

DCR Agricultural BMP Technical Advisory Committee (TAC) Meeting

Central High School Educational Complex Auditorium

2748 Dogtown Road, Goochland VA

October 29, 2024

10:00 am

Attendees:

Voting Members:

Sara Bottenfield, Department of Conservation and Recreation, Chair
Adrienne Kotula, Chesapeake Bay Commission
Anne Marie Roberts, James River Association
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
Aaron Shull, Headwaters SWCD
Jim Riddell, Virginia Cattlemen's Association
Justin Barnes, Department of Forestry
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
Pam Mason, Colonial SWCD
Phil Davis, Department of Environmental Quality
Ricky Rash, Piedmont SWCD
Robert Bradford, Culpeper SWCD
Sharon Conner, Hanover-Caroline SWCD
Steve Escobar, Virginia Horse Council
Steven Meeks, Virginia Association of SWCDs
Tom Hardiman, Virginia Grain Producers Association
Tricia Mays, Southside SWCD

Other Attendees:

Marie Schirmacher, DCR
Debbie Cross, DCR
Olivia Leatherwood, DCR
James Martin, DCR

Ben Chester, DCR
Amanda Pennington, DCR
Barbara McGarry, DCR
Kemper Marable, Hanover-Caroline SWCD
Hunter Gravatt, Hanover-Caroline SWCD
Stacey Sovick, Hanover-Caroline SWCD
Steve Jones, John Marshall SWCD
Hunter Arehart, Shenandoah Valley SWCD
Jack Carlton, Shenandoah Valley SWCD
Blair Blanchette, Virginia Association of SWCDs
Tad Williams, DCR
Buck Tharpe, Southside SWCD
Hunter Quinones, DCR
Jerry Rauch, DCR
Blair Gordon, DCR

Welcome and introductions (Sara Bottenfield)

Sara Bottenfield welcomed the group and participants introduced themselves. Quorum was established with 30 voting members present, therefore 24 (80%) must agree for a motion to advance. Sara reviewed the process for the day: subcommittee chairs will present the items the subcommittees wish to advance, the TAC can vote to advance, table or defer.

Animal Waste Subcommittee Update (Amanda Pennington) – see Attachment 1

Amanda presented information for item 1A. She provided an overview of the new process for PY26 for allowing cost share on animal waste systems before animals are on-site. Input from the subcommittee was incorporated into the process which has been reviewed and approved by DCR leadership, no TAC actions are necessary.

Amanda proceeded to item 3A, suggesting that the WP-4F language be made consistent with the WP-4C. She presented the recommended changes to the WP-4F specification.

**Motion to approve the changes as presented by Michael Tabor, seconded by Kevin Dunn.
Motion carried unanimously.**

Amanda concluded her subcommittee update with a brief review of the items tabled by the subcommittee.

Stream Protection and Forestry Subcommittee Update (Ben Chester) – see Attachment 2

Ben presented item 1S sharing the updated language to remove the NRCS 528 standard from the SL-7 specifications. A grazing plan is still required but it does not need to meet the 528 standards. The grazing plan requirement for SL-6 practices with more than three new grazing

units will be made consistent with the new SL-7 grazing plan requirement. Updated language for the SL-10 was also presented. The intent is that participants will start with an SL-6, may expand to an SL-7, and then take their grazing management further by implementing a SL-10. The group expressed concern that removing the 528 requirement might affect Bay model credit, but it appears that credit would not be affected. It was also noted that there should be more clear language to specify that a producer is required to implement soil test recommendations and provide receipts before payment can be issued, not necessarily implement the grazing plan yet. The group agreed that DCR could wordsmith the language to ensure clarity moving forward.

Motion to approve the changes as presented by Michael Tabor, seconded by Kevin Dunn. Motion carried unanimously.

Ben concluded his subcommittee update with a brief review of the items tabled by the subcommittee.

Cover Crop and Nutrient Management Subcommittee Update (Marie Schirmacher) – see Attachment 3

Marie opened by noting that the subcommittee dealt with 11 suggestions total: advanced 1, deferred 2 and tabled remaining items.

She reviewed the subcommittee's recommendation for item 7C, to clarify that only applications of N and P are restricted for cover crop practices. These edits will also apply to corresponding sections of the WFA-CC specification.

Martha Moore moved to approve, Ricky Rash seconded. No discussion. Motion carried unanimously.

Marie concluded her subcommittee update with a review of the deferred items from the matrix, and quickly went over the Tabled items.

There was a comment that a reason for several items being tabled was because they don't get Bay model credit, but it was previously discussed that practices don't have to receive Bay model credit to be included in VACS. The program should take into consideration what is a good practice and encourage it simply for good conservation. Marie responded that we wanted the most bang for our buck and that some of these practices are still eligible for VACS just not for bonus payments.

It was also noted that Virginia Tech is conducting some research on alternatives for Rye as a cover crop. Breeders are saying they have a wheat variety that might be just as good. Discussions at the subcommittee on cover crop types will continue.

Programmatic Subcommittee Update (Sara Bottenfield) – see Attachment 4

Sara noted that there was one item to advance, item 5P, a suggestion to add the SL-8M and corresponding options under the WFA-CC practice to the EAN guidance listed in the manual. The committee recommends making that change.

Motion to approve the changes as presented by Pam Mason, seconded by Sharon Conner. No discussion. Motion carried unanimously.

Sara then reviewed deferred item 2P regarding the 5-acre minimum being removed for VACS eligibility. James Martin mentioned that DCR has reached out to VSU for practices that are needed on the smaller farms. So far, they have suggested a water capture system with gutters and cisterns. If anyone has ideas reach out to SFOP.

