

**Virginia Agricultural BMP Technical Advisory Committee**  
August County Government Center's Government Center Board Room  
18 Government Center Lane, Verona, VA 24482

**November 20, 2019**

**9:30 AM – 3:30 PM**

**Final Minutes**

**Attendance**

David Bryan, DCR	Charles Newton, Va. Soil and Water Conservation Board
Blair Gordon, DCR	Dana Gochenour, Lord Fairfax SWCD
Mark Hollberg, DCR	Kendall Dellinger, Culpeper SWCD (proxy)
Aaron Lucas, Headwaters SWCD	Martha Moore, Va. Farm Bureau
Ashley Wendt, DEQ	Sharon Conner, Hanover-Caroline SWCD
Charlie Wootton, VACDE	Steven Meeks, VASWCD
Elizabeth Dellinger, Shenandoah Valley SWCD	Willie Woode, Northern Virginia SWCD
Luke Longanecker, Thomas Jefferson SWCD	Roland Owens, DCR
Matt Kowalski, Chesapeake Bay Foundation	Jen Edwards, DCR
Nick Livesay, Lord Fairfax SWCD	Dan Goerlich, Va. Cooperative Extension
Robert Bradford, VASWCD Area II	Bill Fleming, private citizen
Anna Killius, James River Association	Jim Echols, DCR
Tim Higgs, VDACS	Rachel McCuller, Headwaters SWCD
Tom Turner, John Marshall SWCD	Patti Nylander, DOF (proxy)
Tracy Fitzsimmons, Va. Cattlemen's Association	Bob Waring, DCR
Raleigh Coleman, DCR	Stephanie Drzal, DCR
Amanda Pennington, DCR	Allyson Ponn, Lord Fairfax SWCD
Darrell Marshall, VDACS	Alston Horn, Chesapeake Bay Foundation
Eric Paulson, Va. State Dairymen's Association	Amanda McCullen, Culpeper SWCD
Josh Walker, Headwaters SWCD	Beck Stanley, Va. Agribusiness Council
Kevin Dunn, Piedmont SWCD	Ben Rowe, Va. Farm Bureau
Megen Dalton, Shenandoah Valley SWCD	Jim Tate, Hanover-Caroline SWCD
Sam Truban, Lord Fairfax SWCD	Spencer Yager, VACDE
Ben Chester, Virginia Horse Council (proxy)	Amy Walker, DCR
Brandon Dillistin, Northern Neck SWCD	

**Meeting Opened – 9:36 AM**

**Welcome and Review of Agenda** (David Bryan)

David Bryan welcomed the members of the TAC and reviewed the agenda.

**Subcommittee Reports**

**Forestry Committee** (Jim Echols)

The committee worked on CREP issues this year, but there has been a delay in the issuance of the federal CREP rules in response to the Farm Bill that was passed late last year. Due to this, the committee is deferring any decisions on CREP until next year. Next year, it is likely that the Stream Protection and Forestry committees will merge into one group for the upcoming TAC cycles.

**Programmatic Committee** (David Bryan)

Mr. Bryan started by noting that the committee only had one issue to bring to the TAC today.

- 10P – The self-certification form that producers are supposed to be signing for practices that are eligible for Tax Credits would be made optional, only signed if the producer is actually taking the tax credit instead of the cost-share payment, and moved to the back of the BMP Manual in the Forms section. The committee also proposed to remove language about this form from all of the specs and presented a new form to the group.
  - Called for a vote: no opposed. Changes pass unanimously.
- A decision on the Conservation Efficiency Factor (CEF) and participant caps have been deferred to next cycle.

### **Animal Waste** (Amanda Pennington)

The committee met Monday and worked on some new items to present to the group, but the subcommittee has two items that need to be voted on. .

- 11A – A suggestion came to the subcommittee to include access roads as eligible components of certain specifications. The subcommittee recognizes that farm buildings can be hard to get to and producers need access, but providing access to those buildings is not a water quality concern. Cost of an access road, as opposed to a trail/walkway can be very expensive because, by definition, these roads would almost need to meet significant design standards. The subcommittee did not feel it was a good use of funds and tabled the item. A member commented that the farmers probably requested it because they cannot afford the access road.
  - Called for a vote: 3 opposed. Motion to table passes.
- 1A/2A – A new WP-4LC for 100% animal confinement was introduced. The hope is that this BMP will solve an issue where the farm is so overstocked that no amount of fencing out or feeding pads will solve the water quality issue. Ms. Pennington reviewed the new specification with the group and highlighted that the operation would still need to score 120 on the risk assessment to qualify. This structure can either be managed as bedded pack or manure pack, at the choice of the operator. All pastures that animals are being removed from have to be stabilized via SL-11 and the operator cannot put animals back on those fields. For example, a producer cannot put 100 cows in a building and then go buy 100 more to put on the pasture he just stabilized. Compliance checks are required to make sure the operator is keeping animals confined and managed properly. Initial compliance checks would occur 1 year after installation; subsequent compliance checks would be made in years 4, 8 and 12. If the practice is not in compliance, staff would need to follow the noncompliance process outline in the BMP manual. If the issues are corrected, another compliance check would happen again after the first year and then occur at years 4, 8, and 12 years. A member posed a scenario where a producer has a home farm and lease land elsewhere. Sometimes the producer brings all of the animals back for the winter. The restriction would only be on the land where the resource concern is and practice is implemented, not on the other properties correct? It was clarified that it does only address the field where the resource concern is. Ms. Pennington also clarified that there is a different winter feeding option under the WP-4; this new specification is truly for confinement.

Other questions included “Is there a historical need, like an ongoing issue, before a producer can qualify for this?” DCR and SWCD staff clarified that similar to the rest of the VACS program, qualifying water quality issues are based on what the issues are present that day.

This practice would also be eligible for the variance process.

A member wanted to know if this new practice would also be available for commercial equine as well. Ms. Pennington replied that it is, but a loafing lot may be better suited. The subcommittee will be presenting more changes next month to create three additional practices to handle more concerns related to animal waste. These proposed changes will be presented at the December TAC.

- Call for vote: None opposed. Passes unanimously.

Ms. Pennington presented a new item today for a vote at the next meeting. Matrix item 10A suggested removing fence from WP-4C. The subcommittee recommends removing this component from the practice as there doesn't seem to be a reason to have it. There was no discussion from the TAC.

The subcommittee is also looking at creating a CCI payment practice for animal waste facilities to cover maintenance costs on structures that are out of lifespan but still sufficient and functional for waste storage. This would allow DCR to capture the water quality credits from this structure for an additional five years while also ensuring that these structures are properly maintained. The subcommittee has not written this specification yet, but hope to bring it to the group in December. No comments.

Informational items: There have been several suggestions related to solid separator equipment. The subcommittee has discussed allowing cost share funding on installation and equipment only if the current manure pit is not adequate for storage. If a manure pit is overflowing and causing an issue, it can be cheaper to put in a separator and dry stack than installing a new pit. The subcommittee is looking at adding this option to the existing WP-4 specification but has not yet developed language to address this. This type of addition would require SWCD staff to identify why an overflow is happening, and whether the overflow was happening due to a stormwater issue. Originally, the subcommittee wanted to include the equipment as part of the equipment tax credit, but it is not eligible based on language in the Code of Virginia.

Coming next time – three new specifications including revisions to WP-4 to address manure storage only, a standalone feeding pad option which would require the feeding pad to be removed as component of the SL-6. The standalone feeding pad option is being developed in cooperation with the Stream Protection subcommittee.

### **Nutrient Management/Cover Crop (Steph Drzal)**

Ms. Drzal presented three changes that were presented at the last meeting and needed votes today.

- 5N/6N – Added language to the NM-5N and NM-5P to increase eligibility to more specialty crops, produce and turf.
  - Called for a vote: no opposed. Changes pass unanimously.The subcommittee would like to revise the NM-1A to add a definition of specialty crop to include more vegetable producers. Ms. Drzal read the definition as presented.
  - Called for a vote: no opposed. Revision passes unanimously.
- 8N – There was a request to modify the NM-3C to include a payment even for acres receiving a zero application rate based on PSNT results. The new language was written to be consistent with the language in the NM-5N. A member voiced concern that the language does not read quite right from the perspective of a new technician trying to apply this practice. Clarification was provided by the subcommittee members and other SWCD staff present. The member also noted that item B.1.iii is in direct contradiction to the new language. A simple correction to the second half of the

sentence will fix it. The TAC was in agreement and “with payment only to those acres” was struck from the sentence.

- Called for a vote on the new language and the removal of the “with payment only to those acres:” no opposed. Changes pass unanimously.

### **Nutrient Management/Cover Crop (Bob Waring)**

Mr. Waring noted that he presented three items last time that are up for vote this time and a few new items needed to be presented for voting next time.

- 13C – A suggestion came to the subcommittee to eliminate all acreage caps for the practices. Subcommittee agreed with that and presented last time. A member asked if this also eliminated the acreage cap on manure. It was clarified that it does remove the manure cap as well.
  - Called for a vote: no opposed. Motion carries unanimously.
- 15C – It was suggested that USLE should be added to the AgBMP tracking program. DCR and the subcommittee agreed with this suggestion. DCR will begin to address this recommendation with a goal of having this implemented by FY2021..
  - Called for a vote: no opposed. Motion carries.
- 16C - The subcommittee discussed raising the standard rate for SL-8B to \$20. This idea was presented last time and no changes have been made since.
  - Called for a vote: no opposed. Motion carries unanimously.

Mr. Waring proceeded to present on new items. Changes to the NM-5P were proposed. The subcommittee was asked to look at language and remove the plant tissue samples language on B.2. The subcommittee agreed that it should be removed from the NM-5P but it should actually be added to the NM-5N. The subcommittee will move forward with this recommendation and will bring it back to the TAC next time for a vote.

In addition to the new language in the NM-5N, the subcommittee also added language on page 2, and presented those changes on the screen. Mr. Waring called for comments from the TAC.

It was noted by the TAC that sorghum is included in NM-5N but not included the NM-3C. The subcommittee agreed to discuss adding sorghum to the NM-3C and will do so at the December subcommittee meeting. In some cases, SWCDs were using the “starter” as a side dress application, which was not the intention of the language. With recent guidance from DCR, sorghum does not qualify for the practice anymore because producers will not be able to do enough splits. The subcommittee will look at adding sorghum to NM-3C, but this would require a re-write of the specification. Mr. Waring thanked the group for the discussion as it gave the subcommittee more to think about. The subcommittee will revise the language and send it out for review; hopefully, the revised language can be brought for a vote in December. The revisions to address sorghum will be handled through a separate vote.

Mr. Waring then presented the new NM-7 specification for the TAC’s consideration. This new specification has been presented to the TAC twice already, but revisions have been made. A copy of the specification will be sent to the TAC members for their review. Any TAC members who wish to make comments should send the comments to Mr. Burgess, with a cc to Mr. Waring and Ms. Walker. The subcommittee will review the specification one more time at their next meeting and will then bring it to the December TAC for a vote. For clarification – this specification does not give nutrient credits towards the Chesapeake Bay Model and is designed only for niches where cover is needed.

The new SL-8 specification was also presented to the TAC. Mr. Waring asked the TAC to review the specification and send comments to him by December 2<sup>nd</sup> so the subcommittee can revise it if needed. It is to address a niche market and to get any kind of cover on a field to avoid erosion. The subcommittee wants to set cost-share rates based upon the number of days the farmer leave the planting on the field. This is something new. This is designed as a “no fallow”-type practice for niche markets and is not designed to compete or replace SL-8B. The subcommittee tried to include as many types of operations as possible so that turf producers, for example, can now participate. A few wordsmithing comments were made by TAC members. Concern was expressed regarding the potential impact of such a change on tobacco producers. The subcommittee will continue to work on getting the specification ready for the December TAC meeting..

### **Stream Protection (Mark Hollberg)**

Mr. Hollberg mentioned that the subcommittee has one more meeting in December. There are several items that need to be voted on by the TAC. :

- 6S – The subcommittee worked to finalize the definition of live stream for the glossary in the BMP manual. It was discussed at the October TAC meeting and the TAC had some suggestions for edits at that time. The subcommittee attempted to address those concerns and the ; the updated definition was presented.

A TAC member shared concerns that this definition may exclude ponds even though the specification itself include ponds. Mr. Bryan tried to explain that this definition only applies to eligibility for the practice; however, the member had concerns about any definition of a live stream as it could later be used in regulations despite DCR’s assurances to the contrary.

Mr. Owens commented that this is not a legal definition, but that DCR and the subcommittee were trying to give some guidance for staff to make their best professional determination while leaving it as flexible as possible. The two new stream exclusion practices (SL-6N and SL-6W) included required setbacks from live streams, but there needed to be clarification that a producer did not have to have a required set back from seeps and ponds, etc.

The TAC member was also concerned that in the specification it is referred to as “live stream” but the definition is “live stream/water.” The member also pointed out the inconsistency. Mr. Bryan agreed that the definition should be for a “Live Stream or Live Water” to be consistent with language in the specs. He also reminded the TAC that DCR had already put out very specific guidance this past summer on how to use this in the livestock exclusion practices, along with guidance on buffers.

- Called for a vote to approve the definition with the modification of the name to “Live streams and live waters:” 5 opposed. Motion passes.

