

Technical Advisory Committee – Stream Protection Subcommittee
DCR Staunton Office
Staunton, Virginia

Stream Protection Subcommittee Members Present

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

Charlie Wootton, Piedmont Soil & Water Conservation District

Ashley Wendt, Department of Environmental Quality

Jason Carter, Virginia Cattlemen’s Association

Nick Livesay, Lord Fairfax Soil & Water Conservation District

Matt Booher, Virginia Cooperative Extension (Proxy for Scott Baker)

Gary Boring, Virginia Assn. of Soil & Water Conservation Districts (VASWCD) Area IV Representative

Tom Turner, Chesapeake Bay Districts Representative

Luke Longanecker, Thomas Jefferson Soil & Water Conservation District

Robert Bradford, VASWCD Area II Representative

Raleigh Coleman*, DCR-DSWC

Keith Thomas, Shenandoah Valley Soil & Water Conservation District

Tim Higgs, Virginia Department of Agriculture and Consumer Services

Alston Horn, Chesapeake Bay Foundation (Proxy for Matt Kowalski)

Emily Horsley, United States Dept. of Agriculture – Farm Service Agency (USDA-FSA)

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

Stacy Horton*, DCR-DSWC

Aaron Lucas, Headwaters Soil & Water Conservation District

Stream Protection Subcommittee Members Absent

Shawn Ralston, James River Association

Robert Shoemaker*, DCR-DSWC

David Massie, Culpeper Soil & Water Conservation District

Chris Barbour, Outside of the Chesapeake Bay (OCB) Districts Representative

Public Participants Present

John Kaylor, Headwaters Soil & Water Conservation District

(* Non-voting member)

WELCOME

The subcommittee meeting began shortly after 9:30am with an introduction from Mr. Hollberg. A quorum was established with 16 voting members present.

DRAFT MINUTES

The minutes of the September 25, 2018, meeting of the Stream Protection Subcommittee were presented for approval. Mr. Hollberg asked that the location of the meeting be corrected in the minutes. Mr. Thomas made a motion to approve the minutes as amended. Mr. Turner seconded the motion. The motion passed unanimously.

OLD BUSINESS

The three proposals drafted by individuals after the September 25 subcommittee meeting were discussed:

“SP-1” (Reduced Setback WP-2) Discussion

The “SP-1” draft language was presented by Mr. Lucas. Mr. Carter pointed out several items, including a need to clarify B.1.iv.(c.) (the subcommittee suggested that it could be made clear that the area could be seeded if necessary), and a request that “travel lanes” not be excluded from cost-share (the subcommittee suggested that that language could be added to exclude “upland travel lanes” from cost share so that travel lanes associated with stream crossings could still be eligible if deemed necessary by the technician). He also requested that a “Waiver of Responsibility” form be created to create a “de facto” long-term lease agreement between the landowner and the leasee (producer). There was much debate about how this should be handled. Mr. Turner recommended passing the idea along to the Programmatic Subcommittee. MR. Carter explained that he has asked for a legal opinion on the matter and will relay that information to the subcommittee when it is available so that the subcommittee can decide how to move forward, and whether it should be passed to the Programmatic Subcommittee.

Mr. Higgs expressed concerns with relying on limited accesses for water, saying that they are often not effective on larger streams and can be messy on smaller streams. Mr. Kaylor mentioned that concrete slats, upside-down cattleguards, etc., tend to hold up well, but that smaller, slow-flowing streams can be problematic. Mr. Kaylor stated that this practice would help address the large volume of untouched rental land.

Mr. Turner asked for the work “pond” to be stricken from B.1.iv.(b.) to be consistent with language in other stream exclusion practices.

Mr. Turner made a motion to bring the general concept of the SP-1 to the full TAC on October 18 for feedback. The motion was seconded by Mr. Bradford. The motion passed unanimously.