The remaining tabled items were reviewed from the matrix. The group asked for a recap of the discussion on taking the WFA statewide. Sara responded that all Districts who have expressed interest are participating in WFA. There are currently some that do not want to take it on at this point. It is still a pilot, DCR and SWCDs are still running into challenges and kinks that need to be worked out, which is the purpose of the pilot. It also presents some challenges with the way that DCR is able to offer funding for WFA as a pilot program right now. It was noted that each year all SWCD are invited to participate, but participation is not required.

Discuss suggestion regarding creation of CCI-SL-1 practice (Sara Bottenfield)

“Create a new spec: CCI-SL-1: this would incentivize producers to keep field in grass while allowing some funds to go to fertilization, lime, overseeding, etc. Possible rates could be between \$25 - \$50 per acre. The practice could be limited to only fields that were previously under contract as an SL-1, so that we could be sure the CCI was truly maintaining a land conversion.”

As some background, Sara offered that this suggestion has been around since at least 2021 and was not taken up by the TAC that year. In 2022 the Cover Crop subcommittee did develop a draft specification but the full TAC had questions and concerns about credit, lifespans, and the rate that was proposed. Ultimately the full TAC sent it back to the subcommittee for revisions. In 2023 it went back to the subcommittee, and they decided it did not fit into their scope of work and that it should go to a different subcommittee. None of the existing subcommittees are a better fit for this suggestion, so it is being brought to the full TAC.

Sara shared some details from the draft spec that was presented in 2022. One of the questions was about the Bay model credit and in talking with DCR Data Services, a cropland conversion practice is going to be captured with new land use data based on aerial photography done about every 4 or 5 years. Many points were made by the group including the abuse of the 5-year cycle as part of a crop rotation and the possibility of this type of practice encouraging people to keep land in grass. It is most advantageous for producers and for the land to be kept

in grass for 10 – 15 years, and there was little support for expanding the practice beyond 15 total years. Ultimately the TAC agreed on four key elements to a CCI-SL-1 practice: Only previously enrolled VACS SL-1 practices are eligible, no more than \$50 per acre for a 5-year extension, land can only be enrolled in a combination of SL-1 and CCI-SL-1 for a total of up to 15 years, and a nutrient management plan is required.

Jim Riddel motioned to advance developing a CCI-SL-1 specification with the four key elements established by the TAC. Seconded by Ricky Rash and carried unanimously.

Luke Longenecker moved to assign the CCI-SL-1 to the Programmatic subcommittee, seconded by Pam Mason. Marie Schirmacher, Chair of the Cover Crop Subcommittee, spoke up and agreed to take on the development of the spec. **Luke withdrew his motion.**

Michale Tabor moved to send the spec development to the Cover Crop Subcommittee. Steve Escobar seconded and the motion carried unanimously.

Other TAC Updates (Sara Bottenfield)

Sara shared information about the prioritization survey that was conducted to rank the submitted suggestions for the TAC. In total, there were 57 suggestions, 40 of those suggestions were eligible and included in the survey. Only 16 people responded to the survey. It should be noted that any suggestions that did not rank high enough to be assigned to a subcommittee this year can be re-submitted for consideration in the next cycle. Some discussion was had on who should be able to respond to the survey and on whether suggestions should be ranked at all or if all suggestions should be sent to the appropriate subcommittee to work through as time permits. Sara asked the group to email her their thoughts on this process for her consideration.

Sara also updated the group on the Buffer Workgroup DCR will convene. Thirteen suggestions related to buffers were received this year, with a number of those being ineligible for the TAC due to being previously tabled or outside the TAC's purview. The workgroup will provide a forum to try and address some of these buffer needs without being restricted to VACS. The recent completion of DOF's Riparian Buffer Action Plan and other partners' new or expanding buffer initiatives provide some new opportunities for solutions. The workgroup will include several members of the Stream Protection and Forestry subcommittee, DOF, JRA, CBF, and several contractors who have been doing working on DOF buffer projects. DCR is still finalizing membership and plans for the workgroup to meet a few times over the winter.

Public Comment

Pam Mason expressed her appreciation for the TAC survey process and that Sara recognized a need and tried a new process to address it.

Adjourn: 12:26 pm

Attachment 1

Virginia Agricultural BMP Technical Advisory Committee Scope of Work: July through December 2024

MATRIX OF ADVANCED ANIMAL WASTE RECOMMENDATIONS FOR CALENDAR YEAR 2024 (CY24) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2026/2027
1A		Provide recommendations for consistent procedures and guidelines to implement the approved budget amendment regarding cost-share for animal waste facilities: Notwithstanding any other provision of law, the Department shall permit the disbursement of funds allocated for the Virginia Agricultural Cost Share Program (VACS) to be committed and disbursed as cost-share funding in conjunction with the planning and construction of livestock and poultry waste facilities prior to animals being on site if such projects would be otherwise eligible for funding and the applicant has a contract for animals to be placed within the project site within six months of the project's completion.	The subcommittee provided input into the development of a process to implement approving and constructing animal waste facilities prior to animals being onsite. The process was reviewed and accepted by agency leadership with minor revisions. (No action needed by TAC)		
3A	WP-4F	Review and revise WP-4F for consistency with WP-4C	Revise language to be consistent with the WP-4C. Refer to draft revised WP-4F.		