### **5 minute break – Reconvened at 11:08**

### **Stream Protection Continued (Mark Hollberg)**

- 7S – Mr. Hollberg noted that this is the second presentation of these edits to the SL-6N/W, WP-2N/W and related stream exclusion CCI practices. All edits presented are the same across all of the specifications. Language was updated related to getting power to the practice. The majority of these edits were from the matrix, but the subcommittee updated some of the other parts of the specifications as well.

A TAC member asked how DCR reports these buffers to the Bay Model now that there are can report more buffer acreages than before. Mr. Hollberg explained that the required buffer widths listed in the specifications are just minimum thresholds to achieve funding at a certain level.

Mr. Hollberg continued to present the subcommittee's work providing clarity and consistency across the SL-6N, SL-6W, WP-2N, WP-2W and related CCI specifications. For wide width buffer practices, current confusing language about calculating buffers has been removed. Additionally, Mr. Hollberg reminded the TAC that if the Animal Waste subcommittee presents the feeding pad specification and approved by the TAC, then the feeding pad language would be removed from the SL-6N/W practices. If not, the language would remain in the current practices.

- Called for a vote on approval of changes to the all of the stream exclusion practices (SL-6N/W, WP-2N/W and CCI practices): 5 opposed who all opposed due to live stream language. Motion passes.
- 9S – The TAC was presented the updates to the SL-7 specification to modify the rates for the practice. It was noted that from a Bay Model reporting standpoint, this may get divided into two separate practices. A TAC member commented that this specification uses the term “all surface waters,” is that because you can fence a pond? Mr. Bryan responded that is should say “all live waters” to be consistent..
  - Called for a vote to accept language as presented with the new change to “live stream:” 3 opposed; who all opposed because of the live stream language. Motion passes.
- 11S – Edits to SL-11 and WP-3 were presented again. It was noted that these edits simply clean up the language in the specifications. The purpose is to keep the SL-11 as a non-engineered practice to deal with erosion; the subcommittee wanted to make it clear that permanent fencing is eligible, and that livestock must be excluded from the newly stabilized area for 12 months after planting. A TAC member wondered if the term permanent fence used in the specification is consistent with the rest of the specifications. DCR staff replied that it is different from other parts of the specifications because we are only going to pay on the permanent fence. Producers do have the option of putting up a temporary fence, but VACS will not pay for it.

The subcommittee made similar changes to the WP-3 spec to include permanent fence as an eligible component and the requirement to keep livestock excluded from the newly stabilized area for 12 months after planting.

A TAC member pointed out that the purpose of the permanent fence is to keep livestock out of hard to stabilize areas for the lifespan of the practice. The member asked if language could clarify that if you utilize the option of permanent fence, then the livestock needs to be out of the pasture for the lifespan of the practice. The TAC agreed and added language to make this clarification.

- Called for a vote on edits to WP-3 and SL-11 as presented along with this new change to clarify that if permanent fence is used, livestock must be excluded for the lifespan of the practice: no opposed. Motion passes.

Mr. Hollberg ended the committee report noting that the Stream Protection committee's work is completed for the year. Their originally scheduled December meeting will be canceled.

### **Internal DCR Items** (David Bryan)

Mr. Bryan presented a number of changes to the BMP manual that DCR has handled internally but wanted to inform through the TAC for feedback.

Comments per topic:

The new bid process will be on a component by component basis using NRCS standards as the “component” level. Anytime an individual component is estimated to be above \$30,000 or greater, the bid process will be required. The new process should substantially help the Districts.

The updated bid process and bid process form generated conversation from the TAC. Several members commented that the ninety day requirement to get bids from contractors was unrealistic (even though the current bid process requires a sixty day turnaround). DCR will further consider this timeframe. It was also noted from the TAC that a list of specific practices that this process applies to should be included on the form, which will also be considered by DCR.

Some TAC members asked about high estimates from contractors, but the Districts have the ability to update their cost lists each year to reflect changes in prices for their local area. Districts should not be changing prices lists mid-year.

A TAC member asked about engineering issues, noting that it can take longer to get a design from an engineer, so ninety days is not always possible. The TAC commented that just because an estimate has been done, it doesn't mean a design has been done. Ms. Pennington confirmed that if DCR Engineering services are utilized, this timeframe should not be an issue.

Some TAC members noted that DCR will require Districts to keep a paper copy of the bid sheet in their case file (even for projects where the bid process is not initiated). Much of the emphasis on the bid process has come from the “Programmatic Review” being conducted and Districts are going to have to certify that the process was considered. A TAC member wondered if it is possible to create a check box or something in the Tracking Program that can be clicked to make sure the bid process is done, like a required section that has a “yes” or “no” box. It was also called into question why the tax id number for vendors is on the form, and several members commented that it should be removed because it is not needed information. Mr. Bryan asked that all comments please be sent to him before the next TAC meeting.

Updates to the Extreme Acts of Nature (EAN) process for the SL-8B were presented. A TAC member voiced concern that the new language listed the VCE agent as a local credible source but that not every area has an appropriate agent or any agent at all. Mr. Bryan clarified that the VCE agent was just an example and that Districts can ask DCR if a different person could be considered a credible source. For example, one District has used the FSA county committee.

The discussion of the EAN process for the SL-8B sparked a brief discussion on the EAN for Practice Failures: what happens if a practice if a practice is destroyed by a storm during construction, why is that the participant's responsibility? NRCS does offer assistance to help with this. It was noted that it is the responsibility of the contractor to protect ongoing work from extreme weather during construction as a standard business practice. This language is current manual language but can be considered further.

A TAC member asked what the timeline for submitting ideas to the subcommittees was and what the mechanism to know which ideas have been tabled was. Mr. Bryan replied that he would be compiling a

list of tabled items. The timeline and organization of the TAC for next year would be discussed at the December meeting.

**Public Comment**

A TAC member commented that the recent guidance from DCR that Districts should be digitizing practices before they are approved was contrary to what we have been doing in practice all along. This new process slows Districts down and is not as efficient. Projects change as the design is completed and Districts need to be able to account for that. It would be better to run the resource reviews once the designs are completed.

**Meeting ended 12:34 pm.**

## DCR Specifications for No. WP-4LC

### Animal Waste Control Facility for Confined Livestock Operations

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's animal waste control facilities best management practice, which are applicable to all contracts entered into with respect to that practice.

#### **A. Description and Purpose**

A planned system designed to prevent those areas exposed to heavy livestock traffic from experiencing excessive manure and soil losses due to the destruction of ground cover and to manage liquid and/or solid waste from areas where livestock are concentrated. The intent of this practice is to improve water quality by preventing manure and sediment runoff from entering watercourses and sensitive karst areas and capturing a portion of the manure as a resource for other uses by storing and spreading waste at the proper time, rate, and location.

A covered facility that requires 100% confinement of livestock which includes a feeding area as well as a bedded or manure pack area with a manure storage area if needed. Permanent removal of livestock from all acres associated with the confined livestock is required. All associated acres must be re-vegetated. This practice is not intended for grazing operations.

#### **B. Policies and Specifications**

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock operation can show they have either:

- i. Access to land for application, and where a full farm plan approach to solving the water quality problem is being carried out.
- ii. A current Nutrient Management Plan that has been certified by a Virginia certified nutrient management planner and, if needed, a transfer plan prepared by a certified nutrient management planner for any livestock.

2. Practice Development

i. The District shall consider all existing animal waste storage facilities on the same property when sizing a new manure storage facility. The District should determine on a case by case basis whether any existing manure storage facilities (cost shared or non-cost shared) are adequate for continued manure storage. Existing storage deemed adequate shall be deducted from the total storage need calculation to determine the amount of additional storage eligible for cost share.

- ii. Before cost-share or tax credit can be approved all other means of reducing the environmental impacts of animal waste from the existing operation must be considered. Lack of space for relocation, economic inefficiency or other factors may be considered. A "Risk Assessment for Water Quality Impairment from heavy Use Areas/Animal Concentrated Areas" must be completed and a minimum score of 120 is required in order to be eligible.

iii. The applicant is also required to sign a Dry Manure Storage Structure Agreement DCR199-86 (03/18) or similar District agreement which addresses the minimum criteria prior to receiving any funds.

iii. Determination of the storage capacity of animal waste facilities shall be reviewed and approved by the DCR agricultural BMP engineer except for practices previously sized and engineered by NRCS.

iv. The confinement structure shall be managed as a:

a. Bedded Pack

- a. The pack area must be maintained to ensure dry conditions for livestock. Dry material, tillage, ventilation and/or aeration may be needed to maintain proper bedding conditions.
- b. Does not require a separate manure storage, but it must have walls a minimum of 4' high to contain bedded pack.
- c. Manure storage for bedded pack area is not authorized, but storage for manure captured from feedlanes is an eligible component.

b. Manure Pack

- a. The pack area shall be maintained to prevent any materials from migrating from the structure limits as to impact water quality. Regular scraping and/or the addition of bedding is required to stabilize the manure.
- b. A separate storage component is required to store up to 6 months of manure production.

v. All associated acres shall be re-vegetated to ensure permanent grass cover, reference SL-11 practice specification, or shall be converted to cropland and managed to a soil loss of T and managed in compliance with the SL-15B practice specification.

vi. This practice is not applicable on the same acreage associated with an active stream exclusion contract that is under lifespan, winter feeding facility, or feeding pad.

3. Cost-share and tax credit is authorized for:

i. Pack area sized based on the current herd size and planned feeding method, not to exceed 75 SF per animal unit. Pack area feeding or feed lane shall be sized based on the planned feeding method.

ii. Feed lane for a bedded pack facility. When a feed lane is utilized, a manure storage area sized based on livestock time at feed bunks, up to six (6) months storage of existing need.

iii. Water system components to provide a functional structure.

iv. Roofs over the feeding area and manure storage area and roof runoff system.

v. Establishment of permanent vegetative cover on acreage addressed by this practice.

vi. For individual components of animal waste systems, only if:

a. The DCR Ag BMP Engineer determines that the component stands alone as a measure that will significantly improve water quality and

b. Only where a no-discharge permit for a waste storage facility is not required.

vii. Appurtenances needed to contain manure within the facility.

4. Cost-share and tax credit is not authorized for:

i. Conversion to cropland of acreage addressed by this practice.

ii. Fencing and/or walkways.

iii. Storage of manure generated outside of this facility.

iv. Grazing Operations

v. Dry material, tillage, ventilation and/or aeration.

vi. Concrete floors for bedded pack facilities.

vii. Feed lane and associated manure storage for a manure pack facility.

5. Compliance checks are a required component of this practice and shall be performed in accordance with the schedule below:

- Year 1-All facilities and associated fields shall be checked to ensure compliance with this specification.
- If compliance is confirmed in Year 1, checks shall be performed on the following schedule. For example, the facility would be checked again in Years 4, 8 and 12.
- If the facility is found to be non-compliant, the identified practice failures procedure in the manual shall be followed. Once found to be in compliance, the facility shall be checked one year after compliance is achieved. If compliance is confirmed, checks shall resume in Years 4, 8 and 12.

5. The sizing calculations of the practice shall be reviewed and approved by the DCR Ag BMP Engineer (except for practices previously sized and engineered by NRCS) and shall be coordinated with the nutrient management plan so that adequate storage capacity is installed.

6. All appropriate local and state permits must be obtained before beginning construction.

7. Before cost-share or tax credits are provided, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on and all associated livestock production acreage. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner. Plans shall also contain any specific production management criteria designated in the BMP practice (4VAC50-85-130G).

8. This practice is subject to NRCS standards 313 Waste Storage Structure, 342 Critical Area Planting, 362 Diversion, 367 Roofs and Covers, 412 Grassed Waterway, 558 Roof Run Off Management, 561 Heavy Use Protection, 620 Underground Outlet, 633 Waste Recycling and 634 Waste Transfer.

9. All practice components implemented must be maintained for a minimum of 15 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

### **C. Rate(s)**

1. The state cost-share payment, alone or if combined with any other cost-share payment, will not exceed 75% of the total eligible cost. The maximum state payment for this practice is not to exceed \$100,000 per landowner per year.

2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00. 3. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

### **D. Technical Responsibility**

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Name of Practice: HARVESTABLE COVER CROP  
DCR Specifications for No. SL-8H

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's harvestable cover crop best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

~~Cost-share or tax~~ credits are provided for the establishment of vegetative cover on cropland for protection from raindrop and wind erosion and the reduction of nutrient losses to groundwater. Alternatively, participants certifying that they do not intend to utilize any available tax credits may be eligible for cost-share funds. This cover crop may be harvested after the requirements of this specification have been met.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. The primary purpose is to reduce winter rain and wind generated erosion; a secondary purpose is to reduce the leaching of nutrients to ground water. This practice is not intended to subsidize winter crop production.

