

DCR AGRICULTURAL BMP TECHNICAL ADVISORY COMMITTEE MEETING

Central High School Educational Complex Auditorium

2748 Dogtown Road, Goochland VA

November 1, 2023

10:00 am

ATTENDEES:

Voting Members Present:

Sara Bottenfield, DCR

Adrienne Kotula, Chesapeake Bay Commission

Tom Dunlap, James River Association (proxy for Anne Marie Roberts)

Brandon Dillistin, Northern Neck SWCD

Bryan Hofmann, Friends of the Rappahannock

Tim Mize, Virginia Cooperative Extension (proxy for Carrie Swanson)

Dana Gochenour, Lord Fairfax SWCD

Darrell Marshall, Virginia Department of Agriculture and Consumer Services

Eric Paulson, Virginia State Dairymen's Association

Gary Boring, New River SWCD

Jim Riddell, Virginia Cattlemen's Association

Keith Burgess, Monacan SWCD

Kevin Dunn, Peter Francisco SWCD

Luke Longanecker, Virginia Association of Conservation District Employees

Martha Moore, Virginia Farm Bureau

Matt Kowalski, Chesapeake Bay Foundation

Megen Dalton, Shenandoah Valley SWCD

Melissa Allen, John Marshall SWCD

Michael Tabor, Blue Ridge SWCD

Philip Davis, Department of Environmental Quality

Deanna Fehrer, Piedmont SWCD (proxy for Ricky Rash)

Robert Bradford, Culpeper SWCD

Sharon Conner, Hanover-Caroline SWCD

Steve Escobar, Virginia Horse Council

Steven Meeks, Virginia Association of SWCDs

Todd Groh, Virginia Department of Forestry

Tricia Mays, Southside SWCD

Voting Members Not Present:

Aaron Lucas, Headwaters SWCD

Cliff Williamson, Virginia Agribusiness Council

Leigh Hubbard, Virginia Grain Producers Association

Non-Voting Members Present:

Amanda Pennington, DCR
Amy Walker, DCR
Ben Chester, DCR
Blair Gordon, DCR
Christine Watlington Jones, DCR
Debbie Cross, DCR
Denney Collins, DCR
James Martin, DCR
Marie Schirmacher, DCR
Raleigh Coleman, DCR
Stu Blankenship, DCR

Other Attendees Present:

Sam Chappell, Blue Ridge SWCD
Sarah Cole, Three Rivers SWCD
Meredith Rose, Tidewater SWCD
Hunter Gravatt, Hanover-Caroline SWCD
Kelsey Williams, Hanover-Caroline SWCD
Robert Waring, DCR
Buck Tharpe, Southside SWCD
Tim Higgs, Virginia Department of Agriculture and Consumer Services

WELCOME

Sara Bottenfield, Agricultural Incentives Program Manager, welcomed everyone to the meeting, led introductions and reviewed the agenda. A quorum was established with 27 voting members present, 22 “yes” votes required to meet 80% for a motion to pass. Chairs of each subcommittee will present the items that were advanced to the full Technical Advisory Committee (TAC) by the subcommittees.

PROGRAMMATIC SUBCOMMITTEE UPDATE (Sara Bottenfield)

- **1P:** *Revisit participant cap methodology. Recommended by TAC in 2022 as follow-up to the Board directive: The Board directs the AgBMP Technical Advisory Committee to review the methodology associated with the participant cap to determine if there should be additional considerations taken into account such as a sliding scale for acreage under production, the number of counties or Districts a producer is operating in, and any other considerations that the TAC may determine are worthwhile to examine.*
 - The subcommittee does not recommend any changes to the cap methodology for PY25 with the current \$300,000 cap maintained.
 - **Motion to advance by Keith Burgess, second Melissa Allen.
Motion passes unanimously.**

- **2P:** *Base carryover timeline off of final approval date, not program year. Variance projects and WP-4 practices should have a full 48 months due to engineering approval, complex designs, and lack of contractor availability.*
 - Update carryover guidelines with instructions that practices that will not be completed by the end of their 4th program year be brought to the attention of DCR's Agricultural Incentives Program Manager by [date TBD by DCR] to be addressed by DCR (AIPM, CDC, Engineering staff) on a case-by-case basis.
 - **Motion to advance by Martha Moore, second Matt Kowalski.**
Motion passes unanimously.

- **3P:** *Change wording in the "Rates" section of SL-1, FR-1 and FR-3 specs from "eligible approved component costs" to "total eligible costs" to reduce the redundancy in tracking. - As newer staff, it was unclear why there were two entries needed in Tracking to calculate the cost-share payment for certain practices. After speaking with Jen, she told us it was because of how the spec was worded.*
 - Make edits in Tracking to remove duplicative entries in coordination with DCR Data Services.
 - **Motion to advance by Martha Moore, second Keith Burgess.**
Motion passes unanimously.

STREAM PROTECTION AND FORESTRY SUBCOMMITTEE UPDATE (Raleigh Coleman)

- **1S:** *Clarify if properties with no water features qualify for SL-7 or not, and if so at what cost-share rate. Current language is unclear and contradictory.*
 - B. 1. All fields that receive cost share under this practice must have had all livestock previously excluded or concurrently being excluded from all live streams or live water. Any field that is part of a rotational grazing system is eligible.*

First sentence limits to only properties with water features. Second sentence implies any field, regardless of water features present or not. Maybe there should be an SL-7a for property with water features and SL-7b for property with no water feature.

 - Add language to the SL-7, B.1.: "...Rotational grazing systems without live water previously or concurrently excluded do not qualify for this practice."
 - **Motion to advance by Gary Boring, second Steven Meeks.**
1 opposed Matt Kowalski, motion passes.

- **2S:** *Change wording of the FR-1 spec describing cost-share rates to be modeled after the FR-3 wording for consistency/ease of understanding the payment rates.*
 - *FR-1 wording: The state cost-share rate is \$100 per acre for a 10-year lifespan, or \$150 per acre for a 15-year lifespan, and 75% of the eligible approved component costs.*
Suggested revision: The state cost-share rate is 75% of the eligible costs plus an incentive:
 - i. \$100 per acre for a 10-year lifespan.*
 - ii. \$150 per acre for a 15-year lifespan.*
 - *FR-3 wording: The state cost-share rate is 95% of the eligible approved component costs plus an incentive:*
 - i. For conifer buffers, \$100.00 per acre for a 10 year lifespan, OR \$150 per acre for a 15 year lifespan.*
 - ii. For hardwood buffers, \$100 per acre for a 10 year lifespan, OR \$250 per acre for a 15 year lifespan.*
 - Subcommittee recommends advancing suggestion as-is.
 - **Motion to advance by Bryan Hofmann, second Tricia Mays.**

Motion passes unanimously.

