

Technical Advisory Committee - Stream Protection & Forestry Subcommittee

Augusta Government Center - Smith West Conference Room

Verona, Virginia

September 11, 2023

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

Alston Horn*, Chesapeake Bay Foundation

Bryan Hoffman, Friends of the Rappahannock

Chris Barbour, Skyline Soil & Water Conservation District

Colton Sullivan, Monacan Soil & Water Conservation District

Elizabeth Dellinger, Shenandoah Valley Soil & Water Conservation District

Hunter Wyatt, Holston River Soil & Water Conservation District

Jim Riddell, Virginia Cattlemen's Association

Kelsey Williams, Hanover-Caroline Soil & Water Conservation District

Kevin Dunn, Piedmont Soil & Water Conservation District

Lars Bolton, Virginia Department of Environmental Quality (DEQ)

Madison Coffey, Lord Fairfax Soil & Water Conservation District

Mark Campbell, Virginia Farm Bureau

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)

Tom Dunlap, James River Association (Proxy for Anne Marie Roberts)

Tricia Mays, Southside Soil & Water Conservation District

(Voting Members Present: 18)

Stream Protection & Forestry Subcommittee Members Absent

Gary Boring, New River Soil & Water Conservation District

Shawn Morris, Daniel Boone Soil & Water Conservation District

Todd Groh, Virginia Department of Forestry (DOF)

Thomas Burke*, United States Department of Agriculture – Natural Resources Conservation Service
(USDA-NRCS)

Chris Bradshaw*, USDA-NRCS

Mark Hollberg*, DCR-DSWC

Stacy Horton*, DCR-DSWC

(*Non-voting member)

Invited Guests

Amanda Pennington, PE, DCR-DSWC

Ben Chester, PE, DCR-DSWC

Aaron Wendt, DCR-DSWC SEAS

Mike Vanlandingham, DCR-DSWC SEAS

Members of the Public Present

Chelsea Thomas, Shenandoah Valley Soil & Water Conservation District

Chanz Hopkins, Skyline Soil & Water Conservation District

Samuel Chappell, Blue Ridge Soil & Water Conservation District

Chris Coggin, Shenandoah Valley Soil & Water Conservation District

Ty Smith, Piedmont Soil & Water Conservation District

INTRODUCTIONS

The subcommittee meeting began at 9:35am with introductions and a review of the ground rules for the subcommittee and general decorum, followed by a brief a moment of silence in remembrance of 9/11. With 18 voting members present of the 21 voting members on the roster, a quorum was established to conduct business. To reach the 80% threshold to carry a motion, 15 Yeas were needed (assuming no abstentions).

NEW BUSINESS

Matrix Item 17S: *Review the SE-1, SE-2, and WP-2A specifications to ensure that the language in the specifications matches the intended use of the practices to meet VACS program goals. Evaluate the use of the word "forestal" in the SE-2 and WP-2A practice specifications. Clarify that the SE-2 and WP-2A are intended to address acute erosion of streambanks/shorelines, not natural or geologic time-scale erosion. Clarify whether or not extra expenses associated with the installation of "living shorelines" is an eligible component under SE-2 or whether living shorelines should be a separate SE-1. Establish minimum survival rate for living shoreline plantings.*

Mr. Coleman began discussion by providing a very brief overview of the SE-1, SE-2, and WP-2A practices. He reminded the subcommittee that SE-2 was formerly tax credit only and was made a 75% cost-share practice with a 15-year lifespan in the CY2018 TAC cycle after the Stream Protection Subcommittee made the recommendation to the TAC. He stated that one SE-2 is underway and has raised questions on which DCR would like clarification from the subcommittee. Mr. Coleman read comments provided by Jim Wallace of Colonial SWCD since he was invited to speak regarding his experience implementing the SE-2 but was unable to attend the meeting.

To fully address the matrix item, the subcommittee decided to address each of its components individually.

