

Technical Advisory Committee – Stream Protection & Forestry Subcommittee

Augusta Government Center – South Board Room
Staunton, Virginia

Stream Protection & Forestry Subcommittee Members Present

Mark Hollberg, Dept. of Conservation & Recreation – Div. of Soil & Water Conservation (DCR-DSWC)
(Chair)

Aaron Lucas, Headwaters Soil & Water Conservation District

Anna Killius, James River Association

Bryan Hoffman, Friends of the Rappahannock

Charlie Wootton, Piedmont Soil & Water Conservation District

Chris Barbour, Skyline Soil & Water Conservation District

Elizabeth Dellinger, Shenandoah Valley Soil & Water Conservation District

Gary Boring, New River Soil & Water Conservation District

Jim Riddell, Virginia Cattlemen’s Association

Kelsey Williams, Hanover-Caroline SWCD

Phil Davis, Virginia Department of Environmental Quality (DEQ) (Proxy for Lars Bolton)

Kelly Snoddy, Virginia Association of Conservation District Employees (VACDE) (Proxy for Luke Longanecker)

Matt Kowalski, Chesapeake Bay Foundation

Michael Tabor, Blue Ridge Soil & Water Conservation District

Nick Livesay, Lord Fairfax Soil & Water Conservation District

Robert Bradford, Culpeper Soil & Water Conservation District

Stefanie Taillon, Virginia Farm Bureau

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

Todd Groh, Virginia Department of Forestry (DOF)

Raleigh Coleman*, DCR-DSWC

Stream Protection & Forestry Subcommittee Members Absent

Tricia Mays, Southside Soil & Water Conservation District

Chad Wentz*, United States Dept. of Agriculture – Natural Resources Conservation Service (USDA-NRCS)

Chris Bradshaw*, USDA-NRCS

Sandra Stuart*, Natural Bridge Soil & Water Conservation District

Stacy Horton*, DCR-DSWC

Thomas Burke*, USDA-NRCS

(*Non-voting member)

Members of the Public Present

Chanz Hopkins, Skyline Soil & Water Conservation District

Ann Mallek, Albemarle County Board of Supervisors

Kemper Marable, Hanover-Caroline Soil & Water Conservation District

Freeda Cathcart, Blue Ridge Soil & Water Conservation District

David Bryan, DCR-DSWC

INTRODUCTIONS

The subcommittee meeting began at 9:30am 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 ten 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 19 voting members present of the 20 voting members on the roster, a quorum was met to conduct business.

REVIEW, COMBINE, RANK, PRIORITIZE MATRIX ITEMS

The subcommittee began discussing the 10 priority matrix items.

Matrix Item 4S:

Mr. Lucas explained that a Logi report showed that increasing the buffer payment cap to 15 acres would cover 99% of their projects. Discussion was in favor of increasing the cap to 15 acres since all of the acreage counts in the bay model and will likely increase participation. Mr. Hoffman made a motion to **Advance matrix item 4S**. Mr. Tabor seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 7S:

The subcommittee felt like this was a non-issue, since the SL-6W and WP-2W buffer payments are for a different purpose than the FR-3 planting incentive payment; the buffer payments are for taking land out of production, and the FR-3 incentive is an additional incentive to plant trees. Mr. Bryan pointed out that these are also separately reportable credits in the bay model. Ms. Dellinger made a motion to **Table matrix item 7S** and handle it as a training issue to be addressed in VACS Program trainings. Mr. Wootton seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Items 3S & 9S:

Items 3S and 9S were grouped together because of their similarity. Discussion revolved around the fact that many landowners don't have time to properly maintain their planted riparian forest buffers, and contracting the work to a private contractor can be cost-prohibitive. Mr. Bryan reminded the group of the limitations of the current DCR Tracking Program, which limits contracts to one payment. There were concerns from the floor with increasing the up-front payment for mid-lifespan maintenance because the money may never get used for that purpose. There was discussion about creating a separate, new practice to aid in riparian buffer maintenance. Ms. Dellinger made a motion to **have Mr. Kowalski and Mr. Hoffman work together to draft a new practice spec for review by the subcommittee at the next meeting. The practice spec would address Items 3S and 9S and provide a means for maintenance of riparian forest buffers (both FR-3 contracts and voluntarily planted buffers)**. Mr. Hoffman seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 6S:

Discussion resulted in the decision to delay considering Item 6S until a future subcommittee meeting, pending the results of actions related to Items 3S and 9S.