- **3S:** *Establish a threshold for tree survivability to be used when determining if/when an FR-1 or FR-3 practice has failed and required repayment. Likewise, consider a threshold for tree density to be eligible for the CCI –FRB-1. Currently, this is determined by staff or CDCs, and with no guidance is likely arbitrary.*
 - The subcommittee tabled the suggested item and noted to address as a training item for SWCD staff, since Virginia Department of Forestry is the technical authority and should be leaned on to make these determinations.
 - Through further discussion the subcommittee voted to advance added language to the FR-3 specification, Section 3.c. (underlined language is new): “Acreage planted into forested buffer is eligible for a buffer payment at the rate of \$80 per acre per year, unless a buffer payment has been received on the same acreage under an SL-6F, SL-6W, or WP-2W being installed concurrently or currently in lifespan.”
 - **Motion to advance by Keith Burgess, second Todd Groh.**
Motion passes unanimously.

- **6S:** *Add to the CCI-SL6W Description and Purpose the statement from the SL-6N/W, “Stream exclusion fencing and an off-stream watering facility are required components of this practice.”*
 - Subcommittee recommends advancing suggestion as-is.
 - **Motion to advance by Melissa Allen, second Keith Burgess.**
Motion passes unanimously.

- **7S:** *The high cost of the WP-2A practice and the engineering requirements and permitting process limits landowner participation and discourages SWCD participation in the practice. To increase the use of the streambank stabilization BMP: Increase the cost share rate to 90%. To address the engineering requirement – Can we provide cost share on the design on the practice if we use a private engineering service? How can the permitting process be streamlined? Would it possible to establish a special project to promote streambank stabilization BMPs to reduce sediment and improve water quality. The special project could provide increase cost share rates and provide assistance with engineering and permitting.
The project could: Develop a Standard design based on size of the watershed
Practices to include
Toe protection – Rock or Coconut logs
Slope the banks to a 3:1 slop
Establish vegetative cover
Plant live stakes*
 - Increase the cost-share rate of the WP-2A practice to 90% and increase the required WP-2A lifespan to 15 years. (The rest of the items in the suggestion will be handled as training items.)
 - **Motion to advance by Gary Boring, second Steven Meeks.**
Motion passes unanimously. *Note Bryan Hofmann stepped out for vote.

- **8S:** *Allow people who have a preexisting or concurrent SL-7 contract to receive cost share for implementation of prescribed grazing through the SL-10/SL-10E. This may also be applicable to large SL-6s where a grazing plan is required.*
 - Add language to the SL-7 specification making it clear that the SL-7 does not preclude payments under the SL-10 or NRCS 528: Add to B.3.: “...Participation in the SL-7 practice

does not preclude eligibility for payment under the SL-10 Specification or payment under an NRCS 528 Prescribed Grazing contract on the same acreage.”

- Discussion by committee members was had about the difference between the SL-7 specification and the SL-10 specification, along with the requirements of NRCS 528. DCR does not support this suggestion; VACS policy overall is to not pay cost share for something the producer is under contract for and required to be doing. DCR’s interpretation is that a producer would get paid twice for the same requirement.
 - **Motion to advance by Keith Burgess, second by Melissa Allen. Two opposed (Sara Bottenfield and Adrienne Kotula), motion passes.**
 - Martha Moore requested to put in for TAC discussion next year to review the SL-7 and SL-10 specifications.
- Amend the SL-10 to clarify the language regarding NRCS 528 payment: ~~“B.9. Fields utilizing this practice must not have a NRCS 528 Prescribed Grazing contract on the same fields.”~~ should instead read: “B.9. Fields receiving payment from NRCS for 528 Prescribed Grazing on the same acreage are not eligible for the SL-10 practice.”
 - **Motion to advance by Steven Meeks, second by Luke Longanecker Sara Bottenfield abstained, motion passes.**
- **9S:** *Allow the FR-3M to be used on a completed FR-3. Maintenance is crucial to the success of the practice. This would also make it more attractive to convert a completed grassed buffer project into a forested buffer. There is a lot of interest in that and the barrier is maintenance. Many of those projects would have been CREP in the first place if it had paid higher.*
 - Item 9S was tabled as maintenance is already a required component of the FR-3 when cost-share is issued, but the subcommittee proposes raising the incentive rate to better compensate for maintenance costs.
 - Increase FR-3 incentive rates to \$350/ac and \$500/ac for hardwoods (keeping the cost-share rate at 95%).
 - **Motion to advance by Kevin Dunn, second by Bryan Hofmann. Motion passes unanimously.**
- Suggestions 12S-14S were withdrawn by the submitter prior to subcommittee consideration.
- **15S:** *Revise SL-6W and SL-6N specs to allow a fence only option (similar to WP-2 suite) as long as there is an existing off stream alternative water system that will be utilized as part of the fence only installation. We often work with farmers that have troughs already that can be utilized but they are required enroll in WP-2W/N practices at a lower cost share rate even though the final system will meet SL-6 standards.*
 - Add “(existing or concurrently installed)” in Section A of the SL-6W and SL-6N specifications with the new language as, “Stream exclusion fencing and an off-stream watering facility (existing or concurrently installed) are required components of this practice.”. This item will also be addressed as a training item at the next VACS Updates session, and the subcommittee recommends adding an “information” button to the “Number of Alternative Watering Systems Installed” data field in the Conservation Application Suite to explain how to handle situations with an existing watering system.
 - **Motion to advance by Martha Moore, second by Gary Boring Motion passes unanimously.**
- **17S:** was broken into different parts to make it easier to address.

- **17S.1.** Review the SE-1, SE-2, and WP-2A specifications to ensure that the language in the specifications matches the intended use of the practices to meet VACS program goals.
 - **SE-1:** Strike “offer cost-share assistance to establish” and replace with “improve water quality by establishing”
 - **Motion to advance by Keith Burgess, second by Steven Meeks.
Motion passes unanimously.**
 - **WP-2A:** Update the purpose to read: “The purpose of this practice is to improve water quality by changing land use, providing vegetative stabilization, and/or improving management techniques to more effectively control soil erosion, sedimentation and nutrient loss from surface runoff.”
 - **Motion to advance by Steven Meeks, second by Gary Boring.
Motion passes unanimously.**
 - **17S.2.** Evaluate the use of the word “forestal” in the SE-2 and WP-2A practice specifications.
 - Remove “forestal” from the WP-2A and SE-2 specifications.
 - **Motion to advance by Gary Boring, second by Steven Meeks.
Motion passes unanimously.**
 - **17S.3.** Clarify that the SE-2 and WP-2A are intended to address acute erosion of streambanks/shorelines, not natural or geologic time-scale erosion.
 - No subcommittee action – deferred by default
 - **17S.4.** Clarify whether or not extra expenses associated with the installation of “living shorelines” is an eligible component under SE-2 or whether living shorelines should be a separate SE-1.
 - Leave the language in the SE-2 specification “as-is” regarding living shorelines.
 - No action needed by full TAC
 - **17S.5.** Establish minimum survival rate for living shoreline plantings.
 - Accept the 85% minimum survival rate for the SE-1 and SE-2 specifications, with the following language additions: “New vegetation must maintain a cover of 85% or more. Spot treat invasive species to maintain density to less than 5% cover.” This language will be added to section B.5. of the SE-1 and Section B.1.iii. of the SE-2.
 - **Motion to advance by Steven Meek, second by Tom Dunlap.
Motion passes unanimously.**
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- **18S:** The SL-6N and SL-6W practice specifications include 575 Trails and Walkways in the applicable NRCS standards, but the VACS specifications do not explain when Trails and Walkways are an eligible component or not an eligible component. Please clarify in the VACS specifications. For example, language may be added to be consistent with the WP-2N and WP-2W practice specifications, which state: “Cost-share and tax credit are not authorized for...hardened travel lanes that are not attached to a crossing or limited access.”
 - Add the following language in the SL-6N and SL-6W specifications before section B.9. in the current version of the specs: “Hardened animal trails and walkways are eligible in locations where necessary fences create soil disturbance due to livestock traffic.”
 - Discussion that this concern can be effectively addressed by training and proper conservation planning
 - **Motion to table by Matt Kowalski, second by Melissa Allen
3 Abstentions: Megan Dalton, Robert Bradford and Gary Boring. Motion passes.**
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- **19S:** The SL-7 practice specification includes 575 Trails and Walkways and 578 Stream Crossing in the applicable NRCS standards but the specification does not explain when these components are eligible. Please clarify in the specification.