17S.1.: *Review the SE-1, SE-2, and WP-2A specifications to ensure that the language in the specifications matches the intended use of the practices to meet VACS program goals.*

To address 17S.1., The subcommittee decided to revise the "Description and Purpose" sections of the SE-1, SE-2, and WP-2A.

For the SE-1: Mr. Dunn made a motion to strike "offer cost-share assistance to establish" and replace with "improve water quality by establishing". Mr. Bolton seconded the motion. The motion passed unanimously (18Y, 0N).

For the SE-2, no action was taken regarding the "Description and Purpose".

For the WP-2A: Mr. Bolton made a motion to change the Purpose:

- **From, “The purpose of this practice is to offer an incentive that will change land use, provide vegetative stabilization or improve management techniques to more effectively control soil erosion, sedimentation and nutrient loss from surface runoff to improve water quality.”**
- **To, “The purpose of this practice is to improve water quality by changing land use, providing vegetative stabilization, and/or improving management techniques to more effectively control soil erosion, sedimentation and nutrient loss from surface runoff.”**

Mr. Hoffman seconded the motion. The motion passed unanimously (18Y, 0N).

17S.2.: *Evaluate the use of the word “forestal” in the SE-2 and WP-2A practice specifications.*

The subcommittee evaluated the use of the term “forestal” in the SE-2 and WP-2A specifications and Mr. Wallace’s suggestion that forested buffers in CBPA localities may not meet the definition of “forestal.” After much discussion, the consensus of the subcommittee was that as long as a tract of land qualifies as “agricultural land”, then the shoreline (even if a forested buffer) should still qualify for SE-2 as long as there is a resource concern (soil loss).

Mr. Higgs made a motion to remove “forestal” from the WP-2A and SE-2 specifications. Mr. Riddell seconded the motion. During discussion, Mr. Dunlap asked if there should be additional language to clarify whether sites with locality-mandated or voluntary buffers are eligible. Mr. Coleman suggested that, rather than adding language to the specifications, that the consensus of the subcommittee just be documented in the meeting minutes for future reference, since DCR engineering staff will ultimately need to be involved and this understanding from the subcommittee will help them. The motion passed unanimously (18Y, 0N).

17S.3.: *Clarify that the SE-2 and WP-2A are intended to address acute erosion of streambanks/shorelines, not natural or geologic time-scale erosion.*

The subcommittee looked at photos of the “pre” condition of the currently underway SE-2 project to discuss whether this type of project was what the subcommittee intended to address with the SE-2 practice. Mr. Coleman prompted a show of hands for those who felt like it should definitely qualify as an SE-2, followed by a show of hands for those whose felt like it should definitely not qualify as an SE-2. With more than three hands on each side, there would be no way to reach 80% consensus in either direction. Those against the project stated that it should be related to a problem caused by agriculture rather than environmental/geologic factors. Those in favor of the project felt that the ranking process should take care of the issue, and since there is no other widely available funding source for these types of projects on agricultural land (other than individual grants), that they should be VACS-eligible because of their value in feeding the Bay model. Mr. Chester asked if there is a baseline level of “acceptable” erosion to weed out potential SE-2 projects, and the answer was no. Without a consensus, **this portion of the 17S will be treated as “deferred” by default until next year.**

17S.4.: *Clarify whether or not extra expenses associated with the installation of “living shorelines” is an eligible component under SE-2 or whether living shorelines should be a separate SE-1.*

Mr. Hoffman made a motion to leave the language in the SE-2 specification “as-is” regarding living shorelines. Mr. Bolton seconded the motion. The motion passed (16Y, 2 abstain (Dunn, Coleman)).

17S.5.: *Establish minimum survival rate for living shoreline plantings.*

Mr. Wendt explained that 85% was approved as the minimum survival rate for the one ongoing project. The subcommittee was in favor of using this number as the minimum in the SE-1 and SE-2 specifications.

