

**Virginia Soil and Water Conservation Board**  
**Friday, March 20, 2026, 10:00 a.m.**  
**Green Bay, Virginia**

**DRAFT AGENDA**

- A. Call to Order and Introductions
- B. Approval of Minutes from December 10, 2025
- C. Director's Report
- D. Report from the Audit Subcommittee
  - Dam Safety and Floodplain Management
  - E. Division report
    - Soil and Water Conservation Division
    - F. Division report
    - G. Approval of budgets for Watershed Improvement Districts
      - 1. Lake Barcroft
      - 2. Timberlake
    - H. Review of Agricultural BMP Cost-Share Manual Amendments
      - 1. Matrix of recommended changes to the BMP specifications
      - 2. Department recommended changes to other sections of the Manual
        - i. Guidelines
        - ii. Tax Credit
        - iii. Poultry Litter
        - iv. Glossary
        - v. Other documents
    - I. Approval of District Director resignations and appointments
    - J. Review of revised conservation planning curriculum
  - K. Partner reports
    - 1. Natural Resources Conservation Service
    - 2. Virginia Department of Agriculture and Consumer Services
    - 3. Virginia Cooperative Extension
    - 4. Virginia Association of Soil and Water Conservation Districts
    - 5. Chesapeake Bay Commission
    - 6. Virginia Agribusiness Council
    - 7. Virginia Farm Bureau Federation
  - L. Public Comment
  - M. Next Meetings
    - April 15, 2025; Pocahontas State Park, Chesterfield
    - May 11, 2026; Twin Lakes State Park, Green Bay

For copies of the Virginia Soil and Water Conservation Board meeting materials contact Breanne Lindsey, Board and Constituent Liaison at 804.786.8445 or by email at [breanne.lindsey@dcr.virginia.gov](mailto:breanne.lindsey@dcr.virginia.gov).

Virginia Soil and Water Conservation Board

Charles Newton, Chair

Adam D. Wilson

Robert Mills

Leigh Pemberton

Kevin Dunn

Nikki Rovner, DCR, Ex Officio

Dr. Edwin M. Martinez, NRCS, Ex Officio

John Schick, Vice-Chair

Jason R. De La Cruz

Stephanie Cornell

Nicholas Thomas

**Virginia Soil and Water Conservation Board  
Tuesday, December 10, 2025  
Williamsburg, Virginia**

**TIME AND PLACE**

The meeting of the Virginia Soil and Water Conservation Board took place at 9:30 a.m. on Wednesday, December 10, 2025, at the Doubletree by Hilton Hotel in Williamsburg, Virginia.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS PRESENT**

Charles Newton, Chair  
Stephanie Cornnell  
Nick Thomas  
Kevin Dunn  
Andrew Smith, Acting DCR Director  
Dr. Dan Goerlich, VCE, Invitee

John Schick  
Leigh Pemberton  
Robert Mills

**VIRGINIA SOIL AND WATER CONSERVATION BOARD MEMBERS NOT PRESENT**

Adam Wilson, Vice Chair  
Jason De La Cruz  
Dr. Edwin Martinez, NRCS, Ex Officio

**VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION STAFF PRESENT**

Christine Watlington Jones, Policy and District Services Manager  
Darryl Glover, Deputy Director, Soil and Water Conservation, Dam Safety and Floodplain Management  
James Martin, Director, Division of Soil and Water Conservation  
Paul G. Saunders, III, Senior Policy Analyst  
Blair Gordon, District Operations Coordinator  
Matt Sabas, PR Specialist  
Vanessa Lewis, Conservation Training Specialist  
Dave Neudeck, Communications and Marketing Director  
Marissa Roland, Eastern Area Manager  
Olivia Leatherwood, Conservation District Coordinator  
Sara Bottenfield, Agricultural Incentives Program Manager

**OTHERS PRESENT**

Robert E Lund, Jr., Colonial SWCD  
Chuck Arnason, Piedmont SWCD  
Sharon Conner, HCSWCD  
Michelle Carter, Three Rivers SWCD  
Carolyn Daughters, TJSWCD  
Bill Fleming, Virginia Dare SWCD  
Terri Bollinger, Peaks of Otter SWCD

Kelly Snoddy, Peter Francisco SWCD  
Megen Dalton, Shenandoah Valley SWCD  
Renée Davis, Tri County City SWCD  
Jerry Rauch, Tri County City SWCD  
Steven Meeks, VASWCD / TJSWCD  
Freda Cathcart, BRSWCD  
Kemper Marable, Hanover Caroline SWCD  
Anna Moore, Hanover Caroline SWCD  
Abigale Ainsley, Caroline SWCD  
Lynn Graves, VASWCD / Culpeper  
Darrell Marshall, VDACS  
Lucy Earl, ESSWCD  
Julie Head, ESSWCD  
Ben Young, ESSWCD  
Amy Walker, Colonial SWCD  
Anne Coates, TJSWCD  
Buck Tharpe, Southside  
Tricia Mays, Southside

#### **ESTABLISHMENT OF A QUORUM**

With eight (7) members of the Virginia Soil and Water Conservation Board present a quorum was established.

#### **CALL TO ORDER AND INTRODUCTIONS**

Chairman Newton called the meeting to order at 9:30 a.m. and asked for introductions.

#### **APPROVAL OF THE MINUTES FROM SEPTEMBER 16, 2025**

#### **BOARD ACTION**

Mr. Mills moved to approve the September 16, 2025, Board meeting minutes as presented. Ms. Cornell seconded, and the motion carried.

#### **DIRECTOR'S REPORT**

Acting DCR Director, Andrew Smith, addressed the Board and thanked the Association for hosting the annual conference and expressed his appreciation for working with the Board during his tenure with the Agency.

#### **DAM SAFETY DIVISION REPORT** – *Andrea Henry, Chief Engineer*

Ms. Henry provided the Board with the following report:

DCR Division of Dam Safety December 10, 2025  
Prepared by Andrea Henry, P.E. Chief Engineer

**Status of Dam Safety Act and Review of Impounding Structure Regulations:**

The 2025 regulatory revisions to the impoundment structure regulations will be published on December 15, 2025 with an effective date of January 14, 2026.

Next spring, the Department will request the Board issue a Notice of Intended Regulatory Action (NOIRA) to address additional needed regulatory revisions including an updated IDA methodology, traffic volume considerations for significant and high hazard classifications, and regulatory exemptions for impoundments that can safely route the probable maximum flood (PMF). An updated enforcement manual, reflecting 2025 legislative changes and revised processes, will also be presented to the Board for approval.

**Dam Related Incidents**

*Mattawan Dam*, (Hanover County, 085039, downgraded to Low Hazard Potential): The Department mailed Notice of Deficiency letters the week of July 7, 2025, to each of the households in three neighborhood associations. The grant agreement was signed by a handful of homeowners of the Mattawan HOA in October 2025, and an alteration permit for spillway reconfiguration has been submitted to DCR. Both actions demonstrate efforts towards compliance with dam safety regulations. Therefore, DCR will not move forward at this time with an Informal Fact-Finding Conference (IFFC).

*Afton Drive/Chappell Creek Dam* (Prince George, 149027, High-Preliminary Hazard Potential): An IFFC was held on June 17, 2025, and a Notice of Violation was sent on September 25, 2025. The Owner requested a formal hearing which was denied by the Department on October 23, 2025, due to the lack of any additional information. The deadline to file an appeal with the Circuit Court was November 7, 2025. On December 1st, the Department received a summons from the Prince George Circuit Court challenging the order. The Office of the Attorney General is coordinating the response to the Court.

*Greene Mountain Lake Dam* (Greene, 079014, Significant Hazard Potential): The Owner submitted a safety inspection five days after the deadline prescribed in the finding of violation but did submit the emergency action plan prior to the deadline in the compliance schedule. An alteration permit was approved on October 20, 2025, to address the unpermitted cuts into the downstream embankment and the installation of a toe drain. However, this permit does not address the need to line or replace the primary spillway pipe. Once the work associated with this permit is completed, the dam owner will need to submit a second alteration permit on a timeline coordinated with the regional engineer or be subject to further formal enforcement action.

*Bishops Dam* (Greene, 003150, Significant-Preliminary Hazard Potential): The Regional Engineer conducted a site visit on June 30, 2025, and determined the dam to be in poor condition. The dam is owned by a defunct HOA with 43 residential properties. A notice of ownership determination was sent to each of these properties on November 25, 2025.

*Killarney Dam* (Goochland, 075004, High-Preliminary Hazard Potential): The Regional Engineer conducted a site visit on May 27, 2025, to confirm the results of a recent PE inspection. The dam was found to be in an unsafe condition and could not be fully inspected due to dense, woody vegetation. A pre-enforcement letter was sent to the dam owner requesting a complete safety inspection and conditional O&M certificate by October 3. However, the Owner is currently incarcerated and does not

have the means to pay for engineering services or a certificate application fee. The property will be auctioned in January 2026, and the auction company has been given a copy of the pre-enforcement letter for the bidder information packet.

*Burke Dam* (Gloucester, 073006, High Hazard Potential): The dam is in poor condition due to a failing primary spillway and undersized auxiliary spillway. The dam has three owners: Girl Scouts of the Colonial Coast (GSCC), VDOT, and a private owner. To date, only GSCC has taken on ownership responsibility. On October 1, 2025, GSCC legal counsel sent a letter to the Governor's office requesting resolution of the interagency dispute regarding VDOT ownership of Burke Dam. Brent Payne, the Region 2 Dam Safety Engineer, and Darrell Kuntz, Office of the Attorney General, have met with legal counsel for the private owner to explain the regulatory determination and responsibilities of dam ownership.

*Hazel Grove Dam* (Spotsylvania, 177017, High – preliminary Hazard Potential) On October 30th, 2025, Region 2 Dam Safety Engineer (RE), was made aware of a seepage issue at Hazel Grove Dam by the Owner's professional engineer. Because the seep had measurable flow, a Stage 2 notification was triggered, and the Virginia Department of Emergency Management (VDEM) and the local emergency coordinator were contacted. The Owner began drawing down the reservoir and the reservoir level is now below the source of the seep where it will remain until a permanent solution is permitted and constructed.

### **Additional Dam Safety Activities**

A draft report with recommendations for an Incremental Damage Assessment (IDA) methodology was submitted by Schnabel Engineering on October 16, 2025. DCR concurs with the recommendations for IDA methodology made by the review committee. Additional considerations proposed by DCR include lethality thresholds for pedestrian children and large passenger vehicles. Next steps include a review of current hazard classification guidance to identify inconsistencies with proposed IDA methodology. A contract has been executed between DCR and Schnabel, for the development of an Emergency Action Plan (EAP) template, EAP review checklist, and six example EAPs for high and significant hazard dams. The template will be developed in collaboration with DCR staff, a VDEM working group, local emergency manager review team, and a private sector P.E. review team. This project is scheduled to be completed by July 2026.

General permit provisions regulations for low hazard dams within the revised regulations will go into effect on January 14, 2026. The Division has planned for the transition from dam certificates through the development of a new Emergency Preparedness Plan (submitted to the Board at their September meeting), a General Registration Statement, and Dam Safety Inventory System (DSIS) updates.

The map of dam safety regions has been revised to reflect a smaller, 6th region to be managed by the lead engineer position, when filled after Mark Killgore's retirement at the end of this month. The Federal Energy Regulatory Commission (FERC) is in the process of surrendering three FERC-regulated dams including: Rapidan Mill Dam (#047038, Culpeper County, Low Hazard), Chapman Dam (#171006, Shenandoah, Low Hazard), and Whittle's Mill Dam (#117006, Lunenburg/Mecklenburg, Unknown Hazard). These will become regulatory impoundment structures after surrender. The Division is working with the FERC Atlanta Regional Office to develop standard operating procedures for the surrender of FERC-owned dams, including joint inspection opportunities and notices of final surrender.

**APPROVAL OF THE 2026 DAM SAFETY, FLOOD PREVENTION AND PROTECTION ASSISTANCE GRANT MANUAL - Christine Watlington Jones, Policy and District Services Manager**

Ms. Watlington Jones detailed the revisions to the 2026 Grant Manual. The revisions include the following:

- The draft grant manual was published in the Virginia Register of Regulations on October 20, 2025; the public comment period ended on November 19, 2025. No comments were received.
- \$5 million is available from this grant round.
- Language has been added to reflect the legislative changes (Chapters 228 and 241) related to the matching requirements.
  - design, repair, and safety modifications shall require a 30 percent project match by the applicant
  - determination of hazard classification, dam break analysis, mapping and digitization of dam break inundation zones, incremental damage analysis, and other engineering requirements, such as emergency action plan development and inspection reports] shall require no more than a 10 percent project match by the applicant, or a minimum of \$5,000, whichever is greater.
- Definitions have been added for formal administrative enforcement, project completion, and routine maintenance.
- The project types have been condensed from 3 categories to 2 categories. This more closely follows the legislative match requirements and simplifies the process for owners. The categories are now engineering studies (type 1) and design, repair, removal, and safety modifications (type 2).
- Owners that have received a notice of deficiency regarding their dam will not be eligible for grant funds, unless the Board decides otherwise. Providing funding is one of the few ways we can encourage dam owners to comply voluntarily, we should incentivize the voluntary compliance as much as possible.
- References have been added to reflect the availability of general permits, rather than just certificates.

**BOARD ACTION**

Mr. Schick moved to approve 2026 Dam Safety, Flood Prevention, and Protection Assistance Fund Grant Manual as presented by the Department. Mr. Mills seconded, and the motion carried.

**UPDATE ON THE RECOMMENDATIONS OF THE CONSULTING COMMITTEE EXAMINING METHODS AND PROCEDURES USED TO CONDUCT INCREMENTAL DAMAGE ANALYSIS TO DETERMINE THE MOST APPROPRIATE FOR THE COMMONWEALTH – Andrea Henry, Chief Engineer**

Ms. Henry gave the Board an overview of the final report and recommendations submitted by the Consulting Committee tasked with the examination of the methods and procedures used to conduct incremental damage analyses. The Incremental damage Analysis Methodology Review Report is included as **Attachment A**.

**SOIL AND WATER CONSERVATION DIVISION REPORT** – *James Martin, Director of Soil and Water Conservation*

Mr. Martin provided updates on Division activities, regulatory actions, and staffing:

- **VACS Technical Advisory Committee (TAC):** The TAC session concluded successfully with new procedural rules, including a shift to a 67% supermajority requirement for decisions and a two-year waiting period for reintroducing failed suggestions.
- **Regulatory Action (NOIRA):** The NOIRA for Nutrient Management Training and Certification regulations will be published on December 15, 2025. A Regulatory Advisory Panel (RAP) is anticipated to convene in February/March 2026.
- **Conservation Application Suite (CAS):** Phase 2 is complete. Phase 3 (General Assistance, Mapping, and Financial modules) is underway. To address previous delays, the project roadmap has been consolidated from seven phases to five.
- **Climate Smart Agriculture:** The Alliance Project has secured a one-year extension. Despite administrative hurdles, contracts for the second round of producers are being finalized, with a third round anticipated for Spring 2026.
- **Staffing:** Mr. Martin announced several recent and upcoming hires in Urban Nutrient Management and Conservation District Coordinators.

**APPROVAL OF FUNDING FOR DISTRICT DAM REPAIR PROJECTS FROM THE SOIL AND WATER CONSERVATION DISTRICT DAM MAINTENANCE, REPAIR, AND REHABILITATION FUND** - *Christine Watlington Jones, Policy and District Services Manager*

Ms. Watlington Jones presented the Board with FY2026 Project Funding Recommendations, included as Attachment B.

**BOARD ACTION**

Mr. Thomas made the following motion:

The Virginia Soil and Water Conservation Board (Board) approves funding fourteen (14) projects in the amount of \$1,302,950 as presented and recommended by the Department. For FY2026, the Board also approves allocating \$229,635.08 for contingency funds and \$200,000 for emergency project funds.

Additionally, the Board authorizes the Department to procure remote monitoring equipment for all Soil and Water Conservation District-owned dams. The Department is authorized to pay for the installation of equipment that relies on satellites for communication. Further, the Board directs the Department to reimburse Soil and Water Conservation Districts for all eligible costs associated with the installation of certain remote monitoring equipment. The funding for all reimbursements of equipment and eligible installation costs shall be provided from the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

Mr. Pemberton seconded, and the motion carried.

**ACTIONS RELATED TO RESOURCE MANAGEMENT PLAN PROGRAM** -*Christine Watlington Jones, Policy and District Services Manager*

Ms. Watlington Jones presented the Board with a summary of the 2025 Resource Management Plan Program Findings as well as the Districts that are recommended for program reviews.

**BOARD ACTION**

Ms. Cornell made the following motion:

The Virginia Soil and Water Conservation Board approves the following Districts for program reviews as required pursuant to 4VAC50-70-130:

1. Eastern Shore;
2. Henricopolis;
3. John Marshall;
4. Monacan;
5. Peter Francisco;
6. Tidewater; and
7. Tri-County/City.

*NOTE: Both John Marshall and Peter Francisco were scheduled to be reviewed during 2025; however, there was no recent activity in the Resource Management Plan Program to review. It is anticipated that both Districts will have Program activity during 2026.*

The Department will utilize the revised program review process, checklists, and forms presented at the September 18, 2024 meeting to conduct these program reviews.

Mr. Pemberton seconded, and the motion carried.

**APPROVAL OF DISTRICT DIRECTOR APPOINTMENTS AND RESIGNATIONS** – *Christine Watlington Jones, Policy and District Services Manager*

**Evergreen**

Resignation of Mr. Seth Harden, of Smyth County, effective 10/14/2025, at-large appointed director (term of office expires 12/31/2026).

Appointment of Mr. Larry James Atwood, Jr, of Smyth County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

**Halifax**

Appointment of Mr. Steven Bowen, of Halifax County, to fill the vacant elected director position (term of office expires 12/31/2027).

**Mountain Castles**

Resignation of Ms. Anne Coates, of Botetourt County, effective 8/1/2025, extension agent director (term of office expires 12/31/2028).

**Natural Bridge**

Resignation of Mr. Lee Cummings, of Rockbridge County, effective 9/17/2025, elected director (term of office expires 12/31/2027).

Appointment of Mr. Charles B. Leech, V, of Rockbridge County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

Robert E. Lee

Resignation of Mr. Andrew Rousseau, of Campbell County, effective 11/20/2025, elected director (term of office expires 12/31/2027).

Thomas Jefferson

Appointment of Mr. Earl Ingersoll, of Fluvanna County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

Tri-County/City

Appointment of Dr. Arn Eliasson, of King George County, effective 12/10/2025, to fill the vacant elected director position (term of office expires 12/31/2027).

BOARD ACTION

Mr. Mills moved that the Virginia Soil and Water Conservation Board approves the appointments of the individuals being recommended. Mr. Pemberton seconded, and the motion carried.

**REVIEW OF THE DEFINITION OF APPLICANT IN THE 2026 VACS BMP MANUAL** – *Christine Watlington Jones, Policy and District Services Manager*

- At the September meeting, the definition of applicant was amended to address issues related to misrepresentation by producers.
- Office of Attorney General drafted the amendment.
- Letter was received from Eastern Shore requesting amendments to the language.
- Districts' hands are tied to imposing a minimum five-year exclusion, regardless of the circumstances.
- This adjustment would ensure a fairer process, allowing the Board to consider mitigating or aggravating factors and to promote both accountability and the opportunity for rehabilitation.
- Recommendation from Eastern Shore:
  - Any individual, landowner, agent, operator of record, or business entity who is determined to have knowingly misrepresented its compliance status with the VACS Program to a District or District Representative may, upon a determination of a Board of District Directors, not be considered an "applicant" for a period of at least one (1) year.

BOARD ACTION

After discussion, Ms. Cornell moved to approve the following language related to the definition of applicant for the Program Year 2026 Virginia Agricultural Cost-Share (VACS) BMP Manual. The revisions will be made in both the Glossary (IX-2) and the Guidelines (II-1).

An applicant may be a landowner, agent, or operator of record as long as the individual has control of the property and is at least 18 years of age. An applicant may be any corporation, association, partnership, or one or more individuals. Various companies, corporations, and partnership arrangements exist for farm ownership. Farm corporations (signing under Federal Tax Identification number) or partnerships operating under a farm name are classified as a single "applicant." Applicants are identified by a unique social security number and/or Federal Tax Identification number. Any individual, landowner, agent, operator of record, or business entity who is determined to have knowingly misrepresented its compliance status with the VACS Program to a District or District Representative may, upon a determination of a Board of District Directors, not be considered an "applicant" for a period of at least one (1) year but no more than five (5) years. In rendering such a determination, and after consulting with the Office of the Attorney General, the Board of District Directors shall evaluate all available evidence in a public meeting and any related resolutions must be passed by a majority vote of a quorum of District Directors.

Mr. Thomas seconded, and the motion carried.

**APPROVAL OF PAYMENT TO PRODUCER IN EXTRAORDINARY CIRCUMSTANCES – SCOTT COUNTY –**  
*Christine Watlington Jones, Policy and District Services Manager*

During FY2025, Mr. Brady Palmer applied for a livestock stream exclusion practice (SL-6W) with the Scott County Valley Soil and Water Conservation District (District). The District approved the practice (Contract # 26-25-0003) and, following standard operating procedures for a structural practice, planned for a new well to be drilled as part of the project. The well was drilled, at the producer's expense, in the required location and following all of the requirements established by the Virginia Department of Health; however, the well was determined to be dry, with a yield of 0 gallons per minute at 875 feet. The District approved a second well that was drilled at another location provided by the Virginia Department of Health. A flow test was conducted on the second well and the yield was determined to be inadequate with a yield of 0.25 gallons per minute at 800 feet. This rate is not sufficient to meet the required demand; additionally, any change in the subsurface flow or an error in the initial measurement would make the project unviable. A new, alternative water source would be necessary for the project to be feasible. Finally, a historic well was discovered on site near an old, dilapidated house that was described as a "good, strong well" by the locals. The district, with engineering approval, suggested the well driller locate and perform a flow test on this well. The rate from this well was also insufficient, with a yield of 0 at 125 feet.

None of the three wells have a flow rate sufficient to meet the required demand. A new, alternative water source would be necessary for the project to be feasible. Ben Chester, with the Department's District Engineering Services team, conducted a site investigation on December 3, 2025 to determine if any alternative water sources could be considered adequate for the existing herd once the livestock is excluded from the existing water sources.

After conducting the site visit and discussing the project with the District, the Department recommends the project be cancelled and reimbursement payments be made to the producer for the drillings of the well. Through no fault of the producer's, the practice will not currently work for this operation; there is not a reasonable solution at this time to provide the necessary amounts of water.

**BOARD ACTION**

Ms. Cornell made the following motion:

The Virginia Soil and Water Conservation Board approves the payment of \$55,610.16 by the Scott County Valley Soil and Water Conservation District (District) to Mr. Brady Palmer for Contract # 26-25-0003. The District is authorized to utilize either FY2025 or FY2026 Virginia Agricultural Best Management Practices Cost-Share Program funds, whichever is most appropriate, to make this payment.

Mr. Pemberton seconded, and the motion carried.

**PARTNER REPORTS**

*Virginia Cooperative Extension – Dr. Goerlich*

Dr. Goerlich expressed appreciation for a successful annual meeting. He announced that Virginia Cooperative Extension (VCE) has completed its strategic plan, which is now available online. He also noted the establishment of an Extension Advisory Committee and provided an update regarding VCE's budget request.

*Virginia Association of Soil and Water Conservation Districts – Steven Meeks*

Mr. Meeks addressed the Board on behalf of the Association.

*Virginia Farm Bureau Federation – Robert Mills*

Mr. Mills gave the report for the Virginia Farm Bureau Federation.

*Virginia Department of Agriculture and Consumer Services – Darrell Marshall*

Mr. Marshall addressed the Board and gave an update on the status of the Liskey case.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURN**

As there was no further business, the meeting adjourned at 10:59 a.m.

**Approval of Lake Barcroft Watershed Improvement District Budget**

§ 10.1-626. Levy of tax or service charge; when district in two or more counties or cities; landbooks certified to treasurers.

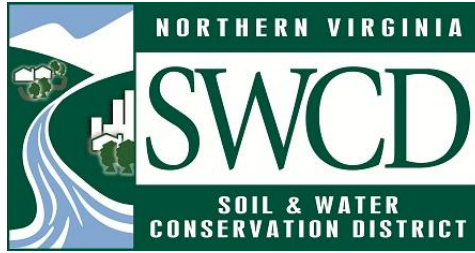
A. On or before March 1 of each year, the trustees of the watershed improvement district shall make an estimate of the amount of money they deem necessary to be raised for the year in such district (i) for operating expenses and interest payments and (ii) for amortization of debt, and, after approval by the directors of the soil and water conservation district or districts, and the Virginia Soil and Water Conservation Board, shall establish the tax rate or service charge rate necessary to raise such amount of money. The tax rate or service charge rate to be applied against the amount determined under subsection C or D of this section shall be determined before the date fixed by law for the determination of the general levy by the governing body of the counties or cities in which the district is situated.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the Lake Barcroft Watershed Improvement District FY2027 budget as submitted by the Northern Virginia Soil and Water Conservation District and presented by the Department.

**Board of Directors**

Scott J. Cameron, Chair  
Christopher E. Koerner, Vice Chair  
Rhonda Bitterli, Treasurer  
Dana Barakat, Secretary  
Adria Bordas, Director-Extension  
  
Wilfred D. Quasie-Woode,  
Executive Director



**Contact**

703-324-1460, TTY 711  
Fax: 703-324-1421  
ConservationDistrict@fairfaxcounty.gov

*Working for Clean Streams and Protected Natural Resources in Fairfax County*

March 4, 2026

Charles A. "Chuck" Arnason  
Chairman, Virginia Soil and Water Conservation Board  
895 Cellar Creek Road  
Blackstone, VA 23824

Dear Mr. Arnason,

On February 24, 2026, the Northern Virginia Soil and Water Conservation District (NVSWCD) Board of Directors voted unanimously to recommend approval of the Lake Barcroft Watershed Improvement District's (LBWID) Budget for Fiscal Year 2027 (July 1, 2026 – June 30, 2027). Please find a copy of the Budget enclosed for approval by the Virginia Soil and Water Conservation Board.

At the beginning of FY 2027, the LBWID anticipates a balance of \$3,505,926 distributed among four reserve funds (operations, dredging, general capital, and general reserves). The LBWID expects to collect property tax revenue of \$1,672,014 (an 8.7% increase over FY 2026) and identifies other available modest income sources, which will bring the total to \$5,194,440 in available funds.

The planned FY 2027 budget expenditures of \$3,330,677 include \$1,160,000 for operating expenditures (personnel, administration, overhead, environment, maintenance, and equipment), \$2,025,000 for dam renovation projects (including ingress and egress improvements to the WID operational facility), \$90,177 for dredging and silt removal, and \$55,000 for general capital expenditures (including the biennial recertification of the dam). An ending balance of \$1,863,763 is expected.

The Lake Barcroft WID maintains a 10-year plan to anticipate the capital expenditure necessary for the operation and maintenance of the dam, conservation and maintenance of the lake, as well as establish reasonable reserves to address emergencies. In addition to its more routine responsibilities, throughout the remainder of FY 2026 and in FY 2027, LBWID will have a significant focus on the armoring of the dam's east and west embankments to bring the dam into compliance with Virginia Dam Safety regulatory requirements. The Dam Embankment Armoring Project is a multi-year project that began in FY-2023 with an anticipated completion in FY-2028. The project has an estimated total cost of approximately \$8 million. To fund the Dam Embankment Armoring Project, the LBWID has been increasing its reserve funds, and pursuing State & Federal grants and appropriations

In accordance with Section 10.1-626 of the Code of Virginia, the NVSWCD Board is submitting this budget for approval by the Virginia Soil and Water Conservation Board. Should you have any questions, please contact NVSWCD's Executive Director Willie Woode at [willie.woode@fairfaxcounty.gov](mailto:willie.woode@fairfaxcounty.gov) or LBWID Trustee and Treasurer James Simonson at [James.Simonson@usdoj.gov](mailto:James.Simonson@usdoj.gov)

Sincerely,



Scott Cameron, Chairman

Cc (via email):

Brenda Pierce, Trustee-Chair, LBWID  
James Simonson, Trustee-Treasurer, LBWID  
Alan Pisarski, Trustee-Secretary, LBWID  
Davis Grant, Executive Director, LBWID  
Christine Watlington Jones, Policy and District Services Manager, DCR  
James Martin, Director, Division of Soil and Water Conservation, DCR  
Debbie Cross, Conservation District Coordinator, DCR  
Willie Woode, Executive Director, NVSWCD

Lake Barcroft Watershed Improvement District  
Proposed FY-2027 Budget  
January 28, 2026

PREPARED January 28, 2026	Lake Barcroft Watershed Improvement District FY2025 BUDGET WORKSHEET SUMMARY FY2026 PROJECTED & FY2027 PROPOSED				
FY2 Appr	FY2025 Approved	FY2025 Unaudited	FY2026 Approved	FY2026 Projected	FY2027 Proposed
<b>Reserve Funds-Beginning Balance</b>					
Operations	150,000	150,000	150,000	150,000	150,000
Dredging	20,000	20,000	20,000	20,000	20,000
General Capital	20,000	20,000	20,000	20,000	20,000
General Reserves	1,944,089	2,189,795	1,949,839	2,781,736	3,315,926
<b>Reserve Funds-Beginning Balance</b>	<b>\$2,134,089</b>	<b>\$2,379,795</b>	<b>\$2,139,839</b>	<b>\$2,971,736</b>	<b>\$3,505,926</b>
<b>Plus: Revenues</b>					
Real Estate Property Taxes	1,458,000	1,468,969	1,538,190	1,538,190	1,672,014
Brokerage Account Interest	10,000	17,962	5,000	15,000	15,000
Reimbursements	0	4,827	1,000	1,000	1,000
Misc. Income	2,000	756	500	500	500
Grants/Awards (Dam Project)		500,000	315,000	525,000	0
Gain/Loss Sale of Assets					
<b>Total Revenue</b>	<b>1,470,000</b>	<b>1,992,514</b>	<b>1,859,690</b>	<b>2,079,690</b>	<b>1,688,514</b>
<b>Total Available</b>	<b>\$3,604,089</b>	<b>\$4,372,309</b>	<b>\$3,999,529</b>	<b>\$5,051,426</b>	<b>\$5,194,440</b>
<b>Less: Expenditures by Major Function</b>					
Operations	1,054,250	988,971	1,110,000	1,131,500	1,160,500
Dredging and Silt Disposal	110,000	87,304	87,550	0	90,177
General Capital	50,000	65,448	65,000	64,000	55,000
Dam and Lake Management Projects	250,000	258,850	250,000	350,000	2,025,000
Audit Adjustment					
<b>Total Expenditures</b>	<b>1,464,250</b>	<b>1,400,573</b>	<b>1,512,550</b>	<b>1,545,500</b>	<b>3,330,677</b>
<b>Reserve Funds-Ending Balance</b>	<b>\$2,139,839</b>	<b>\$2,971,736</b>	<b>\$2,486,979</b>	<b>\$3,505,926</b>	<b>\$1,863,763</b>
<b>Reserve Funds-Ending Balance Allocations</b>	<b>FY2025 Approved</b>	<b>FY2025 Unaudited</b>	<b>FY2026 Approved</b>	<b>FY2026 Projected</b>	<b>FY2027 Proposed</b>
Operations	150,000	150,000	150,000	150,000	150,000
Dredging and Silt Disposal	20,000	20,000	20,000	20,000	20,000
General Capital	20,000	20,000	20,000	20,000	20,000
General Reserves	1,949,839	2,781,736	2,296,979	3,315,926	1,673,763
<b>Reserve Funds-Ending Balance</b>	<b>\$2,139,839</b>	<b>\$2,971,736</b>	<b>\$2,486,979</b>	<b>\$3,505,926</b>	<b>\$1,863,763</b>

Lake Barcroft Watershed Improvement District  
Proposed FY-2027 Budget  
January 28, 2026

January 28, 2026	Lake Barcroft Watershed Improvement District WORKSHEET Statement of Expenses				
OPERATIONS EXPENDITURES STATEMENT	FY2025 Approved	FY2025 Unaudited	FY2026 Approved	FY2026 Projected	FY2027 Proposed
<b>Personnel</b>					
Staff Base Pay	575,000	595,499	619,000	625,000	640,000
Staff Overtime, Hazard Pay & Bonus	45,000	19,726	35,000	35,000	30,000
Part-Time Employees	0	0	0	0	0
Fringe - FOAB	62,000	46,463	62,000	50,000	52,000
Fringe - Retirement	62,000	60,469	64,000	64,000	66,000
Fringe - Health Plan	82,000	71,728	85,000	85,000	90,000
VRSA Workers Comp	16,500	12,397	17,000	17,000	18,000
COVID Paid Leave	0	0	0	0	0
Service 25+ Retirement	6,000	6,377	6,000	6,000	10,500
<b>Total Personnel</b>	<b>848,500</b>	<b>812,660</b>	<b>888,000</b>	<b>882,000</b>	<b>906,500</b>
<b>Administration</b>					
Accounting	9,000	7,500	9,000	9,000	9,000
Auditing	5,500	5,662	5,500	6,000	6,000
Computer Expenses	3,000	3,394	3,500	25,000	3,500
Postage	250	0	500	500	500
Public Information	2,500	0	2,500	2,500	2,500
Public Meetings	10,000	2,312	10,000	2,500	10,000
Office Supplies	1,500	1,805	2,000	2,000	2,000
VRSA Insurance	25,500	27,313	26,000	28,000	26,000
Legal	2,500	0	3,000	30,000	20,000
Misc Administrative	18,000	13,915	18,000	18,000	18,000
<b>Total Administration</b>	<b>77,750</b>	<b>61,900</b>	<b>80,000</b>	<b>123,500</b>	<b>97,500</b>
<b>Utilities</b>					
Electricity	13,000	11,964	13,500	12,500	13,500
Security System	4,500	3,623	4,500	4,000	4,500
Telephone/Internet/Web Site	12,500	13,659	13,000	14,000	13,000
Water	500	450	500	500	500
<b>Total Utilities</b>	<b>30,500</b>	<b>29,695</b>	<b>31,500</b>	<b>31,000</b>	<b>31,500</b>

Lake Barcroft Watershed Improvement District  
Proposed FY-2027 Budget  
January 28, 2026

January 28, 2026	WORKSHEET Statement of Expenses				
FY2 Appr	FY2025 Approved	FY2025 Unaudited	FY2026 Approved	FY2026 Projected	FY2027 Proposed
<b>Environment</b>					
Debris Control	500	6,425	500	15,000	15,000
Environmental Engineering	11,000	11,700	11,000	11,000	12,000
Natural Resources	6,500	38	6,500	4,000	6,500
Community Garden Maintenance	6,000	10,710	6,500	3,500	6,500
Water Quality Monitoring	0	0	0	0	0
Tree Removal	10,000	1,985	10,000	5,000	10,000
Waste Disposal	6,000	5,134	6,500	6,500	6,500
<b>Total Environment</b>	<b>40,000</b>	<b>35,991</b>	<b>41,000</b>	<b>45,000</b>	<b>56,500</b>
<b>Maintenance and Equipment</b>					
Aeration System	5,000	3,123	5,000	3,500	5,000
Dam Corrosion	3,500	0	3,500	0	3,500
Fuel	9,500	6,133	9,500	7,500	9,500
Landscaping	500	0	500	0	500
Maintenance of Equipment	23,500	18,144	24,000	21,000	24,000
Equipment Rental	1,000	150	1,000	500	1,000
Maintenance of Facilities	5,000	17,123	16,000	10,000	15,000
Miscellaneous	9,500	4,051	10,000	7,500	10,000
<b>Total Maint. &amp; Equip.</b>	<b>57,500</b>	<b>48,724</b>	<b>69,500</b>	<b>50,000</b>	<b>68,500</b>
<b>Total Operations</b>	<b>\$1,054,250</b>	<b>988,971</b>	<b>\$1,110,000</b>	<b>\$1,131,500</b>	<b>\$1,160,500</b>

Lake Barcroft Watershed Improvement District  
Proposed FY-2027 Budget  
January 28, 2026

January 28, 2026	Lake Barcroft Watershed Improvement District WORKSHEET Statement of Expenses				
<b>DREDGING CAPITAL EXPENDITURE STATEMENT</b>	<b>FY2025 Approved</b>	<b>FY2025 Unaudited</b>	<b>FY2026 Approved</b>	<b>FY2026 Projected</b>	<b>FY2027 Proposed</b>
Silt Disposal	85,000	70,845	87,550	0	90,177
Equipment	25,000	16,459	0	0	0
Facilities	0	0	0	0	0
Other Items	0	0	0	0	0
<b>Total Dredging Expenditures</b>	<b>110,000</b>	<b>87,304</b>	<b>87,550</b>	<b>0</b>	<b>90,177</b>
<b>GENERAL CAPITAL EXPENDITURE STATEMENT</b>	<b>FY2025 Approved</b>	<b>FY2025 Unaudited</b>	<b>FY2026 Approved</b>	<b>FY2026 Projected</b>	<b>FY2027 Proposed</b>
Engineering - Dam					
Inspection and Recertification	10,000	15,868	25,000	20,000	25,000
General Engineering	10,000	0	10,000	0	5,000
Dam Hydraulic Control System	5,000	8,668	5,000	5,000	5,000
Computer Control System	10,000	33,698	10,000	30,000	10,000
Construction	2,500	0	2,500	2,500	2,500
Equipment (From Capital Items)	10,000	5,693	10,000	5,000	5,000
Facilities	2,500	1,521	2,500	1,500	2,500
<b>Total Capital Items</b>	<b>50,000</b>	<b>65,448</b>	<b>65,000</b>	<b>64,000</b>	<b>55,000</b>
<b>DAM &amp; LAKE MANAGEMENT PROJECTS EXPENDITURE STATEMENT</b>	<b>FY2025 Approved</b>	<b>FY2025 Unaudited</b>	<b>FY2026 Approved</b>	<b>FY2026 Projected</b>	<b>FY2027 Proposed</b>
Concrete restoration	0	0	0	0	0
Bascule gate painting	0	0	0	0	0
Install Bascule Gate Access Platform	0	0	0	0	0
Hydraulic cylinder replacement	0	0	0	0	0
Hydraulic pipe protective shield replacement	0	0	0	0	0
Replace PLC control	0	0	0	0	0
New bascule gate side seals	0	0	0	0	0
Cathodic Protection System	0	0	0	0	0
Storm Water Management	0	0	0	0	25,000
Land Purchase-new access road	0	0	0	0	0
DCR Regulatory Requirements	250,000	258,850	250,000	350,000	2,000,000
<b>Total Dam &amp; Lake Management Projects</b>	<b>250,000</b>	<b>258,850</b>	<b>250,000</b>	<b>350,000</b>	<b>2,025,000</b>
<b>Total Dredging+Capital+Dam/Lake Management</b>	<b>410,000</b>	<b>411,602</b>	<b>402,550</b>	<b>414,000</b>	<b>2,170,177</b>
<b>Total LBWID Expenditures</b>	<b>\$1,464,250</b>	<b>\$1,400,573</b>	<b>\$1,512,550</b>	<b>\$1,545,500</b>	<b>\$3,330,677</b>

**Approval of Timberlake Watershed Improvement District Budget**

§ 10.1-626. Levy of tax or service charge; when district in two or more counties or cities; landbooks certified to treasurers.

A. On or before March 1 of each year, the trustees of the watershed improvement district shall make an estimate of the amount of money they deem necessary to be raised for the year in such district (i) for operating expenses and interest payments and (ii) for amortization of debt, and, after approval by the directors of the soil and water conservation district or districts, and the Virginia Soil and Water Conservation Board, shall establish the tax rate or service charge rate necessary to raise such amount of money. The tax rate or service charge rate to be applied against the amount determined under subsection C or D of this section shall be determined before the date fixed by law for the determination of the general levy by the governing body of the counties or cities in which the district is situated.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the Timberlake Watershed Improvement District FY2027 budget as submitted by the Robert E. Lee Soil and Water Conservation District and presented by the Department.



**Robert E. Lee Soil and Water  
CONSERVATION DISTRICT**

*Serving the Counties of Amherst, Appomattox, Campbell and the City of Lynchburg.*

(434) 352-2819 6969 Richmond Hwy Appomattox, VA 24522

Ms. Watlington,

Following up on the February 9<sup>th</sup>, 2026, email regarding the Timberlake Watershed Improvement District and VA Code Section 10.1-626, the purpose of this letter is to request placing subject Timberlake WID FY2026/27 Budget on the VA SWCB's March 27<sup>th</sup>, 2026, scheduled meeting agenda for approval.

Please be advised, at REL SWCD's regularly scheduled Board of Directors meeting on February 26<sup>th</sup>, 2026, the Timberlake Watershed Improvement District Trustees presented the Timberlake WID's FY2026/27 Budget. As presented, the following information:

FY2026-2027 Timberlake Watershed Improvement District Budget  
"Estimate of Amount of Money Deemed Necessary for the Year"

VA Code Section 10.1-626A Requirement	Estimate of Amount of Money
(i) Operating Expenses	\$2,848
(ii) Interest Expenses	\$15,345
(ii) Loan Amortization	\$37,847
(iii) Dam Wing Reinforcement	\$85,500

During the REL SWCD Board of Directors meeting on February 26<sup>th</sup>, 2026, a motion was made, seconded, and passed by the Board of Directors approving the WID's FY2026/27 Budget as submitted. I certify the REL SWCD Board of Directors approved the motion to approve the WID FY2026/27 Budget and to forward to the VA SWCB. Supporting documentation is attached.

Sincerely,

\_\_\_\_\_  
Cindy Miller District Operations Manager

2/26/2026

\_\_\_\_\_  
Date



COMMONWEALTH of VIRGINIA  
 Timberlake Watershed Improvement District  
 Campbell County, VA  
 614 S Timberlake Drive, Lynchburg, VA 24502

Charles Falwell  
 Trustee Chairman

Dr. Robert Lockridge  
 Trustee Secretary

J. Kim Steinhorst  
 Trustee Treasurer

February 10, 2026

To: RELSCWD Joetricia Humbles, Chair  
 Doug Perrow, Campbell County Director  
 cc: RELSWCD Board of Directors  
 Subject: TWID FY2026-2027 Proposed Budget for RELSWCD Board approval/submittal to the VA SWCB.

Dear Ms. Humbles and the Board of Directors,

On behalf of the Trustees, please find attached the Timberlake Watershed Improvement District's (TWID) proposed fiscal year budget for 2026-2027.

FY2026-2027 Timberlake Watershed Improvement District Budget  
 "Estimate of Amount of Money Deemed Necessary for the Year"

VA Code Section 10.1-626A Requirement	Estimate of Amount of Money
(i) Operating Expenses	\$2,848
(i) Interest Expenses	\$15,345
(ii) Loan Amortization	\$37,847
(iii) Dam Wing Reinforcement	\$85,500

We request the RELSWCD Board's approval and recommendation of further approval of the budget to the Virginia Soil and Water Conservation Board for action at their March, 2025, meeting.

J. Kim Steinhorst  
 Trustee/Treasurer

Robert Lockridge  
 Trustee/Secretary

Charles Falwell,  
 Trustee, Chairman

Sincerely,

**Robert E. Lee Soil & Water Conservation District**  
**6969 Richmond Hwy.**  
**Appomattox, VA 24522**  
**Phone 434-352-2819 FAX 434-352-9405**  
**www.releeconservation.com**  
**Board of Directors Regular Meeting Minutes**  
**February 26, 2026 – 6:00 p.m.**

**DRAFT**

**Directors:** Joetricia Humbles, Chairperson  
(Present) Bonnie Swanson, Vice Chairperson  
Doug Perrow, Treasurer  
Kia Scott  
Leslie Whealton  
Xavier Storey  
Zachary Campbell  
Glenn Dye

**Directors:** Bruce Jones  
(Absent) Shepard Landrum

**Staff/Partners:** (Present) Katelin Savage, Education Specialist/ VCAP Coordinator  
Dustin Woodall, RELSWCD Conservation Technician  
Myra Parr, RELSWCD Conservation Technician  
Cindy Miller, RELSWCD District Operations Manager  
Tad Williams, CDC DCR  
Lauren Cheatham, NRCS Conservationist  
Nicholas Leslie, Virginia Dept of Forestry  
J. Kim Steinhorst, Timberlake WID Treasurer  
Charles Falwell, Timberlake WID Chairman

**Staff Absent:** None

**Others:** Ed Jones

**Call to Order:** The regular meeting of the Robert E. Lee Soil and Water Conservation District Board of Directors was called to order on February 26, 2026, at 6:00 p.m., by Joetricia Humbles, Chairman, at the Robert E Lee Soil & Water Conservation District Office 6969 Richmond Hwy Appomattox, VA 24522.

**Adopting the Agenda:** Joetricia Humbles, Chairperson, asked if there were any changes to the agenda. Motion was made to approve the agenda as presented. Approved (Perrow, Campbell passed 6/0).

**Acknowledgement of Guests:** Ed Jones nominated Campbell Co Director was present.

**Reading and Approving of the minutes from January 22, 2026:** Joetricia Humbles, Chairperson, asked if there were any corrections to the minutes (copy filed with the minutes). Motion was made to approve the minutes as written. Approved (Perrow, Swanson passed 6/0).

**Public Comment:** None.

## **REPORT OF OFFICERS/PARTNERS/STAFF**

**I- Timberlake WID –J Kim Steinhorst, Timberlake WID Treasurer presented the Timberlake WID FY 2026/2027 Budget. Motion was made to approve the Timberlake WID FY 2026/2027 Budget as presented and to be forwarded to VSWCD Board for approval. Approved (Perrow, Whealton passed 6/0).**

**II-Treasurer’s Report –January 2026– Doug Perrow, Treasurer,** provided the Treasurer’s report (copy filed with minutes). Cost Share and Operation Savings Bank statements were reconciled to the checkbook and QuickBooks program. No errors noted.

**III-DCR Conservation District Coordinator Report** – Tad Williams, CDC provided the February 2026 report. (Copy filed with minutes). CDC Provided information on Operation and Cost Share Items, Upcoming Trainings, and Important Dates. Dates for Obligations data to be pull and Disbursement letters being May 1<sup>st</sup> and June 1<sup>st</sup> for pull dates. Grant Deliverable items were reviewed. CDC reviewed Cost Share Audit findings with the Board.

**IV-USDA Natural Resources Conservation Service Report** – Lauren Cheatham, NRCS District Conservationist-presented her written report. (Copy filed with minutes). Program updated and Deadlines were reviewed.

**V-Virginia Department of Forestry Report** – BJ Butler, Area Forester –provided a written report and it was presented by Nicholas Leslie. (copy filed with minutes). Virginia Burning Law is in effect from February 15<sup>th</sup> through April 30<sup>th</sup>, in which burning is prohibited before 4:00p.m. each day.

**VI-Virginia Cooperative Extension Report** – Bruce Jones, Appomattox VCE Agent-provided his February 2026 report. Report included upcoming training and events. (copy filed with minutes). Flyers were provided for upcoming events.

**VII-RELSWCD Conservation Technician Report-** Dustin Woodall provided his February 2026 Conservation Technician report (copy filed with minutes). Monthly Tasks and Trainings were provided. Approval request for **Conservation Plans for 10-26-0007, 10-26-0009, 10-26-0010, 10-26-0011 and 10-26-0012.**

**Motion was made to approve the Conservation Plans listed and as presented. Approved (Perrow, Campbell passed 6/0).**

**VIII-RELSWCD Conservation Technician Report-**Myra Parr provided her February 2026 Conservation Technician report (copy filed with minutes). Monthly duties, meetings, and training were provided. Project updates were provided. **Conservation Plans CP-10-26-0001, CP-10-26-0002, CP-10-26-0003, CP-10-26-0004, CP-10-26-0005 and CP-10-26-0006 were presented for approval.**

**Motion was made to approve the Conservation Plan listed and as presented. Approved (Perrow, Campbell passed 6/0).**

**IX-RELSWCD Education Specialist Report-**Katelin Savage provided the February 2026 report (copy filed with minutes). Monthly duties, Activities, Meetings and Upcoming Activities were provided. A reminder was provided for the 2026 Scholarship Program which is now open with applications due by April 1. The Annual Farmer’s Breakfast has been scheduled for March 16, 2026, at 9 a.m. at Granny Bee’s on Main St Appomattox. An update was provided on VCAP program funding. The Poster and Photo contest is now open and flyers are available.

**X-RELSWCD District Operations Manager Report** – Cindy Miller provided the February 2026 report (copy filed with minutes). Updates provided on Monthly Duties and Trainings. Assisted with Personnel Committee and research of Personnel policy. We will have an update from the Personnel Committee at our March BOD meeting.

**Motion was made to approve the Office lease for a one-year term at \$2500 per month starting March 23, 2026, and expiring on March 22, 2027. Approved (Swanson, Campbell passed 6/0).**

**REPORT OF COMMITTEES:** Agriculture Committee-CB and OCB funding was reviewed along with the Contract ranking process and table.

**Motion was made to approve the table of Contracts as presented per the attached table. Approved (Perrow, Whealton passed 6/0).**

**UNFINISHED BUSINESS- None**

**NEW BUSINESS-None**

**ANNOUNCEMENTS – None**

**Joetricia Humbles, Chairman, stepped out at 7:17 p.m.**

**ADJOURNMENT** – Motion was made to adjourn the meeting at 7:23 p.m. Approved (Perrow, Whealton passed 5/0).

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Joetricia Humbles, Chairperson

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Cindy Miller, District Operations Manager

***Recommended revisions to the VACS BMP Manual for FY2027 – Individual BMPs***

BMPs have been revised to reflect the recommendations discussed during the AgBMP Technical Advisory Committee (TAC) and Subcommittee meetings. Revised, individual BMPs are attached to the matrix from the Subcommittee that was assigned the suggestion.

There are 4 Subcommittee matrices: Animal Waste, Cover Crop and Nutrient Management, Programmatic, and Stream Protection and Forestry. An additional matrix contains the suggestions to the TAC that were discussed by the Department (DCR internal recommendations).

There are several BMPs that have been revised as Department recommendations, separate from the TAC process. Those changes are:

- WFA-NM, WFA-CC: minor updates to language and formatting for clarity. *(revised BMPs are included with the Cover Crop and Nutrient Management Subcommittee matrix).*
- SE-2: Added detail regarding eligible components; specified ineligible components; removed the lifespan waiver if the practice is damaged by acts of nature; and removed requirement for SEAS to review all designs.

**MATRIX OF ADVANCED ANIMAL WASTE RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028
1A		Update the WP-4LL and WP-4LC specs to allow for a feed lane with manure pack facilities. The description and purpose for both specs specify three distinct areas (feeding area, pack area, and manure storage). The pack area and feeding area combined are being limited to the 75 sq. ft. per AU for manure packs while bedded pack facilities can have a feed lane in addition to the 75 sq. ft. per AU. There is conflicting language between the description/purpose and the cost-share authorized/not authorized sections.	<p>Make Both LC and LL, whether managed as a manure pack or bedded pack, eligible for 75 square feet per animal unit loafing area, separate feed lane, and appropriately sized manure storage area. Edit WP-4LC to match WP-4LL:</p> <p>B.2.v. <i>c. When a feed lane is utilized, a dry stack manure storage area is authorized, sized based upon livestock time at feed bunks, up to six (6) months storage of existing need.</i></p> <p>B.4 <i>Cost-share and tax credit is not authorized for: vii. Feed lane and associated manure storage for a manure pack facility</i></p>		
2A		All the WP-4 feeding specs still say cost share not authorized for manure generated outside of the facility even though clarification language was previously added to the WP-4 spec to say it could be from any qualifying group on the farm. The language from the WP-4 spec should be applied to WP-4B, WP-4SF, WP-4LL, WP-4LC specs.	<p>Revise language in WP-4SF, WP-4LL, WP-4LC:</p> <p><i>Cost-share and tax credit is not authorized for... storage of manure generated outside of this facility. However, a WP-4 can be combined with this specification to store manure from additional qualifying groups.</i></p>		
3A		Request that the WP-4 specification (B. Policies and Specifications 3. vii) allow for all manure that could be removed from poultry houses during the 180-day storage period be included in the sizing for litter storage facilities. Currently, the number of flocks is being adjusted back to 180 days, resulting in partial flocks being considered for the sizing. The reality is that farmers need space to store the manures for all cleanouts within the 180-day storage period.	<p>Add to WP-4 (B.3):</p> <p><i>Exceptions to the six month storage criteria are: ...For poultry operations with a flock length that exceeds 90 days, storage may be provided for up to two full flocks.</i></p>		

**MATRIX OF ADVANCED ANIMAL WASTE RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028								
4A		Create a new tax credit only BMP specification for decommissioning of a manure pits. The Animal Waste Subcommittee discussed and tabled the cost share request for this last year, however the Subcommittee wanted to consider tax credit only for this practice pending review of a draft specification to be prepared by the Shenandoah Valley Soil & Water Conservation District.	Establish new practice for tax credit, WP-9 Decommissioning of Liquid Waste Storage Facilities. See draft specification.										
5A		WQ-12 should be under the Practices with Two-Program Year completion date carryover section: WQ-12 is a structural practice that includes surveying, an approved design, and contractors to do the work, all of which can be points of backlog for a project preventing it from getting completed in the required timeframe.	Move WQ-12 Roof Runoff Management System to the category, 'Practices with Two-Program Year completion date' in VACS Guidelines. <table border="1" data-bbox="1381 626 1943 800"> <thead> <tr> <th colspan="2"><i>Practices with One-Program Year completion dates eligible for Carryover</i></th> </tr> </thead> <tbody> <tr> <td><u>WQ-12</u></td> <td><u>Roof Runoff Management System</u></td> </tr> </tbody> </table> <table border="1" data-bbox="1381 837 1943 1011"> <thead> <tr> <th colspan="2"><i>Practices with Two-Program Year completion dates eligible for Carryover</i></th> </tr> </thead> <tbody> <tr> <td><u>WQ-12</u></td> <td><u>Roof Runoff Management System</u></td> </tr> </tbody> </table>	<i>Practices with One-Program Year completion dates eligible for Carryover</i>		<u>WQ-12</u>	<u>Roof Runoff Management System</u>	<i>Practices with Two-Program Year completion dates eligible for Carryover</i>		<u>WQ-12</u>	<u>Roof Runoff Management System</u>		
<i>Practices with One-Program Year completion dates eligible for Carryover</i>													
<u>WQ-12</u>	<u>Roof Runoff Management System</u>												
<i>Practices with Two-Program Year completion dates eligible for Carryover</i>													
<u>WQ-12</u>	<u>Roof Runoff Management System</u>												

*Changes to cost-share practice specifications will be applied to corresponding voluntary specifications.*

**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

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

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

A. Description and Purpose

This practice creates a planned system designed to manage liquid and/or solid waste from feeding facilities, hardened pads, or other areas where livestock and poultry are concentrated and from which manure can be collected. This practice is designed to provide facilities for the storage and handling of livestock and poultry waste and the control of surface runoff to permit the recycling of animal waste onto the land in a way that will abate pollution that would otherwise result from livestock or poultry operations.

Its purpose is to improve water quality by storing and spreading waste at the proper time, rate, location, and/or to control erosion and nutrient input caused by feeding operations located adjacent to riparian areas or other environmentally sensitive features.

B. Policies and Specifications

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock or poultry operation can show they have either:
  - i. Access to land for application, and where a full farm plan approach to solving the water quality problem is being carried out.
  - ii. A current Nutrient Management Plan that has been certified by a Virginia certified Nutrient Management Planner and, if needed, a transfer plan prepared by a certified Nutrient Management Planner for any livestock or poultry waste.
2. Practice Development
  - i. The District shall consider all existing animal waste storage facilities on the same property when sizing a new manure storage facility. The District should determine on a case-by-case basis whether any existing manure storage facilities (cost-shared or non-cost-shared) are adequate for continued manure storage. Existing storage deemed adequate shall be deducted from the total storage need calculation to determine the amount of additional storage eligible for cost-share.
  - ii. Before cost-share or tax credit can be approved, all applications for animal waste control facilities, including poultry operations, must have a "WP-4 Risk Assessment for Water Quality Impairment from Animal Concentrated Areas" completed and must receive a minimum score of 120 in order to be eligible. Furthermore, all associated livestock must be excluded from all streams in the tract before cost-share or tax credit is provided.

- iii. The applicant is required to sign a Dry Manure Storage Structure Agreement DCR199-86 (04/19) or similar District agreement which addresses the minimum criteria prior to receiving any funds.
  - iv. Determination of the storage capacity of animal waste facilities shall be reviewed and approved by the DCR Agricultural BMP Engineer.
3. Cost-share and tax credit is authorized:
- i. For animal waste generated from any qualifying group of animals on the farm where the facility is to be located.
  - ii. For animal waste storage facilities, such as dry stacking storage, aerobic or anaerobic lagoons, liquid manure tanks, solid/liquid separation, holding ponds, collection basins, settling basins, and similar facilities, as well as diversions, channels, waterways, designed filter strips, outlet structures piping, land shaping, and similar measures needed as part of a system on the farm to manage animal wastes as outlined below:
    - a. Permanently installed equipment needed as an integral part of the system.
    - b. Solid/liquid separation is eligible when the manure storage is not adequate and this is the least cost, technically feasible alternative to a new liquid pit.
    - c. Vegetative cover (including mulching needed to protect the facility).
    - d. Leveling and filling to permit the installation of an effective system.
  - iii. Only if the facilities will contribute significantly to improving the soil or water quality by providing protected storage for on-site generated waste.
  - iv. For the waste storage facility as a part of the relocated livestock or poultry operation, if the original facility is contributing significantly to a water quality problem.
  - v. For the waste storage facility as part of a livestock or poultry operation that is planned or under construction, only if the applicant provides a signed certification (Cost-Share Contract Appendix A) documenting the type, size, and number of animals to be placed on site within six months of completion of the waste storage facility. The applicant must also provide the feeding method and type, cleanout schedule, housing type, and any other information required to size and plan the facility. Planned or under-construction collection areas must be complete before cost-share and tax credit can be issued for the waste storage facility.
  - vi. For individual components of animal waste systems, only if:
    - a. A DCR Agricultural BMP Engineer determines that the component stands alone as a measure that will significantly improve water quality and
    - b. Only where a no-discharge permit for a waste storage facility is not required.
  - vii. For wastewater storage facilities as a stand-alone component with a minimum storage of 120 days.
  - viii. For a waste storage system to store manure produced for a consecutive period up to six months as calculated using current manure production worksheets. All components of a waste storage system (regardless of

funding source) must be designed to match the amount of manure storage capacity required.

Exceptions to the six month storage criteria are:

- a. Liquid storage which may provide storage for manure produced during a consecutive seven month period as calculated using current manure production worksheets.
  - b. Poultry layer/breeder operations may provide storage for manure produced for a consecutive period up to 12 months as calculated using current manure production worksheets.
  - b-c. For poultry operations with a flock length that exceeds 90 days, storage may be provided for up to two full flocks.
- ix. The construction of a fabricated liquid waste storage structure and associated components if it is the only acceptable alternative (based on site limitations [i.e., high water table, karst topography, etc.]) for liquid waste management.
4. Cost-share and tax credit are not authorized:
- i. For operations that do not currently have a way to collect manure (i.e., existing feeding facilities, hardened pads, etc.), unless the waste storage facility is approved as part of an operation that is planned or under construction. Planned or under-construction collection areas must be complete before cost-share and tax credit can be issued for the waste storage facility.
  - ii. For measures primarily for the prevention or abatement of air pollution, unless the measures also have soil and water conserving benefits.
  - iii. For the following:
    - a. Portable pumps.
    - b. Pumping equipment for unloading facilities.
    - c. Buildings or modifications of buildings to house pumping equipment.
    - d. Spreading animal wastes on the land, including distribution system using irrigation pipelines.
  - iv. For animal waste facilities that do not meet local or state regulations.
  - v. For installation primarily for the operator's convenience.
  - vi. For waste storage facilities that will not store manure produced on the operation where the facility is to be located. End user facilities are not authorized.
5. All applicants must have:
- i. The storage capacity calculations of animal waste facilities reviewed and approved by a DCR Agricultural BMP Engineer (except for practices previously sized and engineered by NRCS) and coordinated with the Nutrient Management Plan so that adequate storage capacity is installed.
6. All appropriate local and state permits must be obtained before cost-share and/or tax credits are authorized.
7. For facilities constructed as part of an operation that is planned or under construction,

cost-share and tax credit will not be issued until the type, size, and number of animals documented on the signed certification (Cost-Share Contract Appendix A) have been placed on site and all other aspects of the operation used to plan the facility are being implemented as outlined during the planning process. The placement of animals on site must occur within six months after the facility is technically certified.