- Add the following language: “Hardened animal trails and walkways are eligible in locations where necessary fences create soil disturbance due to livestock traffic.” Before section B.9. of the current SL-7 specification
 - **Motion to table by Matt Kowalski, seconded by Luke Longanecker. 1 abstention, Robert Bradford. Motion passes.**
- Strike 578 Stream Crossing from the listing of eligible NRCS standards in the SL-7 specification.
 - **Motion to table by Martha Moore, second by Eric Paulson. 1 Opposed, Kevin Dunn 1 Abstention, Sara Bottenfield. Motion passes.**
- **20S:** *Please clarify in the SL-6N and SL-6W practice specifications whether the stream exclusion fence must be permanent.*
 - Add “permanent” to the language in B.6.i. of the SL-6W and SL-6N specifications with the new language as “Permanent fencing to restrict stream access in connection with newly developed watering facilities.”
 - **Motion to advance by Steven Meeks, second by Gary Boring 2 Opposed: Martha Moore and Jim Riddell. 3 Abstentions: Phil Davis and Matt Kowalski and Eric Paulson. Motion passes.**
- **Discussion:** Should newly approved language from 15S and 20S be applied to the SL-6F specification? This was a potential oversight in the subcommittee’s discussion of these items. Request from subcommittee chair to consider inclusion of new language in SL-6F.
 - **15S: Motion to apply language from 15S to SL-6F specification by Melissa Allen, second by Steven Meeks. Motion passes unanimously.**
 - 20S: Extend to SL-6F: Keith Burgess opposed extending language to SL-6F from 20S, noting that it adds confusion. Suggested to send back to subcommittee for next year. No motion needed since it was not a recommendation from the subcommittee.

ANIMAL WASTE SUBCOMMITTEE UPDATE (Amanda Pennington)

- **2A:** *Add NMP requirement to CCI-WP-4 specification.*
 - Add language (and update for consistency) requiring NMP to the WP-4 and CCI-WP4 suite of practices.
 - **Motion to advance additional language in WP-4 & CCI-WP4 suite by Tim Mize, second by Keith Burgess Motion passes unanimously.**
- **3A:** *Allow for unrolling hay for WP-4SF. Language could state: Unrolling hay in pastures is permitted outside the feeding facility for the lifespan of the practice. Concentrated feeding of any sort is not permitted outside the feeding facility (including but not limited to: hay rings, feed carts, troughs, bunks, etc.) Justification: there are numerous soil health benefits to unrolling hay in pastures, which is directly correlated to water quality due to increased nutrient filtering and distribution of nutrients. Reducing the discrepancies with NRCS practices which allow for unrolling hay. Positive animal welfare perspective due to allowing calves the ability to bed down in the hay during winter storms. Our District has had several producers not sign up for WP-4SF practices.*
 - Add language to WP-4SF under B.2.v: “Unrolling hay in pastures is permitted outside the

feeding facility for the lifespan of the practice. Concentrated feeding of any sort is not permitted outside the feeding facility (including but not limited to: hay rings, feed carts, troughs, bunks, etc.).”

- **Motion to advance by Keith Burgess, second by Michael Tabor.**
Motion passes unanimously.
- **4A:** *In WP-4 suite spec, allow for sizing manure storage for any on farm generated manure.*
 - 4. *Cost-share and tax credit is not authorized for:*
 - i. *Storage of manure generated outside of this facility.*
Language could say: Cost-share is eligible for sizing facility to treat/store any on farm generated manure from separate herds or livestock. Justification: It is least cost technically feasible to build one structure that treats all manure that could lead to other resource concerns on the farm.
 - Add language to WP-4 and WP-4SF under B.3:
“Animal waste generated from any qualifying group of animals on the farm where the facility is to be located.”
 - **Motion to advance by Melissa Allen, second by Kevin Dunn.**
Motion passes unanimously.
- **6A:** *Evaluate CCI-WP4 payment rate as applicable to swine operations. They are more similar to poultry than other livestock in receiving multiple groups per year.*
 - Update CCI-WP4 rate for swine to be consistent with poultry at \$1.50 per animal unit.
 - **Motion to advance by Tim Mize, second by Kevin Dunn.**
2 Abstentions: Martha Moore and Darrell Marshall.
Motion passes.
- **1A:** *Create CCI practices that provide incentives for the continued maintenance and use of animal waste practices. CCI-WP-4 and CCI-WP-4C created in 2021; subcommittee deferred in 2022 with the intention to prioritize in the next TAC cycle.*
 - Revise CCI-WP-4C to add \$250 per bin for swine. \$250 per bin for swine
 - **Motion to advance by Keith Burgess, second by Steven Meeks**
Motion passes unanimously.
 - Adopt new CCI WP-4, to include Seasonal Feeding Facilities (WP-4SF), Confined Livestock Operations (WP-4LC), and Animal Waste Control Facilities (WP-4) or equivalent facilities. See Attachment 1.
 - **Motion to advance by Keith Burgess, second by Steven Meeks.**
Motion passes unanimously.

LUNCH

The committee had a break for lunch at 12pm and reconvened at 12:50pm. A quorum was reestablished with same original 27 members as at the start of the meeting.

COVER CROP AND NUTRIENT MANAGEMENT SUBCOMMITTEE UPDATE (Marie Schirmacher)

- **2C:** *Consider adding legumes in the Description and Purpose of the NM-3C. Suggested language for paragraph 2 “For fields that have previously received manure or biosolids applications according to the current NMP or have a history of high biomass legume cover crops...” Virginia Cooperative Extension recently updated their Nitrogen Soil Testing for Corn in Virginia publication (Publication #418-016) to reflect Nitrogen contributions from legumes.*

- Additional Language: In NM-3C under description and purpose insert “or have a high biomass legume cover crop”. See Attachment 2.
 - **Motion to advance by Martha Moore, second by Tim Mize.**
Motion passes unanimously.
- **4C:** *Review language in SL-8M B.2 and B.5 and edit for clarity.*
 - Remove Section B.2 for clarity and to remove duplicative statements, minor edit to B.5:
 - B. Policies and Specifications
 - 2. Application of manure (organic) amendments are allowed between the harvesting of the previous crop and prior to planting.
 - 5. No nutrients from any source are allowed between the harvesting of the previous crop and prior to planting, except that use of manure (organic, with less than 40 lbs. N per acre tested) is permitted if all of the following conditions are met:
 - **Motion to advance by Steven Meeks, seconded by Michael Tabor**
Motion passes unanimously.

