

Technical Advisory Committee – Stream Protection Subcommittee
DCR Staunton Office
Staunton, Virginia

Stream Protection Subcommittee Members Present

Mark Hollberg, Dept. of Conservation & Recreation – Div. of Soil & Water Conservation (DCR-DSWC)
(Chair)

Charlie Wootton, Piedmont Soil & Water Conservation District

Ashley Wendt, Department of Environmental Quality

Jason Carter, Virginia Cattlemen’s Association

Nick Livesay, Lord Fairfax Soil & Water Conservation District

Gary Boring, Virginia Assn. of Soil & Water Conservation Districts (VASWCD) Area IV Representative

Tom Turner, Chesapeake Bay Districts Representative

Luke Longanecker, Thomas Jefferson Soil & Water Conservation District

Robert Bradford, VASWCD Area II Representative

Keith Thomas, Shenandoah Valley Soil & Water Conservation District

Tim Higgs, Virginia Department of Agriculture and Consumer Services

Matt Kowalski, Chesapeake Bay Foundation

Stacy Horton*, DCR-DSWC

Aaron Lucas, Headwaters Soil & Water Conservation District

David Massie, Culpeper Soil & Water Conservation District

Chris Barbour, Outside of the Chesapeake Bay (OCB) Districts Representative

Raleigh Coleman*, DCR-DSWC

Stream Protection Subcommittee Members Absent

Scott Baker, Virginia Cooperative Extension

Shawn Ralston, James River Association

Robert Shoemaker*, DCR-DSWC

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

Emily Horsley, United States Dept. of Agriculture – Farm Service Agency (USDA-FSA)

Public Participants Present

Aaron Wendt, DCR-DSWC SEAS

Mike Vanlandingham, DCR-DSWC SEAS

(*Non-voting member)

WELCOME

The subcommittee meeting began at 9:33 am with an introduction from Mr. Hollberg. A quorum was established with 15 voting members present.

DRAFT MINUTES

The minutes of the October 30, 2018 meeting of the Stream Protection Subcommittee were presented for approval. Mr. Hollberg noted that a reference to “SP-2” in the “Shoreline Stabilization” section needs to be changed to “SE-2.” Mr. Kowalski made a motion to approve the minutes as amended. Mr. Higgs seconded the motion. The motion passed unanimously (15Y, 0N).

NEXT MEETING

Mr. Hollberg wanted to set the next Stream Protection Sub-Committee Meeting. After some discussion, the group decided on Monday, December 17, 2018, at 9:30am in the Staunton DCR office building.

SHORELINE/STREAMBANK STABILIZATION

Mr. Hollberg welcomed Mike Vanlandingham and Aaron Wendt of the Shoreline Erosion Advisory Service (SEAS), who were invited to provide the Stream Protection Subcommittee with insight into shoreline/streambank stabilization practices. Mr. Wendt gave an informational presentation regarding SEAS. SEAS provides free technical service throughout the state of Virginia in both tidal and non-tidal areas. They can provide site investigations, written reports with recommendations, review design plans, and help provide construction inspections. He explained that there is usually no regulatory requirement or mandate that a landowner fix a shoreline erosion problem, but if they do decide to stabilize it, they will likely need permits from VMRC, local wetlands boards, etc. He discussed the work that SEAS helped with recently to record shoreline stabilization practices installed since 2008 so that Virginia could get credit for those reductions in the Chesapeake Bay TMDL. Mr. Wendt and Mr. Vanlandingham explained that there are generally incentives available for living shoreline practices through NGOs, VCAP, etc., and DEQ has a loan program through the revolving loan fund. Structural stabilization measures can be expensive. In the tidewater area, there is generally no shortage of contractors who can install structural shoreline stabilization practices; the bottleneck is generally that the practices are very expensive. Mr. Wendt briefly discussed the four practices available through the Virginia AG BMP Cost-Share and Tax Credit program: SE-1, SE-2, WP-2A, and WP-2C. The two cost-share practices are for vegetative stabilization, and the two tax credit practices are for structural stabilization. Some members of the committee explained that since there are already incentives available, that it is not a priority to create a new practice or convert the tax credit only practices to be eligible for cost share, especially since the structural practices could use up a large amount of cost-share funds. The committee asked to see more information regarding the efficiencies of the streambank stabilization before they could make an educated decision. Mr. Bradford made a motion to table any changes to streambank stabilization practices for now. Mr. Kowalski seconded the motion. The motion passed unanimously (15Y, 0 N).

MISSED MATRIX ITEMS

Mr. Hollberg pointed out three matrix items that need to be addressed. These included:

- #26S- *“Summer stockpiling cost share program for the conversion of cold season grass pasture to native warm season grasses.”*

This has been addressed indirectly through the possibility of the creation of the SL-9 grazing payment, since the producer could use the grazing incentive payment however he chooses,

which could include using it towards reseeding pastures. Mr. Turner made a motion to table Suggestion #26S. Mr. Bradford seconded the motion. The motion passed unanimously (15Y, 0N).

#34S- “Increase the flexibility to work with landowners who like to protect the streams on their portion/parcel of a larger farm.”

Mr. Turner explained that he is often faced with situations where one contiguous field is actually made up of several parcels owned by different landowners, and if one does not want to participate, the VACS program cannot be used because of the requirement to address the entire field. The group discussed briefly and decided to discuss at a future meeting.

#43P- “Shade alternatives developed for cattle.”

Discussion centered on the fact that shade structures can be expensive, and the committee was skeptical about the management. Mr. Wootton made a motion to table the suggestion. Mr. Bradford seconded the motion. The motion passed unanimously (15Y, 0N).

INFORMATION REGARDING GRAZING AND “FLASH GRAZING”

Mr. Hollberg updated the subcommittee on some clarifications that he had received. He confirmed that the subcommittee’s new version of the SL-9 practice (grazing incentive only with no new infrastructure) could “stack” on top of other practices in the Chesapeake Bay model, meaning it would offer additional credits in the model when streams have already been fenced out. He also confirmed that “flash grazing” would interfere with credits received from stream exclusion practices.

OLD BUSINESS

WP-2 DISCUSSION

The language in B.5. was discussed and amended to read: “Wildlife, environmental, and livestock shade considerations must be given when designing the practice.” The consensus of the committee was that the WP-2 should mirror the SL-6 in terms of having the same variants (e.g., setback options). Mr. Wootton felt that the practice funding cap should also match the cap for the SL-6. Mr. Wootton made a motion that the cost-share cap for all new stream exclusion practices (as opposed to existing stream exclusion, e.g., CCI) should be the same. Mr. Lucas seconded the motion. The motion passed unanimously (15Y, 0N).

Mr. Turner made a motion that the practice cost-share funding cap of \$70,000 for the exception practices (e.g., SL-6, WP-4, WP-4B, and the newly-recommended WP-2 per the immediately preceding vote of the subcommittee) be increased to \$100,000 to ensure that larger projects can be completed without the funding cap being the limitation. Mr. Kowalski seconded the motion. In discussion, Mr. Higgs asked if it would be worth removing these caps altogether. Mr. Wootton stated that the cost-share caps were originally established to spread the cost-share funds around to allow smaller operations a chance to participate. The motion passed unanimously (15Y, 0N).

Mr. Hollberg clarified that the WP-2 would be presented with the one modification to B.5. at the next full TAC meeting.

SL-6, SL-7, SL-9 DISCUSSION

SL-6: Mr. Wootton explained that language was added to clarify that “sky ponds” are not a sole trigger for eligibility for an SL-6. After some discussion, Section 5.i.a. was modified to read: “Wetlands, intermittent springs, seeps, ponds connected to streams or sensitive karst features, and gullies adjacent to streams should be included in the buffer area.” Section 5.i.b. was modified to read: “Isolated seeps, springs, wetlands, or 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.”

SL-7: No changes have been made since the previous version.

SL-9: No changes have been made since the previous version.

Mr. Kowalski made a motion to accept the most recent versions of the SL-6, SL-7, and SL-9 drafted by the subcommittee and bring them before the full TAC. Mr. Turner seconded the motion. A point of discussion was that the language would be made consistent between all relevant practices regarding livestock shade. The motion passed unanimously (15Y, 0N).

COST-SHARE RATE DISCUSSION

Mr. Turner presented his latest matrix of cost-share and incentive rates based on practice type, setback distance, and lifespan. Mr. Carter asked if it is a good idea to have a higher buffer payment cap for the 25’ setback versus the 10’ setback, since there is no additional credit received in the Chesapeake Bay Model (other than the increased acreage). He explained that based on his discussions with cattle producers, the barrier to participation is typically the setback distance and not necessarily the amount of cost-share dollars that they would receive. He explained that from a fiscal point of view, it might make more sense to have the same cap for 10’ and 25’ setbacks to make the cost-share dollars go farther. Mr. Wootton suggested to make the buffer payment rate the same, but that the caps should still be relative/proportional to the lifespan. Mr. Bradford explained that he did not think that the buffer payment rate should be higher for forested areas than for grassed areas because the grassed areas are more valuable to the producer. Mr. Hollberg suggested going with one rate for both forested and grassed buffers to ease the administration of the practice and make it easier on SWCD employees “selling” the program.

The subcommittee took a lunch break beginning at 12:41pm and reconvened at 1:25pm.

Mr. Turner proposed raising the SL-6-35 option to 85%, because the SL-6 is already currently at 80%. Raising the SL-6-35 entailed increasing the other setback variants’ cost-share rates by 5% each, meaning that the SL-6-50 with 15% would increase from 95% to 100% cost-share. He also suggested that the buffer payments could be simplified by offering the same buffer payment rate for both forested and herbaceous buffers, and the committee discussed making this payment \$80/ac. for setback distances of greater than or equal to 35ft., and \$40/ac. for setback distances of less than 35ft. The committee also suggested changing the SL-6 variants’ buffer payment caps to \$8,000 (10-yr lifespan) and \$12,000 (15-yr. lifespan) for the setback distances of greater than or equal to 35ft., and \$4,000 (10-yr. lifespan) and \$6,000 (15-yr. lifespan) for setback distances less than 35ft. The WP-2 variant buffer caps would not need to change. These changes ensure that the caps are higher for SL-6 practices than WP-2 practices, while also ensuring that the caps are proportional to the lifespan. Mr. Thomas made a motion to approve the SL-6/WP-2 matrix as amended. Mr. Bradford seconded the motion. The motion passed unanimously (15Y, 0N).

SETBACK DISTANCE DEFINITION

The subcommittee revisited the setback distance which was discussed but not agreed upon at the previous subcommittee meeting. The BMP Manual states that the setback distance is measured “away from the stream”, which may be unclear, especially to new employees. The subcommittee felt that this is an employee training issue and not necessarily something that needs to be changed in the Manual, but they may revisit the issue in the future.

CCI MATRIX

Mr. Turner presented his “CCI Stream Protection Options” matrix for review. After some discussion, the committee agreed to amend some of the payment rates in the chart. The agreed-up rates are as follows: \$0.50/ft. of streambank for CCI-SE-1, \$1/ft. of streambank for CCI-WP2.35, \$0.75/ft. of streambank for CCI-SL-6.10 or CCI-LE-2, \$1/ft. of streambank for CCI-SL-6.25, and \$1.25/ft. of streambank for CCI-SL-6.35. The rates presented for the “Component Payments” were not changed. It was pointed out that the infrastructure does not need to meet current NRCS design requirements to be eligible for the component payments – the technician just needs to determine if the component is functioning properly prior to issuing payment. Mr. Wootton made a motion to accept the CCI matrix as amended and present it to the full TAC. Mr. Longanecker seconded the motion. The motion passed unanimously (15Y, 0N).

NEW BUSINESS

GRAZING CROP RESIDUE

Mr. Hollberg asked the group if they felt a need to add the language to the WP-2 specification from the SL-6 specification stating that “no state cost-share and tax credit is authorized under the practice for any installation that is...to make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.” The consensus of the subcommittee was that this is a training and conservation planning issue and they did not see a need to address it at this time.

RECAP

Mr. Hollberg did a quick recap of action items and the plan for presenting the items to the full TAC.

ADJOURN

The Stream Protection Sub-Committee meeting adjourned around 3:00 pm.