

Virginia Agricultural BMP Technical Advisory Committee
Meeting 9:30 AM, August 15, 2017
DRAFT Summary

Attendance:

Member	Representing	Member	Representing
Charlie Wootton	CB, SWCD staff (proxy)	Matt Kowalski	CBF
Jim Wright	VASWCD Area VI (proxy)	Blair Gordon	DCR CBCDC (proxy)
Emily Horsley	FSA	Chad Wentz	NRCS
Robert Bradford	VASWCD Area II (proxy)	Tom Turner	CB, SWCD staff
Tim Sexton	DCR, Nut. Man.	Scott Ambler	DCR, RMP
Stephanie Martin	DCR, Dist. Liaison	Stacy Horton	DCR, SR CDC
Todd Groh	DOF	Amanda Pennington	DCR, Engineering
Chris Barbour	SR, SWCD staff	Darrell Marshall	VADACS
Luke Longanecker, T. J. SWCD (proxy for SWCDE)			

Other Participants: Emily Nelson, DCR Eng.; Assoc.); Bob Waring DCR Nut. Man., Tom Dunlop Colonial SWCD

The Ag. BMP Technical Advisory committee agreements document was distributed and the new “Guiding Principal” was read to the TAC with all members consenting to it being added to the list of TAC Agreements:

- ❖ *Suggested changes to the program received before the published (in each year’s Ag. BMP Manual) will be considered by the TAC for inclusion in the “Program of Work” for the upcoming fiscal year. If suggestions are received after the cut-off date they may be accepted and discussed at the discretion of the TAC.*

The draft summary of the June 14, 2017 TAC meeting was reviewed and approved with two changes needed. The approved summary will be posted on the DCR webpage and distributed via all-district e-mail list-serve.

A summary of discussion topics, action items, and significant conclusions are as follows:

- ◆ **NRCS:**
 - Working on getting obligations complete to close the books on FY17, September 30, 2017.
 - NRCS did receive some additional financial assistance dollars since the last meeting.
 - Total EQIP allocation for FY17 = \$29.375 million. At this point we have obligated 544 contracts for \$24 +million. 99 contracts are preapproved for \$4.375 million that will be obligated between now and the end of the FY.
 - 4 active RCPP projects for \$5.126 million.
 - In CSP we renewed and signed new contracts for 151 applications that represent over 75,000 acres.
 - Looking ahead, some uncertainty with the federal budget for FY18.

- FY18 is the last scheduled year of the 2014 Farm Bill, listening sessions going on now to get suggestions on crafting the new Farm Bill.

◆ **FSA:**

- CRP & CREP restart of enrollment announced August 7, 2017 without having to amend the CREP Agreements
- There is still concern about reaching the 24 M acre CRP cap but CREP is business as usual
- There will be process changes to get CREP contracts approved, VA will confirm CREP funds are available prior to FSA contract approval. Therefore CREP contracts will be approved in batches. DCR & FSA are working out the details on the first batch of Pending CREP contracts.
- Districts and FSA offices will need to communicate clearly and frequently with each other

Consideration of suggested changes: (*Italics indicates TAC discussion topic and/or instructions to subcommittees*)

◆ **Nutrient Management subcommittee report:**

- 5.), 6.) & 11.) The subcommittee and the TAC all supported making the SL-1, WQ-4, and WQ-1 gateway practices. Meaning that two different nutrient management clauses will be added to each specification to require that a Nutrient Management Plan must be on file with the SWCD before a VACS cost-share payment can be made and that the NMP complies with VA NMP criteria. The BMP table will be modified to identify those BMPs as requiring a NMP to receive payment.
- 8.) The subcommittee and TAC did not support paying for a 0 application rate for NM-3C, *a split application is not the same as a precision application, these are two different things*, Not Supported
- 9. C.) Modify NM-1A to clarify when the 12 month requirement starts by inserting NMP between *the & cover* in B. 2. ii. and planner between *NM & and* in B. 2. viii. e. Supported by TAC.
- 9. D.) Submit nutrient application record *supported by subcommittee & TAC insert new language B. 2. vii. e.*
- 10.) Modify NM-5N & P language to change the acres that must be include in the NMP. Not Supported by subcommittee or TAC
- 12. b.) Change SL-8B kill dates, not supported by subcommittee or TAC
- Added by subcommittee, NM-5N, move last sentence from C. 2. insert this sentence as new B. 7. It was intended as a clarifying statement not rate control. Supported by subcommittee and the TAC
- 12. c.) SL-8B B. 2. iii & B. 9. Are redundant, *no they are not, they both speak to nutrient management but they are different*, Not Supported by subcommittee or TAC
- 14. b.) Modify SL-8B performance criteria, not applicable to mixed cover crops, *supported by subcommittee. Should there be performance criteria there is already too much uncontrollable risk in farming? Previous DCR policy & TAC the policy of not paying for BMPs that do not provide an environmental benefit, should the taxpayer assume some risk? Winter crops not typically insured. Wade Thomason is searching*

for an approach to apply to mixed covers will need additional time and meetings to generate. Ask Wade about applicability of Dec. 1 date for use statewide.

