

**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

Stefanie Kitchen, VA Farm Bureau

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

Elizabeth Dellinger, 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

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

Nick Livesay, Lord Fairfax Soil & Water Conservation District

**Stream Protection Subcommittee Members Absent**

Anna Killius, James River Association

Tracy Fitzsimmons, VA Cattleman's Association

David Massie, Culpepper Soil & Water Conservation District

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)

Raleigh Coleman\*, DCR-DSWC

**Public Participants Present**

David Bryan\*, Department of Conservation & Recreation

(\*Non-voting member)

**WELCOME**

The subcommittee meeting began at 9:34 am with an introduction from Mr. Hollberg. A quorum was established with 14 voting members present.

## **DRAFT MINUTES**

The minutes of the December 17, 2018 meeting of the Stream Protection Subcommittee were presented for approval. It was noted that in the minutes of the last meeting, it was unclear who made a motion on page three with the language “*Mr. XX made a motion to revert back to the previous language...*”. It was determined that Aaron Lucas made the motion, and it should be corrected in the minutes. Mrs. Wendt made a motion to approve the minutes as amended. Mr. Kowalski seconded the motion. The motion passed unanimously (14Y, 0N).

## **NEXT MEETING**

Mr. Hollberg wanted to set the next two Stream Protection Sub-Committee Meetings. After some discussion, the group decided that August 29<sup>th</sup> 2019, and another meeting on September 24<sup>th</sup> 2019 would work for most everyone. Both meetings will be held in the Staunton DCR office building, beginning at 9:30 am.

## **DCR STREAM EXCLUSION GUIDELINES**

Mr. Hollberg welcomed David Bryan, DCR’s Agricultural Incentives Program Manager to present Stream Exclusion Guidelines to aid SWCD’s with the new language in stream exclusion BMP’s. Mr. Bryan stated these were a draft version of the Guidelines, but wanted to get the subcommittees opinion on them before they went live next week with webinar updates. He highlighted what type of water resource concern triggers an SL-6 and what determines a field boundary. He stated that there will always be exceptions from farm to farm, and District staff should still use planner judgement.

Mr. Bryan then moved into buffer sizing, and that the EPA determines anything excluded from livestock is considered a buffer. With the new SL-6W spec, buffer payments will have a cap regardless of total acreage excluded. It will be vital for District staff to understand what buffer area can be paid for. There might be confusion that arises regarding the “100 foot buffer max, or 1/3 the floodplain”. Mr. Turner brought up difficulty in mapping these buffers. Mr. Barbour suggested removing the word “buffer” from the payment, and suggesting replacing it with “exclusion payment”. Mr. Bryan stated it would be difficult to edit the specs this year, but suggested removing the “1/3 of floodplain” language from the spec for next year. Mr. Barbour brought up difficulty in mapping buffers in wooded/forested areas due to challenges in even finding the streams on imagery. Mr. Turner showed the group a printed picture example.

Mr. Bryan continued to go through the Guidance document. He highlighted the key for determining minimum setback is the flowing water on the farm. Mr. Bradford asked if drainage lines/tile would need to be fenced. The group agreed that it is a planner decision. Mr. Bryan stated that buffer payment and total buffer area are different. Wetland/environmentally sensitive areas could be fenced out on top of bank; however they would not be counted in buffer payment. Mr. Turner brought up issues with this, and that it should be included in the buffer payment. The group agreed that anything that was fenced out should be included in buffer payment. Mr. Bryan said this would not be able to be changed this program year. Mr. Higgs talked about ox-bows on the river, and how they fluctuate with flood water.

