

**AGRICULTURAL BMP TECHNICAL ADVISORY COMMITTEE  
PROGRAMMATIC SUBCOMMITTEE**

**Department of Forestry  
900 Resource Drive, Charlottesville, VA 22903  
September 20, 2022  
10:00am-12:30pm**

**TIME AND PLACE**

The Programmatic Subcommittee meeting met on Tuesday September 20, 2022 at 10:00am at the Department of Forestry in Charlottesville, VA.

**ATTENDANCE**

**Voting Members Present:**

Sara Bottenfield, Chair, DCR  
Brad Copenhaver, Virginia Agribusiness Council  
Brandon Dillistin, Northern Neck SWCD  
Carrie Swanson, Virginia Cooperative Extension  
Charles Newton, Shenandoah Valley SWCD  
Dana Gochenour, Lord Fairfax SWCD  
Kendall Dellinger (proxy for Greg Wichelns), Culpeper SWCD  
Luke Longanecker, Virginia Association of Conservation District Employees  
Zach Jacobs (proxy for Martha Moore), Virginia Farm Bureau  
Matt Kowalski, Chesapeake Bay Foundation  
Melissa Allen, John Marshall SWCD  
Sharon Conner, Hanover-Caroline SWCD  
Steven Meeks, Virginia Association of SWCDs  
Ricky Rash, Piedmont SWCD  
Adrienne Kotula, Chesapeake Bay Commission

**Voting Members Not Present:**

**Non-Voting Members Present:**

James Martin, DCR  
Blair Gordon, DCR  
Denney Collins, DCR  
Christine Watlington, DCR  
Stu Blankenship, DCR  
Jen Edwards, DCR  
Doug Hughes, DEQ  
Hobey Bahaun, Virginia Poultry Federation  
Tom Pratley, Thomas Jefferson SWCD

**WELCOME**

Meeting Opens (10:00 AM)

A quorum was established with 15 voting members present. Sara Bottenfield welcomed everyone, briefly reviewed the agenda and had everyone introduce themselves.

## **SUBCOMMITTEE ACTIONS**

- **Programmatic Matrix Item 2P**

Suggestion to the TAC: *“Currently, VACS rules preclude providing cost-share funding until a “resource concern” exists, which means a poultry flock or other livestock must have been placed on site prior to a producer receiving cost-share funding. It would be more efficient, cost-effective, and environmentally protective if producers were allowed to apply for and secure cost-share in conjunction with the construction of facilities or structures that are needed for the operation. This would allow the structures and facilities to be ready for use when the livestock or poultry arrive onsite, when the resource concern truly begins.”*

**Discussion**

Participants and representatives discussed the challenges in routine mortality and litter storage of poultry operations. The suggestion proposed a significant departure from the program’s long-standing policy of addressing existing water quality concerns.

**Motion**

Motion to table by Adrienne Kotula, seconded by Dana Gocheour.

Vote 12 yes, 3 no

*Motion Passes*

- **Programmatic Matrix Item 4C**

*A new practice for split application of nitrogen on grasses (hay and forages). Currently allowed under NM-5N; discussion by Cover Crop/Nutrient Management Subcommittee found the underlying issue is that only “highly managed hayland” is eligible, which requires 3 cuttings unless under drought conditions. The CC/NM SC requests Programmatic SC review the Glossary definition of “highly managed hayland” and further explain “designated drought condition”.*

**Discussion**

The committee discussed and reviewed the current definition and correlated practice specifications. It was ensured that a definition change would not impact any current language in the specifications. A new definition was drafted.

**Highly Managed Hayland:** A production system in which cropland dedicated to hay production is not grazed and is managed in accordance with a Nutrient Management Plan. If grass-based, the participant must produce at least two cuttings a year of hay and may have a nitrogen application for each cutting. If legume-based (e.g. alfalfa), the participant is exempt from the nitrogen application and is eligible for phosphorus management under NM-5P.

**Motion**

Motion to approve definition and present to TAC by Matt Kowalski, seconded by Melissa Allen.

Vote Unanimous

*Motion Passes*

- **Programmatic Matrix Item 15C**

*Provide clear and consistent Class A biosolids changes across the board in all impacted specifications. Simply state if it is allowable or not, with stipulations as necessary, and consistent language.*

**Discussion**

Sara Bottenfield showed the committee language from the VACS Manual where biosolids is referenced. A total of seven specifications refer to biosolids. In reviewing those references, no issues were found to be problematic or needing clarification. In the Manual there is a distinction where Class A is treated like commercial fertilizer and Class B is not. This suggestion was originally submitted over a year ago and with the transition to a new Agricultural Incentives Program Manager the record of who made the suggestion was lost, so it was not possible to request additional explanation.

**Motion**

Motion to table unless the source of the suggestion is identified and the suggestion is presented back to the subcommittee with specific details of what changes they would like to see made by Matt Kowalski, seconded by Ricky Rash.

Vote Unanimous  
*Motion Passes*

- **Programmatic Matrix Item 6P**

“Recommend allowing all DCR practices to be variance eligible based on the support of the local SWCD board and proper justification.”

**Discussion**

Committee also supported expanding variance eligibility to more BMPs, and allow groups of practices be submitted for variance approval (structural & agronomic could be submitted in one variance request) but to allow DCR to recommend the process for approving variances for agronomic practices if it were to be different than the current variance process. Consensus for DCR to pursue.

**Motion #1**

Matt Kowalski motioned to defer, noting that the opening up a variance to everything may not be the actual fix that we need and the SWC Board may need to analyze other administrative issues to help with some identified internal issues. Motion died due to lack of second.

**Motion #2**

Sharon Conner motioned to provide a bundle variance as long as the variance includes one of the practices already eligible for variance and reaches the cap, then the variance could include other practices with the variance request from any district. With approval of all associated local SWCD boards. Motion seconded by Ricky Rash.

Vote 12 yes, 2 no, 1 abstention (Sara Bottenfield)

*Motion Passes*

Concerns were noted about unlimited funding for an individual participant or entity

**PUBLIC COMMENT**

Ricky Rash passed out a few handouts of the “Kentucky Equine Survey” that the state of Kentucky is conducting for the equine industry. Mr. Rash referenced the equine committee of the TAC that met a few years ago and talked about this as something that might be of interest in Virginia but mentioned the cost would be upwards of \$300K.

**FUTURE MEETING DATES, TIMES AND LOCATIONS**

**Programmatic Subcommittee**

Tuesday October 4, 2022

Central High School Cultural and Educational Center

Goochland, Virginia

\*\*note meeting will only be held if other items are referred from other subcommittees.

All matrix items have been completed by the Programmatic Subcommittee.\*\*

**Agricultural BMP Technical Advisory Committee**

Tuesday October 18, 2022

Department of Forestry

900 Resource Drive Charlottesville, VA 22903

**ADJOURN** 12:30 pm