Matrix Item 2S:

Discussion centered around the history of the "not to exceed 100 feet" language in the FR-3 specification, which was updated just a few years ago and is based on the diminishing returns to water

quality for plantings as you move farther away from the stream. Based on contracts in the tracking program, it appears as though there are a minimal number (less than 10-15 per year) of contracts that combine FR-1s with FR-3s. Mr. Higgs made a motion to **Table matrix item 2S**. Mr. Livesay seconded the motion. The motion passed with 2 opposed (Mr. Tabor and Mr. Kowalski) and 1 abstention (16Y, 2 N).

Matrix Item 10S:

This item will possibly be addressed by 1S. There was a lot of discussion around the fact that it will be very costly to provide enough of an incentive to encourage people to give up active cropland to plant buffers. Ms. Dellinger made a motion to **Table matrix item 10S**. Mr. Barbour seconded the motion. The motion passed with 2 opposed (Mr. Kowalski and Ms. Taillon) (17Y, 2N).

Matrix Item 1S:

The premise behind this item is to have an additional payment for FR-3 practices on agricultural land coming out of production. Currently FR-3s in pasture where an SL-6W or WP-2W is occurring are eligible for the \$80/acre/year buffer payment (to compensate the producer for land coming out of production), but FR-3s on cropland or hayland would not be eligible for that payment. Mr. Kowalski made a motion to **insert language from the SL-6W/WP-2W specifications regarding the 80/acre/year buffer payment (capped at a maximum of 15 acres per the subcommittee’s earlier decision to “advance” Item 4s) into the FR-3 specification with the caveat that acres receiving buffer payments from an SL-6W/WP-2W are not eligible for the additional \$80/ac**. Mr. Hoffman seconded the motion. The motion passed unanimously (19Y, 0N). Mr. Kowalski will edit the FR-3 specification for review at the next subcommittee meeting.

BREAK: The subcommittee took a break for lunch at noon and reconvened at 12:43pm.

Matrix Item 5S:

The consensus was that this is a training issue and is already clear in the practice specifications. Mr. Higgs made a motion to **Table 5S** and handle it in VACS Program Trainings. Ms. Snoddy seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 8S:

The addition of a 15-year option for the WP-2N/WP-2W would complicate the payment rates, which were carefully crafted in conjunction with the SL-6N/SL-6W. Mr. Lucas made a motion to **Table 8S**. Mr. Bradford seconded the motion. The motion passed unanimously (19Y, 0N).

Recap:

Mr. Hollberg gave a recap of the actions taken on the ten priority matrix items and the responsibility for any action for each prior to the next subcommittee meeting:

Matrix Item	Action Taken & Reason	Responsibility
1S	Amend - Add language to FR-3	Matt Kowalski
2S	Table (non-issue, few instances of overlap)	N/A
3S/9S	Draft a new maintenance specification for subcommittee review before final action	Matt Kowalski

4S	Advance (increase caps to 15 acres)	Aaron Lucas
5S	Table (training issue)	N/A
6S	Consider later, pending outcome of 3S/9S	N/A
7S	Table (training issue)	N/A
8S	Table (would complicate cost-share rates)	N/A
9S	(See 3S)	N/A
10S	Table (likely addressed with 1S)	N/A

NEW BUSINESS

Additional Matrix Items

Since the subcommittee had extra time, Mr. Hollberg offered to begin evaluating the matrix items that did not make the initial cut as priority items for discussion.

Matrix Item 22S:

The consensus was that this type of practice could potentially be addressed using an SL-6B (Tax Credit Only), and there are plenty of other practices that could be used to incentivize stream exclusion in conjunction with a spring trough. Mr. Bradford made a motion to **Table matrix item 22S**. Mr. Wootton seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 21S:

The subcommittee felt like CCI payments on division fence should not be a priority, and rotational grazing and pasture management can already be incentivized through SL-10 contracts. Mr. Bradford made a motion to **Table matrix item 21S**. Mr. Boring seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 20S:

The subcommittee felt that this is more of a training issue. Stream access is allowed during power outages when alternative watering systems are not functioning, but to install limited accesses solely for emergency use would not be an efficient use of cost-share dollars. Mr. Groh made a motion to **Table matrix item 20S**. Mr. Bradford seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 19S:

The subcommittee felt like the SL-6 suite needs to be the main vehicle for division fencing in conjunction with stream fencing. Mr. Bradford made a motion to **Table matrix item 19S**. Mr. Boring seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 18S:

The subcommittee felt that, since VACS has always been handled on a field-by-field basis, then all bodies of water in the field must be fenced to be eligible for CCI-SE-1. Partially fencing water bodies simply concentrates the animals in a smaller area and does not accomplish the goal. Mr. Lucas made a motion to **Table matrix item 18S**. Mr. Kowalski seconded the motion. The motion passed with one opposed (Ms. Taillon) (18Y, 1N).