SL-6/SL-7/SL-9 Discussion

The general proposed modifications to the SL-6, SL-7, and SL-9 were presented by Mr. Wootten. He explained that separating the grazing infrastructure from the SL-6 would help reduce the problems associated with installing grazing infrastructure at the higher cost-share rate, and then the producer just leaves the gates open and does not practice prescribed grazing. Rotational grazing infrastructure (additional troughs and cross-fence) could then be installed under a modified SL-7, which would be similar to the current SL-7 but it would not be exclusively associated with CREP. Finally, the SL-9 practice could be overhauled as a “Pasture Management” practice (essentially the same as the obsolete SL-10T practice) to incentivize producers to follow a 528 “Prescribed Grazing” plan. This new SL-9 practice would offer an incentive payment on a per-acre basis for a three year period and is not eligible for re-enrollment.

After some discussion, the subcommittee generally agreed that the language in the SL-6 regarding rotational grazing infrastructure could be tweaked to say that if more than three pastures would be created, then the SL-7 practice should be used. It was also suggested that language in the SL-6 make it

clear that limited accesses should not be the sole source of water for the livestock (i.e., an off-stream alternative water source must be included).

Mr. Turner made a motion that the concepts presented by Mr. Wootten with the modifications discussed by the subcommittee be presented to the TAC at the 10/18 meeting for feedback. Mr. Boring seconded the motion. The motion passed unanimously.

Stream Exclusion Practice Modifications

Mr. Turner led a discussion of his ideas for possible changes and additions to the stream exclusion practices to incentivize more signup. He suggested that more participation may be garnered by paying on the buffer areas created as part of VACS stream exclusion practices. He also proposed an additional practice with a 50' setback requirement that would offer a higher cost-share rate. Mr. Longanecker suggested that another option between the 10' and 35' setback practices be created to offer more flexibility. Mr. Wootton made a motion that the concepts presented by Mr. Turner regarding modifications to the SL-6 and LE-2 (and creation of a 50' setback and 25' setback option) be presented to the TAC at the 10/18 meeting for feedback. Mr. Horn seconded the motion. The motion passed (15 yeas, 1 nay).

(Mr. Longanecker, Mr. Wentz, and Ms. Horsley left the meeting as the committee broke for lunch. After lunch, a quorum was still present with 13 voting members.)

CCI Practice Modifications

Mr. Turner led a discussion of possible changes and additions to the CCI suite of practices. These practices would hopefully keep more practices in contractual lifespan. He proposed creation of CCI-LE-2 and CCI-SL-6 practices that would help with maintenance of components needed for a stream exclusion practice to be maintained, including fencing, watering system components, and stream crossings. He also proposed an additional buffer payment for the area protected by the stream exclusion fence.

There was much discussion about the buffer payments, with some on the committee against the buffer payments. There was also discussion about whether the maintenance payments for individual components could be made on components that do not meet NRCS standards/specifications. Mr. Wootten suggested that it would be difficult to enforce compliance if there is no standard to hold a participant to. The subcommittee generally agreed after discussion that it would be best to only offer the component payments for components (namely, watering facilities) that meet NRCS standards/specifications.

(Mr. Wootton left at 2:30; a quorum was still present with 12 voting members.)

It was suggested that a CCI-WP-2 could also be created.

Mr. Turner made a motion that the CCI practices as discussed (CCI-SE-1, CCI-LE-2, CCI-WP-2, and CCI-SL-6) with buffer payments be presented to the TAC at the 10/18 meeting for feedback. Mr. Horn seconded the motion. The motion failed based on the requirement of support of 80% of voting members present (9 yeas, 2 nays, 1 abstain).

NEW BUSINESS

Mr. Hollberg mentioned that a late suggestion for the stream protection came in regarding establishing a cost-share practice for shoreline stabilization for agricultural land. Mr. Hollberg asked Mrs. Wendt if she could find out more information from the SWCD that submitted the request for discussion at the next meeting.

The subcommittee looked at Matrix Comment #27. Mr. Lucas made a motion to table comment #27. Mr. Turner seconded the motion. The motion passed unanimously.

Mr. Hollberg discussed the plan of action for the subcommittee's report to the full TAC on October 18. Mr. Hollberg will present the items that have been tabled by the subcommittee, and Mr. Lucas, Mr. Wootten, and Mr. Turner will present their respective topics with modifications.

Mr. Livesay offered to send out a "Doodle" poll to determine the best time for the next Stream Protection Subcommittee meeting to be held at 9:30am in the Staunton DCR Office (12 Sunset Blvd., Staunton, VA 24401)

ADJOURN

The subcommittee meeting adjourned at 3:30pm.