

**Technical Advisory Committee - Stream Protection & Forestry Subcommittee**

Augusta Government Center - Smith West Conference Room

Verona, Virginia

August 31, 2023

**Stream Protection & Forestry Subcommittee Members Present:**

Raleigh Coleman, Dept. of Conservation and Recreation – Div. of Soil & Water Conservation (DCR-DSWC)  
(Chair)

Aaron Lucas, Headwaters Soil & Water Conservation District

Anne Marie Roberts, James River Association

Bryan Hoffman, Friends of the Rappahannock

Chris Barbour, Skyline Soil & Water Conservation District

Colton Sullivan, Monacan Soil & Water Conservation District

Elizabeth Dellinger, Shenandoah Valley Soil & Water Conservation District

Gary Boring, New River Soil & Water Conservation District

Hunter Wyatt, Holston River Soil & Water Conservation District

Jim Riddell, Virginia Cattlemen's Association

Kelsey Williams, Hanover-Caroline Soil & Water Conservation District

Kevin Dunn, Piedmont Soil & Water Conservation District

Lars Bolton, Virginia Department of Environmental Quality (DEQ)

Madison Coffey, Lord Fairfax Soil & Water Conservation District

Mark Campbell, Virginia Farm Bureau

Michael Tabor, Blue Ridge Soil & Water Conservation District

Robert Bradford, Culpeper Soil & Water Conservation District

Tim Higgs, Virginia Department of Agriculture and Consumer Services (VDACS)

Todd Groh, Virginia Department of Forestry (DOF)

Tricia Mays, Southside Soil & Water Conservation District

Thomas Burke\*, United States Department of Agriculture – Natural Resources Conservation Service  
(USDA-NRCS)

**(Voting Members Present: 20)**

**Stream Protection & Forestry Subcommittee Members Absent**

Shawn Morris, Daniel Boone Soil & Water Conservation District

Chris Bradshaw\*, USDA-NRCS

Mark Hollberg\*, DCR-DSWC

Stacy Horton\*, DCR-DSWC

Alston Horn\*, Chesapeake Bay Foundation

(\*Non-voting member)

**Members of the Public Present**

Jack Carlton, Headwaters Soil & Water Conservation District

Chanz Hopkins, Skyline Soil & Water Conservation District

Samuel Chappell, Blue Ridge Soil & Water Conservation District

Tim Abbott, Virginia Department of Agriculture and Consumer Services

Chris Coggin, Shenandoah Valley Soil & Water Conservation District  
Robert Drumheller, Headwaters Soil & Water Conservation District

## **INTRODUCTIONS**

The subcommittee meeting began at 9:43am with introductions and a review of the ground rules for the subcommittee. The subcommittee will need to Advance, Amend, Table, or defer each of the 21 items in the subcommittee's matrix. In order to decide which of these actions will be recommended to the full TAC, the subcommittee must be 80% in agreement. With 20 voting members present of the 21 voting members on the roster, a quorum was established to conduct business. In order to reach the 80% threshold to carry a motion, 16 Yeas were needed (assuming no abstentions).

## **REVIEW MATRIX ITEMS**

**Matrix Item 10S:** *Allow the use of Timeless Fence for the SL-6 and WP-2 practices, according to manufacturer's specifications.*

Headwaters SWCD representatives spoke to the advantages of Timeless Fence, a proprietary PVC product. Mr. Coleman explained how currently DCR/SWCDs have been following the NRCS statewide interpretation that the PVC brace assemblies do not meet the requirements in the NRCS Fence 382 Materials and Construction Specifications (MCS). Ensuing discussion included some concerns of deviating from following NRCS standards/specifications, with others in favor of allowing new technology and worries that it would be difficult to get the NRCS 382 MCS updated quickly with the Bay cleanup deadline on the horizon. The group felt it would be appropriate to "defer" the matrix item so that it could be looked at again next year, and in the meantime, the subcommittee could draft a letter to Virginia NRCS recommending that it allow the PVC brace assemblies.

**Mr. Higgs made a motion to "Defer" item 10S. Ms. Coffey seconded the motion. The motion passed (17Y, 2N (Campbell, Riddell), 1 abstain (Bradford)).**

**Mr. Tabor made a motion to draft a letter to J.B. Daniel (NRCS Forage and Grassland Agronomist) and the State Resource Conservationist in support of adding the PVC brace assembly option to the 382 MCS. Mr. Lucas seconded the motion. The motion passed (17Y, 3 abstain (Bolton, Hoffman, Coleman)).**

Mr. Lucas of Headwaters SWCD volunteered to draft a letter to NRCS in support of adding PVC brace assemblies to the acceptable options in the 382 MCS.

**Matrix Item 8S:** *Allow people who have a preexisting or concurrent SL-7 contract to receive cost share for implementation of prescribed grazing through the SL-10/SL-10E. This may also be applicable to large SL-6s where a grazing plan is required.*

Mr. Coleman gave a brief overview of the SL-7 and SL-10 specifications and explained the current DCR interpretation that an SL-10 payment cannot be offered on the same acreage where an SL-7 has been installed because the SL-7 already requires the following of an NRCS 528 Prescribed Grazing Plan. The general consensus of the group was that the SL-10 was a higher level of management and having

participated in an SL-7 should not preclude someone from receiving an incentive payment through the SL-10 to take on a higher level of management.