B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
3. No nutrients from any sources are allowed between the harvesting of the previous crop and March 1 of the next calendar year, except that use of manure (with less than 40 lbs N. per acre tested value) ~~on up to 300 acres~~ is permitted if all of the following conditions are met:
  - i. ~~a~~ Animals are raised as part of the applicants operation,
  - ii. ~~I~~nadequate manure storage is available for the winter,
  - iii. ~~T~~here are no other vegetated acres available to safely utilize the manure, ~~and;~~ ~~and~~

- iv. Manure is applied in accordance with a nutrient management plan prepared by a Virginia certified nutrient management planner.
- 4. No nutrients may be applied at planting.
- ~~5. Cost share payments for this practice are limited to no more than 600 acres per applicant per District per year.~~
- ~~6.5.~~ If available as set forth in Section C. 1. of this specification, cost-share is provided as a flat rate per acre incentive to encourage proper establishment of vegetative cover and to offset a portion of the cost of seed and the seeding operation.
- ~~7.6.~~ A good stand and good growth of vegetative winter cover must be obtained by December 1 to protect the area from nutrient leaching and runoff in the fall and winter, with the exception of the cities of Chesapeake and Virginia Beach that have late November planting dates. All cover crop plantings must maintain a minimum of 60% cover crop plant material on the enrolled acres through the lifespan of the practice. (Ongoing research in Virginia's coastal plain indicates that a cereal grain crop with 30 plants per square foot of field planted with two tillers per plant (60 tillers per sq. ft.) by December 1 provides the optimum biomass for scavenging excess nitrogen while protecting the soil from erosion.)
- ~~8.7.~~ The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients, by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the cover crops environmental benefit in Virginia. The SL-8H is designed to provide an incentive to farmers to provide year round vegetative cover on as much acreage as possible; it is not intended to subsidize winter crops produced for commodity purposes.
- ~~9.8.~~ Harvesting for hay, haylage, silage, grain, or seed is permitted after March 14. Pasturing consistent with sound agronomic management is permitted as long as 60% cover is maintained through March 14.
- ~~10.9.~~ Land enrolled in this practice may not be enrolled in another state cover crop practice, and may not be converted to or from another cover crop practice.

11.10. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
Rye (Tetraploid)	2 bu./acre
Winter Rye (not tetraploid)	2 bu./acre
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat or Triticale	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) Diakon (forage or tillage) radish or	6 lb./ acre
c) canola or rape	4 lbs./acre
Diakon (forage or tillage) Radish	6-8 lbs./acre°
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre°
mixture with annual rye grass	10 lbs./acre

† legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings.

**Higher seeding rates are recommended for aerial seeding and non-incorporation seeding methods.**

12.11. Seeding of all seed types must be planted by the dates listed below:

Area	Planting Date
Cities of Chesapeake & VA Beach	November 10
Coastal Plain (including the Eastern Shore)	October 25
Piedmont	October 10
Mountain and Valley	October 5

13.12. Seeding rates shall be adjusted based on germination rates.

14.13. In all cases, this practice is subject to NRCS standard 340.

~~15.14.~~ The cover crop residue may be left on the field for conservation purposes; or the cover crop or its residue may be tilled under; or the cover crop may be harvested after March 14.

C. Rate(s)

1. For participants who certify in writing that they will not utilize the tax credit set forth above with regard to the implementation of this practice and who are not receiving payment for cover crops from another source on the same acreage, a state cost-share payment rate of **\$20** per acre is available. Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before December 1 and maintained through March 14, with the exception of the cities of Chesapeake and Virginia Beach that have late November planting dates
2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
3. The cost of fertilizer may not be considered when calculating the participant's tax credit. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

~~Certification from an Agricultural Best Management Practice Participant that  
a Tax Credit will not be Utilized~~

~~I, \_\_\_\_\_, hereby certify that I  
will not claim the tax credit which is available for participation in the Harvestable Cover  
Crop, SL-8H practice, and therefore I am eligible for cost share funding available under  
that practice for participants who do not wish to utilize the tax credit. I understand that  
any cost share funds received must be returned should I claim the tax credit.~~

~~Signed: \_\_\_\_\_~~

~~Date: \_\_\_\_\_~~

Name of Practice: SMALL GRAIN AND MIXED COVER CROP FOR NUTRIENT  
MANAGEMENT AND RESIDUE MANAGEMENT  
DCR Specifications for No. SL-8B

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's small grain cover crop for nutrient management and residue management best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Cost-share ~~and-or~~ tax credit are provided to establish vegetative cover on cropland for protection from erosion and the reduction of nutrient losses to groundwater.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. The purpose is to reduce erosion and the leaching of nutrients to ground water. This BMP is designed to utilize the maximum amount of residual nitrogen from previous surface nutrient applications and in the first three feet of the soil profile.

B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. No nutrients from any sources are allowed between the harvesting of the previous crop and March 1 of the next calendar year. No nutrients are allowed at planting.
3. Cost-share is provided as a variable flat rate per acre incentive to encourage proper establishment and to offset a portion of the cost of seed and the seeding operation.
4. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
5. A good stand and good growth of vegetative winter cover must be obtained by December 1 to protect the area from nutrient leaching and runoff in the fall and winter, with the exception of the cities of Chesapeake and Virginia Beach that have late November planting dates. All cover crop plantings must maintain a minimum of 60% cover crop plant material on the enrolled acres through the lifespan of the practice. (Ongoing research in Virginia's coastal plain indicates that a cereal grain

crop with 30 plants per square foot of field planted with two tillers per plant (60 tillers per sq. ft.) by December 1 provides the optimum biomass for scavenging excess nitrogen while protecting the soil from erosion)

6. Seeding rates shall be adjusted based on germination rates.
7. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients, by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the cover crops environmental benefit in Virginia. The SL-8B is not intended to subsidize crops produced for commodity purposes.
8. Harvesting for hay, haylage, silage, grain, straw or seed is not permitted. Pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14. **In years of drought if producers anticipate a need for additional feed harvest, they should apply for the SL-8H practice as harvest is not allowed under this practice.**
9. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
Rye (Tetraploid)	2 bu./acre
Winter Rye (not tetraploid)	2 bu./acre
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat or Triticale	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) Diakon (forage or tillage) radish or	6 lb./ acre
c) canola or rape	4 lbs./acre
Diakon (forage or tillage) Radish	6-8 lbs./acre <sup>°</sup>
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre <sup>°</sup>
mixture with annual rye grass	10 lbs./acre

† - legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

<sup>°</sup>Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings

**Higher seeding rates are recommended for aerial seeding and non-incorporation seeding methods.**

10. Seeding of all seed types must be planted by the dates listed below:

Area	Early Planting Date	Standard Planting Date
Cities of Chesapeake & VA Beach	November 10	November 30
Coastal Plain (including the Eastern Shore)	October 25	November 15
Piedmont	October 10	November 1
Mountain and Valley	October 5	October 25

11. In all cases, this practice is subject to NRCS standard 340.

12. The cover crop must be killed using mechanical or chemical means or by grazing no earlier than **March 15** and no later than June 1. The cover crop residue may be left on the field for conservation purposes; or the cover crop or its residue may be tilled under. The practice will be considered complete once the cover crop has served its purpose and been killed.

C. Rate(s)

1. For participants who certify in writing that they will not utilize the tax credit set forth below with regard to the implementation of this practice and who are not receiving payment for cover crops from another source on the same acreage, a state cost share payment rate of ~~\$2015~~ per acre; is available. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.
2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
3. A ~~\$2530~~ per acre early planting bonus is payable for cover crops planted on or before the early planting date specified for their physiographic region. Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before December 1 and maintained through March 14, with the exception of the cities of Chesapeake and Virginia Beach that have late November planting dates.

4. An **\$810** per acre bonus payment is available for all applicants that plant pure stands of Rye from the following list on or before either planting date.

i. The following list of rye cultivars are approved for the **\$810/acre** bonus payment.

6250 Abruzzi	Abruzzi
Virginia Abruzzi	<del>Dura</del> Early Grazer
<del>Early Grazer</del> Graze Master	Graze MasterGrazer
<del>Grazer</del> Pastar	PastarWheeler
<del>Wheeler</del> Wintergrazer 70	Wintergrazer 70Winterking
<del>Winterking</del>	

ii. OR, any other indeterminate growth tetraploid rye cultivar

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

~~Certification from an Agricultural Best Management Practice Implementer that  
a Tax Credit will not be Utilized~~

~~I, \_\_\_\_\_, hereby certify that I  
will not claim the tax credit which is available for participation in the Small Grain and  
Mixed Cover Crop for Nutrient and Residue Management, SL-8B practice, and therefore  
am requesting cost-share funding available under that practice for participants who do not  
wish to utilize the tax credit. I understand that any cost-share funds received must be  
returned should I claim the tax credit.~~

~~Signed: \_\_\_\_\_~~

~~Date: \_\_\_\_\_~~

Name of Practice:  
NUTRIENT MANAGEMENT PLAN WRITING and REVISIONS  
DCR Specification for No. NM-1A

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's nutrient management plan writing and revision best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

The development of a new nutrient management plan or the revision of a plan is needed to assure that implemented plans are accurate and up to date to minimize the impact of nutrients used in crop, pasture, specialty crop and hay production to the environment.

The purpose of this practice is to offer financial assistance to farmers and private certified nutrient management planners for the development or revision of nutrient management plans. Participants are provided an incentive to annually revise plans to accurately reflect field conditions so that farmers can maintain eligibility for other cost-share practices.

B. Policies and Specifications

Plans receiving cost share funding for development and revision under this practice must be implemented at, not to exceed, recommended nutrient application rates on all agricultural production acres in the FSA Tract to be in compliance with this specification.

1. Definitions

- i. A new plan is a nutrient management plan on acres that have never been planned or that were part of a previous plan that has been expired for over 18 months.
- ii. An **amended** Nutrient Management Plan is a current NMP that has been updated to accurately match current field crops and/or pasture management practices.
- iii. For this practice only, a **verified** nutrient management plan requires the planner and farmer review the plan and verify that the plan accurately matches current field crops, hay or pasture management practices.
- iv. A **revised** Nutrient Management Plan is a plan that has expired within the last 18 months, and has been rewritten to accurately match actual field crops and management practices.
- v. **Cropland** is defined in the Nutrient Management Training and Certification Regulations as land used for the production of grain, oilseeds, silage, or industrial crops.
- vi. **Hay** is defined as a grass, legume, or other plants, such as clover or alfalfa, which is cut and dried for feed, bedding, or mulch.
- vii. **Pasture** is defined as land that supports the grazing of animals for forages.
- viii. **Specialty Crop** is defined as vegetables, tree crops, perennial vine crops, ornamentals, horticultural crops, turf and other similar crops.

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## 2. Eligibility

- i. This practice applies to crop, hay, specialty crop and pasture lands. Permanent pasture acres are eligible for cost-share under this practice.
- ii. The plan must cover at least twelve months of crop and management practices after the signature date on the NMP cover sheet.
- iii. NMP's approved by DCR as part of a VPA or VPDES permit meet the NMP component of this practice. To be eligible for cost-share funding, nutrient management plans must contain an aerial photograph, and scaled map. Such map shall include FSA Tract and Field numbers, and field acreages as outlined in (4VAC50-85-130 D. 2 & 3).
- iv. Cropland, which may receive applications of pelletized Class A biosolids that do not require a permit, is eligible as these products are considered commercial fertilizer.
- v. New plans shall be written for a period of one to three years. Plans shall be verified at one-year intervals for the life of the plan as needed to assure an accurate and up to date match of actual field crops or pasture management practices. Before cost-share payment can be made the following items must be submitted:
  - a. A complete copy of the nutrient management plan, containing the planner's Virginia Nutrient Management Certificate number;
  - b. An invoice for planning services of the private certified planner;
  - c. A completed Imported Manure Supplier Verification form (if applicable); and
  - d. The acreage receiving (i) mechanically applied on-farm generated animal manure or a combination of mechanically applied on-farm generated animal manure and commercial fertilizer and (ii) the acreage receiving only commercial fertilizer and/or imported animal manure must be submitted to the District before cost share reimbursement for writing the plan can be disbursed.
- vii. Plans must be developed based on soil analyses taken within a three year period prior to the start date of the plan and must be performed by soil testing laboratories approved by DCR.
- viii. Participants may redirect their cost-share payment to their private certified nutrient management planner by signing a written statement to that effect. A sample statement is attached to this specification.
- ix. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).

- x. An applicant is eligible to apply for NM-1A in conjunction with RMP-1 for the development of a new NM plan or for revision of an expired plan.
- xi. In order to verify implementation of the NMP, an applicant must provide to the District:
  - a. a completed verification form (DCR199-244) (04/18); or
  - b. a statement signed by the Nutrient Management Planner and producer that nutrients were applied during this period according to a NMP.

For acres that have not had a NMP written for them within the last 12 months this requirement is waived.

3. Ineligible

- i. The preparation of nutrient management plans as a component of biosolids (sewage sludge) application permitting is **NOT ELIGIBLE** for cost-share. Land that is permitted for biosolids applications is eligible for payment except for the year that the biosolids application occurs.
- ii. Planners will not be paid for plans that are developed without the collaboration and support of the operator. The plan must be reviewed and signed by the certified planner when amended or revised as needed to match planned crop rotations and management practices of the operator.
- iii. Any amended NMP that is included as part of a Resource Management Plan that receives cost-share funds from the RMP-1 BMP may not also receive cost-share funds under the NM-1A.

This is an annual practice. The Cost-share payment will be issued annually. Applicants may reapply for NM-1A cost-share funding each year. There is no guarantee that cost-share funds will be approved by the local District.