- **6C:** *Revise WFA NM and CC rates to match regular cost share practice rates. Current WFA rates hinder implementation of the practice for producers who are managing their manure, nutrients and cover crops at a high level. For example: if a producer signs up for PSNT, 2 seasons of manure injection and cover crop, the WFA payment is less than the payment that they could receive if they signed up for the regular cost share practices. Several of the cover crop rates in WFA match regular cover crop rates, while others do not match.*

- Revise WFA-CC to match VACS rates for the Cover Crop with Manure, the PSNT and soil nitrate testing language, see table.
- The subcommittee discussed and does not recommend revisions for WFA-NM.
 - **Motion by Steven Meeks to advance.**
Amended motion by Martha Moore to reflect that the WFA-NM part can be brought back to the committee next year, second by Keith Burgess.
1 Opposed, Megan Dalton.
Motion passes.

Component	Rate per Acre	Participating Acres
Core WFA-CC Base Payment*	\$4.00/acre	
Standard Cover Crop		
Early Pure Rye	\$90.00/acre	
Standard Pure Rye	\$60.00/acre	
Early Pure Winter Triticale	\$80.00/acre	
Standard Pure Winter Triticale	\$50.00/acre	
Early - Listed Small Grains, Brassicas, and/or Mixtures	\$70.00/acre	
Standard - Listed Small Grains, Brassicas and/or Mixtures	\$40.00/acre	
Mixed Species Cover Crop including 50-75% Small Grain	\$5.00/acre	
Cover Crop Kill Down on May 1 or Thereafter, but No Later than June 1.	\$10.00/acre	
Cover Crop with Fall Application of Manure		
Early Pure Rye	\$540.00/acre	
Standard Pure Rye	\$3025.00/acre	
Early Pure Winter Triticale	\$50.00/acre	
Standard Pure Winter Triticale	\$25.00/acre	
Early - Listed Small Grains, Brassicas, and/or Mixtures	\$4532.00/acre	
Standard - Listed Small Grains, Brassicas and/or Mixtures	\$2020.00/acre	
Mixed Species Cover Crop including 50-75% Small Grain	\$5.00/acre	

- **7C:** *Consider increasing the cost cap for the various nutrient management practices (ie: NM3C, NM1A, NM5N, NM5P, NM4 and NM6).*
 - The subcommittee removed NM-1A from consideration because it is paid at a flat rate.
 - Make incentive rates for the NM-4 consistent with the NM-3C. See Attachment 3.
 - **Motion to advance by Keith Burgess, second by Tim Mize.**
Motion passes unanimously.
 - Remove the 75% of charge and set rates for NM-3C, NM- 4, NM-5N, and NM-5P as flat rate.
 - **Motion to advance by Martha Moore, second by Keith Burgess.**

Motion passes unanimously.

- Add cost share for precision soil sampling to NM-5P:
NM-5P
C. Rates
2. A VACS payment rate of 75% of the phosphorus application charge, up to a maximum amount of \$8.00 per acre, is available for the acres receiving variable rate zone or grid (subfield) application of phosphorous on row crops, small grains or highly managed hayland production systems.
3. ~~No per sample cost share is available for zone/grid (subfield) soil fertility testing.~~ **Costs associated with zone or grid (subfield) soil sampling and analysis by a commercial laboratory that are used to implement this practice will be reimbursed at a flat rate of \$6.00 per acre. New soil sample commercial laboratory results (within the program year the payment is being made) must be provided for reimbursement.**
 - Discussion of whether a per-acre or per-sample reimbursement rate is appropriate for sampling cost share.
 - **Motion to accept with per-sample reimbursement instead of per-acre by Kevin Dunn, Tim Mize seconded.**
Kevin withdrew the motion and instead moved to defer back to the subcommittee, second by Melissa Allen.
Motion passes unanimously to defer back to committee.
- **8C:** *Triticale should be grouped with rye for the extra incentive payment for SL-8B cover crop. Triticale, like rye, has an excelling root system that makes it an excellent choice for preventing erosion, scavenging nutrients, and building soil structure. Triticale has a heavy residue on the surface much like that of rye, thus making it a good choice for weed suppression. It produces a lot more residue than other cover crops like wheat and barley, thus making it a much more effective cover crop. Producers that plant triticale as a cover crop should be given the extra \$20 dollars per acre because of the advantages it has as a cover crop.*
 - Offer incentive for pure stands of triticale under SL-8B and SL-8M based on credit received in the Bay Model. Triticale's assigned efficiencies are lower than pure rye, but higher than other non-rye species.
SL-8B
C. Rates
5. **A \$10 per acre bonus payment is available for all applicants that plant pure stands of triticale on or before either planting date.**
SL-8M
C. Rates
6. **A \$5 per acre bonus payment is available for all applicants that plant pure stands of triticale on or before either planting date.**
 - **Motion to advance and include WFA-CC in the revisions by Michael Tabor, second by Kevin Dunn.**
Motion passes unanimously.
- **11C:** *Consider raising the cost-share rates for SL-8M, SL- 8H, NM-7, WQ-4, and any other cover crop practice to be in proportion with the SL-8B practice.*
 - Increase rates for SL-8M to reflect the Bay Model credits (efficiencies) as compared to Early Pure Rye at \$90.00/ acre.

SL-8M

C. Rates

1. A VACS payment rate of ~~\$15~~ **\$20** per acre is available. Districts should not issue payment if a good stand and good growth of winter cover is not obtained before December 15 and maintained through March 14.

4. A ~~\$22~~ **\$25** per acre early planting bonus payment is available for cover crops planted on or before the early planting date specified for their physiographic region. Districts should not issue payment if a good stand and good growth of winter cover is not obtained before December 15 and maintained through March 14.

5. A ~~\$8~~ **\$10** per acre bonus payment is available for all applicants that plant pure stands of rye from the following list on or before either planting date.

6. A \$5 per acre bonus payment is available for all applicants that plant pure stands of Winter Triticale on or before either planting date.

- **Motion to advance by Michael Tabor, seconded by Keith Burgess.
Motion passes unanimously.**

- **13C:** *Review NM specs for consistency regarding sampling fees and the number of acres/fields to be covered by a single test (some say one test per field, others say 7-20 acres)*

- Add PSNT and Soil Nitrate Test definitions to Glossary:

Pre-sidedress nitrate test (PSNT): a procedure used to determine soil nitrate-nitrogen levels at a specific time during a corn crop growing season. See also, soil nitrate test.

Soil (fall) nitrate test: a procedure used to determine soil nitrate-nitrogen levels prior to the small grain crop growing season. See also, Pre-sidedress nitrate test (PSNT).