MATRIX OF DEFERRED ANIMAL WASTE RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring

MATRIX OF TABLED ANIMAL WASTE RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
2A	WP-4	Consider increased cost share rate for a WP-4 manure storage facility. This would incentivize storing exposed manure piles, without the “production gain” of a feeding facility. Possible rate of 80% - 90%. Manure storage facility in conjunction with feeding facility would remain at 75% reimbursement.	Tabled on the basis of production gain as reasoning for an increase. It is not clear that the current rate is inhibiting participation. (Does not preclude a future suggestion for a rate increase with a different supported justification.)
4A		Allow for cost-share on decommissioning old manure lagoons. Old lagoons are becoming more frequent as the dairy industry shrinks. These old lagoons are water quality concerns.	The suggestion to provide cost-share was tabled due to the high cost of decommissioning with no credit available. There is interest among subcommittee members in developing a tax credit specification for future consideration.

Animal Waste Process (Item 1A)

- Funds should be disbursed to the District based on what is shown in CAS as obligated. The District shall hold payment to the participant until animals described in the contract are on site.
- Sizing and risk assessment numbers are based on the animal numbers, types and weights in the contract.
- Information needed prior to construction:
 - Signed/Executed Contract
 - Animal numbers
 - Animal types
 - Animal weights
 - Feeding methods and types
 - Cleanout schedule for poultry
 - Housing type (i.e. bedded pack, free stall facility, seasonal feeding facility, etc.)
- This applies to expansions of existing operations, new operations, or herds that are a part of the existing operation but located on an offsite farm and will be moved.
- All existing program rules apply, other than animals being on site.
- Only applies to the WP-4 (manures storage)/WP-4C (mortality composting facility).
- Order of Operations:
 - Producer expresses interest
 - Producer has a contract to receive animals
 - Run risk assessment
 - Sign them up for VACS
 - Size structure
 - Cost estimate
 - Approved Conservation Plan
 - Board approval
 - Design structure
 - Disbursement of funds to the District
 - Construction
 - DCR Technical certification once construction is complete.
 - Animals shall be on site within 6 months of technical certification
 - Payment is made to the producer once animals are on site.

Name of Practice: ANIMAL MORTALITY INCINERATOR FACILITIES
VACS Program Specifications for No. WP-4F

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Animal Mortality Incinerator Facilities best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice provides a planned mortality incineration system that will dispose of poultry and livestock carcasses resulting from normal mortality.

Cost-share and tax credit programs are available to participants to implement an incineration facility to protect and improve water quality by encouraging better mortality management by incinerating poultry and livestock carcasses resulting from normal mortality and spreading or properly disposing of the residual material at the proper time, rate, and location.

B. Policies and Specifications

~~1. Cost share and tax credit programs are available to participants to implement an incineration facility to protect and improve water quality by encouraging better mortality management by incinerating poultry and livestock carcasses resulting from normal mortality and spreading or properly disposing of the residual material at the proper time, rate, and location.~~

2.1. This practice is designed to provide facilities for incinerating poultry and livestock carcasses from normal mortality. Incinerators must be sized to accommodate normally expected mortality from the existing operation, and may not consider future expansion of the operation.

~~3.2. Authorized participants receive cost share funds to construct an incineration facility to meet their needs and management capabilities.~~ All applicants must have:

- i. A written operation and management plan for each incineration facility.
- ii. A Nutrient Management Plan developed in accordance with requirements for Nutrient Management Plan content and procedures as stipulated in the Virginia Nutrient Management Training and Certification Regulations for animal wastes, which are land applied. The Nutrient Management Plan shall be implemented and maintained for the life of the practice.
- iii. A method of disposal of the residual from the incineration facility that does not increase non-point source contamination of state waters if a nutrient management plan is not required for that residual.

4.3. Expenses are authorized for incinerators sized to accommodate normal expected mortality based upon the type and number of animals currently managed at the operation including:

i. For leveling and filling to permit the installation of an effective system.

~~ii. For concrete construction necessary for the structure's foundation and a minimal work area needed to operate the incinerator.~~

~~iii.~~ii. For a fuel tank and/or fuel lines appropriately sized to supply the incinerator.

~~iv.~~iii. For concrete construction necessary for the structure's foundation and a minimal work area needed for equipment to load and unload the residuals from incineration.

5.4. Expenses are not authorized:

i. For incinerator facilities that do not meet local, state or federal regulations.

ii. For planned facilities. An existing water quality problem must be apparent to be eligible for funds.

iii. For replacing or upgrading an existing incinerator. Cost-sharing is not authorized for planned enlargement of animal operations. However, cost-share funds are available for use to solve existing water quality problems.

6.5. Compliance with all appropriate local and state laws, regulations and zoning ordinances is required before cost-share payments are issued. This includes, but is not limited to, acquisition of permits and completion of inspections as required.

7.6. 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 under the producer's control 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 (4VACV50-85-130G).

8.7. This practice is subject to the NRCS Standards 316 Animal Mortality Facility, ~~317 Composting Facility~~, 362 Diversion, 367 Roofs and Covers, 558 Roof Runoff Structure, 561 Heavy Use Area, 620 Underground Outlet, 633 Waste ~~Utilization~~ Recycling and 634 Waste Transfer.

C. All practice components implemented must be maintained for a minimum of ~~150~~ 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.

D. Rate(s)

1. The VACS payment will not exceed 75% of the approved estimated cost or eligible actual cost, whichever is less, of the animal mortality incinerator facility only.
2. 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.
3. If the participant receives cost-share payments, only the percent of the total cost of the project that the participant contributed is used to determine the tax credit.

