

Technical Advisory Committee - Stream Protection & Forestry Subcommittee

Augusta County Government Center - Smith East Conference Room

Verona, Virginia

October 10, 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

Anne Marie Roberts, James River Association

Bryan Hofmann, 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

Gary Boring, New River 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

Madison Coffey, Lord Fairfax Soil & Water Conservation District

Martha Moore, Virginia Farm Bureau (Proxy for Mark Campbell)

Michael Tabor, Blue Ridge Soil & Water Conservation District

Robert Bradford, Culpeper Soil & Water Conservation District

Stacy Horton*, DCR-DSWC

Todd Groh, Virginia Department of Forestry

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

Tricia Mays, Southside Soil & Water Conservation District

(Voting Members Present: 19)

Stream Protection & Forestry Subcommittee Members Absent

Lars Bolton, Virginia Department of Environmental Quality (DEQ)

Shawn Morris, Daniel Boone Soil & Water Conservation District

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

Chris Bradshaw*, USDA-NRCS

Mark Hollberg*, DCR-DSWC

(*Non-voting member)

Members of the Public Present

Chanz Hopkins, Skyline Soil & Water Conservation District

CALL TO ORDER, WELCOME, INTRODUCTIONS, REVIEW OF GROUND RULES AND GENERAL DECORUM, DECLARATION OF A QUORUM

The subcommittee meeting was called to order at 9:33AM with a welcome, introductions and a review of the ground rules for the subcommittee and general decorum. With 19 voting members present of the 20 voting members on the roster, a quorum was established to conduct business. To reach the 80% threshold to carry a motion, 16 Yeas were needed (assuming no abstentions). It was noted that all ongoing items would need to reach resolution at the October 10, 2023, meeting, if possible, since there likely would not be another opportunity to assemble the subcommittee prior to the November 1, 2023, Technical Advisory Committee meeting.

OLD BUSINESS

Review/ Approve Minutes from August 31, 2023, SPF Subcommittee Meeting:

Mr. Coleman asked for revisions/ comments on the August 31, 2023, minutes from the group. There were none. **Mr. Higgs made a motion to approve the August 31, 2023, SPF Subcommittee meeting minutes. Mr. Boring seconded the motion. The motion passed unanimously (19Y, 0N).**

Review/ Approve Minutes from September 11, 2023, SPF Subcommittee Meeting:

Mr. Coleman asked for revisions/ comments on the September 11, 2023, minutes from the group. There were none. **Mr. Higgs made a motion to approve the September 11, 2023, SPF Subcommittee meeting minutes. Mr. Sullivan seconded the motion. The motion passed unanimously (19Y, 0N).**

Revisit Proposed 1S Language: *“Rotational grazing systems without live water do not qualify for this practice.”*

Mr. Coleman voiced concern over the use of the terminology “live water”, noting that it could potentially create confusion since the SL-7 specification requires prior or concurrent exclusion of water features. After a short discussion, the group decided to add some specificity to clarify the language. **Mr. Coleman made a motion to add “previously or concurrently excluded” after “live water” with the new language as “Rotational grazing systems without live water previously or concurrently excluded do not qualify for this practice.” Mr. Boring seconded the motion. The motion passed unanimously (19Y, 0N).**

Revisit Proposed 3S Language: *“Acreage planted into forested buffer is eligible for a buffer payment at the rate of \$80 per acre per year, unless a buffer payment has been received on the same acreage under an SL-6F, SL-6W, or WP-2W currently in lifespan.”*

Mr. Coleman noted that “currently in lifespan” could create confusion, particularly in cases where a FR-3 practice was being installed concurrently with a SL-6W, or where a FR-3 was being installed behind a SL-6W that had fallen out of lifespan since the land use change had already occurred. Both scenarios were discussed by the subcommittee. After some discussion, the consensus of the subcommittee was that if a SL-6W practice were out of lifespan and the participant decided to “step up” efforts and implement a FR-3 practice, then the participant should be eligible to receive an additional buffer payment in exchange for implementation of the FR-3 practice. **Mr. Coleman made a motion to add “being installed concurrently or currently in lifespan” with the new language as “Acreage planted into forested buffer is eligible for a buffer payment at the rate of \$80 per acre per year, unless a buffer payment has been**

received on the same acreage under an SL-6F, SL-6W, or WP-2W being installed concurrently or currently in lifespan.” Mr. Hofmann seconded the motion. The motion passed unanimously (19Y, 0N).