- Revise NM-4, NM-5N, and NM-7 for consistent testing recommendations for the PSNT/Fall soil nitrate test:

NM-4

B. Policies and Specifications

3. Practice Implementation

iv. **The total number of small grain acres specified by the nutrient management plan to receive an application of nitrogen will determine the maximum acres to qualify for cost-share payment for the Soil Nitrate Test. Cost-share payment for Soil Nitrate Test laboratory analysis will be made only for those Soil Nitrate Tests that are submitted for laboratory analysis.**

a. The soil nitrate test must be done prior to small grain planting.

b. Soil nitrate test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.

NM-5N

B. Policies and Specifications

3. At least one of the following identified components must be implemented to receive any cost-share payment for this practice:

i. Soil pre-sidedress nitrate test (PSNT): Plant tissue samples or petiole samples must be submitted at the correct growth stage and handled in accordance with laboratory guidelines to ensure sample viability and usability. The results of these samples may be used by the participant to support this practice. **PSNT samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.**

NM-7

B. Policies and Specifications

10. A fall soil nitrate test is required annually. If the 6" fall soil nitrate test is less than 30 ppm, then a manure application at planting is allowed. If fall soil nitrate test is greater than 30 ppm at planting, then the crop must be well established (4-6" tall and 50% ground cover) and temperatures conducive to N uptake at time of manure application.

i. **Soil Nitrate Test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.**

- **Motion to advance changes to glossary of terms and revisions to NM-4, NM-5N, and NM-7 by Kevin Dunn, Keith Burgess second. Motion passes unanimously.**

- Revise the antiquated NM-4 standard and spec for consistency with other specifications, in particular the NM-3C. See Attachment 3.

- **Motion to advance formatting changes & revisions to NM-4 standard and specification to update it to be more consistent with NM-3C and other NM BMPs by Steven Meeks, second by Tim Mize Motion passes unanimously.**

- **16Cii (Original Item Split):** *And/or offer additional incentive for any cover crop with significant amounts of biomass in the Spring. This idea would be similar to the "pay for production" that was considered in a previous year. For example, the \$90/acre cover crop payment would be based upon the amount of biomass achieved in the spring and not just when it was planted in the fall. So, there might be 2 planting commitment levels:*

1. *Planting with low biomass - this would be the producers that kill cover early (March 15) or don't get much biomass when spot- checked - \$60/acre*
2. *Planting with high biomass – producers would commit to a later kill date (April 15). Biomass samples could be taken - \$90/acre*

- Add \$10.00 incentive for late kill-down to the SL-8B and SL-8M specifications. Also add the ability to 'plant green' for clarity:

SL-8B

C. Rates

6. Cover crops that are killed using mechanical, chemical or grazing means, on May 1 or thereafter, but no later than June 1, are eligible for a \$10.00 per acre bonus. Planting green, planting directly into the growing cover crop prior to termination, is allowed.

SL-8M

C. Rates

7. Cover crops that are killed using mechanical, chemical or grazing means, on May 1 or thereafter, but no later than June 1, are eligible for a \$10.00 per acre bonus. Planting green, planting directly into the growing cover crop prior to termination, is allowed.

WFA-CC, page 3:

C. Rates

2. Cover Crop – Standard Cover Crop

iv. An additional VACS payment rate of \$10.00 per acre is available for a delayed cover crop kill down on May 1 or thereafter, but no later than June 1. **Planting green, planting directly into the growing cover crop prior to termination, is allowed.**

3. Cover Crop – Fall Manure Application

iv. An additional VACS payment rate of \$10.00 per acre is available for a delayed cover crop kill down on May 1 or thereafter, but no later than June 1. **Planting green, planting directly into the growing cover crop prior to termination, is allowed.**

- **Motion to advance by Matt Kowalski, second by Steven Meeks. 1 opposed Tricia Mays, motion passes.**

- **17C:** *Edit the NM-5N Rates section regarding hayland applications. Currently the Rates section says “more than two” but should be “two or more”, consistent with section B. Review other wording in Rates section for edits needed to be consistent with requirements for small grains and other crops.*

- Update language in NM-5N C.1 paragraph 2 to “or two or more applications on highly managed hayland” to mirror language in NM-5N B.v.

NM-5N

C. Rates

1. As set forth by Virginia Code, the Commonwealth currently provides a tax credit for implementation of certain agricultural best management practices, as discussed in the Tax Credit Guidelines of the VACS Manual.

A VACS payment rate of 75% of the nitrogen application charge, up to a maximum amount of \$8.00 per acre per year, is available for the acres receiving the variable rate or zone application of nitrogen or multiple split applications of nitrogen on corn, cotton and small grain; or more than **two or more** applications on highly managed hayland.

- **Motion to advance by Steven Meeks, second by Kevin Dunn**
Motion passes unanimously.

- **18C:** *It was recently clarified that the NM-6 allows payment for multiple injections on the same field in one program year. The spec should be updated to specify that multiple injections will be paid under one instance.*

- Add language to clarify that the NM-6 is an annual practice and payment will be made once per contract in the program year.

NM-6

B. Policies and Specifications

6. **This is an annual practice.** Participants may receive cost-share or tax credit for multiple injections on the same acres in the same program year (e.g. fall and spring), consistent with the Nutrient Management Plan and other requirements of this specification.

C. Rates

2. A VACS payment rate of \$45 per acre is available. **Payments will be made once per contract in the program year.** Participants may receive either a cost-share payment or a tax credit for implementation of this practice, but not both on the same acreage.

- **Motion by Eric Paulson to defer, second by Kevin Dunn. Motion withdrawn by Eric Paulson.**
- **Motion by Martha Moore to table, second by Eric Paulsen. 2 opposed; Sara Bottenfield and Tricia Mays**
Motion passes to table.

- **19C:** *In the WFA-NM replace the requirement to verify implementation of the NMP (B. 1. vi.) with the NMP implementation policy found in other NM specs.*

- Update language in the WFA-NM to mirror language in the other NM practices regarding nutrient management plan implementation:

WFA-NM

1. Eligibility

vi. In order to verify implementation of the NMP, an applicant must provide one of the following to the District:

a. A completed verification form (DCR199-231, 04/18);

b. A statement signed by the Nutrient Management Planner and producer that nutrients were applied during this period according to a NMP;

c. For new producers, or tracts without a current Nutrient Management Plan, nutrient application records for the preceding 12 months.

vi. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field on which this practice will be implemented. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014); must be prepared and certified by a Virginia certified Nutrient Management Planner; and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50- 85-130G).

o **Motion to advance by Steven Meeks, second by Kevin Dunn.**

Motion passes unanimously.