◆ **Stream Protection subcommittee report:**

- 16) Modify CCI-SE-1 to cost-share on exclusion fence, this was not supported by subcommittee or TAC.
- 18) Modify SL-6 to clarify cost-share for upslope extension of exclusion fence around springs, seeps and wetlands, *add springs to B. 1. add wetlands where fence is appropriate to B. 5. i. a. Supported by subcommittee and TAC.*
- 17) MODIFY CCI-SE-1 to pay for maintenance on extended fence; *The TAC did support paying for exclusion fence around springs seeps and wetlands when protected by existing fence.*
- Emily Nelson asked the TAC if the subcommittee should make the SL-6 type language changes in the LE-2 and WP-2 practices as well. Emily is leaving DCR and the TAC. *Yes the TAC would like to hear about modifying these BMPs at the next TAC.*
- The TAC thanked Emily Nelson for all of her input over the years and wished her well in her future endeavors. Matt Kowalski will take over as chairman of the Stream Protection subcommittee.

◆ **Cover Crops subcommittee report:**

- 5) Modify SL-1 to 10 year practice without a sliding scale, *partially supported by the subcommittee, TAC supported making a 5 or 10 year practice, remove language allowing for 6,7,8,9 years from C. 1st ¶. Strike “and a” from B. 13. add “or after”. C. strike first comma add comma after “contract”. New language “in addition a onetime incentive payment of \$25 per acre for a 5 year contract or \$75 per acre for a 10 year contract. Gary will make changes and bring new language to next TAC meeting.*
- 14. b.) Modify SL-8B performance criteria, not applicable to mixed cover crops, *supported, looking at providing an addendum with several approaches to determining adequate cover, will need additional time and meetings to generate*
- Added in subcomm.), SL-8B remove one year exemption of Nut Man Plan, *Supported by TAC*

◆ **Forestry subcommittee report:**

- Gary distributed two letters of support for increasing the CC-FRB payment to \$500/acre from; the Piedmont Environmental Council and Friends of the Rappahannock respectively.
- Increase CCI-FRB cost-share rate from \$100/5 years to \$500/5 year contract,
 - *FSA asked: Why should the TAC support increasing CCI-FRB by 400% when the state does not support re-enrollment of CREP contracts, they both do the same thing?*
 - *The requested increase is too much to support in one jump, how was the \$500 figure generated? The rate was not based upon any input just proposed.*

- *Similar practice comparisons, Existing Rates: CCI-FRB = \$20/acre/year, SL-8B = \$48/acre/year, CREP Soil Rental rate = \$75-\$90/acre/year. This practice supports a land use change and maintenance of a riparian forest buffer (RFB) which is both a WIP practice, and priority practice for DCR.*
 - *The state specification does not require any specific owner maintenance activities like tree tube removal or invasive species control but it does reference NRCS 391. If the cost-share rate is increased then there should be some required owner maintenance inserted into the state specification not just reference the NRCS standard.*
 - This item was returned to the subcommittee to consider and recommend an appropriate rate to incentivize keeping the land as a RFB and a definition of what if any maintenance requirements should be included in the specification. Please return with modified specification language.
- **Engineering Workgroup report:**
- 19) Modify WP-1, to include NRCS standards 620 Underground Outlet, 382 Fence and 606 Subsurface Drain as eligible components to receive cost-share. Supported by the subcommittee and the TAC
 - ❖ Additional language added “When a subsurface drain is used in conjunction with this practice, a wetlands determination shall be performed prior to installation.” Please return with modified specification language.
- **Animal Waste subcommittee report:**
- 2) Modify WP-4 or WP-4B, to add NRCS-560 Access Road, not supported by subcommittee or TAC
 - 3) Modify WP-4C to allow cost-share funding on drum composters: *The existing WP-4C already allows for “prefabricated composting facilities”, could add language “including drum composters” supported by Subcommittee and TAC.*
 - 1) Generate new programmatic guidelines for SWCDs to address utilizing any previously cost-shared (or existing?) animal waste storage structures as part of requests for new WP-4 cost-share applications. (from 2018 suggested changes)
 - Does not matter if out of lifespan, Should apply to all types of WP-4 structures: *This should apply to any appropriately engineered manure storage facility. Note the subcommittee did not feel that a concrete pad, while adequate to meet the DEQ permit requirements, was considered adequate storage under the VACS program. The subcommittee supports drafting language that strongly encourages the District to consider existing storage when calculating the need storage capacity. The tracking program does track the tons of animal manure that can be stored with a cost shared BMP, so this may be a good way to find records of how much manure cost share was provided to store.*
 - *The subcommittee discussed expansion of operations and recommends providing cost share to store manure generated from an expansion in*

operations (ex. a producer adds two chicken houses, he already has adequate storage for the existing four, cost share could only pay for storage for additional waste generated by the two additional houses).

