

Technical Advisory Committee - Stream Protection & Forestry Subcommittee

Augusta Government Center - Smith West Conference Room

Verona, Virginia

August 8th, 2022

Stream Protection & Forestry Subcommittee Members Present:

Raleigh Coleman, Dept. of Conservation and Recreation – Div. of Soil & Water Conservation (DCR-DSWC)
(Chair)

Aaron Lucas, Headwaters Soil & Water Conservation District

Anne Marie Roberts, James River Association

Bryan Hoffman, Friends of the Rappahannock

Chris Barbour, Skyline Soil & Water Conservation District

Elizabeth Dellinger, Shenandoah Valley Soil & Water Conservation District

Gary Boring, New River Soil & Water Conservation District

Kemper Marable, Hanover-Caroline SWCD (Proxy for Kelsey Williams)

Kevin Dunn, Piedmont Soil & Water Conservation District

Lars Bolton, Virginia Department of Environmental Quality (DEQ)

Madison Coffey, Lord Fairfax Soil & Water Conservation District

Michael Tabor, Blue Ridge Soil & Water Conservation District

Robert Bradford, Culpeper Soil & Water Conservation District

Tim Higgs, Virginia Department of Agriculture and Consumer Services (VDACS)

Todd Groh, Virginia Department of Forestry (DOF)

Tricia Mays, Southside Soil & Water Conservation District

Stacy Horton*, DCR-DSWC

(Voting Members Present: 16)

Stream Protection & Forestry Subcommittee Members Absent

Jim Riddell, Virginia Cattlemen's Association

Mark Campbell, Virginia Farm Bureau

Chad Wentz*, United States Dept. of Agriculture – Natural Resources Conservation Service (USDA-NRCS)

Chris Bradshaw*, USDA-NRCS

Thomas Burke*, USDA-NRCS

(*Non-voting member)

Members of the Public Present

Zach Jacobs***, Virginia Farm Bureau

Jason Wilfong, DCR-DSWC

Ty Smith, Piedmont Soil & Water Conservation District

Chanz Hopkins, Skyline Soil & Water Conservation District

*****Note:** At the time of the meeting, Farm Bureau was counted in the votes because the Chair did not realize non-designated proxies could not vote. The Farm Bureau vote is not counted in the final minutes below, but the manner that Farm Bureau voted has been indicated.

INTRODUCTIONS

The subcommittee meeting began at 9:38am with introductions and a review of the ground rules for the subcommittee. The subcommittee will need to Advance, Amend, Table, or defer each of the ten items in the subcommittee's matrix. In order to decide which of these actions will be recommended to the full TAC, the subcommittee must be 80% in agreement. With 16 voting members present of the 18 voting members on the roster, a quorum was established to conduct business. In order to reach the 80% threshold to carry a motion, 13 Y's were needed (assuming no abstentions).

REVIEW MATRIX ITEMS

The subcommittee began discussing matrix items one-by-one in sequential order.

Matrix Item 1S

Mr. Coleman offered a suggestion to make the language in the CCI-FRB-1 mirror the language in the FR-3, since CCI-FRB-1 would theoretically be a continuation of FR-3 in the same way that CCI-SL-6 is intended to be a continuation of an SL-6 contract. Ms. Dellinger suggested removing the statement regarding "not exceeding 100ft" from the specifications since the entire acreage counts in the Chesapeake Bay Model. Mr. Coleman explained that the reason for the 100-ft. limit in the FR-3 is because of the diminishing returns to water quality benefit as you move farther away from the stream.

There was a suggestion from the floor to just remove the "1/3" portion of the statement due to confusion (in the same way that the language was removed from the SL-6 buffer language several years ago) and to make it consistent with the FR-3.

Mr. Bolton suggested that further economic cost/benefit analysis be considered prior to allowing payment on more acreage to see how the changes would affect the buffer payments given out versus the credit received in the Chesapeake Bay model.

Mr. Higgs suggested that the language be removed to make it match the SL-6 practices (to just cap the practice at a maximum acreage rather than having the footage limitations).