Mr. Bryan resumed going through the Guidance document, noting that average buffer width should be larger than the minimum setback of the BMP. Area improved is total buffer and grazing acres of the

BMP. Average buffer width is what determines the buffer payment. He showed Tracking map examples. Discussion arose again regarding top of bank fence on environmentally sensitive areas not being counted in the buffer payment. Most all of our group did not like this at all. Issues with Tracking calculating buffers came up, due to difficulty in mapping, and determining which buffer width to pay on (100 ft. max or 1/3 floodplain). He stated that calculated buffer widths can be overridden by actual tech/staff calculations and measurements. He highlighted the *Flood Hazard Zone Layer* on Tracking maps to aid in calculating the 1/3 floodplain. Mr. Barbour brought up the issue that FEMA creates that layer, and they haven't mapped areas in southwest Virginia yet. This might be similar in other Districts around the state.

Mr. Bryan moved on to frequently asked questions. Discussion arose regarding streams as a property line with differing opinions on who is responsible for fencing. FSA field boundaries were talked about, stating some of them are outdated and inaccurate. He also touched on how Districts shouldn't split farms with SL-6N and SL-6W in multiple fields. Mr. Turner drew an example on the easel.

Mr. Bryan concluded the Guideline document overview. He tasked the subcommittee with making decisions on confusing tweaks for FY21.

## **GROUP BREAKS FOR LUNCH**

### **MATRIX ITEMS**

Mr. Hollberg wanted to go through our Matrix Items, with the hopes of at least tabling a few items so the group would have something to present for the next Full TAC to take action on:

*1S - Increase the flexibility to work with landowners who like to protect the streams on their portion/parcel of a larger farm...*

Mr. Turner drew an example on the easel. Discussions regarding property lines with multiple owners in one large "field" ensued. The main issue was who was responsible for fencing when two out of three owners of the same field wanted to participate in the program. Mr. Kowalski made a motion to keep this item open for discussion for the remainder of FY20. Mr. Lucas seconded the motion. Discussion ensued regarding the differing opinions between Districts, and responsibility of planner decision making. Mr. Kowalski withdrew his motion under the conditions that this matter can be handled on a case-by-case basis with DCR input, and it wouldn't be exclusively forbidden. Ms. Dellinger made a motion to table 1S under these conditions, Mr. Boring seconded. The motion passed unanimously (14Y, 0N).

*2S - Long term crop rotation cost share practice to define hay/pasture plantings that are within a 5 year or longer crop rotation...*

The group had some discussion that this was not the subcommittees concern; the Cover Crop/NMP subcommittee is already handling this issue. Mr. Boring made a motion to table, Mr. Wootton seconded the motion. The motion passed unanimously (14Y, 0N)

*3S – Higher incentive rates for cropland filter strips and cropland sod waterways should be considered.*

Mr. Bradford voiced a need for filter strips. Mr. Higgs wanted to know if filter strips got similar credit to other priority BMP's (example. SL-6). A discussion regarding caps arose with varying opinions. Overall, the group felt as if we didn't have enough information to move forward with this Matrix item. The group wanted a suggestion for what the cost-share rate should be raised to. Mr. Higgs made a motion to table this item based on the need for further input/reasoning from the Full TAC. Mr. Livesay seconded the motion. The motion passed unanimously (14Y, 0N)

*4S – Doubled driveway fencing is a commonly seen issue in the field that is not “least cost, technically feasible”. Spell this out as an item not to be allowed under B.12 in the SL-6 spec, etc...*

Mr. Turner drew an example on the easel. Ms. Kitchen raised concern that we shouldn't specifically spell out this issue, or else we would have to spell out every issue that arises. She stated that the terminology “least cost, technically feasible” covers it. The group agreed. Mr. Bradford said it should be addressed in planner training. Mr. Kowalski made a motion to table based on existing language “least cost, technically feasible” and that it is a training issue. Mrs. Wendt seconded the motion. The motion passed unanimously (14Y, 0N).