8. 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).
9. This practice is subject to NRCS standards 313 Waste Storage Facility, 342 Critical Area Planting, 359 Waste Treatment Lagoon, 362 Diversion, 367 Roofs and Covers, 558 Roof Runoff Structure, 561 Heavy Use Protection, 620 Underground Outlet, 632 Solid/Liquid Waste Separation Facility, 633 Waste Recycling and 634 Waste Transfer.
10. All practice components implemented must be maintained for a minimum of 15 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. The VACS payment will not exceed 75% of the approved estimated cost or eligible actual cost, whichever is less.
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, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

1. 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 202~~6~~5

## Optional Animal Waste Control Facility Data Collection Worksheet

1. What type of operation do you have?
2. How long have you been in operation?
3. Have you expanded or enlarged your operation? If so, when?
4. How often in the past 5 years have you been forced to store waste out-of-doors? How long was the waste stored outside? Was this due to unfavorable conditions beyond your control? Explain. Also locate the storage sites utilized.
  - a.
  - b.
  - c. Explanation:
5. How many livestock per year or birds per flock do you normally raise? Their size, type, etc.
6. How many flocks/herds per year do you normally raise?
7. How often do you clean out or scrape in a year's period? When and how is the waste used and/or stored? Also give the number of partial and total clean outs for poultry.
8. What use do you make of the waste produced?
9. Is any waste disposed of off your farm? Explain.
10. How much pasture, hayland and cropland are available to spread waste on in your operation?

Pasture acres \_\_\_\_\_

Hay acres \_\_\_\_\_

Cropland \_\_\_\_\_

Completed by: \_\_\_\_\_  
Signature Date Title

Name of Practice: ANIMAL WASTE CONTROL FACILITY FOR CONFINED LIVESTOCK  
OPERATIONS  
VACS Program Specifications for No. WP-4LC

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Animal Waste Control Facilities for Confined Livestock Operations 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 system designed to prevent those areas exposed to heavy livestock traffic from experiencing excessive manure and soil losses due to the destruction of ground cover and to manage liquid and/or solid waste from areas where livestock are concentrated. The intent of this practice is to improve water quality by preventing manure and sediment runoff from entering watercourses and environmentally sensitive features such as karst features, as well as capturing a portion of the manure as a resource for other uses by storing and spreading waste at the proper time, rate, and location.

Each covered facility requires 100% confinement of livestock which includes a feeding area, as well as a bedded or manure pack area with a manure storage area, if needed. Permanent removal of livestock from all acres associated with the confined livestock is required. All associated acres must be re-vegetated. This practice is not intended for grazing operations.

B. Policies and Specifications

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock operation can show they have either:
  - i. Access to land for application and where a full farm plan approach to solving the water quality problem is being carried out.
  - ii. A current Nutrient Management Plan that has been certified by a Virginia certified Nutrient Management Planner and, if needed, a transfer plan prepared by a certified Nutrient Management Planner for any livestock.
2. Practice Development
  - i. The District shall consider all existing animal waste storage facilities on the same property when sizing a new manure storage facility. The District should determine on a case-by-case basis whether any existing manure storage facilities (cost-shared or non-cost-shared) are adequate for continued manure storage. Existing storage deemed adequate shall be deducted from the total storage need calculation to determine the amount of additional storage eligible for cost share.

- ii. Before cost-share or tax credit can be approved all other means of reducing the environmental impacts of animal waste from the existing operation must be considered. Lack of space for relocation, economic inefficiency or other factors may be considered. A “Risk Assessment for Water Quality Impairment from Heavy Use Areas/Animal Concentrated Areas” must be completed and a minimum score of 120 is required in order to be eligible.
- iii. The applicant is required to sign a Dry Manure Storage Structure Agreement DCR199-86 (04/19) or similar District agreement which addresses the minimum criteria prior to receiving any funds.
- iv. Determination of the storage capacity of animal waste facilities shall be reviewed and approved by a DCR Agricultural BMP Engineer.
- v. The confinement structure shall be managed as either a:
  - a. Bedded Pack
    - The pack area must be maintained to ensure dry conditions for livestock. Dry material, tillage, ventilation and/or aeration may be needed to maintain proper bedding conditions.
    - Does not require a separate manure storage, but it must have walls a minimum of four feet high to contain bedded pack.
    - Manure storage for bedded pack area is not authorized, but storage for manure captured from feed lanes is an eligible component.
  - b. Manure Pack
    - The pack area shall be maintained to prevent any materials from migrating from the structure limits as to impact water quality. Regular scraping and/or the addition of bedding is required to stabilize the manure.
    - A separate storage component is required to store up to 6 months of manure production.
  - c. When a feed lane is utilized, a dry stack manure storage area is authorized, sized based upon livestock time at feed bunks, up to six (6) months storage of existing need.
- vi. All associated acres shall be re-vegetated to ensure permanent grass cover (reference SL-11 practice specification) or shall be converted to cropland and managed to a soil loss of T and managed in compliance with the SL-15B practice specification. For backgrounding and finishing operations, only the acres associated with the concentrated feeding that contribute to the resource concern must be converted.
- vii. This practice is not applicable on the same acreage associated with an active stream exclusion contract that is under lifespan, winter feeding facility, or feeding pad.

3. Cost-share and tax credit is authorized for:

- i. Pack area sized based on the current herd size and planned feeding method, not to exceed 75 sq. ft. per animal unit. Pack area feeding or feed lane shall be sized based on the planned feeding method.
  - ii. Feed lane for a bedded pack facility. When a feed lane is utilized, a manure storage area sized based on livestock time at feed bunks, up to six (6) months storage of existing need.
  - iii. Water system components to provide a functional structure.
  - iv. Roofs over the feeding area and manure storage area and roof runoff system.
  - v. Establishment of permanent vegetative cover on acreage addressed by this practice.
  - vi. For individual components of animal waste systems, only if:
    - a. The DCR Ag BMP Engineer determines that the component stands alone as a measure that will significantly improve water quality;
    - b. Only where a no-discharge permit for a waste storage facility is not required.
  - vii. Appurtenances needed to contain manure within the facility.
4. Cost-share and tax credit is not authorized for:
- i. Conversion to cropland of acreage addressed by this practice.
  - ii. Fencing and/or walkways.
  - iii. Storage of manure generated outside of this facility. However, a WP-4 can be combined with this specification to store manure from additional qualifying groups.
  - iv. Grazing operations
  - v. Dry material, tillage, ventilation and/or aeration.
  - vi. Concrete floors for bedded pack facilities.
  - ~~vii. Feed lane and associated manure storage for a manure pack facility.~~
5. Compliance checks are a required component of this practice and shall be performed in accordance with the schedule below:
- i. Year 1 – All facilities and associated fields shall be checked to ensure compliance with this specification.
  - ii. If compliance is confirmed in Year 1, the facility shall be checked again in Years 4, 8 and 12.
  - iii. If the facility is found to be non-compliant, the identified Practice Failures Procedure in the VACS Manual shall be followed. Once found to be in compliance, the facility shall be checked one year after compliance is achieved. If compliance is confirmed, checks shall resume in Years 4, 8 and 12.
6. The sizing calculations of the practice shall be reviewed and approved by the DCR Agricultural BMP Engineer (except for practices previously sized and engineered by NRCS) and shall be coordinated with the Nutrient Management Plan so that adequate storage capacity is installed.

7. All appropriate local and state permits must be obtained before beginning construction.
8. 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).
9. This practice is subject to NRCS standards 313 Waste Storage Facility, 342 Critical Area Planting, 362 Diversion, 367 Roofs and Covers, 412 Grassed Waterway, 558 Roof Run Off Structure, 561 Heavy Use Protection, 620 Underground Outlet, 633 Waste Recycling and 634 Waste Transfer.
10. All practice components implemented must be maintained for a minimum of 15 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. The VACS payment will not exceed 75% of the approved estimated cost or eligible actual cost, whichever is less.
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, only the participant's eligible out-of-pocket share of the project cost 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 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 2026<sup>4</sup>

Name of Practice: LOAFING LOT MANAGEMENT SYSTEM WITH MANURE  
MANAGEMENT (EXCLUDING BOVINE DAIRY)  
VACS Program Specifications for No. WP-4LL

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's animal waste control facilities best management practice, which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice creates a planned system designed to prevent those areas exposed to heavy livestock traffic from experiencing excessive manure and soil losses due to the destruction of ground cover and to manage liquid and/or solid waste from areas where livestock are concentrated. The intent of this practice is to improve water quality by preventing manure and sediment runoff from entering watercourses and sensitive karst features and capturing a portion of the manure as a resource for other uses by storing and spreading waste at the proper time, rate, and location.

The sacrifice lot or covered facility includes a feeding area as well as a bedded or manure pack area with a manure storage area if needed. A minimum of three associated grassed lots are required. All streams must be excluded. Streams associated with the grassed lots require a 35 feet minimum buffer.

B. Policies and Specifications

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock operation can show they have either:
  - i. Access to land for application and where a full farm plan approach to solving the water quality problem is being carried out.
  - ii. A current Nutrient Management Plan that has been certified by a Virginia certified Nutrient Management Planner and, if needed, a transfer plan prepared by a certified Nutrient Management Planner for any livestock.
2. Practice Development
  - i. Before cost-share or tax credit can be approved all other means of reducing the environmental impacts of animal waste from the existing operation must be considered. Lack of space for relocation, economic inefficiency or other factors may be considered. A "Risk Assessment for Water Quality Impairment from Heavy Use Areas/Animal Concentrated Areas" must be completed and a minimum score of 120 is required in order to be eligible.
  - ii. The applicant is required to sign a Dry Manure Storage Structure Agreement DCR199-86 (04/19) or similar District agreement which addresses the minimum criteria prior to receiving any funds.

- iii. A minimum of three grassed loafing lots are required and 60% cover on these lots must be maintained at all times.
- iv. Determination of the storage capacity of animal waste facilities shall be reviewed and approved by the DCR Agricultural BMP Engineer.
- v. Hardened walkway(s) may be installed to facilitate herd movement from the barn to the loafing lots. The walkway must be designed and installed in accordance with NRCS Standard 575, Trails and Walkways.
- vi. A sacrifice area is required unless adequate housing facilities are available (e.g. free stall barns).
  - a. Uncovered sacrifice areas must be scraped periodically and shall not exceed 600 square feet per animal unit (1000-lb. equivalent). Maximum slope shall not exceed 8%. Divert surface water away from the sacrifice area.
    - Provide filter strips per NRCS standard 393 to filter runoff from the sacrifice area.
    - Manure collected from the sacrifice area must be properly stored in an adequately sized structure. Existing storage structures shall be considered when sizing the manure storage facility.
  - b. Covered sacrifice areas shall not exceed 75 square feet per animal unit (1000-lb. equivalent).
- vii. Manure may be managed as:
  - a. Bedded Pack:
    - The pack area must be maintained to ensure dry conditions for livestock. Dry material, tillage, ventilation and/or aeration may be needed to maintain proper bedding conditions.
    - Does not require a separate manure storage, but it must have walls a minimum of 4 feet high to contain bedded pack.
    - Manure storage for bedded pack area is not authorized, but storage for manure captured from feed lanes is an eligible component.
  - b. Manure Pack:
    - The pack area shall be maintained to prevent any materials from migrating from the structure limits as to impact water quality. Regular scraping and/or the addition of bedding is required to stabilize the manure.
    - A separate storage component is required to store up to six months of manure production.
  - c. When a feed lane is utilized, a dry stack manure storage area is authorized, sized based upon livestock time at feed bunks, up to six (6) months storage of existing need.

3. Cost-share and tax credit is authorized for:
  - i. Roofs over the feeding area, manure storage area and roof runoff system.
  - ii. A hardened sacrifice area.
  - iii. Fencing, walkways, and water system components to provide functional lots.
  - iv. Individual components of animal waste systems, only if the DCR Ag BMP Engineer determines that the component stands alone as a measure that will significantly improve water quality.
  - v. Water system components to provide a functional structure.
  - vi. Seeding of permanent vegetative cover on acreage associated with this practice.
  - vii. Filter strips in accordance with NRCS Standard 393.
  
4. Cost-share and tax credit is not authorized for:
  - i. Storage of manure generated outside of this facility. However, a WP-4 can be combined with this specification to store manure from additional qualifying groups.
  - ii. Operations with sufficient grazing acreage.
  
5. Compliance checks for both the covered and uncovered sacrifice lot and the grassed loafing lots are a required component of this practice and shall be performed in accordance with the schedule below:
  - i. Year 1 – All facilities and associated fields shall be checked to ensure compliance with this specification.
  - ii. If compliance is confirmed in Year 1, the facility shall be checked again in Years 4, 8 and 12.
  - iii. If the facility is found to be non-compliant, the identified Practice Failures Procedure in the VACS Manual shall be followed. Once found to be in compliance, the facility shall be checked one year after compliance is achieved. If compliance is confirmed, checks shall resume in Years 4, 8 and 12.
  
6. The sizing calculations of the practice shall be reviewed and approved by the DCR Agricultural BMP Engineer (except for practices previously sized and engineered by NRCS) and shall be coordinated with the Nutrient Management Plan so that adequate storage capacity is installed.
  
7. All appropriate local and state permits must be obtained before beginning construction.
  
8. 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).

9. This practice is subject to NRCS standards 313 Waste Storage Facility, 342 Critical Area Planting, 362 Diversion, 367 Roofs and Covers, 382 Fence, 393 Filter Strip, 412 Grassed Waterway, 512 Pasture and Hay Planting, 516 Livestock Pipeline, 533 Pumping Plant, 558 Roof Runoff Structure, 561 Heavy Use Protection, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility, 620 Underground Outlet, 633 Waste Recycling, 634 Waste Transfer, 642 Water Well.
10. All practice components implemented must be maintained for a minimum of 15 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. Rates

1. The VACS payment will not exceed 75% of the approved estimated cost or eligible actual cost, whichever is less.
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, only the participant's eligible out-of-pocket share of the project cost 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 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 2026<sup>4</sup>

Name of Practice: SEASONAL FEEDING FACILITY WITH ATTACHED MANURE  
STORAGE  
VACS Program Specifications for No. WP-4SF

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Seasonal Feeding Facility with Attached Manure Storage 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 system designed to prevent those areas exposed to heavy livestock traffic from experiencing excessive manure and soil losses due to the destruction of ground cover and to manage liquid and/or solid waste from areas where livestock are concentrated. The intent of this practice is to improve water quality by preventing manure and sediment runoff from entering watercourses and sensitive karst features and capturing a portion of the manure as a resource for other uses by storing and spreading waste at the proper time, rate, and location.

This covered concrete facility includes a feeding area, as well as a manure storage area, that allows for the capture and storage of manure during inclement weather. An approved rotational grazing plan and stream exclusion are required.

B. Policies and Specifications

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock operation can show they have either:
  - i. Access to land for application and where a full farm plan approach to solving the water quality problem is being carried out.
  - ii. A current Nutrient Management Plan that has been certified by a Virginia certified Nutrient Management Planner and, if needed, a transfer plan prepared by a certified Nutrient Management Planner for any livestock.
2. Practice Development
  - i. Before cost-share or tax credit can be approved, all other means of reducing the environmental impacts of animal waste from the existing operation must be considered. Lack of space for relocation, economic inefficiency or other factors may be considered. A "Risk Assessment for Water Quality Impairment from Heavy Use Areas/Animal Concentrated Areas" must be completed and a minimum score of 120 is required in order to be eligible.
  - ii. The applicant is required to sign a Dry Manure Storage Structure Agreement DCR199-86 (04/19) or similar District agreement which addresses the minimum criteria prior to receiving any funds.
  - iii. Determination of the storage capacity of animal waste facilities shall be reviewed and approved by the DCR Agricultural BMP Engineer.

- iv. 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.)
    - v. Feeding area shall be sized on the current herd size and planned feeding method, not to exceed 50 sq. ft. per animal unit.
  3. Cost-share and tax credit is authorized for:
    - i. Animal waste generated from any qualifying group of animals on the farm where the facility is to be located.
    - ii. Feeding area.
    - iii. A dry stack manure storage area sized for up to six (6) months of manure production.
    - iv. Roofs over the feeding area and manure storage area and roof runoff system.
    - v. Individual components of animal waste systems, only if the DCR Agricultural BMP Engineer determines that the component stands alone as a measure that will significantly improve water quality.
    - vi. Fencing and walkways.
  4. Cost-share and tax credit is not authorized for:
    - i. Storage of manure generated outside of this facility. However, a WP-4 can be combined with this specification to store manure from additional qualifying groups.
    - ii. Troughs within the structure.
    - iii. Animal waste facilities that do not meet local or state regulations.
  5. The sizing calculations of the practice shall be reviewed and approved by the DCR Ag BMP Engineer (except for practices previously sized and engineered by NRCS) and shall be coordinated with the Nutrient Management Plan so that adequate storage capacity is installed.
  6. All appropriate local and state permits must be obtained before beginning construction.
  7. 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. This practice is subject to NRCS Standards 313 Waste Storage Facility, 342 Critical Area Planting, 362 Diversion, 367 Roofs and Covers, 382 Fence, 412 Grassed Waterway, 558 Roof Runoff Structure, 561 Heavy Use Protection, 575 Trails and Walkways, 620 Underground Outlet, 633 Waste Recycling and 634 Waste Transfer.
9. All practice components implemented must be maintained for a minimum of 15 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. Rates

1. The VACS payment will not exceed 75% of the approved estimated cost or eligible actual cost, whichever is less.
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, only the participant's eligible out-of-pocket share of the project cost 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 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 2026<sup>4</sup>

Name of Practice: DECOMMISSIONING OF LIQUID WASTE STORAGE  
FACILITIES  
VACS Program Specification for No. WP-9

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's decommissioning of liquid waste storage facilities best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice provides for the decommissioning of facilities where liquid waste has been stored and/or managed.

The purpose of the practice is to decommission liquid waste facilities to protect the quality of surface water and groundwater by eliminating a source of pollution-laden runoff.

B. Policies and Specifications

1. Tax credit is authorized:

- i. For the removal of aerobic or anaerobic lagoons, liquid manure tanks, holding ponds, collection basins, settling basins and similar facilities, as well as diversions, channels, waterways, designed filter strips, outlet structures, piping, land shaping, and similar measures needed as part of a system on the farm to manage animal waste as outlined below:
  - a. To the extent practicable, remove all agricultural waste and associated material that could negatively affect water quality.
  - b. Removal of any existing components that convey waste materials to the system or otherwise render transfer components unable to convey waste.
  - c. Removal of facility components that provide drainage from the waste facility.
  - d. Leveling and filling to facilitate appropriate drainage from the site.
  - e. Vegetative cover (including mulching) needed to protect the site from erosion.
- ii. For disposal of demolished materials in accordance with local and state regulations.
- ii. For engineered plans from a professional engineer (P.E.) if required.
- iii. For demolition (only when necessary) and stabilization of the existing facility.
- iii. Only if the removal of the facilities will contribute significantly to improving the soil or water quality by eliminating a source of pollution-laden runoff.
- iv. For the rehabilitation of soil contaminated by agricultural wastes that have been stored or treated onsite.

2. Tax credit is not authorized:
  - i. For a waste facility that will be expanded or rehabilitated.
  - ii. For the demolition of components not related to waste storage, such as animal feeding areas, animal housing areas, or feedbunks.
  - iii. For sites contaminated by materials that require the issuance of a hazardous waste permit, such as fuel or pesticides.
3. All appropriate local and state permits must be obtained before tax credits is authorized.
4. 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).
5. This practice is subject to NRCS Standards, 327 Conservation Cover, 342 Critical Area Planting, 360 Waste Facility Closure, and 633 Waste Recycling.
6. All practice components implemented must be maintained for a minimum of 1 year 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 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. If a participant receives cost-share, only the percent of the total cost of the project that the participant 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 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.

April 2026

**MATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027 /2028
1C		Create a CCI-SL-1 spec (refer to parameters set by full TAC in CY24). <i>Deferred in CY24</i>	Adopt new CCI-SL-1 practice specification (see attachment).	Yes, with minor wording change for grammatical correctness and consistency between SL-1 and CCI-SL-1	
2C		Change the 60% stand date from Dec. 15 to Jan. 1. 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.” <i>Deferred in CY24</i>	Change 60% stand date from Dec. 15 to Jan 1 in SL-8, SL-8B, SL-8H, SL-8M, and WFA-CC:  <i>A good stand and good growth of vegetative winter cover must be obtained by <del>December 15</del> January 1.</i>		
4C	NM-5N, WFA-NM	Edit NM-5N and corresponding WFA-NM to accurately reflect the type of tests used for variable rate N application. The spec currently references soil tests which are not appropriate for determining variable rate application.	Edit language in NM-5N and applicable WFA-NM specifications:  <i>Variable rate nitrogen applications or zone application of nitrogen based upon <u>supporting data or documentation (e.g. satellite imagery, yield records, tissue test, etc.)</u> <del>the soil test results of (subfield) sampling on row crops, specialty crops or small grains.</del></i>		
8C	NM-3C, WFA-NM	Add tobacco for sidedressing of nitrogen.	Update the NM-3C and corresponding sections of WFA-NM to include sidedress application of nitrogen to tobacco. Revise		

**MATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027 /2028										
			<p>formatting to present the descriptions of growth stages for sidedress of each crop in a table format.</p> <p><i>Name of Practice: Sidedress Application of Nitrogen on Corn, Grain Sorghum, <del>and/or</del> Cotton, and/or Tobacco</i></p> <p><i>Application of any sidedress nitrogen must be made after the <u>listed growth stage: 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.</u></i></p> <table border="1" data-bbox="1448 662 2231 998"> <thead> <tr> <th data-bbox="1448 662 1714 748">Crop</th> <th data-bbox="1714 662 2231 748">Growth Stage of Earliest Sidedress Application</th> </tr> </thead> <tbody> <tr> <td data-bbox="1448 748 1714 805">Corn</td> <td data-bbox="1714 748 2231 805">6-leaf stage; at least 15" tall</td> </tr> <tr> <td data-bbox="1448 805 1714 862">Grain Sorghum</td> <td data-bbox="1714 805 2231 862">5-leaf stage; at least 12" tall</td> </tr> <tr> <td data-bbox="1448 862 1714 919">Cotton</td> <td data-bbox="1714 862 2231 919">Between first square and first bloom</td> </tr> <tr> <td data-bbox="1448 919 1714 998"><u>Tobacco</u></td> <td data-bbox="1714 919 2231 998"><u>Two to four weeks after transplanting (10-14 days for dark and burley type)</u></td> </tr> </tbody> </table>	Crop	Growth Stage of Earliest Sidedress Application	Corn	6-leaf stage; at least 15" tall	Grain Sorghum	5-leaf stage; at least 12" tall	Cotton	Between first square and first bloom	<u>Tobacco</u>	<u>Two to four weeks after transplanting (10-14 days for dark and burley type)</u>		
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10C	SL-8B, SL-8M, WFA-CC	<p>For the SL-8B practice, remove the approved rye cultivars list and allow all cereal rye varieties to be eligible for the \$20 bonus. The Bay Model does not distinguish between tetraploid, diploid, or different varieties of cereal rye. If the Bay Model is valuing all cereal rye as the standard for N Effectiveness, why is VACS subdividing rye into different cultivars? o All cereal rye is used as the standard (or reference value) for valuing N uptake for cover crops. Whereas, cereal rye is valued at 1.00 for N effectiveness and all other crops are based off of that value. For example, triticale has N effectiveness value of 0.86. (Source: Recommendations of the 2012-2013 Cover Crop Expert Panel, ADDITION OF NEW SPECIES TO COVER CROP BMP, Addition of New Cover Crop Species with Nitrogen Reduction Efficiencies for Use in</p>	<p>Remove specific rye varieties for bonus payment and allow all cereal rye to receive the rye bonus (SL-8B, SL-8M, WFA-CC):</p> <p><i>Select one of following species and/or mixtures of species to plant in all soils:</i></p> <table border="1" data-bbox="1459 1260 2206 1425"> <thead> <tr> <th data-bbox="1459 1260 1956 1300">Species</th> <th data-bbox="1956 1260 2206 1300">bu./acre</th> </tr> </thead> <tbody> <tr> <td data-bbox="1459 1300 1956 1341"><u>Cereal Rye (Tetraploid)</u></td> <td data-bbox="1956 1300 2206 1341">2 bu./acre</td> </tr> <tr> <td data-bbox="1459 1341 1956 1382"><u>Winter Triticale</u></td> <td data-bbox="1956 1341 2206 1382">2 bu./acre</td> </tr> <tr> <td data-bbox="1459 1382 1956 1425"><u>Winter Rye (not tetraploid)</u></td> <td data-bbox="1956 1382 2206 1425">2 bu./acre</td> </tr> </tbody> </table>	Species	bu./acre	<u>Cereal Rye (Tetraploid)</u>	2 bu./acre	<u>Winter Triticale</u>	2 bu./acre	<u>Winter Rye (not tetraploid)</u>	2 bu./acre				
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**MATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027 /2028														
		Phase, 5.3.2 of the Chesapeake Bay Program Watershed Model.) o Seed sourcing is becoming more difficult, and our District has found that even the seed growers/suppliers are unsure whether their rye is tetraploid “for indeterminate growth”. Additionally, some of the cultivars on the SL-8B list are not tetraploids.	<p><i>A... bonus payment is available for all applicants that plant pure stands of rye from the following list on or before either planting date.</i></p> <p><i>i. — The following list of rye cultivars are approved*:</i></p> <table border="1" data-bbox="1473 522 2110 789"> <tr> <td><i>6250 Abruzzi</i></td> <td><i>Paster</i></td> </tr> <tr> <td><i>Abruzzi</i></td> <td><i>Ryman</i></td> </tr> <tr> <td><i>Dura</i></td> <td><i>Virginia Abruzzi</i></td> </tr> <tr> <td><i>Early Grazer</i></td> <td><i>Wheeler</i></td> </tr> <tr> <td><i>Elbon</i></td> <td><i>Wintergrazer 70</i></td> </tr> <tr> <td><i>Grazer</i></td> <td><i>Winterking</i></td> </tr> <tr> <td><i>Graze Master</i></td> <td></td> </tr> </table> <p><i>*Or any other indeterminate growth tetraploid rye cultivar.</i></p>	<i>6250 Abruzzi</i>	<i>Paster</i>	<i>Abruzzi</i>	<i>Ryman</i>	<i>Dura</i>	<i>Virginia Abruzzi</i>	<i>Early Grazer</i>	<i>Wheeler</i>	<i>Elbon</i>	<i>Wintergrazer 70</i>	<i>Grazer</i>	<i>Winterking</i>	<i>Graze Master</i>			
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11C	SL-8 suite, WFA-CC	Consider modifying the seeding rate for radishes in small grain mixtures with radishes in the cover crop specifications. The current minimum seeding rate (6lbs/acre) is too high for a mixture when planting with a seed drill. A minimum rate of two pounds per acre with small grain is suggested for small grain mixtures with radishes.	<p>Edit seeding rate for radishes in small grain mixtures to 2 lbs/ac in applicable cover crop specifications (SL-8, SL-8A, SL-8B, SL-8H, SL-8M, WFA-CC):</p> <table border="1" data-bbox="1459 984 2206 1192"> <thead> <tr> <th><i>Species</i></th> <th><i>bu./acre</i></th> </tr> </thead> <tbody> <tr> <td><i>Small grain mixtures with</i></td> <td><i>1 bu./acre</i></td> </tr> <tr> <td><i>a) legume† or</i></td> <td><i>10 lbs./acre</i></td> </tr> <tr> <td><i>b) Diakon (forage or tillage) radish or</i></td> <td><i>6 2 lb./ acre</i></td> </tr> <tr> <td><i>c) canola or rape</i></td> <td><i>4 lbs./acre</i></td> </tr> </tbody> </table>	<i>Species</i>	<i>bu./acre</i>	<i>Small grain mixtures with</i>	<i>1 bu./acre</i>	<i>a) legume† or</i>	<i>10 lbs./acre</i>	<i>b) Diakon (forage or tillage) radish or</i>	<i>6 2 lb./ acre</i>	<i>c) canola or rape</i>	<i>4 lbs./acre</i>						
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14C	NM-3C, NM-5N, WFA-NM	The producer must sign up prior to April 1 and provide written verification of contracted sidedress application cost, including the PSNT results, to the District within two weeks of the sample analysis. The deadline for signup is currently April 1st and should be pushed back to May 1st for the signup of practices in a current	<p>Change the producer application date from April 1<sup>st</sup> to May 1<sup>st</sup> in NM-3C, NM-5N, and WFA-NM practices:</p> <p><i>The participant must sign up for this practice prior to April <del>1</del> May 1...</i></p>																

**MATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027 /2028				
	(nitrogen only)	WFA NM contract that was previously approved, this will allow producers to be able to have more flexibility in cost share participation to the suite of practices that are in WFA NM. Some producers will often wait until after April 1st to start planting and the cropping plan could change for them due to factors such as weather, current market conditions, pests/crop rotations and new land acquisitions. I have had multiple producers contact me about adding corn sidedress acres and VR N and P.							
16C	SL-1	SL-1 should be under the Practices with Two-Program Year completion date carryover section: a. SL-1 has seasonal restriction and is highly influenced by weather for installation and certification the same way that SL-11 and tree plantings are (all of which fall under the 2 PY carryover). b. Language from the carryover section should be removed to be consistent with the spec: (May not be carried over more than two planting seasons, i.e. spring and fall.)	<p>Remove the planting season restriction for SL-1 carryover.</p> <p><i>Practices with One-Year Program Completion Dates Eligible for Carryover.</i></p> <table border="1" data-bbox="1499 672 2171 906"> <tr> <td colspan="2"><b><i>Practices with One-Program Year completion dates eligible for Carryover</i></b></td> </tr> <tr> <td>SL-1</td> <td><i>Long Term Vegetative Cover on Cropland (May not be carried over more than two planting seasons, i.e. spring and fall.)</i></td> </tr> </table>	<b><i>Practices with One-Program Year completion dates eligible for Carryover</i></b>		SL-1	<i>Long Term Vegetative Cover on Cropland (May not be carried over more than two planting seasons, i.e. spring and fall.)</i>		
<b><i>Practices with One-Program Year completion dates eligible for Carryover</i></b>									
SL-1	<i>Long Term Vegetative Cover on Cropland (May not be carried over more than two planting seasons, i.e. spring and fall.)</i>								

*Changes to cost-share practice specifications will be applied to corresponding voluntary specifications.*

MATRIX OF DEFERRED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring
3C		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. <i>Deferred in CY24</i>	Deferred until data is published from Virginia Tech regarding cover crop variety suitability to Virginia’s climate and data regarding cover crop flowering and biomass production.
12C		Consider a practice for planting native/pollinator plants on agricultural land consistent with NRCS Practice Code and Standard 327. These plantings may be done on cropland being converted perennial native plants that would address soil, water, and wildlife habitat degradation resource concerns to meet landowner objectives.	Deferred to next year or once a draft specification is provided to the subcommittee.

MATRIX OF TABLED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
5C	CC	Use seed count rather than bushels for cover crop seeding rates	Item was tabled based on discussion that seed count varies depending on crop and based on specifications requiring a rate of 60% cover regardless of seeding rate.
6C		Modify cover crop BMP specifications to include cutting and composting of cover crops as an alternative to killing with herbicide (see supporting documentation).	Item was tabled as practices already include mechanical means for cover crop termination and certain practices prohibit the removal of cover crop residue. Removing residue for use in composting would result in change of Bay Model credit and would be enrollment in a different cover crop practice.

<b>MATRIX OF TABLED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS</b>			
<b>Item #</b>	<b>Ag. BMP</b>	<b>Suggestion to the TAC</b>	<b>Reason for Tabling</b>
<b>7C</b>		Establish a BMP for composting of animal and plant organic matter for the subsequent return of the compost organic matter to the soil (see supporting documentation).	Item was tabled as current specifications state that cover crop “residue may not be removed at any time” and the proposed item would contradict existing practices. Alternative options for compost are provided by partner agencies.
<b>9C</b>	SL-1	Allow field perimeter fence to be included as an eligible cost for SL-1 fields. Many folks are not willing to convert crops to hay ground- but if they could also graze the field, they are willing to do the SL-1. (See additional supporting documentation)	Item was tabled as the purpose of the practice is to convert the row crop vegetation on the land to a forage with the intention of reducing soil erosion and protecting water quality. The choice to install fence to allow the field to be grazed is a management decision.
<b>9S.a</b>		Transferred to Cover Crop/NM from Stream Protection and Forestry as it pertains to cropland conversion: Offer cost-share for crop field buffers less than 35': the width of border from edge of field required to obtain any cost share goes so far out into the good part of crop land that few farmers wish to participate. Our fields have 20 foot grass borders. This distance feels practical as it is an area which generally does not produce a profitable crop yet is fertilized along with the rest of the field. By having this smaller border we cut down on overall runoff as well as the quantity of fertilizer applied without losing profitability. If there was some cost share for a narrower border it is possible farmers would take advantage of the opportunity to establish them and benefit all waterways, wildlife, and farm financial strength.	Item was tabled as there are existing BMPs that meet the need of this request.
<b>13C</b>	SL-1	Remove the restriction in the SL-1 that states, “State cost-share and tax credit will be provided only one time per field, while that field is under the same ownership.” The SL-1 is a low cost, high benefit practice that should not be restricted. Rotating grass into crops is a standard practice to break weed cycles, improve soil health and there is still an environmental benefit establishing fields back up into grass for a long period of time. A 5-year lifespan is the technical lifespan for Pasture and Hay Planting (NRCS Practice Code and Standard 512) which is referenced in the VACS BMP Manual and Specifications for the SL-1 Practice.	This item was tabled as the practice concerns long-term land use change; Any decision to put land back into row crop and pasture/hay is a management decision of the producer.
<b>15C</b>	NM-5N, NM-5P	Practices enrolled in precision Ag practices should not need a NMP because they are going beyond what is written in a plan...plan is useless.	Item tabled as current precision NM specifications are designed to “support a higher intensity of [nutrient] management in the field than existing standard nutrient management practices,” therefore Nutrient Management Plans are a necessary component. These plans are essential to capturing credit for practices within the Bay Model, including enhanced nutrient application/usage.
<b>17C</b>		Ditch nutrient capture practices.	Item tabled due to existing specifications already meet the needs of this request.



Continuing Conservation Initiative  
Name of Practice: LONG TERM VEGETATIVE COVER ON CROPLAND –  
MAINTENANCE PRACTICE  
VACS Program Specifications for No. CCI-SL-1

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Long Term Vegetative Cover on Cropland best management practice which is applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Grass and/or legume vegetation will be maintained on previously converted cropland which had less than 60% cover under that land use. The continued maintenance of hayland or pasture converted from cropland further reduces soil erosion and enhances water quality.

The purpose of this practice is to offer an incentive to ~~ensure that lands being managed~~ ~~undermaintain~~ long-term vegetative cover as a well-maintained sod on converted cropland.

B. Policies and Specifications

1. Eligibility:

- i. Prior to practice authorization, Districts must verify that the participant was previously enrolled in the SL-1 practice for the minimum contract period on the acres entered into this contract. SL-1 and CC-SL-1 lifespans must be continuous.
- ii. 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 CCI-SL-1 production management criteria designated in the BMP practice (4VACV50-85-130G). The NMP can be either a one-year or three-year plan that is updated to continuously cover the acreage or a five-year grass and hayland plan. This is to ensure proper nutrient application for a successful practice. This plan must be prepared and signed by a Virginia Certified Nutrient Management Planner and on file with the SWCD before a cost-share payment can be made.
- iii. Land enrolled in an active SL-1 practice is not eligible for CCI- SL-1.
  - a. Land can only be enrolled in a combination of SL-1 and CCI-SL-1 for an additional five years, totaling no more than 15 years for both contracts.

2. Soil loss rates must be computed for all applications for use in establishing priority considerations and reflect at minimum a three-year cropping history.
3. Pastures and haylands that are enrolled under this practice will be grazed or harvested and maintained in accordance with NRCS Standard 512 for the lifespan. Cost-share will be refunded if the cover is ~~permanently~~ destroyed during the lifespan. This practice is subject to verifications by the District throughout the life of the practice and failure to comply may result in the forfeiture of the funds.
4. State cost-share contracts for the CCI-SL-1 will be provided only one time per field, while that field is under the same ownership.
5. State cost-share is allowable only for BMP installations that are not receiving cost-share from other sources.
6. Cost-share is not authorized for obstruction removal, fencing, or watering facilities.
7. Fertility - Lime and fertilizer can be applied for maintenance purposes but must be done in accordance with current soil test recommendations (at Virginia Cooperative Extension maintenance rates for the appropriate sod species). Maintenance applications are the obligation of the participant. If biosolids or manure is used, the material must be properly sampled and tested for nutrient content and given credit in fertilizer recommendations.
8. Cost-share is not authorized for the planting of pure stands of alfalfa.
9. All practice components implemented under the original SL-1 contract must be maintained for a minimum of five years following the calendar year of certification of completion. 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 rate is an incentive payment of \$50 per acre for the life of the practice. Payment for the five-year contract will be made in the first year of the contract.

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.

April 2026

Name of Practice: PROTECTIVE COVER FOR SPECIALTY CROPS  
VACS Program Specifications for No. SL-8

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

A. Description and Purpose

This practice will provide an incentive to keep a cover on specialty crop land when it is not being used after harvest of a specialty crop. The purpose is to reduce wind and water erosion, thus improving water quality.

B. Policies and Specifications

1. Eligibility:

Specialty crops for this practice (for the purpose of the Virginia Agricultural Cost-Share Program only) are defined as: Vegetables, tree crops, perennial vine crops, ornamentals, horticultural crops, tobacco, hemp, turf, small grains, and other similar crops.

2. Specialty crops are given consideration due to bare sites and highly erodible soil conditions.

3. Soil loss rates must be computed for all applications for use in establishing priority considerations.

4. Payment is provided as a flat rate per acre incentive payment to encourage proper establishment and to offset a portion of the cost of seed and the seeding operation.

5. 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.

6. The planting must be certified no later than November 30. A good stand and growth of vegetative cover must be obtained in sufficient time to protect the area no later than ~~December 15~~January 1. All cover crop plantings must maintain a minimum of 60% cover crop plant material on the enrolled acres through the lifespan of the practice. District staff will conduct field visits no later than February 28 to verify required cover has been established. After the growth has been maintained for at least 90 days after seeding certification or until the conservation purpose has been served in accordance with NRCS 340, whichever is greater, it may be left on the land or incorporated.

7. Pasturing consistent with good management may be permitted. No vegetative growth may be harvested for hay or seed.

8. Seed type and rates shall be those listed:

Seed Type	Rate
Tetraploid Rye (pure strain only)	2.0 bu./acre
Winter Rye	1.5 bu./acre
Winter Barley	2.5 bu. /acre
Winter Annual Ryegrass	20 lbs./acre
Winter Wheat	1.5 bu./acre
Winter Hardy Oats	2.0 bu./acre
Small Grain Mixtures with	1 bu./acre with
a) legume† or	10 lbs./acre or,
b) Daikon (forage or tillage) radish or	62 lb./ acre or,
c) canola or rape	4 lbs./acre
Triticale	1.5 bu. /acre
Forage Radish	6-8 lbs. /acre
1) mixture with grass or legume†	4 lbs./acre
Winter-Hardy Brassica (canola/rape)	5 lbs./acre
1) mixture with grass or legume†	2-4 lbs./acre

† - legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings.

**Higher seeding rates are recommended for aerial seeding.**

9. This practice is subject to NRCS standard 340 Cover Crop.

C. Rate(s)

1. A VACS payment rate of \$40 per acre is available.
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. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.

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 2026~~5~~

Name of Practice:  
PROTECTIVE COVER FOR AGRICULTURAL CROPLAND  
VACS Program Specification for No. SL-8A

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

A. Description and Purpose

This practice will provide an incentive to keep a cover on agricultural cropland when it is not being used after harvest of a crop, after harvest of a specialty crop, or in situations due to an unforeseen circumstance or natural disaster. Unforeseen circumstances or natural disasters could include flooded fields, fire, failed crops, or damage by hail, tornadoes, hurricanes, etc. Cost-share or tax credit are provided to establish vegetative cover on agricultural cropland.

The purpose is to reduce wind and water erosion, thus improving water quality.

B. Policies and Specifications

1. Eligibility:

Crop examples for this practice could include, but are not limited to, the following:

- i) Vegetables
- ii) Tobacco
- iii) Turf
- iv) Hemp
- v) Other

2. Agricultural croplands after harvest of a crop, failed crop, unforeseen circumstances, or natural disaster are given consideration due to bare sites and highly erodible soil conditions.

3. This practice is applicable for Preventative Planting to prevent erosion after crop failures, flood, hail, tornado, and/or hurricane damage, or any other unforeseen circumstance or natural disaster.

4. Soil loss rates must be computed for all applications for use in establishing priority considerations.

5. The NMP shall include crop rotations for at least one year post completion of this practice.

6. Payment is provided as a variable rate per acre incentive to encourage proper establishment and to offset a portion of the cost of seed and the seeding operation.

7. The planting must be certified within 45 days after crop harvest or destruction of the crop due to natural disaster or unforeseen circumstances. All seeding must be planted and certified no later than November 15 and no earlier than March 1. A good stand and good growth of cover, achieving 60% or greater cover, must be obtained in sufficient time to protect the area. The stand/vegetative cover, 60% cover or greater, must be maintained for at least 60 days after seeding certification or until the conservation purpose has been served in accordance with NRCS 340, whichever is greater. The vegetative cover shall be left on the land or incorporated.
8. 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 that this practice 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).
9. Manure application may be made in accordance with the Nutrient Management Plan prepared by a Virginia certified Nutrient Management Planner.
10. Pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained. In years of drought, if producers anticipate a need for additional feed harvest, they should apply for the SL-8H practice, as harvest is not allowed under this practice.
11. The cover crop shall not be harvested for seed/grain.
12. Seed type and rates shall be those listed:

Spring Seed Type	Rate
Tetraploid Rye (pure strain only)	2.0 bu./acre
Winter Rye	1.5 bu./acre
Winter Barley	2.5 bu. /acre
Winter Annual Ryegrass	20 lbs./acre
Winter Wheat	1.5 bu./acre
Spring Oats	2.0 bu./acre
Small Grain Mixtures with	1 bu./acre with
a) legume† or	10 lbs./acre or;

b) <u>Dai</u> kon (forage <u>or tillage</u> ) radish <u>or</u>	<del>6</del> 2 lb./ acre <del>or,</del>
c) canola or rape	4 lbs./acre
Triticale	1.5 bu. /acre
Forage Radish	6-8 lbs. /acre
1) mixture with grass or legume†	4 lbs./acre
Winter-Hardy <i>Brassica</i> (canola/rape)	5 lbs./acre
1) mixture with grass or legume†	2-4 lbs./acre

Summer Seed Type	Rate
Sorghum Sudangrass	1.0 bu./acre
Pearl Millet	20 lbs./acre
Foxtail Millet	20 lbs./acre
Black Oil Sunflower	5 lbs./acre
Buckwheat	60 lbs./acre
Forage Soybean	60 lbs./acre
Cowpea	50 lbs./ac.
Sunnhemp	20 lbs./acre

Fall Seed Type	Rate
Tetraploid Rye (pure strain only)	2.0 bu./acre
Winter Rye	1.5 bu./acre
Winter Barley	2.5 bu. /acre
Winter Annual Ryegrass	20 lbs./acre
Winter Wheat	1.5 bu./acre
Winter Hardy Oats	2.0 bu./acre
Small Grain Mixtures	1 bu./ac.with
a) legume†	10 lbs./acre or,
b) forage radish	6 lb./ acre or,
c) canola or rape	4 lbs./acre
Triticale	1.5 bu. /acre
Forage Radish	6-8 lbs. /acre
1) mixture with grass or legume†	4 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 lbs./acre
1) mixture with grass or legume†	2-4 lbs./acre

† - legume = Crimson Clover, Austrian Winter Pea, Canadian Spring Pea, Woolypod Vetch or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings

**Higher seeding rates are recommended for aerial seeding.**

13. This practice is subject to NRCS standard 340 Cover Crop, including reference to the Cover Crop Planning Manual 1.0, Virginia Technical Note, Agronomy #10.
14. This practice has a one-program year completion date eligible for carryover (i.e. participant can apply in early part of a calendar year for summer/fall implementation).

C. Rate(s)

1. A one-time VACS payment per acre is available depending on the number of days the cover crop remains on the land after achieving 60% or greater cover, listed below:

Number of Days Maintained	VACS Payment Rate
60-89 Days	\$20.00/Acre
90-119 Days	\$30.00/Acre
120+ Days	\$40.00/Acre

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. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.

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 2026<sup>5</sup>

Name of Practice: SMALL GRAIN AND MIXED COVER CROP FOR NUTRIENT  
MANAGEMENT AND RESIDUE MANAGEMENT  
VACS Program Specifications for No. SL-8B

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Small Grain Cover Crop and Mixed Cover Crop for Nutrient Management and Residue Management Best Management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Cost-share or tax credit are provided to establish vegetative cover on cropland for protection from erosion and the reduction of nutrient losses to groundwater. For the purposes of this practice, cropland includes land used for production of row crops for harvest.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. The purpose is to reduce erosion and the leaching of nutrients to ground water. This BMP is designed to utilize the maximum amount of residual nitrogen from previous surface nutrient applications and in the first three feet of the soil profile.

B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. 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.
3. Cost-share is provided as a flat rate per acre incentive to encourage proper establishment and to offset a portion of the cost of seed and the seeding operation.
4. 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).
5. A good stand and good growth of vegetative winter cover must be obtained by ~~December 15~~January 1 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. District staff will conduct field visits no later than February 28 to verify required cover has been established.

6. Seeding rates shall be adjusted based on germination rates.
7. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the environmental benefit of cover crops in Virginia. The SL-8B is not intended to subsidize crops produced for commodity purposes or for land already in permanent grass.
8. Harvesting for hay, haylage, silage, grain, straw or seed is not permitted. Pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14. **In years of drought, if producers anticipate a need for additional feed harvest, they should apply for the SL-8H practice, as harvest is not allowed under this practice.**
9. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
<del>Cereal Rye (Tetraploid)</del>	2 bu./acre
Winter Triticale	2 bu./acre
<del>Winter Rye (not tetraploid)</del>	<del>2 bu./acre</del>
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume <sup>†</sup> or	10 lbs./acre
b) <del>Diakon</del> Daikon (forage or tillage)	<del>26</del> lb./ acre
c) canola or rape	4 lbs./acre
<del>Diakon</del> Daikon (forage or tillage) Radish	6-8 lbs./acre <sup>°</sup>
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre <sup>°</sup>
mixture with annual rye grass	10 lbs./acre

<sup>†</sup> - legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

<sup>°</sup>Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings

**Higher seeding rates are recommended for aerial seeding and non-incorporation seeding methods.**

10. Seeding of all seed types must be planted by the dates listed below:

Area	Early Planting Date	Standard Planting Date
Cities of Chesapeake & VA Beach	November 10	November 30
Coastal Plain (including the Eastern Shore)	November 10	November 30
Piedmont	October 25	November 15
Mountain and Valley	October 20	November 10

11. In all cases, this practice is subject to NRCS standard 340.

12. The cover crop must be killed using mechanical or chemical means or by grazing no earlier than March 15 and no later than June 1. The cover crop residue may be left on the field for conservation purposes or the cover crop or its residue may be tilled under. The practice will be considered complete once the cover crop has served its purpose and been killed. Residue may not be removed at any time.

13. In order to provide additional nutrient uptake and promote soil health through the increase of biomass above and below the soil surface, an additional incentive is provided for cover crops that are killed using mechanical, chemical or grazing means 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.

C. Rate(s)

1. A VACS payment rate of **\$40** per acre is available. Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 15~~January 1 and maintained through March 14, with the exception of the Coastal Plain and the cities of Chesapeake and Virginia Beach that have late November planting dates.

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. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.

3. A **\$30** per acre early planting bonus is payable for cover crops planted on or before the early planting date specified for their physiographic region. Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 15~~January 1 and maintained through March 14, with the exception of the Coastal Plain and the cities of Chesapeake and Virginia Beach that have late November planting dates.

4. A **\$20** 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.

~~i. The following list of rye cultivars are approved\*:~~

<del>6250 Abruzzi</del>	<del>Paster</del>
<del>Abruzzi</del>	<del>Ryman</del>
<del>Dura</del>	<del>Virginia Abruzzi</del>
<del>Early Grazer</del>	<del>Wheeler</del>
<del>Elbon</del>	<del>Wintergrazer 70</del>
<del>Grazer</del>	<del>Winterking</del>
<del>Graze Master</del>	

~~\*Or any other indeterminate growth tetraploid rye cultivar.~~

5. A **\$10** per acre bonus payment is available for all applicants that plant pure stands of winter triticale on or before either planting date.
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** per acre bonus. “Planting green”, planting directly into the growing cover crop prior to termination, is allowed.

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 2026~~5~~

Name of Practice: HARVESTABLE COVER CROP  
VACS Program Specifications for No. SL-8H

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

A. Description and Purpose

Cost-share or tax credits are provided for the establishment of vegetative cover on cropland for protection from raindrop and wind erosion and the reduction of nutrient losses to groundwater. For the purposes of this practice, cropland includes land used for production of row crops for harvest. The cover crop may be harvested after the requirements of this specification have been met.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. The primary purpose is to reduce winter rain and wind generated erosion; a secondary purpose is to reduce the leaching of nutrients to ground water. This practice is not intended to subsidize winter crop production.

B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during verifications.
2. 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).
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 of the following conditions are met:
  - i. Animals are raised as part of the applicant's operation;
  - ii. Inadequate manure storage is available for the winter;
  - iii. There are no other vegetated acres available to safely utilize the manure;
  - iv. Manure is applied in accordance with a Nutrient Management Plan

prepared by a Virginia certified Nutrient Management Planner.

4. No nitrogen or phosphorus may be applied at planting.
5. If available as set forth in Section C. 1. of this specification, cost-share is provided as a flat rate per acre incentive to encourage proper establishment of vegetative cover and to offset a portion of the cost of seed and the seeding operation.
6. A good stand and good growth of vegetative winter cover must be obtained by ~~December 15~~January 1 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. District staff will conduct field visits no later than February 28 to verify required cover has been established.
7. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the environmental benefit of cover crops in Virginia. The SL-8H is designed to provide an incentive to farmers to provide year round vegetative cover on as much acreage as possible; it is not intended to subsidize winter crops produced for commodity purposes or land already in permanent grass.
8. Harvesting for hay, haylage, silage, grain, or seed is permitted after March 14. Pasturing consistent with sound agronomic management is permitted as long as 60% cover is maintained through March 14.
9. Land enrolled in this practice may not be enrolled in another state cover crop practice and may not be converted to or from another cover crop practice. Enrolled acres are also ineligible for the NM-4 practice.
10. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
Rye (Tetraploid)	2 bu./acre
Winter Rye (not tetraploid)	2 bu./acre
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat or Triticale	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) <del>Diakon</del> <u>Daikon</u> (forage or tillage)	<del>6</del> <u>2</u> lb./ acre

c) canola or rape	4 lbs./acre
<del>Diakon</del> Daikon (forage or tillage) Radish	6-8 lbs./acre <sup>o</sup>
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre <sup>o</sup>
mixture with annual rye grass	10 lbs./acre

† legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

<sup>o</sup>Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings.

**Higher seeding rates are recommended for aerial seeding and non-incorporation seeding methods.**

11. Seeding of all seed types must be planted by the dates listed below:

Area	Planting Date
Cities of Chesapeake & VA Beach	November 10
Coastal Plain (including the Eastern Shore)	November 10
Piedmont	October 25
Mountain and Valley	October 20

12. Seeding rates shall be adjusted based on germination rates.
13. This practice is subject to NRCS standard 340 as applicable.
14. The cover crop residue may be left on the field for conservation purposes; or the cover crop or its residue may be tilled under; or the cover crop may be harvested after March 14.
15. For cover crop that is harvested for seed or grain only, leaving all remaining straw and residue on the field, a higher incentive rate is available. The seed or grain may be harvested after March 14, all remaining cover crop residue (including straw) must be left on the field for conservation. Straw cannot be cut and baled.

C. Rate(s)

1. A VACS payment rate of \$20 per acre is available for cover crop that is harvested for seed/grain and straw, remaining residue may be tilled under. Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 15~~ January 1 and maintained through March 14, with the exception of the Coastal Plain and the cities of Chesapeake and Virginia Beach that have November planting dates.
2. A VACS payment rate of \$30 per acre is available for cover crop that is

harvested for seed/grain ONLY, all remaining residue must remain on the field (straw cannot be baled). Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 15~~January 1 and maintained through March 14, with the exception of the Coastal Plain and the cities of Chesapeake and Virginia Beach that have November planting dates.

3. 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.
4. The cost of fertilizer may not be considered when calculating the participant's tax credit. Participants may receive either a cost-share payment or a tax credit for implementation of this practice, but not both on the same acre.

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 202~~6~~5

Name of Practice: SMALL GRAIN AND MIXED COVER CROP FOR  
NUTRIENT MANAGEMENT AND RESIDUE MANAGEMENT  
WITH FALL MANURE APPLICATION  
VACS Program Specifications for No. SL-8M

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management with Fall Manure Application Best Management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Cost-share or tax credit are provided to establish vegetative cover on cropland for protection from erosion and the reduction of nutrient losses to groundwater. For the purposes of this practice, cropland includes land used for production of row crops for harvest. This type of cover crop is planted upon cropland where manure is applied following the harvest of a summer crop and prior to cover crop planting. The crop may not be harvested in the spring.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients, reduce erosion and the leaching of nutrients to ground water. The purpose is to increase above- and below-ground biomass returned to the soil by increasing the amount of manure amendments while minimizing nutrient loss risk, thereby providing adequate fertility to grow the extra biomass. This BMP is designed to utilize the maximum amount of residual nitrogen from previous surface nutrient applications and in the first three feet of the soil profile.

B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. 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).
3. A current Nutrient Management Plan must be on file with the District Prior to issuing cost share. Cost-share is available for all acres with application rates in compliance with the NMP Spreading Schedule. Acres that receive application rates above NMP are not eligible for cost-share.

4. 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 (organic, with less than 40 lbs. N per acre tested) is permitted if all of the following conditions are met:
  - i. Inadequate manure storage is available for the winter at the source;
  - ii. Manure is applied in accordance with a Nutrient Management Plan prepared by a Virginia certified Nutrient Management Planner.
  - iii. New plans shall be written for a period of one to three years. Before cost-share payment can be made the following items must be submitted:
    - a. A complete copy of the NMP containing the planner's Virginia Nutrient Management Certificate number;
    - b. An invoice for planning services of the private certified planner;
    - c. A completed Imported Manure Supplier Verification form (if applicable).
5. No nitrogen or phosphorus may be applied at planting.
6. If available as set forth in Section C.1. of this specification, cost-share is provided as a flat rate per acre incentive to encourage proper establishment of vegetative cover and to offset a portion of the cost of seed and the seeding operation.
7. **A good stand and good growth of vegetative winter cover must be obtained by ~~December 15~~January 1 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. District staff will conduct field visits no later than February 28 to verify required cover has been established.
8. Aerial seeding is not applicable for this practice.
9. Seeding rates shall be adjusted based on germination rates.
10. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the environmental benefit of cover crops in Virginia. The SL-8BM is not intended to subsidize winter crop produced for commodity purposes.
11. Harvesting for hay, haylage, silage, grain, straw or seed is not permitted. Pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14. **In years of drought, if producers anticipate a need for additional feed harvest, they should apply for the SL-8H practice, as harvest is not allowed under this practice.**
12. Land enrolled in this practice may not be enrolled in another state cover crop practice.

13. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
<del>Cereal Rye (Tetraploid)</del>	2 bu./acre
Winter Triticale	2 bu./acre
<del>Winter Rye (not tetraploid)</del>	<del>2 bu./acre</del>
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) <del>Daikon</del> Daikon (forage or tillage)	<del>6</del> 2 lb./ acre
c) canola or rape	4 lbs./acre
<del>Daikon</del> Daikon (forage or tillage) Radish	6-8 lbs./acre°
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre°
mixture with annual rye grass	10 lbs./acre

† - legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings

**Higher seeding rates are recommended for non-incorporation seeding methods. Aerial seeding is not eligible with this practice.**

14. Seeding of all seed types must be planted by the dates listed below:

Area	Early Planting Date	Standard Planting Date
Cities of Chesapeake & VA Beach	November 10	November 30
Coastal Plain (including the Eastern Shore)	November 10	November 30
Piedmont	October 25	November 15
Mountain and Valley	October 20	November 10

In all cases, this practice is subject to NRCS standard 340.

15. The cover crop must be killed using mechanical or chemical means or by grazing no earlier than March 15 and no later than June 1. The cover crop residue may be left on the field for conservation purposes or the cover crop or its residue may be tilled under. The practice will be considered complete once the cover crop has served its purpose and been killed. Residue may not be removed at any time.

16. In order to provide additional nutrient uptake and promote soil health through the increase of biomass above and below the soil surface, an additional incentive is provided for cover crops that are killed using mechanical, chemical or grazing means 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.

C. Rate(s)

1. A VACS payment rate of **\$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~~January 1 and maintained through March 14.
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. The cost of fertilizer may not be considered when calculating the participant's tax credit. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.
3. A **\$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~~January 1 and maintained through March 14.
4. A **\$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.

~~i. The following list of rye cultivars are approved\*:~~

<del>6250 Abruzzi</del>	<del>Paster</del>
<del>Abruzzi</del>	<del>Ryman</del>
<del>Dura</del>	<del>Virginia Abruzzi</del>
<del>Early Grazer</del>	<del>Wheeler</del>
<del>Elbon</del>	<del>Wintergrazer 70</del>
<del>Grazer</del>	<del>Winterking</del>
<del>Graze Master</del>	

~~\*Or any other indeterminate growth tetraploid rye cultivar.~~

5. A **\$5** per acre bonus payment is available for all applicants that plant pure stands of Winter Triticale on or before either planting date.
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** per acre bonus payment. Planting green, planting directly into the growing cover crop prior to termination, is allowed.

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 2026~~5~~

Name of Practice:  
WHOLE FARM APPROACH – COVER CROP BUNDLE  
VACS Program Specification for No. WFA-CC

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program’s Whole Farm Approach – Cover Crop practice for bundled agricultural best management practices which are applicable to all contracts entered into with respect to that practice. **Implementation of WFA-NM is required to be eligible for this practice.**

A. Description and Purpose

This practice will collect data and provide for the establishment of vegetative cover on agricultural land for protection from erosion and the reduction of nutrient losses to groundwater. The Chesapeake Bay Program Watershed Model separates cover crops into independent sets of practice elements, which stack onto a required core set of management elements known as Core Requirements; this practice is intended to enable reporting for each of these practice elements.

In addition, the practice is also intended to offer financial assistance to agricultural producers to provide an incentive to keep cover on agricultural land, increase biomass, and promote biological diversity while providing water quality benefits.

This practice bundles components of the following best management practices:

- SL-8 Protective Cover for Specialty Crops;
- SL-8B Small Grain and Mixed Cover Crop for Nutrient and Residue Management;
- SL-8H Harvestable Cover Crop;
- SL-8M Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management with Fall Manure Application;
- WQ-4 Legume Based Cover Crop

B. General Policies and Specifications

***Review the following standards and specifications for the individual practice components of the Whole Farm Approach.*** Producers receiving cost-share funding for this practice must be implementing recommended nutrient application rates on all agricultural production acres in the Tract to be in compliance with this specification, with the exception of unimproved pasture acres. Unimproved pasture acres (pasture acres that do not receive nutrient management or nutrient applications) may be excluded from the tract within the Nutrient Management Plan.

This is an annual practice with a cost-share payment issued annually. There is no guarantee that cost-share funds will be approved by the local District.

1. Eligibility

- i. This practice applies to croplands.
- ii. Cropland which receives applications of pelletized Class A biosolids that do not require a permit are eligible for the WFA-CC framework since these products

are considered commercial fertilizer. However, participants should review each individual WFA-CC cover crop option for relevant nutrient application rules.

- iii. **Implementation of the WFA-NM is required to be eligible for this practice.** The Nutrient Management Plan shall also contain any specific production management criteria designated in the BMP components listed within this practice.

2. Ineligible

- i. Participants may **NOT** receive cost-share payments on the same crop and field for the WFA-CC and the following VACS practices simultaneously: SL-8, SL-8B, SL-8H, SL-8M, and WQ-4.

C. Rates

VACS payment rates for the following components may stack; see the WFA-CC Rate Worksheet for assistance with sign-up. The WFA-CC core and components are not eligible for tax credit.

- 1. **Implementation of the WFA-NM is required to be eligible for this practice. Core Nutrient Management Plan Requirement:** The VACS payment rate is **\$4.00 per acre** for all eligible acres on a Tract where cover crop is established and a Nutrient Management Plan is being fully implemented. Unimproved pasture acres (pasture acres that do not receive nutrient management or nutrient applications) may be excluded from the tract within the Nutrient Management Plan. Participants must provide a copy of the current Nutrient Management Plan, which includes amendments or revisions that match all management practices to be implemented in the cropping year to the District to receive the annual payment.