E. 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.

Revised April 2024

Attachment 2

Virginia Agricultural BMP Technical Advisory Committee Scope of Work: July through December 2024

MATRIX OF ADVANCED STREAM PROTECTION FORESTRY RECOMMENDATIONS FOR CALENDAR YEAR 2024 (CY24) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2026/2027
1S ii. iii. iv.	SL-7 SL-10	<p>Per the SWCB: Evaluate the SL-7 and SL-10 specifications and their current implementation and recommend revisions to ensure consistent and appropriate implementation.</p> <p>In addition to this directive from the SWCB consider the following suggestions related to the SL-7 and SL-10:</p> <p>ii. SL-7: Remove 528 from NRCS standards. Replace existing B.3 language with: “A written Grazing Management Plan and Operation and Maintenance plan that includes all acres in the grazing system must be prepared, implemented and followed using VA GRAZE. Factors to be addressed should include water sources, environmental impact, soil fertility, maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land, and rotational schedules. Districts will monitor for compliance.”</p> <p>iii. SL-10: Add language that specifies that a producer is required to implement soil test recommendations and provide receipts before payment. Also add language that allows a producer to participate in the SL-7 and SL-10 concurrently or in subsequent years with the removal of the 528 from the SL-7, but still requiring a 528 Rotational Grazing plan with the SL-10.</p> <p>iv. Take the requirement for a prescribed grazing plan out of the SL-7 specifications and just make the requirement a grazing plan. SL-7 has become a catch all for participants that want to improve rotational grazing through additional fencing and/or extending their watering system. These participants may not be able to meet the levels of management in a true prescribed grazing plan. SL-10 is an enhanced management practice, and the prescribed grazing component would be appropriate with it.</p>	<p>Remove the requirement from the SL-7 for a grazing plan that meets the 528 standard. Make the grazing plan requirement consistent between the SL-7 and SL-6 practices with >3 new grazing units created. See language in revised SL-6W and SL-7.</p> <p>Edit SL-10 B.11 to require implementation of soil test recommendations before payment: <i>11. Payment will be made after <u>documentation of implementation of soil test recommendations and the required grazing plan are on file with the District.</u></i></p>		

MATRIX OF DEFERRED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring

MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
1S i.	SL-10	In addition to the directive from the SWCB consider the following suggestions related to the SL-7 and SL-10: i. The current verification process for SL-10s requires staff to evaluate the pastures using PCS upon sign-up and each calendar year after sign-up - a total of four times. Staff have expressed frustration with the requirement to verify every year. Consider changing the verification process for SL-10s to include evaluating using PCS two times - one time upon sign-up and one time during the third year of the contract. This change allows staff to focus on conducting end-of-lifespan verifications and obligating the unprecedented amount of cost share funding.	Annual PCS evaluation is required by the 528 Prescribed Grazing standard. The level of management and payment rate associated with the SL-10 warrant annual checks by the District.
2S	SL-6N	Increase SL-6N rates by 5%. There is a gap in the reimbursement rates between the SL-6N and SL-6W. The buffer payment alone provides enough difference to incentivize the SL-6W. Or allow for buffer payment on SL-6N's. Narrow exclusion still has effective ecological benefits.	The existing gap in rates reflects a significant difference in credit between the buffer width options.
3S	SL-6W	Increase SL-6W buffer payment rate to \$150/acre/year. USDA Land Values 2022 Summary Publication stated "The United States pasture value averaged \$1,650 per acre, an increase of \$170 per acre (11.5 percent) from 2021. (https://www.nass.usda.gov/Publications/Todays_Reports/reports/land0822.pdf). \$150 per acre per year is a better reflection of the costs associated with setting aside an acre of productive pastureland, as well as shade for the livestock, with consideration given to inflation, current livestock values, hay and pastureland values. This payment rate has not been updated since 2019. Current average cost of a weaned calf a year is \$1500 which translates roughly \$700/acre.	The buffer payment rate was originally set based on average rental prices. Consensus was that most pasture rental is well below the current buffer payment rate at around \$30-50/acre.

MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
4S	SL-6W	<p>i. Consider creating a variance process to exceed the 15 acre buffer payment cap associated with the SL-6W practice. We recognize the need for a buffer cap, but feel there should be a process by which the DCR Variance Review Committee can evaluate buffers exceeding 15 acres for eligibility of additional buffer payment. <i>[Deferred in 2023]</i></p> <p>ii. Remove SL-6W buffer caps. Removing the buffer caps would enable to enrollment of additional buffer acreages. At this time with full program funding we fail to see a reason to cap buffer acreage.</p>	Only one instance was known where the existing cap deterred participation.
5S	CCI-SL-6	For CCI-SL-6 suite: pay on length of existing exclusion fencing rather than streambank protected. The maintenance is for the fence, and lines up with other component payments. The streambank protected can still be tracked in CAS.	No clear advantage or improvement to switch; reporting is based on streambank measurement.

Name of Practice: STREAM EXCLUSION WITH WIDE WIDTH BUFFER AND GRAZING
LAND MANAGEMENT
VACS Program Specifications for No. SL-6W

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Stream Exclusion with Grazing Land Management best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This is a structural and/or management practice that will enhance or protect vegetative cover to reduce runoff of sediment and nutrients from grazing livestock on existing pastureland through livestock exclusion.

Livestock watering systems and fencing improve water quality control erosion and eliminate direct access to or a direct runoff input to all live streams or live water. **Stream exclusion fencing and an off-stream watering facility (existing or concurrently installed) are required components of this practice.** Rotational grazing is an optional enhancement of this practice. The exclusion and/or rotational grazing system receiving cost share should reflect the least cost, technically feasible, environmentally effective approach to resolve the existing water quality problem.