Mr. Wyatt made a motion to accept the 85% minimum survival rate for the SE-1 and SE-2 specifications, with the following language additions: “New vegetation must maintain a cover of 85% or more. Spot treat invasive species to maintain density to less than 5% cover.” This language will be added to section B.5. of the SE-1 and Section B.1.iii. of the SE-2. Mr. Hoffman seconded the motion. The vote passed unanimously (18Y, 0N).

The meeting adjourned for lunch at 12:00pm.

The meeting re-convened at 12:47 with a quorum of 15 voting members present. 18 voting members were present by 1:00pm.

Matrix Item 7S: *The high cost of the WP-2A practice and the engineering requirements and permitting process limits landowner participation and discourages SWCD participation in the practice. To increase the use of the streambank stabilization BMP:*

Increase the cost share rate to 90%.

To address the engineering requirement – Can we provide cost share on the design on the practice if we use a private engineering service?

How can the permitting process be streamlined?

Would it possible to establish a special project to promote streambank stabilization BMPs to reduce sediment and improve water quality. The special project could provide increase cost share rates and provide assistance with engineering and permitting. The project could:

Develop a Standard design based on size of the watershed

Practices to include

Toe protection – Rock or Coconut logs

Slope the banks to a 3:1 slop

Establish vegetative cover

Plant live stakes

Mr. Chester explained all of the issues in this suggestion other than the suggestion to increase the cost-share rate to 90%, as that is up to the subcommittee. Yes, engineering costs are eligible for cost-share. The permitting process is beyond the purview of the subcommittee, since the permits are issued by other agencies. A special project is beyond the purview of the subcommittee. A standard design is not really feasible due to all of the design considerations. The “practices to include” may already be options as needed.

Mr. Bolton explained the difficulty in getting folks interested with these types of projects, as they don’t substantially increase the equity of the farm, unlike animal waste structures or other types of practices. Several expressed interest in increasing the cost-share rate.

Mr. Wyatt made a motion to increase the cost-share rate of the WP-2A practice to 90%. (The rest of the comments in this matrix item will be handled as training items.) Mr. Riddell seconded the motion. The motion passed (16Y, 1N (Coleman), 1 abstain (Dunn)).

Mr. Chester pointed out that if the practice goes to 90% cost-share, perhaps the required lifespan should be increased.

Mr. Dunn made a motion to increase the WP-2A lifespan to 15 years. Mr. Tabor seconded the motion. The vote passed unanimously (18Y, 0N).

Matrix Item 21S: *Shade is an issue that producers often face when considering an SL-6W, SL-6N. As a part of the eligible components of an SL-6W, SL-6N, and an SL-7. Consider for cost share or tax credit. Portable shade structures for intensive rotational grazers should also be an eligible component. These structures are meant to be moved as often as the cattle. This suggestion was deferred by the subcommittee in 2022.*

Mr. Coleman provided some historical background. In approximately 2008/2009, Virginia NRCS had an interim practice standard for livestock shade structures. After the interim period was over, Virginia NRCS chose to not adopt the standard because of issues meeting the engineering requirements in the standard, maintenance issues, lack of movement of the structures, and the fact that it takes several structures to serve larger herds. He also stated that part of the reason that the subcommittee recommended providing the buffer payment for exclusion projects was to compensate producers for the shade that they might lose when fencing out the streams. That buffer payment could be used by producers to build shade structures if necessary.

Ms. Pennington stated that there is the potential for serious safety concerns with these structures due to winds, and that if the structures are not moved properly, they may end up creating a water quality issue. She provided information on a large farm that attempted using portable shade structures and abandoned it after finding it difficult due to needing multiple structures, needing to move them multiple times every day, and needing to be available to move/close the structures if the weather changes.

Mr. Riddell stated that shade is important and there should be an option to help. Ms. Mays explained that she has always been able to plan a project in such a way that shade is available. Mr. Campbell stated that this is one of the most important issues from Farm Bureau. Some felt that it should be available as a tax credit practice. Ms. Pennington and Mr. Chester stated that, in addition the other concerns already mentioned, the lack of an NRCS standard makes shade structures not an option in VACS.