2. **Cover Crop – Standard Cover Crop:**

- i. A VACS payment rate per acre is available for pure stands of rye as listed below:

	<b>Rate</b>
<b>Early Pure Rye</b>	<b>\$90.00/acre</b>
<b>Standard Pure Rye</b>	<b>\$60.00/acre</b>

- ii. A VACS payment rate per acre is available for pure stands of Winter Triticale as listed below:

	<b>Rate</b>
<b>Early Pure Winter Triticale</b>	<b>\$80.00/acre</b>
<b>Standard Pure Winter Triticale</b>	<b>\$50.00/acre</b>

- iii. A VACS payment rate per acre is available for listed small grains, brassicas, and/or mixtures as listed below:

	<b>Rate</b>
<b>Early</b>	<b>\$70.00/acre</b>
<b>Standard</b>	<b>\$40.00/acre</b>

- iv. An additional VACS payment rate of **\$5.00 per acre** is available for a mixed species cover crop that includes 50-75% small grain.
- v. 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:**

- i. A VACS payment rate per acre is available for pure stands of Rye as listed below:

	<b>Rate</b>
<b>Early Pure Rye</b>	<b>\$55.00/acre</b>
<b>Standard Pure Rye</b>	<b>\$30.00/acre</b>

- ii. A VACS payment rate per acre is available for pure stands of Winter Triticale as listed below:

	<b>Rate</b>
<b>Early Pure Winter Triticale</b>	<b>\$50.00/acre</b>
<b>Standard Pure Winter Triticale</b>	<b>\$25.00/acre</b>

- iii. A VACS payment rate per acre is available for small grains, brassicas, and/or mixtures as listed below:

	<b>Rate</b>
<b>Early</b>	<b>\$45.00/acre</b>
<b>Standard</b>	<b>\$20.00/acre</b>

- iv. An additional VACS payment rate of **\$5.00 per acre** is available for a mixed species cover crop that includes 50-75% small grain.
- v. 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.

**4. Protective Cover for Specialty Crops:** A VACS payment rate of **\$40.00 per acre** is available for protective cover for specialty crops.

5. **Cover Crop – Harvestable:** A VACS payment rate of **\$20.00 per acre** is available for cover crop that is harvested for seed/grain and straw. A VACS payment rate of **\$30 per acre** is available for cover crop that is harvested for seed/grain only with all remaining residue left on the field (straw cannot be baled).
6. **Cover Crop – Legume:** A VACS payment rate of **\$45.00 per acre** is available for legume cover crops.

D. Technical Responsibility

Technical and administrative responsibility for all Components of the WFA-CC 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.

## WFA-CC Cover Crop – Standard Cover Crop

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's WFA-CC Standard Cover Crop option which are applicable to all contracts entered into with respect to that practice.

### A. Description and Purpose

Cost-share is provided to establish vegetative cover on cropland for protection from erosion and the reduction of nutrient losses to groundwater. For the purposes of this practice, cropland includes land used for production of row crops for harvest.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. The purpose is to reduce erosion and the leaching of nutrients to ground water. This BMP is designed to utilize the maximum amount of residual nitrogen from previous surface nutrient applications and in the first three feet of the soil profile.

### B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. 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.
3. Cost-share is provided as a variable flat rate per acre incentive to encourage proper establishment and to offset a portion of the cost of seed and the seeding operation.
4. 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 that this practice will be implemented on. 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).
5. A good stand and good growth of vegetative winter cover must be obtained by ~~December 15~~January 1 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. District staff will conduct field visits no later than February 28 to verify required cover has been established.
6. Seeding rates shall be adjusted based on germination rates.

7. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the environmental benefit in of cover crops Virginia. This WFA-CC option is not intended to subsidize crops produced for commodity purposes or for land already in permanent grass.
8. Harvesting for hay, haylage, silage, grain, straw or seed is not permitted. Pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14. **In years of drought if producers anticipate a need for additional feed harvest, they should apply for the Harvestable Cover Crop option as harvesting is not allowed under this practice.**
9. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
<u>Cereal Rye (Tetraploid)</u>	2 bu./acre
Winter Triticale	2 bu./acre
<u>Winter Rye (not tetraploid)</u>	<del>2</del> bu./acre
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) Daikon (forage or tillage) radish or	<del>6</del> 2 lb./ acre
c) canola or rape	4 lbs./acre
Daikon (forage or tillage) Radish	6-8 lbs./acre°
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5-7 lbs./acre°
mixture with annual rye grass	10 lbs./acre

† legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings

**Higher seeding rates are recommended for aerial seeding and non-incorporation seeding methods.**

10. In order to promote soil health through biodiversity and increased biological activity; an additional incentive is provided for mixed species cover crop consisting of 50-75% small grain.

11. Seeding of all seed types must be planted by the dates listed below:

Area	Early Planting Date	Standard Planting Date
Cities of Chesapeake & VA Beach	November 10	November 30
Coastal Plain (including the Eastern Shore)	November 10	November 30
Piedmont	October 25	November 15
Mountain and Valley	October 20	November 10

12. In all cases, this practice is subject to NRCS standard 340.

13. The cover crop must be killed using mechanical or chemical means or by grazing no earlier than March 15 and no later than June 1. The cover crop residue may be left on the field for conservation purposes or the cover crop or its residue may be tilled under. The practice will be considered complete once the cover crop has served its purpose and been killed. Residue may not be removed at any time.

14. In order to provide additional nutrient uptake and promote soil health through the increase of biomass above and below the soil surface, an additional incentive is provided for cover crops that are killed using mechanical, chemical or grazing means, 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.

C. Rate(s)

- Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 15~~January 1 and maintained through March 14, with the exception of the Coastal Plain and the cities of Chesapeake and Virginia Beach that have late November planting dates.
- The VACS payment rates per acre for pure stands of Rye are below. Participants may also be eligible for the late kill down incentive.

	Rate
<b>Early Pure Rye</b>	<b>\$90.00/acre</b>
<b>Standard Pure Rye</b>	<b>\$60.00/acre</b>

~~i. The following list of rye cultivars are approved for the rye payments OR any other indeterminate growth tetraploid rye cultivar:~~

<del>6250-Abruzzi</del>	<del>Paster</del>
<del>Abruzzi</del>	<del>Ryman</del>
<del>Dura</del>	<del>Virginia-Abruzzi</del>
<del>Early Grazer</del>	<del>Wheeler</del>
<del>Elbon</del>	<del>Wintergrazer 70</del>
<del>Grazer</del>	<del>Winterking</del>
<del>Graze Master</del>	

3. The VACS payment rates per acre for pure stands of Winter Triticale are below. Participants may also be eligible for the late kill down incentive.

	<b>Rate</b>
<b>Early Pure Winter Triticale</b>	<b>\$80.00/acre</b>
<b>Standard Pure Winter Triticale</b>	<b>\$50.00/acre</b>

4. The VACS payment rates per acre for listed small grains, brassicas, and/or mixtures are below. Participants may also be eligible for the mixed species and late kill down incentives.

	<b>Rate</b>
<b>Early</b>	<b>\$70.00/acre</b>
<b>Standard</b>	<b>\$40.00/acre</b>

5. Mixed Species Cover Crop that consist of 50%-75% small grain are eligible for a **\$5.00 per acre** bonus (i.e. pure stands of rye are not eligible).
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.

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.

## **WFA-CC Cover Crop – Cover Crop with Fall Manure Application**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's WFA-CC Cover Crop with Fall Manure Application option which are applicable to all contracts entered into with respect to that practice.

### A. Description and Purpose

Cost-share is provided to establish vegetative cover on cropland for protection from erosion and the reduction of nutrient losses to groundwater. For the purposes of this practice, cropland includes land used for production of row crops for harvest. This type of cover crop is planted upon cropland where manure is applied following the harvest of a summer crop and prior to cover crop planting. The crop may not be harvested in the spring.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients, reduce erosion and the leaching of nutrients to ground water. The purpose is to increase above- and below-ground biomass returned to the soil by increasing the amount of manure amendments while minimizing nutrient loss risk, thereby providing adequate fertility to grow the extra biomass. This BMP is designed to utilize the maximum amount of residual nitrogen from previous surface nutrient applications and in the first three feet of the soil profile.

### B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. 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).
3. A current Nutrient Management Plan must be on file with the District Prior to issuing cost-share. Cost-share is available for all acres with application rates in compliance with the NMP Spreading Schedule. Acres that receive application rates above NMP are not eligible for cost-share.
4. 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 (organic, with less than 40 lbs. N per acre tested) is permitted if all of the following conditions are met:

- i. Inadequate manure storage is available for the winter at the source;
  - ii. On fields 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 shall be determined by a soil nitrate test. The results of these samples may be used by the participant to support this practice.
  - iii. Manure is applied in accordance with a Nutrient Management Plan prepared by a Virginia certified Nutrient Management Planner.
  - iv. New plans shall be written for a period of one to three years. Before cost-share payment can be made the following items must be submitted:
    - a. A complete copy of the NMP containing the planner's Virginia Nutrient Management Certificate number;
    - b. An invoice for planning services of the private certified planner;
    - c. A completed Imported Manure Supplier Verification form (if applicable).
5. No nitrogen or phosphorus may be applied at planting.
6. If available as set forth in Section C.1. of this specification, cost-share is provided as a flat rate per acre incentive to encourage proper establishment of vegetative cover and to offset a portion of the cost of seed and the seeding operation.
7. **A good stand and good growth of vegetative winter cover must be obtained by ~~December 15~~January 1 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. District staff will conduct field visits no later than February 28 to verify required cover has been established.
8. Aerial seeding is not applicable for this practice.
9. Seeding rates shall be adjusted based on germination rates.
10. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the environmental benefit of cover crops in Virginia. The Cover Crop with Fall Manure Application option is not intended to subsidize winter crop produced for commodity purposes.
11. Harvesting for hay, haylage, silage, grain, straw or seed is not permitted. Pasturing consistent with sound agronomic management is permitted as long as a 60% cover is maintained through March 14. **In years of drought, if producers anticipate a need for additional feed harvest, they should apply for the Harvestable Cover Crop option, as harvest is not allowed under this practice.**
12. Land enrolled in this practice may not be enrolled in another state cover crop practice.

13. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
<u>Cereal Rye (Tetraploid)</u>	2 bu./acre
Winter Triticale	2 bu./acre
<u>Winter Rye (not tetraploid)</u>	<u>2 bu./acre</u>
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) Daikon (forage or tillage) radish or	<del>6</del> <u>2</u> lb./ acre
c) canola or rape	4 lbs./acre
Daikon (forage or tillage) Radish	6-8 lbs./acre°
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre°
mixture with annual rye grass	10 lbs./acre

† - legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings

**Higher seeding rates are recommended for non-incorporation seeding methods. Aerial seeding is not eligible with this practice.**

14. In order to promote soil health through biodiversity and increased biological activity; an additional incentive is provided for mixed species cover crop consisting of 50%-75% small grain.
15. Seeding of all seed types must be planted by the dates listed below:

Area	Early Planting Date	Standard Planting Date
Cities of Chesapeake & VA Beach	November 10	November 30
Coastal Plain (including the Eastern Shore)	November 10	November 30
Piedmont	October 25	November 15
Mountain and Valley	October 20	November 10

16. In all cases, this practice is subject to NRCS standard 340.
17. The cover crop must be killed using mechanical or chemical means or by grazing no earlier than March 15 and no later than June 1. The cover crop residue may be left on the field for conservation purposes or the cover crop or its residue may be tilled under. The practice will be considered complete once the cover crop has served its purpose and been killed. Residue may not be removed at any time.

18. In order to provide additional nutrient uptake and promote soil health through the increase of biomass above and below the soil surface, an additional incentive is provided for cover crops that are killed using mechanical, chemical or grazing means, 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.

C. Rate(s)

1. Districts should not issue payment if a good stand and good growth of winter cover is not obtained before ~~December 15~~January 1 and maintained through March 14.
2. The VACS payment rates per acre for pure stands of Rye are below. Participants may also be eligible for the late kill down incentive.

	<b>Rate</b>
<b>Early Pure Rye</b>	<b>\$55.00/acre</b>
<b>Standard Pure Rye</b>	<b>\$30.00/acre</b>

~~i. The following list of rye cultivars are approved for the rye payments OR any other indeterminate growth tetraploid rye cultivar:~~

<del>6250-Abruzzi</del>	<del>Paster</del>
<del>Abruzzi</del>	<del>Ryman</del>
<del>Dura</del>	<del>Virginia-Abruzzi</del>
<del>Early Grazer</del>	<del>Wheeler</del>
<del>Elbon</del>	<del>Wintergrazer 70</del>
<del>Grazer</del>	<del>Winterking</del>
<del>Graze Master</del>	

2. The VACS payment rates per acre for pure stands of Winter Triticale are below. Participants may also be eligible for the late kill down incentive.

	<b>Rate</b>
<b>Early Pure Winter Triticale</b>	<b>\$50.00/acre</b>
<b>Standard Pure Winter Triticale</b>	<b>\$25.00/acre</b>

3. The VACS payment rates per acre for listed small grains, brassicas, and/or mixtures are below. Participants may also be eligible for the mixed species and late kill down incentives.

	<b>Rate</b>
<b>Early</b>	<b>\$45.00/acre</b>
<b>Standard</b>	<b>\$20.00/acre</b>

4. Mixed Species Cover Crop that consist of 50%-75% small grain are eligible for a **\$5.00 per acre** bonus (i.e. pure stands of rye are not eligible).

5. 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.

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.

## WFA-CC Cover Crop – Protective Cover for Specialty Crops

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Protective Cover for Specialty Crops option which are applicable to all contracts entered into with respect to that practice.

### A. Description and Purpose

This practice will provide an incentive to keep a cover on specialty crop land when it is not being used after harvest of a specialty crop. The purpose is to reduce wind and water erosion, thus improving water quality.

### B. Policies and Specifications

1. Specialty crops for this practice (for the purpose of the Virginia Agricultural Cost-Share Program only) are defined as: Vegetables, tree crops, perennial vine crops, ornamentals, horticultural crops, tobacco, hemp, turf and other similar crops.
2. Specialty crops are given consideration due to bare sites and highly erodible soil conditions.
3. Soil loss rates must be computed for all applications for use in establishing priority considerations.
4. Payment is provided as a flat rate per acre incentive payment to encourage proper establishment and to offset a portion of the cost of seed and the seeding operation.
5. 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.
6. The planting must be certified no later than November 30. A good stand and growth of vegetated cover must be obtained in sufficient time to protect the area no later than ~~December 15~~January 1. All cover crop plantings must maintain a minimum of 60% cover crop plant material on the enrolled acres through the lifespan of the practice. District staff will conduct field visits no later than February 28 to verify required cover has been established. After the growth has been maintained for at least 90 days after seeding certification or until the conservation purpose has been served in accordance with NRCS 340, whichever is greater, it may be left on the land or incorporated.
7. Pasturing consistent with good management may be permitted. No vegetative growth may be harvested for hay or seed.

8. Seed type and rates shall be those listed:

Seed Type	Rate
Tetraploid Rye (pure strain only)	2.0 bu./acre
Winter Rye	1.5 bu./acre
Winter Barley	2.5 bu. /acre
Winter Annual Ryegrass	20 lbs./acre
Winter Wheat	1.5 bu./acre
Winter Hardy Oats	2.0 bu./acre
Small Grain Mixtures with	1 bu./ac.
a) legume† or	10 lbs./acre
b) forage radish or	<del>6-2</del> lb./ acre
c) canola or rape	4 lbs./acre
Triticale	1.5 bu. /acre
Forage Radish	6-8 lbs. /acre
1) mixture with grass or legume†	4 lbs./acre
Winter-Hardy <i>Brassica</i> (canola/rape)	5 lbs./acre
1) mixture with grass or legume†	2-4 lbs./acre

† - legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings.

**Higher seeding rates are recommended for aerial seeding.**

9. This practice is subject to NRCS standard 340 Cover Crop.

C. Rate(s)

1. A VACS payment rate of **\$40.00 per acre** is available.

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.

## **WFA-CC Cover Crop – Harvestable Cover Crop**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Harvestable Cover Crop option which are applicable to all contracts entered into with respect to that practice.

### A. Description and Purpose

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. For the purposes of this practice, cropland includes land used for production of row crops for harvest. The primary purpose is to reduce winter rain and wind generated erosion; a secondary purpose is to reduce the leaching of nutrients to ground water. This practice is not intended to subsidize winter crop production. This cover crop may be harvested after the requirements of this specification have been met.

### B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. 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 that this practice will be implemented on. 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).
3. 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, except that use of manure (with less than 40 lbs N. per acre tested value) on up to 300 acres is permitted if all of the following conditions are met:
  - i. Animals are raised as part of the applicant's operation;
  - ii. Inadequate manure storage is available for the winter;
  - iii. There are no other vegetated acres available to safely utilize the manure;
  - iv. Manure is applied in accordance with a Nutrient Management Plan prepared by a Virginia certified Nutrient Management Planner.
4. No nitrogen or phosphorus may be applied at planting.
5. If available as set forth in Section C.1. of this specification, cost-share is provided as a flat rate per acre incentive to encourage proper establishment of vegetative cover and to offset a portion of the cost of seed and the seeding operation.

6. A good stand and good growth of vegetative winter cover must be obtained by ~~December 15~~ January 1 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. District staff will conduct field visits no later than February 28 to verify required cover has been established.
7. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients, by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the environmental benefit of cover crops in Virginia. The Harvestable Cover Crop option is designed to provide an incentive to farmers to provide year round vegetative cover on as much acreage as possible; it is not intended to subsidize winter crops produced for commodity purposes or land already in permanent grass.
8. Harvesting for hay, haylage, silage, grain, or seed is permitted after March 14. Pasturing consistent with sound agronomic management is permitted as long as 60% cover is maintained through March 14.
9. Land enrolled in this practice may not be enrolled in another state cover crop practice. Acres enrolled for this component are ineligible to receive payment for the WFA-NM Second Topdress Application of Nitrogen on Small Grain component.
10. Select one of following species and/or mixtures of species to plant in all soils:

Species	bu./acre
Rye (Tetraploid)	2 bu./acre
Winter Rye (not tetraploid)	2 bu./acre
Winter Barley	2 bu./acre
Winter Hardy Oats	2 bu./acre
Winter Wheat or Triticale	2 bu./acre
Winter Annual ryegrass	20 lbs./acre
Small grain mixtures with	1 bu./acre
a) legume† or	10 lbs./acre
b) Daikon (forage or tillage) radish or	6-2 lb./ acre
c) canola or rape	4 lbs./acre
Daikon (forage or tillage) Radish	6-8 lbs./acre°
mixture with annual rye grass	10 lbs./acre
Winter-hardy <i>Brassica</i> (canola/rape)	5 -7 lbs./acre°
mixture with annual rye grass	10 lbs./acre

† legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings.

**Higher seeding rates are recommended for aerial seeding and non-incorporation seeding methods.**

11. Seeding of all seed types must be planted by the dates listed below:

Area	Planting Date
Cities of Chesapeake & VA Beach	November 10
Coastal Plain (including the Eastern Shore)	November 10
Piedmont	October 25
Mountain and Valley	October 20

12. Seeding rates shall be adjusted based on germination rates.
13. In all cases, this practice is subject to NRCS Standard 340.
14. The cover crop residue may be left on the field for conservation purposes, or the cover crop or its residue may be tilled under, or the cover crop may be harvested after March 14.
15. For cover crop that is harvested for seed or grain only, leaving all remaining straw and residue on the field, a higher incentive rate is available. The seed or grain may be harvested after March 14, all remaining cover crop residue (including straw) must be left on the field for conservation. Straw cannot be cut and baled.

C. Rate(s)

1. A VACS payment rate of **\$20 per acre** is available for cover crop that is harvested for seed/grain and straw, remaining residue may be tilled under. Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 1~~January 1 and maintained through March 14.
2. A VACS payment rate of **\$30 per acre** is available for cover crop that is harvested for seed/grain ONLY, all remaining residue must remain on the field (straw cannot be baled). Districts should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before ~~December 15~~January 1 and maintained through March 14.

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.

## **WFA-CC Cover Crop – Legume Based Cover Crop**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Legume Based Cover Crop option which are applicable to all contracts entered into with respect to that practice.

### A. Description and Purpose

This practice will improve water quality by providing an adequate residue cover to prevent erosion and serve as desirable mulch for no-till cultivation. Water quality will also be enhanced by the nitrogen fixation of the legume in order to reduce applied amendments.

Cost-share is provided for utilizing an adequate legume mulch residue as a natural source of nitrogen to reduce applied soil amendment nitrogen.

### B. Policies and Specifications

1. 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 that this practice will be implemented on. 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. Cost-share is authorized as an incentive on a per acre basis to add this practice within an established rotation.
3. 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.
4. The amount of nitrogen application must be reduced following a pure legume cover crop according to Table 7-1, Estimating Nitrogen Available to Succeeding Crops from Legumes on page 108 of DCR Nutrient Management Standards and Criteria (Revised 2014).
5. The amount of nitrogen application must be reduced following a mixed species legume cover crop according to the recommendations of a Nutrient Management Plan. A split application of nitrogen based upon the results of a PSNT may be applied as well.
6. Removal of the legume residue by baling or by any other means is not allowed. Grazing is not permitted for this practice.

7. Soil loss rates must be computed for all applications for use in ranking practice applications; applications that are the most cost-effective at preventing the most soil loss should receive cost-share approval first.
8. Mulch Cover
  - i. Existing stands: An adequate (minimum 60% legume cover and stand composition) cover that has been planted for at least one year prior to grain planting. Stand can be composed of clover, lespedeza, vetch or alfalfa. Seed must have been inoculated at time of planting.
  - ii. New stands: A legume cover crop can be planted during the fall prior to grain planting using the following recommendations. However, planting a cover crop in the fall is at the applicant's own risk, knowing cost-share assistance is not guaranteed.

Type	Rate	Seeding Date
<b>Crimson Clover</b>	20 lbs/acre	by September 28
<b>OR</b>		October 12 for the Coastal Plain
Crimson Clover (with any single grain or single grass below)	10.0 lbs/acre	
1) Annual ryegrass	10.0 lbs/acre	
2) Rye	1.0 bu./acre	
3) Barley	1.0 bu./acre	
4) Oats	1.0 bu./acre	
<b>OR</b>		
Ladino Clover (with either)	2 lbs/acre	
1) Tall Fescue	15.0 lb./acre	
2) Orchard grass	10.0 lb./acre	
<b>OR</b>		
<b>Austrian Winter Pea</b>	30-40 lbs/acre	by October 26
<b>OR</b>		
Austrian Winter Pea (with any single grain or single grass below)	15-20 lbs/acre	
1) Annual ryegrass	10.0 lbs/acre	
2) Rye	1.0 bu./acre	
3) Barley	1.0 bu./acre	
4) Oats	1.0 bu./acre	
<b>OR</b>		
Austrian Winter Pea (with either)	15-20 lbs/acre	
1) Tall Fescue	15.0 lb./acre	
2) Orchard grass	10.0 lb./acre	
<b>OR</b>		
<b>Hairy Vetch</b>	20 lbs/acre	by October 26
<b>OR</b>		
Hairy Vetch (with any single grain or single grass below)	10.0 lbs/acre	
1) Annual ryegrass	10.0 lbs/acre	
2) Rye	1.0 bu./acre	
3) Barley	1.0 bu./acre	
4) Oats	1.0 bu./acre	
<b>OR</b>		
Hairy Vetch (with either)	10 lbs/acre	
1) Tall Fescue	15.0 lb./acre	
2) Orchard grass	10.0 lb./acre	

- iii. Vetch is not recommended in rotations containing small grains. It is very important that seeding dates be met to insure adequate fall growth.
- iv. All seed is required to be inoculated.
- v. Method:
  - a) No till drill
  - OR**
  - b) Aerial Seeding

**OR**

- c) Conventionally drilled as long as 30% of previous crop residue remain

**OR**

- d) Broadcast as long as 30% of previously crop residue remains.

- 9. Legume cover crop must be left on surface intact to serve as mulch for the no-till planting of grain crops.
- 10. Applicant must submit documentation (fertilizer recommendation and bills, or signed statement) indicating that the applied nitrogen fertilizer used that crop year (grain) was reduced, or will be reduced only in cases where nitrogen will be applied after June 1, according to Table 7-1 on page 108 “Estimated Nitrogen Availability to Succeeding Crops from Legumes” of DCR Nutrient Management Standards and Criteria (07/2014) per acre from his normal application or rate that was recommended. Consult local extension agent for exact recommendations. Districts shall utilize the signed statement example found on page **WQ-4 - 5** of the Virginia Agricultural Cost-Share BMP Manual and place in the participant’s case file.
- 11. This practice must be implemented on the fields consistent with NRCS Standards 340 Cover Crops. This practice is for use only on land being planted to a grain crop. No till planting must be established into an existing legume stand or newly established legume stand according to the standards of NRCS 329 Residue and Tillage Management, No Till/Strip-Till/Direct Seed, and 340 Cover Crops.
- 12. The practice may be certified complete once the grain crop has been planted using no-till methods into the legume mulch cover and all applicable specifications listed above have been met.

C. Rate(s)

- 1. A VACS payment rate of **\$45.00 per acre** is available.

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 2026~~5~~

**WFA-CC VACS Payment Rate Worksheet**

<b>Component</b>	<b>Rate per Acre</b>	<b>Participating Acres</b>
Core WFA-CC Base Payment*	\$4.00/acre	
<b>Standard Cover Crop</b>		
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	
<b>Cover Crop with Fall Application of Manure</b>		
Early Pure Rye	\$55.00/acre	
Standard Pure Rye	\$30.00/acre	
Early Pure Winter Triticale	\$50.00/acre	
Standard Pure Winter Triticale	\$25.00/acre	
Early - Listed Small Grains, Brassicas, and/or Mixtures	\$45.00/acre	
Standard - Listed Small Grains, Brassicas, and/or Mixtures	\$20.00/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	
<b>Protective Cover for Specialty Crops</b>	\$40.00/acre	
<b>Harvestable Cover Crop</b>		
Grain/seed and straw harvested	\$20.00/acre	
Grain/seed only harvested, remaining residue left on field	\$30.00/acre	
<b>Legume Cover Crop</b>	\$45.00/acre	

\*The Core WFA-CC Base Payment applies only to eligible acres on a Tract where cover crop is established and a Nutrient Management Plan is being fully implemented. Acres where cover crop is not established and maintained does not qualify for this payment.

Name of Practice: SIDEDRESS APPLICATION OF NITROGEN ON CORN, GRAIN  
SORGHUM, ~~AND/OR~~ COTTON AND/OR TOBACCO  
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 and/or Tobacco 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 and/or tobacco. 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; tobacco from two to four weeks after transplanting (10-14 days for dark and burley type).

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, 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 (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 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~~ participant must sign up for this practice prior to ~~April~~ May 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 listed growth stage: 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.

<u>Crop</u>	<u>Growth Stage of Earliest Sidedress Application</u>
<u>Corn</u>	<u>6-leaf stage; at least 15" tall</u>
<u>Grain Sorghum</u>	<u>5-leaf stage; at least 12" tall</u>
<u>Cotton</u>	<u>Between first square and first bloom</u>
<u>Tobacco</u>	<u>Two to four weeks after transplanting (10-14 days for dark and burley type)</u>

- 5.6. A minimum of 20 lbs of inorganic nitrogen per acre must be applied to be considered a sidedress application for the management of nitrogen.
- 6.7. 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).
- 7.8. 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.
- 8.9. 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. Participants may receive either a cost-share payment or a tax credit for implementation of this

practice but not both on the same acre.

2. A VACS payment rate 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 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.

Revised April 2026<sup>4</sup>

Name of Practice: PRECISION NUTRIENT MANAGEMENT ON CROPLAND  
– NITROGEN APPLICATION  
VACS Program Specification for No. NM-5N

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Precision Nutrient Management on Cropland – Nitrogen Application best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will encourage the use of precision nutrient management practice components that support a higher intensity of nitrogen management in the field than existing standard nutrient management practices. This practice is limited to row crops, small grains and highly managed hayland production systems (see Glossary for definition).

This practice supports multiple enhanced nutrient management components such as soil pre-sidedress nitrate tests (PSNT), fall soil nitrate tests, and all variable rate nitrogen application technologies. This practice may only be used on fields that apply nitrogen based upon test results identified in section B, whether they have organic nutrient applications or not, with the exception of biosolids applications.

Multiple split applications of nitrogen applies to corn, cotton, small grains crops, grain sorghum/milo, canola, specialty crops, produce, turf/sod farms and highly managed hayland. This practice does apply to the late winter split application of nitrogen on small grains. The variable rates of nitrogen listed below in B.2 apply to all row and highly managed hay crops (other than alfalfa, which is not eligible). Other macro-micro nutrients or soil amendments may be applied concurrently.

B. Policies and Specifications

1. This is an annual practice.
2. Results from the test conducted to develop a nitrogen application prescription must be used to determine the nutrient application rates for the current or following crop as appropriate; that prescription must be followed during the rate of application of nitrogen.
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) or fall soil nitrate test: 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 or fall soil nitrate test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
  - ii. Variable rate nitrogen applications or zone application of nitrogen based upon supporting data or documentation (e.g. satellite imagery, yield records, tissue test, etc.) ~~the soil test results of (subfield) sampling~~ on row crops, specialty crops or small grains. Other macro-micro nutrients may be applied concurrently.
  - iii. Three or more split applications of nitrogen on small grains.
  - iv. Two or more split sidedress applications of nitrogen on corn or cotton.
  - v. Two or more applications of nitrogen on highly managed hayland production systems (other than alfalfa, which is not eligible).
  - vi. Injection at sidedress.
4. On fields 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 shall be determined by a soil nitrate test.
5. All split applications will be applied at a growth stage when the plant is entering the highest demand for nitrogen. Application of any sidedress nitrogen, including the first split, must be applied 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 the first bloom stage.
6. Subsequent sidedress applications must be applied at least 14 days after the most recent application.
7. Total nitrogen application rates (including pre-plant and sidedress) on corn shall not exceed 1 lb./bu. expected crop yield.
8. A minimum of 20 lbs of inorganic nitrogen per acre must be applied to be considered a split or sidedress application for the management of nitrogen.
9. Where this practice is applied, there must be a note in the narrative or elsewhere in the nutrient management plan indicating that the soils were sampled in an appropriate manner.
10. 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).

11. Acres receiving a zero application rate based on a PSNT result also qualify for a payment rate of \$8 per acre.
12. The total number of acres that qualify for this practice will be based upon the total acres that were sampled in zones, had mid-season testing such as soil pre-sidedress nitrate testing (PSNT), or received variable rate or zone applications of nitrogen, based upon the zone or grid soil nitrate sampling.
13. Participants shall provide written verification of the recommendation and the resulting application(s) (e.g. results of laboratory test, a work order or bill, as-applied application map of field) to the District within 45 days of the final nitrogen application.
14. The participant **must** sign up for this practice ~~before-prior to April 1<sup>st</sup>~~ May 1 of each year that the practice will be utilized.
15. Fields that have received applications of biosolids within the previous 24 months are not eligible.
16. Participants may **not** receive cost-share payments for NM-3C or NM-4 and NM-5N simultaneously on the same crop and field.

#### 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. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.
2. A VACS payment rate 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 two or more applications on highly managed hayland.
3. Costs for a PSNT or fall soil nitrate test 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. PSNT or fall soil nitrate test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
4. No per sample cost-share is available for zone soil fertility testing.

#### 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 202~~6~~4

Name of Practice:  
WHOLE FARM APPROACH – NUTRIENT MANAGEMENT BUNDLE  
VACS Program Specification for No. WFA-NM

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program’s Whole Farm Approach – Nutrient Management practice for bundled agricultural best management practices which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will collect data and assure that implemented Nutrient Management Plans are accurate and up to date in order to minimize the impact of nutrients used in crop and highly managed hay production, and reduce nutrient losses to groundwater. The Chesapeake Bay Program Watershed Model separates nutrient management into independent sets of practice elements for Nitrogen and Phosphorus, which stack onto a required core set of management elements known as Core Requirements; this practice is intended to enable reporting for each of these practice elements.

In addition, the practice is also intended to offer financial assistance to agricultural producers to ensure implementation of core nutrient management requirements and support multiple enhanced nutrient management components such as precision nutrient management. Participants are provided an incentive to annually revise plans to accurately reflect field conditions so that farmers can maintain eligibility for other cost-share practices.

This practice bundles components of the following best management practices:

- NM-3C Split Application of Nitrogen on Corn, Grain Sorghum, ~~and/or~~ Cotton and/or Tobacco;
- NM-4 Late Winter Split Application of Nitrogen on Small Grains;
- NM-5N Precision Nutrient Management on Cropland – Nitrogen Application;
- NM-5P Precision Nutrient Management on Cropland – Phosphorus Application;
- NM-6 Manure Injection

B. General Policies and Specifications

***Review the following standards and specifications for the individual practice components of the Whole Farm Approach.*** Producers receiving cost-share funding for this practice must be implementing recommended nutrient application rates on all agricultural production acres in the Tract to be in compliance with this specification, with the exception of unimproved pasture acres. Unimproved pasture acres (pasture acres that do not receive nutrient management or nutrient applications) may be excluded from the tract within the Nutrient Management Plan.

This is an annual practice with a cost-share payment issued annually. There is no guarantee that cost-share funds will be approved by the local District.

1. Eligibility

- i. This practice applies to crops, highly managed hay, and pasture as applicable.

- ii. Cropland which receives applications of pelletized Class A biosolids that do not require a permit are eligible for the WFA-NM framework since these products are considered commercial fertilizer. However, many of the individual WFA-NM nutrient application options are not allowed on fields that have received past applications of biosolids. Participants should review each option for relevant biosolids rules.
  - iii. The Nutrient Management Plan must cover at least twelve months of crop and management practices after the begin date on the NMP cover sheet.
  - iv. Plans must be developed based on soil analyses taken within a three-year period prior to the begin date of the plan and must be performed by soil testing laboratories approved by DCR.
  - v. **Core Nutrient Management Plan Requirement** - A Nutrient Management Plan must be written according to the Nutrient Management and Training Certification Regulations, 4VAC50-85 et seq.
  - 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).
2. Ineligible
- i. Participants may **NOT** receive cost-share payments on the same crop and field for the WFA-NM and the following VACS practices simultaneously: NM-3C, NM-4, NM-5N, NM-5P, NM-6.

C. Rates

VACS payment rates for the following components may stack; see the WFA-NM Rate Worksheet for assistance with sign-up. The WFA-NM core and components are not eligible for tax credit.

1. **Core Nutrient Management Plan Requirement:** The VACS payment rate is **\$6.00 per acre** for all eligible acres on a Tract, including cropland, highly managed hayland, and/or pasture; that receives commercial fertilizer or a combination of imported or on-farm generated animal manure and commercial fertilizer. Any manure applied must be from a farm within Virginia to receive payment. Participants must provide the District a copy of the current plan, which includes amendments or revisions that match all management practices to be implemented in the cropping year to the District to receive the annual payment. Unimproved pasture acres are not eligible for the Core Nutrient Management Requirement incentive.
2. **In-Furrow OR Banded (2" x 2") Application of Nitrogen and/or Phosphorus:**

- i. A VACS payment rate of **\$2.50 per acre** is available for either a banded (2" x 2") application or in-furrow application of Nitrogen.
  - ii. A VACS payment rate of **\$2.50 per acre** is available for either a banded (2" x 2") application or in-furrow application of Phosphorus.
3. **First Sidedress of Nitrogen on Corn, Grain Sorghum, ~~and/or~~ Cotton and/or Tobacco**: A VACS payment rate of **\$2.50 per acre** is available for the first sidedress application or injection, based on the contracted sidedress application acreage.
4. **Second Topdress Application of Nitrogen on Small Grain**: A VACS payment rate of **\$2.50 per acre** is available for the second topdress application. If only one late winter application is made, no reimbursement is to be provided.
5. **Nitrogen Management**:
  - i. A VACS payment rate of **\$5.00 per acre**, is available for the acres receiving a **second sidedress application of nitrogen** on corn, cotton, and highly managed hayland (other than alfalfa).
  - ii. A VACS payment rate of **\$5.00 per acre**, is available for the acres receiving a **third topdress application of nitrogen** on small grains.
  - iii. A VACS payment rate of **\$7.50 per acre**, is available for the acres receiving a **variable rate application of nitrogen** on row crops or small grains.
6. **Phosphorus Management**: A VACS payment rate of **\$7.50 per acre** is available for the acres receiving **variable rate application of phosphorous** on row crops, small grains, or highly managed hayland production systems.
7. **Manure Injection**: A VACS payment rate of **\$45.00 per acre** is available for the acres receiving manure injection on row crops, small grains, highly managed hayland, or pasture.
8. **Soil PSNT and/or Fall Soil Nitrate Test (as seasonally appropriate)**: Costs for PSNT and/or Fall Soil Nitrate Test 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**. Payment will be made only for those PSNT or Fall Soil Nitrate tests that are submitted for laboratory analysis. The reimbursement flat rate can only be utilized once per sample. PSNT or Fall Soil Nitrate Test 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 for all Components of the WFA-NM 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 verification procedures and any other quality control measures.

## **WFA-NM Nitrogen/Phosphorus Management Option – In-Furrow or Banded Applications:**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's WFA-NM Nitrogen/Phosphorus Management Option for In-Furrow or Banded Applications which are applicable to all contracts entered into with respect to this practice.

### **A. Description and Purpose**

This practice will encourage the in-furrow or banded applications, also known as 2" x 2" applications, of nitrogen and phosphorus. For fields receiving only nitrogen fertilizer, in-furrow or banded applications will be based upon the Nutrient Management Plan (NMP). For fields receiving nitrogen and phosphorus OR only phosphorus fertilizer, in-furrow or banded applications will be based upon soil sample results and the Nutrient Management Plan (NMP). All in-furrow or banded applications will be applied at planting. Banded 2" x 2" applications are placed two inches beside and two inches below the seed.

### **B. Policies and Specifications**

1. Eligibility for this practice is limited to the length of the plan recommending the in-furrow or banded practice.
2. A producer must provide written verification to the District prior to payment, such as records, a work order, or bill.
3. The total number of crop acres specified by the Nutrient Management Plan to be applied in-furrow or banded will determine the maximum acres that qualify, with payment being made only to those acres which actually receive an in-furrow or banded application of nitrogen and/or phosphorus.
4. 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).
5. 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.
6. 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.

7. The producer must provide a written verification of contracted in-furrow or banded application cost to the District within two weeks of the sample analysis.
8. Application of the in-furrow or banded nitrogen and/or phosphorus must be made at time of planting.
9. Total nitrogen to be applied to the ~~corn~~field must be consistent with the Nutrient Management Plan consistent in accordance with procedures contained in the Nutrient Management Training and Certification Regulations (4VAC50-85 et. seq).
10. This is an annual practice.

C. Rate(s)

1. **In-Furrow or Banded Nitrogen:** A VACS payment rate of **\$2.50 per acre** for **EITHER** a banded (2" x 2") application **OR** in-furrow application (i.e. not both), shall be paid based on the contracted in-furrow or banded application acreage. Participants may also be eligible for in-furrow or banded (2" x 2") application of phosphorus.
2. **In-Furrow or Banded Phosphorus:** A VACS payment rate of **\$2.50 per acre** for **EITHER** a banded (2" x 2") application **OR** in-furrow application (i.e. not both), shall be paid based on the contracted in-furrow or banded application acreage. Participants may also be eligible for in-furrow or banded (2" x 2") application of nitrogen.

**WFA-NM Nitrogen Management Option:**  
**First Sidedress Application of Nitrogen on Corn, Grain Sorghum, ~~and/or~~ Cotton and/or Tobacco**

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

A. Description and Purpose

This practice will encourage the sidedress application of nitrogen (organic OR inorganic) on corn, grain sorghum, ~~and/or~~ cotton and/or tobacco. 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; tobacco from two to four weeks after transplanting (10-14 days for dark and burley type).

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 split applications.

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 written verification to the District, such as a work order or bill, 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, 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 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 in accordance with the PSNT. Cost-share payment for PSNT 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 participant~~ must sign up for this practice prior to ~~April 1~~May 1 and provide 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 listed growth stage: 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.

<u>Crop</u>	<u>Growth Stage of Earliest Sidedress Application</u>
<u>Corn</u>	<u>6-leaf stage; at least 15" tall</u>
<u>Grain Sorghum</u>	<u>5-leaf stage; at least 12" tall</u>
<u>Cotton</u>	<u>Between first square and first bloom</u>
<u>Tobacco</u>	<u>Two to four weeks after transplanting (10-14 days for dark and burley type)</u>

- ~~5.6.~~ A minimum of 20 lbs. of inorganic nitrogen per acre must be applied to be considered a sidedress application for the management of nitrogen.
- ~~6.7.~~ 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).
- ~~7.8.~~ Acres receiving a zero application rate based on a PSNT result also qualify for a payment rate of \$2.50 per acre. This is for manure or high biomass legumes only; biosolids are not eligible for payment.
- ~~8.9.~~ This is an annual practice.

C. Rate(s)

1. **First Sidedress Application of Nitrogen on Corn, Grain Sorghum, ~~and/or~~ Cotton and/or Tobacco:** A VACS payment rate of **\$2.50 per acre** for the sidedress application shall be paid based on the contracted sidedress application acreage.

Producers applying their own sidedress application will receive \$2.50 per acre applied.

2. Costs for 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.

**WFA-NM Nitrogen Management Option:**  
**Second Topdress Application of Nitrogen on Small Grain**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Second Topdress Application of Nitrogen on Small Grain option 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 run off.

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. The producer must provide a written verification (such as a work order or bill) to the District within two weeks of the second application when the application has been contracted out.
- iii. The total number of small grain acres specified by the Nutrient Management Plan to receive split nitrogen applications will determine the maximum acres to qualify, with payment being made only to those acres which actually receive split nitrogen applications.
- 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).
- 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 tissues tests as explained in the Virginia Nutrient Management Standards and Criteria revised July, 2014.
  - 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. 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. of inorganic nitrogen 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 consistent with the Nutrient Management Plan or determined by using a soil nitrate test consistent with procedures contained in the *Virginia Nutrient Management Standards and Criteria, revised July 2014*.
  7. Acres enrolled for this component are ineligible to receive payment for the SL-8H or the WFA-CC Cover Crop – Harvestable component.
  8. This is an annual practice.

C. Rate(s)

1. **Second Topdress Application of Nitrogen on Small Grain:** A VACS payment rate of **\$2.50 per acre** is available for the second application in the late winter. **If only one late winter application is made, no reimbursement is to be provided.**
2. 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 **\$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.

**WFA-NM Nitrogen Management Option:**  
**Precision Nutrient Management Application - Nitrogen**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Precision Nutrient Management Application - Nitrogen option for the enhanced nutrient management of nitrogen on crop land which are applicable to all contracts entered into with respect to this practice.

A. Description and Purpose

This practice will encourage the use of precision nutrient management practice components that support a higher intensity of nitrogen management in the field than existing standard nutrient management practices. This practice is limited to row crops, small grains and highly managed hayland production systems (see Glossary for definition).

This practice supports multiple enhanced nutrient management components such as soil pre-sidedress nitrate tests (PSNT), fall soil nitrate tests, and all variable rate nitrogen application technologies. This practice may only be used on fields that apply nitrogen based upon test results identified in section B, whether they have organic nutrient applications or not, with the exception of biosolids applications.

Multiple split applications of nitrogen applies to corn, cotton, small grains crops, grain sorghum/milo, canola, specialty crops, produce, turf/sod farms and highly managed hayland. This practice does apply to the late winter split application of nitrogen on small grains. The variable rates of nitrogen listed below in B.2 apply to all row and highly managed hay crops (other than alfalfa, which is not eligible). Other macro-micro nutrients or soil amendments may be applied concurrently.

B. Policies and Specifications

1. Results from the test conducted to develop a nitrogen application prescription must be used to determine the nutrient application rates for the current or following crop as appropriate; that prescription must be followed during the rate of application of nitrogen.
2. 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) or fall soil nitrate test. 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 tests may be used by the participant to support this practice. PSNT or fall soil nitrate test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
  - ii. Variable rate nitrogen applications or zone application of nitrogen based upon [supporting data or documentation \(e.g. satellite imagery, yield records, tissue test, etc.\)](#) ~~the soil test results of (subfield) sampling~~ on row crops, specialty crops or small grains. Other macro-micro nutrients may be applied concurrently.

- iii. Three or more split applications of nitrogen on small grains.
  - iv. Two or more sidedress applications of nitrogen on corn or cotton.
  - v. Two or more applications of nitrogen on highly managed hayland production systems (other than alfalfa, which is not eligible).
  - vi. Injection at sidedress.
3. On fields 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 shall be determined by a soil nitrate test.
4. All split applications will be applied at a growth stage when the plant is entering the highest demand for nitrogen. Application of any sidedress nitrogen, including the first split, must be applied 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 the first bloom stage.
5. Subsequent sidedress applications must be applied at least 14 days after the most recent application
6. Total nitrogen application rates (including pre-plant and sidedress) on corn shall not exceed 1 lb./bu. expected crop yield.
7. A minimum of 20 lbs. of inorganic nitrogen per acre must be applied to be considered a split or sidedress application for the management of nitrogen.
8. Where this practice is applied, there must be a note in the narrative or elsewhere in the Nutrient Management Plan indicating that the soils were sampled in an appropriate manner.
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 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).
10. Acres receiving a zero application rate for a second sidedress application of nitrogen based on a PSNT result also qualify for a payment rate of \$5.00 per acre. Acres receiving a zero application rate for a variable rate application of nitrogen based on a PSNT result also qualify for a payment rate of \$7.50 per acre.
11. The total number of acres that qualify for this practice will be based upon the total acres that were sampled in zones, had mid-season testing such as soil Pre-sidedress

Nitrate Testing (PSNT), or received Variable Rate or Zone applications of nitrogen, based upon the zone or grid soil nitrate sampling.

12. Participants **shall** provide written verification of the recommendation and the resulting application(s) (e.g. results of laboratory test, a work order or bill; ~~and~~ as-applied application map of field) to the District within 45 days of the final nitrogen application and prior to payment.
13. The participant **must** sign up for this practice ~~before~~ [prior to May 1 April 1<sup>st</sup>](#) of each year that the practice will be utilized.
14. Fields that have received applications of biosolids within the previous 24 months are not eligible.
15. This is an annual practice.
16. *This practice does not apply to the first or second split application of nitrogen on small grains. See the WFA-NM Second Topdress Application of Nitrogen on Small Grain for more information.*

#### C. Rates

1. **Second Sidedress Application of Nitrogen:** A VACS payment rate of **\$5.00 per acre per year** is available for a second sidedress of nitrogen on corn, cotton, or a second topdress application on highly managed hayland (other than alfalfa).
2. **Third Topdress Application of Nitrogen on Small Grains:** A VACS payment rate of **\$5.00 per acre** per year is available for a third topdress application of nitrogen on small grains.
3. **Variable Rate Nitrogen:** A VACS payment rate of **\$7.50 per acre per year** is available for a variable rate or zone application of nitrogen on row crops or small grain.
4. Costs for PSNT or fall soil nitrate test 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**. Payment for PSNT or fall soil nitrate tests will be made only for those tests that are submitted for laboratory analysis. The reimbursement flat rate can only be utilized once per sample. PSNT or fall soil nitrate test samples should represent a minimum of 7 acres on average and a maximum of 20 acres on average.
5. No per sample cost-share is available for zone/grid (subfield) soil fertility testing. Many commercial applicators include zone/grid (subfield) soil fertility sampling in their variable rate application charge.

**WFA-NM Phosphorus Management Option:**  
**Precision Nutrient Management Application - Phosphorus**

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's WFA-NM Precision Nutrient Management Application - Phosphorus Management option for the enhanced nutrient management of phosphorus on crop land which are applicable to all contracts entered into with respect to this practice.

A. Description and Purpose

This practice will encourage the use of precision nutrient management practice components that support a higher intensity of phosphorous management in the field than existing standard nutrient management practices.

This practice is intended for row crops, small grains, grain sorghum/milo, canola, specialty crops, produce, turf/sod farms and highly managed hayland including alfalfa hay production systems.

This practice supports multiple enhanced nutrient management components such as zone or grid soil fertility samples and all variable rate phosphorous application technologies based upon the soil test results of zone or grid (subfield) sampling. This practice may only be used on fields that apply phosphorous based upon test results identified in Section B, whether they have organic nutrient applications or not, with the exception of biosolids applications.

The variable rates of phosphorus listed below in Section B apply to all row crops, small grains and highly managed hay crops. Other macro-micro nutrients or soil amendments may be applied concurrently.

B. Policies and Specifications

1. Results from any test conducted to develop a phosphorous application prescription must be used to determine the phosphorous application rates for the current or following crop as appropriate, and that prescription must be followed during the application of phosphorous.
2. Phosphorous applications must be based upon the soil test results of zone or grid (subfield) sampling recommendations; other macro-micro nutrients may be applied concurrently.
3. Total phosphorus application rates shall not exceed the zone or grid sampling recommendations.
4. 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).

5. Acres receiving a zero application rate based upon the soil test results of zone or grid (subfield) sampling recommendations also qualify for a payment rate of \$7.50 per acre.
6. The total number of acres that qualify for this practice will be based upon the total acres that were sampled in zones (zones shall be no larger than 20 acres and based upon soil type), grids (grid size shall be 1 to 4 acres), or had mid-season testing such as variable rate or zone/grid (subfield) applications of phosphorus, based upon the zone or grid soil sampling recommendations.
7. The participant **must** provide written verification of the recommendation(s) and the resulting application(s) (e.g. results of laboratory test(s), a work order or detailed bill/invoice showing application rates, an as-applied application map of field(s)) to the District within forty-five days of the phosphorous application and prior to payment.
8. The participant **must** sign up for this practice before April 1<sup>st</sup> of each year that the practice will be utilized.
9. Fields that have received applications of biosolids within the previous 24 months are not eligible.
10. This is an annual practice.

C. Rates

1. **Variable Rate Phosphorus:** A VACS payment rate of **\$7.50 per acre per year** is available for a variable rate application of phosphorous on row crops, small grains or highly managed hayland.
2. No per sample cost-share is available for zone/grid (subfield) soil fertility testing. Many commercial applicators include zone/grid (subfield) soil fertility sampling in their variable rate application charge.

## **WFA-NM Manure Injection:**

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

### A. Description and Purpose

This practice will encourage manure injection on pasture and cropland, which will reduce nutrient transport to waterways and other environmentally sensitive features. Applications must be based upon the Nutrient Management Plan (NMP).

### B. Policies and Specifications

1. Definition: Manure injection is the placing of manure below the surface of the ground using direct manure injection equipment as determined by the Soil and Water Conservation District.
2. Eligibility:
  - i. This practice is limited to applicants with a current Nutrient Management Plan on file with the District before manure injection application payment is made.
  - ii. Application rates of manure shall be consistent with NMP recommendations.
  - iii. Only cropland, highly managed hayland, and/or pasture owned or rented by the applicant is eligible.
  - iv. Applicants must use no-till planting methods that follow NRCS defined no-till management on all fields receiving manure injection application.
  - v. Applicants must provide written verification (such as a work order or bill) to the District within 30 days of the injection application. Invoice/work order or bill must indicate:
    - a. Fields and acreages injected
    - b. Application rates
    - c. Type of injection equipment used
    - d. Person applying manure (contractor, etc.)
  - vi. 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).

3. The maximum acres eligible for the manure injection shall not exceed the acres specified in the Nutrient Management Plan.
4. 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.
5. Cost-share is available for all acres with application rates in compliance with the NMP Spreading Schedule. Acres that receive application rates above NMP are not eligible for cost-share.
6. Participants may receive cost-share 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. Rate(s)

1. A VACS payment rate of \$45 per acre is available.
2. Eligible equipment purchased for Manure Injection may qualify for a state tax credit through the Virginia Equipment Tax Credit Program.

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 20264

**WFA - NM VACS Payment Rate Worksheet**

<b>Component</b>	<b>Rate Per Acre</b>	<b>Participating Acres</b>
Core Nutrient Management Plan Requirement	\$6.00/acre	
In-Furrow or Banded Nitrogen	\$2.50/acre	
In-Furrow or Banded Phosphorus	\$2.50/acre	
First Sidedress Application of Nitrogen	\$2.50/acre	
Second Topdress Application of Nitrogen	\$2.50/acre	
Second Sidedress Application of Nitrogen	\$5.00/acre	
Third Topdress Application of Nitrogen	\$5.00/acre	
Variable Rate Nitrogen	\$7.50/acre	
Variable Rate Phosphorus	\$7.50/acre	
Manure Injection	\$45.00/acre	
PSNT Laboratory Analysis	\$12.00/sample	
Fall Soil Nitrate Test	\$12.00/sample	

**MATRIX OF ADVANCED PROGRAMMATIC RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC**

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/ 2028
1P.a,c		<p>Consider revising the Cost-Share Program Bid Process.</p> <p>a. Consider removing the following practices from the list of VACS Practices with Applicable Components: FR-1, FR-3, SL-1, SL-11, as the bid process is not applicable or appropriate.</p> <p>c. Consider increasing the bid threshold to at least \$75,000.</p>	<p>Remove FR-1, FR-3, SL-1, SL-11 from the list of VACS practices with applicable components for the bid process. Increase the bid threshold to \$75,000.</p> <p><i>The Cost-Share Program Bid Process is applicable to the list of VACS cost-share practices found below and must be used when the cost of any one component of a VACS contract is estimated to equal or exceed a billable expense of \$5075,000. For contracts where the estimated billable expense for each component is less than \$5075,000, the Bid Process is not required.</i></p> <p>VACS Practices with Applicable Components:</p> <ul style="list-style-type: none"> <li>● <del>FR-1 Afforestation of Crop, Hay and Pasture Land</del></li> <li>● <del>FR-3 Woodland Buffer Filter Area...</del></li> <li>● <del>SL-1 Long Term Vegetative Cover on Cropland...</del></li> <li>● <del>SL-11 Permanent Vegetative Cover on Critical Areas...</del></li> </ul> <p>*Additional edits throughout Cost-Share Program Bid Process section and Bid Solicitation Sheet*</p>		
5P		<p>Any combination of BMPs that exceeds the participant cap should be eligible for a variance.</p>	<p>Update existing Bundle Variance process in the VACS Guidelines to allow a combination of BMPs, except a combination of only agronomic BMPs, that exceeds the participant cap to be eligible for a variance.</p> <p><i>If the <u>an</u> applicant <u>qualifies for a Variance request</u> and wishes to apply for <u>additional non-Variance eligible multiple practice(s) in the same Program Year (e.g., a Variance is being requested for a WP-4 that exceeds the participant cap and the participant also wants to apply for cover crop practices) which in combination exceed the participant cap</u>, the District may request a “Bundle Variance”. <u>A-Bundle Variance requests consisting entirely of agronomic practices are not eligible includes one or more Variance-eligible practices as well as non-Variance-eligible practice(s).</u> All practices for consideration under a Bundle Variance must be included in a single request, with all required Variance documentation provided for each practice as applicable. The Variance Committee may consider each practice separately for approval of the Variance request.</i></p>	<p>No. This changes the variance process to simply be a means to avoid the participant cap, rather than a way for the program to accommodate very costly structural practices.</p>	

<b>MATRIX OF DEFERRED PROGRAMMATIC RECOMMENDATIONS</b>			
<b>Item #</b>	<b>Ag. BMP</b>	<b>Suggestion to the TAC</b>	<b>Reason for Deferring</b>
<b>1P.b</b>		Consider revising the Cost-Share Program Bid Process. o Outline the applicable components necessitating evaluation by the bid process associated with each listed practice. Offer an exemption to the bid process if the applicable component is not a planned component of the project.	Subcommittee did not understand how the request would change the current process. Additional information will be requested from submitter.
<b>3P</b>		Directly spell out that conversion of agricultural land to utility scale solar is a land use change that does not conform to agronomic production which would void any BMPs under contract requiring the full repayment of any received cost share applied to those fields. The inclusion of planned grazing or “agrivoltaics” in solar contracts would not prevent the repayment of cost share funds unless a signed lease existed for the grazing rights of the solar facility and exceeded the life span of the BMP contract. If BMPs are destroyed during the construction of a solar facility, cost share must be repaid regardless of prior agreements.	The landscape of solar and agriculture is changing rapidly and subcommittee members did not feel that enough information is available currently to make a decision.
<b>4P</b>		VACS approval for SE-2 be made contingent upon acquisition of state permit(s): a. VACS approval is required to pay for contractor/engineer design for SE-2 practices. b. SE-2 practices require state permit approval (JPA). c. Approval of VACS funding shouldn’t precede the acquisition of the state permit (JPA). Find a process (VACS manual edit) to address this issue.	Deferred pending discussions between DCR and Districts implementing SE-2 to review the approval timeline.

<b>MATRIX OF TABLED PROGRAMMATIC RECOMMENDATIONS</b>			
<b>Item #</b>	<b>Ag. BMP</b>	<b>Suggestion to the TAC</b>	<b>Reason for Tabling</b>
<b>2P</b>		Establish a separate pot of money for CCI practices so they do not have to be ranked against other applications.	CCI practices generally rank well against other practices, and Districts may use their secondary considerations to address priority of maintenance practices.