Review Letter to NRCS re: Matrix Item 10S: Proprietary PVC Brace Assemblies (Draft)

Mr. Coleman directed the attention of the subcommittee to the proposed letter drafted by Mr. Tabor and asked for any comments/ revisions. **Mr. Wyatt made a motion to send the letter as written to NRCS. Mr. Tabor seconded the motion. Mr. Boring suggested that rather than addressing the letter directly to the NRCS Forage and Grassland Agronomist, J.B. Daniels, that the letter should be addressed to the NRCS State Conservationist, Dr. Martinez, with a carbon copy to J.B. Daniels. The consensus of the subcommittee was to follow this recommendation. The motion passed unanimously (19Y, 0N).**

Review Letter to NRCS re: Matrix Item 21S: Portable Shade Structures (Livestock Shelter Structures) (Draft)

Mr. Coleman directed the attention of the subcommittee to the proposed letter drafted by Ms. Coffey and asked for any comments/ revisions. Mr. Boring suggested that the letter be addressed directly to the NRCS State Conservationist, Dr. Martinez. Mr. Higgs noted that there were a few minor grammatical edits that needed to be made prior to submitting the letter and offered to send those to Mr. Coleman. **Mr. Wyatt made a motion to send the letter to Dr. Martinez as proposed, including any editorial changes offered by Mr. Higgs. Mr. Tabor seconded the motion.** In discussion, Mr. Coleman noted that he would not vote in favor of the motion because the item had been tabled by the subcommittee five times previously (usually unanimously) and the letter was not reflective of this activity. **The motion passed [18Y, 1N (Coleman)].** There was some further discussion from the group about whether other considerations such as silvopasture or pasture renovation with novel endophyte fescue had been entertained in past discussions of shade issue.

Mr. Coleman brought up Matrix Item 21S to see if the subcommittee wished to act on the item. Matrix Item 21S: *“Shade is an issue that producers often face when considering an SL-6W, SL-6N. As 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. Higgs made a motion to defer Matrix Item 21S to next year to provide NRCS an opportunity to respond to the subcommittee’s letter of inquiry. Ms. Dellinger seconded the motion. The motion passed [(18Y, 1N (Coleman)].

Provide Reasons for Tabling Matrix Items (3S, 4S, 9S, 11S, 16S):

Mr. Coleman mentioned that the subcommittee needed to review all tabled matrix items to ensure that justification was provided for each tabled item. It was noted that justification was already provided for Matrix Items 3S and 4S and that justification needed to be provided for Matrix Items 9S, 11S and 16S.

Matrix Item 9S: *“Allow the FR-3M to be used on a completed FR-3. Maintenance is crucial to the success of the practice. This would also make it more attractive to convert a completed grassed buffer project*

into a forested buffer. There is a lot of interest in that and the barrier is maintenance. Many of those projects would have been CREP in the first place if it had paid higher.”

It was noted that Matrix Item 9S was tabled because the subcommittee felt that maintenance is a required component of the FR-3 specification. A cost-share incentive is built into the FR-3 specification to compensate for maintenance costs, and the subcommittee has proposed a FR-3 rate increase to better compensate for maintenance costs. No action was taken on this item; however, a reflective explanation was provided for this tabled item.

Matrix Item 11S: *“Replace the CCI-FRB-1 and CCI-HRB-1 with one buffer payment which does not distinguish between forested, grassed, or mixed types of buffers. Payment rate should be based on the cost of property taxes and maintenance.”*

It was noted that Matrix Item 11S was tabled because the subcommittee felt that there needed to be a difference in CCI-FRB-1 and CCI-HRB-1 rates because a forested buffer is worth more credit in the Bay model. The subcommittee also felt that it would be difficult to base a payment on property taxes in that property taxes are quite variable across the Commonwealth, and there are no other specifications in the VACS program that are based on property tax rates. No action was taken on this item; however, a reflective explanation was provided for this tabled item.

Matrix Item 16S: *“SL-10 modification: a. Require Nutrient Management Plan b. Increase rate to \$100/acre with a stipulation that soil pH must be addressed (spreading lime) on pasturelands under SL-10. Many producers apply fertilizer before addressing soil pH, this stipulation would further support Section B. #2. in the current SL-10 spec.”*

The discussion of Matrix Item 16S was split into two parts.

- a) This portion of Matrix Item 16S was tabled due to concerns about having sufficient nutrient management plan writers to efficiently handle SL-10 acres. It was also noted that the SL-10 was designed without a nutrient management plan requirement in order to engage more participation.
- b) This portion of Matrix Item 16S was tabled because the existing specification language already requires the participant to address pH and fertilizer issues.

No action was taken on this item; however, a reflective explanation was provided for this tabled item.

NEW BUSINESS

Matrix Items 12S, 13S, 14S: Mr. Coleman explained that Matrix Items 12S, 13S, and 14S had been withdrawn and no longer needed to be addressed.

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 [to] enroll in WP-2W/N practices at a lower cost-share rate even though the final system will meet SL-6 standards.”*

Mr. Coleman began the conversation by reminding the subcommittee that some discussion about this item had taken place at the last meeting and no action was taken because the subcommittee ran out of

time. There was discussion among the group about how this type of situation is currently being handled, and it was noted that a field with an existing watering system would be eligible for a SL-6W/N practice rather than a WP-2W/N since the livestock would be utilizing an off-stream watering source. It was mentioned that the Conservation Application Suite data field pertaining to the “number of alternative watering systems installed” needed an “information” button with some explanation of how a situation like this should be treated and might need to be reworded to better accommodate it. **Mr. Coleman made a motion to add “(existing or concurrently installed)” in Section A of the SL-6W and SL-6N specifications with the new language as “Stream exclusion fencing and an off-stream watering facility (existing or concurrently installed) are required components of this practice.”, to ensure this issue is addressed as a training item at the next VACS Updates session, and to add an “information” button to the “Number of Alternative Watering Systems Installed” data field in the Conservation Application Suite. Mr. Boring seconded the motion. The motion passed unanimously (18Y, 0N). It was noted that Mr. Lucas left the room at 10:28AM and was not present for the vote.**

Mr. Lucas returned at 10:32AM after the vote was taken.

