

Cover Crop/ Nutrient Management Ag BMP TAC Subcommittee Meeting
September 7, 2022
Town of Orange Public Works Community Building
235 Warren St.
Orange, VA 22960
10 am to 3 pm

TIME AND PLACE

The Cover Crop and Nutrient Management Subcommittee meeting was held in the Town of Orange Public Works Community Building Room at 235 Warren St., Orange, VA. The meeting was called to order at 10:03am.

ATTENDANCE

Introduction of members in attendance, 11 voting members present

Voting Members Present

Amy Walker, DCR
Keith Burgess, Monacan SWCD
Bryan Johnson, Farm Bureau
Leslie Mosely, Virginia Grain Producers, for Connor Miller
Buck Tharpe, Southside SWCD
Sabrina Vladu, Lord Fairfax SWCD for Allyson Ponn
Spencer Yeager, Culpeper SWCD
Megan Trice, Sheanandoah Valley SWCD
Kemper Marable, Hanover-Caroline SWCD
Alston Horn, Chesapeake Bay Foundation
Michael Tabor, Blue Ridge SWCD for Herbert Bowman

Voting Members Not Present

Allyson Ponn, Lord Fairfax SWCD

Non-Voting Members Present

Robert Waring, Chair, DCR
Olivia Leatherwood, DCR
Sara Bottenfield, DCR
Marie Schirmacher, DCR
Joe Gerdes, James River SWCD
Allen Jackson, Blue Ridge SWCD
Hunter Landis, DCR

Review of added Matrix item for minimum Nitrogen application to include NM-4 & 3C

Mr. Waring opened the meeting with an explanation to the subcommittee regarding action taken at the last meeting. As a result of the change in language regarding what constitutes a “split”, language is required to be updated in the NM-4, NM-3C, and WFA specifications. The subcommittee motioned to make the language consistent across other specifications regarding the definition of a “split” application. ***The motion passed unanimously 11 to 0.***

Mr. Waring clarified action taken by the subcommittee from the last meeting regarding the Soil Test Biological Activity (STBA) focus group. Mr. Waring clarified any work done by this group would need to start now or in the near future, so results could be presented to the subcommittee during the next TAC cycle. There was discussion regarding the timeline and who the results would need to be presented to. Mr. Waring clarified having a timeline to bring before the full TAC in October would be best. There was further discussion regarding the logistics of the focus group with Department staff determining more discussion was needed internally.

Please see the Cover Crop/Nutrient Management subcommittee matrix items referred to in the next section (Attachment 1).

Review of Remaining Cover Crop/Nutrient Management Matrix Items

14C. The subcommittee reviewed matrix item 14C, which suggested inclusion of variable rate lime and potash in the VACS program. The subcommittee determined more time is needed for discussion and possible next steps. The subcommittee motioned to defer item 14C to the FY23 TAC cycle. ***The motion to defer passed unanimously 11 to 0.***

15C. The subcommittee reviewed matrix item 15C, which suggested providing clear and consistent Class A biosolids changes across all impacted specifications. The subcommittee discussed and the consensus of the group was this item is for the Programmatic subcommittee to review. The subcommittee motioned to send matrix item 15C to the Programmatic Subcommittee of the TAC. ***The motion passed unanimously 11 to 0.***

17C. The subcommittee discusses matrix item 17C, which suggested the need for a new specification for sorghum. There was discussion regarding how many acres are planted in sorghum in Virginia. There are about 5,000. The subcommittee suggested inserting sorghum into the NM-3C specification rather than creating a new specification due to the workload required. Sorghum would receive sidedress and would receive credit for timing, rate, and placement in the Bay Model. There was discussion from the subcommittee regarding the sorghum being discussed, with clarification it was grain sorghum and not forage. There was discussion regarding the timeline of reviewing any language specifications. Ms. Walker clarified the specifications will be updated and sent out to the subcommittee to review and make suggestions via BCC email. All changes will be made prior to the full TAC meeting in October. The subcommittee motioned to add sorghum into the NM-3C specification with specific language to be discussed further in one on one comments. ***The motion carried unanimously 11 to 0.***