MATRIX OF ADVANCED STREAM PROTECTION FORESTRY RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028
1S.a,b,c		<p>Multiple suggestions regarding FR-3 planting width:</p> <p>a. FR-3- “The entire flood plain is eligible for planting, not to exceed 100 feet.” Remove the “not to exceed 100 feet.”, if a producer is willing to plant an entire flood plain it should be eligible for cost-share no matter the width as long as trees are being planted in a legitimate flood plain. The Buffer Payment could remain the same but cost-share and incentive would be issued to all acres.</p> <p>b. Remove 100’ from stream planting requirement from FR-3 and allow FR-3 to cover plantings up to 300’ from stream. Many buffer plantings go over 100’ in width and farmers are penalized for creating larger buffers by having to switch to an FR-1 at 100’ plus. Buffer payments and buffer reporting do not stop at 100’ and the buffer planting practice should be consistent regardless of program. The FR-3 should not be limited to 100’ as it limits adoption of larger buffers.</p> <p>c. Years of scientific research* indicate that wider vegetated buffers not only filter out more pollutants from overland runoff, but also allow for more absorption, processing, and removal of nutrients before water makes its way to a stream. Additionally, research shows* that a buffer of 150’ is needed to support a healthy natural stream ecosystem.*citations available upon request We therefore suggest that the BMP manual be changed so that the FR-3 practice be eligible for the width of 150 feet from the top of bank (increased from 100’).</p>	<p>Change FR-3 to allow for planting the entire flood plain or a maximum of 300’:</p> <p>B.10  <i>The width of the <del>wooded</del> forested buffer will be a minimum of 35 feet from the edge of the stream bank. The entire flood plain is eligible for planting, <del>not to exceed 100 feet</del> or a maximum of 300 feet. Eligible floodplain width may be determined by the 100-year floodplain based on FEMA Flood Insurance Rate Maps or a delineation completed by a licensed professional verified by DCR. If a floodplain is not delineated, the eligible width shall not exceed 300 feet.</i></p>		
2S		<p>Change the name of the [FR-3] practice to “Forest Riparian Buffer”.                      Justification: DCR is the only agency using this inaccurate term of “Riparian Filter”. All other agencies and groups in the conservation partnership refer to this practice as a buffer or FRB. The inaccurate use of the name filter comes from the early days of the EPA Chesapeake Bay Program where the USDA–Forest Service developed an elaborate forested riparian filter standard for use in the states. This was a three-zone practice involving the establishment of a minimum 35-foot-wide forest planting, a second shrub zone, and then a final grass zone whose outer edge was on the contour in order to achieve sheet flow runoff across the width of the buffer. This practice proved to be extremely difficult to install and was quickly modified to</p>	<p>Change all references to “Woodland Buffer Filter Area” in the VACS Manual* to “Riparian Forested Buffer”. Nineteen total locations in practice specifications and guidelines:</p> <p><del>Woodland Buffer Filter Area</del> Riparian Forested Buffer</p> <p>*This change is not applied to CREP practice names and terminology because such</p>		

MATRIX OF ADVANCED STREAM PROTECTION FORESTRY RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028
		include only the wooded buffer. The existing DCR standard makes only a limited reference or requirement for filtering, but does nothing in regards to achieving sheet flow. Some will occur on many sites, but without clear guidance for sheet flow across this area, the term “buffer” used by all other groups is a better and more accurate name.	changes cannot be made independently of FSA.		
6S		<p>Modify FR-3M</p> <ul style="list-style-type: none"> <li>· Modify B.1. to allow maintenance on FR-3 funded through VCAS and remove the language “VACS” in FR-3M B. Policies and Specifications. Part 1.</li> <li>· Establish a “FR-3M Initial” practice for use at 3 to 4 years after planting.</li> <li>· Establish a “FR-3M Follow-up” practice for use at 6 to 8 years after planting.</li> <li>· Establish rates as follows: FR-3M Initial - \$750 per acre FR=3M follow-up - \$1,000 per acre</li> </ul> <p>Justification: The common theme from most of the 30-plus stakeholders convened by VDOF’s planning effort, was that maintenance is the key item for the success of forest riparian buffers. Extensive case studies exist to show where buffers failed to be adequately established were the direct result of improper, untimely, or total lack of maintenance. The existing DCR policy is a direct cause of a large degree of this failure. The existing policy states that it is the participants responsibility: “Control of noxious of noxious and invasive species plants to ensure the survival of the stand is the responsibility of the participant.” At the time this was written and adopted, the standard treatment option was to mow around the trees periodically. This did not prove to be a problem. However since adoption, specifications have changed to allow different and denser planting options. Simple mowing is no longer feasible on many sites. In addition, with over 30 years of experience, many of the problems are not noxious or invasive related. Experience has shown many native vines species have the ability to girdle and kill young trees. Over the years, it is apparent that early and regular maintenance is needed to ensure the success and survival of the initial planting. Common practices now include the use of very expensive chemicals, hand labor, hand mowing (weed eating), tree pruning, and tree tube maintenance to prevent “flopping.” As we have learned more about buffers, policies to aid in</p>	<p>This suggestion was deferred pending outcome of the riparian buffer maintenance RFP issued by DCR.</p> <p>Change language in the FR-3 Rates section to include “establishment and maintenance”:</p> <p><i>The VACS payment rate is 95% of the approved estimated cost or eligible actual cost, whichever is less, plus an <u>establishment and maintenance</u> incentive:</i></p> <p><i>i. For conifer buffers, \$100.00 per acre for a 10 year lifespan, OR \$150 per acre for a 15 year lifespan.</i></p> <p><i>ii. For hardwood buffers, \$350 per acre for a 10 year lifespan, OR \$500 per acre for a 15 year lifespan.</i></p>		

MATRIX OF ADVANCED STREAM PROTECTION FORESTRY RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028
		their establishment and success have not kept up with the needs to ensure their survival. The current standard is inadequate and out-of-date.			
14S		Specify in the program manual the limits on timber harvesting in riparian forest buffers. With some buffers now exceeding the 15 acre payment cap by 20 acres or more and 15-year lifespans in place, it needs to be specific whether tree cutting is prohibited, can only be done for maintenance, select cutting is allowed, or if clear cutting is allowed as long as the forest is replanted, etc., and if part of the buffer can be left out of the practice if it is planned to be harvested during the lifespan. This needs to be clear so staff can inform participants what they are enrolling in and there are no misunderstandings between participants, staff, directors, or DCR.	Update language in SL-6N/W/F, WP-2N/W to restrict timber harvesting within the minimum setback buffer area of the practice:  <i>The buffer must be maintained as perennial species for the practice lifespan. <u>Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District.</u> Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice.</i>	No. Installation of forested buffers has been a challenge and Virginia has commitments to increase riparian forested buffer acreage. Allowing timber harvest in established buffer acres would undermine these goals.	
15S		Consider removing or modifying the requirement for an off-stream watering facility for the CCI-SL-6W. Consider modifying the language to allow the required off stream watering facility to be associated with an in lifespan BMP, or a different CCI. The focus of the CCI- SL-6W practice should be on capturing the exclusion and should not be dependent on the existence of a watering facility as a paid component of the practice. We do not think that allowing limited access for a CCI-SL-6W should be acceptable and understand that there is a different specification for this situation. By requiring that a CCI-SL-6W have an off-stream watering facility as a paid component of the practice, we are missing out on critical wide buffer exclusion projects, because without the required watering facility we must capture this as a CCI-SE-1, resulting in much less credit.	Revise language in CCI-SL-6W and CCI-SL-6N to remove off-stream watering source as a required practice component:  <i>This practice provides protection by fencing along all live streams or live water in a field to prevent stream bank erosion, direct deposition of animal waste and contamination of water from agricultural nonpoint sources of pollution. <u>Stream exclusion fencing is a required component of this practice and an off-stream watering</u></i>		

MATRIX OF ADVANCED STREAM PROTECTION FORESTRY RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2027/2028
			<i>facility source must be provided are required components of this practice.</i>		
17S		Add WP-2A Streambank Stabilization to the list of variance-eligible practices.	Add WP-2A to the list of variance-eligible practices.		

***Changes to cost-share practice specifications will be applied to corresponding voluntary specifications.***

MATRIX OF DEFERRED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring
6S		<p>Modify FR-3M</p> <ul style="list-style-type: none"> <li>· Modify B.1. to allow maintenance on FR-3 funded through VCAS and remove the language “VACS” in FR-3M B. Policies and Specifications. Part 1.</li> <li>· Establish a “FR-3M Initial” practice for use at 3 to 4 years after planting.</li> <li>· Establish a “FR-3M Follow-up” practice for use at 6 to 8 years after planting.</li> <li>· Establish rates as follows: FR-3M Initial - \$750 per acre FR=3M follow-up - \$1,000 per acre</li> </ul> <p>Justification: The common theme from most of the 30-plus stakeholders convened by VDOF’s planning effort, was that maintenance is the key item for the success of forest riparian buffers. Extensive case studies exist to show where buffers failed to be adequately established were the direct result of improper, untimely, or total lack of maintenance. The existing DCR policy is a direct cause of a large degree of this failure. The existing policy states that it is the participants responsibility: “Control of noxious of noxious and invasive species plants to ensure the survival of the stand is the responsibility of the participant.” At the time this was written and adopted, the standard treatment option was to mow around the trees periodically. This did not prove to be a problem. However since adoption, specifications have changed to allow different and denser planting options. Simple mowing is no longer feasible on many sites. In addition, with over 30 years of experience, many of the problems are not noxious or invasive related. Experience has shown many native vines species have the ability to girdle and kill young trees. Over the years, it is apparent that early and regular maintenance is needed to ensure the success and survival of the initial planting. Common practices now include the use of very expensive chemicals, hand labor,</p>	Deferred pending the results of the riparian forested buffer maintenance RFP.

MATRIX OF DEFERRED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Deferring
		hand mowing (weed eating), tree pruning, and tree tube maintenance to prevent “flopping.” As we have learned more about buffers, policies to aid in their establishment and success have not kept up with the needs to ensure their survival. The current standard is inadequate and out-of-date.	
8S		Permanent Long-term shade practice (trees)- The majority of the shade on many farms is along the stream which is a major reason why farmers do not sign up for the program because their cattle lose access to shade. We propose a practice similar to the FR-1 specifically designed for cattle shade with a cost share rate of 75%. Time must be given for the trees to establish and fast growing trees native to Virginia should be prioritized.	Deferred pending creation of a draft silvopasture practice specification. Bryan Hofmann agreed to spearhead creation of the draft spec, which would be a stand-alone practice with a grazing management plan required, independent of stream exclusion.
9S		<p>Multiple suggestions related to &lt;35’ field borders:</p> <ul style="list-style-type: none"> <li>a. Offer cost-share for crop field buffers less than 35’: the width of border from edge of field required to obtain any cost share goes so far out into the good part of crop land that few farmers wish to participate. Our fields have 20 foot grass borders. This distance feels practical as it is an area which generally does not produce a profitable crop yet is fertilized along with the rest of the field. By having this smaller border we cut down on overall runoff as well as the quantity of fertilizer applied without losing profitability. If there was some cost share for a narrower border it is possible farmers would take advantage of the opportunity to establish them and benefit all waterways, wildlife, and farm financial strength.</li> <li>b. Field border practices including a continuing CCI payment for less than 35’ field borders to prevent runoff into ditches and provide travel lanes for equipment on fields</li> </ul>	<p>9S.a. sent to Cover Crop and Nutrient Mgmt subcommittee as it pertains to cropland conversion.</p> <p>Subcommittee requested a literature review on the water quality benefits of 9S.b. Subsequently deferred pending submitter’s provision of a draft spec and CCI spec for review.</p>

MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
1S.d		<p>Multiple suggestions regarding FR-3 planting width:</p> <p>d. FR-3 should not be limited to 35 ft. Participants who do a narrower exclusion option or who have previously excluded water features on their own at a narrower setback should still be able to qualify for an FR-3. As long as VA DOF can approve this in their plan. "10. The width of the wooded buffer will be a minimum of 35 feet from the edge of the stream bank. The entire flood plain is eligible for planting, not to exceed 100 feet."</p>	<p>FR-1 can be used to plant trees in narrower exclusion. Less than 35' width does not receive credit as a buffer.</p>
3S		<p>Modify the current FR-3 rates</p> <ul style="list-style-type: none"> <li>· Maintain the 95% payment rate for eligible costs in items C.1. and C.2.</li> <li>· Increase C. 1. (i) rates to: Conifer buffers - \$3,000 for a 10-year lifespan/ \$5,000 for a 15-year lifespan</li> <li>· Increase C. 1. (ii) rate to: Hardwood buffers - \$7,500 for a 10-year lifespan/ \$10,000 for a 15-year lifespan</li> </ul> <p>Justification: Incentive payments have not kept up with rising land values and no long serve as a true incentive for adoption. This type of practice necessitates a producer to remove acreage from production, whether it be cropland, hay land or pasture land. Higher rates of incentive need to be a driving point to encourage producers to make this land use change and receive adequate fair market value for the land they are converting. The VDOF effort targeted this as a key item needing attention for additional action.</p> <ul style="list-style-type: none"> <li>· Add language "By Accepting either cost share payment or a state tax credit for this practice, the participant agrees to preserve this area and all practice components of the specified lifespan. Additional financial assistance is available to help producers with the cost of maintaining proper tree growth and viability. All other maintenance components on the practice (fence, etc.) are the responsibility of the participant</li> <li>· Drop C. 3.</li> </ul> <p>Justification: An incentive payment is included in item C-1. Additional payments are listed in item C.3. This is confusing and bothersome for producers trying to understand the program, what they may be eligible and what their financial assistance might be. In addition, this double figuring is burdensome for staff to calculate and then explain why there are various components to the final</p>	<p>Rates were raised two years ago which has not had a noticeable effect on participation. Increasing rates so significantly could create an avenue for misuse.</p>

MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
		amount. Combining all of incentive payments into one amount is easier to understand and will improve marketing effectiveness and efficiency.	
4S		<p>Our experience implementing riparian forested buffer (RFB) projects has demonstrated that simplified payment strategies not only make it easier to administer, but simple payment strategies also make it easier to recruit participants. RFBs are easily one of the most cost-effective BMPs to improve water quality. And there is a broad recognition that Virginia needs to find ways to accelerate implementation of effective agricultural BMPs.</p> <p>We therefore suggest that the BMP Manual be changed so that the FR-3 practice offers 90% cost-share for pine plantings, and 100% cost-share for mixed hardwood tree plantings; eliminate the incentive payments and different rates dependent on contract length (no change to the \$80/acre bonus under C.3). We believe changing the payment strategy to be straightforward (a percentage-based payment without the necessary calculations for contract length) will reduce confusion and increase recruitment of participants.</p>	The suggestion was made prior to the edit in the FR-3 Rates to refer to the incentive payment as an “establishment and maintenance” payment.
5S		<p>Develop a new Practice FR 3-W - Forest Riparian Buffer (Wide)</p> <ul style="list-style-type: none"> <li>· Establish a FR3–W to aggressively encourage wider and better riparian buffer zones.</li> <li>· Allow buffers from 100 feet to 400 feet wide.</li> <li>· Maintain existing 95% financial assistance for eligible components.</li> <li>· Establish incentive payments as follows:                             <ol style="list-style-type: none"> <li>i. Conifer Buffers: \$10,000. per acre for a 20-year lifespan</li> <li>ii. Hardwood Buffers: \$12,500 per acre for a 20-year lifespan</li> </ol> </li> </ul> <p>Justification: For decades now, all of the emphasis has been on establishing minimum amounts in terms of size, length, or acreage of many BMPs used in water quality improvement work. Forest Riparian Buffers have been proven through scientific research to provide far greater on-site and off-site benefits the wider they are. Minimum width buffers may or may not provide filter action of suspended sediments depending on the site. Wider buffers do a much greater job in trapping suspended sediment. In addition, research has shown a wider living forest on these riparian sites can be extremely effective in removing dissolved nutrients from shallow ground water passing through the root zones of these wide buffers. Narrow buffers have been plagued with problems due to periodic flooding, debris trapping, and stream scouring and erosion. The wider the buffer, the better on-site and downstream flood damage mitigation benefits occur. These are all goals of the Commonwealth’s total Chesapeake Bay Program effort, yet the opportunity to maximize these benefits is ignored. “Wider is better” is scientifically proven and is sometime we should be</p>	Subcommittee felt the suggestion was addressed through similar suggestions 1S, 3S, and 4S.

MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
		striving to achieve. The presence of a viable living thriving forest in a riparian zone is one of the best things that can be done for water quality improvement.	
7S		<p>Establish a new practice Forest Riparian Buffer – Easement (FR3-E)</p> <ul style="list-style-type: none"> <li>· For FR buffers, 100 feet or wider, where the participant enrolls the buffer in a perpetual easement program recognized by the State of Virginia (Virginia Outdoors foundation, Land Trust, Albemarle County, etc.).</li> <li>· Payment rate will be \$5,000 per acre, payable to the participant after the acreage covered by the FR-3 practice is recorded on the property deed.</li> </ul> <p>Justification: Easements are a key method to ensure practice longevity after program lifespans expire. Virginia has set aggressive goals for land preservation through easements. A DCR initiative to promote easements through it's VACS program will add additional acres toward the state's goal. More importantly, it will provide long term protection for a valuable BMP used in water quality improvement. Incentive payments such as this, will aide tremendously in the promotion and adoption of FR buffers. In comparing other agency programs, this increased payment rate for the Buffer establishment and the easement is in line with other efforts to promote land use change for long term environmental benefits (i.e. wetland restoration and establishment).</p>	Concerns about Districts' ability to track and confirm easement enrollment and staff time required. Attaching eligibility to other programs may have unintended consequences and/or be difficult to manage.
10S		For grazing system practices, allow livestock to be housed at another farm and still qualify for a grazing system as long a perimeter fence is in place.	Potential for unintended consequences or misuse of the program.
11S		Propose adding a VACS practice for the restoration or construction of wetlands per NRCS conservation practice standards 657 and 658.	Engineering is complex; lack of demand from landowners; difficulty using these practices to address existing resource concern.
12S		Request to allow the option for SWCD technical staff, with appropriate qualifications (A.S.or B.S Degree in Forestry), to develop and/or approve management plans and complete DOF form 7.8 for all FR practices in the BMP Program. SWCD's already are required to do most of the planning completed in DCR Tracking for these practices and are most frequently the point of contact for the farmer/landowner. Allowing those offices with qualified staff to complete the management plans and inspections could streamline the planning, approval and payment processes. If DOF forms can't be used, suggest creation of an alternative form.	DOF and DCR are unaware of any issues with projects being held up due to DOF response timeline. DOF asks to be notified if this is the case. DOF sees value in the opportunity to advise landowners on other forestlands while working on these projects.
13S		The suite of practices that include a buffer payment have clauses with the statement "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)." The statement is worded in	Can be handled as a training issue that "grazing" means animals are intentionally accessing the buffer, vs. occasional accidental access due to power outage, tree on fence, etc. that is corrected promptly.

<b>MATRIX OF TABLED STREAM PROTECTION FORESTRY RECOMMENDATIONS</b>			
<b>Item #</b>	<b>Ag. BMP</b>	<b>Suggestion to the TAC</b>	<b>Reason for Tabling</b>
		such a way that it allows no discretion and can be read to construe that if a photograph of an animal in a buffer is taken, then there must be a repayment. In observation, some have taken this statement in the strictest sense, while others interpret it to mean that discretion can be used, and the intention is to apply it to bad actors. Given the general likelihood of animals in the buffer happening at some point and the high likelihood these incidents would end up in court, it is suggested that the TAC spell out in the program manual if and when discretion can be used in these incidents and attach these clauses to a process such as the existing verification process or a process specifically for these incidents.	
<b>16S</b>		Concerns over EQIP/BMP piggybacks on SL-6 practices paying the same (100%) for 10' buffers as they do for 35' plus buffers. Farmers who know how this works are/can take advantage of this glitch in the BMP Program and would get paid the same as other farmers who are given greater buffer areas to the program.	Additional funding allows more exclusion to be accomplished. District Boards have the choice whether to provide piggyback funding at 100%.

Continuing Conservation Initiative  
Name of Practice: STREAM EXCLUSION WITH NARROW WIDTH BUFFER  
– MAINTENANCE PRACTICE  
VACS Program Specifications for No.  
CCI-SL-6N

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

A. Description and Purpose

This practice provides protection by fencing along **all live streams or live water in a field** to prevent stream bank erosion, direct deposition of animal waste and contamination of water from agricultural nonpoint sources of pollution. Stream exclusion fencing **is a required component of this practice** and an off-stream watering ~~facility source must be provided~~**are required components of this practice.**

The purpose of this practice is to offer an incentive payment to maintain exclusion fences, water systems and associated components (watering systems [wells, pumps, pressure tanks, pipelines, troughs, spring developments], livestock crossings, and hardened accesses) that together maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion components to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required, a fence shall exclude livestock from the water feature at all times during the life span of this practice. The stream exclusion fence must be placed a minimum of 10 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
2. The practice must not be in lifespan or under contract from any other conservation program. For practices originally installed through a program without a required maintenance lifespan, the practice may be considered eligible after it has been in place for the maximum current lifespan associated with the equivalent VACS practice. For practices originally installed through VACS in partnership with another program, the VACS lifespan shall be used to determine eligibility.

3. The maintenance and use of existing water systems (wells, pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stable livestock crossings, and controlled hardened accesses are required.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.
5. The participant is responsible for inspecting and maintaining all fencing, watering systems (wells pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stream crossings and hardened accesses 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.
6. This practice is subject to spot checks from District staff annually for the life of the practice.
7. This practice is eligible for re-enrollment.
8. All practice components implemented must be maintained for a minimum of five years following the calendar year of certification. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a 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 a single payment of \$0.75 per linear foot of stream bank or water feature protected, as well as \$250 per trough, \$500 per stream crossing, and \$1,000 per water system. Payment will be made after a field visit by District staff documents all components are functioning as intended and any needed maintenance has been addressed.

The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened crossings).

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 2026<sup>5</sup>

Continuing Conservation Initiative  
Name of Practice: STREAM EXCLUSION WITH WIDE WIDTH BUFFER  
– MAINTENANCE PRACTICE  
VACS Program Specifications for No.  
CCI-SL-6W

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

A. Description and Purpose

This practice provides protection by fencing along **all live streams or live water in a field** to prevent stream bank erosion, direct deposition of animal waste and contamination of water from agricultural nonpoint sources of pollution. Stream exclusion fencing [is a required component of this practice](#) and an off-stream watering [source must be provided.](#) ~~facility are required components of this practice.~~

The purpose of this practice is to offer an incentive payment to maintain exclusion fences, water systems and associated components (watering systems [wells, pumps, pressure tanks, pipelines, troughs, spring developments], livestock crossings, and hardened accesses) that together maintain land use change and/or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. This practice will maintain existing stream exclusion components to prevent direct deposition of livestock waste and protect stream banks and other water features such as: wetlands, intermittent springs, seeps, ponds connected to streams, sensitive karst features, and gullies adjacent to springs from damage by domestic livestock. While no minimum fencing standards are required, a fence shall exclude livestock from the water feature at all times during the life span of this practice. The stream exclusion fence must be a minimum of 35 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
2. The practice must not be in lifespan or under contract from any other conservation program. For practices originally installed through a program without a required maintenance lifespan, the practice may be considered eligible after it has been in place for the maximum current lifespan associated with the equivalent VACS practice. For practices originally installed through VACS in partnership with another program, the VACS lifespan shall be used to determine eligibility.

3. The maintenance and use of existing water systems (wells, pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stable livestock crossings, and controlled hardened accesses are required.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is not allowed as a management alternative during the lifespan of this practice.
5. The participant is responsible for inspecting and maintaining all fencing, watering systems (wells pumps, pressure tanks, pipelines, troughs, pond/stream pickups, and spring developments), stream crossings and hardened accesses 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.
6. This practice is subject to spot checks from District staff annually for the life of the practice.
7. This practice is eligible for re-enrollment.
8. All practice components implemented must be maintained for a minimum of five years following the calendar year of certification. The lifespan begins on Jan. 1 of the calendar year following the calendar year of certification of completion. By accepting a 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 a single payment of \$1.25 per linear foot of stream bank or water feature protected, as well as \$250 per trough, \$500 per stream crossing, and \$1,000 per water system. Payment will be made after a field visit by District staff documents all components are functioning as intended and any needed maintenance has been addressed.

The payment for the stream bank or water feature excluded will not include any area where livestock have access (i.e. hardened crossings).

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 2026<sup>5</sup>

Name of Practice: ~~WOODLAND BUFFER FILTER-  
AREARIPARIAN FORESTED BUFFER~~ VACS  
Program Specifications for No. FR-3

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's ~~Woodland Buffer Filter Area Riparian Forested Buffer~~ best management practice, which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice creates a ~~woodland buffer filter areariparian forested buffer~~ to protect waterways or water bodies by reducing erosion, sedimentation, and the pollution of water from agricultural non-point sources.

The purpose of this practice is to offer cost-share for tree establishment plus a per acre payment that will change land use and establish a forest buffer to provide stream bank protection and to control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality. This practice will also provide forest areas for the benefit of wildlife and aquatic environments.

B. Policies and Specifications

1. A Virginia Department of Forestry (DOF) forester will develop and/or approve a management plan (Form 7.8 or other plan), specifying the appropriate tree species before work is started.
2. Crop, hay and pastureland must have been in production for at least two out of the past five years. Forestland being replanted following timber harvest is not eligible.
3. Gullied or eroded areas shall be stabilized with a temporary or suitably durable grass cover until trees are established. Pure stands of fescue are discouraged due to tree establishment competition.
4. Grazing of livestock in the buffer is not permitted for the lifespan of the practice.
5. In any subsequent program year within the practice lifespan, a single replanting due to mortality losses from circumstances outside the control of the participant may receive cost-share on only the eligible component costs necessary to replant the site for the same acreage. In order to be considered for cost-share on replanting, the participant must notify District staff within six months of a suspected failure. District staff will review conditions and determine eligibility for replanting in consultation with Department of Forestry. See Practice Failure section of Guidelines for further clarification. Other sources of funding may be used for replanting.
6. Cost-share payments may not be authorized for land enrolled under the FSA Conservation Reserve Enhancement Program (CREP).

7. Cost-share payments are not authorized for Christmas tree production.
8. Filter efficiency may also be improved by the addition of low growing or ground cover vegetation. Herbaceous plantings/shrubs are encouraged to provide soil stabilization and provide long-term benefits for wildlife. Department of Forestry will recommend appropriate species.
9. This practice is subject to the density determined by a DOF forester in accordance with DOF Form 7.8.
10. The width of the ~~wooded-forested~~ buffer will be a minimum of 35 feet from the edge of the stream bank. The entire flood plain is eligible for planting, ~~not to exceed 100 feet~~ for a maximum of 300 feet. Eligible floodplain width may be determined by the 100-year floodplain based on FEMA Flood Insurance Rate Maps or a delineation completed by a licensed professional verified by DCR. If a floodplain is not delineated, the eligible width shall not exceed 300 feet.
11. All practice components implemented must be maintained for either 10 or 15 years, depending on the lifespan for which the participant signs up, as outlined in C.1. 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. Control of noxious and invasive plants to ensure the survival of the stand is the responsibility of the participant. 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 rate is 95% of the approved estimated cost or eligible actual cost, whichever is less, plus an establishment and maintenance 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, \$350 per acre for a 10 year lifespan, OR \$500 per acre for a 15 year lifespan.
2. Eligible component costs receiving the 95% VACS payment rate are as follows:
  - i. Site preparation – mechanical and/or chemical
  - ii. Labor
  - iii. Seedlings
  - iv. Seed for ground cover (Fescue is discouraged)
  - v. Herbaceous plantings/shrubs
  - vi. Protective Fencing
3. 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. The buffer payment rates shall be provided for a maximum of 15 acres:

<b>Lifespan</b>	<b>Buffer payment rate</b>	<b>Buffer payment cap</b>
15 years	\$80 per acre per year	\$18,000 per contract
10 years	\$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).

4. 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.
5. 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.

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~~2026

Name of Practice: ~~WOODLAND BUFFER FILTER AREA~~ RIPARIAN FORESTED BUFFER  
MAINTENANCE  
VACS Program Specifications for No. FR-3M

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's ~~Woodland Buffer Filter Area~~ Riparian Forested Buffer Maintenance best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice encourages the successful establishment of riparian forested buffers within their first three years by offering cost-share for management activities that help ensure tree survival. This includes the replacement of dead saplings/planted trees when necessary. Research and experience show that forest buffers that receive proper care and management during the first few years after planting have a higher success rate for establishment and land conversion to wooded habitat.

Buffer trees will benefit from reduced competition with surrounding vegetation, protection from damage, and removal and control of invasive species. Proper maintenance of riparian forest buffers will accelerate the ability of the buffer to protect water quality by filtering and removing pollutants like sediment and nutrients, as well as promote ecosystem services of the buffer and stream itself.

B. Policies and Specifications

1. This practice is intended to provide maintenance funding for riparian buffer plantings established either voluntarily, through private funding or through partnering with non-profit organizations. However, this practice may not be approved for maintenance of riparian buffers that are under a state or federal contract requiring buffer maintenance (e.g. VACS, EQIP, CSP, CREP). For example, state FR-3 contracts *require* the riparian buffer be maintained by the participant for a 10 or 15 year lifespan and offers additional financial assistance for replanting when necessary. Since maintenance is required within the FR-3, participants are not allowed to enroll in the FR-3M.
2. Participants that enroll in the FR-3M practice agree that their riparian forest buffer will also be enrolled in the VFR-3 practice if the buffer has not been reported to the Chesapeake Bay Program through another means.
3. A Virginia Department of Forestry (DOF) forester will complete DOF Form 84 to review the state of the existing buffer and provide management recommendations.

4. Eligible maintenance activities include:
    - i. Mowing between trees;
    - ii. Herbicide treatment of area around trees;
    - iii. Trimming/weeding around trees;
    - iv. Monitoring and removal of invasive plants;
    - v. Checking and maintaining tree shelters and stakes, includes survival checks;
    - vi. Removing bird nets from tree tubes;
    - vii. Replanting to replace dead trees;
    - viii. Establishment of ground cover (only if not required/paid for during tree planting);
    - ix. Additional activities included in an approved plan.
  5. The riparian forest buffer being managed through this practice must have been planted within the current program year or previous three calendar years.
  6. Gullied or eroded areas shall be stabilized with a temporary or suitably durable ground cover until trees are established if not required in the planting plan. Pure stands of fescue are discouraged due to tree establishment competition.
  7. Grazing of livestock in the buffer area is not permitted.
  8. Cost-share payments are not authorized for commercial tree or tree product production. Forestland being replanted following timber harvest is also not eligible.
  9. This practice is intended to maintain trees at the density specified in the buffer management plan.
  10. The eligible buffer area will be limited to the area specified in the DOF Form 84.
  11. This is an annual practice that may only be enrolled on the same buffer three times (for a maximum of three years of maintenance after the initial tree planting).
- C. Rate(s)
1. The VACS payment rate is \$350/acre toward maintenance activities as documented within the DOF Form 84. Payment will be issued only after the Virginia Department of Forestry certifies that the necessary management activities were conducted as prescribed.
  2. Participants may conduct management activities themselves rather than contract for management services.

3. 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.
4. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost will 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.

Revised April ~~2023~~2026

Name of Practice: STREAM EXCLUSION IN FLOODPLAINS  
VACS Program Specifications for No. SL-6F

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 practice is intended for use in areas prone to flooding where the producer wishes to retain usage of a portion of the floodplain and also protect exclusion fencing from destruction by flooding. 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 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.

4. A buffer of either (i) at least 35 feet or (ii) at least 50 feet must be established and physically delineated with readily visible posts, rods, signs, or some other identifiable method. This demarcation must remain in place for the lifespan of the practice and be repaired if damaged by flooding. The buffer area must be maintained as perennial species for the practice lifespan and cannot be fertilized. Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District. 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 area between the edge of the buffer and the exclusion fencing can be managed for hay and is not eligible to receive a buffer payment. Grazing (including flash grazing) of this area is not permitted. If at any time during the practice lifespan the participant is found to be grazing (including flash grazing) their livestock in this area, as documented by photographic evidence, the District shall require the repayment of the entire buffer payment (i.e. non-prorated).
  - i. This area is eligible to participate in other VACS Programs for hayland.
  
6. The intent of this stream exclusion practice is for the fields adjacent to the exclusion fence (on the non-stream side) 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 exclusion fence 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.
  
7. To protect stream banks, state cost-share and tax credit are authorized for:
  - i. 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.
- 8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. Soil loss rates must be computed for all applications for use in establishing priorities for receiving cost-share funds.

15. All permits or approvals necessary are the responsibility of the applicant.
16. 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.
17. 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:

<b>Minimum fence setback (from the top of streambank)</b>	<b>Lifespan</b>	<b>VACS payment rate</b>	<b>Buffer payment rate</b>	<b>Buffer payment cap</b>
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 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 2026<sup>4</sup>

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

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 if more than three new grazing units are created by the installation of interior fencing. 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. Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District. Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice.
  - 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 10 feet or (ii) at least 25 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 VACS payment rates are:

<b>Minimum fence setback (from the top of streambank)</b>	<b>Lifespan</b>	<b>VACS payment rate</b>
25'	15 years	75%
	10 years	70%
10'	15 years	65%
	10 years	60%

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.
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 2026~~5~~

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 if more than three new grazing units are created by the installation of interior fencing. 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. Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District. 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:

<b>Minimum fence setback (from the top of streambank)</b>	<b>Lifespan</b>	<b>VACS payment rate</b>	<b>Buffer payment rate</b>	<b>Buffer payment cap</b>
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.



Name of Practice: STREAM PROTECTION  
(FENCING WITH NARROW WIDTH BUFFER)  
VACS Program Specifications for No. WP-2N

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

A. Description and Purpose

This practice provides stream protection by fencing along all live streams or live water in a field to reduce erosion, sedimentation, and the pollution of water from agricultural non-point sources.

The purpose of this practice is to offer an incentive that will change land use or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for:

- i. Permanent fencing to protect streambanks from damage by domestic livestock. Cost-share may be authorized for fencing as a single eligible component that stands alone as a measure that will significantly improve water quality.
- ii. To provide access to water for livestock by installing livestock crossings that will retard sedimentation and pollution. When no other water source is feasible or exists, a controlled hardened access may be used to provide livestock access to the water. The installation of livestock crossings and controlled hardened accesses is limited to small streams. When required, permits must be obtained by the applicant from authorities before the practice will be approved.
- iii. Fencing, as a single eligible component, only if all of the following apply:
  - a. The minimum fence setback from the stream must be either (i) at least 10 feet or (ii) at least 25 feet, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses. Note: For stream protection projects with a buffer of 35 feet or greater, please use WP-2W.
  - b. Wetlands, intermittent springs, seeps and gullies adjacent to streams should be included in the buffer area. Isolated seeps, springs or wetlands may be fenced as well.
  - c. There is adequate natural or planted vegetation between the fence and the stream to serve as an effective filter strip to improve water quality.

2. 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. Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District.
  - i. When both sides of the stream are under the same ownership, livestock must be excluded from both sides of the stream.
3. The intent of this stream protection 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 pro-rated repayment per the Practice Failures section of the VACS Guidelines. If the fields adjacent to the buffer are converted to any other use during contract lifespan, those fields will be ineligible for any VACS Program funding until the stream protection practice lifespan expires or the pro-rated repayment has been made.
4. Cost-share and tax credit are not authorized for:
  - i. Boundary fencing if it is being used to bring new pasture into production. If the stream is the barrier currently confining the livestock, then fencing is allowed.
  - ii. Interior cross fencing that does not exclude livestock from the stream.
  - iii. Rebuilding of existing fence.
  - iv. Temporary fencing.
  - v. Hardened travel lanes that are not attached to a crossing or limited access.
5. 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 may not receive cost-share.
6. Wildlife, environmental, and livestock shade considerations must be given when designing the practice.
7. This is a one-time incentive payment not eligible for reapplication on the same site. Lifespan requirements can be waived if damaged by flooding.
8. Soil loss rates must be computed for all practices for use in establishing priority considerations.
9. This practice phase is subject to NRCS Standards 342 Critical Area Planting, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 575 Trails and Walkways and 578 Stream Crossing.
10. All practice components implemented must be maintained for a minimum of either

five years or 10 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 VACS payment rates are:

<b>Minimum fence setback (from the top of streambank)</b>	<b>Lifespan</b>	<b>VACS payment rate</b>
25'	10 years	70%
	5 years	65%
10'	10 years	60%
	5 years	55%

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, only the participant’s eligible out-of-pocket share of the project cost 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 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 2026~~3~~

Name of Practice:  
STREAM PROTECTION (FENCING WITH WIDE WIDTH BUFFER)  
VACS Program Specifications for No. WP-2W

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

A. Description and Purpose

This practice provides stream protection by fencing along all live streams or live water in a field, to reduce erosion, sedimentation, and the pollution of water from agricultural nonpoint sources.

The purpose of this practice is to offer an incentive that will change land use or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for:

- i. Permanent fencing to protect streambanks from damage by domestic livestock. Cost-share may be authorized for fencing as a single eligible component that stands alone as a measure that will significantly improve water quality.
- ii. Providing access to water for livestock by installing livestock crossings that will retard sedimentation and pollution. When no other water source is feasible or exists, a controlled hardened access may be used to provide livestock access to the water. The installation of livestock crossings and controlled hardened accesses is limited to small streams. When required, permits must be obtained by the applicant from authorities before the practice will be approved.
- iii. Fencing, as a single eligible component, only if all of the following apply:
  - a. The minimum fence setback from the stream must be at least 35 feet, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
  - b. Wetlands, intermittent springs, seeps and gullies adjacent to streams should be included in the buffer area. Isolated seeps, springs or wetlands may be fenced as well.
  - c. There is adequate natural or planted vegetation between the fence and the stream to serve as an effective filter strip to improve water quality.

2. The buffer must be maintained as perennial species for the practice lifespan. Regardless of the actual installed exclusion fence location, timber harvesting is not allowed within the minimum fence setback as approved for the practice, unless otherwise approved by DCR, DOF, and the District. 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 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.
3. The intent of this stream protection 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 pro-rated repayment per the Practice Failures section of the VACS Guidelines. If the fields adjacent to the buffer are converted to any other use during contract lifespan, those fields will be ineligible for any VACS Program funding until the stream protection practice lifespan expires or the pro-rated repayment has been made.
4. Cost-share and tax credit are not authorized for:
  - i. Boundary fencing if it is being used to bring new pasture into production. If the stream is the barrier currently confining the livestock, then fencing is allowed.
  - ii. Interior cross fencing that does not exclude livestock from the stream.
  - iii. Rebuilding of existing fence.
  - iv. Temporary fencing.
  - v. Hardened travel lanes that are not attached to a crossing or limited access.
5. 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 may not receive cost-share.
6. Wildlife, environmental, and livestock shade considerations must be given when designing the practice.
7. This is a one-time incentive payment not eligible for reapplication on the same site. Lifespan requirements can be waived if damaged by flooding.
8. Soil loss rates must be computed for all practices for use in establishing priority considerations.
9. This practice phase is subject to NRCS Standards 342 Critical Area Planting, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 575 Trails and Walkways and 578

Stream Crossing.

10. All practice components implemented must be maintained for a minimum of either five years or 10 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:

<b>Minimum fence setback (from the top of streambank)</b>	<b>Lifespan</b>	<b>VACS payment rate</b>	<b>Buffer payment rate</b>	<b>Buffer payment cap</b>
35'	10 years	80%	\$80 per acre per year	\$12,000 per contract
	5 years	75%	\$80 per acre per year	\$6,000 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, only the participant's eligible out-of-pocket share of the project cost 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 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.



MATRIX OF DCR INTERNAL RECOMMENDATIONS FOR CALENDAR YEAR 2025 (CY25) TAC					
Item #	Ag. BMP	Suggestion to the TAC	DCR Recommendations	DCR Supports	FY2027/2028
1D		<p>Develop a mechanism or approval process for Districts to request increases for carryover practices. Historically, Districts could keep a percentage of their allocation which would cover unexpected cost overruns such as dry wells that cannot be planned for during the planning process. Currently, Districts are only able to keep funding that is allocated to a specific project which means the only way Districts can keep funds for unexpected costs is to put contingency funds on projects. These contingency funds range from 5-20 percent of the total costs depending on the project, which greatly inflates the cost share amounts and results in significant funds being tied up on projects that will never be used for conservation. These funds will ultimately be returned to DCR and will not be put on the ground. Districts are doing this because they have no other way to get additional funds for carryover projects once the fiscal year ends and VACS money is returned to DCR.</p> <p><i>Deferred in CY24</i></p>	<p>Returned funds are not a concern for DCR as they are reallocated. The Department continues to recommend that Districts build in approximately 10% buffer to their cost estimates. DCR also recommends updating the VACS Guidelines section regarding additional cost-share for unforeseen circumstances:</p> <p><i>When funds are available, District Board action may approve such requests for additional cost-share on an individual basis throughout the Program Year and only for those practices installed during the same Program Year. <u>If District funds are not available, the District may inquire with DCR about availability of other funding sources to address unforeseen conditions.</u></i></p>		
2D		<p>Develop a form for the death of a participant to transfer a practice to an heir for after practice completion or during construction phase. The current forms can be used but don't cleanly fit that situation.</p>	<p>Add to the instructions for completing a BMP transfer:</p> <p><u><i>If the original participant has passed away, 'deceased' should be written on the present participant's signature line.</i></u></p>		
3D		<p>Update Contract Part I to specify that the address provided on the Part I must match the address on the W-9.</p>	<p>Update Part I with a note in the Address field: <i>must match W-9</i></p>		

MATRIX OF TABLED INTERNAL RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
4D		Why are resource concerns required to be ran on CCI projects? Components mapped as existing still show up as resource concerns on the report. Please remove the requirement that resource concerns be ran on CCIs.	The resource review guidelines were updated for PY26 to designate maintenance practices, including CCIs, as only requiring review when ground disturbing work is occurring to install new components or maintain existing components. The distinction between existing vs. proposed/new components for the purpose of resource reviews is requested to be addressed with the new CAS.
5D		Suites of specs should be reviewed at a regular interval to maintain consistent language amongst specs. Historical notes available to district staff would be beneficial for understanding progression of specs and intent behind changes.	New TAC rules implemented in CY25 include review of all practices on a three-year schedule. Updates to specifications are also addressed through the normal TAC process of suggested changes. TAC minutes and historical VACS manuals are publicly available.
6D		Propose a multi-year pilot program in the Colonial SWCD to utilize remote sensing capabilities to measure performance of winter cover crops enrolled in the VACS program.	Already in progress (outside of VACS).
7D		Request Small herd eligibility requirements be changed to \$1000 of gross revenue for at least 3 of the last 5 years and a minimum 5 contiguous acres in agronomic production with a maximum animal unit cap of 50 units open to all classes of grazing livestock.	The parameters of the Small Herd Initiative are based on the potential future legislative requirement to install exclusion practices, which is specific to properties where 20 or more bovines are pastured.
8D		Establish a BMP specifically for rotational grazing.	Rotational grazing is or can be incorporated into existing VACS practices (SL-6N/W, SL-7, SL-10) for both infrastructure and management.
9D		For bills/receipts/invoices turned in on VACS percentage projects, could more detail be added to the language in the program manual as to what the requirements for these are, such as the amount of detail that needs to be on the bills and invoices and the differences between work billed or invoiced through a contractor as opposed to a participant self-installing their own practice. More detail would be appreciated since practices are subject to audit and would allow districts to be consistent across the state and be able to clearly communicate to participants what is expected.  Revise manual language ("Copies of all of the bills/invoices of eligible components submitted by the participant") to allow participants to submit a handwritten invoice for construction materials they may already have on hand, and/or for their own labor if installing their own practice. Currently, a handwritten invoice is allowed for a "Contractor". This invoice rarely contains	VACS Guidelines were updated for PY26 to add detail about documentation requirements. Training was provided on this topic during PY26 updates. Percentage-based cost-share payments and tax credits are based on the participant's eligible expenses to implement the practice. The VACS program has an obligation to verify that the expenses used to determine cost-share or tax credit are accurate and eligible, which is accomplished by obtaining documentation for those expenses. Existing VACS guidelines allow participants to document and claim their own labor and on-hand materials.

<b>MATRIX OF TABLED INTERNAL RECOMMENDATIONS</b>			
<b>Item #</b>	<b>Ag. BMP</b>	<b>Suggestion to the TAC</b>	<b>Reason for Tabling</b>
		individual receipts for materials purchased for the job. It typically consists of a price per foot of a particular component and is tallied up for a final installation cost. Clinch Valley SWCD is seeing a decline in contractors available for the installation of BMPs. We are seeing more participants choosing to perform their own work. Not only is a participant able to control the construction timeline but are also able to ensure that quality work is performed. We feel the participant should be allowed to follow a format like that of a contractor's invoice and reflect the fair market value of the materials used and their labor. Also, for the districts keeping track of a literal stack of receipts, this will help with "cleaner" project folders. Often the ink used for printing receipts does not remain legible and will fade over time. Also, photocopying dozens of individual receipts further degrades their legibility.	
<b>10D</b>		Promotion and Education: DCR should do more to promote this practice [forested riparian buffers] and educate SWCD staff in creative ways to implement. Most importantly, additional training is needed in conjunction with VDOF on specific practice parameters such as site conditions, maintenance requirements, etc. In addition, DCR should promote the compatibility of FR-3 with other practices such as SL-6. In preparing this document, several SWCD were interviewed about their use of FR-3. Many were reluctant to promote it, except in "easy" situation such as cropland or hay land. Concern was expressed in pasture situations for SL-6, that any existing trees, no matter how sparse, prevented the establishment of a FR-3. SWCD staff were installing the stream exclusion, but then working with the producer to get trees from other source or letting the area re-forest naturally. For fear of doing the wrong thing under DCR standards, they were doing nothing to encourage proper forest buffers. DCR could work with VDOF to determine a minimum stocking rate for existing vegetation (stem per acre) and encourage adoption of a FR-3 in the existing tree density is less.	Site assessment duties should be largely handled by DOF as the technical authority for FR-3 (evaluating site conditions/suitability, including existing vegetation). DCR has provided training to SWCD staff on combining FR-3 and SL-6 practices. Other sources of tree planting and natural revegetation are acceptable and not discouraged by DCR.
<b>11D</b>		Incorporate approval of tax credit into the Part III so that approving tax credit upon practice completion does not require another Part II to be generated/signed.	Incorporating the additional data fields and signature blocks for approvals into the Part III would lengthen and complicate the Part III, and would be a potential source of confusion as those fields/signatures would not be used for most practices.

<b>MATRIX OF TABLED INTERNAL RECOMMENDATIONS</b>			
<b>Item #</b>	<b>Ag. BMP</b>	<b>Suggestion to the TAC</b>	<b>Reason for Tabling</b>
		Consider removing the requirement for sending the written notice for practices not maintained or destroyed during lifespan via certified mail. The expectation that the notice be sent certified is not practical for participants. It should be sufficient that staff have a conversation, document and follow up with a written notice sent via regular postal mail. It may be practical to send the written notice with tracking (not certified) in the event that staff are not able to reach the participant via phone.	Sending the written notice by certified mail provides proof of receipt, which can be critical for enforcing repayment requirements.

Name of Practice: SHORELINE STABILIZATION  
VACS Program Specification for No. SE-2

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's agricultural Shoreline Stabilization practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

Structures and/or vegetative measures will be designed and implemented to stabilize shoreline areas of tidally-influenced streams and rivers, estuaries, bays, and the ocean.

The purpose of this practice is to improve water quality by stabilizing shoreline areas that are being eroded because of waves, boat wake, or overland flow.

B. Policies and Specifications

1. Cost-share and tax credit are authorized:

i. For land shaping to achieve a stable slope.

ii. For the construction of riprap revetments, sills (riprap or oyster shell bags), groins, break-waters, and gabion systems.

iii. Sand fill needed to stabilize sills and breakwaters and provide suitable substrate for the establishment of vegetation.

iv. For the establishment of vegetation. New vegetation must maintain a cover of 85% or more. Spot treat invasive species to maintain density to less than 5% cover.

v. For engineering and design assistance.

vi. For shorelines bordering only agricultural lands. Other lands such as recreational, urban and built-up or residential lots are not eligible.

vii. For tidally-influenced waters only.

2. Cost-share and tax credit are not authorized:

i. For living shorelines on sites with a fetch greater than 5 miles.

ii. For beach replenishment or fill that is not required to stabilize structural measures or for establishment of vegetation.

~~2. To qualify for cost-share and/or tax credit, all designs must be reviewed by DCR's Shoreline Erosion Advisory Service (SEAS) and meet the intent of SEAS program guidelines.~~

3. All appropriate local, state, and federal permits must be obtained before cost-share or tax credit is authorized.

~~4. This is a one-time incentive payment and not eligible for reapplication on the same site. Lifespan requirements can be waived if damaged by acts of nature.~~

~~5.4.~~ Livestock must be excluded from the project area.

~~6.5.~~ This practice is subject to the requirements of applicable NRCS Standards including 342 Critical Area Planting, 580 Streambank and Shoreline Protection, 382 Fence, and 612 Tree/Shrub Establishment.

~~7.6.~~ All practice components implemented must be maintained for a minimum of 15 years following the calendar year of certification of completion. The lifespan begins on Jan. 1 of the calendar year following the year of implementation. 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 ~~or SEAS~~ 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 will not exceed 75% of the approved estimated cost or eligible actual cost, whichever is less, of all necessary components needed to implement shoreline stabilization.
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.
3. 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.

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~~2026

### ***Recommended revisions to the VACS BMP Manual for FY2027 - Guidelines***

The Department has made editing revisions throughout this section to update dates and to correct spellings, punctuation, and formatting errors. Below are the key revisions made to the Guidelines section of the AgBMP Manual.

- Update Program Year references from 2026 to 2027 throughout the Guidelines.
- Update references to the NPS assessment information (II-7 and II-12).
- Revised naming of FR-3 and FR-3M throughout the Guidelines to reflect TAC suggestions (*Riparian Forested Buffer*).
- Page II-31; revised language to refer to the VACS lifespan rather than 10 years to reflect that there practices have varying lifespans.
- Page II-33; language has been added to allow Districts to coordinate with the Department regarding the availability of funds to address unforeseen circumstances; this will allow funding to be provided, if available, for projects that are under construction.
- Page II-33 – II-35; revisions have been made to the variance procedures to reflect the suggestions approved by the TAC.
  - Department recommendation: clarification that if changes are necessary after a variance has been approved, the changes must be submitted to the Variance Committee for review:
    - *Approval of a Variance is specific to the practice information and supporting documentation as reviewed by the DCR Variance Committee. If changes are made to practice details or supporting documentation after a variance is approved, the changes must be submitted to the Agricultural Incentives Program Manager for review by the DCR Variance Committee to confirm that the revised practice still meets the above criteria, regardless of whether additional cost-share is requested.*
- Page II-37-II-38; revisions have been made to the bid process to reflect suggestions approved by the TAC.
- Pages II-44-II-45; revisions have been made to the practices eligible for 1 or 2 year practice completion dates (carryover status) to reflect suggestions approved by the TAC.
- Pages II-52-53; language has been added to address completion of a transfer of responsibility form when the original participant is deceased.
- Clarify that if changes are necessary after a variance has been approved, the changes must be submitted to the Variance Committee for review:
  - *Approval of a Variance is specific to the practice information and supporting documentation as reviewed by the DCR Variance Committee. If changes are*

*made to practice details or supporting documentation after a variance is approved, the changes must be submitted to the Agricultural Incentives Program Manager for review by the DCR Variance Committee to confirm that the revised practice still meets the above criteria, regardless of whether additional cost-share is requested.*

\*NOTE – There are some page numbers that are not formatting correctly. This is a result of using track-changes to show the recommended revisions to the Manual; it will be corrected once the final version of the Manual has been approved by the Board.

# VIRGINIA AGRICULTURAL BMP COST-SHARE (VACS) PROGRAM GUIDELINES

## Overview

This Program provides cost-share and technical assistance to landowners and agricultural operators that voluntarily install selected BMPs. The Guidelines set out in this section complement the policy and procedural direction provided in Section I of this guidance document and should be taken together in implementing the Program and its associated BMPs.

## Program Eligibility Requirements

Program eligibility requirements are provided in **Section I**. Any financial records supplied by an applicant to verify eligibility will not be duplicated or retained by the District. Participation in Virginia's cost-share or tax credit program does not convey the public's right to access the participant's property.

## Definition of Applicant

All individuals at least 18 years of age and privately held business entities operating agricultural land within the boundaries of the Commonwealth of Virginia are eligible to apply and participate in the Virginia Agricultural BMP Cost-Share Program. Any individual, landowner, agent, operator of record, or business entity who is determined to have knowingly misrepresented its compliance status with the VACS Program to a District or District Representative may, upon a determination of a Board of District Directors, not be considered an “applicant” for a period of at least one (1) year but no more than five (5) years. In rendering such a determination, and after consulting with the Office of the Attorney General, the Board of District Directors shall evaluate all available evidence in a public meeting and any related resolutions must be passed by a majority vote of a quorum of District Directors. When an individual or entity operates land not within the boundaries of a Soil and Water Conservation District, the District that has the landowner’s hydrologic unit listed in this Manual will administer the program to the landowner. Land owned and managed by municipalities or other federal and state governmental agencies or partitions thereof are **not eligible** to receive Virginia cost-share assistance. Lands located outside of the state are **not eligible** unless a portion of the field or site in need of treatment lies within Virginia's boundary, in which case the entire field or site in need of treatment is eligible.

District service areas approved by the Virginia Soil and Water Conservation Board have historically followed county borders. Agricultural fields may cross county borders and therefore a field may exist in more than one District. Additionally, there may be discrepancies as to which District a given parcel resides in based upon tax parcel maps, boundary surveys, or other bona-fide documentation. In 2016, DCR reviewed county boundaries and tax parcel boundaries and adjusted some county boundaries to better follow legal tax parcel maps. For the purposes of this cost-share program only, Districts are urged to utilize the county boundary layer available in the AgBMP Tracking Module to determine the District that will administer the Virginia Agricultural BMP Cost-Share Program. Absent clarity of cost-share oversight authority for a given field from

the revised boundary layer map, the District having the largest amount of acreage within its boundaries should administer the Program for the entire field. Alternatively, if neighboring Districts can cooperatively agree to utilize other existing boundary determination methodologies, those sources may be utilized.

Districts are expected to work within their designated service area. However, for cover crop and nutrient management practices with one-program year completion dates, Districts may take applications outside of their service area provided that the District where the practice is located has agreed to the arrangement through formal Board action. This agreement must occur before the practice can be approved by the District taking the application. All other types of practices must be signed up with the District that serves the practice location. Practices with components that cross District service areas, such as stream exclusion practices, may be signed up with either District. Pilot practices may only be signed up within the service area of the District participating in the Pilot.

Districts will establish local water quality considerations (see Secondary Considerations) to serve as guidance for determining which applications will receive cost-share and tax credit approvals. These considerations must be consistently administered when considering any BMP for approval.

Cost-share payments are made to the entity (by social security or federal tax identification number) that applies and signs the request form to participate in the program. The applicant must have a current federal W-9 tax form on file with the District to assure that correct tax information for the applicant is available for reporting purposes. Districts will issue cost-share and/or state tax credits, as well as IRS 1099 tax forms, to applicants based upon W-9 data on file with that District. The VACS Program only allows Districts to issue two-party or co-payee (two payee signatures required) cost-share checks to lending institutions. For participants in the Virginia Department of Environmental Quality's Agricultural BMP Loans Program, DCR has approved an Assignment of Payment Form which, if signed by the applicant, allows the cost-share payment to be sent directly to the Virginia Resource Authority. In such situations, the applicant will still receive the IRS 1099 tax forms.

Applicants may self-certify that they meet the eligibility criteria set out in Section I. A self-certification form is included in the Glossary and Forms section of the BMP Manual. Districts may request that applicants provide proof of agricultural production.

When an applicant agrees to implement the approved BMP for the specified lifespan, the applicant is responsible for that BMP regardless of changes in the control of the land including the sale of the property as well as any change in farm lease arrangements. Maintenance agreements between the involved parties can be encouraged, but ultimate responsibility still rests with the applicant. Districts may choose to encourage landowner participation over tenant participation in their information and promotional campaigns.

Failure to maintain the practice for the specified lifespan will result in the applicant being required to refund all or part of the state-provided cost-share and/or tax credit amount. In the

case of the death of the participant, this requirement may be waived. This waiver requires an official action of the District Board that must be recorded in the minutes.

#### Authority for Officers and Employees or Immediate Family Members of an Officer or Employee of Districts to Participate in the VACS Program

The State and Local Government Conflict of Interests Act (COIA) provides an exception to the prohibition against officers and employees of or an immediate family member of an officer or employee to engage a contract with the officer or employee's employing agency.

As of July 1, 2017, contracts are allowed between an officer, an employee, or an immediate family member of an officer or employee of a District to participate in the Virginia Agricultural Best Management Practices Cost-Share Program or to participate in other cost-share programs for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements to provide services for implementation of a cost-share contract established under the Program or other such cost-share programs. A District Director or employee cannot lawfully enter into a contract with a program participant to provide services for the cost-share practice.

#### History

The VACS Program originated in 1984 with a small number of eligible BMPs and has continually added and revised BMPs in response to ever changing non-point source pollution and agricultural issues. Many of these changes have been influenced by the agricultural non-point source research and BMP development priorities of the Chesapeake Bay Program. For many years, the VACS Program provided funds for the demonstration of BMPs and the education of agricultural operators about innovative management and conservation methods.

The VACS Program continues to evolve with ever increasing emphasis on the implementation of agricultural BMPs in locations that provide the greatest nutrient and sediment reductions for the taxpayer's dollar spent. This focused program mission requires an understanding and commitment by all of those that have a role in program outreach and implementation. Cost-shared BMPs must maximize nutrient and sediment reductions and also protect the taxpayer's interest, by implementing the most cost-effective BMPs possible in locations that achieve the greatest pollutant reductions on a field-by-field basis. Program implementation should be based upon sound conservation planning and best professional judgment.

The 1987 Chesapeake Bay Agreement committed the Environmental Protection Agency (EPA) in collaboration with Pennsylvania, the District of Columbia, Maryland, and Virginia to reduce by 40%, nutrient inputs to the Chesapeake Bay. Virginia has historically supported the Chesapeake Bay restoration effort through program participation, the development of compatible agricultural BMPs, and by dedicating certain funding streams to address identified Bay and tributary non-point source (NPS) pollution issues. The inclusion of the Chesapeake Bay on the federal list of impaired waters and the development of Virginia's Chesapeake Bay Watershed Implementation Plan (WIP) has increased Virginia's efforts to further reduce

agricultural non-point source pollution.

### Historical Cost-Effective Practices

In December of 2004, the Chesapeake Bay Commission (CBC) published a booklet entitled “Cost Effective Strategies for the Bay.” An analysis of BMP applicability, practice cost-effectiveness, and the availability of land to implement the BMPs has identified practices that have the potential to deliver the largest nutrient and sediment reductions for the least cost to the taxpayer. Virginia identified Nutrient Management Plan Writing and Revisions NM-1 (now NM-1A), side dressing and split nutrient applications, (NM-3C, NM-4), Cover Crop practices, (SL-8, SL-8B, SL-8H, and WQ-4), along with Long Term Vegetative Cover on Cropland (SL-1), and High Residue Tillage Systems (SL-15A, SL-15B) as the “most cost-effective BMPs” available through the VACS Program at that time. Since the identification of this initial list of BMPs, precision nutrient management (NM-5N and NM-5P), livestock exclusion practices (SL-6), as well as riparian buffer practices (FR-3) have been added to the list.

To maximize Virginia’s return on stakeholder time and taxpayer funding, as well as to increase cost-effective nutrient and sediment reductions, the above BMPs should be actively promoted by Districts and implemented wherever agricultural land operators are willing to have them applied. Cost-share allocations will be provided to Districts to obligate in the Chesapeake Bay (CB) or Outside of the Chesapeake Bay (OCB) drainage basin as the local District Board believes will best benefit local water quality.

### VACS Program Funding Sources and Interest Income Earned

The primary source of funding for the VACS Program is from deposits made to the Water Quality Improvement Fund (WQIF) or directly to the Virginia Natural Resources Commitment Fund (VNRFCF), a sub-fund of the WQIF created in 2008 to specifically support implementation of agricultural BMPs. The General Assembly has declared that the purpose of the funds deposited to the WQIF is to provide water quality improvement grants to local governments, Soil and Water Conservation Districts, state agencies, institutions of higher education, and individuals for point and non-point source pollution prevention, reduction, and control programs. The 2010 Virginia General Assembly authorized an increase in the real estate recordation fee collected for recording land transactions. These additional locally collected fees are deposited in the VNRFCF on a monthly basis. The projected recordation fee revenues are collected each fiscal year along with any other General Fund, WQIF, and VNRFCF deposits, as specified in the Appropriations Act, for implementation of agricultural BMPs.

Other funds from state and federal sources may support the Program and may include monies from federal grants. Some Districts also administer other grant programs or locally funded agricultural incentive programs to encourage owners and operators of agricultural lands to apply BMPs that control sediment, nutrient loss and the transport of pollutants, or protect the health of riparian and aquatic ecosystems, and improve the quality of state waters. Many Districts administer multiple conservation programs focused on the reduction of surface runoff, erosion, leaching, bacterial contaminants, and inadequate animal waste management.

Distributions from sources identified above are set out in Section I and Districts are provided with details about funding allocations at the beginning of the state fiscal year. Details describing administrative and programmatic deliverables are documented in grant agreements signed by DCR and District Boards of Directors.

Program funds will be administered based upon signed cost-share grant agreements. DCR generates the cost-share grant agreement itemizing DCR and District deliverables associated with VACS Program implementation. Districts may supplement the cost-share funds provided by DCR with District funds and/or other sources that may be available to them. However, any cost-share funds issued by DCR to Districts are dedicated to the implementation of VACS practices. Districts must abide by these program guidelines when using these funds. Funds for implementing VACS BMPs in the CB drainage basin and OCB drainage basin shall be managed separately as the proportion of the overall funds for use within each drainage basin is controlled by the Code of Virginia and Appropriations Act language.

All interest monies earned on cost-share funds issued to each District by DCR must be used solely for cost-share purposes. Interest monies may be devoted to reasonable program expenses such as fees charged for bank services that are related to VACS Program monies. Ideally, the interest income earned is dedicated to additional approved VACS BMPs.

#### Cost-Share Program Funding Allocations

Districts are provided funds for the VACS Program designated to be spent in the Chesapeake Bay (CB) or outside of the Chesapeake Bay (OCB) drainage basins to encourage implementation of BMPs in high-priority hydrologic units in accordance with Section I. District locations are illustrated on the map found in the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost Share and Technical Assistance Funding Allocations*. Districts should approve and obligate funds emphasizing identified high-priority watersheds and site-specific cost-effective BMPs in accordance with minimum statewide or priority considerations and approved secondary or local water quality considerations to provide the greatest nutrient and sediment reductions at the least cost to the taxpayer.

Conservation District Coordinators (CDC) will confer with District staff at least quarterly to determine their projected needs for cost-share payments for completed and certified BMPs. CDCs will generate a disbursement letter based upon their District's projected ninety-day needs and AgBMP Tracking Module data showing approved and completed practices.

#### Reallocation of VACS Cost-Share Funds

Details regarding the reallocation process may be found in the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations* as well as the *Department of Conservation and Recreation and Virginia Soil and Water Conservation District Cost-Share and Technical*

*Assistance Grant Agreement.*

### Technical Assistance Funding

Details regarding the allocation for technical assistance funds to Districts may be found in the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations* as well as the *Department of Conservation and Recreation and Virginia Soil and Water Conservation District Cost-Share and Technical Assistance Grant Agreement*.

### The State and Local Government Conflict of Interests Act

The State and Local Government Conflict of Interests Act (COIA), Va. Code § 2.2-3100 et seq., prohibits a range of behavior relating to impermissible conflicts. COIA, along with federal corruption statutes, applies to public officials and employees of the Soil and Water Conservation Districts. The law provides for both civil and criminal penalties for violations. District officers and District employees who question whether certain conduct would violate COIA should ask legal counsel at the Office of the Attorney General for an opinion and may rely on such advice as a shield to prosecution pursuant to Code § 2.2-3121.

Officers and staff should review COIA. This guidance does not serve as legal advice or a substitute for a review of COIA. For example, a potential conflict of interest exists when an District Director or District staff person (or an immediate family member) has a material personal interest, either direct or indirect, in an application for cost-share or tax credit being considered by a Board of Directors (BOD), or by a committee of the BOD, on which the affected Director or staff person participates, that will discuss or decide if the cost-share or tax credit application is approved. There are many other possible examples including supervising family members who are on staff or securing a contract with the District other than a contract for employment.