Mr. Lucas made a motion to remove the requirement to follow a 528 Prescribed Grazing Plan from the SL-7 specification. Ms. Dellinger seconded the motion. The motion was withdrawn by Mr. Lucas after discussion.

Through the discussion, the subcommittee felt that the language in the SL-10 specification should be clarified.

**Mr. Boring made a motion to amend the SL-10 to clarify the language regarding the NRCS 528 payment: “B.9. Fields utilizing this practice must note have a NRCS 528 Prescribed Grazing contract on the same fields.” should instead read: “B.9. Fields receiving payment from NRCS for 528 Prescribed Grazing on the same acreage are not eligible for the SL-10 practice.” Mr. Dunn seconded the motion. The motion passed unanimously (20Y).**

**Ms. Mays made a motion to add language to the SL-7 specification making it clear that the SL-7 does not preclude payments under the SL-10 or NRCS 528: Add to B.3. ...” Participation in the SL-7 practice does not preclude eligibility for payment under the SL-10 Specification or payment under an NRCS 528 Prescribed Grazing contract on the same acreage.” Mr. Dunn seconded the motion. The motion passed (19Y, 1 abstain (Coleman)).**

There was discussion about the SL-6 only requiring a generic grazing plan and not requiring a 528 Prescribed Grazing Plan when more than 3 new grazing units are created by the installation of interior fencing, and how currently an SL-10 could be stacked on top of an SL-6W.

**Mr. Bradford made a motion to not change any language in the SL-6 specifications regarding matrix item 8S at this time. Ms. Coffey seconded the motion. The motion passed unanimously (20Y).**

**Matrix Item 16S:** *SL-10 modification: a. Require Nutrient Management Plan b. Increase rate to \$100/acre with a stipulation that soil pH must be addressed (spreading lime) on pasturelands under SL-10. Many producers apply fertilizer before addressing soil pH, this stipulation would further support Section B. #2. in the current SL-10 spec.*

The subcommittee had concerns about the capacity of available nutrient management planners to efficiently handle SL-10 acres, and Mr. Bradford explained that the SL-10 did not require nutrient management plans by design to make the practice exciting and easily adoptable. Some expressed concerns about a missed opportunity to increase the number of nutrient management plan acres in the Bay watershed. The subcommittee felt like the specification already requires the participant to address pH issues.

There was also discussion of concerns that the SL-10 needing more enforceability, but ultimately the subcommittee felt that the use of the word “must” in section B.2. was strong enough: “The system developed with this practice **must** maintain adequate nutrient and pH levels to improve or maintain desired forage species composition, plant vigor, and persistence in accordance with soil test recommendations.”

**Mr. Dunn made a motion to “table” item 16S and handle it as a training issue for staff on how to enforce the existing specification. Mr. Riddell seconded the motion. The motion passed (17Y, 1N (Hoffman), 2 abstain (Bolton, Tabor)).**

The subcommittee broke for lunch at 12:03pm. The subcommittee reconvened at 1pm, missing Mr. Barbour and Mr. Boring. With 18 voting members present, a quorum was present.

**Matrix Item 2S:** *Change wording of the FR-1 spec describing cost-share rates to be modeled after the FR-3 wording for consistency/ease of understanding the payment rates.*

*FR-1 wording: The state cost-share rate is \$100 per acre for a 10-year lifespan, or \$150 per acre for a 15-year lifespan, and 75% of the eligible approved component costs.*

*Suggested revision: The state cost-share rate is 75% of the eligible costs plus an incentive:*

*i. \$100 per acre for a 10-year lifespan.*

*ii. \$150 per acre for a 15-year lifespan.*

*FR-3 wording: The state cost-share rate is 95% of the eligible approved component costs plus an incentive:*

*i. For conifer buffers, \$100.00 per acre for a 10 year lifespan, OR \$150 per acre for a 15 year lifespan.*

*ii. For hardwood buffers, \$100 per acre for a 10 year lifespan, OR \$250 per acre for a 15 year lifespan.*

The subcommittee felt that this was a worthwhile change to help newer employees easily compare the practices. It is simply a change in formatting and not a change in rates or policy.

**Ms. Coffey made a motion to “advance” Matrix Item 2S as-is. Mr. Hoffman seconded the motion. The motion passed unanimously (18Y\*) \*Absent Boring, Barbour**

Mr. Barbour and Mr. Boring rejoined the meeting at 1:15pm, bringing the number of voting members back to 20.

**Matrix Item 3S:** *Establish a threshold for tree survivability to be used when determining if/when an FR-1 or FR-3 practice has failed and required repayment. Likewise, consider a threshold for tree density to be eligible for the CCI –FRB-1. Currently, this is determined by staff or CDCs, and with no guidance is likely arbitrary.*

The subcommittee discussed how Virginia Department of Forestry is the technical authority in this case and should be leaned on to make these determinations.