C. Rate(s)

- 1. The cost share rate is **\$2.00 per acre** for all eligible acres on a Tract that receive only commercial fertilizer, or a combination of **imported** animal manure and commercial fertilizer. Any manure applied must be from a farm within Virginia to receive cost share payment. Any Tract that receives only commercial fertilizer or a combination of imported animal manure and commercial fertilizer during the planning period should be paid **\$2.00/acre** for those acres that are newly planned, modified or revised.
- 2. The cost share rate is **\$4.00 per acre** for all acres on a Tract. Eligible acres include crop, hay, or pasture fields that receive the participant's mechanically applied **on-farm generated** animal manure, or a combination of the participant's mechanically applied on-farm generated manure and commercial fertilizer. Any Tract that receives mechanically applied on-farm generated animal manure or a combination of mechanically applied on farm generated animal manure and commercial fertilizer during the planning period should be paid **\$4.00/acre** for those acres that are newly planned, modified or revised. Participants must provide the District a copy of the current plan, which includes amendments

or revisions that match all management practices to be implemented in the cropping year to the District to receive the annual payment.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

**Planner/Producer Statement of Nutrient Management Plan Implementation for NM-1A**

Using a written or digital record keeping system, I have diligently recorded all nutrient applications to the fields in my nutrient management plan for the period (month/year) through (month/year) to the crops specified in my nutrient management plan.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
(producer signature) (date signed)

I have reviewed application records kept by (producer name) and I hereby certify that those records have supplied sufficient information to show the producer has applied the proper materials and nutrient rates to at least 85% of the field acres as specified in the nutrient management plan covering (month/year) through (month/year).

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
(planner signature that wrote the plan ) (date signed) NMP Cert. No. \_\_\_\_\_

**Imported Manure Supplier Verification**  
**(Required for NM-1A)\***

\_\_\_\_\_, located at \_\_\_\_\_ is the  
(Name of supplier) (Address of manure location)

source of \_\_\_\_\_ and can supply  
(List type of manure as used in the nutrient management plan)

\_\_\_\_\_ for plan years beginning  
(List the total amount of manure for all plan years)

\_ through \_\_\_\_\_. I understand it is my responsibility (List season/year)  
(List season/year)

to apply this manure in the designated fields at the rates and times of year as stated in my  
Nutrient Management Plan.

\_\_\_\_\_ (Name of Contact Person for Manure Supply)

\_\_\_\_\_ (Phone Number of Contact Person for Manure Supply)

\_\_\_\_\_  
(Receiving farmer/participant's signature)

\_\_\_\_\_  
(Date)

\* (Complete this form for NM-1A, ONLY when imported manure is part of the plan  
recommendations.)

**ASSIGNMENT OF NUTRIENT MANAGEMENT PLAN WRITING AND REVISIONS (NM-1A)  
COST-SHARE PAYMENT AUTHORIZATION**

I \_\_\_\_\_, do hereby direct  
Name

the \_\_\_\_\_ District to pay any and all cost-  
share funds disbursed under the

NUTRIENT MANAGEMENT PLAN WRITING and REVISIONS (NM-1A) to

\_\_\_\_\_, of  
Name

\_\_\_\_\_ for  
Business

services provided during development of my Nutrient Management Plan. It is further acknowledged that an  
IRS form 1099 in the amount of the payment will be sent directly to the above identified contractor.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Neither the local District nor the Virginia Department of Conservation and Recreation (DCR) is providing tax advice; the program participant may wish to consult with an independent tax advisor regarding potential tax consequences.

Name of Practice: PRECISION NUTRIENT MANAGEMENT ON CROPLAND –  
NITROGEN APPLICATION  
DCR Specification for No. NM-5N

A. Description and Purpose

This practice will encourage the use of precision nutrient management practice components that support a higher intensity of nitrogen management in the field than existing standard nutrient management practices. This practice is limited to row crops, small grains and highly managed hayland (see glossary for definition) production systems.

This practice supports multiple enhanced nutrient management components such as soil (pre-sidedress) nitrate tests (PSNT), and all variable rate nitrogen application technologies. This practice may only be used on fields that apply nitrogen based upon test results identified in section B, whether they have organic nutrient applications or not, with the exception of Biosolids applications.

Multiple split applications (more than two) of nitrogen applies to corn, cotton, small grains crops, grain sorghum/milo, canola, specialty crops, produce, turf.sod farms and highly managed hayland. This practice does apply to the late winter split application of nitrogen on small grains. The variable rates of nitrogen listed below (~~in B.-2.~~) apply to all row and highly managed hay crops (other than alfalfa, which is not eligible). Other macro–micro nutrients or soil amendments may be applied concurrently.

B. Policies and Specifications

1. This is an annual practice. Results from the test conducted to develop a nitrogen application prescription must be used to determine the nutrient application rates for the current or following crop as appropriate; that prescription must be followed during the rate of application of nitrogen.
2. At least one of the following identified components must be implemented to receive any cost-share payment for this practice.
  - i. Soil (pre-sidedress) nitrate test (PSNT); Plant tissue samples or petiole samples must be submitted at the correct growth stage and handled in accordance with laboratory guidelines to ensure sample viability and usability. The results of these tests may be used by the participant to support this practice.
  - ii. Variable rate nitrogen applications based upon the soil test results of (subfield) sampling; other macro-micro nutrients may be applied concurrently
  - iii. Variable rate or zone application of nitrogen on row crops, specialty crops or small grains
  - ~~iv.~~ Multiple (more than two) Three or more split applications of nitrogen on corn, cotton and small grains.
  - ~~iv.v.~~ Two or more split sidedress applications of nitrogen on corn or cotton
  - ~~v.vi.~~ More than two Two or more applications of nitrogen on highly

managed hayland production systems (other than alfalfa, which is not eligible).

~~vi.~~ vii. Injection at sidedress.

3. On fields that have organic sources of nitrogen applied during the crop year or in previous years, or if high residual nitrogen levels are suspected from a previous crop, fall nitrogen rates shall be determined by a soil nitrate test.

4. All split applications will be applied at a growth stage when the plant is entering the highest demand for nitrogen. Application of any sidedress nitrogen, including the first split, must be applied after the corn is at the 5-leaf stage or at least 12" in height.

3.5. Subsequent sidedress applications must be applied at least 14 days after the most recent application.

4.6. Total nitrogen application rates (including pre-plant and sidedress) on corn shall not exceed 1 lb./bu. expected crop yield.

Where this practice is applied, there must be a note to that effect in the narrative or elsewhere in the nutrient management plan indicating that the soils were sampled in an appropriate manner.

5.7. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).

6.8. Acres receiving a zero application rate based on a PSNT result also qualify for a payment rate of \$8 per acre.

7.9. The total number of acres that qualify for this practice will be based upon the total acres that were sampled in zones, had mid-season testing such as soil (Pre-sidedress) Nitrate Testing (PSNT), or received Variable Rate or Zone applications of nitrogen, based upon the zone or grid soil nitrate sampling.

8.10. Participants **shall** provide written verification of the recommendation and the resulting application(s) (examples include but are not limited to: results of laboratory test, a work order or bill; and as-applied application map of field) to the District within forty-five days of the final nitrogen application to verify that the recommendations were followed.

9.11. The participant **must** sign up for this practice before April 1<sup>st</sup> of each year that the practice will be utilized.

~~10.12.~~ Fields that have received applications of biosolids within the previous 24 months are not eligible.

12. Participants may **not** receive cost-share payments for NM-3C or NM-4 and NM-5N simultaneously on the same crop and field.

### C. Rates

1. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.

For participants who certify in writing (*see language on last page of this specification*) that they will not utilize the tax credit available for the implementation of this practice and who are not receiving payment for precision application of ~~nutrients~~nitrogen from any other funding source on the same acreage, a state cost share payment rate of 75% of the application charge, up to a maximum amount of \$8.00 per acre per year, is available for the acres receiving the variable rate or zone application of nitrogen or multiple split applications of nitrogen on corn, cotton and small grain; or more than two applications on highly managed hayland.

2. Costs for a pre-side dress nitrate test (PSNT) or fall soil nitrate test sample collection and analysis by a commercial laboratory that are used to implement this practice will be reimbursed at a flat rate of \$8.00 per sample, up to one+ PSNT per field. No per - sample cost-share is available for zone soil fertility testing. Many commercial applicators include zone pre-sidedress soil fertility sampling in their variable rate application charge

### D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2020~~19~~

~~Certification from an Agricultural Best Management Practice Participant that  
a Tax Credit will not be Utilized~~

I, \_\_\_\_\_, hereby certify that I will not claim the tax credit which is available for participation in the Precision Nutrient Management on Cropland—Nitrogen Application, NM-5N practice, and therefore I am eligible for cost share funding. I understand that any cost share funds received must be returned should I claim the tax credit.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name of Practice: PRECISION NUTRIENT MANAGEMENT ON CROPLAND –  
PHOSPHORUS APPLICATION  
DCR Specification for No. NM-5P

A. Description and Purpose

This practice will encourage the use of precision nutrient management practice components that support a higher intensity of phosphorous management in the field than existing standard nutrient management practices.

This practice is ~~limited to~~ intended for row crops, small grains, grain sorghum/milo, canola, specialty crops, produce, turf/sod farms and highly managed hayland including alfalfa hay production systems.

This practice supports multiple enhanced nutrient management components such as zone or grid soil fertility samples, and all variable rate phosphorous application technologies based upon the soil test results of zone or grid (subfield) sampling. This practice may only be used on fields that apply phosphorous based upon test results identified in section B.2., whether they have organic nutrient applications or not, with the exception of biosolids applications.

~~This practice supports multiple enhanced nutrient management components such as zone or grid soil fertility samples, and all variable rate phosphorous application technologies based upon the soil test results of zone or grid (subfield) sampling. This practice may only be used on fields that apply phosphorous based upon test results identified in section B.A. 2. whether they have organic nutrient applications or not, with the exception of biosolids applications.~~

The variable rates of phosphorus listed below (in B.1.) apply to all row crops, small grains and highly managed hay crops. Other macro-micro nutrients or soil amendments may be applied concurrently.

B. Policies and Specifications

1. This is an annual practice. Results from any test conducted to develop a phosphorous application prescription must be used to determine the phosphorous application rates for the current or following crop as appropriate, and that prescription must be followed during the application of phosphorous.
2. Phosphorous applications must be based upon the soil test results of zone or grid (subfield) sampling recommendations; other macro-micro nutrients may be applied concurrently.

~~Plant tissue samples or petiole samples must be submitted at the correct growth stage and handled in accordance with laboratory guidelines to ensure sample viability and usability. The results of these tests may be used by the participant to support this~~

| ~~practice.~~

3. Total phosphorus application rates shall not exceed the recommendations of the zone or grid sampling recommendations.
4. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the

Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).

5. The total number of acres that qualify for this practice will be based upon the total acres that were sampled in zones (zone shall be no larger than 20 acres and based upon soil type) grids (grid size shall be of 1 to 4 acres in size), or had mid-season testing such as variable rate or zone/grid (subfield) applications of phosphorus, based upon the zone or grid soil sampling recommendations.
6. The participant **must** provide written verification of the recommendation(s) and the resulting application(s) (examples include but are not limited to: results of laboratory test(s), a work order or detailed bill/invoice showing application rates, and an as-applied application map of field(s) to the District within forty-five days of the phosphorous application to verify that the recommendations were followed
7. The participant **must** sign up for this practice before April 1<sup>st</sup> of each year that the practice will be utilized.
8. Fields that have received applications of biosolids within the previous 24 months are not eligible.

#### C. Rates

1. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
2. For participants who certify in writing (*see language on last page of this specification*) that they will not utilize the tax credit set forth above with regard to the implementation of this practice and who are not receiving payment for precision application of phosphorus from another funding source on the same acreage, a state cost share payment rate of 75% of the application charge, up to a maximum amount of \$8.00 per acre, for the acres receiving variable rate zone or grid (subfield) application of phosphorous on row crops, small grains or highly managed hayland production systems.
3. No per sample cost-share is available for zone/grid (subfield) soil fertility testing. Many commercial applicators include zone/grid (subfield) soil fertility sampling in their variable rate application charge.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised ~~March, 2018~~ April, 2020

Certification from an Agricultural Best Management Practice Participant that  
a Tax Credit will not be Utilized

I, \_\_\_\_\_, hereby certify that I will not claim the tax credit which is available for participation in the Precision Nutrient Management on Cropland – Phosphorus Application, NM-5P practice, and therefore I am eligible for cost-share funding available under that practice for participants who do not wish to utilize the tax credit. I understand that any cost-share funds received must be returned should I claim the tax credit.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name of Practice: SPLIT APPLICATION OF NITROGEN ON CORN  
USING PRE-SIDEDRESS NITRATE TEST  
DCR Specification for No. NM-3C

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's Split Application of Nitrogen on Corn Using Pre-sidedress Nitrate Test (PSNT) practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will encourage the split application of nitrogen on corn. For fields receiving only nitrogen fertilizer; split applications will be based upon soil sample results and the Nutrient Management Plan (NMP). All secondary or split applications will be applied at a growth stage (15" to 24" tall) when the plant is entering the highest demand for nitrogen.

For fields that have previously received manure or biosolids applications according to the current NMP, a pre-sidedress nitrate test (PSNT) will be used to determine the amount of nitrogen, necessary in the split application.

