members did not understand how the request would change the current process.

Motion by Michael Tabor to defer the second bullet pending additional information from the submitter(s), second by Dana Gochenour. The motion passed unanimously.

Concerns that increasing the bid threshold would reduce the need or ability to test the market were raised. The committee discussed that even if the threshold were raised, participants should still be encouraged to get bids regardless.

Motion by Melissa Allen to advance the third bullet, second by Kendall Dellinger.

Substitute motion by Pam Mason to defer the third bullet pending more information, second by Charles Newton. 10 members opposed, motion failed.

Original motion to advance the third bullet by Melissa Allen, second by Kendal Dellinger returned to the floor. 4 members opposed, no abstentions, motion passed.

2P: Separate funding pot for CCI practices.

Establish a separate pot of money for CCI practices so they do not have to be ranked against other applications.

Ms. Bottenfield reminded the committee that CCI are practices that incentivize continued maintenance of previously installed conservation practices. The committee discussed that CCI applications rank well and that the end goal is water quality, so ranking them together with other practices makes sense. Districts can use their secondary considerations to address this issue as well. Districts with projects outside of the Chesapeake Bay watershed may run out of funds quicker, however it is now an option to utilize some Chesapeake Bay funds in Southern Rivers, including for CCI practices.

Motion by Dana Gochenour to table, second by Keith Burgess. 2 members opposed, no abstentions, motion passed.

3P: Ag Land Conversion to Solar

Directly spell out that conversion of agricultural land to utility scale solar is a land use change that does not conform to agronomic production which would void any BMPs under contract requiring the full repayment of any received cost share applied to those fields. The inclusion of planned grazing or "agrivoltaics" in solar contracts would not prevent the repayment of cost share funds unless a signed lease existed for the grazing rights of the solar facility and exceeded the life span of the BMP contract. If BMPs are destroyed during the construction of a solar facility, cost share must be repaid regardless of prior agreements.

The committee discussed that under any circumstance if a BMP is destroyed it must be repaid, and that there is not a requirement for an operation to stay in production as long as the BMP components are still functional. The VACS program doesn't look at county land-use determinations, only the VACS eligibility requirements. The committee discussed there possibly being more information being released from DEQ regarding the definition of agrivoltaics, and due to the amount of influx of information regarding solar and agriculture, consensus was that a decision was not appropriate or even possible at this time.

Motion to table by Kendall Dellinger, second by Dana Gochenour.

Substitute motion by Martha Moore to defer, second by Brad Copenhaver. The motion passed unanimously.

4P: SE-2 Approvals contingent upon state permits.

VACS approval for SE-2 be made contingent upon acquisition of state permit(s): a. VACS approval is required to pay for contractor/engineer design for SE-2 practices. b. SE-2 practices require state permit approval (JPA). c. Approval of VACS funding shouldn't precede the acquisition of the state permit (JPA). Find a process (VACS manual edit) to address this issue.

There was discussion from the committee about SE-2 practices requiring extensive design work before VACS funding approval or granting of state permit(s). The manual already states that permits are required before approval. Conditional approval requiring permits and designs was presented as a solution, but concerns were raised that an estimate without a design or a permit will not be an

accurate estimate, therefore not an accurate approval. The committee discussed that the program cannot pay for practices that haven't been installed and that the DEQ loan program may assist with getting producers started.

Motion by Pam Mason to defer pending discussions between DCR and Districts to review the SE-2 approval timeline, second by Keith Burgess. The motion passed unanimously.

5P: Eligibility for Variance

Any combination of BMPs that exceeds the participant cap should be eligible for a variance.

The subcommittee discussed that this would essentially eliminate the participant cap entirely. There was discussion that there is already an option for bundle variances but that participants still have to meet the cap with one practice to be eligible for it. Participants may have to choose between practices if they don't individually meet the participant cap.

Motion to advance by Martha Moore, second by Melissa Allen.

Further discussion that the WFA is available to any Districts that wish to participate with no cap, and without impacting the participant cap for other VACS practices.

Substitute motion by Melissa Allen to update language in bundle variance and/or guidelines to allow a combination of BMPs, except a combination of only agronomic BMPs, that exceeds the participant cap to be eligible for variance, second by Dana Gochenour. There was no opposition and 1 member abstained, motion passed.

PUBLIC COMMENT

No public comment.

ADJOURN

The Programmatic Subcommittee's work for the year is complete and the meeting scheduled for October 9 will be canceled.

Adjourn at 12:16pm.