Ms. Dellinger suggested that the CCI-HRB-1 match the SL-6 spec and the CCI-FRB-1 match the FR-3 spec. Mr. Dunn suggested that the acres considered should have only been "planted" acres within the buffer and not just existing pasture that were fenced out because there was not a land use change. Mr. Dunn discussed the implications of potentially double-counting Bay Model credits by signing up for the CCI-SL-6 (which asks for the buffer acres to be entered) and being able to sign up concurrently for the CCI-HRB-1 and CCI-FRB-1 and getting additional funds for the same credits/purpose. He mentioned that these practices were never intended to pay for buffers as part of existing SL-6 type practices. Mr. Coleman mentioned that the CCI-SL-6 already requires the producers to maintain the buffer.

Mr. Barbour made a motion to "amend" Matrix Item 1S and remove the language "or up to 1/3 of the floodplain" in both the CCI-FRB-1 and CCI-HRB-1 specifications. Mr. Tabor seconded the motion. The motion passed unanimously (16Y, 0N).

Matrix Item 2S

Mr. Coleman reviewed the practice specification and discussed the intent of and impetus behind the specification (a mandate from the state legislature).

Ms. Dellinger suggested she would not be in favor of providing buffer payment for a practice with only a 5 year lifespan which can be also waived. The group agreed and there were also concerns with ensuring a permanent buffer be maintained using temporary/portable fencing.

Mr. Barbour made a motion to “table” Matrix Item 2S. Mr. Tabor seconded the motion. The motion passed unanimously (15Y, 0N, 1 abstain (Lucas), with Jacobs indicating Farm Bureau would have voted “no”).

Matrix Item 3S

Mr. Lucas explained that their intent was to clarify whether or not “fence only” SL-7s can be installed, and if a watering system component is required. In previous years producers hit the cap with just the watering system and exclusion fencing and did not have funds to install the division fence that was needed or wanted. The group agreed that fence-only SL-7s are already eligible, and that the current title of the practice may be misleading to new employees who may not read through the specification completely. The group settled on a recommended specification title of “Extension of Watering and Grazing Management Systems”

Mr. Tabor made a motion to “advance” Matrix Item 3S and recommend the title “Extension of Watering and Grazing Management Systems.” Mr. Marable seconded the motion. The motion passed unanimously (16Y, 0N).

Matrix Item 4S

Mr. Coleman mentioned that the suggestion was brought up in 2019 and was tabled at that time, but it has passed the 3 year wait limit and is able to be discussed again.

The group discussed how the “practice failure” process could be used in the instances of springs/wells or limited accesses installed through the VACS program going dry. In the instance of a property sale splitting a single watering system between two properties, the original contract holder would be responsible for repayment, transferring responsibility, etc. The group felt that adding a well to the SL-7 specification creates the potential for wells to be installed for reasons that are not water-quality related (e.g., herd expansion).

Mr. Bradford made a motion to “table” Matrix Item 4S. Mr. Lucas seconded the motion. The motion passed unanimously (15Y, 0N, 1 abstain (Tabor)).

Matrix Item 5S

Mr. Bradford mentioned that the suggestion comes from Culpeper and explained the reasoning behind the suggestion, with shade being a major reason for farmer reluctance to fence out their streams. Mr. Groh and Mr. Hoffman described how difficult it can be to keep the transplanted trees alive.

Mr. Barbour made a motion to “table” the entire Matrix Item 5S. Ms. Dellinger seconded the motion. The motion failed (12Y, 4N (Higgs, Marable, Coffey, and Bradford, with Jacobs indicating Farm Bureau also would have voted “no”), due to some wishing to still consider portable shade structures separately.

Mr. Dunn made a motion to “table” ONLY the transplanted trees portion of Matrix Item 5S so that portable shade structures could be considered separately. Mr. Hoffman seconded the motion. The motion passed unanimously (15Y, 0N, 1 abstain (Bradford)). (This item is considered 5.S.A. for purposes of the matrix.)

Mr. Coleman described the history of considering shade structures and its failure in the 2018 TAC year. He mentioned that Virginia NRCS had an interim standard for portable shade structures at one time but Virginia chose not to adopt the standard permanently. He expressed concerns with having an engineering practice that does not have an NRCS standard. Mr. Bradford said would be in favor of providing a tax credit similar to the other equipment tax credits.