When a possible conflict of interest is identified, the Director or staff person must disclose to the Board or other committee members the material facts as to their personal interest in the transaction or in any corporation, partnership, association or other organization that may receive financial benefit as a result of the decision of the BOD or committee.

After disclosure of the possible conflict of interest, the Director or staff person (interested individual) shall leave the room prior to the discussion of the application. The interested individual shall not participate in any discussion or in making any decision or recommendation associated with the application. Such action by the interested individual shall be noted in the minutes of the BOD or committee. The interested individual may return to the room and resume participation in the proceedings once all discussions have concluded and all decisions or recommendations rendered pertaining to the application.

### Participant Recruitment, Application Ranking, and BMP Approval

The Virginia Agricultural BMP Cost-Share Program gives Districts the responsibility to

determine the recipients of state cost-share funds. Districts recruit and evaluate applications which result in improved water quality. Recruitment involves the establishment of local District criteria, which are important for several reasons. Selection of criteria which address local water quality ensures that the water quality benefits from this program are maximized. Clearly understood priorities make the approval process much easier and minimize possible misunderstandings.

Districts should recruit participants from hydrologic units in descending priority, first recruiting participation of lands within high-priority hydrologic units. Cost-share requests in medium or low-priority hydrologic units may be considered for funding after high priority hydrologic units have been addressed. A District may shift recruitment efforts from a higher priority hydrologic unit to address a specific site-related water quality problem, such as a Total Maximum Daily Load (TMDL), that can be resolved utilizing available BMPs.

The objective of the VACS Program is to prioritize and address water quality problems. The ~~2024~~2026 agricultural non-point source ranking of the units of the Virginia National Watershed Boundary Database (NWBD) currently provides the most accurate identification, at a landscape scale, of the lands with the greatest potential to contribute agricultural non-point source pollution into Virginia's rivers and streams. These rankings are excerpted from the Virginia Department of Conservation and Recreation's Agricultural Non-Point Source Pollution Assessment (NPS Assessment).

Factors in this NPS Assessment which affect the amount of nutrient loads reaching water from agricultural lands include the erodibility of the soils, types of agricultural practices, types and numbers of farm animals, land cover, stream density, rainfall, seasonal variations in plant growth and nutrient applications, existence and type of agricultural BMPs, manure use, soil saturation, and slope.

Districts should recruit applicants for whom BMP implementation will reduce the greatest amount of nutrient, sediment, and other identified contaminants, while utilizing the least amount of cost-share funds to address site-specific water quality problems in the highest priority watersheds. The District Board should annually review and establish recruitment guidelines. Recruitment guidelines and Secondary Considerations should be District Board-approved several months before the VACS Program Year begins on July 1. Districts may find it valuable to hold public meetings and allow public comment and input in developing these criteria. The District should advertise approved VACS Program ranking criteria and make participants aware of changes in guidance which may impact them.

Districts are strongly encouraged to conduct recruitment of program participants on a continuous basis, thus identifying future funding needs.

Approval of VACS Program funding requests is the responsibility of the local District Board of Directors. All actions taken must be voted upon and the outcome recorded in the minutes of the meeting where such action is taken. Districts should be prepared to verify and document that their cost-share allocations are being spent in accordance with the Priority and Secondary

Considerations and according to administrative guidance published in this Manual.

Priority Considerations (Statewide Water Quality Considerations)

These must be used by all Districts to qualify cost-share applications for funding approval consideration by the District Board. Any application that does not meet at least one of these priority considerations discussed below should not receive funding:

1. Priority must be given first to candidates in the highest ranked hydrologic units. See Pages II-56 for the NWBD unit list and the Policy section for rankings. Multi-county Districts may select a priority hydrologic unit from each county for recruitment. Descending priority would be given to those in units ranked “medium”, and then units ranked “low”.
2. Districts should prioritize the implementation of appropriate BMPs that will reduce the greatest amount of nutrient and sediment contamination while utilizing the least amount of cost-share funds to address site-specific water quality problems in identified high priority hydrologic units with all program cost-share funds.
3. Applications for cost-share funding that are located within a designated NPS impaired waters drainage area (identified as Impairment Type in the AgBMP Tracking Module mapping) shall be prioritized for funding of practices that reduce the identified impairment type (nutrient, bacteria, septic).
4. Applications for cost-share funding on fields that are at least 1/3 HEL (Highly Erodible Land) soils receive priority.
5. Applications for cost-share to implement BMPs that are within an approved Virginia Resource Management Plan management area will also receive priority consideration over similar BMPs outside of the management area. The AgBMP Tracking Module will automatically calculate a 10% reduction in the CEF score for these BMPs.

Exceptions to the priority considerations may be made for animal waste management practices and for actions taken to protect groundwater, gully erosion, or critical areas. The following list of practices are priorities and do not need to meet any other priority consideration in order to be eligible for cost-share funding:

FR-3	<del>Woodland Buffer Filter Area</del> <u>Riparian Forested Buffer</u>
NM-1A	Nutrient Management Plan Writing and Revisions
NM-5N	Precision Nutrient Management on Cropland – Nitrogen Application
NM-5P	Precision Nutrient Management on Cropland – Phosphorous Application
SL-6F	Stream Exclusion in Floodplains
SL-6N	Stream Exclusion with Narrow Width Buffer and Grazing Land Management
SL-6W	Stream Exclusion with Wide Width Buffer and Grazing Land Management
SL-8B	Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management

SL-8M	Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management with Fall Manure Application
SL-11	Permanent Vegetative Cover on Critical Areas
WFA-CC**	Whole Farm Approach – Cover Crop Bundle
WFA-NM**	Whole Farm Approach – Nutrient Management Bundle
WP-1	Sediment Retention, Erosion or Water Control Structures
WP-3	Sod Waterway
WP-4	Animal Waste Control Facilities
WP-4B	Dairy Loafing Lot Management System
WP-4C*	Composter Facilities
WP-4FP*	Feeding Pad
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations
WP-4LL	Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage
WQ-1	Grass Filter Strips

\*WP-4C and WP-4FP may only be treated as priority practices if they are a part of a combined contract that also funds an SL-6N, SL-6W, or WP-4.

\*\*WFA-CC and WFA-NM are only available to select Pilot Districts in Program Year 202627.

### Secondary Considerations (Local Water Quality Considerations)

Any VACS application which qualifies for funding using primary considerations should then be ranked against a list of Secondary Considerations. Secondary Considerations are utilized by Districts to prioritize applications that address locally-identified water quality concerns. Secondary Considerations should be narrative statements that can be easily understood by any potential participant.

The District Board must identify their local water quality concerns and then develop and approve a list of Secondary Considerations ranking criteria which give priority to those applications which would address those water quality concerns. The Secondary Considerations adopted by a District must be submitted to the Agricultural Incentives Program Manager for review and approval before any cost-share applications are approved. Once approved and accepted, each District will be expected to adhere to these guidelines when authorizing practice approvals for the entire fiscal year. Revised Secondary Considerations may not be implemented until the beginning of the next fiscal year. After such guidelines are in place, VACS recruitment by staff may begin in accordance with the expressed priorities.

The list of criteria adopted as Secondary Considerations by each Board may be as extensive as each District deems appropriate. Districts may choose to develop separate Secondary Considerations for each priority hydrologic unit. Districts may select a combination of these or other factors that will be followed to determine program participants and prioritize funding:

- Fields with a high leaching index or other major impacts upon groundwater (such as sinkholes).

- Land with an existing Conservation Plan, which includes the requested VACS practice.
- Applications with the lowest Conservation Efficiency Factor (CEF) when compared to other applications for the same practice.
- Applications with the highest percentage of a total Conservation Plan that will be implemented.
- Applications with the largest number of acres of Conservation Plan to be implemented.
- Applicants with a history of successful participation in conservation programs. Successful participation means completing previously approved practices within the time frame identified by the District or maintaining previously installed practices within specifications throughout its lifespan, etc.
- Applications that will exclude the highest density of livestock (defined as the number of 1,000 lb. animal units excluded per linear foot of stream bank protected).
- Applications to implement practices that will reduce contaminated runoff into source water for public drinking water.
- Applications that will protect identified Healthy Waters (based upon INSTAR data).

Additionally, Districts within the Chesapeake Bay basin shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan. Districts outside of the Chesapeake Bay (OCB) basin shall give priority to BMPs in the highest priority agricultural non-point source hydrologic units (as ranked by DCR; high, medium, and low).

#### Average Cost Lists

Each year, Districts shall develop an Average Cost List for components (e.g. Fence, Pipeline) of commonly used practices within their District, as well as a contingency plan for handling costs for components not included on the list. There may be a statement at the bottom of the Average Cost List that notes the District will use the NRCS Average Cost List for unlisted components.

Average Cost Lists shall be reviewed annually and shall be formally approved by the District Board prior to any VACS cost-share contracts being approved in the new Program Year. The District's approved Average Cost List must be provided to the Department prior to the District approving any cost-share applications for that Program Year. The District's approved Average Cost List must be used to develop cost estimates for VACS cost-share contracts.

Due to an unexpected and significant increase in materials costs, Districts may amend their Board-approved Average Cost List once during a Program Year. Increased labor costs are not an eligible reason to amend the Average Cost List. If a District chooses to amend the Average Cost List to address increased materials costs, the following conditions must be adhered to:

1. The District staff must provide justification for amending the Average Cost List to the District Board. Such justification may include bid process sheets, contractor estimates, receipts, or other types of documentation that demonstrate the need to increase the component(s) material costs on the Average Cost List.
2. Based on the justification provided by the District staff, the District Board must

recommend or deny the request to increase the component(s) cost on the Average Cost List due to increased material costs through formal action and the action must be recorded in the meeting minutes.

3. If the request is recommended by the Board, all documentation including the Board's recommendation, justification for the amended Average Cost List, and the recommended Average Cost List shall be submitted to the Department's Agricultural Incentives Program Manager. Working with the Department's Engineering Services staff, the Agricultural Incentives Program Manager will review the request and determine the appropriateness of the recommended amendment(s) to the Average Cost List.
4. Within 45 business days of receiving the request, the Agricultural Incentives Program Manager will respond to the District Board (copying District staff).
5. If the request to amend the Average Cost List is approved by the Department, the District will amend every active contract for that program year (this does not include Carryover Practices) that includes a BMP with the impacted component(s) to reflect the increased component cost. Both the Estimated Instance Cost and the Estimated Cost Share Payment information on each contract shall be amended in the AgBMP Tracking Module.
6. The District Board must formally approve the increased Estimated Instance Cost and the Estimated Cost Share Payment for each impacted contract and the approval(s) must be documented in the meeting minutes.
7. Following the Board's approval, revised payment notification letters must be sent out to the affected participants informing the participant of the increased Estimated Instance Cost and the Estimated Cost Share Payment.

### Conservation Efficiency Factor

A Conservation Efficiency Factor (CEF) is calculated by the AgBMP Tracking Module. Districts shall use this tool when ranking cost share practice requests; the lower the CEF value, the higher the conservation efficiency of the project.

The CEF uses eleven different components including soil loss data that is input by the District and environmental information associated with the location of the practice, to generate a factor that can be used to rank the proposed practice compared with other instances of the same BMPs, as well as instances of other BMPs (See Section I.7 discussion on the Targeting of the Expenditure of Cost-Share Funds). Although the CEF can be used to rank different BMPs, it will more accurately rank different BMPs that are oriented toward reduction of the same contaminant. For example, when comparing the same BMP implemented in different locations, the CEF will provide a high degree of confidence in the practice ranking. When comparing two different cropland practices (like an SL-3 to an SL-4), both of which primarily reduce sediment runoff from crop fields, the CEF ranking scores should produce a ranking with a high degree of reliability.

However, it should not be relied upon absolutely but rather should be analyzed to assure that the CEF makes sense given other environmental factors applicable to each specific site and BMP. If the CEF is used to rank two different BMPs that are focused on reducing different

contaminants, such as a WP-4 as compared to an SL-1, the factor may provide some guidance as to the anticipated environmental benefits associated with the different geographical locations. However, the level of reliability associated with comparing highly divergent BMPs is acknowledged to be less than perfect.

Beginning in FY2018, the calculation of an installation's cost efficiency includes animal unit counts rather than a count of systems implemented. For ~~FY2025~~~~FY2027~~-~~FY2026~~~~FY2028~~, CEF uses the ~~2022~~ impairment areas and agricultural loadings from the ~~2024~~-~~2026~~ NPS Assessment. When BMP measures request an estimate of erosion reduction anticipated as a result of implementing the practice, the data provided is used to measure program accomplishments. It is in everyone's best interest to provide as accurate and complete an estimate as possible so that the most accurate reflection of program accomplishments can be reported.

### Evaluation Worksheets

It is recommended that Districts develop evaluation worksheets. These worksheets should be designed to convert the anticipated environmental benefits of implementing a BMP into standardized scores so that competing cost-share applications can be ranked. Several approaches are possible for Districts to evaluate and rank recruited cost-share applications. An example is included on the following pages. The example provides detailed information regarding the benefits of the proposed project and assigns points associated with those benefits. After the basic location information, the worksheet addresses the priority considerations required to qualify for the program. These items should always be addressed first to determine if a request should receive additional consideration towards approval to receive cost-share funds.

If any of the four statewide priority conditions are met, the practice should then be evaluated according to the District's secondary or local water quality priorities. In this example, a weighted system is used to permit an objective comparison of competing projects. Each area of concern identified by the District is scored according to its rating for significance on the site and its rating for significance to the District. The staff, based on best professional judgment and site specific evaluations, enters the first weighted factor. The District Board determines the second weighted factor. In this example, the public water supply concern has been given highest priority as an issue by giving it a weight of four. The other four areas are given lesser weights of three, two, and one. These values are assigned by the District as deemed appropriate for their jurisdiction.

This format provides space to specify details supporting the rating given. This would be very helpful to a District with a significant number of requests to evaluate. Projects without a significant impact in those areas identified as important by the Board should not be approved.

Example

Cost-Share Evaluation Worksheet

Name \_\_\_\_\_ Farm Name \_\_\_\_\_  
Address \_\_\_\_\_ Farm Number \_\_\_\_\_ OPID # \_\_\_\_\_  
\_\_\_\_\_ Field(s) \_\_\_\_\_  
Phone # \_\_\_\_\_ Tract # \_\_\_\_\_

Primary Considerations

- (1) Agricultural non-point source pollution ranking of the ..... { }  
NWBD unit where BMP will be implemented.  
(High = 5, Medium = 3, Low =0)  
  
Or – Exception for serious animal waste, groundwater, or gully erosion concerns  
(Rank from 1 through 5 based upon the amount,  
and type of anticipated NPS pollution contributed) ..... { }
- (2) Candidate is located within an identified NPS impaired waters drainage area and thus  
shall be prioritized for funding of practices that reduce the identified impairment type.  
Within an Impairment Type area..... { }  
  
(2 points if yes, 0 if no)  
And addressing the impairment cause of  
concern..... { } (2 points if yes, 0 if no)
- (3) At least 1/3 HEL (5 if 1/3 HEL, 0 if not HEL)..... { }
- (4) Priority NWBD hydrologic unit (yes =3, no = 0)..... { }  
Number:  
The District’s priority hydrologic units in ranked order are:
- (5) Total points toward primary considerations ..... { }

Secondary Considerations or District Priorities (Rate significance from 1-4)

(1) Practice will protect source water for a public water supply ..... { } x 4 =  
Reasons for rate significance:

(2) Groundwater concerns ..... { } x 3 =  
Specify:

These may include sinkholes, highly permeable soils, presence of wellheads or similar considerations.

(3) Animal Waste concerns ..... { } x 3 =  
Reasons for rate significance:  
Number of (1,000 lb.) animal unit's waste that will be managed \_\_\_\_\_  
Number of Tons of animal waste to be stored and properly utilized \_\_\_\_\_

(4) Erosion concerns..... { } x 2 =  
Greater erosion rates based upon RUSLE 2 calculations will receive a higher rate significance. >2T = 1 points, ≤2T = 2points, T = 3 points

(5) Acres to be implemented in plan ..... { } x 1 =  
Actual = \_\_\_\_\_

(6) A Conservation Plan for the entire tract or farm exists,  
(5 points if the plan already exists, 3 if it is to be developed, 0 if no Conservation Plan is anticipated.  
Existing (Date written: \_\_\_\_\_) ..... { }  
To be developed..... { }  
Total points toward primary considerations ..... { }

**Total Score toward Secondary Considerations or District priorities = \_\_\_\_\_**

Worksheet  
Completed by: \_\_\_\_\_

Date: \_\_\_\_\_

## Virginia's Healthy Waters Initiative

Traditionally, water quality-based programs have emphasized practice implementation to support restoration of streams and improvement of degraded surface waters. This is very important but there are viable opportunities for best management practices to protect streams that are already considered healthy. Recognizing that it is generally less expensive to conserve and protect healthy ecosystems than to restore them after they have been damaged, agricultural BMPs can serve a key role in the protection of healthy waters and healthy watersheds. The integrity (health) of aquatic ecosystems (streams) is tightly linked to the watersheds of which they are a part. There is a direct relationship between land cover, key watershed processes, and the health of streams.

Virginia has identified numerous ecologically healthy streams, creeks and rivers throughout the state, and there are more yet to be identified. Healthy streams are identified by factors that include: high numbers of native species and a broad diversity of species; few or no non-native species; few generalist species that are tolerant of degraded water quality; high numbers of native predators; migratory species whose presence indicates that river or stream systems are not blocked by dams or other impediments; and low incidence of disease or parasites. Healthy streams in Virginia have been identified and ranked through a stream ecological integrity assessment known as the Interactive Stream Assessment Resource (INSTAR at <http://instar.vcu.edu/>) as “exceptionally healthy,” “healthy,” or “restoration candidate.” INSTAR was originally designed to assist individuals with planning and land use decisions by identifying healthy streams in their communities and encouraging their protection. Districts may choose to prioritize BMP applications from areas with identified healthy waters by specifying healthy waters as a secondary consideration.

Some actions that typically support healthy waters protection:

- Create, maintain, or expand riparian buffers: Vegetative corridors, extending at least 35' in width upland from the top of the stream bank, buffer streams from activities in the watershed by intercepting runoff that would otherwise transport sediment and other pollutants to the stream. This is one of the most effective measures for protecting streams.
- Protecting headwater streams: Often intermittent, and therefore not recognized as a “blue line stream” and underserved by regulation, these streams are extremely important to the natural function of downstream waters. Fencing livestock out of these areas can prevent downstream degradation of high quality perennial streams.
- Maintain natural stream flow: The natural, seasonal pattern of stream flow, the stream's response to storm events, and maintaining minimum flow levels may be as critical to a stream's health as water quality.
- Protect natural stream channels: Denying livestock unlimited access to stream channels reduces direct introduction of some pollution (bacteria) as well as limits the disturbance to habitat and the creation of erosion problems.

Agricultural BMPs that support the protection of healthy waters work in the same fashion as those that are implemented to restore impaired streams. Actions like creating filter strips or

riparian buffers, restoring wetlands, protecting stream banks through fencing, developing alternate water sources for livestock, stabilizing stream banks and channels, and capturing and controlling sediment and erosion all provide important protective measures in watersheds that have identified healthy streams but also see the impact that Virginia's working lands experience daily.

### Cost-Share Funding Restrictions

Programmatic caps shall be administered in accordance with the *Virginia Soil and Water Conservation Board Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Allocations*.

The AgBMP Tracking Module provides the District the ability to monitor participant cost-share approval and payment status during the Program Year, both within and across District boundaries. Districts are advised to make use of the "Participants Contracts" function to ensure participants are not overpaid based on statewide caps. District staff should monitor the amount of cost-share funds that have been approved within their own District and cumulatively among all Districts for a given participant.

### Local VACS Program Implementation

All practices listed in the Manual are available to participants in any District in the Commonwealth of Virginia, with the exception of certain pilot practices. Districts must offer all practices to all interested applicants in their area. Districts cannot make modifications or changes to standards and specifications without prior approval from DCR.

Cost-share funds are intended to provide an incentive for the implementation of BMPs or their continuation in future years. Practices considered for funding must be projects that meet and adhere to the standards and specifications as described in this Manual. If there is any question as to the applicability of a particular BMP, the conservation technical staff should review the specification to ensure the particular BMP is appropriate to improve the specific natural resource concern identified on the agricultural operation. BMPs initiated prior to submitting a cost share or tax credit application are not eligible. Authorization to receive cost-share and/or tax credit can only be granted upon approval of an application by the Board of Directors.

Practices will be certified by the participant and an appropriately-qualified individual as meeting VACS practice specifications before issuance of the cost-share payment. If a NRCS practice standard referenced in the VACS specification is in conflict with the Virginia BMP practice specification language, the VACS practice specification language must be followed.

### Guidance on Volunteer Hours and the Cost-Share Program

This guidance provides clarification for allowing volunteer hours that have value in the calculations to determine Agricultural BMP cost-share practice reimbursement amounts. The cost-share program does not restrict the source of the labor that a participant may value and submit as a cost associated with the implementation of authorized BMPs. It is important that the

number of hours and value of those hours is appropriate to accomplish the BMP installation. The relationship between the labor suppliers (which may include family, a licensed contractor, non-governmental organization (NGO), or a farm employee) is between the participant and the labor supplier. As with all reimbursable BMPs, the practice participant must provide documentation to support the labor component of the installed practice – meaning the quantity of labor hours and monetary value of the labor performed must be provided.

Districts must ensure that the labor charges submitted are in line with the Total Eligible Estimated Cost that was the original basis for the amount of cost-share approved for BMP installation. Further, Districts must have comfort with the fairness of the labor cost submitted for calculation of the cost-share reimbursement payment. The most pertinent questions to answer when calculating the cost-share payment is whether the labor cost submitted is appropriate for the labor required to implement the practice based upon local labor rates and whether the quantity of hours submitted is reasonable for the amount of work accomplished.

District Directors, District employees, and their immediate families are responsible for ensuring that any contracts and agreements entered into are not in violation with the State and Local Government Conflict of Interests Act. The Office of the Attorney General may provide counsel if there are questions or concerns regarding compliance with the Act.

#### State Environmental Law Compliance

The following list denotes program eligibility for VACS Program cost-share assistance for operations that fulfill all other VACS Program eligibility requirements:

- *Problems identified with a founded Agricultural Stewardship Act (ASA) complaint* – Participants are eligible as long as the producer elects to implement an agricultural stewardship plan to correct the problem.
- *Problems identified with a founded ASA complaint* – Participants are not eligible if the Commissioner of Agriculture has issued a corrective order as a result of not implementing an approved agricultural stewardship plan.
- *Problems identified as possibly being in violation of a state environmental law or regulation* – Participants are eligible if the producer is working with the Department of Environmental Quality (DEQ) to come into compliance with state requirements, or the producer has identified needed actions independently.
- *Problems identified as being in violation of a state environmental law or regulation* – Participants are not eligible if the producer has received an enforcement order from DEQ, unless cost-share assistance was requested to help correct the problem prior to commencement of the enforcement action.
- Except as otherwise expressly provided in this Manual, the VACS Program is not intended to provide financial assistance for any voluntary actions or any minimum

actions required by local ordinance; mitigation bank; nutrient trading program, or any state or federal law, regulation, or permit. Should any funded practice be used for such purposes during its lifespan, all or part of the financial assistance (including cost-share and tax credit) from the VACS Program shall be refunded on a pro-rata basis. Such restriction shall not apply to the Resource Management Plan Program.

- Enrollment of completed VACS practices in carbon credit programs and other similar programs is permitted under certain conditions. The program must be voluntary and the credits generated cannot be used to satisfy requirements of any local ordinance, mitigation bank, nutrient trading program, or state or federal law, regulation, or permit. Enrollment in such programs must be based on practice benefit(s) outside of the water quality benefits captured through VACS Program reporting. It is the responsibility of the participant to ensure compliance with VACS Program policies.

#### Compliance with Federal Agricultural Programs

When a District is notified by a USDA agency that an individual or farm operation is in violation of any Farm Bill conservation provision or certain federal farm programs, that individual or farm operation is prohibited from receiving VACS Program cost-share funds. In these cases, an application may be accepted, but the practice will not be approved until the District has approved a Conservation Plan and the individual has regained eligible status with the USDA.

In the event a Virginia Agricultural BMP Cost-Share Program participant is determined by USDA to be out of compliance, the language below is appropriate to use when notifying that individual of his state cost-share status.

*The \_\_\_\_\_ Soil and Water Conservation District Board has been notified by USDA staff that your farm operation is determined to be out of compliance with [insert the program or provision] and as a result you now are ineligible to receive funds from the Virginia Agricultural BMP Cost- Share Program. The District Board is unable to [approve your request for cost-share program funds], OR [honor its earlier approval of cost-share funding for your request] for the [name of practice(s) and practice code(s)] under the Cost-Share Program.*

*Contingent upon available funding, your request(s) for cost-share assistance will be reconsidered by the District Board once you have regained eligible status with the USDA.*

*You may wish to consider the Virginia Agricultural BMP Tax Credit Program. This program is open to all individuals regardless of eligible status with USDA.*

*Sincerely,  
District  
Chairman*

#### Nutrient Management Requirements

Nutrient management plans are required as a prerequisite for animal waste practices and certain

other identified agronomic practices. The individual BMP specifications contain additional information on specific plan requirements. The nutrient management plan 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). The plan must be prepared and certified by a Virginia certified nutrient management planner, and be on file with the local District before any cost-share payment is made to the participant.

### Conservation Plan Requirements

The VACS Program supports and encourages the development and implementation of DCR Conservation Plans, USDA Conservation Plans, and Resource Management Plans (RMPs) on agricultural land in Virginia to provide erosion control or address water quality issues. Best Management Practices included in an RMP receive priority consideration for VACS funding; there are several suggested Secondary Considerations that incentivize the implementation of BMPs in a Conservation Plan.

BMPs may require the development of a Conservation Plan. A DCR Conservation Plan, a USDA Conservation Plan, or a Resource Management Plan will meet this requirement as long as the BMP for which funding is being requested is included in the plan. A required plan must be completed and approved by the District Board prior to approval of any cost-share funding for a practice.

DCR has developed a conservation planning module within the DCR Conservation Application Suite. District staff are required to create all DCR Conservation Plans within the DCR Conservation Application Suite and ensure that they are complete. A complete Conservation Plan includes all required information as referenced in the Table of Contents document (found at <https://www.dcr.virginia.gov/soil-and-water/con-plan-documents>), all proposed BMPs/actions, digitized components and planned area, completed resource reviews, all necessary supporting documentation, and signatures of the landowner/operator and the planner. For practices that have a USDA Conservation Plan developed and approved, the approved plan should be uploaded to the Conservation Application Suite to meet this requirement.

**Language in the Code of Virginia (§ 58.1-339.3 and § 58.1-439.5) differs from VACS Program requirements; the Code requires a participant to have a Soil Conservation Plan approved by the local Soil and Water Conservation District in order to be eligible to receive an Agricultural BMP Tax Credit, regardless of the implemented practice. Additionally, when the participant seeks funding for a practice from federal programs, a USDA plan is required. Forestry practices also require a plan that meets the minimum criteria established by Department of Forestry.**

Recognizing the level of BMP implementation that will be required to reduce agricultural non-point source pollution throughout the state, the VACS Program exempts certain agronomic BMPs from the requirement to have an approved Conservation Plan prior to receiving VACS funding approval. Removal of the conservation planning requirement from these practices is an

effort to reduce the amount of administrative time and effort required by Districts toward implementing these practices. Specifically these practices are: Nutrient Management practices (NM-1A, NM-3C, NM-4, NM-5N, NM-5P, NM-6, NM-7, and WFA-NM), Cover Crop practices, (SL-8, SL-8A, SL-8B, SL-8H, SL-8M, WFA-CC, and WQ-4), High Residue Tillage System practices (SL-15A and SL-15B), and all Continuous Conservation Initiative practices.

#### Location of Practice Instance Point – Distance to Stream and Relief to Stream

Districts are required to digitize a point for all state cost-share practices. Having a point represent the location of a practice instance allows DCR to associate that instance with whatever geographic unit DCR or another organization may require for their program purposes.

A practice instance point should be near the centroid and/or highest point of where the practice is applied and contained within fields associated with the BMP. Separate BMP instances may also be grouped together and represented by a single point as long as the fields containing the BMP instances are contiguous. A measurement is then taken between the practice instance point and the top of the bank of the nearest stream or man-made drainage channel. The distance should be measured along the path of flow between the practice instance point and the top of bank in feet. Sinkholes, being a geological barrier to flow and potential source of groundwater contamination, can be substituted as a delivery point rather than a blue line stream. The AgBMP Tracking Module will display information indicating whether the path to the stream represents an increase or decrease in elevation. If needed, the practice instance point may be adjusted to accurately represent the centroid or highest point of the fields.

#### State Resource Reviews

##### *Overview*

For Program Year 2019, the AgBMP Tracking Module was modified to assist the Districts in screening Commonwealth resources (threatened and endangered species, cultural resources, floodplains, etc.) for potential impacts by BMP projects. These screening tools consist of specific spatial queries to indicate when further review may be necessary for archeological sites and preservation easements, Virginia fish and wildlife information, rare species, natural communities, predicted suitable species habitat, and TMDL implementation areas. Additionally, the module displays FEMA floodplain data. For all identified resources of concern, Districts are expected to address any issues brought forward during the BMP planning process. This Resource Review process shall be completed prior to the Board's approval of a contract.

##### *Requirements for Practices/Components to be Digitized in the AgBMP Tracking Module to Facilitate Resource Reviews*

To facilitate the screening of BMP instances for potential impacts to resource concerns, DCR worked with state partner agencies to identify which BMP components may cause an impact to a resource. The agencies have reached agreements on how the AgBMP Tracking Module should conduct screenings. Based on those agreements, and to ensure proper screening of resources,

Districts must **digitize all of the components that make up the practices identified in the table below** in the AgBMP Tracking Module using the BMP Mapping tool. This requirement is in addition to locating the BMP instance with a point and, where required, digitizing the path to stream.

### Practices Requiring Digitizing of Components

Code	Practice Name
CCI-HRB-1^	Herbaceous Riparian Buffer – Maintenance Practice
CCI-FRB-1^	Forested Riparian Buffer - Maintenance Practice
CCI-SE-1^	Stream Exclusion - Maintenance Practice
CCI-SL-6N^	Stream Exclusion with Narrow Width Buffer – Maintenance Practice
CCI-SL-6W^	Stream Exclusion with Wide Width Buffer – Maintenance Practice
CCI-WP-2N^	Stream Protection with Narrow Width Buffer – Maintenance Practice
CCI-WP-2W^	Stream Protection with Wide Width Buffer – Maintenance Practice
CCI-WP-4^	Animal Waste Control Facilities – Maintenance Practice
CCI-WP-4C^	Composter Facilities – Maintenance Practice
CRFR-3	CREP Woodland Buffer Filter Area
CRSL-6	CREP Stream Exclusion with Grazing Land Management
CRWP-2	CREP Stream Protection
CRWQ-1	CREP Herbaceous Riparian Buffers
CRWQ-11	CREP Agricultural Sinkhole Protection
CRWQ-6B	CREP Wetland Restoration
EM-1T*	Small Scale Manure Composting for Equine Operations – Static Systems
EM-1AT*	Small Scale Manure Composting for Equine Operations – Aerated Systems
FR-1	Afforestation of Crop, Hay and Pasture Land
FR-3	<del>Woodland Buffer Filter Area</del> <del>Riparian Forested Buffer</del>
FR-3M^	<del>Woodland Buffer Filter Area</del> <del>Riparian Forested Buffer</del> Maintenance
FR-4	Woodland Erosion Stabilization
RB-4	Conventional Onsite Sewage System Installation/Replacement
RB-4P	Conventional Onsite Sewage System Installation/Replacement with Pump
RB-5	Alternative Onsite Sewage System Installation
SE-2	Shoreline Stabilization
SL-11B	Farm Road, Animal Travel Lane, Heavy Use Area Stabilization
SL-4	Terrace Systems
SL-6F	Stream Exclusion in Floodplains
SL-6N	Stream Exclusion with Narrow Width Buffer
SL-6W	Stream Exclusion with Wide Width Buffer
SL-6AT*	Small Acreage Grazing System (TMDL)
SL-6B	Alternative Water System
SL-7	Extension of Watering and Grazing Management Systems
WP-1	Sediment Retention, Erosion or Water Control Structures
WP-2A	Streambank Stabilization
WP-2N	Streambank Protection (fencing with narrow width buffer)

WP-2W	Streambank Protection (fencing with wide width buffer)
WP-2B	Stream Crossing & Hardened Access
WP-2C	Stream Channel Stabilization
WP-3	Sod Waterway
WP-4	Animal Waste Control Facilities
WP-4B	Dairy Loafing Lot Management System
WP-4C	Composter Facilities
WP-4E	Animal Waste Structure Pumping Equipment
WP-4F	Animal Mortality Incinerator
WP-4FP	Feeding Pad
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations
WP-4LL	Loafing Lot Management System with Manure Management
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage
WP-5	Stormwater Retention Pond
WP-7	Surface Water Runoff Impoundment for Water Quality
WP-8	Relocation of Confined Feeding Operations
WQ-1	Grass Filter Strips
WQ-11	Agricultural Sinkhole Protection
WQ-5	Water Table Control Structures
WQ-6	Constructed Wetlands
WQ-6B	Wetland Restoration
WQ-7	Irrigation Water Recycling System
WQ-8	Fuel Storage Treatment
WQ-9	Capping/Plugging of Abandoned Wells

*^Maintenance Practice*

*\*TDML Practice*

*Resource Reviews for Maintenance Practices*

While all components of the BMP should be digitized for Maintenance Practices, Resource Reviews are only required for any new components and where ground disturbing work is occurring to maintain an existing component. Only the area of disturbance required for installing new components or maintenance of existing components should be considered when determining the one-half acre threshold for DHR review.

*Specific Resources to be Screened via the AgBMP Tracking Module*

The screening and review procedures for each resource are summarized below. More detailed review procedures are provided through the AgBMP Tracking Module via links to documents for each resource partner. Training will also be made available to District employees on both the new functionality in the AgBMP Tracking Module and on the partner agency systems used to facilitate these reviews.

*Department of Conservation and Recreation Floodplain Management Program*

DCR Floodplain Management Program staff are currently working to develop guidance for the review of agricultural BMPs in floodplains. Once this guidance is completed, spatial queries will be implemented in the AgBMP Tracking Module similar to the reviews for other resource concerns. Until that time, the FEMA Flood Hazard data has been added to the BMP Map so District employees can visualize any potential concerns with BMP projects near or intersecting floodplains. Questions about the Floodplain Management Program should be directed to DCR Floodplain Management Program staff or the locality in which the BMP instance is located. Contacts for the specific localities can be found on the Floodplain Management Contacts webpage (<http://www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory>).

*Department of Historic Resources Archeological Sites and Preservation Easements*

The AgBMP Tracking Module screens for concerns involving both archeological sites and preservation easements. Screening is based on the locations of digitized BMP components and the calculated total cumulative ground disturbance. Best Management Practices with disturbed areas greater than one-half acre will be flagged for reviews. If a BMP component of concern is within 100' of either an archeological site or a preservation easement, the intersected resource will be flagged for further review. The AgBMP Tracking Module will return a table of flagged resources, both on the Resource Concerns tab and in various reports.

District users will research these flagged resources through the Department of Historic Resources (DHR) Virginia Cultural Resource Information System (VCRIS) and submit a request for review through the Electronic Project Information Exchange (ePIX). Access to VCRIS will be provided through one or more shared accounts. District users will establish ePIX accounts to facilitate any BMP projects that require DHR review. Those registered in the ePIX system are also able to view the project review application and review status of projects. All comments by DHR will be issued electronically and provided via email to project contacts.

DHR has also requested to review any project that has cumulative ground disturbance greater than one-half acre. The AgBMP Tracking Module will automatically buffer digitized BMP components to calculate the area of ground disturbance and will flag BMPs that exceed the half-acre threshold. BMPs that exceed the half-acre threshold will have the area displayed on the Resource Concerns tab and in various reports. These flagged BMPs should also be submitted to DHR for review through the ePIX system.

*Department of Wildlife Resources Virginia Fish and Wildlife Information Service (VAFWIS)*

The AgBMP Tracking Module screens for Department of Wildlife Resources (DWR) Virginia Fish and Wildlife Information Service (VAFWIS) species and resources based on the locations of digitized BMP components. If a BMP component of concern is within two miles of a VAFWIS species or resource, the intersected species or resource will be flagged for further review. Results and guidance are grouped into three tables, one including listed special status species, one with designated wildlife resources, and the other table listing common wildlife species and resources. Information from these tables will also be available in various reports.

Hyperlinks to the DWR Virginia Fish and Wildlife Information Service for each species and resources will be provided in the table where available. Listed species, tier species, freshwater mussels and listed reptiles not in the “semi-aquatic” category “hits” will require additional project review by appropriate DWR staff for the species taxonomic group. Results of this review will be documented for the BMP in the AgBMP Tracking Module as an attachment.

*Department of Conservation and Recreation, Division of Natural Heritage, Rare Species and Natural Communities*

The AgBMP Tracking Module will screen for DCR Division of Natural Heritage (DNH) rare, threatened and endangered species, stream conservation sites and predicted suitable habitat based on the locations of digitized BMP components. If a BMP component of concern is within the determined buffer, the intersected resource will be flagged for further review. The AgBMP Tracking Module will return a table of flagged resources, both on the Resource Concerns tab and in various reports.

Districts users will submit a request for review of flagged resources through the Virginia Natural Heritage Data Explorer. District users may establish Data Explorer accounts to facilitate any BMP projects that require DNH review. This review by DNH will also provide the District user feedback regarding whether further review may be needed by DWR and/or the U.S. Fish and Wildlife Service.

*Department of Environmental Quality TMDL Implementation Areas*

The AgBMP Tracking Module will identify the active Department of Environmental Quality (DEQ) TMDL implementation area (i.e. approved or completed reports) in which a BMP instance falls based on the point location. The system will return a list of the intersected report areas with a link to the TMDL Implementation Plan(s) on DEQ’s website. Districts users should review the TMDL Implementation Plan Report(s) to ensure that the BMP instance addresses water quality concerns to the extent possible.

*Resource Concerns Tab in the AgBMP Tracking Module*

The Resource Concerns tab in the AgBMP Tracking Module for a BMP instance will display the results of the resource screenings as described above with the date of last update. Individual summary tables are displayed for each resource concern with a link to documentation on the steps to be taken if or when a resource of concern is identified. The BMP component(s) that resulted in the resource to be flagged as a concern are also displayed.

An ‘Update’ button available on this tab allows District users to run the Resource Review queries again at any time so that results can be updated as the BMP is moved from the planning stages to implementation. This update will occur automatically when a planned BMP instance is moved from a Conservation Plan or Resource Management Plan in proposed status to a cost-share or tax credit contract. All resources must be addressed before the contract is approved by

the SWCD and changed to Approved status in the AgBMP Tracking Module.

Two reports are also available from this tab. The Resource Concerns Report will include a summary of all information on the tab. This information will also be appended onto the Conservation Planning and Resource Management Planning reports that contain BMP data. The Resource Concerns Change Report will include any changes (additions or deletions of resource concerns) since the last time the data was updated. This report will be helpful identifying new issues that will need to be addressed as a BMP moves from the planning stage to implementation.

Any BMP modifications as a result of the review should be discussed with the participant and any design adjustments made prior to SWCD Board approval of the contract. Occasionally, recommendations from reviewing agencies may conflict with VACS specifications or requirements. These recommendations may be accommodated on a case-by-case basis. District staff should work with DCR Conservation Planning and VACS Program staff to address any conflicts.

#### DCR Agricultural BMP Engineering Services Program

This program provides engineering assistance to the 47 Soil and Water Conservation Districts across the Commonwealth. Engineering assistance includes: engineering support with designs, training of District staff, and the implementation of various quality control mechanisms. The most notable of these quality control mechanisms is the implementation of DCR's Engineering Job Approval Authority (EJAA) for District staff. See the glossary in this Manual for a definition of EJAA. The process and criteria for issuance of EJAA is detailed in the *Virginia Soil and Water Board Guidance Document on Engineering Job Approval Authority Procedures*, which can be found at <http://www.dcr.virginia.gov/soil-and-water/des-ejaa>.

DCR has Professional Engineers who have the ability to issue EJAA to District staff who have demonstrated competency in the design and construction of various agricultural best management practices per USDA-NRCS standards and specifications. **If a District staff person does not have DCR EJAA for any of the practice components being designed/installed as part of the VACS practice, they are not authorized by DCR to proceed to construction of those practice components. They should contact the DCR Agricultural BMP Engineer/Technician servicing their District for further instructions on what requirements will be needed to complete the practice.**

**All practices designed by a private engineer shall be submitted to Agricultural BMP Engineering Services Program for a functional review. The practice shall not proceed to construction until the design has been formally approved by the Agricultural BMP Engineering Services Program. Additionally, As-Built drawings shall be submitted to Agricultural BMP Engineering Services Program, which may conduct a final onsite checkout of the project to ensure the constructed project matches the As-Built drawings. Payment shall not be issued to a participant until the Agricultural BMP Engineering Services Program has completed a final construction review of the completed project and**

**the As-Built drawings.**

Various levels of EJAA will be delegated to an individual District employee for each practice component based on increasing levels of complexity. For example, EJAA may be issued to a given District staff person for a Livestock Pipeline based on a design that utilizes a maximum pipe diameter size of 1.5". The District staff person cannot design a system with a pipeline that exceeds 1.5" diameter.

An individual EJAA sheet will be issued for each District staff person who holds DCR EJAA. This sheet fully defines the various levels for EJAA as well as their limits. Please see the DCR EJAA chart below to determine which practice components require DCR EJAA and which components require design by a Professional Engineer. If a VACS practice is not listed in this chart, the practice does not contain components that require EJAA or a Professional Engineer and the practice can proceed to completion without the EJAA requirement.

**All DCR EJAA and completed designs will be subject to annual reviews and engineering spot checks.**

For any practice that is funded with more than 50% federal funds, NRCS may have the lead for all engineering services, although the Agricultural BMP Engineering Services Program will continue to assist with providing engineering services if requested by either the District or NRCS. Either an individual from DCR Agricultural BMP Engineering Services Program or an individual with appropriate EJAA must review the inventory and evaluation (such as the *Risk Assessment for Water Quality Impairment from Heavy Use Areas/Animal Concentrated Areas* or *WP-4 Risk Assessment for Water Quality Impairment from Animal Concentrated Areas*) to ensure all VACS Program qualifications and practice specifications are met prior to District Board approval of the project.

**VACS Practice Components Requiring EJAA or PE Review and Approval**

<b>VACS Practice Code</b>	<b>VACS Practice Name</b>	<b>NRCS Practice Code</b>	<b>NRCS Practice Name</b>	<b>Professional Engineer (PE) or Engineering Job Approval Authority (EJAA) Required as indicated below</b>
FR-4	Woodland Erosion Stabilization	362	Diversion	EJAA
SE-2	Shoreline Stabilization	580	Streambank and Shoreline Protection	PE
SL-4	Terrace Systems	600	Terrace	EJAA
SL-6F, SL-6N and SL-6W	Stream Exclusion with Grazing Land Management Protection practices	516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		561	Heavy Use Area Protection	EJAA
		574	Spring Development	EJAA
		575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		614	Watering Facility	EJAA
		642	Water Well	EJAA
SL-7	Extension of Watering and Grazing Management System	516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		614	Watering Facility	EJAA
WP-1	Sediment Retention, Erosion or Water Control Structure	350	Sediment Basin	PE
		362	Diversion	EJAA
		410	Grade Stabilization Structure	PE
		468	Lined Waterway or Outlet	EJAA
		638	Water and Sediment Control Basin	PE
WP-2N and WP-2W	Stream Protection (with either narrow or wide width buffers)	575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
WP-2A	Streambank Stabilization	575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		580	Streambank and Shoreline Protection	PE
WP-3	Sod Waterways	412	Grassed Waterway	EJAA

		606	Subsurface Drain	EJAA
		620	Underground Outlet	EJAA
WP-4	Animal Waste Control Facilities	313	Waste Storage Facility	PE
		359	Waste Treatment Lagoon	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
		WP-4B	Dairy Loafing Lot Management System	313
356	Dike			EJAA
362	Diversion			EJAA
367	Roofs and Covers			PE
412	Grassed Waterway			EJAA
516	Livestock Pipeline			EJAA
533	Pumping Plant			EJAA
558	Roof Runoff Structure			EJAA
575	Trails and Walkways			EJAA
580	Streambank and Shoreline Protection			PE
614	Watering Facility			EJAA
620	Underground Outlet			EJAA
632	Solid Liquid Separation Facility			PE
633	Waste Recycling			PE
634	Waste Transfer			PE
642	Water Well			EJAA
WP-4C	Composting Facilities	313	Waste Storage Facility	PE
		316	Animal Mortality Facility	PE
		317	Composting Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA

		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
WP-4F	Animal Mortality Incinerator Facility	316	Animal Mortality Facility	PE
		317	Composting Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
WP-4FP	Feeding Pad	362	Diversion	EJAA
		561	Heavy Use Area Protection	EJAA
WP-4LC	Animal Waste Control Facilities for Confined Livestock Operations	313	Waste Storage Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	EJAA
		412	Grassed Waterway	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	EJAA
634	Waste Transfer	EJAA		
WP-4LL	Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)	313	Waste Storage Facility	PE
		362	Diversion	EJAA
		367	Roof and Covers	PE
		412	Grassed Waterway	EJAA
		516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA
578	Stream Crossing	EJAA		

		614	Watering Facility	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Waste Transfer	PE
		642	Water Well	EJAA
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage	313	Waste Storage Facility	PE
		362	Diversion	EJAA
		367	Roofs and Covers	PE
		412	Grassed Waterway	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA
		620	Underground Outlet	EJAA
		633	Waste Recycling	PE
		634	Water Well	EJAA
WQ-1	Grass Filter Strips	466	Land Smoothing	EJAA
		572	Spoil Spreading	EJAA
WQ-5	Water Table Control Structure	587	Structure for Water Control	PE
WQ-11	Agricultural Sinkhole Protection	362	Diversion	EJAA
		500	Obstruction Removal	EJAA
		527	Sinkhole Treatment	EJAA
WQ-12	Roof Runoff Management System	362	Diversion	EJAA
		412	Grassed Waterway	EJAA
		468	Lined Waterway or Outlet	EJAA
		558	Roof Runoff Structure	EJAA
		561	Heavy Use Area Protection	EJAA
		606	Subsurface Drain	EJAA
		620	Underground Outlet	EJAA

## Land Conservation Easements and BMP Cost-Share Program Eligibility

Open Space and Conservation Easements that restrict certain land uses by a property owner are promoted methods of long-term land protection. The Commonwealth of Virginia offers a state tax credit (the Land Preservation Tax Credit, or LPTC) to any landowner who donates an open-space or conservation easement for the benefit of conservation. The value of the tax credit is determined through a professional land appraisal process that establishes the land's values before and after the easement is recorded and determines the value of the donation. The difference in value becomes the basis for the amount of the tax credit. The Commonwealth and DCR wish to support the protection of agricultural lands by encouraging permanent conservation easements. Questions have arisen about the relationship between open space and conservation easements and the Virginia Agricultural Best Management Practices Cost-Share Program.

The Commonwealth funds the maximum amount of NPS reductions by assuring that each conservation effort provides maximum impact for the taxpayer's dollar. It may appear at first glance that the Commonwealth would be paying twice for the same conservation treatment if cost-share incentives or BMP tax credits apply to the same land that is eligible for tax credits as a result of a permanent conservation easement. In fact, the appraisal process for such easements analyzes only the development potential of the land; the valuation of the land does not take into account any BMPs that may be in place. Even though the LPTC and cost-share incentives may apply to the same property, they have entirely different purposes. The LPTCs are primarily an incentive to reduce subdivision and development of land, while cost-share payments or BMP tax credits are incentives to help landowners implement best management practices that reduce NPS pollution from agricultural operations. When a donated conservation easement requires livestock exclusionary fencing, the landowner may apply to receive cost-share when the fence is built later. The existence of easement language that requires livestock exclusion from riparian buffers does not render the landowner or land ineligible to receive cost-share or tax credits for the implementation of BMPs.

If the landowner applies and receives cost-share from the District and/or a BMP tax credit for their out-of-pocket expenses related to installing riparian exclusion fence and an alternative watering system prior to the recording of the conservation easement, the landowner must honor the ~~ten-year~~ VACS lifespan commitment to maintain the practice. After the ~~ten-year~~ lifespan of the practice, there is no further obligation to the cost-share and/or BMP tax credit programs, and the landowner may manage the land in keeping with the recorded easement. During the lifespan of the practice, the more stringent requirements apply.

If, after the installation of the exclusionary fence, the landowner elects to record an easement with a private conservancy or a conservation agency that restricts livestock from the riparian areas, then the maintenance of the exclusionary fence or removal of the livestock from the property may be extended depending on the requirements set out in the easement.

### Cost-Share Rates

Each VACS practice specification contains a payment rate for that particular practice. The payment rate may be a percent-based rate or a flat, per acre payment rate, or both. Percent-based

cost-share payments should be calculated to reimburse the participant for the percentage of reimbursement of the approved eligible cost. Cost-share payments shall be made based upon the lesser of the approved estimated cost or eligible actual cost, unless otherwise explicitly allowed within this Manual (see BMP specification rates sections).

Certain practices may be funded solely with state funds or in combination with other cost-share assistance programs (i.e. piggy-back funding). Other assistance programs include but are not limited to DEQ-administered Section 319 NPS Management Implementation Grant Program, the Environmental Quality Incentive Program (EQIP), the Emergency Watershed Protection (EWP) Program, and other USDA programs. The Department of Forestry Conservation programs, like Reforestation of Timberland, may only be used for combined funding with the forestry practices FR-1, FR-3, and FR-4.

Districts and federal agencies may choose to combine resources to fund mutually high priority practices up to the approved estimated cost or eligible actual cost. VACS funding may not exceed the cost-share rate listed in the VACS BMP specifications. Other sources of funding, including funding from local sources, private sources, and non-profit conservation organizations, may provide additional reimbursement opportunities. Experience has shown that a contribution towards implementing the practice by the participant encourages the long-term maintenance of the practice. Districts are encouraged to meet with local conservation workgroups to discuss funding options, priorities, and program administration. In addition, Districts may use locally-approved current commercial rates (e.g. seed, lime, fertilizer, machinery, and labor), District approved unit cost, or statewide average costs to establish estimates for eligible practice components.

### Participant Notification

Prior to funding approval, the District must calculate a maximum cost-share payment amount based on the estimated practice cost. After approval, Districts **must** notify each applicant of the maximum dollar amount approved as well as the cost-share rate for the practice. The following sample language can be used: “*Your application to install a [Practice Name and Number] under the Virginia Agricultural BMP Cost-Share Program has been approved for percent of the total eligible cost, not to exceed \_\_\_\_\_ dollars.*”

Landowners need to be informed that the authorized amount of cost-share assistance is the maximum they can receive and that disbursement of funds is not expected before a specified date. Participant notification of approved funding must also include a copy of the DCR practice specifications to ensure the participant is aware of all aspects of the commitment.

Payments that exceed the estimated total cost due to additional incurred expenses that arise after the original District authorization are allowed for constructed practices under the following conditions:

1. Site conditions unforeseen during the design of the practice warrant design or construction changes that create an additional expense; if the condition had been known at the time of the original design, it would have been addressed in the original design

and cost estimate.

2. Additional material expenses must be directly related to the unforeseen site condition altering material quantity or structural specification.

District Board action may approve additional cost-share funds up to the specified practice cost-share rate as allowed within this Manual for additional eligible component expenses related to the unforeseen condition. The sum of additional cost-share and the cost-share amount originally approved cannot exceed the specified cost-share rate for the practice as provided in this Manual. When funds are available, District Board action may approve such requests for additional cost-share on an individual basis throughout the Program Year and only for those practices installed during the same Program Year. If District funds are not available, the District may inquire with DCR about availability of other funding sources to address unforeseen conditions. Authorization of additional cost-share must be recorded in the District meeting minutes. Appropriate changes should be made and noted on the request application and the AgBMP Tracking Module.

#### Procedures to Request a Variance to Exceed Cost-Share Cap

Districts may request a Variance for an applicant to exceed the current participant cap per Program Year for the following eligible practices or combinations of practices:

- SE-2
- SL-6W
- WP-2A
- WP-4
- WP-4B
- WP-4LC
- WP-4LL
- WP-4SF
- WP-4/WP-4C combination projects
- SL-6N/SL-6W combination projects
- SL-6N/WP-4B combination projects
- SL-6N/WP-4FP combination projects
- SL-6N/WP-4LL combination projects
- SL-6N/WP-4SF combination projects
- SL-6W/WP-4B combination projects
- SL-6W/WP-4FP combination projects
- SL-6W/WP-4LL combination projects
- SL-6W/WP-4SF combination projects

In preparing for a Variance request, the District staff must first compile the following documentation that will first be presented to their Board:

1. Narrative outlining the Resource Concerns (AWMS Plan-System Description and Resource Concerns)
2. Contract Number

3. Tract Number
4. BMP Practice Code(s)
5. Conservation Plan
6. Animal Type(s)
7. Animal Numbers
8. Quantity Waste Treated
9. Sizing Calculations
10. Size of Storage Facility
11. If Feeding Facility: What is being fed, How it is being fed, Percent confinement used for sizing
12. Needs Determination Worksheet or Risk Assessment Form
13. Copy of Topo with proposed location of facility
14. Plan Map with proposed location of facility and all associated components
15. Detailed Total Estimated Project Cost of the Practice
16. Estimated Cost-Share and Tax Credit (Documentation to demonstrate ability to fund project)
17. Other Sources of Funding (Partner Agencies)

Additional documentation (such as pictures) to support the request is encouraged.

If ~~the an~~ applicant ~~qualifies for a Variance request and~~ wishes to apply for ~~additional non-Variance-eligible multiple~~ practice(s) in the same Program Year ~~(e.g., a Variance is being requested for a WP-4 that exceeds the participant cap and the participant also wants to apply for cover crop practices)~~ which in combination exceed the participant cap, the District may request a “Bundle Variance”. ~~A Bundle Variance requests consisting entirely of agronomic practices are not eligible includes one or more Variance-eligible practices as well as non-Variance-eligible practice(s).~~ All practices for consideration under a Bundle Variance must be included in a single request, with all required Variance documentation provided for each practice as applicable. The Variance Committee may consider each practice separately for approval of the Variance request.

Once the necessary documentation has been compiled by the District staff, the District Board must recommend or deny the request for a Variance by formal action recorded in the minutes. However, the Board shall not approve the practice for funding at this time.

If the request is recommended by the Board, all documentation including the Board's recommendation shall be submitted to the Agricultural Incentives Program Manager as a single PDF document. The Agricultural Incentives Program Manager will then convene the DCR Variance Committee to consider the request. The DCR Variance Committee will consist of the Agricultural Incentives Program Manager, a Conservation District Coordinator, and a DCR Agricultural BMP Engineer.

In reviewing the request, the DCR Variance Committee will:

1. Ensure the proposed practice is eligible for funding and meets all applicable standards and specification requirements;
2. Review the information submitted to ensure accuracy of all calculations, plans, and other documentation as required above; and

3. Ensure the proposed practice is the lowest cost, technically-feasible solution to the water quality issues.

The DCR Variance Committee may request additional information if needed, but will review the Variance request and respond to the District Board (copying District staff) within 45 business days of receipt of the request. DCR Data Services will also be notified in order to allow the Variance in the AgBMP Tracking Module. The District Board shall only approve such practice after the Variance has been approved by the DCR Variance Committee.

Approval of a Variance is specific to the practice information and supporting documentation as reviewed by the DCR Variance Committee. If changes are made to practice details or supporting documentation after a variance is approved, the changes must be submitted to the Agricultural Incentives Program Manager for review by the DCR Variance Committee to confirm that the revised practice still meets the above criteria, regardless of whether additional cost-share is requested. If additional eligible component expenses are requested by the participant due to unforeseen site conditions (as referenced on Page II-31-II-32), the District Board must submit an additional request to the Agricultural Incentives Program Manager for approval before such additional funds may be approved.

### Payment

Any BMP application must meet technical standards and specifications for that practice before cost-share payment is made. Payment is issued after the participant and a qualified technical representative have certified the practice installation on Part III of the Virginia BMP Incentives Contract. Federal (e.g. USDA) staff may not sign the Technical Practice Certification as written in the Part III of the VACs contractual documents when they have not been involved in assuring that all federally required documentation has been accomplished.

The amount of the cost-share payment is calculated based upon the approved estimated cost or eligible actual cost, whichever is less. The approved estimated cost should include engineering cost for structural practices or other professional services required to properly design and implement the BMP. Engineering cost may include survey, design, and/or post-construction certification and as-built drawings.

Costs related to conducting state resource evaluations reviews (e.g. survey for cultural resources, survey for threatened, endangered, or rare species, analysis for floodplain review) should also be included in the approved estimated costs. The approved estimated costs should include any costs related to obtaining necessary permits, including permits related to the Chesapeake Bay Preservation Act, erosion and sediment control, and stormwater management. This includes third-party engineering and design costs associated with the obtaining of an approved permit from the locality as well as the costs associated with the implementation of the permitted plan. Any engineering, design and implementation costs that are unrelated to the actual installation of the VACS practice (i.e. for other projects on the applicant's property) shall not be included as a reimbursable expense, even if the other projects are included in the same approved permit.

When installed practices are receiving combined funding from a District and other sources, the

District cost-share payment must reflect the balance due, not to exceed the amount approved by the District for the cost-share payment, after payment has been approved or issued by the other sources.

Districts must provide an Internal Revenue Service Form 1099-G to any individual installing an agricultural practice who receives \$600 or more in payment(s) from cost-share or other funding sources (such as settlement funds) per their federal taxpayer identification number or social security number during the calendar year. If the payment for an NM-1A, NM-5N, NM-5P, or RMP-1 practice is redirected at the participant's request to a Certified Nutrient Management Planner or Resource Management Plan Developer, then the appropriate 1099- MISC should be issued to the entity receiving the cost-share funds (see NM-1A and RMP-1 specifications). Districts that issue payments for non-agricultural practices (such as DEQ 319 septic practices or Virginia Conservation Assistance Program practices) must provide a 1099-MISC to participants. Districts must also file the appropriate IRS Form 1099 and Form 1096 with the Internal Revenue Service in accordance with IRS regulations. Neither the local Soil and Water Conservation District nor DCR provides tax advice; the program participant may wish to consult with an independent tax advisor regarding any potential tax consequences.

### Documentation

Districts must complete their data input in the AgBMP Tracking Module according to their program schedule and will retain all billing and the following supporting data in their files, unless otherwise notified by DCR:

- DCR Contract Parts I, II and III, completed accurately.
- Estimated component cost calculations and approved cost-share calculations including buffer payments, incentives, and other contributing funding sources.
- A copy of the approval letter/memo that was sent to the participant.
- A copy of the Carryover approval letter/memo that was sent to the participant for each Carryover, if applicable.
- A copy of the tax credit certificate, if applicable.
- Conservation plans, Nutrient Management Plans, Grazing Management Plans, Agricultural Waste Management System Plans, and/or Dry Manure Storage Structure Agreement, as required by the BMP specification.
- Practice design sheets and as-built designs.
- Documentation of a Resource Review having been completed (Ex. a printout of the resource concerns page from the Tracking Module is sufficient; an NRCS CPA-52 does not meet this requirement).
- If resource concerns were identified, documentation of the concern being addressed. (Ex: an NRCS CPA 52, or other documents/communications from DCR-DNH, DGIF, or DHR).
- Conservation Planning notes (Con-6 Notes).
- Location map with road names or route numbers and/or driving directions that clearly shows the location of all components and fields included in the practice.
- DCR Bid Solicitation Sheet.

- Copies of all of the bills/invoices/receipts for eligible components submitted by the participant.
- Payment and tax credit calculations.
- Copies of the issued checks for payment to the participant.

A review of cost-share files will be conducted annually to ensure documentation is maintained. Reviews will be conducted by the CDC utilizing the Cost-Share File Administrative Audit (refer to Section IX – Glossary and Forms). At a minimum, the CDC will review two cost-share files for each District conservation technician.

Minimum document retention for cost-share application forms will be three years. Canceled applications may be discarded after the three year period if not needed for future reference by the District.

If the practice is installed, documentation should be retained for three years beyond the lifespan of the practice.

For any practice cost-shared with VACS funds on a percentage basis, the District will require bills/invoices/receipts for all eligible practice components to determine total actual installation cost. Authorizing personnel will examine supporting data to determine eligible components and proper cost-share rates. The participant must sign Virginia BMP Incentives Program Contract Parts I, II and III; Part III includes the participant’s certification that the practice is completed according to specifications.