Matrix Item 11S:

The subcommittee felt that this was a worthwhile suggestion. Ms. Dellinger made a motion to **Advance matrix item 11S and edit the FR-1 and FR-3 specifications to make it clear that the land that is planted to trees is not eligible for grazing during the lifespan of the contract.** Mr. Hoffman seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 12S:

The subcommittee felt that perhaps the WQ-1 Grass Filter Strips practice could be used for this purpose, but it was unsure about the native warm season grasses, wildflowers, and shrubs. Ms. Dellinger made a motion to **Defer matrix item 12S** to discuss at a later time, hopefully once some supporting research is completed. Mr. Bradford seconded the motion. The motion passed unanimously (19Y, 0N).

Matrix Item 13S:

The subcommittee felt like there is no prohibition against giving CCI funding for existing fences in a field where a new stream fencing project was occurring, since the existing fence may be necessary to make the new stream fencing project functional. Mr. Higgs made a motion to **Table matrix item 13S** and handle it in VACS Program trainings. Mr. Bradford seconded the motion. The motion passed unanimously (19Y, 0N).

Mr. Hoffman left the meeting at 2:09pm, leaving 18 voting members present.

Matrix Item 14S:

There was quite a bit of discussion on both sides of the issue, with some worrying about the burden on technical staff if the cost-share was increased to 100% and the difficulty in estimating costs, with others feeling the higher cost-share is necessary because there's minimal benefit to the participants themselves but potentially a large water quality benefit for others. Mr. Kowalski made a motion to Advance matrix item 14S. Ms. Dellinger seconded the motion. The motion failed with 5 nays (13Y, 5N). Mr. Bradford made a motion to **Table matrix item 14S.** Ms. Snoddy seconded the motion. The motion passed with 3 nays (Mr. Tabor, Mr. Kowalski, and Mr. Davis) and 1 abstention (Ms. Dellinger) (14Y, 3N =82% in favor of tabling).

Matrix Item 15S:

There was a lot of discussion on both sides of the issue. Some were in favor of at least allowing haying in the area between the minimum buffer setback and the exclusion fence. There were concerns with allowing grazing on the other side of the permanent fence, relying on temporary fence. The group decided to spend more time discussing at the next meeting, time permitting. Ms. Dellinger will draft some language as a starting point for review by the subcommittee.

Matrix Item 16S:

Mr. Riddell made a motion to Table matrix item 16S. Mr. Wootton seconded the motion. The motion failed with 10 nays (8Y, 10N). The group was not able to reach a consensus and will discuss at the next meeting, time permitting.

Ms. Killius left the meeting at 3:00pm, leaving 17 voting members present.

Matrix Item 17S:

Mr. Higgs made a motion to *send item 17S to the Animal Waste Subcommittee*, since sacrifice areas are more relevant to their work. Mr. Livesay seconded the motion. The motion passed unanimously (17Y, 0N).

PUBLIC COMMENT

Mr. Higgs mentioned that Augusta County is now excluding buffer areas from land use taxation, resulting in higher taxes on agricultural land where conservation work has been done. Mr. Bradford mentioned that this has happened in another locality as well. Mr. Riddell mentioned that the language in VACS practice specifications about land use change may be problematic.

Ms. Cathcart mentioned that the Army Corps of Engineers has given an extension to the Virginia DEQ for the stream-by-stream analysis for the Mountain Valley Pipeline. DEQ's new deadline is December 31, 2021, if people are interested in making public comment.

NEXT MEETINGS

The next meeting will be on Monday, August 9, 2021, at the same time and location.

The following meetings, if necessary, will be Tuesday, August 31, and Friday, September 10, but it is Mr. Hollberg's hope to have the subcommittee's work completed on August 9.

ADJOURN

The meeting was adjourned at 3:10pm.