21C. The subcommittee discussed matrix item 21C and the request to add a practice to reduce tillage from 60% to between 40-60%. There was discussion from the subcommittee regarding the credit received in the Bay Model. DCR staff explained the credit is received through tillage surveys and the best credit is tillage at 60%. There was further discussion from the subcommittee regarding how difficult reducing tillage would be to incorporate across the program. The subcommittee motioned to table matrix item 21C. ***The motion to table matrix item 21C carried unanimously 11 to 0.***

23C. The subcommittee discussed matrix item 23C regarding the request to increase cover crop rates. There was brief discussion about when suggestions are submitted, with this suggestion being submitted prior to action by the Virginia Soil and Water Conservation Board (VSWCB) in June 2022 on cover crop rates. The subcommittee discussed and agreed this item was addressed. The subcommittee took no action.

22C. The subcommittee reviewed matrix item 22C regarding the suggestion to create a VACS practice to pay farmers who willing spread litter. There was discussion from the committee regarding this suggestion being covered by DCR's poultry litter transport program. The subcommittee motioned to table the suggestion. ***The motion to table 22C carried unanimously 11 to 0.***

4C. The subcommittee reviewed matrix item 4C, which suggested the subcommittee create a new practice for split application of nitrogen on hay and forage grasses. Mr. Gerdes explained many producers struggle to get a third cut and split on highly managed haylands. The subcommittee discussed producers doing intensive hay management using the NM-5N specification. Mr. Waring asked the subcommittee to review the NM-5N specification to discuss whether a new specification needs to be created or if language should be edited. Upon review, the subcommittee found discrepancy between the NM-5N language under section 3.v. which states cost-share can be received on "two or more applications of nitrogen on highly managed hayland production systems (other than alfalfa)..." and the VACS Manual definition of highly managed hayland which states, "...If grass-based, the participants must produce at least three cuttings a year of have an may have a nitrogen application for each cutting. However, in a designated drought condition, the third cutting and nitrogen application would not be required." The subcommittee discussed drought conditions and what constitutes a drought under the program. There was further discussion regarding possible changes to the specification and the need for any changes. The consensus of the subcommittee was the Programmatic subcommittee needs to review the definitions of "highly managed hayland" and further explain "drought conditions" in the glossary. The subcommittee motioned to send the suggestion to review the definitions to the Programmatic Subcommittee. ***The motion to ask the Programmatic Subcommittee to review the glossary definition of "highly managed hayland" and "drought conditions" passed unanimously 11 to 0.***

20C. The subcommittee reviewed matrix item 20C, which suggested incentivizing use of nitrogen producing microbe in corn. There was discussion from the subcommittee to send the suggestion to Virginia Cooperative Extension (VCE). Mr. Waring explained VCE is not seeing a positive result from their own research on the matter. The subcommittee motioned to table matrix item 20C. ***The motion to table 20C passed unanimously 11 to 0.***

19C. The subcommittee reviewed matrix item 19C, which suggested adding practice to re-enroll or capture existing grassland that was converted from row crop in the VACS program. The subcommittee discussed the SL-1 specification and the producers planting grass without cost-share assistance. Without receiving cost-share, the cropland conversion acres are not captured in the Bay Model until a new land use analysis is conducted. There was discussion about creating a Continuing Conservation Initiative (CCI) cropland conversion practice and the credit received in the Model. The subcommittee discussed potential payment rates and criteria for sign-up if producers had not previously participated in an SL-1. The subcommittee discussed a payment rate of \$25/acre/year for a five-year lifespan contract with the option to renew for another five years at the end of lifespan. The subcommittee discussed inserting language regarding evidence of a "verifiable" cropland conversion if the producer did not participate in an SL-1 contract. The producer could prove through Farm Service Agency (FSA) or verifiable reports.