B. Policies and Specifications

1. Eligibility:
  - i. Eligibility for this practice is limited to the length of the plan recommending the sidedress practice.
  - ii. Farmer must provide a written verification (such as a work order or bill) to the district within two weeks of the sidedress application when the application has been contracted out.
  - iii. The total number of corn acres specified by the nutrient management plan to be side dressed will determine the maximum acres to qualify, ~~with payment being made only to those acres which actually received a secondary application of nitrogen.~~
  - iv. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
  - v. District staff should utilize the NMP maps, nutrient balance sheets, and summary sheets to confirm practice implementation. A comparison between crop recommendations and in field conditions shall be used when certifying conservation practice compliance.

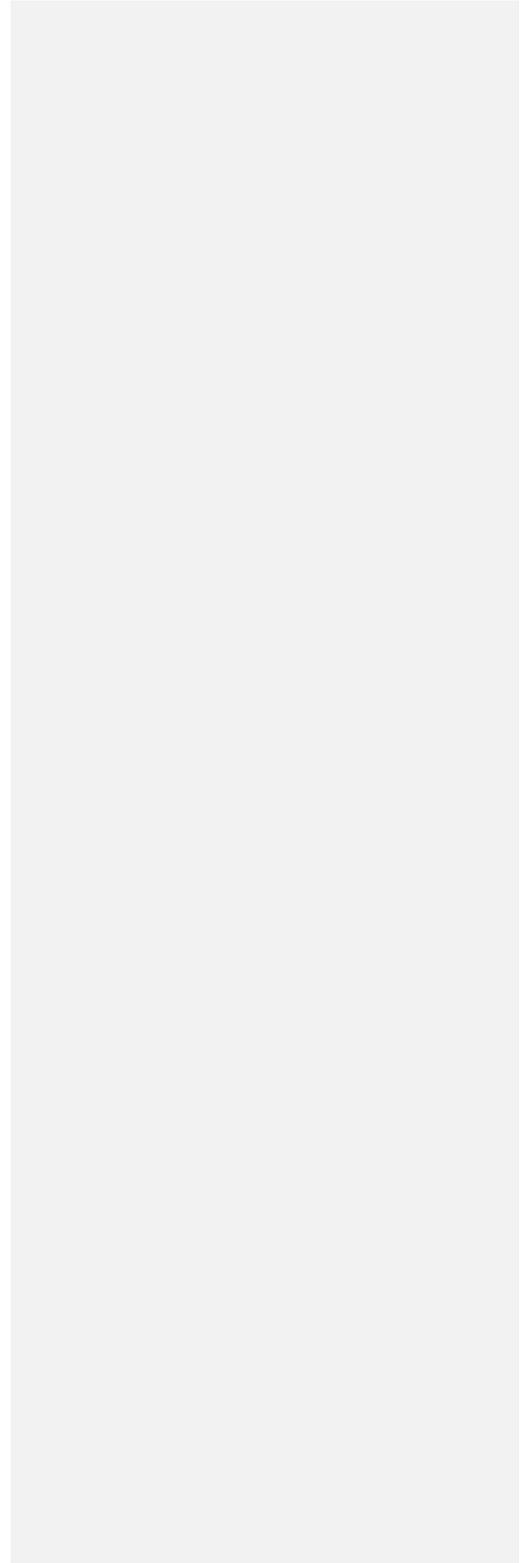
2. The total number of corn acres specified by the nutrient management plan to receive manure will determine the maximum acres to qualify for cost-share payment for the PSNT. Cost-share payment for PSNT laboratory analysis will be made only for those PSNT tests that are submitted for laboratory analysis.
  - i. The PSNT must be done when corn is approximately 12 inches in height.
  - ii. PSNT samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
3. Checks to ensure compliance with this practice may be conducted by the District or appropriate agency personnel and failure to comply may result in forfeiture of cost-share funds.
4. Farmer must sign-up prior to April 1 and provide a written verification of contracted split application cost (including the PSNT results) to the district within two weeks of the sample analysis.
5. Application of any sidedress nitrogen must be made after the corn is at the 6-leaf stage or at least 15" in height.
- ~~6.~~ Total nitrogen to be applied to the cornfield must be consistent with the nutrient management plan or determined by using a PSNT consistent with procedures contained in the Nutrient Management Training and Certification Regulations, 4VAC50-85 et. seq.
- ~~6-7.~~ Acres receiving a zero application rate based on a PSNT result also qualify for a payment rate of \$8 per acre. This is for manure only; biosolids are not eligible for payment.
- ~~7-8.~~ This is an annual practice.

C. Rate(s)

1. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
2. For participants who certify in writing (*see language on last page of this specification*) that they will not utilize the tax credit set forth above with regard to the implementation of this practice and who are not receiving payment for a split application of nutrients to corn from any other source on the same acreage, a state cost share payment rate of 75% of the application charge up to a maximum amount of \$6.00 per acre for the sidedress application, based on the contracted split application acreage. Producers applying their own split applications will receive \$6.00 per acre applied.
3. Costs for soil nitrate test sample collection and analysis by a commercial laboratory that are used to implement this practice will be reimbursed at a flat rate

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of \$8.00 per sample.



D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised March, 2018

Certification from an Agricultural Best Management Practice Participant that  
a Tax Credit will not be Utilized

I, \_\_\_\_\_, hereby certify that I will not claim the tax credit which is available for participation in the Split Application of Nitrogen to Corn Using Pre-Sidedress Nitrate Test, NM-3C practice, and therefore I am eligible for cost-share funding available under that practice for participants who do not wish to utilize the tax credit. I understand that any cost-share funds received must be returned should I claim the tax credit.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

8/29/19 - Stream Protection subcomm approved adding this to the FY21 manual's glossary

10/8/19 TAC suggested adding a clarifier that this definition is only for VACS and thus minimize the chance anyone would attempt to apply this definition for any other purpose.

THUS, the Stream Protection subcommittee on 10/28/19 approved adding the clarifier "...for the purpose of the Virginia Agricultural Cost Share Program."

***Live Stream/Water (for the purpose of the Virginia Agricultural Cost Share Program)***: A creek, stream, river or other water feature which has surface flow, or creates a surface flow, for a substantial portion of the year.

-from 7/31/19 "Guidelines for Determining Buffer Area for Stream Exclusion BMPs"

Name of Practice: STREAM EXCLUSION WITH NARROW WIDTH BUFFER AND  
GRAZING LAND MANAGEMENT  
DCR Specifications for No. SL-6N

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's stream exclusion with grazing land management best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

A structural and/or management practice that will enhance or protect vegetative cover to reduce runoff of sediment and nutrients from grazing livestock on existing pastureland through livestock exclusion.

Provide livestock water systems, fencing and/or a hardened pad for winter-feeding that will improve water quality control erosion and eliminate direct access to or a direct runoff input to all live streams or live water ~~where there is a defined water quality problem~~. **Stream exclusion fencing and an off-stream watering facility are required components of this practice.** Rotational grazing is an optional enhancement of this practice. The exclusion and/or rotational grazing system receiving cost share should reflect the least cost, technically feasible, environmentally effective approach to resolve the existing water quality problem.

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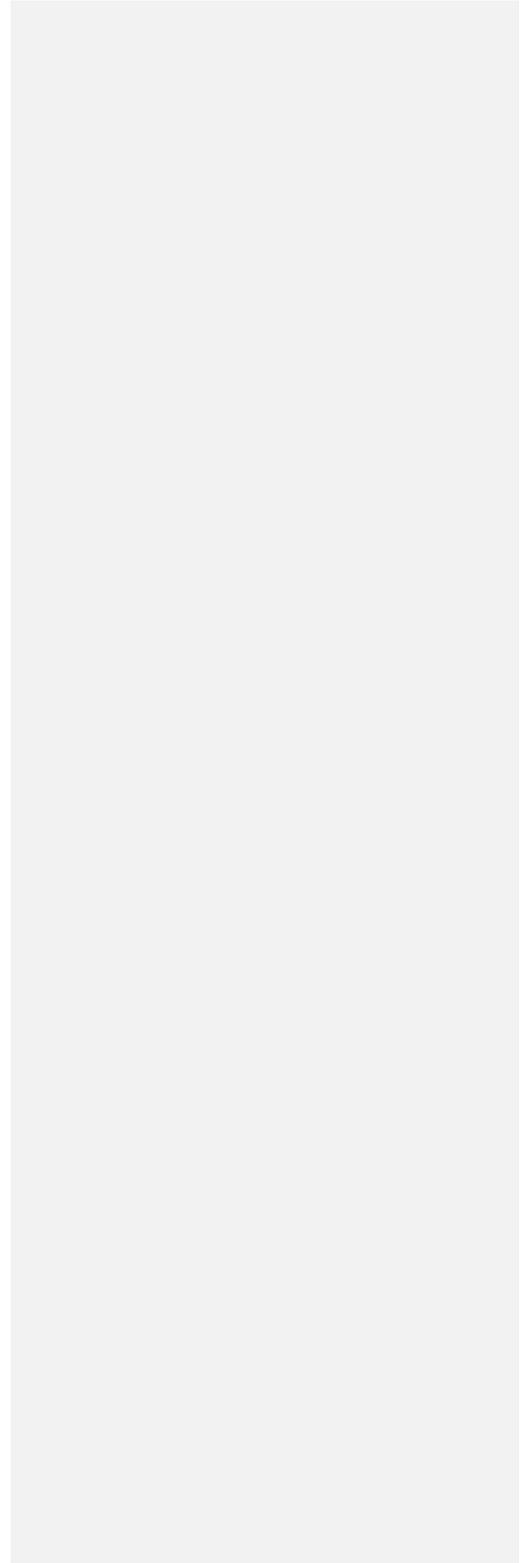
B. Policies and Specifications

1. State cost-share and tax credit on this practice are limited to pastureland that borders a live stream or Chesapeake Bay Preservation Act Resource Protection Area as defined by local ordinance. An exception to this may be granted in cases of severe environmental degradation occurring in and around features such as: springs, seeps, ponds, wetlands, or sinkholes, etc.
2. An applicant may not apply for or receive cost share funds for CRSL-6 and SL-6 practices funded by the Virginia Agricultural Best Management Practices Cost Share Program on the same fields.
3. A written management plan, to include a rotational grazing component if more than three new grazing units are created by the installation of interior fencing, and operation and maintenance plans must be prepared and followed in accordance with NRCS FOTG. Factors to be addressed in the management plan should include water sources, environmental impact of winter-feeding pad location, runoff from the feeding pad area, soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land and rotational schedules.

4. 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. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.
  
5. To protect stream banks, state cost-share and tax credit are authorized for:
  - i. Fencing to restrict stream access in connection with newly developed watering facilities. The stream exclusion fence must be placed a minimum of 10 feet ~~and up to 34.9 or 25~~ feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
    - a. Wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to streams should be included in the buffer area.
    - b. Isolated seeps, springs, wetlands, and ponds without direct connection to a stream may be fenced as well, but shall not be used as the sole criteria for determining eligibility for the SL-6 practice.
  - ii. Stream crossings for grazing distribution or limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
  - iii. Fence chargers used to electrify permanent or temporary fencing.
  
6. To supply an alternative watering system to grazing livestock, state cost-share and tax credit are authorized for:
  - i. Watering developments including:
    - a. Wells, including a permanently affixed pump and pumping accessories;
      - I) Districts may approve cost-share for dry wells and/or well location studies (geotechnical surveys) for the development of an alternative watering systems on a case by case basis and at the discretion of the District's Board.
      - II) Pumps and equipment associated with portable and permanent watering systems. ~~Pumps may operate on purchased electrical current or alternative energy sources such as solar, battery, mechanical or hydraulic energy.~~ The payment for the selected pump, provision of power, and associated equipment should be the most cost effective for the specific site and application. The replacement costs of pumps and pumping equipment components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.
    - b. Connection to existing water supply
    - c. Development of springs, seeps, or stream pickups, including fencing of the area, where needed, to protect the development

from pollution by livestock;

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- d. Ponds (if the only cost effective and technically feasible alternative for water source) including fencing of the area, where needed, to protect the development from pollution by livestock
      - e. Pumps and equipment associated with permanent watering systems.
    - ii. Watering facilities including:
      - a. troughs,
      - b. tanks/storage facilities/cisterns,
      - c. hydrants
    - iii. Pipelines to convey water to watering facilities.
    - iv. Stream crossings for limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
    - v. Portable water supply system components such as troughs, pipe, etc. that are:
      - a. Commercially available or farmer constructed,
      - b. Large enough to provide a timely and sufficient volume of water for the livestock to be contained in a specific area for which the system is designed,
      - c. Capable of being maintained in a stable position and protected from any damage while the system or component is in use, and
      - d. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
7. To establish pasture management through rotational grazing, state cost-share and tax credit are authorized for:
- i. Interior fencing and watering facilities that distribute grazing to improve water quality, when combined with the livestock exclusion component of this practice on an adjacent stream or sensitive feature. Consideration must be given, in such cases, to the additional management requirements of such systems.
  - ii. When more than three new grazing units are created by the installation of interior cross fencing, a written grazing management plan must be prepared and implemented. Input from the participant during the development of the plan is required.
8. To develop a hardened pad for winter-feeding of livestock state cost-share and tax credit are authorized for:
- i. Grading and shaping, geotextile fabric, gravel, concrete or bituminous concrete.
  - ii. The winter-feeding hardened pad will be cost shared based upon the existing herd size. Cost-share funds cannot be used to accommodate expansion of the herd size.
  - iii. All other means of reducing the environmental impact of the winterfeeding operation must be explored and rejected, due to economic

- inefficiency or lack of space for relocation, before cost-share or tax credit can be approved.
- iv. Cost-share funding for a hardened winter-feeding pad will only be authorized after the “Needs Determination Worksheet” has been completed, and all other methods of resolving the water quality degradation have been considered.
  - v. A nutrient management plan is required to properly manage the manure collected from around the feeding pad that addresses all enriched runoff and manure accumulations associated with the winter-feeding pad.
9. Portable or temporary system components (fencing, etc.) cannot be utilized in other areas or moved from fields utilized in the system plan. The replacement costs of portable components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.
  10. The conservation planning process for developing an alternative watering system for livestock should include consideration of some means to provide water to the livestock during emergency conditions. Generators for emergency use may not receive cost-share.
  11. The primary water use of the components which were installed with state cost share and tax credit must be for the purpose of providing water for livestock; however, incidental use is not prohibited. State cost-share and tax credit is not permitted for any electrical, structural, or plumbing supplies, including pipe, or associated construction costs for developing any incidental use. When an incidental use is anticipated, the District Board should consider the applicant's intent before approving the request. Incidental use will be documented in the applicant's file
  12. No state cost-share and tax credit is authorized under the practice for any installation that is:
    - i. PRIMARILY for wildlife, dry lot feeding, barn lots, or barns.
    - ii. To make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.
    - iii. For boundary fencing or water supply systems used to establish new pastures not currently in use.
    - iv. For interior fencing and watering facilities to distribute grazing in fields not receiving exclusion fence. (Applicant may apply for SL-7).
    - v. For the purpose of providing water for the farm or ranch headquarters
  13. Soil loss rates must be computed for all applications for use in establishing priorities for receiving cost share funds.
  14. All permits or approvals necessary are the responsibility of the applicant.