Matrix Item 18S: *“The SL-6N and SL-6W practice specifications include 575 Trails and Walkways in the applicable NRCS standards, but the VACS specifications do not explain when Trails and Walkways are an eligible component or not an eligible component. Please clarify in the VACS specifications. For example, language may be added to be consistent with the WP-2N and WP-2W practice specifications, which state: “Cost-share and tax credit are not authorized for... hardened travel lanes that are not attached to a crossing or limited access”.*”

Mr. Coleman initiated the discussion by pointing out that the 575 standard is listed in the SL-6W/N specifications but the specification does not address when the 575 standard would be used. He also noted that a farm road would not be an appropriate application of the 575 standard under the SL-6W/N. The subcommittee discussed the possible uses of the standard as part of the SL-6W/N specification, and it was noted that the standard should only be applied to facilitate movement of animals rather than farm equipment and should be utilized to address critical areas associated with the movement of animals. The consensus was that some language should be added to the specification to provide some clarity regarding the correct use of the 575 standard and that this should be addressed as a training item. Mr. Coleman proposed some draft language to get the discussion started: *“Hardened animal trails and walkways in locations where necessary planned fences will create unavoidable pinchpoints that would create a resource concern in proximity to live water.”* The proposed language was discussed.

Ms. Dellinger made a motion to adopt this language except for “in proximity to live water”. Ms. Moore seconded the motion. The subcommittee continued to discuss the language. After further discussion, Ms. Dellinger withdrew the motion.

Mr. Bradford made a motion to accept the addition of the following language: “Hardened animal trails and walkways are eligible in locations where necessary fences create soil disturbance due to livestock traffic.” Ms. Moore seconded the motion. The motion passed [18Y, 1N (Coleman)].

The subcommittee discussed the most appropriate location within the SL-6W and SL-6N specifications for the new language. **Ms. Coffey made a motion to place the language in the respective specifications under B.9. and move the current language in B.9. down. Ms. Mays seconded the motion. The motion passed [18Y, 0N, 1 Abstain (Coleman)].**

Matrix Item 19S: *“The SL-7 practice specification includes 575 Trails and Walkways and 578 Stream Crossing in the applicable NRCS standards but the specification does not explain when these components are eligible. Please clarify in the specification.”*

Mr. Coleman made a motion to strike the 578 standard from the listing of eligible NRCS standards in the SL-7 specification. Mr. Wyatt seconded the motion. The motion passed unanimously (19Y, 0N).

Ms. Coffey made a motion add the following language (identical to language just added to the SL-6W/N practice specifications): *“Hardened animal trails and walkways are eligible in locations where necessary fences create soil disturbance due to livestock traffic.”* under B.9. of the SL-7 specification and move the current language in B.9. down. Mr. Tabor seconded the motion. The motion passed [18Y, 0N, 1 Abstain (Coleman)].

Matrix Item 20S: *“Please clarify in the SL-6N and SL-6W practice specifications whether stream exclusion fence must be permanent.”*

Mr. Bradford made a motion to add “permanent” to the language in B.6.i. of the SL-6W specification with the new language as “Permanent fencing to restrict stream access in connection with newly developed watering facilities.”. Ms. Dellinger seconded the motion. The motion passed unanimously (19Y, 0N).

Mr. Bradford made a motion to add “permanent” to the language in B.6.i. of the SL-6N specification with the new language as “Permanent fencing to restrict stream access in connection with newly developed watering facilities.”. Ms. Dellinger seconded the motion. The motion passed unanimously (19Y, 0N).

Mr. Boring left the meeting at 11:45AM.

PUBLIC COMMENT

Mr. Tabor raised the question of whether any discretion could be utilized in reference to the buffer repayment language in B.4. of the SL-6W specification and B.2. of the WP-2W specification (*“The buffer must be maintained as perennial species for the practice lifespan. 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).”*). The subcommittee discussed the application of the language, noting that “grazing” implies intention to graze the buffer rather than accidental or emergency use of the buffer. There was also some discussion about the application of VACS manual language pertaining to practices found to be destroyed or need maintenance during lifespan. It was noted that this item should be submitted as a suggestion next year because it could not be discussed any further or acted upon during the current TAC cycle.

REVIEW OF THE DAY’S DISCUSSION/OUTCOMES/ACTIONS:

Mr. Coleman noted that he would record the recommendations in the Stream Protection Forestry Matrix. He also noted that the minutes would be sent out to the subcommittee for review and would stay in draft in perpetuity since the subcommittee would not gather again this year.

ADJOURN

The meeting was adjourned at 11:43AM.