Ms. Coffey made a motion to draft a letter from the SPF subcommittee to the responsible individuals at NRCS to ask that they revisit the shade structure standard. The motion was seconded by Mr. Higgs. The motion passed (17Y, 1 abstain (Coleman)).

Mr. Dunlap left the meeting at 1:51pm, leaving 17 voting members.

There was uncertainty about what action to take on 21S at this time (whether to defer on not). Mr. Tabor made a motion to defer, then withdrew the motion. Mr. Coleman recommended coming back to 21S at the end of the meeting.

Matrix Item 4S: *Consider adding 342-Critical Area Planting to the WP-1 specification as seeding is an eligible component of the practice.*

Mr. Coleman explained that the 410 Grade Stabilization Structure standard specifically references seeding per 342 Critical Area Planting. The 468 Lined Waterway or Outlet standard does not make that reference, but every engineering design includes the VA-706 Seeding construction specification with the seeding recommendations. He saw potential concerns with adding the 342 standard to the WP-1

specification, as a new employee may see the WP-1 practice as a way to install a 342 Critical Area Planting at 90% cost-share and/or in a place where a 342 is not an acceptable solution.

Mr. Coleman made a motion to “table” Matrix Item 4S and handle it as a “training item”, based on the inclusion of the VA-706 Seeding construction specification with every engineered practice. Mr. Tabor seconded the motion. The motion passed (15Y, 2 abstain (Dellinger, Lucas)).

Matrix Item 5S: *Consider creating a variance process to exceed the 15 acre buffer payment cap associated with the SL-6W practice. We recognize the need for a buffer cap, but feel there should be a process by which the DCR Variance Review Committee can evaluate buffers exceeding 15 acres for eligibility of additional buffer payment.*

Mr. Coleman explained that the current intent of the variance process is to exceed the cap when necessary to obtain enough cost-share to ensure that the infrastructure necessary to address the resource concern can be covered. Exceeding the buffer cap would not match the current intent of the variance process.

Ms. Mays made a motion to “table” Matrix Item 5S. Mr. Dunn seconded the motion. The motion failed (3Y, 14N).

Mr. Barbour made a motion to “advance” Matrix Item 5S, using the existing variance process. Mr. Riddell seconded the motion. The motion failed at 78% (11Y, 3N, 3 abstain).

Ms. Mays made a motion to “defer” Matrix Item 5s. The motion was seconded by Mr. Bolton. The motion failed at 71% (10Y, 4N, 1 abstain (Coleman)).

Matrix Item 5S will be treated as “deferred” by default.

Matrix Item 6S: *Add to the CCI-SL6W Description and Purpose the statement from the SL-6N/W, “Stream exclusion fencing and an off-stream watering facility are required components of this practice.”*

Mr. Bradford made a motion to “advance” the language in Matrix Item 6S and also make this a training item. Mr. Wyatt seconded the motion. The motion passed (16Y, 1 abstain (Bolton)).

Matrix Item 15S: *Revise SL-6W and SL-6N specs to allow a fence only option (similar to WP-2 suite) as long as there is an existing off stream alternative water system that will be utilized as part of the fence only installation. We often work with farmers that have troughs already that can be utilized but they are required enroll in WP-2W/N practices at a lower cost share rate even though the final system will meet SL-6 standards.*

Discussion began with Mr. Coleman explaining that this is likely a training item, but questions were raised about the language regarding the limited access language in the SL-6W. No action was taken.

OLD BUSINESS

Mr. Coleman asked if anyone had comments on the draft meeting minutes from the 8/31/2023 meeting. Several members expressed an interest in reviewing them more thoroughly. Mr. Coleman explained that the draft could be posted to Town Hall and the minutes could be officially “approved” by the subcommittee at the next meeting.

PUBLIC COMMENT

None

REVIEW

Mr. Coleman circled back to Item 21S. Ms. Coffey volunteered to draft the letter to NRCS.

Mr. Coleman stated that he will send out a poll to schedule the next meeting.

ADJOURN

The meeting adjourned at 2:56pm.