Mr. Dunn suggested that it is the producer’s prerogative to provide their own shade structures and we do not have any practice standards to enforce across the state. Mr. Bolton asked the group how many more contracts the state will gain if shade structures were able to be cost-shared. The group suggested that it would likely be minimal. Mr. Bolton stated that it would not be cost beneficial for the few extra projects for the state to implement the practice state wide.

Some suggested that maybe the group move the shade under a nutrient management practice, since the movement of the shade structure would help distribute nutrients more uniformly across the field.

Mr. Tabor made a motion to “defer” the second part of Matrix Item 5S regarding portable shade structures until further research could be conducted. Mr. Barbour seconded the motion. The motion passed unanimously (16Y, 0N). (This item is considered 5.S.B. for purposes of the matrix.)

Matrix Item 6S

The SL-10 currently offers one-time payment \$25/ac/yr. to cover three years (for a total of \$75 per acre). Mr. Bradford discussed how his district has implemented several throughout the years and struggled to show improvement through the practice, and suggested that the payment not be increased. He also mentioned that the practice is a large workload for SWCD staff and that there should be some additional language to make the practice more easily enforceable.

Mr. Higgs made a motion to “table” Matrix Item 6S. Mr. Tabor seconded the motion. The motion passed unanimously (16Y, 0N).

Matrix Item 7S

Mr. Coleman discussed the recent TAC history of the SL-6A. This practice was originally a tax credit only practice because it was geared towards helping equine operations that may not have qualified for cost-share. It was suggested to be made a cost-share practice in 2019, but it was ultimately sent over to the Animal Waste Subcommittee because of its stocking rate requirements. The Animal Waste subcommittee was also working on the new suite of WP-4 practices at the time, and the WP-4LL was intended to supersede the SL-6A. The SL-6A was left in the manual until the WP-4LL was finalized.

Now that the WP-4LL is available, the Stream Protection & Forestry Subcommittee agreed that the SL-6A is essentially obsolete. The WP-4LL is already a cost-share practice and is less stringent than the SL-6A.

Mr. Higgs made a motion to “table” Matrix Item 7S. Mr. Barbour seconded the motion. The motion passed unanimously (16Y, 0N).

Mr. Bradford made a motion to recommend to the Full TAC to strike the SL-6A from the manual. Mr. Boring seconded the motion. The motion passed unanimously (16Y, 0N, with Jacobs indicating Farm Bureau would have voted “no”).

Matrix Item 8S

Mr. Coleman reviewed the specification and explained reasons that similar suggestions requesting stone have been left out of the SL-11 in years past. The SL-11 is intended to be a simple, vegetative practice without engineering. Adding stone would likely mean that the lifespan would need to be increased. Heavy Use Area Protection can be installed under SL-11B or potentially under other cost-share practices.

Mr. Tabor made a motion to “table” Matrix Item 8S. Mr. Dunn seconded the motion. The motion passed unanimously (16Y, 0N).

Matrix Item 9S

Mr. Coleman explained that this suggestion was from him and explained the intent behind it. Since the practice does not have any measures included to treat the “nutrient- and sediment-laden water”, it does not actually solve a resource concern. Other measures are typically cheaper and easier to install to address the erosion issues that diversions are typically used to handle. When necessary, diversions are often listed as an option in VACS specifications when needed.

Mr. Bradford made a motion to “advance” Matrix Item 9S to remove the SL-5 spec from the manual. Ms. Mays seconded the motion. The motion passed unanimously (16Y, 0N, with Jacobs indicating Farm Bureau would have voted “no”).

Matrix Item 10S

The group discussed how this is likely just a training issue, since, for instance, native warm season grasses can already be installed under WQ-1.

Mr. Tabor made a motion to “table” Matrix Item 10S. Mr. Higgs seconded the motion. The motion passed unanimously (16Y, 0N).

Summary of Decisions:

The subcommittee went through each of the matrix items again to confirm the decisions of the group and detail justification that would be presented to the full TAC. **(Decision table is attached to the minutes.)**

PUBLIC COMMENT

None

ADJOURN

The meeting adjourned at approximately 11:45am.