*5S – A Board member has asked that DCR look at the issue of projects where the stream is the boundary line on the property...*

Mr. Hollberg hashed through the first part of this item. He stated we already discussed this in item 1S. VACS can pay for exclusion fence, and the Bay Model accepts this. Discussion ensued and clarified that this isn't boundary fence, it is exclusion fence not on the property line. The last issue in this item was regarding “waters” that qualify for VACS funds. We discussed how the guidelines document covered some of this clarification. Ms. Dellinger made a motion to table this item due to the above reasoning. Mr. Turner seconded the motion. The motion passed unanimously (14Y, 0N)

*6S – Define “live stream” and “surface waters” for the glossary to be applied on many VACS practices.*

We reviewed the definitions in the Guidelines document that Mr. Bryan presented earlier. Most of the group wanted to do further research before voting on any specific language to include in the manual. There was no official action, and this item will be discussed at the next meeting.

*7S – For stream protection practices that create new pumping plants when needed (e.g. SL-6, LE-2, etc.) the VACS manual does not clearly define what may be eligible cost regarding power source establishment...*

Mr. Bryan recommended the group wait for Mr. Coleman (absent) to make any determinations. He stated that Mr. Coleman has done research and has extensive knowledge on electrical issues. Mr. Barbour raised concerns regarding solar systems, stating that they don't sufficiently supply water in winter months due to reduced sunlight. He said water demand is higher in winter months when the livestock are eating dry hay. He claimed that they are not dependable and won't meet water demands. Mr. Turner brought up “least cost, technically feasible” regarding solar systems vs. electric drop for a well. The group discussed varying costs of electric services throughout their respective areas in the state. Mr. Higgs noted that the VACS manual never states that Districts cannot pay for electrical components. Mr. Hollberg suggested that the group take some time to think about this. There was no official action, and this item will be discussed at the next meeting.

### **ITEM SENT FROM EQUINE WORKING GROUP**

*IE – SL-6A is only a tax credit BMP, should it be cost-shareable?*

Most of the group was unfamiliar with this spec. It is very similar to the SL-6, only with strict requirements for hardened sacrifice lot, rotational grazing paddocks, stocking rate, grazing management plan, etc. generally specific to equine operations. The group discussed what equine operations are eligible for VACS. The SL-6A spec was reviewed in depth, and the group determined that further investigation was needed before action. The group wants to find out which Districts would benefit from this, and what they would like the group to do to get more participation. Mr. Turner said that he would make inquiries to gain further knowledge. There was no official action, and this item will be discussed at the next meeting.

### **OTHER DISCUSSION**

#### **100% STREAM EXCLUSION COST SHARE**

Mr. Higgs brought up re-establishing 100% Stream Exclusion projects, and stated he was absent at the meeting that this was discussed at last year. He wanted to know what ever came from this discussion. Mr. Bradford reflected the group had a split vote last year. Mr. Higgs would like to have further discussion regarding bringing back 100% Stream Exclusion practices to get more conservation on the ground. Mr. Hollberg ensured Mr. Higgs that it would be on the agenda for the next meeting.

#### **SE-2: STREAMBANK STABILIZATION**

*Mrs. Wendt brought up an issue with the SE-2 practice that was converted to cost-share and tax credit from tax-credit only in the Stream Protection subcommittee last year. She stated that she believes there is a clerical error in the current VACS Manual for this BMP. The SE-2 practice cap is \$70,000 when the Stream Protection subcommittee voted to make its cap match whatever programmatic cap would be established by the full TAC. The group agreed that Mrs. Wendt's concern was valid, and that the group should raise the issue with the Full TAC to be amended next year.*

### **RECAP**

Mr. Hollberg gave a short review of the meeting, touching on Mr. Bryan's presentation of the Guidelines document, action on Matrix items to ensure Mr. Livesay recorded them correctly in the minutes, and the other discussion items for the next meeting. He reminded the group of the dates and times for the next two meetings.

### **ADJOURN**

Mr. Livesay made a motion to adjourn our meeting, Mr. Bradford seconded the motion. The motion passed unanimously (14Y, 0N). The meeting adjourned at 3:40 pm.