**Mr. Higgs made a motion to “table” item 3S and handle it as a training item for SWCD staff. Mr. Dunn seconded the motion. The motion passed unanimously (20Y).**

In discussion of the FR-3, the subcommittee felt that it would be appropriate to add language to the FR-3 specification to make it clear that buffer payment cannot be stacked on top of another buffer payment on the same acreage, since the current language could be interpreted to allow buffer payment stacking on the same acreage as long as it is in a different program year.

**Mr. Dunn made a motion to add language to the FR-3 specification, Section 3.C. (newly added text is underlined): 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 currently in lifespan. Mr. Groh seconded the motion. The motion passed unanimously (20Y).**

**Matrix Item 9S:** *Allow the FR-3M to be used on a completed FR-3. Maintenance is crucial to the success of the practice. This would also make it more attractive to convert a completed grassed buffer project into a forested buffer. There is a lot of interest in that and the barrier is maintenance. Many of those projects would have been CREP in the first place if it had paid higher.*

Mr. Coleman explained that the FR-3M specifically excludes FR-3 from eligibility because an FR-3 participant is already obligated to maintain the planting, so an FR-3M on an FR-3 would be a form of “double-dipping”. In discussion, the group felt that the incentive payment for the FR-3 was low, and that the per-acre incentive payment in the FR-3 should at least match the per-acre maintenance payment of an FR-3M in order to provide enough money for at least one round of maintenance to ensure survivability.

**Mr. Hoffman made a motion to increase the FR-3 incentive rates for hardwoods to \$350 per acre for a 10 year lifespan, or \$500 per acre for a 15 year lifespan. Ms. Roberts seconded the motion. The motion passed (19Y, 1 N (Mays)).**

**Mr. Groh made a motion to “table” item 9S. Mr. Dunn seconded the motion. The motion passed (19Y, 1 abstain (Lucas)).**

**Matrix Item 11S:** *Replace the CCI-FRB-1 and CCI-HRB-1 with one buffer payment which does not distinguish between forested, grassed, or mixed types of buffers. Payment rate should be based on the cost of property taxes and maintenance.*

The subcommittee felt that there is a reason that the payment rates are different for the two practices – because forested riparian buffers are better for water quality and gain more credit in the Bay model. Discussion also confirmed the subcommittee’s opinion that the CCI-FRB-1 and CCI-HRB-1 are only intended for maintenance of planted buffers, not just buffers that were existing or created by fencing.

**Mr. Tabor made a motion to “table” item 11S. The motion was seconded by Mr. Bradford. The motion passed (19Y, 1 abstain (Lucas)).**

Mr. Campbell left the meeting at 2:15pm, leaving 19 voting members.

**Matrix Item 1S:** *Clarify if properties with no water features qualify for SL-7 or not, and if so at what cost-share rate. Current language is unclear and contradictory.*

*B. 1. All fields that receive cost share under this practice must have had all livestock previously excluded or concurrently being excluded from all live streams or live water. Any field that is part of a rotational grazing system is eligible.*

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

Mr. Coleman explained that the current DCR interpretation is that there must be a stream within a grazing system that has been fenced out or is being fenced out concurrently, since the payment rate is based on the fence setback distance. The subcommittee had mixed opinions about this, with some saying there would be a water quality benefit to promoting rotational grazing regardless of the distance

to stream, with others saying we shouldn't be spending cost-share dollars on upland areas far from streams.

Mr. Barbour made a motion to table 1S and continue with the current DCR interpretation. Mr. Riddell seconded the motion. The motion failed (6Y, 1 abstain).

Ms. Dellinger made a motion to add language to the SL-7 specification to clarify that the specification was only applicable "where stream exclusion fencing has been installed." Ms. Mays seconded the motion. The motion failed (14Y, 5N).

Mr. Dunn made a motion to allow SL-7 on properties without live water. The motion was seconded by Ms. Dellinger. The motion failed (11Y, 5N (Coleman, Groh, Riddell, Higgs, Boring), 3 abstain (Lucas, Barbour, Bolton)).

Since consensus could not be reached either way as to whether or not exclusion fencing on a property is requisite for SL-7 applicability, the subcommittee felt like the specification should simply be clarified with the existing DCR interpretation.

**Ms. Dellinger made a motion to add language to the SL-7, B.1.: "...Rotational grazing systems without live water do not qualify for this practice." The motion was seconded by Mr. Coleman. The motion passed with 81% in favor (13Y, 3N (Wyatt, Dunn, Riddell), 3 abstain (Coffey, Hoffman, Bolton)).**

Mr. Coleman confirmed the next meeting date would be Monday, September 11, at 9:30 in the same location. Mr. Coleman mentioned that he would invite representatives from the Shoreline Erosion Advisory Service (DCR-SEAS), DCR-DSWC engineering staff, and Colonial SWCD to provide input on Matrix Items 7S and 17S.

#### **PUBLIC COMMENT**

None

#### **ADJOURN**

The meeting adjourned at 3:02pm.