B. Policies and Specifications

1. State cost-share and tax credit on this practice are limited to pastureland that borders a live stream or Chesapeake Bay Preservation Act Resource Protection Area as defined by local ordinance. An exception to this may be granted in cases of severe environmental degradation occurring in and around features such as: springs, seeps, ponds, wetlands, or sinkholes, etc.
2. An applicant may not apply for or receive cost share funds for CRSL-6 and SL-6 practices funded by the Virginia Agricultural Best Management Practices Cost Share Program on the same fields.
3. A written Grazing Management Plan and Operation and Maintenance plan that includes all acres in the grazing system must be prepared, implemented and followed~~A written management plan, to include a rotational grazing component~~ if more than three new grazing units are created by the installation of interior fencing, ~~and operation and maintenance plans must be prepared and followed in accordance with NRCS FOTG.~~ Factors to be addressed in the management plan should include water sources, environmental impacts, soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land and rotational schedules. Plans may be prepared using VA Graze, NRCS FOTG, Forage Balance Sheet, or other applicable resources.

4. The buffer must be maintained as perennial species for the practice lifespan. Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice. If at any time during the practice lifespan the participant is found to be grazing (including flash grazing) their livestock in the buffer, as documented by photographic evidence, the District shall require the repayment of the entire buffer payment (i.e. non-prorated).
 - i. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.

5. The intent of this stream exclusion practice is for the fields adjacent to the buffer to remain in pasture for the length of the contract lifespan. If any part of this practice is damaged or destroyed during contract lifespan, the participant shall be subject to prorated repayment per the Practice Failures section of the VACS Guidelines. If the fields adjacent to the buffer are converted to any other land use during contract lifespan, those fields will be ineligible for any VACS Program funding until the stream exclusion practice lifespan expires or the prorated repayment has been made.

6. To protect stream banks, state cost-share and tax credit are authorized for:
 - i. Permanent fencing to restrict stream access in connection with newly developed or existing watering facilities. The minimum fence setback from the stream must be either (i) at least 35 feet or (ii) at least 50 feet, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
 - a. Wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to streams should be included in the buffer area.
 - b. Isolated seeps, springs, wetlands, and ponds without direct connection to a stream may be fenced as well, but shall not be used as the sole criteria for determining eligibility for the SL-6 practice.
 - ii. Stream crossings for grazing distribution or limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
 - iii. Fence chargers used to electrify permanent or temporary fencing.

7. To supply an alternative watering system to grazing livestock, state cost-share and tax credit are authorized for:
 - i. Watering developments including:
 - a. Wells, including a permanently affixed pump and pumping accessories;
 - I) Districts may approve cost-share for dry wells and/or well location studies (geotechnical surveys) for the development of an alternative watering systems on a case-by-case basis and at the discretion of the District's Board.
 - II) Pumps and equipment associated with portable and permanent watering systems are allowed. The payment for the selected pump, provision of power, and associated equipment should be

the most cost effective for the specific site and application. The replacement costs of pumps and pumping equipment components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.

- b. Connection to existing water supply;
 - c. Development of springs, seeps, or stream pickups, including fencing of the area, where needed, to protect the development from pollution by livestock;
 - d. Ponds (if the only cost effective and technically feasible alternative for water source) including fencing of the area, where needed, to protect the development from pollution by livestock;
 - e. Pumps and equipment associated with permanent watering systems.
- ii. Watering facilities including:
 - a. Troughs;
 - b. Tanks/storage facilities/cisterns;
 - c. Hydrants.
 - iii. Pipelines to convey water to watering facilities.
 - iv. Stream crossings for limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
 - v. Portable water supply system components such as troughs, pipe, etc. that are:
 - a. Commercially available or farmer constructed;
 - b. Large enough to provide a timely and sufficient volume of water for the livestock to be contained in a specific area for which the system is designed;
 - c. Capable of being maintained in a stable position and protected from any damage while the system or component is in use;
 - d. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
8. To establish pasture management through rotational grazing, state cost-share and tax credit are authorized for:
- i. Interior fencing and watering facilities that distribute grazing to improve water quality, when combined with the livestock exclusion component of this practice on an adjacent stream or sensitive feature. Consideration must be given, in such cases, to the additional management requirements of such systems.
 - ii. When more than three new grazing units are created by the installation of interior cross fencing, a written grazing management plan must be prepared and implemented. Input from the participant during the development of the plan is required.
9. Portable or temporary system components (fencing, etc.) cannot be utilized in other areas or moved from fields utilized in the system plan. The replacement costs of

portable components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.

10. The conservation planning process for developing an alternative watering system for livestock should include consideration of some means to provide water to the livestock during emergency conditions. Generators for emergency use may not receive cost-share.
11. The primary water use of the components which were installed with state cost-share and tax credit must be for the purpose of providing water for livestock. However, incidental use is not prohibited. State cost-share and tax credit is not permitted for any electrical, structural, or plumbing supplies, including pipe or associated construction costs for developing any incidental use. When an incidental use is anticipated, the District Board should consider the applicant's intent before approving the request. Incidental use will be documented in the applicant's file.
12. No state cost-share or tax credit is authorized under the practice for any installation that is:
 - i. PRIMARILY for wildlife, dry lot feeding, barn lots, or barns.
 - ii. To make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.
 - iii. For boundary fencing or water supply systems used to establish new pastures not currently in use.
 - iv. For interior fencing and watering facilities to distribute grazing in fields not receiving exclusion fence (Applicant may apply for SL-7).
 - v. For the purpose of providing water for the farm or ranch headquarters.
13. Soil loss rates must be computed for all applications for use in establishing priorities for receiving cost-share funds.
14. All permits or approvals necessary are the responsibility of the applicant.
15. This practice is subject to NRCS Standards, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 516 Livestock Pipeline, 533 Pumping Plant, 561 Heavy Use Area Protection, 574 Spring Development, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility and 642 Water Well.
16. All practice components implemented must be maintained for a minimum of either 10 years or 15 years, as indicated in the table below, 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. The VACS payment shall be based on the approved estimated cost or eligible actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The buffer payment rates shall be provided for a maximum of 15 acres. The VACS payment rates including the buffer payment rates are:

Minimum fence setback (from the top of streambank)	Lifespan	VACS payment rate	Buffer payment rate	Buffer payment cap
50'	15 years	100%	\$80 per acre per year	\$18,000 per contract
	10 years	95%	\$80 per acre per year	\$12,000 per contract
35'	15 years	90%	\$80 per acre per year	\$18,000 per contract
	10 years	85%	\$80 per acre per year	\$12,000 per contract

NOTE: The buffer payment cap is the maximum a participant can be paid per tract even when multiple practices with buffer payments are approved in a given program year (for example, but not limited to, FR-3, SL-6F, SL-6W, WP-2W and WQ-1).

2. 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.
3. If a participant receives cost-share from any source (state, federal, or private), only the percent of the total cost of the project that the applicant contributed is 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 described 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.

Revised April 2024

Name of Practice: EXTENSION OF WATERING AND GRAZING MANAGEMENT SYSTEMS
VACS Program Specifications for No. SL-7

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Extension of Watering and Grazing Management Systems best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice provides a management system to ensure adequate surface cover protection to minimize soil erosion. The system will reduce sediment, nutrients and pathogen loads in runoff.

This practice will improve the quantity, quality and utilization of forage for livestock and will reduce the risk of surface and groundwater contamination from non-point source pollution from pastures by assuring that an adequate stand of forage is available to absorb runoff and reduce pollutants.

B. Policies and Specifications

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. Rotational grazing systems without live water previously or concurrently excluded do not qualify for this practice.
2. This practice may be installed, in conjunction with a CREP CP-22 and CP-29 contracts, to implement rotational grazing on those fields receiving watering facilities to increase forage cover through the proper grazing and forage management techniques that will allow a pasture to rest and re-grow its cover. The system receiving cost-share should reflect the least costly, most technically feasible, environmentally effective approach to resolve the existing water quality problem. This practice cannot be used with a CREP CP-21 or CP-23, as these practices are applied on cropland only.
3. A written Grazing Management Plan and Operation and Maintenance plan that includes all acres in the grazing system must be prepared, implemented and followed. ~~in accordance with NRCS Standard 528 Prescribed Grazing.~~ Factors to be addressed should include water sources, environmental impact, soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land, and rotational schedules. ~~Districts will monitor for compliance.~~ Plans may be prepared using VA Graze, NRCS FOTG, Forage Balance Sheet, or other applicable resources.

4. Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice.
5. To supply water, state cost-share and tax credit are authorized for:
 - i. Installing pipelines, watering facilities, hardened pads around watering facilities, storage facilities, cisterns, troughs (portable or fixed), and pumping plant (if needed to meet pressure system requirements). When additional water is needed in CREP fields, the FSA CREP Waiver Process should be considered before authorizing VACS cost-share.
 - ii. A water supply system can include a portable system to meet the management requirements necessary for systems operation, rather than a large number of permanent water facilities.
6. Portable or temporary system components (fencing, etc.) cannot be utilized in other areas or moved from fields utilized in the system plan. The replacement costs of portable components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.

A portable water supply system is any system or component (i.e. trough, pipe, etc.) that is:

- i. Commercially available or farmer constructed;
 - ii. Large enough to provide a timely and sufficient volume of water for the livestock to be contained in a specific area for which the system is designed;
 - iii. Capable of being maintained in a stable position and protected from any damage while the system or component is in use;
 - iv. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
7. The primary water use of the components which were installed with state cost-share and tax credit must be for the purpose of providing water for livestock. However, incidental use is not prohibited. State cost-share and tax credit is not permitted for any electrical, structural, or plumbing supplies, including pipe, or associated construction costs for developing any incidental use. When an incidental use is anticipated, the District Board should consider the applicant's intent before approving the request. Incidental use will be documented in the applicant's file.
 8. To facilitate rotational grazing systems, cost-share and tax credit are authorized for temporary or permanent interior fencing and fence chargers (electric or solar) used to electrify permanent or temporary fencing that is part of the grazing system.
 9. Any installation of permanent fencing to bring previously unused fields or pastures

into the grazing system is the responsibility of the participant, and cannot receive state cost-share or tax credit assistance. Permanent fencing may be installed under this practice to divide existing pasture units only to better manage rotational grazing.

10. No state cost-share and tax credit is authorized under the practice for any installation that is:
 - i. PRIMARILY for wildlife, dry lot feeding, barn lots, or barns.
 - ii. To make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.
 - iii. For boundary fencing or water supply systems used to establish new pastures not currently in use.
 - iv. For the purpose of providing water for the farm or ranch headquarters.

11. This practice is subject to NRCS Standards 382 Fence, 472 Access Control, 516 Livestock Pipeline, ~~528 Prescribed Grazing~~, 533 Pumping Plant, 561 Heavy Use Area Protection, 575 Trails and Walkways, 578 Stream Crossing, and 614 Watering Facility.

12. All practice components implemented must be maintained for a minimum of 10 years following the calendar year in installation. When funded concurrently with an SL-6N/W or a CREP practice, the SL-7 must be maintained for a matching lifespan (i.e. 10 or 15 years). The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting payment for this practice, the recipient agrees to maintain the practice and the associated exclusion fencing for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to comply may result in reimbursement of state cost-share funds and/or tax credits. The associated exclusion fence may be eligible for a Continuing Conservation Initiative practice.