15. This practice is subject to NRCS Standards, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 516 Livestock Pipeline, 533 Pumping Plant, 561 Heavy Use Area Protection, 574 Spring Development, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility and 642 Water Well.
16. All practice components implemented must be maintained for a minimum of either 10 years or 15 years, as indicated in the table below, following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

C. Rate(s)

1. The state cost-share payment rates shall be based on the approved or actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The rates are:

Minimum fence setback (from the top of streambank)	Lifespan	Cost-share rate
25'	15 years	75%
	10 years	70%
10'	15 years	65%
	10 years	60%

~~2. The maximum state cost share payment for this practice will be \$100,000. Multiple SL-6s may be approved for funding in the same program year up to the cap.~~

~~3.2.~~ As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.

~~4.3.~~ If a participant receives cost-share from any source (state, federal, or private), only the percent of the total cost of the project that the applicant contributed is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as described above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April, 2019

**Needs Determination Worksheet for Winter-Feeding Pad  
for \_\_\_\_\_ project**

(To be completed by the conservationist; Use additional sheets as  
necessary)

*This practice is not designed to be cost-shared as a stand-alone practice, but rather as a component to address a limited site specific situation, where an existing concentrated feeding location, due to its proximity to surface water or karst formations, concentrates manure and generates contaminated runoff that cannot be treated in a more cost-effective manner (including relocation of existing feeding site and fencing of stream buffers). All other potential more cost-effective approaches to reducing the water quality impact from the existing feeding operation must be implemented prior to consideration of construction of a winter-feeding pad (see Policies and Specification section B 6-8.)*

Describe the current water quality problem? Have all other more cost-effective BMP approaches been implemented? If not do not provide cost-share. List approaches that have been considered.

Is there another location (further from the stream) that this feeding operation might be relocated to? If there is, relocate there and do not provide cost-share or provide environmental reasons why it cannot be relocated.

How many and what types of livestock will be fed at the facility? This facility should not be approved for cost-share unless a significant nutrient or bacterial contamination issue can only be cost-effectively resolved through the construction of the feeding pad. Explain the source and document the bacterial contamination being treated.

Is there an existing vegetated buffer between current the winter-feeding location and the closest waterway, are livestock excluded from the buffer and water feature? If animals have not been excluded from all water features on this tract, do not provide cost-share.

Describe the condition of the riparian area (starting at the top of the bank and proceeding upland for a minimum of 200 feet). If there is sufficient buffer width (200') that adequately treats contaminated run-off before it reaches the stream, do not provide cost-share.

How much pasture, hay land and cropland is available in this operation where the stored manure may be spread? If the available land cannot handle the anticipated amount of manure generated a plan must be developed for disposing of the manure in a manner consistent with existing nutrient management techniques.

Pasture acres \_\_\_\_\_ Hay acres \_\_\_\_\_ Cropland \_\_\_\_\_

What level of conservation planning has been accomplished on your operation?

What level of Conservation Plan implementation is in place on this operation?

Will the establishment of a winter-feeding pad in conjunction with stream fencing resolve all erosion, and bacterial contamination issues associated with this grazing system and feeding operation (including potential contaminated runoff from the winter feeding facility)? **If not, do not provide cost-share funds.**

Completed by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Name of Practice: STREAM EXCLUSION WITH WIDE WIDTH BUFFER AND GRAZING  
LAND MANAGEMENT  
DCR Specifications for No. SL-6W

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's stream exclusion with grazing land management best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

A structural and/or management practice that will enhance or protect vegetative cover to reduce runoff of sediment and nutrients from grazing livestock on existing pastureland through livestock exclusion.

Provide livestock water systems, fencing and/or a hardened pad for winter-feeding that will improve water quality control erosion and eliminate direct access to or a direct runoff input to all live streams or live water~~where there is a defined water quality problem.~~ **Stream exclusion fencing and an off-stream watering facility are required components of this practice.** Rotational grazing is an optional enhancement of this practice. The exclusion and/or rotational grazing system receiving cost share should reflect the least cost, technically feasible, environmentally effective approach to resolve the existing water quality problem.

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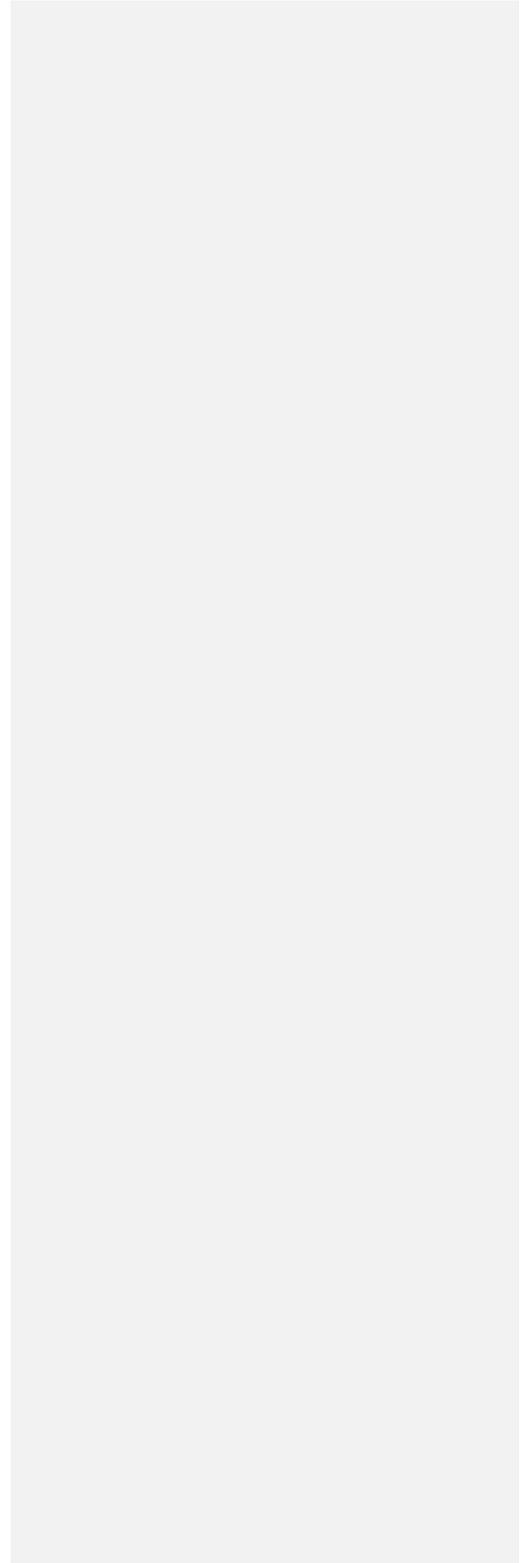
B. Policies and Specifications

1. State cost-share and tax credit on this practice are limited to pastureland that borders a live stream or Chesapeake Bay Preservation Act Resource Protection Area as defined by local ordinance. An exception to this may be granted in cases of severe environmental degradation occurring in and around features such as: springs, seeps, ponds, wetlands, or sinkholes, etc.
2. An applicant may not apply for or receive cost share funds for CRSL-6 and SL-6 practices funded by the Virginia Agricultural Best Management Practices Cost Share Program on the same fields.
3. A written management plan, to include a rotational grazing component if more than three new grazing units are created by the installation of interior fencing, and operation and maintenance plans must be prepared and followed in accordance with NRCS FOTG. Factors to be addressed in the management plan should include water sources, environmental impact of winter-feeding pad location, runoff from the feeding pad area, soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land and rotational schedules.

4. 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. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.
  
5. To protect stream banks, state cost-share and tax credit are authorized for:
  - i. Fencing to restrict stream access in connection with newly developed watering facilities. The stream exclusion fence must be placed a minimum of 35 or 50 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
    - a. Wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to streams should be included in the buffer area.
    - b. Isolated seeps, springs, wetlands, and ponds without direct connection to a stream may be fenced as well, but shall not be used as the sole criteria for determining eligibility for the SL-6 practice.
  - ii. Stream crossings for grazing distribution or limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
  - iii. Fence chargers used to electrify permanent or temporary fencing.
  
6. To supply an alternative watering system to grazing livestock, state cost-share and tax credit are authorized for:
  - i. Watering developments including:
    - a. Wells, including a permanently affixed pump and pumping accessories;
      - I) Districts may approve cost-share for dry wells and/or well location studies (geotechnical surveys) for the development of an alternative watering systems on a case by case basis and at the discretion of the District's Board.
      - II) Pumps and equipment associated with portable and permanent watering systems. ~~Pumps may operate on purchased electrical current or alternative energy sources such as solar, battery, mechanical or hydraulic energy.~~ The payment for the selected pump, provision of power, and associated equipment should be the most cost effective for the specific site and application. The replacement costs of pumps and pumping equipment components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.
    - b. Connection to existing water supply
    - c. Development of springs, seeps, or stream pickups, including fencing of the area, where needed, to protect the development

from pollution by livestock;

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- d. Ponds (if the only cost effective and technically feasible alternative for water source) including fencing of the area, where needed, to protect the development from pollution by livestock
      - e. Pumps and equipment associated with permanent watering systems.
    - ii. Watering facilities including:
      - a. troughs,
      - b. tanks/storage facilities/cisterns,
      - c. hydrants
    - iii. Pipelines to convey water to watering facilities.
    - iv. Stream crossings for limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
    - v. Portable water supply system components such as troughs, pipe, etc. that are:
      - a. Commercially available or farmer constructed,
      - b. Large enough to provide a timely and sufficient volume of water for the livestock to be contained in a specific area for which the system is designed,
      - c. Capable of being maintained in a stable position and protected from any damage while the system or component is in use, and
      - d. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
7. To establish pasture management through rotational grazing, state cost-share and tax credit are authorized for:
- i. Interior fencing and watering facilities that distribute grazing to improve water quality, when combined with the livestock exclusion component of this practice on an adjacent stream or sensitive feature. Consideration must be given, in such cases, to the additional management requirements of such systems.
  - ii. When more than three new grazing units are created by the installation of interior cross fencing, a written grazing management plan must be prepared and implemented. Input from the participant during the development of the plan is required.
8. To develop a hardened pad for winter-feeding of livestock state cost-share and tax credit are authorized for:
- i. Grading and shaping, geotextile fabric, gravel, concrete or bituminous concrete.
  - ii. The winter-feeding hardened pad will be cost shared based upon the existing herd size. Cost-share funds cannot be used to accommodate expansion of the herd size.

- iii. All other means of reducing the environmental impact of the winterfeeding operation must be explored and rejected, due to economic inefficiency or lack of space for relocation, before cost-share or tax credit can be approved.
  - iv. Cost-share funding for a hardened winter-feeding pad will only be authorized after the “Needs Determination Worksheet” has been completed, and all other methods of resolving the water quality degradation have been considered.
  - v. A nutrient management plan is required to properly manage the manure collected from around the feeding pad that addresses all enriched runoff and manure accumulations associated with the winter-feeding pad.
9. Portable or temporary system components (fencing, etc.) cannot be utilized in other areas or moved from fields utilized in the system plan. The replacement costs of portable components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.
10. The conservation planning process for developing an alternative watering system for livestock should include consideration of some means to provide water to the livestock during emergency conditions. Generators for emergency use may not receive cost-share.
11. The primary water use of the components which were installed with state cost share and tax credit must be for the purpose of providing water for livestock; however, incidental use is not prohibited. State cost-share and tax credit is not permitted for any electrical, structural, or plumbing supplies, including pipe, or associated construction costs for developing any incidental use. When an incidental use is anticipated, the District Board should consider the applicant's intent before approving the request. Incidental use will be documented in the applicant's file
12. No state cost-share and tax credit is authorized under the practice for any installation that is:
- i. PRIMARILY for wildlife, dry lot feeding, barn lots, or barns.
  - ii. To make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.
  - iii. For boundary fencing or water supply systems used to establish new pastures not currently in use.
  - iv. For interior fencing and watering facilities to distribute grazing in fields not receiving exclusion fence. (Applicant may apply for SL-7).
  - v. For the purpose of providing water for the farm or ranch headquarters.