- Suggested language to add to the WP-4 standard:
 - ❖ *The District should 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.*
 - ❖ Discussion about Guidelines language from the State Environmental Law Compliance section starting on page II-11. *The subcommittee also had a discussion concerning the existing language in the manual on page II-11, and the possibility of this being interpreted to include all DEQ permitted operations.*
- Existing guidance :
 - ❖ Except as otherwise expressly provided in this manual, the VACS program is not intended to provide financial assistance for any actions required or voluntary, by local ordinance; mitigation bank; 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 shall be refunded on a pro-rata basis. Such exclusion shall not apply to the Resource Management Plan Program.
 - ❖ *Based upon Gary Flory's presentation installing a litter shed or other animal waste structure is not required by either VPDES or VPA permit. The permit states that the operation shall not have a discharge to state waters. It has also been suggested to remove the word "required" since this is a voluntary program. Some clarifying language was proposed as follows:*
 - ❖ Except as otherwise expressly provided in this manual, the VACS program is not intended to provide financial assistance for any actions required by local ordinance; mitigation bank; 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 shall be refunded on a pro-rata basis. Such exclusion shall not apply to the Resource Management Plan Program, Agricultural Stewardship Act Program, or Animal Waste Storage practices.
- The TAC had an extensive discussion about if a permitted Animal Feeding Operation should be eligible to receive cost-share funds. *Some discussion*

points included that if a cover crop was included in the Nutrition Management Plan (NMP) and the permit required a NMP (as most do) then permitted operations should not be eligible to receive cost-share for cover crops. Ultimately the TAC decided that Yes permitted operations should be eligible to receive cost-share funds to assist them in enhancing their control of NonPoint Source Pollutants.

- Further the TAC discussed should DCR (OAG has already determined that this question is a matter of DCR policy not state law) provide cost-share for animal waste BMPs? *Is this not a cost of doing business? Why should the taxpayer subsidize an operation when the owner has decided he wishes to expand its production capabilities? Shouldn't this be the owner's cost of expansion/doing business? Does the Commonwealth benefit from the implementation of an animal waste storage system (AWSS)? After much discussion the TAC supported providing cost-share for AWSS.*
- The next issue discussed was is the AWSS cost-share rate correct? The current cost-share rate is 75% of eligible cost up to \$70,000 per participant per year. *Most of the most expensive AWSS BMPs are partnered with NRCS and the EQIP program. Should the cost-share caps for AWSS BMPs (currently \$70,000) be reduced to \$50,000? Should the cost-share rate of 75% of eligible expenses be reduced to 50%, increased to 80%? Should AWSS BMPs be removed from the list of exception practices?*
- *The TAC determined that it wanted the Animal Waste subcommittee to discuss the current cost-share rates and caps and bring a recommendation including suggested WP-4 and WP-4B suggested language changes back to the TAC at the next meeting. Please return with modified specification language.*

◆ **New Business:**

- What is the CB program nutrient reduction credit associated with Native Warm Season Grasses?

◆ **Agency Updates:**

- **DCR:** DCR is currently working with FSA state office staff to identify and confirm state funding for Pending CREP contracts.
- The SL-6 100% reimbursement backlog is down to ~\$14M as Districts throughout the state continue to implement numerous SL-6 projects.
- DCR will be promoting the implementation of RMPs-2's through to 9 years of certainty, towards this end the RMP-2 only will have a set aside of cost-share funds.
- DCR has just completed testing of a BMP verification module that Districts will be able to load onto a smart phone or tablet, update in the field with on-site data

and will synchronize with the BMP Tracking program module when reconnected to the network back at the office.

- The RMP program is conducting a survey to identify issues and roadblocks to completion of RMPs to “Certainty”. Data analysis is underway.
- Stabilizing VACS funding Stakeholders Advisory Group (SAG) will meet Sept. 15, 2017. Discussion continue on BMP efficiencies, potential flush fees or increased recordation fees with the final report to the General Assembly due November 15, 2017.
- The RMP SAG will meet Sept. 15, 2017, discussion topics include roles and responsibilities, understanding the program and its’ goals. The final report to the General Assembly is due October 1, 2017.
- DCR is currently recruiting for a BMP engineer to be stationed in the Christiansburg office.

NEXT TAC MEETING SCHEDULED FOR October 26, 2017, 9:30 AM in the DOF Training room

Adjourned