

Minutes
Equine Workgroup Definition Subcommittee
April 9, 2019

The Equine Definition Subcommittee of the Equine Workgroup met on April 9, 2019 at the Orange County Farm Bureau office located at 13438 James Madison Hwy Orange, VA 22960-2814.

Those present from the subcommittee:

- Martha Moore, Chair
- Christine Watlington, DCR
- Carrie Swanson, Virginia Cooperative Extension
- Jay Yankey, Prince William Soil and Water Conservation District (SWCD)
- Willie Woode, Northern VA SWCD
- Sue Alvis, Virginia Horse Council
- Robin Mellen, Virginia Thoroughbred Association and Virginia Pony Breeders Association

Other Interested Parties in attendance:

- Ann Coates, Thomas Jefferson SWCD
- Debbie Easter, Virginia Thoroughbred Association

After introductions, a quorum was determined to be present. The subcommittee reviewed the agenda. Reviewing the current definition in the Virginia Agriculture Cost Share (VACS) Manual was the first agenda item. Based on a review of the language, it appears that the definition originated from the statutory laws governing special assessment for real estate devoted to agriculture use.

The committee reviewed the barriers, including the current interpretation of the definition of agricultural land, agricultural products and agricultural production (*see Virginia Agricultural Cost Share Manual, Glossary of Terms, p.VIII-1 located <http://consapps.dcr.virginia.gov/htdocs/agbpmman/agbmptoc.htm>*) that would allow or disallow an equine operation from being eligible to participate in VACS program. There have been different interpretations by both Districts and DCR staff regarding what constitutes an agriculture product offered for sale for market, especially in reference to equine operations.

Currently, the agricultural best management practices tax credit has language stating “any individual who is engaged in agricultural production for market, or has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants...” This language removed the issue of defining an agriculture product as it

applies to any equine operations needing best management practices. Some SWCDs also have secured grants in order to offer financial assistance for conservation practices to equine owners. Some SWCDs have interpreted “agriculture product” to mean the renting of pasture as the product sold would be the grass grown in the pasture. Other SWCDs have not interpreted the definition of agriculture products as it applies to equine in the same manner. Therefore, by consensus, the subcommittee determined that additional language in the definition would be helpful in clarifying that the VACS program does apply to commercial equine operations.

The subcommittee discussed the differentiation between commercial equine operations, operations that operate on a smaller scale, and individuals who have horses strictly for personal use. In the development of the Watershed Implementation Plan III, it was noted that the information provided to SWCDs by DEQ and EPA included needed nutrient reductions from animals, including equines. The group concluded that a barrier to a jurisdiction being able to meet the proposed WIPIII nutrient load reductions would be limits on working with equine operations to install conservation practices. The group also concluded that small acreage operations or landowners who have equine for personal use may not be able to meet the specifications within the current VACS program or that their size would not score out compared to other agricultural or larger equine operations. This might create issues with promoting a program that they may not be able to receive funding from.

The subcommittee then decided to focus on three areas for recommendations:

1. A revision to the current definitions in the Virginia Agriculture Cost Share Manual would be needed to capture and clarify that all equine operations were eligible for application to the VACS program.
2. A separate program should be developed for small commercial operations.
3. A separate program should be developed for noncommercial operations.

Public comment was offered to those not on the subcommittee. Those comments were made by the two other participants during the individual topics on the agenda.

Recommendation 1: By consensus, the following revisions to the definitions for the VACS program would provide clarity for commercial equine operations (changes noted as underlined):

Agricultural Land: Defined as “land being used in a BONA FIDE program of agricultural management and engaged in the production of agricultural, horticultural or forest products for market. The real estate must consist of a minimum of five contiguous acres and have verifiable gross receipts in excess of \$1,000 per year from the production or sale of agricultural, horticultural or forest products produced on the applicant’s agricultural land for each of the past five years.

Agricultural Products: Crops, livestock and livestock products, including but not limited to: field crops, forage, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs, ~~and furs~~, and income from equine activities that create the need for agriculture best management practices to reduce nonpoint source pollutants.

Agricultural Production: The production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district. For equine operations, the agricultural product includes income from operations that create the need for agriculture best management practices to reduce nonpoint source pollutants which are conducted on the parcel or in the district.

Recommendation 2: By consensus, the group recommended:

We recommend that a separate pilot be created for noncommercial agriculture for landowners producing agriculture products for personal use, with sales under \$1,000 that create the need for agriculture best management type conservation practices to reduce nonpoint source pollutants.

Recommendation 3: By consensus, the group recommended:

We support establishing a separate pilot for small scale intensive commercial agriculture operations that create the need for agriculture best management type conservation practices to reduce nonpoint source pollutants that produce \$1,000 or more per year of sales of agricultural products.