13. Soil loss rates must be computed for all applications for use in establishing priorities for receiving cost share funds.
14. All permits or approvals necessary are the responsibility of the applicant.
15. This practice is subject to NRCS Standards, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 516 Livestock Pipeline, 533 Pumping Plant, 561 Heavy Use Area Protection, 574 Spring Development, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility and 642 Water Well.
16. All practice components implemented must be maintained for a minimum of either 10 years or 15 years, as indicated in the table below, following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

C. Rate(s)

1. The state cost-share payment rates shall be based on the approved or actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The buffer payment rates shall be provided for a maximum of 10 acres. The rates including the buffer payment rates are:

Minimum fence setback (from the top of streambank)	Lifespan	Cost-share rate	Buffer payment rate	Buffer payment cap
50'	15 years	100%	\$80 per acre per year	\$12,000 per contract
	10 years	95%	\$80 per acre per year	\$8,000 per contract
35'	15 years	90%	\$80 per acre per year	\$12,000 per contract
	10 years	85%	\$80 per acre per year	\$8,000 per contract

~~NOTE: For the purposes of calculating buffer acres, measurements are capped at 100 feet from the top of streambank or 1/3 of the floodplain up to 300 feet.~~

~~NOTE: The Buffer payment cap is the maximum a participant can be paid per tract even when multiple SL-6W and/or WP-2W practices are approved in a given program year.~~

- ~~2. The maximum state cost share payment for this practice will be \$100,000. Multiple SL-6s may be approved for funding in the same program year up to the cap.~~

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~~3-2.~~ As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.

~~4-3.~~ If a participant receives cost-share from any source (state, federal, or private), only the percent of the total cost of the project that the applicant contributed is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as described above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April, 2019

**Needs Determination Worksheet for Winter-Feeding Pad  
for \_\_\_\_\_ project**

(To be completed by the conservationist; Use additional sheets as  
necessary)

*This practice is not designed to be cost-shared as a stand-alone practice, but rather as a component to address a limited site specific situation, where an existing concentrated feeding location, due to its proximity to surface water or karst formations, concentrates manure and generates contaminated runoff that cannot be treated in a more cost-effective manner (including relocation of existing feeding site and fencing of stream buffers). All other potential more cost-effective approaches to reducing the water quality impact from the existing feeding operation must be implemented prior to consideration of construction of a winter-feeding pad (see Policies and Specification section B 6-8.)*

Describe the current water quality problem? Have all other more cost-effective BMP approaches been implemented? If not do not provide cost-share. List approaches that have been considered.

Is there another location (further from the stream) that this feeding operation might be relocated to? If there is, relocate there and do not provide cost-share or provide environmental reasons why it cannot be relocated.

How many and what types of livestock will be fed at the facility? This facility should not be approved for cost-share unless a significant nutrient or bacterial contamination issue can only be cost-effectively resolved through the construction of the feeding pad. Explain the source and document the bacterial contamination being treated.

Is there an existing vegetated buffer between current the winter-feeding location and the closest waterway, are livestock excluded from the buffer and water feature? If animals have not been excluded from all water features on this tract, do not provide cost-share.

Describe the condition of the riparian area (starting at the top of the bank and proceeding upland for a minimum of 200 feet). If there is sufficient buffer width (200') that adequately treats contaminated run-off before it reaches the stream, do not provide cost-share.

How much pasture, hay land and cropland is available in this operation where the stored manure may be spread? If the available land cannot handle the anticipated amount of manure generated a plan must be developed for disposing of the manure in a manner consistent with existing nutrient management techniques.

Pasture acres \_\_\_\_\_ Hay acres \_\_\_\_\_ Cropland \_\_\_\_\_

What level of conservation planning has been accomplished on your operation?

What level of Conservation Plan implementation is in place on this operation?

Will the establishment of a winter-feeding pad in conjunction with stream fencing resolve all erosion, and bacterial contamination issues associated with this grazing system and feeding operation (including potential contaminated runoff from the winter feeding facility)? **If not, do not provide cost-share funds.**

Completed by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Name of Practice: STREAM PROTECTION  
(FENCING WITH NARROW WIDTH BUFFER)  
DCR Specifications for No. WP-2N

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's stream protection best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Protection by fencing along all ~~live water bodies and~~ streams or live water in a field, to reduce erosion, sedimentation, and the pollution of water from agricultural nonpoint sources.

The purpose of this practice is to offer an incentive that will change land use or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for:
  - i. Permanent fencing to protect streambanks from damage by domestic livestock. Cost-share may be authorized for fencing as a single eligible component that stands alone as a measure that will significantly improve water quality.
  - ii. To provide access to water for livestock by installing livestock crossings that will retard sedimentation and pollution. When no other water source is feasible or exists, a controlled hardened access may be used to provide livestock access to the water. The installation of livestock crossings and controlled hardened accesses is limited to small streams. When required, permits must be obtained by the applicant from authorities before the practice will be approved.
  - iii. Fencing may be authorized as a single eligible component only if all of the following apply:
    - (a.) The fence is placed a minimum of 10 feet ~~and up to 34.9 feet~~ or 25 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses. Note: For stream protection projects with a buffer of 35 feet or greater, please use WP-2W.
    - (b.) Wetlands, intermittent springs, seeps and gullies adjacent to streams should be included in the buffer area. Isolated seeps, springs or wetlands may be fenced as well.
    - (c.) There is adequate natural or planted vegetation between the fence and the stream to serve as an effective filter strip to improve water quality.

2. 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. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.
3. Cost-share and tax credit are not authorized for:
  - i. Boundary fence if it is being used to bring new pasture into production. If the stream is the barrier currently confining the livestock, then fencing is allowed.
  - ii. Interior cross fencing that does not exclude livestock from the stream.
  - iii. Rebuilding of existing fence.
  - iv. Temporary fencing.
  - v. Hardened travel lanes that are not attached to a crossing or limited access.
4. The conservation planning process for developing an alternative watering system for livestock should include consideration of some means to provide water to the livestock during emergency conditions. Generators may not receive cost-share.
5. Wildlife, environmental, and livestock shade considerations must be given when designing the practice.
6. This is a one-time incentive payment not eligible for reapplication on the same site. Life span requirements can be waived if damaged by flooding.
7. Soil loss rates must be computed for all practices for use in establishing priority considerations.
8. This practice phase is subject to NRCS Standards 342 Critical Area Planting, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 575 Trails and Walkways and 578 Stream Crossing.
9. All practice components implemented must be maintained for a minimum of either 5 years or 10 years, as indicated in the table below, following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

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C. Rate(s)

1. The state cost-share payment rates shall be based on the approved or actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The rates are:

Minimum fence setback (from the top of streambank)	Lifespan	Cost-share rate
25'	10 years	70%
	5 years	65%
10'	10 years	60%
	5 years	55%

~~2. The maximum state cost share payment for this practice will be \$100,000.~~

~~3.2.~~ As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.

~~4.3.~~ If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

Name of Practice: STREAM PROTECTION  
(FENCING WITH WIDE WIDTH BUFFER)  
DCR Specifications for No. WP-2W

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's stream protection best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Protection by fencing along all ~~live water bodies and~~ streams or live water in a field, to reduce erosion, sedimentation, and the pollution of water from agricultural nonpoint sources.

The purpose of this practice is to offer an incentive that will change land use or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for:
  - i. Permanent fencing to protect streambanks from damage by domestic livestock. Cost-share may be authorized for fencing as a single eligible component that stands alone as a measure that will significantly improve water quality.
  - ii. To provide access to water for livestock by installing livestock crossings that will retard sedimentation and pollution. When no other water source is feasible or exists, a controlled hardened access may be used to provide livestock access to the water. The installation of livestock crossings and controlled hardened accesses is limited to small streams. When required, permits must be obtained by the applicant from authorities before the practice will be approved.
  - iii. Fencing may be authorized as a single eligible component only if all of the following apply:
    - (a.) The fence is placed a minimum of 35 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
    - (b.) Wetlands, intermittent springs, seeps and gullies adjacent to streams should be included in the buffer area. Isolated seeps, springs or wetlands may be fenced as well.
    - (c.) There is adequate natural or planted vegetation between the fence and the stream to serve as an effective filter strip to improve water quality.

2. 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. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.

2.

3. Cost-share and tax credit are not authorized for:
  - i. Boundary fence if it is being used to bring new pasture into production. If the stream is the barrier currently confining the livestock, then fencing is allowed.
  - ii. Interior cross fencing that does not exclude livestock from the stream.
  - iii. Rebuilding of existing fence.
  - iv. Temporary fencing.
  - v. Hardened travel lanes that are not attached to a crossing or limited access.
4. The conservation planning process for developing an alternative watering system for livestock should include consideration of some means to provide water to the livestock during emergency conditions. Generators may not receive cost-share.
5. Wildlife, environmental, and livestock shade considerations must be given when designing the practice.
6. This is a one-time incentive payment not eligible for reapplication on the same site. Life span requirements can be waived if damaged by flooding.
7. Soil loss rates must be computed for all practices for use in establishing priority considerations.
8. This practice phase is subject to NRCS Standards 342 Critical Area Planting, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 575 Trails and Walkways and 578 Stream Crossing.
9. All practice components implemented must be maintained for a minimum of either 5 years or 10 years, as indicated in the table below, following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

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C. Rate(s)

1. The state cost-share payment rates shall be based on the approved or actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The buffer payment rates shall be provided for a maximum of 10 acres. The rates including the buffer payment rates are:

Minimum fence setback (from the top of streambank)	Lifespan	Cost-share rate	Buffer payment rate	Buffer payment cap
35'	10 years	80%	\$80 per acre per year	\$8,000 per contract
	5 years	75%	\$80 per acre per year	\$4,000 per contract

~~—NOTE: The Buffer payment cap is the maximum a participant can be paid per tract even when multiple SL-6W and/or WP-2W practices are approved in a given program year. NOTE: For the purposes of calculating buffer acres, measurements are capped at 100 feet from the top of streambank or 1/3 of the floodplain up to 300 feet.~~

~~2. The maximum state cost-share payment for this practice will be \$100,000.~~

~~3.2.~~ As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.

~~4.3.~~ If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

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Continuing Conservation Initiative  
Name of Practice: STREAM EXCLUSION – MAINTENANCE PRACTICE  
DCR Specifications for No. CCI-SE-1

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation’s continuous conservation initiative stream maintenance exclusion best management practice that are applicable to all contracts entered into with respect to that practice

A. Description and Purpose

Protection by fencing along ~~all livewater bodies and 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.

The purpose of this practice is to offer an incentive payment to maintain fences that exclude livestock, maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required a fence shall exclude livestock from the water feature at all times during the life span of this practice.
2. The practice must not be in lifespan from any other conservation program.
3. The maintenance and use of existing stable livestock crossings and controlled hardened accesses is allowed.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.
5. The participant is responsible for inspecting and maintaining all fencing for the lifetime of the practice. In the event the fencing is damaged or destroyed it is the responsibility of the participant to repair or replace with no additional CCI funding.
6. This practice is subject to spot checks from District staff annually for the life of the practice.

7. This practice is eligible for re-enrollment.
8. All practice components implemented must be maintained for a minimum of 5 years following the calendar year of certification. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a cost-share payment for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share.

C. Rate(s)

The state cost share rate is a single payment of \$0.50 per linear foot of stream bank or water feature protected, paid upon certification. The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened livestock accesses).

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April, 2019

Continuing Conservation Initiative  
Name of Practice: STREAM EXCLUSION WITH NARROW WIDTH BUFFER –  
MAINTENANCE PRACTICE  
DCR Specifications for No. CCI-SL-6N

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's continuous conservation initiative stream exclusion maintenance best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Protection by fencing along ~~all live water bodies and 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.

The purpose of this practice is to offer an incentive payment to maintain exclusion fences, water systems and associated components [watering systems (wells, pumps, pressure tanks, pipelines, troughs, spring developments) livestock crossings, and hardened accesses) that together maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion components to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required a fence shall exclude livestock from the water feature at all times during the life span of this practice. The stream exclusion fence must be placed a minimum of 10 feet, up to 25 feet, away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
2. The practice must not be in lifespan from any other conservation program.
3. The maintenance and use of existing water systems (wells, pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stable livestock crossings, and controlled hardened accesses are required.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.

5. The participant is responsible for inspecting and maintaining all fencing, watering systems (wells pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stream crossings and hardened accesses associated with the practice during its lifespan. In the event these components are damaged or destroyed, it is the responsibility of the participant to repair or replace them with no additional CCI funding.
6. This practice is subject to spot checks from District staff annually for the life of the practice.
7. This practice is eligible for re-enrollment.
8. All practice components implemented must be maintained for a minimum of 5 years following the calendar year of certification. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a cost-share payment for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share.