- **20C:** *Add a practice to re-enroll or capture existing grassland that was converted from row crop (may help with WIP). In 2022 the subcommittee voted to create a CCI practice for the existing SL-1 to address this suggestion, which was deferred by the full TAC.*
 - o Subcommittee voted to move to another subcommittee to better address the CCI. The SL-1 is a conversion practice from row crop, the CCI would be for the maintenance of hay or pasture. (Information only, no action needed by TAC)

- **22C:** *Add the following to SL-15A Description and Purpose: "To encourage utilization of this practice by producers with cotton and peanuts in their rotation, a one-time exception to maintaining 60% residue for five consecutive years will be granted to those willing to add an extra year to the lifespan of this practice". Under B.2., add, "For fields planted in peanuts, a small grain or cover crops must be planted within 30 days of digging. Cotton fields may also need to be planted in a small grain or cover crops to maintain biomass". Under B.6., add, "For fields that have been rutted during harvest, small grains or cover crop must be planted within 30 days to maintain compliance with this specification. It is recommended that cover crops planted after November 1st be drilled to ensure an adequate stand". Deferred in 2022*
 - o The subcommittee felt it was more appropriate to address this suggestion under the SL-15B spec as opposed to the SL-15A. This would create a high residue (SL-15A) and a conservation/residue tillage (SL-15B) spec. The subcommittee also recommends adoption of a CCI-RT practice. Refer to Attachments 4 and 5.
 - o **Motion to advance revised SL-15B specification by Steven Meeks, second by Keith Burgess**
Motion passes unanimously.
 - o **Motion to advance new specification for CCI-RT to complement SL-15B by Steven Meeks, second by Michael Tabor.**
Motion passes unanimously.
 - o Keith Burgess noted to look into other crops that could be included next year.

- Language regarding ‘one time per field’ was not clear. Revise this language in SL-1 and SL-15A to be specific to the practice (this change is also included in the SL-15B revision advanced by previous vote):

SL-1

B. Policies and Specifications:

5. State Cost Share and tax credit **contracts for the SL-1** will be provided only one time per field, while that field is under the same ownership.

SL-15A

B. Policies and Specifications:

4. State cost-share **and tax credit contracts for the SL-15A** will be provided only one time per field.

- **Motion to advance SL-1 and SL-15A language revisions by Matt Kowalski, second by Steven Meeks.**

1 Opposed, Martha Moore. Motion passes.

- **23C:** *Revise NM-5N B.3 to clearly distinguish/describe PSNT and tissue samples. Currently both are listed under B.3.i in a way that can be confusing.*

- Remove “plant tissue samples or petiole samples” for clarification in NM-5N B.3:

NM-5N

B. Policies and Specifications:

3. At least one of the following identified components must be implemented to receive any cost-share payment for this practice:

- i. Soil pre-sidedress nitrate test (PSNT): ~~Plant tissue samples or petiole s~~ Samples must be submitted at the correct growth stage and handled in accordance with laboratory guidelines to ensure sample viability and usability. The results of these samples may be used by the participant to support this practice.

- **Motion to advance by Keith Burgess, second by Steven Meeks**

Motion passes unanimously.

- **Unnumbered suggestion:** *Add Cotton to the NM-3C standard to promote the split application of cotton through a sidedress at first square (the optimal growth stage and highest demand the crop has for nitrogen). Studies have been shown by NCSU that "cotton utilizes very little N and K from planting until first square, and peak demand for nutrients like N and K occurs during the bloom period."*

- Insert cotton into the NM-3C and WFA-NM specifications. See Attachment 2.

- **Motion to advance by Martha Moore, second by Steven Meeks.**

Motion passes unanimously.

PUBLIC COMMENT – none

ADJOURN – 2:28pm

Attachment 1

Continuing Conservation Initiative

Name of Practice: ANIMAL WASTE CONTROL FACILITIES-MAINTENANCE PRACTICE
VACS Program Specifications for No. CCI-WP-4

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Continuous Conservation Initiative Animal Waste Control Facilities best management practice which is applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice prevents animal waste from entering watercourses and environmental sensitive areas.

The purpose of this practice is to provide an incentive payment for the maintenance of existing Animal Waste Control Facilities. To include Seasonal Feeding Facilities (WP-4SF), Confined Livestock Operations (WP-4LC), and Animal Waste Control Facilities (WP-4) or equivalent facilities. Feeding pads that do not provide storage are not eligible.

B. Policies and Specifications

1. Separate facilities for different animal groups shall be treated as individual practices. Liquid and dry manure storage serving the same group shall also be treated as individual practices.
2. This practice will maintain existing Animal Waste Control Facilities to prevent animal waste runoff from entering watercourses and environmentally sensitive features.
3. This practice must not be in lifespan from any other conservation program.
4. The maintenance of a functional Animal Waste Control Facility is required and the existing and continued use of the facility must be for storage and/or treatment of animal waste. The facility shall be effectively treating on site generated animal waste.
5. If the existing Animal Waste Control Facility does not adequately treat on site animal waste, either through undersized structures and/or management, the resource concern must be addressed prior to receiving payment for the CCI- Animal Waste Control Facility.
6. The Animal Waste Control Facility components must not be subject to floodwaters and/or overland flow.
7. The Animal Waste Control Facility must include a permanent facility with a roof. Liquid manure pits do not require a roof.

8. The participant is responsible for inspecting and maintaining all Animal Waste Control Facility components associated with the practice during its lifespan. In the event these components are damaged or destroyed, it is the responsibility of the participant to repair or replace them with no additional CCI funding.
9. In order to be eligible for cost-share, producers must be fully implementing a current nutrient Management Plan (NMP) on all agricultural production acreage receiving manure from the associated storage structure. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VAC50-85-130G).
10. This practice is eligible for re-enrollment.
11. All practice components implemented must be maintained for a minimum of five years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice, the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share and/or tax credits.

C. Rate(s)

The VACS payment rate is a single payment of a base rate of \$5000 per Animal Waste Control Facility, as well as an additional payment per animal unit (AU) as outlined in the table below, as calculated for annual manure production. A participant may be eligible for separate CCI payments if there are multiple Animal Waste Control Facilities serving different animal groups.

For WP-4B and WP-4LL practices, the producer should receive an additional payment per component for the loafing lots associated with the structure equal to that of the CCI-SL-6W/N, based on the buffer width. No components should be paid for twice between different CCI practices. If there is no exclusion associated with the loafing lots, participants are eligible to receive the watering system and trough payments equal to that of the CCI-SL-6 practices.

<u>Type of Practice</u>	<u>Rate per Animal Unit (AU)</u>
<u>WP-4 Poultry/Swine**</u>	<u>\$1.50</u>
<u>WP-4 Others**</u>	<u>\$25.00</u>
<u>WP-4SF*</u>	<u>\$10.00</u>
<u>WP-4LL*</u>	<u>\$20.00</u>
<u>WP-4B*</u>	<u>\$20.00</u>
<u>WP-4LC*</u>	<u>\$25.00</u>

* These rates are based on standard confinement percentages.

** For standalone manure storage structures (WP-4) when 100% of the manure generated by the group of animals is not captured and stored in the associated structure, the \$25 per animal unit should be multiplied by the percentage of the manure being collected and treated by this structure. For example, if this is for a feed lane, 33% of the manure is collected in the feed lane, therefore, you would calculate the payment rate per animal unit by multiplying $\$25 \times 33\% = \$8.25/\text{AU}$.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner (s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Attachment 2

Name of Practice: ~~SIDEDRESS APPLICATION OF NITROGEN ON CORN, AT THE 6-LEAF STAGE OR AT LEAST 15" IN HEIGHT AND/OR GRAIN SORGHUM, AT THE 5-LEAF STAGE OR AT LEAST 12" IN HEIGHT AND/OR COTTON~~

VACS Program Specification for No. NM-3C

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Sidedress Application of Nitrogen on Corn, Grain Sorghum, and/or Cotton practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will encourage the sidedress application of nitrogen (organic OR inorganic) on corn, grain sorghum, and/or cotton. For fields receiving only nitrogen fertilizer, sidedress applications will be based upon soil sample results and the Nutrient Management Plan (NMP). All secondary or sidedress applications will be applied at a growth stage when the plant is entering the highest demand for nitrogen: corn at 15" to 24" tall; grain sorghum at 12" to 18" tall; cotton between first square and first (white) bloom.