C. Rate(s)

1. The VACS payment shall be based on the approved estimated cost or eligible actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The VACS payment rates are shown in the table below:

Minimum fence setback (from the top of streambank)	Lifespan	VACS payment rate
35'	15 years	80%
	10 years	75%
<35'	15 years	55%
	10 years	50%

2. 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. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.
3. Exclusion fencing must be in place prior to issuing cost-share and/or tax credit for SL-7.

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.

Revised April 2024

Attachment 3

MATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2024 (CY24) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2026/2027
7C		Clarify in the cover crop specification that only the application of N and P are restricted. Allowing the application of potassium and other micro-nutrients that are not water quality impairments should be acceptable.	<p>Motioned to forward with additional language across specifications as applicable (SL-8, SL-8B, SL-8H, SL-8M, WQ-4, WFA-CC), that only restricts nitrogen and phosphorus nutrient applications within the cover cropping period.</p> <p><i>For specifications SL-8, SL-8B, and WQ-4:</i> <u>B. Policies and Specifications:</u> #. No nitrogen and no phosphorus from any sources are allowed between the harvesting of the previous crop and March 1 of the next calendar year. No nitrogen or phosphorus are allowed at planting.</p> <p><i>For specification SL-8H:</i> <u>B. Policies and Specifications:</u> 3. No nitrogen and no phosphorus from any source are allowed between the harvesting of the previous crop and March 1 of the next calendar year, except that use of manure (with less than 40 lbs. N per acre tested) on up to 300 acres is permitted if all the following conditions are met: 4. No nitrogen or phosphorus may be applied at planting.</p> <p><i>For specification SL-8M:</i> <u>B. Policies and Specifications:</u> 5. No nitrogen and no phosphorus from any source are allowed between the harvesting of the previous crop and prior to planting, except that use of manure (with less than 40 lbs. N per acre tested) is permitted if all the following conditions are met:</p>		

MATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2024 (CY24) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2026/2027
			<p>6. No nitrogen or phosphorus are allowed at planting.</p> <p><i>These edits will also be reflected throughout the WFA-CC specification.</i></p>		

MATRIX OF DEFERRED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring
1C		<p>Change the 60% stand date from Dec. 15 to Jan. 1.</p> <p>For all VACS cover crop practices: Due to the change in planting dates in recent years, we recommend adjusting the date producers must achieve a good stand and good growth of vegetative winter cover, by a minimum of 2 weeks, to match the adjustment made to the cover crop planting dates. It was the recommendation of Frank Long, Virginia Cooperative Extension Agent, to extend the date as far out as February or March to be comparable to our partner agency's cover crop standards. The meeting attendees discussed the likelihood of such a radical change being made, which is why we are making the suggestion to correlate to the planting date change, as a minimum. This will allow the producers planting cover crops up to the November 30th planting deadline sufficient time to achieve a good stand and good growth to meet the 60% coverage requirement. The specification could read: "A good stand and good growth of vegetative winter cover must be obtained by December 31 to protect the area from nutrient leaching and runoff in the fall and winter. All cover crop plantings must maintain a minimum of 60% cover crop plant material on the enrolled acres through the lifespan of the practice."</p>	<p>Item was deferred due to previous research done by Virginia Tech regarding frost dates by region. Additionally, the subcommittee would like to review if changing stand dates impacts credit received for cover crops.</p>

MATRIX OF DEFERRED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS

5C		<p>The current Agricultural Best Management Practices (BMP) includes several important practices for the use of cover crops. The types of cover crop plants are largely based on grains, some legumes, and some brassicas. There is room for improvement. The Sustainable Agriculture Research and Education (SARE) organization also recommends the use of cover crops, but their recommended list of plants is more extensive than the current Ag BMPs. The enclosed table shows the differences. Also, under SARE’s manual the use of the cover crops is more diverse. The increased plant diversity has several advantages to soil enrichment. A richer diversity of a mix of cover plants reportedly can produce better soil organic matter and deeper root structures. Expand the number of cover crop plans included in the Virginia Ag BMPs based on the SARE manual.</p>	<p>Deferred to next TAC cycle given Virginia Tech is planning to publish more data pertinent to the cover crops listed in SARE Manual.</p>
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MATRIX OF TABLED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS

Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
2C		<p>Revise cover crop rates to incentivize mixed species over pure rye. Research shows early planted mix of brassica and rye takes up more nitrogen than rye alone https://access.onlinelibrary.wiley.com/doi/pdfdirect/10.1002/jeq2.20342</p>	<p>The subcommittee tabled the item as rye receives more credit than mixed species in the Bay Model.</p>
3C	WQ-4	<p>Consider increasing the payment rate for the WQ-4 practice. Other cover crop practice rates have recently been increased and it would be appropriate to increase this practice’s rate as well.</p>	<p>Item was tabled as legumes do not receive much credit in the Model.</p>
4C	SL-8H	<p>Consider removing the 300 acre cap for acres receiving manure for the SL-8H practice.</p>	<p>Item was tabled since credit is not received. The cap will be consistent between VACS and WFA.</p>
6C	SL-8H	<p>Incentivize Rye and Triticale under the SL-8H the same way they are under the SL-8B. Many producers who plant rye and triticale for harvest are utilizing the crop as on-farm feed and then spreading on-farm generated manure back on the fields ahead of the cash crops.</p>	<p>Item was tabled as harvestable acres receive lower rate of credit and producers are saving costs through this practice.</p>
8C	NM-5P	<p>Revise/clarify the CC/NM subcommittee's recommended from 2023 to add cost share for precision soil sampling to the NM-5P. <i>[Deferred in 2023]</i></p>	<p>Tabled; there is no difference in credit for various sampling practices.</p>