### Cost-Share Program Bid Process

The Cost-Share Program Bid Process is applicable to the list of VACS cost-share practices found below and must be used when the cost of any one component of a VACS contract is estimated to equal or exceed a billable expense of \$~~5075~~,000. For contracts where the estimated billable expense for each component is less than \$~~5075~~,000, the Bid Process is not required.

#### *VACS Practices with Applicable Components:*

- ~~FR-1 Afforestation of Crop, Hay and Pasture Land~~
- ~~FR-3 Woodland Buffer Filter Area~~
- FR-4 Woodland Erosion Stabilization
- SE-1 Vegetative Stabilization of Marsh Fringe Areas
- SE-2 Shoreline Stabilization
- ~~SL-1 Long Term Vegetative Cover on Cropland~~
- SL-3 Stripcropping Systems (only if obstruction removal/subsurface drainage is required)
- SL-4 Terrace Systems
- SL-6F Stream Exclusion in Floodplains
- SL-6N Stream Exclusion with Narrow Width Buffer and Grazing Land Management
- SL-6W Stream Exclusion with Wide Width Buffer and Grazing Land Management
- SL-7 Extension of Watering and Grazing Management Systems

● ~~SL-11 Permanent Vegetative Cover on Critical Areas~~

- WP-1 Sediment Retention, Erosion or Water Control Structures
- WP-2A Streambank Stabilization
- WP-2N Stream Protection (Fencing with Narrow Width Buffer)
- WP-2W Stream Protection (Fencing with Wide Width Buffer)
- WP-3 Sod Waterway
- WP-4 Animal Waste Control Facilities
- WP-4B Dairy Loafing Lot Management System
- WP-4C Composter Facilities
- WP-4F Animal Mortality Incinerator Facilities
- WP-4FP Feeding Pad
- WP-4LC Animal Waste Control Facility for Confined Livestock Operations
- WP-4LL Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)
- WP-4SF Seasonal Feeding Facility with Attached Manure Storage
- WQ-1 Grass Filter Strips
- WQ-5 Water Table Control Structures
- WQ-11 Agricultural Sinkhole Protection
- WQ-12 Roof Runoff Management System

For purposes of the Bid Process, project components are equivalent to the corresponding NRCS Standards as outlined in each specification. For example, the SL-6W includes the following NRCS Standards, each of which will be considered as a component for the purposes of the Bid Process: 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.

The ~~FR-1, FR-3,~~ and SE-1 specifications do not reference explicit NRCS Standards; therefore, ~~Districts shall use the NRCS 382 Fence and 612 Tree/Shrub Establishment standards as the FR-1 and FR-3 components that require bids if the eligible billable expense is estimated to equal or exceed \$50,000.~~ Districts shall use the NRCS 580 Streambank and Shoreline Protection standard as the SE-1 component that requires bids if the eligible billable expense is estimated to equal or exceed \$5075,000.

*Documentation Requirements:*

The District must retain the completed Virginia Agricultural Cost-Share Bid Solicitation Sheet (Bid Solicitation Sheet) in the cost-share file to document: (i) whether the Bid Process was required; (ii) whether an applicant completed the work on his/her own; or (iii) the applicant did not complete the work on his/her own and bid solicitation was required for each component with an estimate of \$5075,000 or greater.

*Step #1:*

When the local SWCD Board approves any cost-share contract where the cost of any one component is estimated to equal or exceed a billable expense of \$5075,000, the District will

mark the project in the AgBMP Tracking Module with the status of “Conditionally Approved Pending Bids.”

The District will use the appropriate Form Letter in the AgBMP Tracking Module to notify the applicant that their request is eligible for cost-share assistance and that funds have been conditionally approved pending the completion and return of the Bid Solicitation Sheet. In the Form Letter, the District should clearly state each component of the project (e.g. Fence, Well, etc.) that will require bids based on estimated costs. The District should also state that the applicant will have 120 days from the receipt of the Form Letter to obtain a minimum of three bids for each applicable component, complete the Bid Solicitation Sheet, and return it to the District. If the Bid Solicitation Sheet is not received within 120 days, the project will be cancelled.

*Step #2:*

The applicant will complete the Bid Solicitation Sheet. For projects where the applicant is doing their own work, the applicant should simply check the second selection at the top of the Bid Solicitation Sheet, sign on the second page, and return to the District. If the applicant will not be doing his/her own work, the participant is required to obtain a minimum of three bids for each necessary component. The applicant should fill out the Bid Solicitation Sheet completely. Part 1 includes applicant information such as the applicant’s name, address and telephone number. Part 2 includes vendor information such as the name, tax identification number, telephone number and mailing address of each vendor as well as the date and time when each bid was obtained. Part 3 includes the actual vendor estimates, component by component, as well as estimated start and completion dates.

After all three portions of the Bid Solicitation Sheet are completed by the applicant, the applicant should also select which contractor they intend on hiring and, in the event that the applicant does not desire to award the project to the lowest bidder, the applicant will provide suitable justification in writing to the District explaining why the low bid will not be accepted. Additionally, when a minimum of three bids cannot be obtained from sources within a 50 mile radius of the BMP location, the applicant will provide documentation for this in the Comment section of the Bid Solicitation Sheet. Once the Bid Solicitation Sheet is complete, the applicant will return a signed copy to the District.

*Step #3:*

After the District receives the required Bid Solicitation Sheet, the District must keep a copy in the cost-share file. No further District Board action is required. District staff must switch the status of the project from “Conditionally Approved Pending Bids” to “Approved” in the AgBMP Tracking Module and send the applicant a notice of final approval using the appropriate form letter found in the AgBMP Tracking Module.

*Step #4:*

The applicant will notify the successful bidder that the project has been approved and therefore construction can begin. Should the bidder accept the job, the applicant will notify the District of the anticipated construction start date.

Any future requested increase in authorized cost-share funding must be approved by the District Board and recorded in the minutes of the meeting where the increase in funding is approved.

**PART 1: APPLICANT INFORMATION**

Applicant Name: \_\_\_\_\_ Soil and Water Conservation District: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_ Applicant Telephone Number: \_\_\_\_\_

Specifications Prepared by: \_\_\_\_\_ Quotes Secured By (if applicable): \_\_\_\_\_

- Check here if the Bid Process is not required; stop here.
- Check here if the applicant will complete the work on his/her own. Bid solicitation is not required; stop here.
- Check here if the applicant will not complete the work on his/her own. Bid solicitation is required for each component with an estimate of \$5075,000+ as indicated by the District.

**PART 2. VENDOR INFORMATION**

Information	Vendor #1	Vendor #2	Vendor #3	Vendor #4
Vendor Name				
Person Contacted and Title				
Phone Number and/or Email Address				
Mailing Address				
Date and Time that Bid was Obtained				

**PART 3. VENDOR ESTIMATES**

	Project Component(s) Requiring Bids (e.g. Pipeline, Watering System, Well)	Vendor #1	Vendor #2	Vendor #3	Vendor #4
1					
2					
3					
4					
5					
6					
7					
<b>Grand Total if Multiple Component Bids:</b>					
<b>Estimated Project Start Date:</b>					
<b>Estimated Project Completion Date:</b>					

Selected Vendor: \_\_\_\_\_

Reasoning if Lowest Bid is not Selected: \_\_\_\_\_

Reasoning if the Minimum Three Bids are not Obtained: \_\_\_\_\_

Other Comments: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Signature Date: \_\_\_\_\_

### CREP Documentation

Districts must file their copy of all CREP-related forms within the participant's folder. Conservation Plans and practice design sheets should be kept with individual case files.

Districts shall keep copies of the appropriate FSA forms (CRP-1 and appropriate 848(s)), the USDA Conservation Plan, and Parts I, II and III of the Virginia BMP Incentives Program Contract in the participant's folder. The District should reference the signed 848 on the Virginia BMP Incentives Program Contract Part II (statement of technical need) and Part III (participant and technical practice certification signature areas).

FSA will keep all billings and expense records.

### Data Reporting

In order to adequately track program effectiveness and to make necessary management decisions, it is vital that all data requested on the Virginia BMP Incentives Programs Contract be entered and updated into the AgBMP Tracking Module in a timely fashion. The AgBMP Tracking Module will be maintained on the Richmond server and will be available for generating reports through Logi Ad Hoc software accessible by District staff.

DCR Data Services staff will collect VACS Program data quarterly. All necessary data must be entered into the AgBMP Tracking Module by the identified cost-share program schedule for each quarter and the close of the Program Year. Districts must submit an estimated funding need based upon data entered into the AgBMP Tracking Module for the coming quarter to their Conservation District Coordinators (CDCs) before quarterly disbursement letters can be generated.

### Completion Dates and Carryover Practice Status

Unless otherwise stated in the Manual, VACS practices must be completed within the Program Year in which they were approved; therefore, they have a One-Program Year completion date. However, many structural practices have a Two-Program Year completion date, all of which are eligible for Carryover. Please see the tables below for details.

Districts shall set and enforce completion dates for approved practices and inform the successful applicant of their required completion date. The "Required Completion Date" must be entered by the District in the General tab of the AgBMP Tracking Module when approving practices. Practices shall be monitored by District staff until completion.

**Approved practices not started, not under construction, or not complete by the applicable completion date (i.e. One or Two-Program Years) are to be canceled in order to reauthorize funds from canceled practice for other applicants.** Practices canceled for lack of completion effort should not be eligible for funding in future Program Years. When mitigating circumstances influence a participant's ability to complete an approved practice, cancelled practices may be reconsidered by the District Board in a new Program Year.

The following BMPs may need more than one program year to complete and should be maintained in the AgBMP Tracking Module in accordance with the Carryover rules contained in these Guidelines:

<b>Practices with One-Program Year completion dates eligible for Carryover</b>	
FR-3M	<del>Woodland Buffer Filter Area</del> Riparian Forested Buffer Maintenance
FR-4	Woodland Erosion Stabilization
NM-3C	Split Application of Nitrogen on Corn, Grain Sorghum, and/or Cotton
NM-5N	Precision Nitrogen Management on Cropland - Nitrogen Application
NM-5P	Precision Nitrogen Management on Cropland – Phosphorous Application
NM-7	Cover Crop for Managing Liquid or Semi-Solid Manure
RMP-1	Resource Management Plan Development
RMP-2	Resource Management Plan Implementation
SL-1	Long Term Vegetative Cover on Cropland ( <del>May not be carried over more than two planting seasons, i.e. spring and fall.</del> )
SL-8A	Protective Cover for Agricultural Cropland
WFA-NM	Whole Farm Approach – Nutrient Management Bundle
<del>WQ-12</del>	<del>Roof Runoff Management System</del>

<b>Practices with Two-Program Year completion date (all are eligible for Carryover)</b>	
FR-1	Afforestation of Crop, Hay and Pasture Land
FR-3	<del>Woodland Buffer Filter Area</del> Riparian Forested Buffer
SE-1	Vegetative Stabilization of Marsh Fringe Areas
SE-2	Shoreline Stabilization
SL-4	Terrace Systems
SL-6F	Stream Exclusion in Floodplains
SL-6N	Stream Exclusion with Narrow Width Buffer and Grazing Land Management
SL-6W	Stream Exclusion with Wide Width Buffer and Grazing Land Management
SL-7	Extension of Watering and Grazing Management Systems
SL-10	Grazing Land Management
SL-11	Permanent Vegetative Cover on Critical Areas
SL-11B	Farm Road, Animal Travel Lane, Heavy Use Area Stabilization
WP-1	Sediment Retention, Erosion or Water Control Structures
WP-2A	Streambank Stabilization
WP-2B	Stream Crossings & Hardened Access
WP-2C	Stream Channel Stabilization
WP-2N	Stream Protection (Fencing with Narrow Width Buffer)
WP-2W	Stream Protection (Fencing with Wide Width Buffer)
WP-3	Sod Waterway
WP-4	Animal Waste Control Facilities

WP-4B	Dairy Loafing Lot Management System
WP-4C	Composter Facilities
WP-4F	Animal Mortality Incinerator Facilities
WP-4FP	Feeding Pad
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations
WP-4LL	Loafing Lot Management System with Manure Management
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage
WP-5	Stormwater Retention Pond
WP-7	Surface Water Runoff Impoundment for Water Quality
WQ-5	Water Table Control Structures
WQ-11	Agricultural Sinkhole Protection
<u>WQ-12</u>	<u>Roof Runoff Management System</u>

*Carryovers for practices with One-Program Year completion dates*

Just prior to the end of a Program Year, the District must assess all approved BMPs that have not been completed and determine which approved practices will be carried over for completion in the next Program Year. For eligible practices only, the District Board may extend the completion date if justified (i.e. under construction) for up to one additional Program Year; the District Board must take formal action to approve the BMP status being changed to “Carryover.” The date of formal Board action is the “Carryover Signature Date” and should be recorded on the General Tab of the AgBMP Tracking Module.

The original “Required Completion Date” field on the General Tab of the AgBMP Tracking Module should remain; however, the “Carryover Date” field should be updated with the new required completion date. Since Carryovers are only given on a full program year basis, the “Carryover Date” should automatically be June 30th of the following program year.

Completion and certification of carried over practices should be achieved as quickly as possible during the One-Year Carryover period. Practices that are carried over but not completed by the end of the additional Program Year will be canceled; no further extension will be granted.

*Carryovers for practices with Two-Program Year completion dates*

Just prior to the end of a Program Year in which a practice with a Two-Program Year completion date is approved, the District will need to change the status of all eligible contracts to "Carryover" in the AgBMP Module. This does not require a formal Board motion.

At the end of the second Program Year, the District must assess Carryover BMPs that have not been completed and determine which practices will be carried over for completion in the third Program Year. For all practices that are approved with a Two-Program Year completion date, the District Board may only extend the completion date for one additional Program Year (i.e. the third Program Year) if justified by substantial construction. The District Board must take formal action to approve the extended BMP completion date. The date of formal Board action is the “Carryover Signature Date” and should be recorded on the General Tab of the AgBMP

Tracking Module.

The original “Required Completion Date” field on the General Tab of the AgBMP Tracking Module should remain; however, the “Carryover Date” field should be updated with the new required completion date. Since Carryovers are only given on a full program year basis, the “Carryover Date” should automatically be June 30th of the following program year. Completion and certification of carried over practices should be achieved as quickly as possible during the approved Carryover period.

*Additional Carryover requests for Two-Program Year practices*

If a Two-Program Year practice is still not completed by the end of the third Program Year, an additional Carryover may be requested by the District for approval by the Agricultural Incentives Program Manager. **All requests for DCR-approved carryovers should be made by May 15th in order for them to be processed before June District Board Meetings.** Each second Carryover request will be considered on a case-by-case basis. A request should only be made if the need for a new completion deadline can be justified as documented in the Carryover Measures on the Measurements tab in the AgBMP Tracking Module. Approval of an additional Carryover request is at the discretion of the Agricultural Incentives Program Manager. If approved, an additional Carryover shall be granted for one additional Program Year (i.e. the fourth Program Year).

If DCR approves an additional Carryover, the District Board must still take formal action to approve the extended BMP completion date. The date of formal Board action is the “Carryover Signature Date” and should be recorded on the General Tab of the AgBMP Tracking Module.

The original “Required Completion Date” field on the General Tab of the AgBMP Tracking Module should remain; however, the “Carryover Date” field should be updated with the new required completion date. Since Carryovers are only given on a full program year basis, the “Carryover Date” should automatically be June 30th of the following program year. **Barring extraordinary circumstances, approved practices not completed by the end of this additional Program Year date will be canceled; no further extension will be granted.** If the District believes there are circumstances that merit additional consideration for a practice that will not be complete by the end of the additional Program Year, the practice must be brought to the attention of the Agricultural Incentives Program Manager as soon as possible, no later than May 15th. The AIPM will consult with the District and DCR staff (CDC, Engineering Services) to address any such practices on a case-by-case basis.

*Process for all Carryover practices*

For all Carryover practices, District staff should complete the Carryover Measures section on the Measurements tab in the AgBMP Tracking Module. This includes entering the “Estimated Completion Date” and a justification statement in the AgBMP Tracking Module in the "Justification" box for each contract instance.

District Boards should review and grant preliminary approval for Carryovers at their June Board

meetings. Subsequently, a signed Carryover report generated in Logi shall be submitted by the District to the District's Conservation District Coordinator (CDC) by July 15th. The CDC will review the report and forward the signed report to the Agricultural Incentives Program Manager.

An Extreme Act of Nature (EAN) for SL-8B Practices and the corresponding option under WFA-CC Only-Definition and Process

For this Program, an “Extreme Act of Nature” (EAN) shall mean some sudden and irreversible act of nature that could not have reasonably been foreseen or prevented. Examples include floods, drought, fire, and exceptional storms like hurricanes and tornados. Generally, such events should be supported or documented by actions that could include a Governor’s disaster designation or weather records that document excessive rainfall, floods, tornados or other such events.

For the SL-8B practice and the corresponding option under WFA-CC only, any local District Board of Directors (BOD) may authorize a one-time per planting season extension of up to 14 days beyond the specified standard planting dates cited within the practice specifications. However, once planted, those cover crops must satisfy the required performance criteria included in the practice specification. When an EAN planting date extension is approved for up to 14 days, the date for meeting the performance criteria and the date for Districts to verify performance criteria have been met are automatically extended for the same length of time. Payments approved under the EAN extension shall only apply to the standard planting date. The EAN extension is not intended to extend the early planting dates or authorize early payment amounts beyond those contained within the BMP specifications.

The BOD’s actions for the extension of the planting and performance criteria dates must be supported by documentation. There are two options that allow the BOD to approve an extension for an entire county, city, or multiple jurisdictions. The BOD must have one of the following to document such an action:

1. Documentation of the Governor’s request for a disaster designation. The disaster declaration must directly impact the germination or growth of cover crops in the counties or cities included in the designation; or
2. Documentation of a Farm Service Agency (FSA) disaster declaration. The disaster declaration must directly impact the germination or growth of cover crops in the counties or cities included in the designation.

If there is no disaster declaration request from the Governor or disaster designation issued by FSA, the BOD may extend the planting and performance criteria dates by hydrologic units (HUCs). To do so, the BOD must have both:

1. Documentation from a local credible source such as the local Virginia Cooperative Extension Agent who serves the applicable HUCs impacted or the local Agricultural Research and Extension Center (if applicable), which clearly references the unusual EAN circumstances in the HUCs impacted; and
2. Documentation from a professionally recognized climatology expert which clearly

references the unusual EAN circumstances in the HUCs being considered for an extension. For drought conditions, this could include the United States Drought Monitor, State Climatology Office or the Palmer Drought Severity Index.

The BOD may grant an EAN extension for one or more hydrologic units (HUCs) within their District boundaries that will apply to all SL-8B contracts that are wholly within those HUCs. Note that in the case of HUCs that fall within multiple Districts boundaries, the District's EAN designation of the HUC only applies to the portion of the HUC within the District's jurisdiction.

After any actions are taken by the BOD to grant an EAN extension to SL-8B standard planting dates using any of the three allowable options, the DCR Agricultural Incentives Program Manager must be notified. Additionally, such documentation supporting actions taken by the BOD must be included in each impacted participant's folder and included in the minutes of the BOD meeting. Compliance with the performance criteria through the District technical employee's best professional judgment is required to ensure Virginia taxpayers do not pay for cover crop plantings that do not provide water quality benefits.

If the BOD determines that EAN circumstances exist during the recognized planting period and that the participant could not reasonably fulfill planting deadline requirements, the participant may decide not to plant the cover crop practice and the practice should be canceled. The participant's decision to cancel the practice should not negatively affect future cost-share application requests. If the participant chooses to plant the cover crop prior to the extended deadline, but the cover crop fails to meet the practice performance criteria, the practice will not be certified as complete and the participant will not be paid for the practice.

#### An Extreme Act of Nature (EAN) for Other Cover Crop Practices (Including SL-8H, SL-8M, NM-7, WQ-4, and corresponding options under WFA-CC) – Definition and Process

In the case of an Extreme Act of Nature with regional or statewide implications, the Director of the Virginia Department of Conservation and Recreation, in consultation with the Virginia Soil and Water Conservation Board, may authorize District Boards to provide an extension for certain cover crop planting dates of up to 14 days beyond the planting date. Once planted, all practices must satisfy the required performance criteria included in the practice specification. When a planting date extension is authorized, the date for meeting the practice's performance criteria and the date for Districts to verify performance criteria have been met will be automatically extended.

#### Practice Failures Due to an Extreme Act of Nature (EAN)

A producer may be eligible to receive cost-share funding for practice failures or damage to a practice resulting from an irreversible Extreme Act of Nature such as a flood, drought, fire, hurricane or tornado in order to assist with the costs of the necessary repairs to ensure the practice is fully functioning. The practice must have been certified and the failure or damage due to the EAN must have occurred during the lifespan requirement of the practice in order for the producer to be eligible for funding.

Practice failures or damage that results from other causes are not eligible for cost-share funding unless specifically authorized in the practice specification. Failures or damages that occur to practices that are the result of a lack of routine maintenance are also not eligible to receive cost-share funding. Routine maintenance is the responsibility of the applicant for the lifespan of the practice.

#### Conditions of Receiving Cost-Share Funding for an EAN

If a participant receives cost-share funding via the EAN practice failure process, the participant will (i) receive the cost-share rate established in the current equivalent VACS practice specification and (ii) will be responsible for a newly reset lifespan requirement for that practice based upon the current equivalent VACS practice specification. Previously established buffers shall not receive a buffer payment. District staff shall inform the participant that there is no guarantee of funding.

#### Process for Requesting Cost-Share Funding for an EAN

- A. If the participant requests cost-share funding in response to an EAN, District staff shall proceed as follows:
  1. If the practice requires Engineering Job Approval Authority (EJAA), the District staff person with the appropriate EJAA shall schedule a site visit to inspect the practice and ensure that the practice failure is eligible for assistance under the EAN provisions. District staff shall work with the participant and DCR Engineering Services as needed to plan an acceptable least cost, technically feasible solution for repairing the practice;
  2. District staff shall contact the applicable CDC or DCR Data Services staff to set the original instance to Unapproved in the AgBMP Tracking Module, develop a map of the project, including the solution to the practice failure, digitize the additional or changed components of the practice and run Resource Reviews in the AgBMP Tracking Module as applicable per the VACS Manual, and formulate the new Estimated Instance Cost, new Estimated Cost-Share Payment and Tax Credit for the project repair;
  3. District staff shall notify the applicable Conservation District Coordinator (CDC) that they have a previous Program Year BMP instance that has been determined to have failed due to an EAN during the lifespan of the practice. District staff should provide project details to their CDC as to why additional cost-share is warranted, including a Narrative, the Map of Practices, Estimated Instance Cost, Estimated Cost-Share Payment and Tax Credit.
  
- B. The CDC will review and, when all necessary information is received, route the request to the Agricultural Incentives Program Manager for review and approval if warranted. If approved by the Agricultural Incentives Program Manager, DCR Data Services staff will be notified and the following steps will be taken in the AgBMP Tracking Module:
  1. DCR Data Services staff will create the appropriate budget in the Program Year of the BMP instance which failed;
  2. The CDC will transfer the requested funds from the current Program Year back to this new budget;

3. District staff will add the new budget (i.e. program) on the Programs tab and enter the new Estimated Instance Cost (which is the total cost of the original practice plus the needed repair), new Estimated Cost-Share Payment (which is the total cost of the original practice plus the needed repair), and new Tax Credit for the project repair;
  4. District staff will make detailed notes on the General tab regarding the original and additional Estimated Instance Costs and Estimated Cost Share Payments
- C. The District Board shall only approve the use of the cost-share funds for the practice failure after the Agricultural Incentives Program Manager approves and the appropriate steps are taken by both DCR Data Services staff and the District as outlined above.
- D. The participant may not begin construction until the District Board has authorized the use of cost-share funds and any other necessary requirements, such as an approved Design and the Bid Process, are completed. Any BMPs or components utilized to address the Practice Failure that are initiated or installed prior to contract approval are not eligible for funding.
- E. Following Board approval, District staff will follow the normal data entry process in the AgBMP Tracking Module as the BMP instance is returned to a fully functioning practice. When the repairs are completed, District staff will:
1. Complete the data entry on the Programs tab;
  2. Update the Technical Certification Date to the date the repairs were certified as completed (this step is what resets the lifespan);
  3. On the General tab, enter a detailed comment describing why the additional funds were provided;
  4. Change the status of the BMP practice to complete;
  5. Issue the additional payment to the participant; and
  6. Notify their CDC that the payment has been issued. The CDC will review the data entry for completeness.

Reapplication for Practice Failure can be authorized only once for the specific practice on the specified acreage (except where not eligible as stated in specifications). If the practice fails for the second time after certification and payment, reestablishment will be at the participant's expense and must be maintained for the specified life span.

A District Board may also approve additional cost-share funds up to the specified practice cost-share rate as allowed within this Manual for additional eligible component expenses when such components are damaged or destroyed by an EAN during construction or prior to certification. Such funds shall only be paid upon project completion and certification.

#### Practices Not Maintained or Destroyed During Lifespan

Participants found, at any time of year, to have practices not meeting specifications, practices not being maintained, or practices destroyed during the designated lifespan of the practice will be contacted by the District, informed of the nature of the deficiency, and notified of pending repayment requirements if the deficiency is not corrected. This should initially be a verbal notice (with the date documented in a case file). Verbal notice should be followed with a written notice

(by certified mail) within two weeks. This notice must indicate the observed nature of the problem and allow the participant the opportunity to respond within two weeks.

Participants may be given a maximum grace period of six months from the date of the written notification for practice compliance. At the end of the grace period, the practice will be re-inspected. If still not in compliance, the District will notify the participant in writing that repayment of state cost-share funds is required.

Participants will have 60 days from the date of the District's notification of repayment to refund the state cost-share funds. If restitution has not been made at the end of this 60-day period, the District will notify the Office of the Attorney General (OAG) for assistance to reclaim state funds. It is recommended that the OAG be apprised of the need for assistance as soon as the deadline for recovery has passed.

#### Practice Failures Due to Unknown Causes

Very rarely, a conservation practice fails during lifespan in the absence of an Extreme Act of Nature (EAN) or lack of maintenance. In such situations, the producer may be eligible for additional cost-share in order to assist with the costs of the necessary repairs to ensure the practice is fully functioning. The practice must have been certified and the failure must have occurred during the lifespan requirement of the practice in order for the producer to be eligible for funding.

If a participant receives cost-share funding for a practice failure due to unknown causes, the participant will (i) receive the cost-share rate established in the current equivalent VACS practice specification and (ii) will be responsible for a newly reset lifespan requirement for that practice based upon the current equivalent VACS practice specification. Previously established buffers shall not receive a buffer payment. District staff shall inform the participant that there is no guarantee of funding.

If the participant requests cost-share funding in response to such circumstances, District staff shall proceed as follows:

1. If the practice requires Engineering Job Approval Authority (EJAA), the District staff person with the appropriate EJAA shall schedule a joint site visit with DCR Engineering Services staff to inspect the practice and ensure that the practice failure is eligible. If so, District staff shall work with the participant and DCR Engineering Services to plan an acceptable least cost, technically feasible solution for repairing the practice;
2. The District Board must make the ultimate determination as to whether or not the additional funding is warranted or if the failure was due to lack of maintenance. A formal vote by the local District Board is required as to whether or not the District should move the request forward to DCR;
3. If the District Board votes to move the request forward, District staff shall contact the applicable CDC or DCR Data Services staff to set the original instance to Unapproved in the AgBMP Tracking Module, develop a map of the project, including the solution to the practice failure, digitize the additional or changed components of the practice and run Resource Reviews in the AgBMP Tracking Module as applicable per the VACS

Manual, and formulate the new Estimated Instance Cost, new Estimated Cost-Share Payment and Tax Credit for the project repair;

4. District staff shall notify the applicable Conservation District Coordinator (CDC) that they have a previous Program Year BMP instance that has been determined to have failed due to an EAN during the lifespan of the practice. District staff should provide project details to their CDC as to why additional cost-share is warranted, including a Narrative, the Map of Practices, Estimated Instance Cost, Estimated Cost-Share Payment and Tax Credit.

The CDC will review and, when all necessary information is received, route the request to the Agricultural Incentives Program Manager for review, consultation with DCR Engineering Services, and approval if warranted. If approved by the Agricultural Incentives Program Manager, the District shall proceed utilizing the steps recorded in the VACS Guidelines section titled: "*Process for Requesting Cost-Share Funding for an EAN*".

#### Transferring a BMP Cost-Share Instance or Contract

Where ownership or leasehold of property has changed, the original applicant is still the individual responsible for the maintenance of the practice and, failing that, for the return of the cost-share funds or state tax credits. The terms of any sales agreement, lease agreement, or other transaction document for any property with a cost-shared practice present or any practice that received tax credits should address this responsibility and be legally effective to transfer it to the new property owner or operator. Upon the transfer of ownership or leasehold of the property, the original applicant must present to the District for their approval an executed copy of the "*Agricultural Best Management Practice Maintenance Agreement Transferring Responsibility for Best Management Practice*," thereby transferring legal responsibility for maintenance of the practice to the new property owner or lessee or a pro-rated return of cost-share funds. If tax credits were received, the original applicant must provide documentation to the District that written notification was provided to the Virginia Department of Taxation of the property's sale or transfer.

When a BMP contract or a BMP instance must be transferred to a new participant prior to the completion of the BMP, District staff will complete the form "*Agricultural Best Management Practice Maintenance Agreement Transferring AgBMP Contract to a New Participant before Practice Completion*." District Board approval is not necessary unless the BMP contract or instance being transferred has been approved by the Board of Directors to receive cost-share. If one or more of the instances requesting a change in the participant has been approved by the Board to receive VACS cost-share or certain tax credits, then the District Board must approve the transfer. A Board of Director's member must sign the Transfer form upon approval by the Board. The appropriate CDC must also sign this transfer form. After changes are completed within the AgBMP Tracking Module, District staff will have the new participant sign a new Part I form for the file.

Once all signatures and approvals have been obtained for any Transfer of Responsibility form, the District should attach the form and the W-9 for the new participant to the contract or instance, whichever is most appropriate, in the AgBMP Tracking Module. If the original participant has

| passed away, 'deceased' should be written on the present participant's signature line. District staff should then contact DCR Data Services staff or the SWCD Liaison with the contract and/or instance number where the transfer of responsibility forms can be found to request the participant change.

Commonwealth of Virginia  
Agricultural Best Management Practice  
Transferring AgBMP Contract to a New Participant Before Practice Completion

This agreement is intended to designate the transfer of an AgBMP Contract from one participant to another. This form is only to be used in cases where the BMP instances under the contract have not been certified as complete. If the BMP has been completed use the *Agricultural Best Management Practice Agreement for Transferring Maintenance Responsibility* form. The present participant (owner or operator) of the property has requested a change in his/her information entered into the AgBMP Tracking Module. In cases where BMP instances under the contract have been approved by the District Board, this request must also be approved by the District Board.

Contract No. \_\_\_\_\_

PRESENT PARTICIPANT NAME AND ADDRESS  
and SSN or TAX ID

NEW PARTICIPANT NAME AND ADDRESS and  
and SSN or TAX ID

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone No. \_\_\_\_\_

Phone No. \_\_\_\_\_

The undersigned hereby certify that the Present Participant has requested the Contract be transferred to the New Participant. The New Participant will be required to sign an updated Part I – Application for Program form, and if any BMP instances under the Contract have been approved by the District Board, an updated Part II – Technical Determination and District Approval form.

\_\_\_\_\_  
(SIGNATURE OF PRESENT PARTICIPANT)

\_\_\_\_\_  
(SIGNATURE OF NEW PARTICIPANT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

APPROVED BY: \_\_\_\_\_  
(District Staff or District Board Member)

DATE: \_\_\_\_\_  
(Approval Date)

CDC Concurrence: \_\_\_\_\_

DATE: \_\_\_\_\_

Commonwealth of Virginia  
 Agricultural Best Management Practice  
 AGREEMENT TRANSFERRING MAINTENANCE RESPONSIBILITY FOR  
 BEST MANAGEMENT PRACTICE

This agreement is intended to designate the transfer of maintenance responsibility for a Best Management Practice that received cost-share or tax credit. The present participant (owner or operator) of the property has received funding from the Commonwealth of Virginia to implement a Best Management Practice on the below-referenced land unit. In return he/she has agreed to maintain the practice until \_\_\_\_\_. Completion of this agreement acknowledges assumption of this responsibility by the new participant, including the requirement to repay cost-share and tax credit received by the present participant if the BMP is not maintained according to state specifications.

Farm No. \_\_\_\_\_ Tract No. \_\_\_\_\_ Field No. (s) \_\_\_\_\_

VACS Specification No. \_\_\_\_\_ Extent Installed \_\_\_\_\_

Or

Contract No. \_\_\_\_\_

PRESENT PARTICIPANT NAME AND ADDRESS

NEW PARTICIPANT NAME AND ADDRESS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone No. \_\_\_\_\_

Phone No. \_\_\_\_\_

The undersigned hereby certify that the present participant has transferred to the new participant his or her right and interest in the land unit described above. In consideration of this transfer of ownership or leasehold, it is hereby agreed:

1. The New Participant hereby assumes the duties and obligations of the Present Participant under Contract No. to maintain the above BMP for its lifespan in accordance with state specifications, and to refund all or part of the cost-share assistance or tax credit if the practice is found not to meet state specifications, or if the practice is removed or not properly maintained during its lifespan. The New Participant agrees to allow District personnel access to property for the purpose of verifying maintenance of the BMP.
2. The \_\_\_\_\_ District acknowledges the transfer of the maintenance responsibility. Any cost-sharing or assistance provided under this transfer agreement shall be in accordance with applicable program rules and regulations of the Virginia Agricultural BMP Manual.

\_\_\_\_\_  
 (SIGNATURE OF PRESENT PARTICIPANT)

\_\_\_\_\_  
 (SIGNATURE OF NEW PARTICIPANT)

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 SSN or Federal Tax ID #

\_\_\_\_\_  
 SSN or Federal Tax ID #

APPROVED BY: \_\_\_\_\_  
 (District Board Member)

DATE: \_\_\_\_\_  
 (Board Member Approval Date)

## Return of Cost-Share Funds

All or part of the cost-share funds, including incentive payments and buffer payments, may be returned based upon a straight-line pro-rata basis if appropriate. This should be calculated on a monthly basis. For example: XYZ District made a total cost-share payment of \$78,000 for a 10-year SL-6W practice to Farmer Green on October 10, 2021. The practice guidelines stipulate that the lifespan of the practice begins on January 1 of the calendar year following the certification of completion (see definition of Lifespan in the Glossary). This practice is spot checked in August of 2024 and it is discovered that the land was sold in June 2024 for development and the practice has been destroyed. The District should calculate the landowner's pro-rata share as follows:

- Installation date: October 10, 2021
- Lifespan of practice: 10 Years (January 1, 2022 through December 31, 2031): 120 months
- Spot Check Date: August 2024
- Practice in Compliance: January 2022 through June 2024: 30 months
- Cost Share to Landowner: \$78,000
  - $\$78,000 \text{ divided by } 120 \text{ months} = \$650/\text{month}$
- Repayment Calculation:  $120 \text{ months} - 30 \text{ months} = 90 \text{ months}$
- Landowner repayment to District:  $90 \text{ months} \times \$650/\text{month} = \$58,500.00$  (District will deposit funds to the appropriate cost-share account)

In the case of the death of the applicant, the requirement to return cost-share funds may be waived but an official action of the District Board waiving this requirement must be recorded in the minutes.

When a District has determined that a practice has failed or been destroyed and has followed all of the practice failure and repayment procedures, and the participant claims that, due to an unforeseen hardship, they are unable to repay the cost-share funds, the hardship process may be initiated.

Refer to Section IV - Tax Credit Guidelines for instructions on the return of tax credits.

## Hardship Process (Including Highly Unusual Situations)

This process may be utilized in highly unusual situations where a participant requests that the District Board forgive repayment of cost-share funds due to failure or destruction of a BMP. The District Board must determine that, due to highly unusual circumstances beyond the participant's control, it is reasonable to forgive repayment of cost-share funds normally associated with a practice failure. The circumstances must be severe, such as a life-threatening illness, bankruptcy, or some other highly unusual situation. This process may not be used to provide relief associated with planting dates, lack of cover for cover crop practices, or other modifications to practice specifications.

If appropriate in "hardship" cases, the District Board may make alternative recommendations

for DCR's consideration. All requests for hardship shall be submitted in writing to the Agricultural Incentives Program Manager and copied to the appropriate Conservation District Coordinator (CDC).

When a hardship request is received by DCR, an ad hoc committee composed of the following three members will be convened:

- The Conservation District Coordinator
- The Agricultural Incentives Program Manager
- Another DCR Manager

The District may act as an advocate for the program participant or the participant may present his own case either in writing, via conference call, or in person.

Documentation certifying the existence of a highly unusual circumstance or hardship that provides a clear reason why the participant should (i) be relieved of his responsibility to repay, (ii) be granted a reduced repayment, or (iii) be allowed to restructure repayment of the cost-share amount due to the District must be provided to the committee. The ad hoc committee will render its decision whether or not to grant a hardship exemption in writing to the District and participant citing its reasoning and referencing the documentation provided.

The regional CDC must be copied on all correspondence and be kept informed of any related activities.

#### VACS Program Questions

Questions concerning any aspect of the VACS Program that are not addressed in this Manual should be directed to either the regional Conservation District Coordinator or to the Agricultural Incentives Program Manager.

## Hydrologic Unit Geography

A true watershed is an area of land and water defined by a boundary such that all surface drainage within this boundary converges to a single point. This point of convergence is usually the exit point, where the collected waters leave the watershed. In contrast, hydrologic units are drainage areas that are delineated into a multi-level hierarchical drainage system. Many hydrologic units are watersheds. Some, however, have multiple points of surface drainage entering and/or exiting the unit.

The NRCS, USGS, EPA, and state environmental partner agencies teamed up with the Subcommittee on Spatial Water Data as part of the Advisory Committee on Water Information (ACWI) and the Federal Geographic Data Committee (FGDC) to develop Federal Standards for the Delineation of Hydrologic Unit Boundaries beginning in 2001. The standards were used for creating seamless 5th and 6th level hydrologic units for the entire nation as part of the Watershed Boundary Dataset (WBD).

In Virginia, the digital product resulting from the delineation and capture of these units is the National Watershed Boundary Dataset (NWBD). Sixth level units were delineated by DCR to preserve as much of the intent of the 1995 pre-WBD Virginia hydrologic unit boundaries as possible while creating the Virginia NWBD. This hydrologic unit product, arising from compliance with the continually updated WBD standards, currently contains 1,251 6th level units that are wholly or partially in Virginia. Sixth level NWBD hydrologic units are typically from 10,000 to 40,000 acres each.

To uniquely identify NWBD units in Virginia without requiring the use of 10 or 12 digits, DCR developed a 4-character internal coding scheme for the 5th (VAHU5) and 6th (VAHU6) level units of the NWBD. The first two characters of the VAHU6 code are based on the major stream name in the basin, or portion of the basin, where the unit is located (see table below). The two digits that follow are a numbering scheme based on the drainage flow upstream to downstream. More information about the hydrologic unit systems of Virginia can be found at the DCR Hydrologic Unit Geography web page: [http://www.dcr.virginia.gov/soil\\_and\\_water/hu.shtml](http://www.dcr.virginia.gov/soil_and_water/hu.shtml).

<b>NWBD Hydrologic Unit Codes (VAHU6)</b>	<b>DRAINAGE</b>
PL01-PL74	POTOMAC RIVER, LOWER
PU01-PU22	POTOMAC RIVER, UPPER
PS01-PS87	POTOMAC RIVER-SHENANDOAH RIVER
CB01-CB47	CHESAPEAKE BAY/CHESAPEAKE BAY COASTAL
AO01-AO26	ATLANTIC OCEAN COASTAL
RA01-RA74	RAPPAHANNOCK RIVER
YO01-YO69	YORK RIVER
JL01-JL59	JAMES RIVER, LOWER (TIDAL)
JM01-JM86	JAMES RIVER, MIDDLE (PIEDMONT)
JR01-JR22	JAMES RIVER- RIVANNA RIVER
JU01-JU86	JAMES RIVER, UPPER (MOUNTAIN)
JA01-JA45	JAMES RIVER- APPOMATTOX RIVER
CM01-CM32	CHOWAN RIVER-MEHERRIN RIVER
CU01-CU70	CHOWAN RIVER, UPPER
CL01-CL05	CHOWAN RIVER, LOWER
AS01-AS20	ALBEMARLE SOUND COASTAL
RU01-RU94	ROANOKE RIVER, UPPER
RD01-RD77	ROANOKE RIVER- DAN RIVER
RL01-RL24	ROANOKE RIVER, LOWER
YA01-YA07	YADKIN RIVER-ARARAT RIVER
NE01-NE90	NEW RIVER
TH01-TH46	TENNESSEE-HOLSTON RIVER
TC01-TC35	TENNESSEE-CLINCH RIVER
TP01-TP19	TENNESSEE-POWELL RIVER
BS01-BS35	BIG SANDY RIVER

### Hydrologic Unit Reporting

Since 1995, Virginia has been reporting BMP implementation utilizing the 6th level Hydrologic Unit Codes (HUCs). Virginia state agencies and federal funding agencies now use the NWBD hydrologic unit codes (VAHU6) as the 12 digit unit identifier.

Tables which identify the VAHU6 codes that exist within each county and city in Virginia may be found on DCR's website. To assist in making HUC determinations, Districts may also use the Virginia Hydrologic unit Explorer web map service at: <http://consapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm>. Any BMP Tracking Program

entry now includes the appropriate VAHU6 code.

The Virginia NPS Assessment is utilized to direct cost-share funding toward hydrologic units with the greatest potential to contribute agricultural non-point source pollution into Virginia's rivers and streams. The [2024-2026](#) NPS Assessment agricultural ranking data layers are incorporated into the AgBMP Tracking Module Mapping System to assist Districts in targeting and ranking VACS applications.

### BMP Verification Procedures Overview

BMP verifications are meant to determine practice viability and lifespan. For BMPs in the Chesapeake Bay watershed, verifications also allow the Commonwealth to continue to receive nutrient and sediment loss reduction credit in the EPA Chesapeake Bay Program Phase 6 Model. Technical accuracy was determined at the time of certification by personnel assigned technical certification responsibilities. If technical problems exist, the District and the appropriate technical agency should be notified. Annual practices such as WQ-4, SL-8, etc., are not subject to verification, but technical certification inspections will be carried out during the fiscal year as appropriate. Any verification inspections conducted by other local, state, and federal agencies may be considered by DCR in developing the verification inspection schedule and the results of those verification inspections may be used for DCR reporting requirements.

- BMP verifications are conducted by District personnel under the guidance of DCR staff. Technical agencies involved (NRCS and DOF) should be notified that verification inspections are to occur but staff from these agencies are not required to be present at the inspection. BMP inspections are intended only to verify the practice's existence on the farm and that the practice meets basic specifications.
- For structural and land management practices, BMP verifications should be conducted after the close of the Program Year but early enough to allow modification and vegetation to be re-established (if needed).
- Random BMP verification inspections will be conducted by the District Conservation Specialist/Technician under the guidance of DCR staff to determine that the individual practice is still viable. The CDC will also conduct administrative reviews periodically.
- The list of BMPs selected for verification will be made available to Districts through the BMP Verification portion of the AgBMP Tracking Module.
- Upon the completion of the BMP verifications, District personnel must inform the appropriate technical agency if any corrective action is needed and when such action can begin; the District Board must be informed of the results of the verification inspections at its next regularly scheduled meeting after the verifications are completed. BMP verification information may be accessed by the Conservation District Coordinator through the AgBMP Tracking Module and DCR's Logi reporting system. The BMP Verification portion of the AgBMP Tracking Module is considered the source system of record by DCR for this information.

- Results of the BMP verification inspections for practices receiving cost-share from other sources should be shared with the appropriate agency.
- BMP verification data will be consolidated into a table via DCR's Logi reporting system; the table will indicate how many inspections were conducted, how many practices were in compliance, and how many practices require additional District follow up. The report will be used by the CDC to ensure that Districts follow-up on practices needing additional attention, that all issues are resolved, and, if needed, a pro-rata return of cost share and tax credits are returned to the District.
- Cover crop and nutrient management practices are technically certified during their single year of VACS Program lifespan and thus are not subject to random selection.

#### Selection Methodology for BMP Verification

*For BMPs located in the Chesapeake Bay Drainage:*

Verification procedures for BMPs are subdivided into groups based primarily on the risk of failure as demonstrated by the verification inspection histories for each type of BMP (structural or land management), as well as program type (cost-share or voluntary), whether the BMP is still in VACS Program lifespan, and applicability to the Chesapeake Bay Watershed Implementation Plan.

BMPs will be randomly selected for verification in this manner:

- 2% of structural BMPs still in VACS Program lifespan, which were not verified in the previous calendar year;
- 5% of land management BMPs still in VACS Program lifespan, which were not verified in the previous calendar year;
- 4% of voluntary structural BMPs still in lifespan, which were not verified in the previous calendar year, that meet VACS Program design standards (i.e. the voluntary BMP specification matches the equivalent cost-share specification);
- 7.5% of voluntary land management BMPs still in lifespan, which were not verified in the previous calendar year, that meet VACS Program design standards (i.e. the voluntary BMP specification matches the equivalent cost-share specification);
- 5% of voluntary structural BMPs still in lifespan, which were not verified in the previous calendar year, that do not meet program design standards (i.e. the voluntary BMP specification does not match a cost-share specification);
- 10% of voluntary land management BMPs still in lifespan, which were not verified in the previous calendar year, that do not meet program design standards (i.e. the voluntary BMP specification does not match a cost-share specification); and
- For BMPs not included in the EPA BMP Verification Plan, 5% of all practices in VACS Program lifespan, which were not verified in the previous calendar year, and 5% of practices installed in the previous calendar year.

While not a part of the random selection of BMPs for verification, it should be noted that:

- For BMPs under VACS contract but two years before the last year of their VACS Program lifespan, DCR will work with the District to verify these BMPs (based on available resources) so that they may continue to receive credit in the EPA Chesapeake Bay Program Phase 6 model.
- For BMPs under an extended "credit" lifespan in the EPA Chesapeake Bay Program Phase 6 model due to a verification, DCR will work with the District to verify these BMPs (based on available resources) in their last year of the extended "credit" lifespan.

*For BMPs located outside the Chesapeake Bay Drainage:*

BMPs will be randomly selected for verification in this manner to monitor long-term compliance:

- 5% of all practices in lifespan which were not verified in the previous calendar year; and,
- 5% of practices installed in the previous calendar year.

### Biosecurity Considerations

If there is any potential for a biosecurity risk, contamination, or spread of disease, please contact the farm owner or operator before going onsite at any animal operation. The following are minimal guidelines; some operations may have additional biosecurity requirements.

### Biosecurity Procedures for Farm Visits to any Animal Operations

Contact the farm owner or operator prior to visiting any farming operation. Biosecurity should be discussed with the farm operator or manager. If farms have more stringent biosecurity measures in place, staff should abide by these additional measures.

Always be aware of the possibility of carrying disease from one operation to another by unknowingly transporting infectious material or agents. The most common transporting material is manure, which may be found on the farmstead in walkways, farm lanes, and applied in fields. Staff can easily come in contact with manure and have it stick to boots and clothing. Less obvious vectors are flies and other bugs, dust on clothing, and even unwashed hands. Opening and closing gates and doors, brushing against walls and piles of manure, and windblown dust which covers staff and their clothing are routine occurrences which can result in the transport of a contaminant.

It is the responsibility of staff to know and follow biosecurity procedures which are appropriate for the species of animal on the farms they are visiting. Practicing these procedures reflects a level of professionalism to clients and will gain their respect.

The Office of Veterinary Services, located within the Department of Agriculture and Consumer Services, and the integrator with whom the client may participate both have biosecurity procedures established to be used during farm visits. The following biosecurity procedures have been reviewed by the office of the Virginia State Veterinarian and USDA-Animal Plant Health Inspection Service (APHIS) and are an acceptable biosecurity procedure for visits to animal

operations.

### Biosecurity Farm Hygiene Procedures

- Respect all entrance prohibitions on animal farms and/or barns.
- Only enter animal barns or houses if there are no birds or animals in the houses or barns and a total clean out is pending. No entrance on infected premises or in an infected barn is allowed under any conditions.
- Upon arrival at any animal farm, report to the farm manager or responsible party. Call ahead if possible.
- Wash/sanitize hands immediately upon arrival before putting on disposable gloves and again before leaving farm.
- Leave vehicles outside of animal service areas (any area that might contain manure). Walk! Keep vehicle windows closed.
- Avoid visiting two animal farms of the same species within 48 hours if possible.
- Wear boots that can be disinfected or use disposable boot covers and use disposable gloves.
- Put all manure samples into sealed plastic bags, spray outside of the bag with Lysol, and then put sample into second sealable plastic bag.
- All materials used on the site must be disinfected before and after use.
- Boots should be dipped at the entrance and exit of every farm with household bleach solution or other approved disinfectant.
- Spray all equipment with a mix of 8 oz. of household bleach per gallon of water until wet. Leave on for 30 seconds. Allow to air dry or dry off with disposable paper towels. Put gloves and paper towels in plastic trash bag and keep tightly sealed.
- Keep cleaned materials away from contaminated materials.
- Remove all dry litter, mud, straw, etc., from vehicle, especially wheels and wheel wells.
- Spray wheels, tires and wheel wells with disinfection solution. Let drain and dry before moving. If dusty or wet, spray underside of vehicle. Alternative: park vehicle outside farm entrance and walk!
- Process vehicle through car wash at the end of the day.

A disinfectant currently approved for use by EPA against Foot and Mouth Disease is Virkon-S®. Some other USDA recommended disinfectants are listed below. Please note that minimum contact time (5 to 10 minutes) is necessary, as well as thorough cleaning and scrubbing, to ensure the effectiveness of disinfectants.

For equipment and vehicles (if appropriate):

- 3 parts household bleach (sodium hypochlorite) to 2 parts water; and
- 1.3 ounces Virkon-S® (broad spectrum) disinfectant (or similarly approved products) to 1 gallon of water.

## Biosecurity for Poultry

The impact of the recent Avian Influenza (AI) epidemic in the Mid-West has brought greater attention to ensure biosecurity measures are being practiced in the field.

The protocol above only applies for a routine biosecurity level. At an elevated level, entrance to the poultry production area, including litter or manure storage and applications sites, is prohibited and visiting with two animal operations of the same species within 48 hours is also prohibited. At a high threat level, entrance to any portion of the animal operation, including the residence, is prohibited and visiting two animal operations of the same species within 48 hours remains prohibited.

Biosecurity, as it pertains to poultry farm inspections, is for the protection of poultry flocks from any type of infectious agent, whether viral, bacterial, fungal, or parasitic in nature. Due to the number of birds confined in one place and the speed at which many infectious agents travel through flocks, outbreaks may have catastrophic results for poultry growers and processors. Biosecurity has three major components: 1) isolation, 2) traffic control, and 3) sanitation.

Below are basic guidelines Districts should make use of when providing technical assistance and inspecting VACS practices:

- All poultry farms are biosecure areas. All traffic must be kept to a minimum. If any business can be conducted over the phone, please do so. If a visit **MUST** be made to a farm, coordinate it with the farm owner or operator and follow the steps below at all times.
- Plan your onsite farm visits such that your vehicle or person does not become a vector to spread disease. Never travel directly from one poultry farm to another on the same day.
- All vehicles entering a poultry farm must stop at the farm entrance and fill out the visitor log in the mailbox (for farms that have boxes). Please include your name, date, time, company association, reason for visit, and farms visited previously on that day.
- All vehicles must thoroughly disinfect their tires before entering and before leaving a poultry farm. An acceptable disinfectant recommended by USDA and the Office of Veterinary Services is Virkon or Virkon-S (or similarly approved products). Remember, surfaces must be adequately cleaned in order for disinfectants to work.
- Personnel driving or riding in a vehicle that goes on the farm must have protective boots. Either rubber or plastic boots must be put on before getting out of the vehicle. These boots must be worn the whole time on the farm and be discarded onsite before re-entering your vehicle.
- Vehicle windows should be rolled up at all times while on the poultry farm in order to prevent flies from getting into the vehicle.
- In service vehicles, the floorboard area, including pedals and the entire floor, must be cleaned and disinfected daily. Keep rubber floor mats in vehicles that can be effectively cleaned and disinfected. This is needed even if wearing disposable plastic boots.
- Establish clean and dirty zones in the vehicle. If the trunk is the dirty zone, do not move items between trunk and passenger compartments. If the entire trunk cannot be designated as dirty, use a covered rubber or plastic container to hold dirty items.

- Entry into the poultry houses is strictly forbidden unless pre-authorized by the owner, operator, or the poultry company.
- Any activity that requires entry into poultry houses must include clean coveralls, hair nets, clean boots, and use of the disinfect stations provided at the door.
- When exiting the farm, disposable boots should be put in a receptacle provided at the farm. Then spray shoes with disinfectant before entering your vehicle. Hands, rubber boots, and any tools used on the farm must be washed and disinfected.
- Vendor vehicles must be kept clean at all times.
- If you are in any questionable disease situations on a farm, please call before going to other farms.

The following list of biosecurity equipment is recommended as a minimum to be available to District employees:

Spray tank	Mixing bucket
Large water container	EPA Approved disinfectant – Virkon-S® (or similarly approved products)
Long handled scrub brush	Liquid or gel antibacterial soap
Paper towels	Latex gloves
Disposable boots	Trash bags
Safety goggles	Protective Outerwear - overalls, Tyvek suits
A plastic crate or storage bin	

### Footbaths

In areas of the state with a health issue identified by the Office of Veterinary Services, Districts should consider in-office footbaths as an important biosecurity tool to be used by clients visiting the office. Clients may be asked to utilize the footbath if they are wearing footwear that has been worn unprotected in an animal production area in the last five days. Encourage clients not to wear clothes or footwear that could potentially harbor contaminants to offices or businesses where such visits may facilitate the spread of contaminants. A simple batch can be effective, but the baths need to be free of excess organic material, re-charged according to label instructions, and used by agricultural producers co-mingling at the District office.

### Make an Easy Footbath

1. A low plastic pan or bin, wide enough to fit an adult’s foot, shallow enough to step into easily
2. A plastic doormat (the “fake grass” mats work well)
3. A disinfectant that works when manure or dirt is present, such as Virkon or Virkon S (or similarly approved products)
4. Water

Mix the disinfectant with water following label instructions. Put the doormat in the plastic pan. Add disinfectant so that the bottom of the “grass” is wet. Ask visitors to walk through the footbath, wiping their feet on the mat. The “grass” scrubs their shoes a bit as they wipe them,

and applies the disinfectant. When the liquid starts to get dirty, empty it and put in new disinfectant.

### Response to Suspected or Confirmed FMD Outbreak

The Commonwealth has an Emergency Action Plan for Foot and Mouth Disease. Highlights of the draft document appear as bulleted items below.

- The Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Wildlife Resources (DWR) will be the primary agencies in investigating, containing, and eradicating an FMD outbreak.
- In the event of a suspected FMD outbreak, prompt notification is critical to a rapid response. Notification of a suspected outbreak must be made to the Virginia State Veterinarian, the Virginia Emergency Operations Center (EOC), the DWR, and the Federal Area Veterinarian-In-Charge. If the initial notification is received by any agency other than the Virginia Department of Emergency Management (VDEM), it is imperative that the agency notified contact the Virginia EOC.
- Once the Virginia EOC is notified of a suspected FMD outbreak, normal standard operating procedures will allow for the appropriate notifications to be made to the primary and support state and federal agencies. Laboratory tests must be conducted to confirm FMD at the USDA Plum Island Animal Disease Center, located in New York.

As soon as DCR is made aware of a suspected outbreak in the Commonwealth or surrounding states, all inspections and site visits to farms should cease until the suspected outbreak is confirmed not to be FMD. It is anticipated that this will be accomplished within 24 hours after the lab receives the sample; however, sampling and transport time may add a few days to this process. If the suspected outbreak is ruled not to be FMD, then inspections will continue with staff following the biosecurity procedures outlined above.

- VDEM will request a state Declaration of Emergency from the Governor once it is determined that confirmed Foot and Mouth Disease exists to susceptible domestic and wildlife animals in the Commonwealth, based on a recommendation from the Commissioner of Agriculture and Consumer Services and the State Veterinarian.
- The USDA will support state initiatives to identify, seize, quarantine, eradicate, and dispose of animals and associated contaminated materials. The federal declaration may be issued: (i) prior to the state's declaration if an outbreak occurs in another state or (ii) concurrent with the state emergency declaration if an FMD outbreak occurs first in the Commonwealth.

Farm inspections and visits will cease until such time as the State Veterinarian, in coordination with the USDA Area Veterinarian-In-Charge, determines it safe to resume normal operations.

***Recommended revisions to the VACS BMP Manual for FY2027 – Tax Credit Guidelines***

1. Added the new WP-9 Decommissioning of Liquid Manure Storage Facilities to the Table of Tax Credit only Practice Components Requiring EJAA or PE Review and Approval (Page IV-9).
2. Language has been added related to the completion of a transfer of responsibility form when the original participant is deceased (Page IV-11).

## **VIRGINIA AGRICULTURAL BEST MANAGEMENT PRACTICES TAX CREDIT PROGRAM**

### Overview

The goal of the Agricultural Best Management Practices (BMP) Tax Credit Program is to encourage voluntary installation of BMPs that address Virginia's non-point source pollution water quality objectives. As with any tax credit usage, the taxpayer is ultimately responsible for determining whether they are eligible to utilize the tax credit in compliance with instructions and regulations from the Virginia Department of Taxation. Participation in Virginia's Agricultural Tax Credit Program does not convey the public's right to access the participant's property. The current Virginia Agricultural Best Management Practice Tax Credit is either (i) twenty-five percent (25%) of the first \$100,000 expended for agricultural best management practices, or (ii) for any producer who has an approved Resource Management Plan, fifty percent (50%) of the first \$100,000 expended for agricultural best management practices. If a producer receives a cost-share payment, only the producer's share of the project (i.e. their out-of-pocket expense) is used to determine the amount of the tax credit. If a producer has an approved Resource Management Plan and receives a cost-share payment, the producer is only eligible to claim twenty-five percent (25%) of the first \$100,000 expended for agricultural best management practices.

The Agricultural BMP Tax Credit Program is managed and implemented with similar policies and procedures to the Virginia Agricultural BMP Cost-Share (VACS) Program. The Virginia Agricultural Best Management Practices Tax Credit Program shall operate following the Guidelines of the VACS Program in general, except as otherwise expressly provided in this document. Implementers should follow all aspects of the Virginia Agricultural BMP Cost-Share Program Manual, unless specifically stated otherwise in these Guidelines. This guidance is intended to address any differences between the two.

The applicable Code of Virginia sections follow:

### **§ 58.1-339.3. Agricultural best management practices tax credit.**

A.1. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board that will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint source pollution management. A detailed list of the standards and criteria for agricultural best management practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Manual" published annually prior to July 1 by the Department of Conservation and Recreation.

2. For all taxable years beginning on and after January 1, 1998, but before January 1, 2030, any individual who is engaged in agricultural production for market, or has equines that create needs

for agricultural best management practices to reduce nonpoint source pollutants, and has in place a soil conservation plan approved by the local Soil and Water Conservation District (SWCD), shall be allowed a refundable credit against the tax imposed by §58.1-320 in an amount equaling 25 percent of the first \$100,000 expended for agricultural best management practices by the individual.

3. For all taxable years beginning on and after January 1, 2021, but before January 1, 2030, any individual who is engaged in agricultural production for market, or who has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a Resource Management Plan approved by the local SWCD shall be allowed a refundable credit against the tax imposed by §58.1-320 in an amount equaling 50 percent of the first \$100,000 expended for agricultural best management practices implemented by the individual on the acreage included in the Resource Management Plan.

B.1. Any eligible practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

2. To the extent that a taxpayer participates in the Virginia Agricultural Best Management Practices Cost-Share Program, the taxpayer may claim the credit under subdivision A 2 for any remaining liability after such cost-share, but may not claim the credit under subdivision A 3 for any such remaining liability, subject to the other provisions of this section. For purposes of this subdivision, "liability after such cost-share" means the limitation of the tax credits to the total costs incurred by the taxpayer for agricultural best management practices reduced by any funding received by participation in the Virginia Agricultural Best Management Practices Cost-Share Program.

C.1. The aggregate amount of such credit claimed under subdivisions A 2 and 3 shall not exceed \$75,000 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices. A taxpayer may not claim credit for the same practice in the same management area under both subdivisions A 2 and A 3.

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the individual applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a pass-through entity such as a partnership, limited liability company, or electing small business corporation (S Corporation) shall be allocated to the individual partners, members, or shareholders in proportion to their ownership or interest in such entity.