The subcommittee motioned to create a CCI-SL-1 specification and determine payment rates, lifespan, and criteria through one on one discussion communicated via BCC with Ms. Walker. ***The motion to create CCI-SL-1 specification passed unanimously 11 to 0.***

10C. The subcommittee reviewed matrix item 10C, which suggested reviewing the language differences between the VNM5-N and NM-5N specifications. The subcommittee discussed the language differences and determined them to be an oversight during the editing of the Manual and motioned to change language to be consistent between the VNM5-N and NM-5N specifications. ***The motion to change language of VNM5-N to be consistent with NM-5N passed unanimously 11 to 0.***

12C. The subcommittee reviewed matrix item 12C, which suggested updating section B.5 of the SL-8M to remove the March 1 manure date for application. The subcommittee discussed the language differences between section B.5 and B.2. which states, “application of manure (organic) amendments are allowed between the harvesting of the previous crop and prior to planting.” The subcommittee discussed credit in the Bay Model for manure application is only received if done between harvesting and planting. The subcommittee motioned to remove “March 1” from section B.5 and insert “prior to planting”. ***The motion passed unanimously 11 to 0.***

18C. The subcommittee reviewed matrix item 18C, which suggested adding a buffer payment to the WP-3 specification. There was discussion if the specification required a certain width. The subcommittee determined there was not a required width making it impossible to pay for a buffer. The subcommittee motioned to table matrix item 18C. ***The motion to table 18C passed unanimously 11 to 0.***

16C. The subcommittee reviewed matrix item 16C, which suggested adding language to the SL-15A specification. The subcommittee discussed the suggestion language and determined more discussion is needed. The subcommittee motioned to defer matrix item 16C to the FY23 TAC cycle. ***The motion to defer the suggestion until the FY23 TAC cycle passed unanimously 11 to 0.***

The subcommittee reviewed the minutes from the August 11 meeting. There was no discussion. The subcommittee motioned to approve the minutes from the previous meeting. ***The motion to approve minutes from the August 11 meeting passed unanimously 11 to 0.***

Public comment/questions There were no public comments or questions. All suggestions from the subcommittee will be reviewed by the full TAC on October 18.

Adjourn – 11:51am

Attachment 1

OMATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2022 (CY22) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2024/2025
1C		The Board directs the Department to request the Agricultural Best Management Practices Cost-share Program Technical Advisory Committee Cover Crop and Nutrient Management Subcommittee examine and discuss whether a range of cost-share payment rates would be more appropriate than a flat payment rate for the cover crop practices. <i>(This suggestion is in reference to a range of rates based on geographic area)</i>	NM CC Subcommittee Tabled		
2C		The Board directs the Cover Crop and Nutrient Management Subcommittee of the AgBMP Technical Advisory Committee to examine revising the cover crop practice payments from a flat per-acre rate to a percentage-of-cost payment.	NM CC Subcommittee Tabled		
3C		The Board directs the Cover Crop and Nutrient Management Subcommittee of the AgBMP Technical Advisory Committee to examine the viability of developing a specification that provides cost-share payment for producers that only harvest the grain off the field, leaving all of the remaining residue.	NM CC Subcommittee adjusted the payment rates for the SL-8H:		
4C		A new practice for split application of nitrogen on grasses (hay and forages).			
5C	NM-7	Consider increasing the payment rate for the NM-7 practice. Currently there is only a \$5/acre difference in the payment rate for this practice and the SL-8H practice. This practice has the potential to provide valuable nutrient reductions by utilizing the fall soil	NM CC Subcommittee adjusted the payment rates for the NM-7: Rates Adjusted:		

OMATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2022 (CY22) TAC

Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2024/2025
		nitrate test to determine the need for manure application.			
6C	SL-8	In the SL-8 Specification Policies and Specifications B-5 it makes reference to “seeding certification”. What does this mean? Is it referring to certification of the 60% cover or certification of the seed being planted? Why do other cover crop specifications not include this same language? If “seeding certification” is referring to certifying cover, then we suggest making all the specifications match.	NM CC Subcommittee adjusted the language for clarification:		
7C	NM-3C	Remove the requirement that applicants sign up prior to April 1 in the NM-3C specification.	NM CC Subcommittee Tabled		
8C		Require soil health practices in order to maintain cover crop eligibility. One-time signup of 3 years for the same acreage while under the same ownership. After the initial 3 years the producer must also use and report conservation/no-till planting practices.	NM CC Subcommittee Tabled		
9C		Create a CCI-SL-8 practice for cover crop fields that have been enrolled for 8 or more years. A higher initial payment will incentivize adoption of the BMP and changes to a lesser payment once the practice has been adopted into the farm management.	NM CC Subcommittee Tabled		
10C	VNM-5N	VNM5-N: Review B.3. Multiple aspects of this section should be evaluated. – N testing may be soil samples, tissue samples, using photo sensing equipment (Green Seeker) to develop and implement N applications.			
11C		Include STBA (Soil Test Biological Activity) testing costs in a nutrient management spec (probably NM-5N). Can the rates be broken into a rate per test? This			

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		would enable the rates to be folded directly into a practice.			
12C	SL-8M	Update the SL-8M section B.5 to remove the March 1 date for manure application.			
13C	SL-1	Consider changing SL-1 to a flat rate per acre payment rather than 75% cost-share plus incentive. We strongly suggest keeping the incentive payment to incentivize participants to enroll for a longer lifespan. It is practical to pay for this practice on a per acre basis, like cover crop. The change would add efficiency to the payment calculations of a practice that is otherwise reported to the Bay Model on a per acre basis regardless of species planted, nutrients applied, or tillage used. <i>Suggested for CY21, not taken up by Subcommittee</i>	NM CC Subcommittee Tabled		
14C		NRCS now pays for variable rate lime, nitrogen, phosphorus and potassium through their Conservation Stewardship Program "Level C". Reconsider the inclusion of variable rate lime and potash into the VACS Program. <i>Suggested for CY21, not taken up by Subcommittee</i>			
15C		Provide clear and consistent Class A biosolids changes across the board in all impacted specifications. Simply state if it is allowable or not, with stipulations as necessary, and consistent language. <i>Suggested for CY21, not taken up by Subcommittee</i>			
16C	SL-15A	Add the following to SL-15A Description and Purpose: "To encourage utilization of this practice by producers with cotton and peanuts in their rotation,			

OMATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2022 (CY22) TAC

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		<p>a one-time exception to maintaining 60% residue for five consecutive years will be granted to those willing to add an extra year to the lifespan of this practice”.</p> <p>Under B.2., add, “For fields planted in peanuts, a small grain or cover crops must be planted within 30 days of digging. Cotton fields may also need to be planted in a small grain or cover crops to maintain biomass”.</p> <p>Under B.6., add, “For fields that have been rutted during harvest, small grains or cover crop must be planted within 30 days to maintain compliance with this specification. It is recommended that cover crops planted after November 1st be drilled to ensure an adequate stand”.</p> <p><i>Suggested for CY21, not taken up by Subcommittee</i></p>			
17C	NM-3C	<p>Consider if there is a need for a sorghum version of NM-3C and, if so, develop a new specification.</p> <p><i>Suggested for CY21, not taken up by Subcommittee</i></p>			
18C	WP-3	<p>Add a buffer payment to the WP-3 Sod Waterway.</p> <p><i>Suggested for CY21, not taken up by Subcommittee</i></p>			
19C		<p>Add a practice to re-enroll or capture existing grassland that was converted from row crop (may help with WIP).</p> <p><i>Suggested for CY21, not taken up by Subcommittee</i></p>			
20C		<p>We would like the cover crop and nutrient management subcommittee to look at incentivizing the use of N-Producing Microbe In Corn.</p> <p>https://www.agweb.com/article/farmer-quits-synthetic-nitrogen-goes-n-producing-microbe-corn</p> <p><i>Suggested for CY21, not taken up by Subcommittee</i></p>			