For fields that have previously received manure or biosolids applications according to the current NMP or have high biomass legume cover crop, a pre-sidedress nitrate test (PSNT) will be used to determine the amount of nitrogen necessary in the sidedress application.

B. Policies and Specifications

1. Eligibility:

- i. Eligibility for this practice is limited to the length of the plan recommending the sidedress practice.
- ii. The producer must provide a written verification (such as a work order or bill) to the district within two weeks of the sidedress application when the application has been contracted out.
- iii. The total number of corn, grain sorghum, and/or cotton acres specified by the nutrient management plan to be sidedressed will determine the maximum acres to qualify.
- iv. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field on which this practice will be implemented. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014); must be prepared and certified by a Virginia certified Nutrient Management Planner; and must be on file with the local District before any cost-share payment is made to the

participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VAC50-85-130G).

- v. District staff should utilize the NMP maps, nutrient balance sheets, and summary sheets to confirm practice implementation. A comparison between crop recommendations and in field conditions shall be used when certifying conservation practice compliance.
2. The total number of corn acres specified by the nutrient management plan to receive manure, or have a high biomass legume cover crop, will determine the maximum acres to qualify for cost-share payment for the PSNT. Cost-share payment for PSNT laboratory analysis will be made only for those PSNT tests that are submitted for laboratory analysis.
 - i. The PSNT must be done when corn is approximately 12 inches in height.
 - ii. PSNT samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
 3. Checks to ensure compliance with this practice may be conducted by the District or appropriate agency personnel and failure to comply may result in forfeiture of cost-share funds.
 4. The producer must sign up prior to April 1 and provide a written verification of contracted sidedress application cost (including the PSNT results) to the District within two weeks of the sample analysis.
 5. Application of any sidedress nitrogen must be made: after the corn is at the 6-leaf stage or at least 15 inches in height, grain sorghum is at the 5-leaf stage or at least 12 inches in height, or cotton is between the first square and first bloom stage.
 6. A minimum of 20 lbs of inorganic nitrogen per acre must be applied to be considered a sidedress application for the management of nitrogen.
 7. Total nitrogen to be applied to the corn, grain sorghum, and/or cotton field must be consistent with the nutrient management plan or determined by using a PSNT (as applicable for corn) consistent with procedures contained in the Nutrient Management Training and Certification Regulations (4VAC50-85 et. Seq).
 8. Acres receiving a zero application rate based on a PSNT result also qualify for a payment rate of \$6 per acre. This is for manure or high biomass legumes only; biosolids are not eligible for payment.
 9. This is an annual practice.

C. Rate(s)

1. As set forth by Virginia Code, the Commonwealth currently provides a tax credit for implementation of certain agricultural best management practices as discussed in the Tax Credit Guidelines of the VACS Manual.
2. A VACS payment rate of ~~75% of the nitrogen application charge, up to a maximum amount of \$6.00 per acre for the sidedress application~~, shall be paid based upon the contracted sidedress application acreage. Producers applying their own sidedress applications will receive \$6.00 per acre applied.
3. Costs for ~~soil nitrate test~~ PSNT sample collection and analysis by a commercial laboratory that are used to implement this practice will be reimbursed at a flat rate of \$12.00 per sample. The reimbursement flat rate can only be utilized once per sample, samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Attachment 3

Name of Practice: LATE WINTER SPLIT APPLICATION OF NITROGEN ON
SMALL GRAINS
DCR Specifications for No. NM-4

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Late Winter Split Application of Nitrogen on Small Grains practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Late winter split application of nitrogen on small grain consists of applying nitrogen during the late winter in two increments based on the progression of growth of the small grain crop. Applying nitrogen based on the progression of growth of the small grain crop in the late winter minimizes the amount lost through leaching and runoff.

B. Policies and Specifications

1. Eligibility

- i. Eligibility for this practice is limited to the length of the plan recommending the split nitrogen application.
- ii. ~~Farmers~~The producer must provide a written verification (such as a work order or bill) to the District within two weeks of the second application ~~and prior to cost-share payment~~ when the application has been contracted out.
- iii. The total number of small grain acres specified by the Nutrient Management Plan to receive late winter split nitrogen applications will determine the maximum acres to qualify, with payment being made only to those acres which actually receive late winter split nitrogen applications.
- iv. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field on which this practice will be implemented. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014); must be prepared and certified by a Virginia certified nutrient management planner; and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
- v. District staff should utilize the NMP maps, nutrient balance sheets, and summary sheets to confirm practice implementation. A comparison between crop recommendations and in field conditions shall be used when certifying conservation practice compliance.

2. The total number of small grain acres specified by the Nutrient Management Plan that have organic sources of nitrogen applied during the crop year, or in previous years, or if high residual nitrogen levels are suspected from a previous crop, fall nitrogen rates should be determined by a nitrate test. Cost-share payment for soil nitrate test laboratory analysis will be made only for those soil nitrate tests that are submitted for laboratory analysis.
 - i. The soil nitrate test must be done prior to small grain planting.
 - ii. Soil nitrate test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
 - iii. For late winter split application of nitrogen, the two applications must be at least 30 days apart, with the first application no earlier than growth stage 25, with nitrogen rates determined based on tiller counts and tissue tests.
 - iv. In lieu of tiller counts and tissue tests, as listed in the *Virginia Nutrient Management Standards and Criteria, revised July, 2014*, late winter split application of nitrogen must not exceed 40 pounds of nitrogen for the first application and must not exceed 50 pounds of nitrogen for the second application.
3. Checks to ensure compliance with this practice may be conducted by the District or appropriate agency personnel and failure to comply may result in forfeiture of cost-share funds.
4. ~~Farmers~~The producer must sign up prior to February 1 and provide written verification (such as a work order or bill) of contracted sidedress application cost (including the soil nitrate test results) to the District within two weeks of the second application and prior to cost-share payment.
5. A minimum of 20 lbs per acre must be applied to be considered a split application for the management of nitrogen.
6. The amount of late winter nitrogen to be applied to the small grain field must be ~~determined by using the criteria contained in the *Virginia Nutrient Management Standards and Criteria revised July, 2014* consistent with the nutrient management plan~~ or determined by using a soil nitrite test consistent with procedures contained in the *Virginia Nutrient Management Standards and Criteria revised July, 2014*.
7. Acres enrolled in the NM-4 practice are ineligible to receive payment for an SL-8H on the same acres.
8. This is an annual practice.