E. A pass-through tax entity, such as a partnership, limited liability company or electing small business corporation (S corporation), may appoint a tax matters representative, who shall be a general partner, member-manager or shareholder, and register that representative with the Tax Commissioner. The Tax Commissioner shall be entitled to deal with the tax matters representative as representative of the taxpayers to whom credits have been allocated by the entity under this article with respect to those credits. In the event a pass-through tax entity allocates tax credits arising under this article to its partners, members or shareholders and the allocated credits shall be disallowed, in whole or in part, such that an assessment of additional tax against a taxpayer shall be made, the Tax Commissioner shall first make written demand for payment of any additional tax, together with interest and penalties, from the tax matters representative. In the event such payment demand is not satisfied, the Tax Commissioner shall proceed to collection against the taxpayers in accordance with the provisions of Chapter 18 (§58.1-1800 et seq.).

**§ 58.1-439.5. Agricultural best management practices tax credit.**

A.1. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board that will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint source pollution management. A detailed list of the standards and criteria for agricultural best management practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Implementation Manual" published by the Department of Conservation and Recreation.

2. For all taxable years beginning on and after January 1, 1998, but before January 1, 2030, any corporation engaged in agricultural production for market that has in place a soil conservation plan approved by the local Soil and Water Conservation District (SWCD) shall be allowed a refundable credit against the tax imposed by §58.1-400 of an amount equaling 25 percent of the first \$100,000 expended for agricultural best management practices by the corporation.

3. For all taxable years beginning on and after January 1, 2021, but before January 1, 2030, any corporation that is engaged in agricultural production for market, or that has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a Resource Management Plan approved by the local SWCD, shall be allowed a refundable credit against the tax imposed by §58.1-400 in an amount equaling 50 percent of the first \$100,000 expended for agricultural best management practices implemented by the corporation on the acreage included in the Resource Management Plan.

B.1. Any eligible practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

2. To the extent that a taxpayer participates in the Virginia Agricultural Best Management Practices Cost-Share Program, the taxpayer may claim the credit under subdivision A 2 for any remaining liability after such cost-share, but may not claim the credit under subdivision A 3 for any such remaining liability, subject to the other provisions of this section. For purposes of this subdivision, "liability after such cost-share" means the limitation of the tax credits to the total costs incurred by the taxpayer for agricultural best management practices reduced by any funding received by participation in the Virginia Agricultural Best Management Practices Cost-Share Program.

C.1. The aggregate amount of such credit claimed under subdivisions A 2 and 3 shall not exceed \$75,000 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices. A taxpayer may not claim credit for the same practice in the same management area under both subdivisions A 2 and A 3.

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a partnership or electing small business corporation (S Corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S Corporation.

#### Definition of Applicants

All individuals engaged in the production of agricultural products for market or owners of equines that create needs for agricultural best management practices to reduce non-point source pollutants within the boundaries of the Commonwealth of Virginia are eligible to participate in the Virginia Agricultural BMP Tax Credit Program. When an individual operates land not within the jurisdiction of a Soil and Water Conservation District, the District that has the landowner's hydrologic unit will administer the program to the landowner. A list of Virginia's Hydrologic Unit Codes by county can be found on the DCR website.

Agricultural fields may cross county borders and a field may exist in more than one District. For the purposes of this tax credit program only, Districts are urged to utilize the county boundary layer available in the AgBMP Tracking Module to determine the District that will administer the Agricultural BMP Tax Credit Program. Absent clarity of cost-share oversight authority for a given field from the revised boundary layer map, the District having the largest amount of acreage within its boundaries should administer the tax credit program for the entire field. However, alternatively, if neighboring Districts can cooperatively agree to utilize other existing boundary determination methodologies, those sources may be utilized.

Tax credits are made to the applicant (by Social Security Number or Federal Tax Identification number) who signs the request form. An applicant can be a landowner, agent, or operator of record as long as the individual has control of the property. An applicant also means any corporation, association or partnership, or one or more individuals. Various companies, corporations, and partnership arrangements exist for farm ownership. Farm corporations (signing under Federal Tax Identification number) or partnerships operating under a farm name are classified as a single "applicant."

Lands located outside the state are not eligible unless a portion of the field or site in need of treatment lies within Virginia's boundary, in which case the entire field or site in need of treatment is eligible.

#### Pass-Through Entity

Section 58.1-339.3 E of the Code of Virginia states "a pass-through tax entity, such as a partnership, limited liability company or electing small business corporation (S corporation), may appoint a tax matters representative, who shall be a general partner, member-manager or shareholder, and register that representative with the Tax Commissioner. The Tax Commissioner shall be entitled to deal with the tax matters representative as representative of the taxpayers to whom credits have been allocated by the entity under this article with respect to those credits. In the event a pass-through tax entity allocates tax credits arising under this article to its partners, members or shareholders and the allocated credits shall be disallowed, in whole or in part, such that an assessment of additional tax against a taxpayer shall be made, the Tax Commissioner shall first make written demand for payment of any additional tax, together with interest and penalties, from the tax matters representative. In the event such payment demand is not satisfied, the Tax Commissioner shall proceed to collection against the taxpayers in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.)."

Additional information related to pass-through entities is available at

<https://www.tax.virginia.gov/pass-through-entities>.

## BMP Sign-Up

Districts will conduct sign-up for the tax credit program on a continuous basis. Sign-up will be recorded in the AgBMP Tracking Module. **In accordance with Code requirements, applicants must have a District approved soil conservation plan to receive an Agricultural BMP Tax Credit.** This soil conservation plan requirement applies to both structural and agronomic practices for tax credit. Other types of professionally developed conservation planning documents as itemized below may be used to meet this requirement. The conservation plan must include the implementation of the BMP that is eligible to receive a tax credit.

Technical information for the requested BMP, including a total estimated cost, must be completed by the District before the request is submitted to the District Board for consideration. Each District should establish a local schedule and deadlines for BMP completion for the Tax Credit Program to allow time for paperwork and field work to be completed prior to the authorization of the tax credit. BMPs approved for tax credit only are not required to complete the Cost-Share Bid Process. The Code of Virginia requires that the BMP be completed within the taxable year in which the tax credit is claimed. The completion date of the BMP, as documented by the Contract Part III Technical Practice Installation Certification date, must be in the same calendar year as the tax credit certification date in order for the producer to be eligible to participate in the Tax Credit Program. For example, if the BMP is certified as complete on Dec 31, 2017 and the tax credit was certified on Dec 31, 2017, the producer would be eligible to submit for the Agricultural BMP tax credit when filing 2017 state taxes.

## Plan Requirements

Individuals wanting to participate in the Tax Credit Program must have a soil conservation plan approved by the local District Board of Directors prior to BMP installation. For the Tax Credit Program, the following types of plans are acceptable as soil conservation plans as long as the plan includes the BMPs installed:

- DCR Conservation Plan
- USDA Conservation Plan
- Pest Management Plan (VCE Standards) – WQ-10 BMP **ONLY**
- Ag Stewardship Plan (VDACS Standards)
- Resource Management Plan (DCR Standards)

Conservation plans should be written by an individual certified to write that type of conservation plan and must meet current conservation planning standards. A private planner, technical service provider, or other professional conservation staff of an appropriate federal, state or local agency can prepare the plan. Comprehensive conservation planning for the entire operation is always encouraged.

### Pre-Approval of Tax Credit BMPs

District Boards of Directors should approve BMPs for tax credit-only BMPs based on the total eligible estimated cost of the BMP before installation. Any cost overruns that may impact the amount of the approved tax credit must be approved as a separate action after the BMP is certified.

For VACS cost-share practices with an associated tax credit, an initial tax credit approval is not necessary since the BMP itself must be approved for cost-share purposes. Since tax credits are now based on out-of-pocket costs after cost-share, the tax credit can be approved, certified and paid once the project is complete and the VACS participant turns in their receipts.

Final approval of practices for tax credit is the responsibility of the local Soil and Water Conservation District Board of Directors.

### Documentation

For any practice receiving a tax credit, the District will require a signed landowner application and certification forms (DCR Cost Share Contract Parts I, II and III), approved conservation plan including a copy of a map showing field and BMP location and exact acreage, engineering documents (if required for the BMP), and bills/invoices/receipts for all eligible practice components to determine total installation cost. Authorizing personnel will examine supporting data to determine eligible components and proper rates.

Districts will retain all billings and supporting data in their applicant files for a minimum of three years after the life span of the practice has expired. Districts must file their copy of all tax credit related forms by program year. Conservation plans and practice design sheets must be kept with individual case files according to cost-share program policy. Canceled applications may be discarded after the initial three year period if not needed for future reference by the District.

### DCR Agricultural BMP Engineering Services

This program provides engineering assistance to the 47 Soil and Water Conservation Districts across the Commonwealth. Engineering assistance includes: engineering support with designs, training of District staff, and the implementation of various quality control mechanisms. The most notable of these quality control mechanisms is the implementation of DCR's Engineering Job Approval Authority (EJAA) Program. Please see Section II (Guidelines) and the Glossary of this Manual for further information about the EJAA Program.

**Tax Credit Only Practice Components Requiring EJAA or PE Review and Approval**

<b>VACS Practice Code</b>	<b>VACS Practice Name</b>	<b>NRCS Practice Code</b>	<b>NRCS Practice Name</b>	<b>Professional Engineer (PE) or Engineering Job Approval Authority (EJAA) Required as Indicated Below</b>
SL-6B	Alternative Water System	516	Livestock Pipeline	EJAA
		533	Pumping Plant	EJAA
		561	Heavy Use Area Protection	EJAA
		574	Spring Development	EJAA
		575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		614	Watering Facility	EJAA
		642	Water Well	EJAA
SL-11B	Farm Road, Animal Travel Lane, Heavy Use Area Stabilization	560	Access Road	EJAA
		561	Heavy Use Area Protection	EJAA
		575	Trails and Walkways	EJAA
WP-2B	Stream Crossing & Hardened Access	560	Access Road	EJAA
		575	Trails and Walkways	EJAA
		578	Stream Crossing	EJAA
		584	Channel Bed Stabilization	EJAA
WP-2C	Stream Channel Stabilization	584	Channel Bed Stabilization	EJAA
WP-4E	Animal Waste Structure Pumping Equipment	533	Pumping Plant	EJAA
		634	Waste Transfer	PE
WP-5	Stormwater Retention Pond	350	Sediment Basin	PE
		362	Diversion	EJAA
		378	Pond	PE
WP-7	Surface Water Runoff Impoundment for Water Quality	350	Sediment Basin	PE
		362	Diversion	EJAA
		378	Pond	PE

WP-8	Relocation of Confined Feeding Operations from Environmentally Sensitive Areas	313	Waste Storage Facility	PE
		350	Sediment Basin	PE
		356	Dike	EJAA
		359	Waste Treatment Lagoon	PE
		362	Diversion	EJAA
		412	Grassed Waterway	EJAA
		516	Livestock Pipeline	EJAA
		558	Roof Runoff Structure	EJAA
		560	Access Road	EJAA
		561	Heavy Use Area Protection	EJAA
		574	Spring Development	EJAA
		587	Structure for Water Control	PE
		614	Watering Facility	EJAA
		633	Waste Recycling	PE
		642	Water Well	EJAA
<u>WP-9</u>	<u>Decommissioning of Liquid Waste Storage Facilities</u>	<u>360</u>	<u>Waste Facility Closure</u>	<u>PE</u>
		<u>633</u>	<u>Waste Recycling</u>	<u>PE</u>
WQ-6	Constructed Wetlands	356	Dike	EJAA
		587	Structure for Water Control	PE
		634	Waste Transfer	PE
		658	Wetland Creation	EJAA
WQ-6B	Wetland Restoration	356	Dike	EJAA
		587	Structure for Water Control	PE
		657	Wetland Restoration	EJAA
		659	Wetland Enhancement	EJAA
WQ-7	Irrigation Water Recycling System	350	Sediment Basin	PE
		356	Dike	EJAA
		362	Diversion	EJAA
		410	Grade Stabilization Structure	PE
		412	Grassed Waterway	EJAA
		430	Irrigation Pipeline	EJAA
		436	Irrigation Reservoir	PE
		441	Irrigation System -	EJAA
		442	Sprinkler System	EJAA
		447	Irrigation System, Tailwater Recovery	EJAA
		449	Irrigation Water Management	EJAA
		466	Land Smoothing	EJAA
468	Lined Waterway or Outlet	EJAA		
533	Pumping Plant	EJAA		

		572	Spoil Spreading	EJAA
		582	Open Channel	EJAA
		607	Surface Drain, Field Ditch	EJAA
		608	Surface Drain, Main or Lateral	EJAA
		620	Underground Outlet	EJAA
		638	Water and Sediment Control	PE
WQ-9	Capping/ Plugging of Abandoned Wells	351	Water Well Decommissioning	EJAA

### Data Reporting

In order to accurately record and report tax credits provided to producers, it is vital that all data requested be entered into the AgBMP Tracking Module. Tax credit data is captured on the Programs tab of the AgBMP Tracking Module and should be entered using the following guidelines:

- The “Estimated Instance Cost” and “Actual Instance Cost” should be entered for BMPs that receive both cost-share and a tax credit, as well as for BMPs that are only eligible to receive tax credits.
- “Tax Credit Amount Taken On” is the out-of-pocket amount the producer spent on eligible costs to install the BMP. For flat rate practices, this amount may be more than the cost-share total.
- The “Tax Credit Approved” is the amount approved by the District Board. The “Tax Credit Issued” amount cannot be larger than the “Tax Credit Approved”
- The “Tax Credit Board Approval Date” field is the date that the Board approved the Tax Credit. Note that for cost-share BMPs where tax credit can be approved after project completion, this date may be different than the BMP Instance’s Approval Date on the General Tab.
- If a “Technical Certification Date” has not been entered on the General tab, the “Tax Credit Issued” and the “Tax Credit Certification Signature Date” fields are not available for entry. Until a BMP is certified as complete, a tax credit cannot be issued. Note that the “Technical Certification Date” and the “Tax Credit Certification Signature Date” must be in the same calendar year. Tax credits issued in a different calendar year than the “Technical Certification Date” are not valid. Therefore, if a project is completed at the end of the calendar year and the producer requests an additional tax credit that will not be approved until a January Board meeting, District staff should technically certify in the new year with the “Tax Credit Certification Signature” date equaling the “Tax Credit Board Approval Date.” In such cases, the tax credit will not be eligible for redemption until the following tax year.
- The “Tax Credit Issued” amount and the “Tax Credit Certification Signature Date”

are entered when the tax credit is issued. The “Tax Credit Issued” amount cannot be greater than the “Tax Credit Approved” amount. If no additional tax credit is required, the “Tax Credit Certification Signature Date” should equal the “Technical Certification Date.” If an additional tax credit is required, the “Tax Credit Certification Signature Date” should equal the “Tax Credit Board Approval Date.”

- At the bottom of the Programs tab, the “Sum of Approved Tax Credits” and the “Sum of Issued Tax Credits” are provided for cases when more than one tax credit has been issued.
- If an additional tax credit on eligible, out-of-pocket expenses is approved by the District Board, a second tax credit record should be added instead of modifying the original tax credit record. The system automatically sums multiple tax credits when the Tax Credit Certificate is generated.

### Inspections and Verification

All approved tax credit BMPs are subject to inspection for program compliance during the life span of the practice. Technical inspection and certification are the responsibility of designated technically responsible personnel (NRCS, District, DOF, and DCR). Random verification inspections will be conducted annually by the District Conservation Specialist/Technician under the guidance of the Conservation District Coordinator to determine that the individual practice is still viable. Practices to be verified will be identified and inspected based upon Chesapeake Bay Program Office (CBPO) approved verification procedures and the Department's procedures for all practices outside of the Chesapeake Bay area.

Verification forms should be retained by the District and filed by program year. A copy of each verification report should be made and forwarded to the Conservation District Coordinator and to any other agency providing cost-share for that project.

### Transfer of Responsibility

When an applicant agrees to maintain the approved BMP for the specified life span, the applicant is responsible regardless of changes in the control of the land, including the sale of the property or any change in farm lease arrangements. Maintenance agreements between the involved parties can be encouraged but the ultimate responsibility still rests with the applicant. Upon the transfer of ownership or leasehold of the property, the original applicant must present to the District either an executed copy of the “Agricultural Best Management Practice Maintenance Agreement Transferring Responsibility for Best Management Practice” transferring legal responsibility for maintenance of the practice to the new property owner/lessee. If the original participant has passed away, ‘deceased’ should be written on the present participant’s signature line. Alternatively, the participant may return, on a pro-rata basis, tax credit funds directly to the Department of Taxation.

A participant that fails to maintain the practice for the specified life span will be required to refund all or part of the tax credit amount to the Department of Taxation. Practice failures or damage that results from other than weather related causes are not eligible for additional tax credit. Practices that are damaged or destroyed before certification are also the responsibility of the applicant and only the original authorized tax credit amount can be used to establish the practice.

Practice failures may occur due to unusual weather conditions, such as drought or severe storms that are beyond the control of the participant. If the practice has been certified and fails due to weather during the life span requirement, the participant may be entitled to additional tax credit in future sign-up periods. Reapplication for practice failure can be authorized only once for the specific practice on the specified acreage (except where not eligible as stated in the practice specification). Reapplications will be subject to the lifespan requirement of the second application request.

Commonwealth of Virginia Agricultural Best Management Practice Maintenance

AGREEMENT TRANSFERRING MAINTENANCE RESPONSIBILITY FOR BEST MANAGEMENT PRACTICE

This agreement is intended to designate the transfer of maintenance responsibility for a Best Management Practice that received cost-share or tax credit. The present participant (owner or operator) of the property has received funding from the Commonwealth of Virginia to implement a Best Management Practice on the below-referenced land unit. In return he/she has agreed to maintain the practice until \_\_\_\_\_. Completion of this agreement acknowledges assumption of this responsibility by the new participant, including the requirement to repay cost-share and tax credit received by the present participant if the BMP is not maintained according to state specifications.

Farm Number: \_\_\_\_\_ Tract Number: \_\_\_\_\_ Field Number(s): \_\_\_\_\_

VACS Specification Number: \_\_\_\_\_ Extent Installed: \_\_\_\_\_

Or, Contract No. \_\_\_\_\_

PRESENT PARTICIPANT-NAME AND ADDRESS

NEW PARTICIPANT-NAME AND ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

The undersigned hereby certify that the present participant has transferred to the new participant his or her right and interest in the land unit described above. In consideration of this transfer of ownership or leasehold, it is hereby agreed:

- 1. The new participant hereby assumes the duties and obligations of the present participant under Contract No. \_\_\_\_\_ to maintain the above BMP for its lifespan in accordance with state specifications, and to refund all or part of the cost-share assistance or tax credit if the practice is found not to meet state specifications, or if the practice is removed or not properly maintained during its lifespan. The new participant agrees to allow District personnel access to his property for the purpose of verifying maintenance of the BMP.
- 2. The \_\_\_\_\_ District acknowledges the transfer of the maintenance responsibility. Any cost-sharing or assistance provided under this transfer agreement shall be in accordance with applicable program rules and regulations of the Virginia Agricultural BMP Manual.

\_\_\_\_\_  
(SIGNATURE OF PRESENT PARTICIPANT)

\_\_\_\_\_  
(SIGNATURE OF NEW PARTICIPANT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SSN or Federal Tax ID #

\_\_\_\_\_  
SSN or Federal Tax ID #

APPROVED BY: \_\_\_\_\_  
(District Board member)

DATE: \_\_\_\_\_  
(Board Approval Date)

### Practices Not Maintained or Destroyed During Lifespan

Participants found, at any time of year, to have practices not meeting specifications or practices that have been destroyed during the designated life span will be contacted by the District and informed of the nature of the deficiency and the repayment requirements if not corrected. This should initially be a verbal notice (with the date documented in a case file). Verbal notice should be followed with a written notice (by certified mail) within two weeks. This notice must indicate the observed nature of the problem and allow the individual the opportunity to respond within two weeks.

Participants may be given a maximum grace period of six months from date of the written notification for practice compliance. At the end of the grace period, the practice will be re-inspected. The District will notify participants found with practices still not in compliance in writing that repayment of tax credit is required.

### Return of Tax Credit

The partial or full return of tax credit funds will be calculated on a straight-line pro-rated basis. This should be calculated on a monthly basis. For Example: XYZ District authorized a \$1,200 tax credit for a SL-6B BMP to Farmer Green on October 10, 2019. Tax credit program guidelines stipulate that the lifespan of the practice begins on January 1 of the calendar year following the issuance of the tax credit. This practice is verified in August of 2022 and it is discovered that the land was sold in June 2022 for development and the practice has been destroyed. The District should calculate the landowner's pro-rata share as follows:

- Installation Date: Oct. 10, 2019
- Lifespan of practice: 10 Years- Jan. 1, 2020 through Dec. 31, 2029 = 120 months
- Spot Check Date: Aug. 2022
- Practice in Compliance: Jan. 2020 through June 2022 = 30 months
- Tax Credit to Landowner: \$1,200
- \$1,200 divided by 120 months = \$10/month
- Repayment Calculation: 120 months – 30 months = 90 months
- Landowner Re-Payment to the Department of Taxation: 90 months X \$10/mo. = \$900.00

The District will notify the Department of Taxation of the landowner's name, Social Security Number or Tax ID number to which the tax credit was issued, the year that the tax credit was issued, contract number, instance number, the DCR specification code for which the tax credit was authorized, and the calculated re-payment amount. Districts can contact the Department of Taxation's Tax Credits Unit by phone at (804)786-2992 or by email at

[taxcredits@tax.virginia.gov](mailto:taxcredits@tax.virginia.gov). Do not send complete Social Security Numbers or Tax ID numbers by email.

Upon receiving a response from the Department of Taxation regarding the verified repayment amount due, the District will provide the amount, in writing, to the participant. Participants will also receive an assessment notice from the Department of Taxation for the amount due after the income tax return that previously claimed the credit has been adjusted. The participant will need to follow the guidance on the assessment notice on how to submit payment to the Department of Taxation. The participant should provide the District with a copy of the Department of Taxation assessment notice for verification.

### Granting of the Tax Credit

Final approval of practices for tax credit is the responsibility of the local Soil and Water Conservation District Board of Directors. District Boards of Directors approve BMPs for tax credit-only BMPs based on the total estimated cost of the BMP before installation. If the calculation of the participant's out-of-pocket eligible expenditures is less than the Board approved estimated tax credit when the practice is certified as complete, then no further Board action is required. If the requested tax credit amount is larger than the Board approved estimated tax credit, the Board must approve the additional tax credit amount as a separate action. District Directors must vote on all actions taken and record the outcome in the minutes of the meeting that such action is approved.

For VACS cost-share practices with an associated tax credit, an initial tax credit approval by the District Board of Directors is not necessary since the BMP itself must be approved for cost-share purposes. Since tax credits are now based on out-of-pocket costs after cost-share, the tax credit can be approved by the Board, certified and paid once the project is complete and the VACS participant turns in their receipts.

When calculating a tax credit on a BMP that allows both a percentage cost-share payment and a flat rate payment (including buffer payments), both the flat rate and the percentage based cost-share amount should be included in the calculation of the tax credit. Both the flat rate and the percentage based cost-share amount should be deducted from the participant's out-of-pocket expenses to calculate the Agricultural BMP tax credit amount. For example, Participant A signs up for SL-6W with eligible costs of \$100,000 at the 85% cost-share rate; Participant A does not have an approved RMP. The District Board approved \$85,000 in cost-share and \$5,000 in buffer payment for a total VACS payment of \$90,000. The participant's estimated tax credit should be \$2,500 based off of twenty-five percent of \$10,000; the amount he will have to pay for the project out-of-pocket.

Due to changes to the agricultural tax credit law in 2020, Districts must now provide the following documentation to their tax credit program participants no later than January 31<sup>st</sup> of the calendar year following practice certification:

- A single copy of the Virginia Form ABM developed by the Virginia Department of Taxation. Even if the producer has multiple completed tax credit contracts within a single calendar year, the producer should only receive one Virginia Form ABM per District. The Conservation Application Suite will account for all certified tax credits within the District when autogenerating the Virginia Form ABM.
- A single letter from the District (if applicable – for regular credit applications) stating that the producer has a soil conservation plan that has been approved by the District. NRCS or the District could have developed the plan, but it must be approved by the District Board prior to implementation of the tax credit best management practice(s).
- A single letter from the District (if applicable – for enhanced credit applications) stating that the producer has a resource management plan that has been approved by the District. The plan should be approved by the District Board prior to implementation of the tax credit best management practice(s).
- A copy of each credit certification letter and associated tax credit certificate(s) per BMP Instance. Unlike the forms listed above, there may be many of these letters and attached certificates sent to the producer.

All of these documents may be downloaded from the Conservation Application Suite (CAS) or are auto generated by the CAS system. While each District must provide this documentation to their tax credit program participants by January 31<sup>st</sup>, it is ultimately the responsibility of the producer and their tax preparer to ensure the completion of the Virginia Form ABM and submit all of the documents listed above, as well as all bills/invoices/receipts, to the Virginia Department of Taxation prior to filing their return and no later than December 31.

**EXAMPLE**

Soil and Water Conservation District Letterhead

**AGRICULTURAL BEST MANAGEMENT PRACTICES TAX CREDIT CERTIFICATE**

NAME OF APPLICANT: XXXXXXXXXXXX  
ADDRESS: XXXXXXXXXXXX  
SSN OR TAX ID NUMBER: XXXXXXXXXXXX  
BMP INSTALLED: SL-6W, Stream Exclusion with Wide Width Buffer  
CONTRACT NUMBER: 01-22-1111  
INSTANCE NUMBER: 012121  
COMPLETION DATE: 05/05/2022  
CONSERVATION PLAN WRITTEN DATE: 01/15/2022  
TOTAL APPROVED ESTIMATED COST: \$10,000.00  
TOTAL ACTUAL COST OF BMP: \$11,075.00  
COST-SHARE RECEIVED: \$7,500.00  
AMOUNT TAX CREDIT IS TAKEN ON: \$3,575.00

*Under the provisions of Title 58.1, Chapter 3, Article 3, of the Code of Virginia, Application for the tax credit is hereby made.*

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**CERTIFICATION OF TAX CREDIT**

Approved Tax Credit: \$893.75

Reason for Tax Credit: Agricultural BMP

Approving Soil and Water Conservation District: (District name)

District Director Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Neither the local Soil and Water Conservation District nor the Virginia Department of Conservation and Recreation is providing tax advice; the program participant may wish to consult with an independent tax advisor regarding potential tax consequences.

## Questions

Questions concerning any aspect of the tax credit program that are not addressed in this Manual should be directed to the appropriate DCR Conservation District Coordinator or Agricultural Incentives Program Manager.

## Agricultural Equipment Tax Credits

The General Assembly has authorized other tax credits to encourage the purchase and usage of certain agricultural equipment in support of soil and water conservation. The usage of these tax credits by an agricultural producer does not require issuance of a Tax Credit Certification Letter or approval of the equipment by the District.

To receive the tax credit, a piece of equipment must meet all the specifications for its category; the categories and their specifications may be found beginning on page IV-24. It will be the responsibility of the purchaser to determine if the equipment meets these specifications. It is not the responsibility of the SWCD or any other agency staff to determine or advise the purchaser if the equipment qualifies.

If a producer approaches the SWCD asking for documentation in support of their application for the Conservation Tillage and Precision Agricultural Equipment Tax Credit, the SWCD should send the participant the following documents as soon as possible:

- A single blank copy of the Virginia Form AEC.
- A single letter from the SWCD stating that the producer has a soil conservation plan that has been approved by the District. Refer to the 'Plan Requirements' section (Page IV-6) for more information about the types of plans that meet this requirement. The plan must be approved before the producer's deadline for submitting documentation to the Virginia Department of Taxation, which is at least 90 days prior to the producer's state income tax filing date. Note that for many individuals, the state filing date is May 1<sup>st</sup>, which means the producer must submit their Virginia Form AEC and supporting documentation to the Virginia Department of Taxation by January 31<sup>st</sup>.
- A single blank copy of the certified statement signed by the producer, as well as the individual who prepared the nutrient management plan, stating that the nutrient management plan is being implemented.

All of these documents may be downloaded from the Conservation Application Suite (CAS).

It is the responsibility of the producer and their tax preparer to ensure the completion of the Virginia Form AEC and submit all of the documents listed above, as well as all bills/invoices/receipts, to the Virginia Department of Taxation at least 90 days prior to the producer's state income tax filing date. As with any tax credit usage, the taxpayer is ultimately responsible for determining that they are eligible to utilize the tax credit in compliance with instructions and regulations from the Virginia Department of Taxation. Excerpts from the Code of Virginia are provided below for reference only.

## Tax Credit for Purchase of Conservation Tillage and Precision Agriculture Equipment

The Department of Taxation has authority over the administration of the conservation tillage tax credit; DCR does not have an administrative role in this particular conservation tillage tax credit.

### *§ 58.1-334. Tax credit for purchase of conservation tillage equipment.*

A. For taxable years beginning before January 1, 2021, any individual shall be allowed a credit against the tax imposed by § 58.1-320 of an amount equaling 25 percent of all expenditures made for the purchase and installation of conservation tillage equipment used in agricultural production by the purchaser. As used in this section the term "conservation tillage equipment" means a planter, drill, or other equipment used to reduce soil compaction commonly known as a "no-till" planter, drill, or other equipment used to reduce soil compaction including guidance systems to control traffic patterns that are designed to minimize disturbance of the soil in planting crops, including such planters, drills, or other equipment designed to reduce soil compaction which may be attached to equipment already owned by the taxpayer.

B. The amount of such credit shall not exceed \$4,000 or the total amount of tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such tax year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such individual in the next five taxable years until the total amount of the tax credit has been taken.

C. For purposes of this section, the amount of any credit attributable to the purchase and installation of conservation tillage equipment by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

### *§ 58.1-337. Tax credit for purchase of conservation tillage and precision agriculture equipment.*

A.1. For taxable years beginning on or after January 1, 2021, but before January 1, 2030, any individual engaged in agricultural production for market who has in place a soil conservation plan approved by the local soil and water conservation district and is implementing a nutrient management plan developed by a certified nutrient management planner in accordance with §10.1-104.2 by the required tax return filing date of the individual shall be allowed a refundable credit against the tax imposed by §58.1-320 of an amount equaling 25 percent of all expenditures made by such individual for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection. For purposes of this section, equipment that reduces soil compaction includes equipment utilizing guidance systems to control traffic patterns that are designed to minimize the disturbance of soil in planting crops, including such planters, drills, or other equipment that may

be attached to equipment already owned by the taxpayer.

2. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

- a. Sprayers for pesticides and liquid fertilizers;
- b. Pneumatic fertilizer applicators;
- c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;
- d. Manure applicators;
- e. Tramline adapters; and
- f. Starter fertilizer banding attachments for planters.

3. The amount of such credit under this subsection shall not exceed \$17,500 in the year of purchase. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the individual applies for the refund.

4. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or providing more precise pesticide and fertilizer application or injection by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

B. 1. For taxable years beginning before January 1, 2021, any individual engaged in agricultural production for market who has in place a nutrient management plan approved by the local soil and water conservation district by the required tax return filing date of the individual shall be allowed a credit against the tax imposed by §58.1-320 of an amount equaling 25 percent of all expenditures made by such individual for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

- a. Sprayers for pesticides and liquid fertilizers;

- b. Pneumatic fertilizer applicators;
- c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;
- d. Manure applicators;
- e. Tramline adapters; and
- f. Starter fertilizer banding attachments for planters.

2. The amount of such credit under subdivision 1 shall not exceed \$3,750 or the total amount of the tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such individual in the next five taxable years until the total amount of the tax credit has been taken.

3. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

*§ 58.1-432. Tax credit for purchase of conservation tillage equipment.*

A. For taxable years beginning before January 1, 2021, any corporation shall be allowed a credit against the tax imposed by § 58.1-400 of an amount equaling 25 percent of all expenditures made for the purchase and installation of conservation tillage equipment used in agricultural production by the purchaser. As used in this section, the term "conservation tillage equipment" means a planter, drill, or other equipment used to reduce soil compaction commonly known as a "no-till" planter, drill, or other equipment used to reduce soil compaction including guidance systems to control traffic patterns that are designed to minimize disturbance of the soil in planting crops, including such planters, drills, or other equipment used to reduce soil compaction which may be attached to equipment already owned by the taxpayer.

B. The amount of such credit shall not exceed \$4,000 or the total amount of tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such tax year, the amount which exceeds such tax liability may be carried over for credit against income taxes in the next five taxable years until the total amount of the tax credit has been taken.

C. For purposes of this section, the amount of any credit attributable to the purchase and installation of conservation tillage equipment by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

*§ 58.1-436. Tax credit for purchase of conservation tillage and precision agricultural application equipment.*

A.1. For taxable years beginning on or after January 1, 2021, but before January 1, 2030, any corporation engaged in agricultural production for market which has in place a soil conservation plan approved by the local soil and water conservation district and is implementing a nutrient management plan developed by a certified nutrient management planner in accordance with §10.1-104.2 by the required tax return filing date of the corporation shall be allowed a refundable credit against the tax imposed by §58.1-400 in an amount equaling 25 percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection. For purposes of this section, equipment that reduces soil compaction includes equipment utilizing guidance systems to control traffic patterns that are designed to minimize the disturbance of soil in planting crops, including such planters, drills, or other equipment that may be attached to equipment already owned by the taxpayer.

2. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

- a. Sprayers for pesticides and liquid fertilizers;
- b. Pneumatic fertilizer applicators;
- c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;
- d. Manure applicators;
- e. Tramline adapters; and
- f. Starter fertilizer banding attachments for planters.

3. The amount of such credit under this subsection shall not exceed \$17,500 in the year of purchase. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

4. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or providing more precise pesticide and fertilizer application or injection by a partnership or S corporation shall be allocated to the individual partners or shareholders in

proportion to their ownership or interest in the partnership or S corporation.

B.1. For taxable years beginning before January 1, 2021, any corporation engaged in agricultural production for market which has in place a nutrient management plan approved by the local soil and water conservation district by the required tax return filing date of the corporation shall be allowed a credit against the tax imposed by §58.1-400 of an amount equaling 25 percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

- a. Sprayers for pesticides and liquid fertilizers;
- b. Pneumatic fertilizer applicators;
- c. Monitors, computer regulators, and height adjustable booms for sprayers and liquid fertilizer
- d. applicators;
- e. Manure applicators;
- f. Tramline adapters; and
- g. Starter fertilizer banding attachments for planters.

2. The amount of such credit under subdivision 1 shall not exceed \$3,750 or the total amount of the tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such corporation in the next five taxable years until the total amount of the tax credit has been taken. Credits granted to a partnership or electing small business corporation (S corporation) shall be passed through to the partners or shareholders, respectively.

3. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application by a partnership or S corporation shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

### **Equipment Categories and Specifications:**

The categories of equipment covered include:

- Spray systems for pesticides and liquid fertilizers;
- Pneumatic fertilizer applicators;
- Monitors and flow regulators for pesticide and liquid fertilizer applicators;
- Manure application equipment;
- Tramline adapters;
- Starter fertilizer banding and in-furrow attachments for planters;
- Variable rate application equipment using spatial positioning systems; and
- Other equipment.

The certification criteria for equipment eligible to receive this income tax credit are as follows:

#### **A. Spray systems for pesticides and liquid fertilizers**

Newly purchased sprayers, to qualify for the credit, must have all of the following features.

1. Quick change nozzles to enable operators to select and position the correct nozzle for each type of pesticide and/or liquid fertilizer application. These must also be "anti-drip" type nozzles.
2. Adequate pump capacity to maintain required pressures at all nozzles on the boom and to ensure complete mixing at all times of the spray solution by recirculating at least 40% of the pumped volume.
3. Sectioned boom "cutoffs" for boom widths greater than 20 feet that enable the operator to reduce spray width and thus reduce overlaps and applications to non-field areas when finishing irregularly shaped areas of fields.
4. Pressure gauges or monitors on each boom section to ensure adequate pressure for even applications rates across the boom.
5. Steps and a platform or other means where applicable to safely and easily add materials to the spray tank. The spray tank opening must be large enough for the safe addition of materials to the tank and have a lid that seals.
6. Calibration kits for all new sprayers.

#### **Optional features for new spray systems:**

The following components are optional for new spray systems but considered desirable. Both these items and those listed above, when purchased as components for addition to an existing sprayer will qualify for the tax credit.

1. Spray tank drain that can be opened and closed without exposure of the operator to the solutions.

2. Mechanical or hydraulic boom height adjustment to enable operators to select the appropriate height for each spraying situation.
3. Marker systems which allow the applicator to more precisely locate previously sprayed areas to prevent over application in the overlap between sprayer passes.
4. Clean water rinse systems which provide the ability to rinse spray tanks or pesticide containers in the field at the time the application is being made.
5. Self-leveling booms which minimize boom movement and assure accurate spray patterns across the width of the boom.
6. Multiple nozzle body systems or multiple boom systems which allow for a rapid change between previously selected nozzles to allow for appropriate changes in the field without leakages.
7. Chemical injection metering systems which eliminate the need for tank mixing.
8. Air carrying sprayers.
9. GPS guidance and auto-steer systems.
10. Pesticide application systems incorporating electrostatic charging technology to improve spray deposition.

Required features for upgraded existing spray systems:

Items added to upgrade an existing spray system qualify if the resultant sprayer has the essential features previously stated for new spray systems in items 1-6 above.

Optional features for upgraded existing spray systems:

Both these items and those listed above, when purchased as components for addition to an existing sprayer will qualify for the tax credit. Spray systems may have the essential features previously stated for new spray systems in items 7-16 above.

Required features for air assist spray systems:

Newly purchased air assist application equipment must have the following features:

1. Air assist spray systems must have the essential features previously stated for spray systems in items 2-6 above. Nozzles need not be “quick change” but must be “anti-drip” for the system to qualify.
2. Manifold sections must have separate cutoff or actuator valves.
3. There must be top deflectors, guide vanes, or other means to adjust the direction of the flow of air.

4. The equipment must be capable of variable air volume (i.e. a variable pitch fan, variable slot width, etc....)

Optional features for air assist spray systems:

1. Multiple nozzles.
2. Powder mixers or pre-mixers.
3. Optical or electronic sensing system to control sprayer application by providing spray shut off to the whole nozzle bank or to individual nozzles when no target is present.
4. Equipment which permits the recovery of excess spray for reuse.
5. Shields or deflectors to contain or direct the spray.

## **11. Pneumatic fertilizer applicators**

Pneumatic applicators are capable of uniformly applying materials that vary in particle size on non-uniform terrain. They must possess the following characteristics to qualify for the tax credit:

Required features:

1. Provide uniform division of the fertilizer materials from the central hopper to each distribution device on the boom.
2. Allow infinitely variable rates of application within the range of application rates for the particular applicator.
3. Have a spread pattern coefficient of variation of less than 15% for the entire boom width.

Optional features:

1. Be equipped for "static" and/or moving calibration prior to field use.
2. Have monitoring equipment which indicates the actual application rate for boom sections during field operation.
3. Be equipped to vary the rate of application during field operation.

## **12. Monitors and flow regulators for pesticide and liquid fertilizer applicators**

These are defined as electronic and mechanical devices which provide operators with an accurate indication of any of the following:

1. True ground speed;
2. Nozzle pressure;
3. Flow rates of the spray solution;
4. Air flow in air assist spray systems;
5. Blocked nozzles or distribution devices;
6. Actual application rates;
7. Allows for the accurate adjustment of application rates while spraying;

8. Metering for injected liquid fertilizer application at or post planting; or
9. Monitor boom height and adjust to appropriate height for each spraying situation to assure accurate spray patterns across the width of the boom.

### **13. Manure application equipment**

Newly purchased manure application equipment must have the following features. Items added to upgrade an existing applicator qualify if the resultant spreader meets the following criteria also.

#### **a. Dry Manure Spreaders**

Required features:

1. Constructed so as to prevent leakage during transport and include a litter/slurry pan or a hydraulic end gate.
2. Capable of spreading manure at 2.5 tons/acre or less in a uniform swath.
3. Box spreaders (flat bottom) having a beater spreader mechanism shall be equipped with an upper beater and a gear reduction unit (slow down kit) to provide chain speeds of no more than 2.5 feet/minute.

Optional features:

1. Spreaders having an adjustable discharge gate/door may be equipped with an indicator to display the position of the gate/door.
2. Spreaders used to apply poultry manure and litter less than 50% moisture content may have cupped beaters.

#### **b. Liquid Manure Spreaders**

Required features:

1. Constructed so as to prevent leakage during equipment transport.
2. Capable of spreading manure at 1,000 gallons/acre or less in a uniform swath behind the spreader.
3. Have an application swath width of 20 feet or greater. The applicator must be driven by a positive discharge system.

Optional features:

1. Equipment to inject the manure directly into the soil. The application swath width requirements are waived for this option.

#### **c. Manure Irrigation System**

Required features:

1. Designed for a maximum application rate of 0.30"/hour. The nutrient management plan must address the issues of infiltration rates and environmentally sensitive areas.
2. Components submitted for the tax credit must meet the IRS "equipment" definition

requirements of Federal Tax Regulation 1.48-1(c). Pipe installation in the ground is defined as real property and does not qualify.

3. Be purchased and utilized primarily for waste application.

#### **14. Tramline Adapters**

A tramline adapter alters a grain drill to leave certain rows unplanted. This allows for later access (traffic patterns) to the growing crop for split application of fertilizers and pesticides without damage to the crop. For the purposes of these criteria, the adapter is defined as the following components necessary for the adoption of the system:

1. The tramline mechanism for the drill.
2. As a set, the tires and associated rims, not to exceed 13.6" wide, necessary to adapt tractors for use in tramline systems.

#### **15. Starter fertilizer banding and in-furrow attachments for planters**

Starter fertilizer attachments for planters, drills and transplanters include appropriate soil opening components and allow for accurate band applications of fertilizers near the root zone when planting or transplanting a crop. Fertilizer hoppers or liquid fertilizer tanks attached or connected by hoses to the planter during field operation are an integral component of this equipment. The starter fertilizer banding or in-furrow attachment may be purchased as part of a new planter or purchased for installation on an existing planter. For newly purchased planters, only the cost of the starter fertilizer banding or in-furrow attachment is eligible for this tax credit. The start fertilizer banding or in-furrow attachment must meet the following criteria:

1. Constructed to place fertilizer in a band below the soil surface and within the root zone of seedlings or transplants.
2. Capable of accurately metering a range of application rates.

#### **16. Variable rate application equipment using spatial positioning systems**

This equipment combines the use of spatial positioning systems, such as global positioning using satellite technology, with variable rate application equipment for nutrients or pesticides, to result in more precise applications. To qualify for the tax credit, the equipment must:

1. Be used in conjunction with pesticide, manure, and fertilizer application equipment.
2. Result in automated variable nutrient or pesticide application rates using:
  - i. Spatial positioning systems;
  - ii. Variable application rate controllers; and
  - iii. Other input data such as, but not limited to, grid or management zone soil analysis results, soil types, expected yields, or weed maps.

## **17. Other equipment**

Application systems which incorporate entirely new technology or application technology not covered by these criteria will be considered by the Board on a case-by-case basis upon request.

1. Pesticide application systems incorporating electrostatic charging technology to improve spray deposition shall qualify for the tax credit.
2. Equipment added to irrigation systems which provide more precise pesticide or nutrient application will qualify for the tax credit. Eligible necessary components include:

## **18. Accessories to protect the water source by preventing back flow or back siphoning.**

1. A flow sensor to monitor water flow and adjust the injection rate of pesticide or fertilizer to achieve the appropriate application rate.

**Sample Certification of Nutrient Management Implementation:**

Using a written or digital record keeping system, I have diligently recorded all nutrient applications to the fields in my nutrient management plan for the period \_\_\_\_\_ through \_\_\_\_\_ to the crops specified in my nutrient management plan.  
(month/year) (month/year)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
(Producer signature) (date signed)

I have reviewed application records kept by \_\_\_\_\_ and I hereby  
(producer name)  
certify that those records have supplied sufficient information to show the producer has applied the proper materials and nutrient rates to at least 85% of the field acres as specified in the nutrient management plan covering \_\_\_\_\_ through \_\_\_\_\_.  
(month/year) (month/year)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
(Certified Planner signature) (NMP Cert. No.) (date signed)

***Recommended revisions to the VACS BMP Manual for FY2027 – CREP Guidelines***

1. Updated “CREP Enrollment” section to reflect current Contract signature requirements  
(Page IV-3)

## CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

### Overview

The Commonwealth of Virginia and USDA agreed in June of 2000 to implement a Conservation Reserve Enhancement Program (CREP). Virginia CREP utilizes financial incentives from state and federal sources to encourage farmers to enter into a contract with the USDA Farm Service Agency (FSA) to remove environmentally sensitive land from agricultural production.

There are two geographical components to the Virginia CREP program. The Chesapeake Bay portion of Virginia CREP is directed at the area of Virginia draining to the Chesapeake Bay. The other portion of Virginia CREP is directed at the area of Virginia that drains Outside of the Chesapeake Bay (OCB), which is also known as the Southern Rivers for this Program. Combined, both components had an original goal of enrolling and restoring 35,000 acres of riparian buffers and wetlands in the program by the end of calendar year 2012. The OCB CREP has added an additional 5,000 acres to its enrollment goal, making the current statewide enrollment goal 40,000 acres.

Specific goals are as follows:

Chesapeake Bay:

- 1) 22,000 acres of riparian area treatment; and
- 2) 3,000 acres of wetlands restored.

Outside Chesapeake Bay:

- 1) 13,500 acres of riparian area treatment (includes supplemental 5,000 acres approved in March of 2005); and
- 2) 1,500 acres of wetlands restored.

### Expected Benefits

There are expected to be significant water quality and wildlife habitat improvements including:

- 1) The reduction of over 500,000 lb. of nitrogen per year.
- 2) The reduction of over 66,000 lb. of phosphorus per year.
- 3) The reduction of over 33,000 tons of sediment per year.
- 4) The substantial enhancement of wildlife habitat and the preservation of biological diversity, including threatened and endangered species.

### CREP Cost-Share Funding Starting in FY2021

Starting in Fiscal Year 2021 which begins July 1, 2020, the Commonwealth will pay 50% cost-share for select **CREP practices**. The availability of federal Practice Incentive Payments (PIP), Signing Incentive Payments, and, where applicable, Chesapeake Bay Incentive Payments (CBIP) will assure that implementation of these practices will provide approximately 100% reimbursement of approved costs to the participant.

In order to ensure the availability of adequate state matching funds, the following process will be used for CREP practice applications:

- 1) FSA will notify the Department when CREP applications are received;
- 2) The Department will reach out to the local District impacted by the CREP application(s) in order to confirm that the District has knowledge of the project and that the following required items have been completed:
  - The CRP-1 and CRP-2C forms have been obtained from FSA;
  - The VA Contract Part I and W-9 tax forms have been obtained from the participant;
  - The NRCS Conservation Plan and map have been received from the federal partners for signature; and
  - The appropriate CREP instances have been mapped in the AgBMP Tracking Module with Resource Reviews completed, including consultations with Resource Partners (e.g. DCR-DNH, DHR, DWR) if necessary\*.
- 3) Once the local District confirms the items listed above are complete, the District will set the status of the CREP instances in the AgBMP Tracking Module to “*Funds Pending Approval.*”
- 4) The AgBMP Tracking Module automatically notifies the Department’s Agricultural Incentives Program Manager of the need to review any CREP practices in pending status; once reviewed, the Manager will switch the status to “*Funding Availability Confirmed*” if funds are available.
- 5) The District Board of Directors shall only approve CREP cost-share applications after funding availability has been confirmed by the Department. The NRCS Conservation Plan shall also be approved by the District Board.
- 6) Following funding confirmation to the District, the Department will notify FSA that state match is available.
- 7) FSA will follow established procedure regarding CREP application approvals.

\*Note: USDA partners should be providing the local District with a copy of the completed CPA-52 Environmental Evaluation Worksheet. If the resource concerns identified in the state Resource Review are all documented on and addressed by the CPA-52, the District should simply maintain a copy of the CPA-52 in the contract file with appropriate notations in the conservation planning notes. If any resource concerns identified in the state Resource Review are not documented on and addressed by the CPA-52, then the District should move forward with formal consultation with state Resource Partners (e.g. DCR-DNH, DHR, DWR).

### Program Area

Starting on July 1 of 2019, all hydrologic units in Virginia are eligible for CREP, with the exception of a few hydrologic units in Dickenson County, Virginia, as shown on the DCR CREP website: <https://www.dcr.virginia.gov/soil-and-water/image/crep-ineligible-2019.png>

### Program Eligibility

The Farm Service Agency is responsible for determining producer eligibility. The basic eligibility criteria for the existing CRP will apply. Cropland must have a cropping history for four out of the last six years. NRCS will verify land eligibility by visiting each proposed CREP site while

developing a Farm Conservation Plan and laying out the CREP buffer. Permanent hayland and forested land is not considered cropland for this program. Municipalities or other governmental agencies are not eligible to receive the Virginia portion of CREP rental and cost-share assistance. Lands located outside of the state are not eligible. The minimum Virginia CREP contract accepted is a tenth (.1) of an acre.

The CREP and Virginia Agricultural Best Management Practices Cost Share Program (VACS) are in general mutually exclusive conservation programs; practices addressing the same resource concerns may not be applied simultaneously in the same field. However, there are three VACS practices that are exceptions to this and are allowed to be applied for simultaneously with other CREP practices: those practices are SL-7 (Extension of Watering Systems), SL-11 (Permanent Vegetative Cover on Critical Areas), and WP-2A (Streambank Stabilization).

### CREP Enrollment

Beginning July 1, 2016, Districts are advised to require participants with approved FSA CREP contracts to sign VA Contract Part I. A signature on this documentation establishes the contractual relationship between the program participant and the District. This contractual relationship is needed to assure that Districts have the right to request the return of all or part of the state CREP cost-share financial assistance and/or tax credit payments if the conservation practice(s) is/are removed or not properly maintained in accordance with program requirements during the lifespan of the practice(s).

A District Board member must sign the “District Authorization” section of the Contract Part II, acknowledging official District Board approval of the CREP contract. The CREP participants must also sign the Contract Part II. The CREP participant and a District Board member must sign the Contract Part III, “Participant Practice Installation Certification,” to fully execute the contract prior to the release of the state’s portion of the CREP cost-share and rental payment.

### CREP and The Chesapeake Bay Preservation Act (the Act) and The Chesapeake Bay Preservation Area Designation and Management Regulations (the Regulations)

The Regulations require the protection of surface waters from agricultural runoff by requiring buffers extending landward from the top of bank on all agricultural lands adjacent to identified Resource Protection Areas (RPA). The width of the required buffer is dependent upon the number and types of agricultural BMPs that are implemented on the agricultural lands that contribute runoff. If at least three BMPs (Nutrient Management, Conservation Tillage and Integrated Pest Management) are being implemented on the upland production areas, the required 100 foot buffer may be reduced to 25 feet in width beginning at the top of the protected water feature’s bank within the Resource Protection Area (RPA). The VACS Program does not provide financial incentives for minimum actions that are mandated under law or regulation. Therefore, Districts should only pay an incentive on 10 feet of a required minimum width (35 feet) CREP buffer, as the first 25 feet of buffer is required under the Regulations. Other CREP cost-share payments should not be impacted as neither the buffer planting nor the protection of the buffer area is required under the Regulations.

## Eligible Practices

The continuous sign-up CRP program offers several different practices. However, the Virginia CREP presently only offers four of these practices as listed below. The following entries will be made into the AgBMP Tracking Module. **Please remember that the average buffer width for any buffer practice should be recorded in the Tracking Program.**

- 1) **CP-21** CREP Grass Filter Strip Rent (Tracks state funds spent enhancing the FSA rental payment): Thirty-five feet (35') minimum and one hundred feet (100') maximum, on cropland only. CREP participants may plant native warm season grasses (NWSG) on cropland. This BMP will record the number of acres of buffer restored, the site location, and state's enhancement of FSA's rental payment. The rental payment may be made after all state conservation practices have been installed and certified by NRCS. The state's portion of the rental payment is calculated based upon the FSA SIP payment calculation as follows: (Buffer Acres) X (\$5) X (Full years in CREP Contract\*) = State Rental Payment as documented in Field 9, "Contract Period" of the CRP-1.

AND

CRWQ-1 CREP Herbaceous Riparian Buffers: Native warm season grass (NWSG) filter strips are authorized to be planted under CREP CP-21 practice. This BMP records the site location, acres, and the state's portion of the cost-share payment for planting of the NWSG filter strip.

OR

CRFR-3 CREP Woodland Buffer Filter Area: Records the site location, acres, average buffer width and state's portion of cost-share for the planting of hardwood seedlings needed to restore riparian forest buffers. Any naturally regenerated buffers (i.e. those buffers restored without planting seedlings) should be recorded using this practice code.

AND

CRLF-1 CREP Linear Foot of Streambank Protected: This code is entered as a reporting marker to capture the linear feet of streambank that was protected by the installation of the NWSG filter strip. The entry of the linear feet of streambank protected by the installation of the filter strip, forested buffer or natural regeneration of a forested buffer allows the state to receive credit for restoring linear feet of riparian buffer since there is no fencing practice to install.

OR

CRWP-2 CREP Stream Protection: if any fencing is installed to protect the NWSG buffer.

- 2) **CP-22** CREP Riparian Forest Buffer (Tracks state funds spent enhancing the FSA rental payment): Thirty-five feet (35') minimum, and three hundred feet (300') maximum on marginal pastureland or cropland. This BMP will record the number of acres of buffer restored and the state's enhancement of FSA's rental payment for riparian forest buffers on marginal pastureland or cropland. The rental payment can be made after all state conservation practices have been installed and certified by NRCS. The state's portion of the rental payment is calculated based upon the FSA SIP payment calculation as follows: (Number of buffer acres planted) X (\$5 per year) X (number of full years in the CREP contract) as documented in Field 9, "Contract Period" of the CRP-1.

AND

CRFR-3 CREP Woodland Buffer Filter Area: Records the site location, acres, average buffer width and state's portion of cost-share for the planting of hardwood seedlings needed to restore riparian forest buffers. Any naturally regenerated buffers (i.e. those buffers restored without planting seedlings) should be recorded using this practice code.

AND

CRSL-6 CREP Stream Exclusion with Grazing Land Management: Records the site conditions, linear feet of streambank protected and the state's portion of the cost-share payment for alternative watering systems installed as a livestock water source and fencing installed to protect restored riparian buffers or implement rotational grazing.

OR

CRWP-2 CREP Stream Protection: Records the site conditions, linear feet of streambank protected and the state's portion of the cost-share payment on fencing and alternative watering systems that utilize hardened crossings as a livestock water source.

OR

CRLF-1 CREP Linear Foot of Streambank Protected: This code is entered as a reporting marker to capture the linear feet of streambank that was protected by the installation or natural regeneration of a forested buffer that is not protected by a fencing practice (CRSL-6 or CRWP-2 above). The entry of the linear feet of streambank protected by the restoration of the buffer allows the state to receive credit for restoring that many linear feet of riparian buffer when there is no fencing practice to install.

AND/OR

CRWQ-11 CREP Agricultural Sinkhole Protection: Should be reported when CREP is applied to karst pasture sinkholes; practice removes and disposes of non-woody sources of pollution from sinkholes only. Fencing and buffer plantings to protect the sinkhole should be reported as a CRSL-6 or CRWP-2 as appropriate and CRFR-3 respectively.

AND

SL-7 Virginia Agricultural Best Management Practice Cost-Share Program (VACS) funded practice that provides an incentive to extend any CREP CP-22 watering systems to adjacent grazing paddocks that did not contribute acreage to the CREP buffer restoration (for Chesapeake Bay CREP Conservation Plans signed after July 1, 2009 only). Starting with the 2010 Program Year in the Chesapeake Bay CREP and 2012 Program Year in the OCB CREP, the Virginia Agricultural BMP Cost Share Program support for extension of CREP watering system practice (SL-7) may be utilized. In an effort to fully enroll CREP, the Virginia Agricultural BMP Cost-Share Program has chosen to provide financial support to expand the CREP installed watering systems to serve grazing units that did not provide any acres to the CREP buffer restoration. The SL-7 practice will be recorded in the AgBMP Tracking Module as a VACS practice; the expenses associated with the support of these watering systems cannot be used as part of the required state enhancement payment associated with CREP implementation.

SL-7 Extension of Watering Systems: Payment of VACS funds will be authorized from either CB or OCB BMP cost-share funds and may be used to install grazing management fencing, pipelines, and water developments in adjacent pastures that are ineligible for CREP. An NRCS approved Prescribed Grazing Plan and Operations and Maintenance Plan must include all grazing paddocks where either CREP or VACS cost-shared components are installed. The SL-

7 shall be assigned a contract lifespan matching that of the CREP contract.

- 3) **CP-23 CREP Wetland Restoration Rent:** If the wetland restoration will exceed 40 acres, NRCS must recommend that the land be enrolled under the CP-23 and the not-to-exceed-40-acre limitation be waived because of the environmental benefits.

AND

CRWQ-6B CREP Wetland Restoration: Records the site location, acres of wetlands restored, average buffer width and state's portion of the cost-share payment. The acres of buffer and wetland should be combined when reporting this CREP practice only.

AND

CRFR-3 CREP Woodland Buffer Filter Area: Records the site location, acres, average buffer width and state's portion of cost-share for the planting of hardwood seedlings. Any naturally regenerated buffers (i.e. those buffers restored without planting seedlings) should be recorded using this practice code.

- 4) **CP-29 CREP Wildlife Habitat Buffer** (Tracks state funds spent enhancing the FSA rental payment: Fifty feet (50') minimum and one hundred and twenty foot (120') maximum on marginal pasture. This BMP will record the acres and the state's portion of the rental payment for a "Marginal Pasture Land Wildlife Habitat Buffer." The payment can be made after all state conservation practices have been installed and certified by NRCS. The state's portion of the rental payment is calculated following the FSA SIP payment calculation as follows: (Number of buffer acres planted) X (\$5 per year) X (number of full years in the CREP contract) as documented in Field 9, "Contract Period" of the CRP-1).

AND

CRWQ-1 CREP Herbaceous Riparian Buffers: Herbaceous buffers are planted under this CREP practice. This BMP records the site location, acres, average buffer width and state's portion of the cost-share payment for planting of a herbaceous buffer.

AND

CRSL-6 CREP Stream Exclusion with Grazing Land Management: Records the site location, linear feet of streambank protected and the state's portion of the cost-share payment for alternative watering systems that utilize ponds, spring developments, or wells as a livestock water source.

OR

CRWP-2 CREP Stream Protection: Records the site location, linear feet of streambank protected and the state's portion of the cost-share payment on fencing and systems that utilize hardened crossings as a livestock water source.

OR

CRLF-1 CREP Linear Foot of Streambank Protected: Reporting marker for entering the linear feet of streambank protected into the Tracking Program by removing of livestock from marginal pastureland when no fencing is installed or the planting of a riparian buffer (CRFR-3) on cropland.

OR

CRWQ-11 Agricultural Sinkhole Protection: Should be reported when CREP is applied to karst pasture sinkholes; practice removes and disposes of non-woody sources of pollution from sinkholes only. Fencing and buffer plantings to protect the sinkhole should be reported as an SL-6 or a WP-2 and CRFR-3, respectively.

All CREP Best Management Practices are subject to applicable NRCS *Field Office Technical Guide* standards as itemized in Technical Specifications Section of the *Virginia Agricultural BMP Manual*. The CREP practices will be administered using the same processes and administrative procedures as identified in the VACS Program Guidelines, except as otherwise expressly provided in this document.

### Program Sign-Up

Applicants wishing to participate in the Virginia CREP must sign up at the local FSA county office by completing a CRP-2. The FSA county office will inform the local District of the applicant's intent and supply the District with all necessary documentation including the CRP-2C offer form and location map. Upon receipt of this documentation, the local District will contact the applicant and obtain a signed W-9 tax form and VA Contract Part I.

### Participant Notification

The FSA county office will notify each applicant of his/her eligibility. Upon approval of the CREP application by the local District Board of Directors, the local District office will notify the applicant of the estimated cost-share payment of the approved Virginia CREP contract. This will prevent an over-allocation of funds by establishing an approved maximum payment based on the estimated cost.

### Payments

Virginia CREP contracts are to be implemented with a combination of funding from state and federal sources. State payments are issued by Districts and must reflect the appropriate cost-share and rental rates for the Program. Payments are issued after FSA has completed FSA Form 848 and submitted copies to the District. Once the District receives the signed Form 848, the District should ensure the Contract Part III is completed including participant and technical certification signatures.

State cost-share payments for CREP BMPs will be issued after all components of the specific state BMPs are completed according to the state requirements, as listed in this CREP Section of the *Virginia Agricultural BMP Manual*. State rental payments for CREP will be issued when all BMPs in the CREP contract are complete and certified by the District.

### Cost-Share Rate

FSA's CREP cost-share rate for applicable BMPs is based upon 50% of the eligible cost for component installation, not to exceed a maximum amount for certain components, such as water developments, pipeline, and watering facilities implemented. This cost estimate is generated by the local NRCS District Conservationist and supplied to FSA on the contract support document.