MATRIX OF TABLED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS

Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
		<p align="center">NM-5P: C. Rates</p> <p>2. 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.</p>	
9C	SL-8A	Adjust SL-8A - add language for summer cover following a small grain cash crop, late harvest, etc., in addition to the current language. Raise rates by \$20 for each payment rate to encourage cover.	The subcommittee motioned to table this item as there is no credit received under SL-8A.
10C		Change the early planting date for CC to Nov. 1 and the standard date to Nov. 20 for both the Coastal Plain and Piedmont areas.	Tabled; VT has presented GDD and average frost dates in research for each region.
11C		Request that a legume mixed with a cereal grain be able to receive a planting bonus similar to the rye planting bonus.	Tabled; this item is more focused as a soil health initiative than a water quality improvement practice.

Attachment 4

Virginia Agricultural BMP Technical Advisory Committee Scope of Work: July through December 2024

MATRIX OF ADVANCED PROGRAMMATIC RECOMMENDATIONS FOR CALENDAR YEAR 2024 (CY24) TAC

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2026/2027
5P		Consider adding SL-8M and WFA-CC practices to the EAN guidance listed on page II-46.	<p>Add SL-8M and corresponding options under WFA-CC to the list of other cover crop practices on page II-47 of the PY25 BMP Manual to clarify that they are included in the EAN provision.</p> <p><i>An Extreme Act of Nature (EAN) for Other Cover Crop Practices (Including SL-8H, <u>SL-8M</u>, NM-7, and WQ-4, <u>and corresponding options under WFA-CC</u>) – Definition and Process</i></p>		

MATRIX OF DEFERRED PROGRAMMATIC RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring
2P		Remove the acreage requirement from VACS qualifications. While these guidelines are purposeful in intention, they are also serving as method of exclusion for certain demographics of farmers. Financial assistance concerning sustainability measures within Virginia should not be dependent on each farmer's acreage. Or, create another Ag program for farms less than 5 acres. <i>See supporting documentation</i>	The subcommittee recognized that there may be a gap in offerings to small farmers but based on information provided, did not think VACS would address many of their needs. With existing staffing levels and workloads creating a new program for small farms is not feasible. The subcommittee recommends that the submitter work with partners to form a "task force" to explore existing options and opportunities for farms less than 5 acres. The item is deferred pending new information from the task force.

MATRIX OF TABLED PROGRAMMATIC RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
1P		Add language in manual (Section II- Practices Not Maintained or Destroyed During Lifespan) to outline process for District to seek repayment for practices that are not destroyed, but where participant has repeatedly been out of compliance. Ex-multiple documented instances of livestock in buffer of SL-6. Recognizing that Board already has that authority, but outlining a process in the manual prevents participants from claiming discrimination or that a SWCD is picking on them. Suggested language: For participants found to have the same practice out of compliance or not being maintained on multiple occasions, the District's board of directors has the authority to seek repayment of cost-share funds. The following steps should be taken to document the instances of non-compliance and pursue repayment after participant has been given the opportunity to return to and maintain compliance. o 1st offense- verbal warning and document in file o 2nd offense- written warning (certified letter and document in file) o 3rd offense- Board action to require repayment of prorated cost-share (notified via certified letter)	Existing VACS guidelines allow SWCD Boards the authority to follow up on repeated noncompliance by seeking repayment of cost-share. The SWCD should document their policies and notices to the producer in these situations.
3P		The way obligated funds are calculated punishes districts for situations out of their control. One situation is cover crops. A drought hits, cover crops don't come up, we have to cancel hundreds of thousands of dollars in cover crop contracts and we lose TA and get a bad review because the cancelled cover crop contracts will	This is a policy issue and therefore not within the TAC's purview. Tabled with support from the subcommittee for continued discussion on the topic between SWCDs, VASWCD, DCR and the SWCB.

MATRIX OF TABLED PROGRAMMATIC RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
		not count towards our 90% obligated. Bad behavior is being encouraged to achieve the 90% obligated. Also, we have had situations where stream exclusions have been planned and everything on our end has been done and for no reason the producer cancels the project in the same program year and we have to rush to find another project to meet our 90% deliverable. Again, we have done all of the planning, meeting with the producer multiple times to get the plan right, our board has approved the contract, and then we're punished because the producer backs out. The obligated funds should not be changed once the district's board approves the contract. Most of our work has been done at that point, In summary, obligated should be counted as board approved contracts. When contracts are completed and they come under estimate, then the obligated amount can be the total actual cost.	
4P		We realize that WFA is a pilot program and as such has been restricted to District boundaries. If WFA will not be going statewide for PY26, we encourage you to allow Districts to treat it like other annual practices and be eligible to cross District boundaries under an agreement with neighboring Districts. The WFA program is intended to be holistic and encompass the entire operation, if the operation is on a District boundary, the entire operation cannot be signed up for WFA.	If both Districts are participating in WFA they may take cross-boundary WFA signups under an agreement as allowed for standard VACS practices. This alleviated the submitter's concerns and can be reiterated in training. Subcommittee members request ongoing discussion between SWCDs and DCR regarding statewide WFA implementation.
6P		Contract Part I- Applicant Self-Certification- Language change or clarification. "I certify that the practices for which I am requesting cost-share funding or tax credit are not, and will not, be used in a mitigation bank, nutrient trading program, or to comply with any state or federal law, regulation, or permit. " -Would a producers permit through DEQ for poultry, dairy or other livestock be considered a "permit" with which a Manure Storage Practice would help them "comply"?	This can be addressed as a training issue.