C. Rate(s)

The state cost-share rate is a single payment of \$0.75 per linear foot of stream bank or water feature protected, as well as \$250 per trough, \$500 per stream crossing, and \$1,000 per water system. Payment will be made after a field visit by District staff documents all components are functioning as intended and any needed maintenance has been addressed.

The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened crossings).

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

Continuing Conservation Initiative  
Name of Practice: STREAM EXCLUSION WITH WIDE WIDTH BUFFER –  
MAINTENANCE PRACTICE  
DCR Specifications for No. CCI-SL-6W

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's continuous conservation initiative stream exclusion maintenance best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Protection by fencing along ~~all livewater bodies and 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.

The purpose of this practice is to offer an incentive payment to maintain exclusion fences, water systems and associated components [watering systems (wells, pumps, pressure tanks, pipelines, troughs, spring developments] livestock crossings, and hardened accesses) that together maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion components to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required a fence shall exclude livestock from the water feature at all times during the life span of this practice. The stream exclusion fence must be a minimum of 35 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
2. The practice must not be in lifespan from any other conservation program.
3. The maintenance and use of existing water systems (wells, pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stable livestock crossings, and controlled hardened accesses are required.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.

5. The participant is responsible for inspecting and maintaining all fencing, watering systems (wells pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stream crossings and hardened accesses associated with the practice during its lifespan. In the event these components are damaged or destroyed, it is the responsibility of the participant to repair or replace them with no additional CCI funding.
6. This practice is subject to spot checks from District staff annually for the life of the practice.
7. This practice is eligible for re-enrollment.
8. All practice components implemented must be maintained for a minimum of 5 years following the calendar year of certification. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a cost-share payment for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share.

C. Rate(s)

The state cost-share rate is a single payment of \$1.25 per linear foot of stream bank or water feature protected, as well as \$250 per trough, \$500 per stream crossing, and \$1,000 per water system. Payment will be made after a field visit by District staff documents all components are functioning as intended and any needed maintenance has been addressed.

The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened crossings).

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

Continuing Conservation Initiative  
Name of Practice: STREAM PROTECTION WITH NARROW WIDTH BUFFER –  
MAINTENANCE PRACTICE  
DCR Specifications for No. CCI-WP-2N

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's continuous conservation initiative stream exclusion best management practice that are applicable to all contracts entered into with respect to that practice

A. Description and Purpose

Protection by fencing along ~~all live water bodies and 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.

The purpose of this practice is to offer an incentive payment to maintain exclusion fences and associated components (livestock crossings and hardened accesses) that together maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required a fence shall exclude livestock from the water feature at all times during the life span of this practice. The stream exclusion fence must be placed a minimum of 10 feet, up to 25 feet, away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
2. The practice must not be in lifespan from any other conservation program.
3. The maintenance and use of existing stable livestock crossings and controlled hardened accesses is required.
4. Incentive payments will be based upon the number of stream crossings, livestock accesses, and the existing linear feet of the excluded stream bank or water feature. The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened accesses).

5. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.
6. The participant is responsible for inspecting and maintaining all fencing, stream crossings, and livestock accesses during the lifetime of the practice. In the event any of these components are damaged or destroyed it is the responsibility of the participant to repair or replace with no additional CCI funding.
7. This practice is subject to spot checks from District staff annually for the life of the practice.
8. This practice is eligible for re-enrollment.
9. All practice components implemented must be maintained for a minimum of 5 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a cost-share payment for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share.

C. Rate(s)

The state cost-share rate is a single payment of \$0.75 per linear foot of stream bank or the perimeter of the water feature protected and \$500 for each properly maintained livestock crossing or livestock access. Payment will be made after a field visit by District staff documents all components are functioning as intended and any needed maintenance has been addressed.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

Continuing Conservation Initiative  
Name of Practice: STREAM PROTECTION WITH WIDE WIDTH BUFFER –  
MAINTENANCE PRACTICE  
DCR Specifications for No. CCI-WP-2W

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's continuous conservation initiative stream exclusion best management practice that are applicable to all contracts entered into with respect to that practice

A. Description and Purpose

Protection by fencing along ~~all live water bodies and 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.

The purpose of this practice is to offer an incentive payment to maintain exclusion fences and associated components (livestock crossings and hardened accesses) that together maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required a fence shall exclude livestock from the water feature at all times during the life span of this practice. The stream exclusion fence must be a minimum of 35 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
2. The practice must not be in lifespan from any other conservation program.
3. The maintenance and use of existing stable livestock crossings and controlled hardened accesses is required.
4. Incentive payments will be based upon the number of stream crossings, livestock accesses, and the existing linear feet of the excluded stream bank or water feature. The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened accesses).

5. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.
6. The participant is responsible for inspecting and maintaining all fencing, stream crossings, and livestock accesses during the lifetime of the practice. In the event any of these components are damaged or destroyed it is the responsibility of the participant to repair or replace with no additional CCI funding.
7. This practice is subject to spot checks from District staff annually for the life of the practice.
8. This practice is eligible for re-enrollment.
9. All practice components implemented must be maintained for a minimum of 5 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a cost-share payment for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share.

C. Rate(s)

The state cost-share rate is a single payment of \$1.00 per linear foot of stream bank or the perimeter of the water feature protected and \$500 for each properly maintained livestock crossing or livestock access. Payment will be made after a field visit by District staff documents all components are functioning as intended and any needed maintenance has been addressed.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April, 2019

Name of Practice: EXTENSION OF WATERING SYSTEMS  
DCR Specifications for No. SL-7

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's extension of watering systems best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

A management system that will provide and ensure adequate surface cover protection to minimize soil erosion. The system will reduce sediment, nutrients and pathogen loads in runoff.

This practice will improve the quantity, quality and utilization of forage for livestock and will reduce the risk of surface and groundwater contamination from nonpoint source pollution from pastures by assuring that an adequate stand of forage is available to absorb runoff and reduce pollutants.

B. Policies and Specifications

1. All fields that receive cost share under this practice must have had all livestock previously excluded or concurrently being excluded with a minimum 10 foot<sup>35</sup> setback from all surface waters and sink holes. Any field that is part of a rotational grazing system is eligible.
2. This practice may be installed, in conjunction with a CREP CP-22 and CP-29 contracts, to implement rotational grazing on those fields receiving watering facilities to increase forage cover through the proper grazing and forage management techniques that will allow a pasture to rest and re-grow its cover. The system receiving cost-share should reflect the least costly, most technically feasible, environmentally effective approach to resolve the existing water quality problem. This practice cannot be used with a CREP CP-21 or CP-23, as these practices are applied on cropland only.
3. A written grazing management plan and operation and maintenance plan that includes all acres in the grazing system must be prepared, implemented and followed in accordance with NRCS Standard 528 Prescribed Grazing. Factors to be addressed should include water sources, environmental impact, soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land, and rotational schedules. Districts will monitor for compliance.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.

5. To supply water, state cost-share and tax credit are authorized for:
  - i. Installing pipelines, watering facilities, hardened pads around watering facilities, storage facilities, cisterns, and troughs (portable or fixed) and pumping plant (if needed to meet pressure system requirements). When additional water is needed in CREP fields, the FSA CREP waiver process should be considered before authorizing VACS cost-share.
  - ii. A water supply system can include a portable system to meet the management requirements necessary for systems operation rather than a large number of permanent water facilities.
6. Portable or temporary system components (fencing, etc.) cannot be utilized in other areas or moved from fields utilized in the system plan. The replacement costs of portable components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.

A portable water supply system is any system or component (i.e. trough, pipe, etc.) that is:

- i. Commercially available or farmer constructed,
  - ii. Large enough to provide a timely and sufficient volume of water for the livestock to be contained in a specific area for which the system is designed,
  - iii. Capable of being maintained in a stable position and protected from any damage while the system or component is in use, and
  - iv. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
7. The primary water use of the components which were installed with state cost share and tax credit must be for the purpose of providing water for livestock; however, incidental use is not prohibited. State cost-share and tax credit is not permitted for any electrical, structural, or plumbing supplies, including pipe, or associated construction costs for developing any incidental use. When an incidental use is anticipated, the District Board should consider the applicant's intent before approving the request. Incidental use will be documented in the applicant's file.
8. To facilitate rotational grazing systems, cost-share and tax credit are authorized for temporary or permanent interior fencing and fence chargers (electric or solar) used to electrify permanent or temporary fencing that is part of the grazing system.

9. Any installation of permanent fencing to bring previously unused fields or pastures into the grazing system is the responsibility of the participant, and cannot receive state cost-share or tax credit assistance. Permanent fencing may be installed under this practice to divide existing pasture units only to better manage rotational grazing.
10. No state cost-share and tax credit is authorized under the practice for any installation that is:
  - i. PRIMARILY for wildlife, dry lot feeding, barn lots, or barns.
  - ii. To make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.
  - iii. For boundary fencing or water supply systems used to establish new pastures not currently in use.
  - iv. For the purpose of providing water for the farm or ranch headquarters.
11. This practice is subject to NRCS Standards 382 Fence, 472 Access Control, 516 Livestock Pipeline, 528 Prescribed Grazing, 533 Pumping Plant, 561 Heavy Use Area Protection, 575 Trails and Walkways, 578 Stream Crossing, and 614 Watering Facility.
12. All practice components implemented must be maintained for a minimum of 10 years following the calendar year in installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting payment for this practice the recipient agrees to maintain the practice and the associated exclusion fencing for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to comply may result in reimbursement of state cost-share funds and/or tax credits. The associated exclusion fence may be eligible for a Continuing Conservation Initiative practice.

C. Rate(s)

1. ~~The state cost-share payment will not exceed 75% of the total eligible cost. Fields that have had livestock completely excluded from all live streams or live water at a minimum of 35 feet will receive 75% cost-share on eligible components. Fields which have had livestock excluded at less than 35 feet, but at a minimum of 10 feet, shall receive 50% cost-share on eligible components. The maximum state payment for this practice is not to exceed \$50,000 per landowner per year.~~
2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is

25% of the total eligible cost not to exceed \$17,500.00.

3. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2019

Name of Practice: PERMANENT VEGETATIVE COVER ON CRITICAL AREAS  
DCR Specifications for No. SL-11

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's permanent vegetative cover on critical areas best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will promote land shaping and planting permanent vegetative cover on critically eroding areas.

The purpose of this practice is to improve water quality by stabilizing soil, thus reducing the movement of sediment and nutrients from the site.

B. Policies and Specifications

1. Cost-share and tax credit are authorized:

- i. For measures needed to stabilize a source of sediment, such as grading, shaping, and filling, the establishment (including minerals) of grasses (including filter strips), trees or shrubs, and ~~similar~~ measures that are determined to be practical for the solution of the problem.
- ii. For permanent fencing needed to protect vegetative cover. If cost-share is provided for permanent fencing, livestock exclusion is required through the lifespan of the practice.
- iii. Only if the measures will significantly reduce erosion and maintain, or improve the quality of water in a stream, lake, pond, or other water source.
- iv. For measures performed on public roadsides only where these measures are essential to solve a farm-based pollution or conservation problem.

2. Livestock must be excluded after planting for a minimum of 12 months.

2.3. Consideration should be given to wildlife and enhancing the appearance of the area when establishing the protective measures.

3.4. Soil loss rates must be computed for all applications for use in establishing priority considerations.

4.5. This practice is subject to NRCS Standard 342 Critical Area Planting, 382 Fence and 484 Mulching.

5.6. All practice components implemented must be maintained for a minimum of 5 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice

is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

C. Rate(s)

1. The state cost-share payment, alone or when combined with any other cost-share program will not exceed 75% of the total eligible costs.
2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
3. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised March, 2016

Name of Practice: SOD WATERWAY  
DCR Specifications for No. WP-3

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's sod waterways practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

A natural or constructed waterway shaped or graded and established in suitable vegetation, to safely convey water across areas of concentrated flow.

To improve water quality by reducing the movement of sediment and nutrients from agricultural non-point sources.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for site preparation, grading, shaping, filling, and establishing permanent vegetative cover.

2. ~~Cost-share~~ is also authorized for permanent fencing, subsurface drains or stone lined centers that are necessary for proper functioning of the waterways. If cost-share is provided for permanent fencing, livestock exclusion is required through the lifespan of the practice.

3. Livestock must be excluded after planting for a minimum of 12 months.

4. The cover may consist of sod-forming grasses, legumes, mixtures or grasses and legumes, or other types of vegetative cover that will provide the needed protection from erosion.

5. Close-sown small grains, annuals, or mulching may be used for temporary protection if followed by eligible permanent vegetative cover established by seeding or natural re-vegetation.

6. Soil loss rates must be computed for all applications for use in establishing priority considerations.

7. This practice is subject to NRCS Standard 412 Grassed Waterways, 342 Critical Area Planting, 382 Fence, 484 Mulching, 606 Subsurface Drain, 620 Underground Outlet. When a subsurface drain is used in conjunction with the practice, a wetlands determination shall be performed prior to installation.

8. All practice components implemented must be maintained for a minimum of 10 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting

either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

C. Rate(s)

1. A rate based on 75% of the cost of all eligible components has been established. Cost-share may be from state funds or a combination of state and other sources.
2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
3. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised March, 2017