Virginia has modified its cost-share rate several times throughout the life of CREP. All cost-share rate changes have been based upon the date of the last signature obtained on the Farm Conservation Plan developed for the CREP project.

Starting July 1, 2022, Virginia will pay up to 50% of eligible cost for select CREP practices. For these practices, calculations will be made to determine the least costly alternative: 50% of FSA eligible cost or a state cost-share payment equal to 100% of the FSA authorized cost-share payment.

### Rental Rate

FSA will determine the federal CREP Rental Rate to be paid each year of the contract based upon approved soil rental rates (SRR) for each county.

Cropland: A weighted average SRR for the three predominant soils on the eligible acreage offered.

Pastureland: The county average soil rental rates for marginal pasture.

An annual 120% incentive payment will be added to the approved FSA county SRR per acre, as well as a \$5 per acre per year maintenance fee. However, rental rates and associated payments are capped at a maximum of \$100/acre in the Chesapeake Bay basin and \$90 per acre in the Southern Rivers basin.

The Commonwealth of Virginia will also pay a rental rate of \$5 per acre per full year of the CREP contract as a lump sum to be paid when all BMPs are completed and certified.

### Federal CREP Incentive Payments

A federal Signing Incentive Payment (SIP) will be paid by FSA; this onetime payment will equal \$100 per acre. The SIP payment will be made when the CREP contract (CRP-1) has been approved and signed by the program participant.

A federal Practice Incentive Payment (PIP) will be paid by FSA on CP-21, CP-22, and CP-29 conservation practices; this one-time payment will equal 40% of the eligible cost of each component of an approved conservation practice. FSA will issue the PIP payment after all components of approved conservation practices have been completed and certified by NRCS.

A federal Hydrologic Bonus Payment will be paid by FSA on CP-23 conservation practices; this one-time payment will equal 25% of the eligible cost of the approved cost of restoring the wetland hydrology on prior converted wetlands and farmed wetlands. FSA will issue the Hydrologic Bonus payment after all components of approved conservation practices have been completed and certified by NRCS.

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. Receipt of the above approved federal incentive payments should not be considered during calculations to determine state cost-share or tax credit amounts.

### State CREP Incentives

Virginia has provided additional financial bonuses as incentives to increase the rate of enrollments of certain practices that provide desirable environmental benefits and support environmental goals.

Beginning July 1, 2011, approved CP-22 practices may be approved to receive a VACS SL-7 practice incentive payment that may be utilized to expand the CREP watering system in the CREP eligible OCB and Chesapeake Bay drainage basins. Previously approved CREP contracts (i.e. signed prior to July 1, 2011), may not be cancelled and re-approved to take advantage of this additional funding.

Additionally, while the Commonwealth is not typically involved in CREP reenrollments initiated by the Farm Service Agency, the Commonwealth does allow reenrolling CREP participants with expired contracts to participate in the Continuing Conservation Initiative (CCI) options in the VACS Program.

#### State Documentation

Districts will retain all supporting data in their files according to the following unless notified by the Department. This will include signed copies of DCR Form 199-071, Contract Part I and Part III.

Districts must file their copy of all CREP related forms within the participant's folder. Conservation Plans and practice design sheets should be kept with individual case files according to NRCS policy. Districts shall keep copies of the appropriate FSA forms (CRP-1, CRP-2C and appropriate 848(s)), the USDA Conservation Plan, the plan map, the CPA-52 Environmental Evaluation Worksheet, the state resource review query and any supporting documentation, the W-9 tax form, and a copy of DCR Form 199-071 or Parts I, II, and III of the Virginia BMP Incentives Program Contract in the participant's folder. FSA will keep all billings and expense records.

Districts must provide an Internal Revenue Service Form 1099-G to any Virginia CREP participant who receives \$600 or more in state payment(s) per their Federal Taxpayer Identification Number or Social Security Number during the calendar year. Districts must also file IRS Form 1099-G and Form 1096 with the Internal Revenue Service in accordance with IRS regulations.

#### Data Reporting

In order to adequately track program effectiveness and to make necessary management decisions, it is vital that all data requested in the AgBMP Tracking Module be generated and entered into the Module in a timely fashion.

DCR regional CDCs will officially collect data and run reports for all programs quarterly. All necessary data should be entered into the AgBMP Tracking Module no less than on a weekly basis. Districts are to ensure that the status and data associated with each practice entered into the AgBMP Tracking Module is updated in a timely fashion and is kept as accurate as is possible. A Quarterly Budget Report that estimates funding needs for the coming quarter will be generated by the Module and monitored by the CDCs. In order to receive funding in an accurate and timely

fashion, Districts need to be diligent about updating practice data continuously. CDCs will verify the need for disbursement of cost-share funds prior to generating and authorizing disbursement request letters.

Data reporting for the end of the Program Year shall include an accounting of all CREP funds held by the District. These funds shall be identified as to whether the funds are obligated to a particular CREP practice presently under construction or un-obligated.

### Inspections and Spot Checks

All Virginia CREP contracts are subject to inspection for program compliance during the life of the contract. Technical inspection and certification of completed CREP conservation practices is the responsibility of FSA and the Natural Resource Conservation Service. CREP conservation practices are subject to spot checks by FSA personnel throughout the life of the contract.

### Questions

Questions concerning federal policies of the Virginia CREP should be directed to the local FSA or NRCS county office. Questions concerning state policies of the Virginia CREP that are not addressed in this Manual should be directed to either the DCR Conservation District Coordinator or to the Agricultural Incentives Program Manager.

Revised April 2022

## **Counties Included in the CREP Area**

### **CHESAPEAKE BAY**

All counties and hydrologic units with Chesapeake Bay drainage are eligible for CREP.

### **OUTSIDE THE CHESAPEAKE BAY**

Counties and hydrologic units with Outside the Chesapeake Bay drainage are eligible for CREP with the exception of certain hydrologic units within Dickenson County. The only hydrologic units in Dickenson County that are eligible for CREP are: BS22, BS23, BS24, BS25, TC15, and TC17.

***Recommended revisions to the VACS BMP Manual for FY2027 – Poultry Litter Transport***

1. Removes the cap on the amount of litter that is eligible per applicant per request (Pages VIII-1 and VIII-8).
2. Minor amendments, including formatting corrections and date changes, have been made to the documents as well.

## Virginia's Poultry Litter Transport Incentive Program

The Virginia Department of Conservation and Recreation offers a poultry litter transport incentive program to facilitate the efficient use of poultry litter as a crop nutrient source in areas that can most benefit from those nutrients and that are outside of the main poultry-producing counties. The goal of this program is to encourage development of self-sustaining poultry litter markets outside of the Chesapeake Bay watershed and in certain specified areas within the Chesapeake Bay watershed. Through the program, \$17.50, \$25, or \$30 is provided per ton of litter moved to help cover the additional costs associated with increased transport distances.

### A. Who is eligible?

1. Poultry litter end-users

### B. Program requirements:

1. Poultry litter must originate on farms in Accomack, Page, or Rockingham counties.
2. To receive an incentive payment through this program, litter must be transported to a final destination in the counties listed in section E of this document.

~~3. Up to 800 tons of litter may be eligible per applicant per incentive request. Once documentation has been received by DCR, that request is complete, even if the amount of litter applied falls below the original request amount. Subsequent requests may be submitted after a request for payment, with all forms completed, has been received on the previous request.~~

~~4.3.~~ Completed Poultry Litter Transport Incentive Request Forms are valid for the current fiscal year, which begins July 1, 202~~6~~<sup>5</sup> and ends June 30, 202~~7~~<sup>6</sup>.

~~5.4.~~ Complete and accurate supporting documentation to include the Chain of Custody, Field Application Record, Nutrient Management Plan, certified scale weight tickets, and Virginia W-9 Tax Form must be received by October 31, 202~~7~~. Requests for supporting documentation that aren't responded to by this date will be cancelled.

~~6.5.~~ Certified scale weight tickets for **all** tonnage moved are **required** to receive payment.

~~7.6.~~ A Nutrient Management Plan (NMP) must be prepared by a nutrient management planner certified by the Virginia Department of Conservation and Recreation (DCR) for all fields scheduled to receive poultry litter.

~~8.7.~~ The end-user agrees to fully implement their NMP and to participate in NMP verification.

~~9-8.~~ Fields eligible for payment must have a Virginia Tech soil test phosphorus reading (i.e. Virginia Tech soil test reading P lbs/acre, Mehlich I) no greater than the following:

Region	Soil Test Reading
Eastern Shore and Lower Coastal Plain	270
Middle and Upper Coastal Plain and Piedmont	272
Ridge and Valley	324

NOTES: To determine the region the field is in, refer to the list of eligible counties by region. Please refer to the table showing the correlation of other soil testing laboratories if necessary.

~~10-9.~~ Poultry litter must have been analyzed within the previous three years to determine nutrient content and final application rate for nutrient management plan development. If analysis is unknown at the time the NMP is written, litter analysis shown in Table 8-4 in the *Virginia Nutrient Management Standards and Criteria*, Revised July 2014, may be used to develop the initial NMP.

~~11-10.~~ No mortality (composted or otherwise) can be shipped as part of this incentive program. Litter containing mortality in any form will not qualify for payment.

~~12-11.~~ Litter with moisture greater than 35% is ineligible for payment.

~~13-12.~~ Litter off-loading and storage at the receiving site must be in accordance with the requirements of the Virginia Department of Environmental Quality **Fact Sheet: Requirements for Poultry Litter Use and Storage**.

~~14-13.~~ Vehicles used to transport poultry litter, including any application equipment, must contain the poultry litter within the cargo area without loss while operating on a public road.

~~15-14.~~ Spot checks for compliance with these program requirements may be performed by the Virginia Department of Conservation and Recreation.

### C. How to Apply:

1. To apply for a payment via mail, the applicant must complete and return the Poultry Litter Transport Incentive Request Form, a **VIRGINIA W-9 TAX FORM**, and the applicant's Nutrient Management Plan to:

Eastern Shore AREC  
ATTN: Palmer Bunce  
33446 Research Drive  
Painter, VA 23420-2827

2. To apply via email, please contact Palmer Bunce for further instructions at [palmer.bunce@dcr.virignia.gov](mailto:palmer.bunce@dcr.virignia.gov) or (540) 416-5350.
3. Once the forms are received, they are reviewed by DCR. The incentive request must be approved by DCR prior to litter transport.
4. Once the Poultry Litter Transport Incentive Request Form has been approved for incentive payment and after litter has been applied, submit to the above address the following completed forms (Please do not staple documents):
  - Field Application Record;
  - Chain of Custody form; and
  - Certified scale weight tickets showing the litter tonnage transported.
5. These documents will be reviewed and if approved, processed for payment. The party who submitted the Poultry Litter Transport Incentive Request Form will then receive the incentive payment.

### D. Additional Poultry Litter Transport Incentive Program Information

For more information, please go to: <https://www.dcr.virginia.gov/litter-transport> or contact:

Palmer Bunce - (540) 416-5350: [palmer.bunce@dcr.virginia.gov](mailto:palmer.bunce@dcr.virginia.gov)  
Seth Mullins – (804) 517-0726: [seth.mullins@dcr.virginia.gov](mailto:seth.mullins@dcr.virginia.gov)  
Hunter Landis – (804) 929-6334: [hunter.landis@dcr.virginia.gov](mailto:hunter.landis@dcr.virginia.gov)

## Virginia's Poultry Litter Transport Incentive Program

### **E. Counties Eligible To Receive Incentive:**

#### ***Eastern Shore and Lower Coastal Plain:***

Charles City	Chesapeake	Essex	Gloucester
Hanover	Isle of Wight	James City	King & Queen
King William	Lancaster	Mathews	Middlesex
New Kent	Northumberland	Richmond	Southampton
Suffolk	Surry	Sussex	Virginia Beach
Westmoreland			

#### ***Middle and Upper Coastal Plain and Piedmont:***

Albemarle	Amelia	Amherst	Appomattox
Bedford	Brunswick	Buckingham	Campbell
Caroline	Charlotte	Chesterfield	Culpeper
Cumberland	Dinwiddie	Fauquier	Fluvanna
Franklin	Greene	Greensville	Goochland
Halifax	Hanover	Henrico	Henry
Louisa	Lunenburg	Madison	Mecklenburg
Nelson	Nottoway	Orange	Patrick
Powhatan	Prince Edward	Prince George	Pittsylvania
Rappahannock	Spotsylvania		

#### ***Ridge and Valley:***

Alleghany	Augusta	Bath	Bland
Botetourt	Buchanan	Carroll	Clark
Craig	Dickenson	Floyd	Frederick
Giles	Grayson	Highland	Lee
Montgomery	Pulaski	Roanoke	Rockbridge
Russell	Scott	Shenandoah	Smyth
Tazewell	Warren	Wise	Wythe

### **F. Incentive Payment Rates:**

- **\$30.00 per ton** for poultry litter generated in Accomack County
- **\$25.00 per ton** for poultry litter generated in Page and Rockingham Counties and land applied **outside of** the Chesapeake Bay Watershed
- **\$17.50 per ton** poultry litter generated in Page and Rockingham Counties and land applied **within** the Chesapeake Bay Watershed

**CHAIN OF CUSTODY  
 SOURCE of the POULTRY LITTER**

<b>Name:</b>			
<b>Address:</b>			
<b>Contact Person:</b>		<b>Telephone No.</b>	
<b>Tons of litter shipped:</b>		County: <input type="checkbox"/> Rockingham <input type="checkbox"/> Page <input checked="" type="checkbox"/> Accomack	

**The above information is correct to the best of my knowledge. Further, I agree to the following requirements:**

- Provide a copy of the most recent poultry litter analysis, upon request.
- Permitted operations must comply with all Poultry Waste Management Regulations requirements.
- No mortality (composted or otherwise) will be shipped as part of this incentive program.

Grower Signature\* \_\_\_\_\_ Date \_\_\_\_\_

\*If grower's signature is unavailable, the Broker's signature will suffice.

**POULTRY LITTER BROKER/TRANSPORTER**

<b>Name:</b>			
<b>Address:</b>			
<b>Contact Person:</b>		<b>Telephone No.</b>	
<b>Tons of litter shipped:</b>			

**The above information is correct to the best of my knowledge. Further, I agree to the following requirements:**

- Vehicles transporting poultry litter, including any application equipment, will contain the manure within the cargo area without loss while operating on a public road.
- Brokers must comply with the reporting requirements of the Poultry Waste Management Regulations.
- No mortality (composted or otherwise) will be transported as part of this incentive program.

Broker/Transporter Signature \_\_\_\_\_ Date \_\_\_\_\_

**END-USER OF POULTRY LITTER**

<b>Name:</b>			
<b>Address:</b>			
<b>Contact Person:</b>		<b>Telephone No.</b>	
<b>Tons of litter received:</b>		County:	

**The above information is correct to the best of my knowledge. Further, I agree to implement a current nutrient management plan prepared by a nutrient management planner certified by the Virginia Department of Conservation and Recreation that includes the use of poultry litter as a crop nutrient source.**

End-user Signature \_\_\_\_\_ Date \_\_\_\_\_



## Poultry Litter Transport Incentive Field Application Record

Return Completed form to:  
vapoultrylittertransport@dcr.virginia.gov

**END-USER OF POULTRY LITTER:**

*Name:* \_\_\_\_\_ **Source County:** \_\_\_\_\_

*Address:* \_\_\_\_\_ **Receiving County:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**FIELD INFORMATION**

(Include **all** fields receiving litter)

Tract No.	Field No.	Acres Receiving Poultry Litter	Application Date	Tons Applied (Total)	Crop	Soil Test Phosphorus	DCR use Eligible (Yes/No)
<b>TOTAL:</b>			<b>TOTAL:</b>				

\*Please indicate soil testing lab used: \_\_\_\_\_

**I certify the above information is true to the best of my knowledge**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Poultry Litter Transport Incentive  
 Field Application Record**  
 (Supplemental Form for Additional Fields)

**FIELD INFORMATION**

(Include **all** fields receiving litter)

Tract No.	Field No.	Acres Receiving Poultry Litter	Application Date	Tons Applied (Total)	Crop	Soil Test Phosphorus	DCR use Eligible (Yes/No)
TOTAL:			TOTAL:				

\*Please indicate soil testing lab used: \_\_\_\_\_

**I certify the above information is true to the best of my knowledge**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Poultry Litter Transport Incentive Request Form

### Incentive Payment Applicant

Name: \_\_\_\_\_

Social Security #: \_\_\_\_\_ or Federal Tax Identification #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ County (Where applied): \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Email Address: \_\_\_\_\_

Tons of litter to be applied: \_\_\_\_\_

**Attach a completed "Request for Taxpayer Identification Number and Certification (VIRGINIA W-9) Tax Form."**

1. Obtain a current Nutrient Management Plan (NMP) that includes all fields scheduled to receive poultry litter transported through this program. (The plan must have been prepared by a nutrient management planner certified by the Virginia Department of Conservation and Recreation.) **Litter must be applied as specified in the nutrient management plan.**
2. ~~Up to 800 tons of litter may be eligible per applicant, per incentive request.~~ Certified scale weight tickets showing the litter tonnage transported are required.
3. Fields scheduled to receive poultry litter transported through this program must have a Virginia Tech soil test phosphorus reading not exceeding the maximums shown in the program description.
4. **No** mortality (composted or otherwise) will be shipped as part of this incentive program. Litter containing mortality in **any** form will **not** qualify for payment.
5. Poultry litter must originate on farms in Accomack, Page, Rockingham counties.
6. **To receive an incentive payment through this program, litter must be transported to a final destination in the counties listed in sections G, H, and I of the program description.**
7. Litter off-loading and storage at the receiving site must be in accordance with the requirements of the Virginia Department of Environmental Quality **Fact Sheet: Requirements for Poultry Litter Use and Storage.**
8. Completed "Poultry Litter Transport Incentive Request Forms" are valid for the current fiscal year, beginning July 1, 202~~6~~<sup>5</sup> and ending June 30, 202~~7~~<sup>6</sup>.
9. Complete and accurate supporting documentation must be received by October 31, 202~~7~~<sup>6</sup>. Requests for supporting documentation that aren't responded to by this date will be cancelled.
10. Virginia DCR assumes no liability regarding quality of poultry litter transported and applied under this program.

Signature: \_\_\_\_\_

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**For DCR Use Only**

Approved:  Yes  No

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***Recommended revisions to other parts of the Manual - FY2027***

- All dates on the cover, schedule, and tables have been updated from 2026 to 2027.
- Table of BMPs has been updated to reflect TAC suggestion to add new BMPs and to revise the naming of the FR-3 (Riparian Forested Buffer) and FR-3M (Riparian Forested Buffer Maintenance)
  - Continuing Conservation Initiative Long-Term Vegetative Cover on Cropland – Maintenance Practice (CCI-SL-1)
  - Tax-credit only specification (WP-9- Decommissioning of liquid waste storage facilities).
- Revisions to VACS contracts:
  - Part 1 – included language that the producer’s address must match the address on the producer’s submitted W-9
  - Part 2 – relocated the participant signature block

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COMMONWEALTH of VIRGINIA

Program Year ~~2026~~  
2027 Virginia  
Agricultural Cost-  
Share (VACS)  
BMP Manual

Department of Conservation and Recreation  
Division of Soil and Water Conservation  
600 East Main St., 24<sup>th</sup> Floor  
Richmond, VA 23219-2094

Phone (804) 786-2064



Department of Conservation & Recreation

CONSERVING VIRGINIA'S NATURAL AND RECREATIONAL RESOURCES

Virginia Department of Conservation and Recreation programs, activities and employment opportunities are available to all people regardless of race, color, religion, sex, age, disability, national origin or political affiliation. An equal opportunity/affirmative action employer.

Adopted April ~~2025~~-2026

## 2026-2027 Cost-Share Program Schedule

- June/July 20252026 CDCs inform Districts of program allocations.
- July 1, 20252026 2026-2027 Cost-Share Program begins. Districts may begin approving practices after Secondary Considerations have been approved by DCR and Average Cost List has been submitted to DCR.
- July 20252026 The Agricultural BMP Technical Advisory Committee (TAC) and its Subcommittees begin meeting periodically through the end of the calendar year.
- September 30, 20252026 **End of First Quarter**  
Quarterly reports are due to CDCs by 10/15/20252026, all BMP approvals must be entered in CAS by 10/31/25-26 for funding to be included in the disbursements for the second quarter.
- December 31, 20252026 **End of Second Quarter**  
Quarterly reports are due to CDCs by 1/15/20262027, all BMP approvals must be entered in CAS by 1/31/26-27 for funding to be included in the disbursements for the third quarter.
- March 20262027 Matrix of TAC and DCR-suggested recommendations for Program Year 2027-2028 sent to Virginia Soil and Water Conservation Board for review and potential approval.
- March 31, 20262027 **End of Third Quarter**  
Quarterly reports are due to CDCs by 4/15/20262027, all BMP approvals must be entered in CAS by 4/30/26-27 for funding to be included in the disbursements for the fourth quarter.
- April 20262027 Draft PY2027-PY2028 VACS Manual sent to Virginia Soil and Water Conservation Board for review and potential approval.
- June 30, 20262027 **End of Program Year**  
All applications entered into the Conservation Application Suite are to be identified as: (1) Complete, **or** (2) Canceled, **or** (3) Carryover with an approved carryover date (only if practice is on the approved list and under construction). All completed projects must be paid by June 30, 20262027. Final 2026-2027 Cost-Share Program quarterly reports are due to CDCs by 7/15/20262027.

**NOTE:** All BMP payment data for a quarter must be entered into the Conservation Application Suite by the 15<sup>th</sup> of the next month in order to qualify for a quarterly disbursement. Conservation Application Suite reports will be run by the DCR CDC on the 18<sup>th</sup> of the month.

## 2026-2027 Virginia Agricultural Cost-Share, Tax Credit and CREP BMPs

Practice Code	Practice Name	Revision Date	Tax Credit	VACS Cost-Share	Requires NM Plan	Requires a Conservation Plan for Cost-Share	Ag BMP Loan*	CREP	Lifespan (Years)
CCI-CNT	Continuing Conservation Initiative Long Term Continuous No-Till Planting System	4/2025	^	X	X				5
CCI-FRB-1	Continuing Conservation Initiative Forested Riparian Buffer – Maintenance Practice	4/2025	^	X					5
CCI-HRB-1	Continuous Conservation Initiative Herbaceous Riparian Buffer – Maintenance Practice	4/2023	^	X					5
CCI-RT	Continuing Conservation Initiative Long Term Continuous Reduced Tillage Planting System	4/2024	^	X	X				5
CCI-SE-1	Continuing Conservation Initiative Stream Exclusion – Maintenance Practice	4/2024	^	X					5
<a href="#"><u>CCI-SL-1</u></a>	<a href="#"><u>Continuing Conservation Initiative Long-Term Vegetative Cover on Cropland – Maintenance Practice</u></a>	<a href="#"><u>4/2026</u></a>	<a href="#"><u>^</u></a>	<a href="#"><u>X</u></a>					<a href="#"><u>5</u></a>
CCI-SL-6N	Continuing Conservation Initiative Stream Exclusion with Narrow Width Buffer – Maintenance Practice	4/2025	^	X					5
CCI-SL-6W	Continuing Conservation Initiative Stream Exclusion with Wide Width Buffer – Maintenance Practice	4/2025	^	X					5
CCI-WP-2N	Continuing Conservation Initiative Stream Protection with Narrow Width Buffer – Maintenance Practice	4/2025	^	X					5
CCI-WP-2W	Continuing Conservation Initiative Stream Protection with Wide Width Buffer – Maintenance Practice	4/2025	^	X					5
CCI-WP-4	Continuing Conservation Initiative Animal Waste Control Facility – Maintenance Practice	4/2025	^	X					5
CCI-WP-4C	Continuing Conservation Initiative Composter Facilities – Maintenance Practice	4/2025	^	X					5
CP-21	CREP Grass Filter Strip	4/2023				X		X	CREP contract
CP-22	CREP Riparian Forest Buffer	4/2023				X		X	CREP contract
CP-23	CREP Wetland Restoration Rent	4/2023				X		X	CREP contract
CP-29	CREP Wildlife Habitat Buffer	4/2023				X		X	CREP contract
CRFR-3	CREP Woodland Buffer Filter Area	4/2023	X			X		X	CREP contract
CRLF-1	CREP Linear Foot of Streambank Protected	4/2023				X		X	CREP contract
CRSL-6	CREP Stream Exclusion with Grazing Land Management	4/2023	X			X		X	CREP contract

CRWP-2	CREP Stream Protection	4/2023	X			X		X	CREP contract
CRWQ-1	CREP Herbaceous Riparian Buffers	4/2023	X			X		X	CREP contract
<b>Practice Code</b>	<b>Practice Name</b>	<b>Revision Date</b>	<b>Tax Credit</b>	<b>VACS Cost-Share</b>	<b>Requires NM Plan</b>	<b>Requires a Conservation Plan for Cost-Share</b>	<b>Ag BMP Loan*</b>	<b>CREP</b>	<b>Lifespan (Years)</b>
CRWQ-6B	CREP Wetland Restoration	4/2023	X			X		X	CREP contract
CRWQ-11	CREP Agricultural Sinkhole Protection	4/2023	X			X		X	CREP contract
FR-1	Afforestation of Crop, Hay and Pasture Land	4/2024	X	X		X			10/15
FR-3	<del>Woodland Buffer Filter Area</del> Riparian Forested Buffer	4/2024	X	X		X	X		10/15
FR-3M	<del>Woodland Buffer Filter Area</del> Riparian Forested Buffer Maintenance	4/2023	X	X		X			Annual
FR-4	Woodland Erosion Stabilization	4/2023	X	X		X			5
NM-1A	Nutrient Management Plan Writing and Revisions	4/2023	%	X					Annual
NM-3C	Sidedress Application of Nitrogen on Corn, Grain Sorghum, and/or Cotton	4/2024	X	X	X				Annual
NM-4	Late Winter Split Application of Nitrogen on Small Grains	4/2024	X	X	X				Annual
NM-5N	Precision Nutrient Management on Cropland – Nitrogen Application	4/2024	X	X	X				Annual
NM-5P	Precision Nutrient Management on Cropland – Phosphorus Application	4/2024	X	X	X				Annual
NM-6	Manure Injection	4/2023	X	X	X				Annual
NM-7	Cover Crop for Managing Liquid or Semi-Solid Manure	4/2024	X	X	X				Annual
RMP-1	Resource Management Plan Development	4/2023	%	X	X	X			N/A
RMP-2	Resource Management Plan Implementation	4/2023	%	X	X	X			N/A
SE-1	Vegetative Stabilization of Marsh Fringe Areas	4/2024	X	X		X			5
SE-2	Shoreline Stabilization	4/2024	X	X		X	X		15
SL-1	Long Term Vegetative Cover on Cropland	4/2024	X	X	X	X	X		5/10/15
SL-3	Stripcropping Systems	4/2023	X	X	X	X			5
SL-3B	Buffer Stripcropping	4/2023	X	X	X	X			5
SL-4	Terrace Systems	4/2023	X	X	X	X	X		10
SL-6B	Alternative Water System	4/2023	X			X	X		10
SL-6F	Stream Exclusion in Floodplains	4/2024	X	X		X	X		10/15
SL-6N	Stream Exclusion with Narrow Width Buffer and Grazing Land Management	4/2025	X	X		X	X		10/15
SL-6W	Stream Exclusion with Wide Width Buffer and Grazing Land Management	4/2025	X	X		X	X		10/15
SL-7	Extension of Watering and Grazing Management Systems	4/2025	X	X		X	X		10/15
SL-8	Protective Cover for Specialty Crops	4/2025	X	X					Annual

SL-8A	Protective Cover for Agricultural Cropland	4/2025	X	X	X				Annual
SL-8B	Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management	4/2025	X	X	X				Annual
SL-8H	Harvestable Cover Crop	4/2025	X	X	X				Annual
Practice Code	Practice Name	Revision Date	Tax Credit	VACS Cost-Share	Requires NM Plan	Requires a Conservation Plan for Cost-Share	Ag BMP Loan*	CREP	Lifespan (Years)
SL-8M	Small Grain and Mixed Cover Crop for Nutrient Management and Residue Management with Fall Manure Application	4/2025	X	X	X				Annual
SL-10	Grazing Land Management	4/2025		X		X			3
SL-11	Permanent Vegetative Cover on Critical Areas	4/2023	X	X		X			5
SL-11B	Farm Road, Animal Travel Lane, Heavy Use Area Stabilization	4/2023	X			X	X		10
SL-15A	Continuous High Residue Minimal Soil Disturbance Tillage System	4/2024	X	X	X				5
SL-15B	Continuous Conservation Tillage Production System	4/2024	X	X	X				5
WFA-CC	Whole Farm Approach – Cover Crop Bundle	4/2025		X	X				Annual
WFA-NM	Whole Farm Approach – Nutrient Management Bundle	4/2024		X	X				Annual
WP-1	Sediment Retention, Erosion or Water Control Structures	4/2023	X	X		X	X		10
WP-2A	Streambank Stabilization	4/2024	X	X		X	X		15
WP-2B	Stream Crossings & Hardened Access	4/2023	X			X	X		5
WP-2C	Stream Channel Stabilization	4/2023	X			X	X		5
WP-2N	Stream Protection (Fencing With Narrow Width Buffer)	4/2023	X	X		X	X		5/10
WP-2P	Portable Fencing for Stream Protection	4/2023		X		X			5
WP-2W	Stream Protection (Fencing With Wide Width Buffer)	4/2023	X	X		X	X		5/10
WP-3	Sod Waterway	4/2023	X	X		X			10
WP-4	Animal Waste Control Facilities	4/2025	X	X	X	X	X		15
WP-4B	Dairy Loafing Lot Management System	4/2024	X	X	X	X	X		15
WP-4C	Composter Facilities	4/2025	X	X	X	X	X		15
WP-4E	Animal Waste Structure Pumping Equipment	4/2023	X		X	X	X		10
WP-4F	Animal Mortality Incinerator Facilities	4/2025	X	X	X	X	X		15
WP-4FP	Feeding Pad	4/2024	X	X	X	X			15
WP-4LC	Animal Waste Control Facility for Confined Livestock Operations	4/2024	X	X	X	X	X		15
WP-4LL	Loafing Lot Management System with Manure Management (Excluding Bovine Dairy)	4/2024	X	X	X	X	X		15
WP-4SF	Seasonal Feeding Facility with Attached Manure Storage	4/2024	X	X	X	X	X		15

WP-5	Stormwater Retention Pond	4/2023	X			X	X		10
WP-7	Surface Water Runoff Impoundment for Water Quality	4/2023	X			X	X		10
WP-8	Relocation of Confined Feeding Operations from Environmentally Sensitive Areas	4/2023	X		X	X	X		10
<u>WP-9</u>	<u><a href="#">Decommissioning of Liquid Waste Storage Facilities</a></u>	<u><a href="#">4/2026</a></u>	<u><a href="#">X</a></u>		<u><a href="#">X</a></u>		<u><a href="#">X</a></u>		<u><a href="#">1</a></u>
WQ-1	Grass Filter Strips	4/2023	X	X	X	X			10/15
Practice Code	Practice Name	Revision Date	Tax Credit	VACS Cost-Share	Requires NM Plan	Requires a Conservation Plan for Cost-Share	Ag BMP Loan*	CREP	Lifespan (Years)
WQ-4	Legume Based Cover Crop	4/2025	X	X	X				Annual
WQ-5	Water Table Control Structures	4/2023	X	X		X	X		10
WQ-6	Constructed Wetlands	4/2023	X		@	X	X		10
WQ-6B	Wetland Restoration	4/2023	X			X	X		10
WQ-7	Irrigation Water Recycling System	4/2023	X			X	X		10
WQ-8	Fuel Storage Treatment	4/2023	X			X	X		10
WQ-9	Capping/Plugging of Abandoned Wells	4/2023	X			X			10
WQ-10	Integrated Pest Management	4/2023	X			X			Annual
WQ-11	Agricultural Sinkhole Protection	4/2025	X	X		X			10
WQ-12	Roof Runoff Management System	4/2023	X	X		X	X		10

The Agricultural BMPs below are funded and administered by the Department of Environmental Quality (DEQ) Total Maximum Daily Load (TDML) Program. Additional information can be found at: [Implementation Cost Share Residential and Agricultural BMP Guidelines](#).

Practice Code	Practice Name	Revision Date	Tax Credit	VACS Cost-Share	Requires NM Plan	Requires a Conservation Plan for Cost-Share	Ag BMP Loan*	CREP	Lifespan (Years)
SL-6AT	Small Acreage Grazing System (TMDL)	3/2022	X			X	X		10
EM-1T	Small Scale Manure Composting for Equine Operations – Static Systems	2/2018					X		10
EM-1AT	Small Scale Manure Composting for Equine Operations – Aerated Systems	2/2018					X		10

^ This BMP is a continuation or extension of an existing practice established by the applicant. The applicant was eligible to receive a tax credit for 25% of the first \$100,000 of the expense of the existing, previously installed BMP for the taxable year in which the practice was completed, pursuant to section 58.1-339.3 or 58.1-439.5 (Code of Virginia). If the applicant has an approved Resource Management Plan, the applicant is eligible to receive a tax credit for 50% of the first \$100,000 of the expense of the existing, previously installed BMP for the taxable year in which the practice was completed, pursuant to section 58.1-339.3 or 58.1-439.5 (Code of Virginia).

% This practice does not meet the definition of a tax credit-eligible Agricultural BMP as defined in section 58.1-339.3 (5.B.) (Code of Virginia), as the cost share rate is provided to acquire a Virginia certified professional nutrient management planner to generate a plan, and not to implement a conservation practice on the ground.

\* The “X” in the “Ag BMP Loan” column denotes BMPs that are eligible for a loan from the Virginia Clean Water Revolving Loan Fund (VCWRLF) administered by the Department of Environmental Quality.

@ Only if wetland is constructed to treat animal waste runoff

Note: Sections 58.1-339.3 and 58.1-439.5 of the Code of Virginia require a participant to have a soil conservation plan approved by the local Soil and Water Conservation District in order to be eligible to receive an agricultural best management practices tax credit, regardless of the type of implemented practice.

Revised April 2025



**VIRGINIA BMP INCENTIVES PROGRAMS CONTRACT  
(Part I – Application for Program)**

<b>Application/Contract Number:</b>		<b>Application Date:</b>	
<b>First Name:</b>	<b>Middle Initial:</b>	<b>Last Name:</b>	<b>Program Year:</b>
<b>Farm Name:</b>			
<b>Address:</b> <i>(must match W-9)</i>		<b>City/County:</b>	
<b>State:</b>	<b>Zip code:</b>	<b>S.S. Number or Tax ID:</b>	
<b>Telephone Number: Home:</b>		<b>Work:</b>	<b>Mobile:</b>
<b>Email Address:</b>			

**APPLICANT’S REQUEST:**

The following information is applicable to all of the following incentive programs: Virginia Agricultural Best Management Practices (BMP) Cost-Share Program (VACS or cost share Program), Virginia Conservation Reserve Enhancement Program (CREP), and/or the Virginia Agricultural BMP Tax Credit Program. I agree to install and maintain all practices receiving financial incentives according to Program Specifications required at the time of approval of my application by the Board of Directors of the local Soil and Water Conservation District (the “Board”). I agree to allow appropriate agency personnel or their designee access to land under my control for the purpose of evaluation, design, construction and inspection of said practice(s) from this date forward through the required lifespan. I understand that the sale, lease, or changed use of the property will not exempt me from fulfilling the requirement(s) described herein. I also understand that my period of responsibility begins with the acceptance of payment and/or tax credit and extends through the lifespan of the practice in accordance with Program requirements. Lifespan is defined as “the number of years a BMP must be maintained in accordance with Program standards. The lifespan begins on January 1 of the calendar year following the year of certification of completion.” A BMP is subject to verification checks throughout the practice lifespan. The voluntary participation in one or more of the state agricultural incentive programs does not relieve or relinquish me and my farm operation from compliance with ordinances, laws and regulations that may exist at any level of government. I understand that applying to participate in any of the above listed program(s) does not guarantee that any or all of my request will be funded. I understand that if the practice I am requesting cost-share funding or tax credit for is located within the Chesapeake Bay watershed, nutrient and sediment reduction information related to that practice will be submitted to the Virginia Department of Environmental Quality for reporting to the Chesapeake Bay Program to determine progress made towards Chesapeake Bay pollution reduction targets.

**REMEDIES IF THIS AGREEMENT IS BREACHED:**

If my practice(s) is/are found not to meet Program Specifications required at the time of approval of my application by the Board, then I agree to refund all of the cost-share financial assistance or tax credit I have received. If the practice(s) is/are removed (in whole or in part) or not properly maintained during the lifespan of the practice(s), then I agree to refund all of the cost-share financial assistance or tax credit I have received, minus a pro rata portion of the assistance or tax credit from the number of months that my practice(s) had been previously in compliance, out of the number of months in the lifespan of the practice. Any refund shall be calculated with a penalty of 6% APR from the date of breach to the date of judgment, apart from post-judgment interest. In the event that demand is made for reimbursement and I fail or refuse to pay such reimbursement within 90 days of the demand, then I agree to pay any and all attorneys’ fees for enforcement of this agreement.

**Applicant Self-Certification of Eligibility:**

For the purposes of the Virginia Agricultural BMP Cost-Share Program agricultural land shall be defined as “land being used in a BONA FIDE program of agricultural management and engaged in the production of agricultural, horticultural or forest products for market. The real estate must consist of a minimum of five contiguous acres and have verifiable gross receipts in excess of \$1,000 per year from the production or sale of agricultural, horticultural or forest products produced on the applicant’s agricultural land for each of the past three years.

Districts may request that applicants provide proof of agricultural production. To be considered an agricultural producer there must be an annual minimum of \$1,000 of agricultural products being produced, sold or both from the applicant’s agricultural land (non-industrial private forest lands are exempt from the \$1,000 requirement). Any financial records supplied by an applicant to verify eligibility will not be duplicated or retained by the District.

I certify that I meet the above defined qualifications to participate in the Virginia Agricultural Best Management Practice Cost-Share Program. I certify that I am not contracted to receive cost-share funding from any other source for the same conservation practice on the same acres of land during this fiscal year, unless multiple funding sources are being used to share the costs for my practice. I certify that the practice(s) for which I am requesting cost-share funding or tax credit are not, and will not, be used to satisfy any minimum actions required by local ordinance; in a mitigation bank, nutrient trading program, or to comply with any state or federal law, regulation, or permit.

**REQUIREMENTS APPLICABLE TO SPECIFIC INCENTIVE PROGRAMS:**

**VACS Program** (if applicable to this request): The VACS Program has a \$300,000 per applicant per Program year (July 1 thru June 30) cost-share limit. Cost-share funds are considered income. Recipients of these funds are responsible for compliance with all applicable tax requirements including requirements of the Internal Revenue Service.

Soil and Water Conservation Districts (SWCDs) share information concerning VACS/VNRCF funding limits and cost share funding that approved participants have received from other SWCDs to ensure the Program applicant cap is not exceeded.

**Yes**  **No** Have you received or will you receive cost share funding from another SWCD during the current Program year? If yes, which one(s)?

I certify that I will not accept VACS/Program funds that exceed established limits whether funds I receive are issued by a single SWCD or multiple SWCDs during a single Program year. Furthermore, I understand the limits of the tax credit I am eligible to receive.

**VA Agricultural Tax Credit Program** (if applicable to this request): The VA Agricultural Tax Credit Program (§§ 58.1-339.3 and 58.1- 439.5) allows agricultural producers a tax credit equal to 25% of the first \$100,000 expended for all eligible agricultural best management practices completed in any single tax year. If the agricultural producer has an approved resource management plan, the producer is eligible for a tax credit equal to 50% of the first \$100,000 expended for all eligible agricultural best management practices completed in any single tax year. If the amount of the certified tax credit exceeds the taxpayer’s liability for the tax year in which the BMP was completed as certified by the SWCD Board, the excess may be refunded by the Tax Commissioner.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

COMMONWEALTH OF VIRGINIA:

Department of Conservation and Recreation activities and employment opportunities are available to all people regardless of race, color, religion, sex, age, national origin or political affiliation. An equal opportunity/affirmative action employer.

(Original to be retained by the SWCD. Copy with signature provided to the applicant). Date stamp: \_\_\_\_\_



**VIRGINIA BMP INCENTIVES PROGRAMS CONTRACT  
(Part II – Technical Determination and SWCD Approval)**

Contract Number:			Applicant Name:					Total Contract - Amount Approved:				
Address:						State:		Zip code:				
Instance No.	DCR Practice	Farm	Tract	Field	Extent Requested	Program Type(s) for Funding	Total Estimated Cost (including Eligible Components)	Extent Authorized	Practice Lifespan	SWCD Amount Approved	Tax Credit Amount Approved	
<b>TOTAL(S)</b>												

**STATEMENT OF TECHNICAL NEED – I have reviewed this application and have indicated the extent authorized based on technical need.**  
 All practices are subject to verification procedures and any other quality control measures.

\_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
 District Employee Name

**AUTHORIZATION:** Required Completion Date \_\_\_\_\_  
 Your request form has been:  Approved  Not approved **This practice must be installed and certified at the issuing SWCD by the above date.**

**APPLICANT SIGNATURE**

I (the Applicant) acknowledge receipt of this document. I understand that substantial deviation from approved projects may result in a decreased cost-share payment by the SWCD for completed projects, or portions thereof, and may result in denial of future cost-share program applications.

\_\_\_\_\_  
Signature \_\_\_\_\_ Date

**Carryover of this practice is granted to be completed by date:**

\_\_\_\_\_  
1<sup>st</sup> Carryover Completion Date (if applicable)

\_\_\_\_\_  
2<sup>nd</sup> Carryover Completion Date (if applicable)

\_\_\_\_\_  
3<sup>rd</sup> Carryover Completion Date (if applicable)

\_\_\_\_\_  
SWCD Director Signature Date

\_\_\_\_\_  
SWCD Director Signature Date

\_\_\_\_\_  
SWCD Director Signature Date

**APPLICANT SIGNATURE**

~~I (the Applicant) acknowledge receipt of this document. I understand that substantial deviation from approved projects may result in a decreased cost share payment by the SWCD for completed projects, or portions thereof, and may result in denial of future cost share program applications.~~

\_\_\_\_\_  
~~Signature \_\_\_\_\_ Date~~

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## **Soil and Water Conservation District Director Appointments and Resignations**

### **§ 10.1-529. District directors constitute governing body; qualifications.**

The governing body of the district shall consist of five or more district directors, elected and appointed as provided in this article.

The two district directors appointed by the Board shall be persons who are by training and experience qualified to perform the specialized skilled services which will be required of them in the performance of their duties. One of the appointed district directors shall be the extension agent of the county or city, or one of the counties or cities constituting the district, or a part thereof. Other appointed and elected district directors shall reside within the boundaries of the district.

### **§ 10.1-530. Designation of chairman; terms of office; filling vacancies**

A. The district directors shall designate a chairman from the elected members, or from the Board-appointed members, of the district board and may change such designation.

B. The term of office of each district director shall be four years. A district director shall hold office until his successor has been elected or appointed and has qualified. The selection of successors to fill a full term shall be made in accordance with the provisions of this article. Beginning in the year 2003, the election of district directors shall be held at the November 2003 general election and each fourth year thereafter. The terms of office of elected district directors shall begin on January 1 following the November general election. The term of office of any district director elected in November 1999 shall be extended to the January 1 following the November 2003 general election. The term of office of any district director elected in November 2000 shall expire on the January 1 following the November 2003 general election. The term of office of any district director elected in November 2001 or 2002 shall be extended to expire on the January 1 following the November general election in 2007. Appointments made by the Board to the at-large position held by an extension agent shall be made to commence January 1, 2005, and each fourth year thereafter. Appointments made by the Board to the other at-large position shall be made to commence January 1, 2007, and each fourth year thereafter. Any appointment made by the Board prior to January 1, 2005, to an at-large position held by an extension agent shall be made to expire January 1, 2005; and any appointment made by the Board prior to January 1, 2007, to the other at-large position shall be made to expire January 1, 2007.

C. A vacancy shall exist in the event of the death, resignation or removal of residence from the district of any director or the elimination or detachment from the district of the territory in which a director resides, or by the removal of a director from office by the Board. Any vacancy in an elected or appointed director's position shall be filled by an appointment made by the Board for the unexpired term. In the event of the creation of a new district, the transfer of territory from an existing district to an existing district, or the addition of territory not previously within an existing district to an existing district, the Board may appoint directors to fill the vacancies of elected directors prescribed by § 10.1-515 in the newly created district or in the territory added to an existing district. Such appointed directors shall serve in office until the elected directors prescribed by § 10.1-515 take office after the next general election at which directors for the entire district are selected.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the appointments of the individuals being recommended.

## **Soil and Water Conservation District Director Appointments and Resignations**

### **Appomattox River**

Resignation of Mr. Michael Parrish, of Dinwiddie County, effective 2/15/2026, extension agent director (term of office expires 12/31/2028).

### **Culpeper**

Resignation of Mr. Robert Brame III, of Orange County, effective 12/1/2025, elected director (term of office expires 12/31/2027).

Appointment of Ms. Molly Elgin McWilliams, of Orange County, effective 3/20/2026, to fill the vacant elected director position (term of office expires 12/31/2027).

*Ms. McWilliams is dairy farmer and avid support of 4H and the Virginia dairy industry. She serves as a Director for the Orange County Farm Bureau, is a board member for the Dairy Alliance, and sits on the council for Maola Local Dairies. She is passionate about youth development and mentorship and volunteers with 4H. She has been serving Culpeper SWCD as an Associate Director.*

### **Henricopolis**

Resignation of Ms. Quinn Bracken, of Henrico County, effective 2/26/2026, extension agent director (term of office expires 12/31/2028).

### **Monacan**

Resignation of Ms. Sandy Brindley, of Powhatan County, effective 1/30/2026, elected director position (term of office expires 12/31/2027).

Appointment of Mr. Daniel Jones, of Powhatan County, effective 3/20/2026, to fill the vacant elected director position (term of office expires 12/31/2027).

*Mr. Jones is a board member of CRLC, has a background in economics, and is dedicated to serving the community of Powhatan. He is involved with his local church, is a founding member of the Powhatan Rotary Club, and a past board member of the Powhatan YMCA and Habitat for Humanity. He enjoys restoring tools, gardening, art collecting and spending time with his family and rescue animals.*

### **Mountain Castles**

Resignation of Ms. Anne Jones, of Botetourt County, effective 8/1/2025, extension agent director (term of office expires 12/31/2028).

Appointment of Mr. Jonathan Stanley, of Craig County, effective 3/20/2026, to fill the vacant extension agent director position (term of office expires 12/31/2028).

**Robert E. Lee**

Appointment of Mr. James “Ed” Jones, of Campbell County, effective 3/20/2026, to fill the vacant elected director (term of office expires 12/31/2027).

*Mr. Jones farms over 350 acres of hay, soybeans and wheat, and raises beef cattle. He also works for Phillips Equipment (John Deere Dealership). In his spare time, he enjoys hunting, fishing, softball and volleyball. He holds a special interest in conservation practices on the farm in hopes of leaving it to his son and grandchildren in better condition than when he started.*

**Thomas Jefferson**

Resignation of Mr. John Pfaltz, of Charlottesville, effective 11/21/2025, elected director (term of office expires 12/31/2027).

Appointment of Dr. Aaron Mills, of Charlottesville, effective 3/20/2026, to fill the vacant elected director position (term of office expires 12/31/2027).

*Dr. Mills was a professor of soil science and water quality at the University of Virginia for 47 years. He has been serving as an Associate Director for Thomas Jefferson SWCD and sits on the board of their foundation which oversees easements.*

Resignation of Mr. Mark Wastler, of Albemarle County, effective 1/26/2026, elected director (term of office expires 12/31/2027).

Appointment of Ms. Rosalyn Koontz, of Albemarle County, effective 3/20/2026, to fill the vacant elected director position (term of office expires 12/31/2027).

*Ms. Koontz has been serving as an Associate Director for Thomas Jefferson SWCD and is a board member of their foundation which oversees easements. She and her husband own a beef cattle operation, purchasing a run down farm and working for over 20 years to make it sustainable with buffers, fencing, rotational grazing, and more.*

## Conservation planning curriculum - DRAFT

**NOTES: All currently certified conservation planners would be certified at no less than a Tier 1 planner. Based on professional experience and other training opportunities that a planner has taken, a planner may be certified as a Tier 2 or Tier 3 planner.**

**Please provide any comments, concerns, or questions you may have regarding the curriculum to Carl Thiel-Goin at [carl.thiel-goin@dcr.virginia.gov](mailto:carl.thiel-goin@dcr.virginia.gov) and Vanessa Lewis at [vanessa.lewis@dcr.virginia.gov](mailto:vanessa.lewis@dcr.virginia.gov) by April 22, 2026.**

### **Tier 1**

<b>Introduction to conservation planning</b>	
<b>Components of Conservation Planning</b>	<ul style="list-style-type: none"> <li>• Defining the conservation plan and seeing it as the foundation to build from</li> <li>• Importance of the farm summary and resource guide sheet in inventorying the operation and documenting resource concerns</li> <li>• How BMPs originate from conservation plans</li> <li>• Water: the primary resource concern behind the VACS program</li> <li>• Field visit to identify resource concerns and record in the Resource Guide Sheet and inventory the operation on the Farm Summary Sheet</li> </ul>
<b>Conservation Communication I</b>	<ul style="list-style-type: none"> <li>• Professional demeanor in the office and field</li> <li>• Maintaining calendars, organization and files</li> <li>• Listening, observing and recording resource concerns, notes and inventory using the Resource Guide Sheet and Farm Summary Sheet</li> <li>• Documenting correspondence with the producer with conservation planning notes</li> </ul>
<b>Overview of key water quality concerns</b>	
<b>Nitrogen and Phosphorous Resource Concerns</b>	<ul style="list-style-type: none"> <li>• Nitrogen and Phosphorous loss pathways on farms (spraying, leaching, surface runoff)</li> <li>• Excess nitrogen concerns for water resources and human and livestock health</li> <li>• Methods and practices to reduce nitrogen and phosphorus loss</li> </ul>

<b>Sediment Management Resource Concerns</b>	<ul style="list-style-type: none"> <li>• Sediment transport pathways</li> <li>• Sedimentation concerns for operations, water resources and human and livestock health</li> <li>• Methods and practices to reduce sedimentation</li> </ul>
<b>Pest Management Resource and Safety Concerns</b>	<ul style="list-style-type: none"> <li>• Pesticide loss pathways on farms (spraying, leaching, surface runoff)</li> <li>• Pesticide concerns for operations, water resources and human and livestock health</li> <li>• Methods and practices to reduce pesticide overuse</li> <li>• Safety protocols when visiting operations applying and storing pesticides</li> </ul>
<b>DEQ Virginia Water Concerns</b>	<ul style="list-style-type: none"> <li>• Defining and understanding TMDLs and their relevance to SWCDs</li> <li>• How water monitoring and water quality assessments are performed</li> <li>• Land application permitting (biosolids)</li> <li>• Chesapeake Bay Preservation Act</li> <li>• Permits that may be needed to install practices (stormwater, erosion and sediment control, water withdrawal)</li> </ul>
<b>Stream and Wetland Indicators</b>	<ul style="list-style-type: none"> <li>• Define water resources at the operation: live streams, connected ponds, sky ponds, seeps, wetlands, karst features</li> <li>• Resources available for site visit preparation, including ways to determine if a wetlands determination exists for the site</li> <li>• Tools of analysis to determine the classification of stream and wetland environments</li> <li>• Devoted field time for practicing methodologies and analysis</li> </ul>
<b>Introduction to Soil Loss</b>	<ul style="list-style-type: none"> <li>• Erosion fundamentals and soil loss background</li> <li>• In-field erosion risk assessment and soil loss data collection</li> <li>• Interpreting results from soil loss erosion assessment software</li> </ul>
<b>Introduction to agricultural operations</b>	
<b>Agricultural operations: agronomic</b>	<ul style="list-style-type: none"> <li>• High level overview of agronomic operations (types of crops, primary concerns of producers)</li> <li>• Highlight equipment safety protocols</li> <li>• View field examples of continuous no-till cover, minimal tillage, precision nutrient management and split nitrogen application</li> <li>• Identification of cover crops in the field</li> <li>• Understand nutrient management plans and how they are used on the operation</li> <li>• Farm Summary Sheet - properly filling out the Land Use Acres and Cropland Acres sections</li> <li>• Resource Guide Sheet-capturing resource concerns for the operation or tract</li> </ul>

	<ul style="list-style-type: none"> <li>• Use resource reviews to ask questions and identify possible BMPs or technical assistance to forward the producer’s goals</li> <li>• Considerations for operations with tile drainage and irrigation systems</li> </ul>
<p><b>Agricultural operations: livestock</b></p>	<ul style="list-style-type: none"> <li>• High level overview of livestock operations (types of livestock – beef versus dairy versus chicken versus other animals, primary concerns of producers)</li> <li>• Highlight farm safety considerations (biohazard protocols)</li> <li>• Decision making process for cattle health and vet care from the producer’s perspective</li> <li>• Understand nutrient management plans and how they are used on the operation</li> <li>• Farm Summary Sheet- properly fill out information for Livestock, Pastures and Manure Management sections</li> <li>• Resource Guide Sheet- record resource concerns for the operation or tract</li> <li>• Use resource reviews to ask questions and identify possible BMPs or technical assistance to forward the producer’s goals</li> </ul>
<p><b>DCR Nutrient Management Soil Science, Soil Fertility and Crop Production School</b> (or currently NMP-certified in Virginia)</p>	<ul style="list-style-type: none"> <li>• DCR led training teaches the fundamentals of Nutrient Management</li> <li>• Covers soil science, soil fertility, organic nutrient sources and crop production</li> <li>• How nutrients react and interact when applied to the soil.</li> <li>• Survey agronomy course</li> <li>• Two-day course offered twice annually</li> </ul>
<p><b>Virginia Agricultural Best Management Cost-Share Program</b></p>	
<p><b>Virginia Agricultural BMP and Cost Share Program Overview</b></p>	<ul style="list-style-type: none"> <li>• DCR led overview of the Virginia Agricultural Cost Share program, VACS Manual and common BMPs across the state.</li> <li>• Guidelines and policies of the VACS Program</li> <li>• Finding practice specifications</li> <li>• Description and purpose of key VACS practices, eligible components, circumstances and restrictions</li> <li>• (This training is not the annual VACS update trainings usually held in June)</li> </ul>
<p><b>Engineering Basics: Understanding When a Practice Needs Engineering Approval and Data Entry in CAS</b></p>	<ul style="list-style-type: none"> <li>• Understanding Engineering Job Approval Authority (EJAA) and the engineering process</li> <li>• Understanding least cost technically feasible (LCTF)</li> <li>• Entering measurements and engineering data in CAS</li> <li>• Identifying engineering resources (where to find standards specifications, handbooks, etc.)</li> </ul>

<p><b>Choosing the right BMP for the operation</b></p>	<ul style="list-style-type: none"> <li>• Use information gathered from resource reviews and conversations with the producer to identify the best management practice(s) for the operation</li> <li>• Identify resource concerns, operational needs, least-cost-technically-feasible and animal health and welfare when deciding which practice to recommend</li> <li>• Comparing practices:                         <ul style="list-style-type: none"> <li>○ Livestock exclusion practices</li> <li>○ Cover crop practices (include cover crop verification requirements in this training)</li> </ul> </li> </ul>
<p><b>Introduction to the Conservation Application Suite</b></p>	
<p><b>CAS Module Data Entry for Conservation Planning</b></p>	<ul style="list-style-type: none"> <li>• Required component of the Conservation Plan in CAS</li> <li>• Fundamentals of drawing property boundaries and components in CAS</li> <li>• Drawing an operation boundary containing many tracts</li> <li>• The importance of drawing existing features</li> <li>• Digitizing components for accurate resource query results</li> <li>• Attachments- Signature Page, pictures, maps</li> <li>• Entering board approval dates/ information from board meeting</li> <li>• Exports (shapefiles, maps...)</li> <li>• Entering required courses in tracking</li> </ul>
<p><b>Virginia Resource Protection</b></p>	<ul style="list-style-type: none"> <li>• Partners from the Department of Historic Resources (DHR), Department of Wildlife Resources (DWR) and the Division of Natural Heritage partners inform participants what partner organizations do and concerns for agricultural best management practices and conservation planning</li> <li>• How to handle a “hit” when running resource queries in CAS including VCRIS and ePIX</li> <li>• DCR data team- Sharing digitized components with partners using shapefiles</li> </ul>
<p><b>Practice Partnerships I (FSA, VA DOF, NRCS)</b></p>	<ul style="list-style-type: none"> <li>• FSA/NRCS/ VA DOF practices in VACS</li> <li>• Starting the paperwork process, obtaining approval and coordinating with partner organizations</li> <li>• Entering required information into your conservation plan</li> <li>• Working with partner organizations during practice implementation</li> <li>• Documentation needed for the payment process</li> <li>• Resource concern inquiries</li> </ul>

<b>Development of a Conservation Plan</b>	
<b>DCR Conservation Planning Tier I Practicum</b> <i>(All course work above is prerequisite)</i>	<ul style="list-style-type: none"> <li>• Document the farm operation and resource concerns using required conservation plan forms</li> <li>• Each participant creates a complete Conservation Plan in the conservation plan module including appropriate BMP and technical assistance recommendations</li> <li>• As part of the mid-year conservation plan grant deliverable review, a plan of the individual's choosing would be reviewed. This review would be conducted on-site with the planner, Department staff, and the producer.</li> </ul>

**Tier 2**

<b>Enhancing communication</b>	
<b>Conservation Communication II</b>	<ul style="list-style-type: none"> <li>• Develop and enhance active listening skills through awareness of body language and verbal expression to identify the goals, objectives and challenges of the producer.</li> <li>• Effectively communicate with a producer to ensure how multiple resource concerns are addressed reflects the producer's priorities</li> <li>• Effectively communicate how the VACS program ties into the local economy, supports community health and provides direct and secondary benefits to the producer for both agronomic and livestock operations</li> </ul>
<b>Practice Partnerships II</b>	<ul style="list-style-type: none"> <li>• How to build relationships with local, private and other governmental organizations to provide producers with other technical assistance or funding opportunities beyond the VACS Program.</li> </ul>
<b>Intermediate BMP determinations</b>	
<b>Introduction to Conservation Engineering (ICE)</b>	<ul style="list-style-type: none"> <li>• Foundational engineering concepts for common VACS practices</li> </ul>
<b>Choosing the right BMP for the operation</b>	<ul style="list-style-type: none"> <li>• Use information gathered from resource reviews and conversations with the producer to identify the best management practice(s) for the operation</li> <li>• Identify resource concerns, operational needs, least-cost-technically-feasible and animal health and welfare when deciding which practice to recommend</li> <li>• Comparing practices:                         <ul style="list-style-type: none"> <li>○ Controlling waterflow on croplands</li> <li>○ Streambank protection</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Animal waste control practices</li> <li>○ Grazing practices</li> </ul>
<b>Grazing Management</b>	<ul style="list-style-type: none"> <li>● Basics of a grazing management plan</li> <li>● Pasture condition score sheet (PCS) or other assessment tool</li> <li>● Document existing pasture condition in the field</li> <li>● Best Management practices for grazing management</li> <li>● Indicators of pasture condition</li> <li>● Score fields using a numerical system.</li> <li>● Placement of water troughs to encourage cattle to uniformly graze</li> </ul>
<b>Advanced Soil Loss Analysis</b>	<ul style="list-style-type: none"> <li>● How to calculate soil loss (RUSLE 2, ERA, etc.)</li> <li>● Estimate soil loss from sheet and rill erosion caused by rainfall on cropland, hay land, and pasture.</li> <li>● How does the implementation of different BMPs impact the soil loss analysis</li> </ul>

**Tier 3**

<b>Conflict management and resolution</b>	
<b>Conservation Communication III</b>	<ul style="list-style-type: none"> <li>● Identify verbal and physical cues that signal a potential conflict</li> <li>● Insights on common causes of conflict</li> <li>● Maintain professionalism in a conflict</li> <li>● Learn conflict resolution strategies</li> </ul>
<b>Advanced BMP determinations</b>	
<b>Engineering III: Advanced Conservation Engineering (ACE)</b>	<ul style="list-style-type: none"> <li>● Advanced engineering concepts for common VACS practices and two elective DCR-sponsored or endorsed engineering training (e.g. rooftop runoff, grassed waterways, animal waste, etc.)</li> </ul>
<b>Choosing the right BMP for the operation</b>	<ul style="list-style-type: none"> <li>● Use information gathered from resource reviews and conversations with the producer to identify the best management practice(s) for the operation</li> <li>● Identify resource concerns, operational needs, and least-cost-technically-feasible when deciding which practice to recommend</li> <li>● Specialty practices</li> </ul>