OMATRIX OF ADVANCED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS FOR CALENDAR YEAR 2022 (CY22) TAC					
Item #	Ag. BMP	Suggestion to the TAC	TAC Recommendations	DCR Supports	FY2024/2025
21C		Add a practice to reduce tillage 40-60%. <i>Suggested for CY21, not taken up by Subcommittee</i>			
22C		Add a VACS practice that pays farmers willing to spread litter. A \$10/acre payment should go to the farmer spreading the litter, not necessarily the farmer receiving the litter. The maximum rate of application would be 2 tons/acre. The farmers receiving the litter can verify that the litter was applied. <i>Suggested for CY21, not taken up by Subcommittee</i>			
23C		Cover crop payments should increase. <i>(Addressed in PY23 Manual)</i>			
24C		Address required lbs per N application to be considered a split application for nutrient management.	NM CC Subcommittee adjusted the language for clarification that a minimum of 20 lbs per acre must be applied to be considered a split application for the management of nitrogen:		

MATRIX OF TABLED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS			
Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
1C		The Board directs the Department to request the Agricultural Best Management Practices Cost-share Program Technical Advisory Committee Cover Crop and Nutrient Management Subcommittee examine and discuss whether a range of cost-share payment rates would be more appropriate than a flat payment rate for the cover crop practices. <i>(This suggestion is in reference to a range of rates based on geographic area)</i>	Having different rates for different geographic regions, physiographic regions and/or subsets, would be too difficult to administer. The difficulty would be further exasperated for Districts that may be split by geographic/physiographic regions. A consistent payment rate across the state is more efficient to administer for the Districts and provides a known consistent payment rate for producers (particularly those that may farm in multiple Districts).
2C		The Board directs the Cover Crop and Nutrient Management Subcommittee of the AgBMP Technical Advisory Committee to examine revising the cover crop practice payments from a flat per-acre rate to a percentage-of-cost payment.	Due to the volume of cover crop contracts, the percentage-of-cost method is not a viable option. The collection of multiple invoices, processing, comparison to average cost lists, file maintenance, etc would be extremely difficult to process and maintain. Average cost lists would vary from District to District, this would could cause uncertainty for producers signing up in multiple districts as the payments rates may vary.
7C	NM-3C	Remove the requirement that applicants sign up prior to April 1 in the NM-3C specification.	The sign-up deadline of April 1 cannot be removed. There would be insufficient time for districts to take the application and approve at a board meeting. District Board meeting schedules vary within the month, the April 1 date ensures all Districts have time to process the applications and present them to their respective Boards.
8C		Require soil health practices in order to maintain cover crop eligibility. One-time signup of 3 years for the same acreage while under the same ownership. After the initial 3 years the producer must also use and report conservation/no-till planting practices.	Due to significant problems previously experienced with the administration of multi-year contracts, with multi-year contractual cost-share obligations, the recommendation was tabled.
9C		Create a CCI-SL-8 practice for cover crop fields that have been enrolled for 8 or more years. A higher initial payment will incentivize adoption of the BMP and changes to a lesser payment once the practice has been adopted into the farm management.	Currently the tracking program is not set up to handle this type of contract, there were administrative concerns as well. In addition there was concern that the level of cover crop implementation may drop once the rates dropped to the lesser payment structure.

MATRIX OF TABLED COVER CROP NUTRIENT MANAGEMENT RECOMMENDATIONS

Item #	Ag. BMP	Suggestion to the TAC	Reason for Tabling
13C	SL-1	<p>Consider changing SL-1 to a flat rate per acre payment rather than 75% cost-share plus incentive. We strongly suggest keeping the incentive payment to incentivize participants to enroll for a longer lifespan. It is practical to pay for this practice on a per acre basis, like cover crop. The change would add efficiency to the payment calculations of a practice that is otherwise reported to the Bay Model on a per acre basis regardless of species planted, nutrients applied, or tillage used.</p> <p><i>Suggested for CY21, not taken up by Subcommittee</i></p>	<p>The subcommittee tabled the recommendation due the tremendous variability in site specific needs that may be encountered across the state.</p>