C. Rate(s)

1. As set forth by Virginia Code, the Commonwealth currently provides a tax credit for implementation of certain agricultural best management practices as discussed in the Tax Credit Guidelines of the VACS Manual.
2. A VACS payment rate of ~~75% of the nitrogen application change, up to a maximum amount of \$4.50~~ \$6.00 per acre, if offered for the second application in the late winter shall be paid based upon the contracted second application acreage. Producers applying their own second application will receive \$6.00 per acre applied. If only one late winter application is made, no reimbursement is to be provided.
3. Costs for soil nitrate test sample collection and analysis by a commercial laboratory that may be used to implement this practice will be reimbursed at a flat rate of ~~\$8.00~~ \$12.00 per sample. The reimbursement flat rate can only be utilized once per sample, samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Attachment 4

Name of Practice: CONTINUOUS ~~NO-TILL FORAGE~~ CONSERVATION TILLAGE PRODUCTION SYSTEM

VACS Program Specifications for No. SL-15B

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Continuous ~~No-Till Forage~~ Conservation Tillage Production System best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice is designed to expand implementation of continuous ~~no-till~~ conservation tillage planting systems, continuous cover, and nutrient management technologies that will result in the reduction of non-point source pollution to state waters from nutrients and sediments.

Its purpose is to reduce erosion by minimizing tillage of soils on cropland. This will improve soil quality by recognizing nutrient management indicators that manage the movement of nitrogen, phosphorous, sediments and runoff with the use of ~~no-till~~ conservation tillage planting techniques.

B. Policies and Specifications

1. Eligibility:

- i. All eligible fields must be converting from a ~~minimum~~ or conventional till system to a continuous conservation tillage system.
- ii. All eligible fields must have a cropping history two out of the past five years.
- iii. Multi-year, multi-crop rotations must include at least two crops of small grain, including those planted as cover crops. Permanent grass or hay land is not considered cropland for this practice.

2. If the planting of a cover crop is needed to maintain biomass, the producer is eligible to plant cover under SL-8B or WQ-4. Participants may receive payments for the cover crop practices and the Continuous ~~No-Till Forage~~ Conservation Tillage Production System simultaneously, so long as all practice specifications have been met. Cover crops are strongly encouraged throughout the life of the contract. ~~If cover crops are planted, a good stand and good growth of winter cover should be obtained in sufficient time to protect the area in the fall and winter.~~

3. ~~All eligible fields must have RUSLE2 soil loss calculations comparing the pre-practice conditions and the erosion that occurs after the practice is installed. The RUSLE2 comparison calculations must show a significant reduction in erosion for the field to be eligible. This amount should be entered in the appropriate column on the application~~

~~form.~~

3. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field on which this practice will be implemented. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014); must be prepared and certified by a Virginia certified Nutrient Management Planner; and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
4. State cost-share and tax credit contracts for the SL-15B will be provided only one time per field.
5. Fields that have received payment in federal continuous no-till or conservation tillage programs are not eligible to participate in this practice. However, fields that have received cost share payment through this practice are not restricted by this practice from participation in federal or state conservation system programs.
6. Cropping rotations that involve the removal of residue are eligible, **so long as the residue coverage levels are maintained at a minimum of 30%**. ~~Land must be covered with an actively growing crop. Straw may remain on the field. All crops must be planted utilizing no till planting methods within 30 days of harvest, grazing or removal of biomass.~~
7. All crops must be planted using ~~no-till~~ conservation tillage methods maintaining a minimum of 30% residue coverage at planting and utilizing a non-inversion tillage method (i.e. strip till).
8. Biomass requirements for all crop rotations must maintain a minimum of 30% rain drop intercepting residue cover on the enrolled acres for the lifespan of the practice.
 - i. For fields that have been rutted during harvest, small grains or cover crop must be planted within 30 days to maintain compliance with this specification. It is recommended that cover crops planted after November 1st be drilled to ensure an adequate stand.
9. This practice is subject to NRCS Standards 340 Cover Crop, 328 Conservation Crop Rotation, ~~590 Nutrient Management~~, and 595 Integrated Pest Management.
10. All practice components implemented must be maintained for a minimum of five years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice, the participant agrees to maintain all

practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share and/or tax credits.

C. Rate(s)

1. As set forth by Virginia Code, the Commonwealth currently provides a tax credit for implementation of certain agricultural best management practices as discussed in the Tax Credit Guidelines of the VACS Manual.
2. The VACS payment rate is a one-time incentive payment of \$35 per acre.
3. Only the participant's eligible out-of-pocket expenses may be used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Attachment 5

Continuing Conservation Initiative

Name of Practice: LONG TERM CONTINUOUS REDUCED TILLAGE PLANTING SYSTEMS
VACS Program Specifications for No. CCI - RT

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Continuous Conservation Initiative Long Term Continuous Reduced Tillage Planting Systems best management practice, which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will implement a continuous conservation tillage planting system and nutrient management planning technologies that result in the reduction of non-point source pollution to state waters from nutrients and sediments. The practice will increase biomass/soil quality and manage the residue to reduce the movement of nitrogen, phosphorus, sediments and runoff with the use of no-till planting systems.

This long term continuous conservation tillage planting system reporting practice is designed to provide a financial incentive to assure that lands being managed under continuous conservation tillage planting systems are reported to DCR. These conservation tillage systems are required to be effective and functioning as designed throughout the lifespan of this practice.

B. Policies and Specifications

1. Eligibility

- i. Eligible land must be managed under a continuous conservation tillage planting system that utilizes a non-inversion tillage method and results in a **minimum of 30% residue cover** on all of the enrolled acres and must be maintained for the lifespan of the practice. Prior to practice authorization, Districts must verify that conservation tillage planting methods have been utilized on site and that 30% cover exists on the land. Land enrolled in an active SL-15B practice **is not eligible for CCI- RT.**
- ii. All eligible fields must have a cropping history two out of the past five years. Only multi-year, multi-crop rotations on cropland that include at least two crops of small grain or cover crop in five years are eligible. Small grain crops may be harvested for grain, straw may remain on field. Permanent grass or hay land is not considered cropland.
- iii. Participants may not receive CCI-RT payments and Nutrient Offset Credits on the same acres simultaneously.

- iv. In order to be eligible for cost-share, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field on which this practice will be implemented. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014); must be prepared and certified by a Virginia certified Nutrient Management Planner; and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
2. The practice must not be in lifespan from any other conservation program.
3. Practice Development
 - i. If the planting of a cover crop is needed to maintain biomass, the producer is eligible to plant cover under SL-8B or WQ-4.
 - ii. The system must be maintained for a minimum of five years.
 - iii. All crops must be planted using conservation tillage methods.
4. Practice Implementation
 - i. Biomass requirements for cash grain, oilseed, cotton, peanut and small grain rotations must maintain a minimum of 30% residue cover on the enrolled acres and must be maintained for the lifespan of the practice.
 - ii. This practice is subject to **annual** spot checks by District staff throughout its lifespan.
 - iii. This practice is subject to NRCS Standards 340 Cover Crop, 328 Conservation Crop Rotation, and 595 Pest Management.
5. All practice components implemented must be maintained for a minimum of five years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting cost-share payment for this practice, the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost- share.

C. Rate(s)

The VACS payment rate is an incentive payment of \$3 per acre for the life of the practice. Payment for the five year contract will be made the first year of the contract and will be calculated at (\$3/acre) x (number of acres in the contract) x (5 years).

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures