

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

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

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

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)

Tom Turner, Chesapeake Bay Districts Representative

Stacy Horton*, DCR-DSWC

Ashley Wendt, Department of Environmental Quality

Public Participants Present

Aaron Wendt, DCR-DSWC SEAS

(*Non-voting member)

WELCOME

The subcommittee meeting began at 9:30 am with an introduction from Mr. Hollberg. A quorum was established with 13 voting members present.

DRAFT MINUTES

The minutes of the November 29, 2018, meeting of the Stream Protection Subcommittee were presented for approval. Mr. Boring made a motion to approve the minutes as presented. Mr. Barbour seconded the motion. The motion passed unanimously (13Y, 0N).

RECAP OF 12/14/2018 TAC MEETING

Mr. Hollberg gave a brief recap of items relevant to the stream protection subcommittee from the TAC meeting held on December 14, 2018. The TAC approved the ideas set forth by the subcommittee, except that the SL-7 was “passed by” pending further clarification from the subcommittee regarding whether CCI could be “stacked” onto an SL-7. This was set as an item for the subcommittee to discuss.

SHORELINE/STREAMBANK STABILIZATION

Aaron Wendt of the Shoreline Erosion Advisory Service (SEAS) presented information regarding shoreline/streambank erosion to follow up on the subcommittee’s requests from the November 29 meeting. He referenced a USGS study that shows that 57% of the total sediment load in the bay is from shoreline erosion. He also referenced a VIMS study stating that there are over 1,000 miles of shoreline adjacent to cultivated cropland in Virginia. Since 1999, there has only been one SE-1 and seven SE-2 projects completed through the Virginia Ag BMP Program, and Mr. Wendt suggested that this is likely because the incentives are too low to spur significant implementation. He discussed a case study utilizing structural shoreline stabilization. The cost was \$110.27/ln.ft. He explained that the cost of structural shoreline stabilization can be more expensive in tidal areas because the riprap must be hauled in from west of the coastal plain, but it is still a fairly high “bang for your buck” – the estimated cost was only \$4.67 per ton of sediment saved. He mentioned that the credit lifespan in the Bay Model is only 5 years, but the functional lifespan is generally 30+ years if installed properly. Mr. Lucas suggested making the practice’s contractual lifespan longer (perhaps 15 years) so that the state could verify the credits for longer. A concern over property lines was raised, and whether it is a good use of money to stabilize a shoreline on one property when the adjacent property would continue to erode. Mr. Barbour and Mr. Higgs stated that you can key in the structural stabilization at the property lines to provide some protection. Mr. Wendt explained that living shorelines (consisting of rock, sand, and vegetation) are the “preferred option” according to a resolution passed by the General Assembly, so perhaps the VACS program specification could be modified to reflect this. The question was asked regarding whether or not professional engineers are required for shoreline stabilization. Mr. Wendt explained that non-VACS projects do not typically require a P.E. stamp and when projects are installed through VCAP they just rely on the permit process. Mr. Coleman explained that any projects that might be installed through the VACS program would be required to have a P.E. stamp since they fall under the NRCS Standard 580 “Streambank and Shoreline Protection,” which is a P.E.-only practice under the NRCS EJAA system. He explained that the engineering costs could be considered an eligible cost for cost-share reimbursement. The subcommittee looked at the draft edits proposed by Mr. Wendt. The subcommittee added language stating, “Livestock must be excluded from the project area.” The NRCS Fence Standard (382) was added to the list of applicable standards. Mr. Lucas made a motion to approve the draft SE-2 as amended. Mr. Boring seconded the motion. In further discussion, the cost-share rate of 50% was discussed. Since other upland erosion practices are eligible for 75% cost-share, the subcommittee felt that it would be equitable to allow 75% cost-share for SE-2, especially given that much of the sediment load comes from direct shoreline erosion. The committee also felt that the contractual lifespan should be increased to 15

years. The motion as amended (allowing 75% cost-share and requiring a 15-year lifespan) passed unanimously (13Y, 0N).

Mr. Higgs asked if the requirement for WP-2 fencing be removed from the WP-2A specification and instead use the same language that the committee proposed for the SE-2 to be consistent. Mr. Hollberg suggested that there must have been a reason for the WP-2 requirement in the WP-2A (perhaps for recording/credit purposes) and advised against removing that language from the WP-2A for now. No action was taken.

OLD BUSINESS – RECAP AND RESPOND TO 12/14/2018 TAC MEETING

SL-9 AND SL-6 DISCUSSION

Mr. Hollberg reported that the SL-6 and SL-9 were advanced by the TAC as presented to them on 12/14/2018.

SL-7 DISCUSSION

Mr. Hollberg reported that the SL-7 was “passed by” at the TAC on 12/14/2018 because of the question regarding whether or not a CCI practice could be “stacked” on top of the SL-7 when the SL-7 requires maintenance of existing stream exclusion fence. The committee felt that this is not “double-dipping” because CCI incentive payments can only be made on stream exclusion fencing that is no longer in contractual lifespan, and it would be advantageous for the state to be able to use the CCI as a mechanism to record the length of streambank protected for credit. After much discussion, the subcommittee came to a consensus that the following would be added to the SL-7 practice specification: “The associated exclusion fence may be eligible for a Continuing Conservation Initiative practice.” The District technician would be responsible for determining if the existing fence is eligible (e.g., not under current contractual lifespan, etc.). The subcommittee also included a suggestion received electronically from Ms. Horsley regarding allowing SL-7 to be used in conjunction with CREP CP-29 contracts. Mr. Bradford made a motion to approve the SL-7 as amended. Mr. Thomas seconded the motion. The motion passed unanimously (13Y, 0N).

In the SL-7 discussion, item B.2. in CCI-SE-1 was called into question because the term “other program” is somewhat vague and should probably be clarified at some point in the future. No action was taken at this time.

WP-2 DISCUSSION

Mr. Hollberg explained that the TAC approved the draft WP-2 specification with the following language change: “When both sides of the stream are under the same ownership **and/or management**, livestock must be excluded from both sides of the stream.” The “**and/or management**” verbiage was added to the current language in the specification. A question received after the TAC meeting regarding this language prompted further discussion. The subcommittee came to a consensus that it would be best to remove “**and/or management**” and revert back to the previous language. Mr. Lucas made a motion to revert back to the previous language and remove “**and/or management**” from the specification. Mr. Bradford seconded the motion. The motion passed unanimously (13Y, 0N).

DISCUSSION REGARDING EMAIL RECEIVED FROM TOM TURNER 12/17/2018

The committee discussed four items received in an email from Tom Turner since he was unable to attend the meeting.

(1) Mr. Turner suggested that the subcommittee clarify whether a participant can cut hay in the buffer and still receive the “buffer bonus.” Mr. Hollberg explained that hay production in the buffer would not impact the credits received in the bay model. Mr. Turner’s suggestion was that they could still the buffer area to make hay if they choose, but that they should not be allowed to also receive the buffer bonus payment. Mr. Carter suggested that it does not seem fiscally responsible to allow someone to pay someone a buffer bonus when they can still maintain production in the buffer. The subcommittee came to a consensus that language should be added to all VACS stream exclusion practices that haying is not allowed in the protected riparian area during the lifespan of the practice. Mr. Lucas made a motion to add this language to all VACS stream exclusion practices. Mr. Bradford seconded the motion. The motion passed with more than 80% in favor (11Y, 2N).

(2) Mr. Turner stated that there needs to be clarification in the CCI practices that functionally equivalent structural practices are not excluded in the component payments. The subcommittee discussed this and felt that it would be a judgment call made by the SWCD technician. No action was taken.

(3) Mr. Turner suggested that the language regarding “under the same ownership and/or management” be clarified. The subcommittee already dealt with this issue under the WP-2 discussion.

(4) Mr. Turner suggested that the subcommittee address the question regarding whether CCI can be “stacked” on top of an SL-7. The subcommittee had already dealt with this issue in the SL-7 discussion.

DISCUSSION OF BUFFER CAPS IN SL-6/WP-2 MATRIX

Mr. Bradford explained that concerns were expressed by Culpeper SWCD at the TAC on 12/14/2018 regarding the caps on the buffer payments. They felt that it is not fair to larger landowners, and that the caps disincentivize sign-up. Mr. Bradford made a motion to remove the “Buffer Payment Caps” from the new SL-6/WP-2 practices. Mr. Lucas seconded the motion. The motion failed (6Y, 6N, 1 abstain).

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 1:15 pm.

Minutes approved by the sub-committee at its 7/30/19 meeting.