The Virginia Agricultural BMP Cost-Share Program
~VACS 101 for Directors~

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Training Overview

• VACS History
• Program Guidelines
• Top VACS Practices

***Special thanks to the many DCR staff who have reviewed and provided input on this presentation as well as Ben Chester, Raleigh Coleman and Jason Wilfong for many of the pictures (unless otherwise credited).
History of the VACS Program

- Officially began on July 1, 1984 to improve the quality of water entering the Chesapeake Bay and the Chowan River
- Provided financial incentives to producers
- Included 68 counties (2/3 of VA)
- 6 eligible BMPs

By 1988, Program encompassed entire state, although financial incentives and eligibility varied

- Funds distributed money to Soil and Water Conservation Districts (SWCDs) based on how agriculture affects water quality
- Local SWCD Directors approved prioritization of applications
- SWCDs funded applications with greatest likelihood of improving water quality
Purpose of the Program

• Water quality improvement program
• Meant to reduce nutrient, sediment and bacterial contamination of Virginia’s waterways
• Some partners such as NRCS address additional “resource concerns” but the VACS Program is much more limited in scope

Credit: nps.gov

Purpose of the Program

• Funded by the taxpayers of Virginia
• Collectively, our goal is to maximize nutrient and sediment reductions while protecting the taxpayer’s interest by implementing the most cost-effective BMPs possible.
• The program works to achieve the greatest pollution reductions on a field by field basis.
• “Least cost, technically feasible”
Key VACS Funding Sources

- Water Quality Improvement Fund (WQIF)
  - 10% State Surplus Funds or Appropriations Act
- Virginia Natural Resources Commitment Fund (VNRCF)
  - Subfund of WQIF established in 2008
  - Where VACS dollars are placed for Cost-Share & Technical Assistance (TA) to SWCDs after reserve deposit and earmarks (such as CREP and DOF funding) are taken out of WQIF
- Real Estate Recordation Fees (2010)
  - $10 from each real estate sale
  - Funds deposited into VNRCF

Funding Admin and Distribution

- Administered via an annual grant agreement between each SWCD and DCR
- Grant agreement specifies deliverables in exchange for funds
- Policymakers mandate 70% of VACS funds go to the Chesapeake Bay watershed and 30% Outside the Chesapeake Bay (OCB)
- Allocations to individual SWCDs are largely influenced by DCR’s Nonpoint Source (NPS) Assessment, completed every two years, which considers 15 different land use, agricultural and environmental data sources
Funding Distribution

- The NPS model estimates and ranks the pollutant loads (i.e. nitrogen, phosphorus and sediments) from each hydrologic unit in the Commonwealth.
- Allocations to SWCDs determined by the hydrologic unit ranking process:
  - Watersheds Ranked: 20% High, 30% Medium, 50% Low Priority
  - Funding Distribution: 50% to High, 30% to Medium, 20% to Low Priority
  - The High, Medium and Low acreage in a SWCD as compared to that of the total drainage basin helps determine the funding distribution to each SWCD.
SWCD Participant Recruitment Options

- Districts should continuously take applications; however, there are a variety of options for managing the Program throughout the year.
  - Hold an advertised sign up period
    - Applications would be ranked at the close of the application period and approved for funding according to ranking
  - Have a rolling sign up
    - Applications are taken throughout the year and brought before the SWCD Board for approval as funding allows
  - Use a combination of the two methods

Determining Eligibility

- Definition of Ag Land:
  - Land used in a bona fide program of agricultural management and engaged in production of agricultural, horticultural or forest products for market;
  - Minimum of 5 acres (contiguous);
  - Must be verifiable gross receipts in excess of $1,000 per year from the production or sale of agricultural, horticultural or forest products produced on the applicant’s agricultural land for each of the past 5 years.
  - For purposes of the VACS program, commercial equine operations such as breeding, boarding and training facilities are eligible for funding if they meet the 5 acre/5 years/$1000 reqts.
- SWCD can request financial records to show proof of ag production.
Determining Eligibility

- Eligibility is tied to the land, not to the participant i.e. if a new farmer gains a lease on land that has been previously farmed for many years, it is probably eligible for funding.
- Land owned by municipalities or state or federal government agencies is not eligible to receive cost-share or tax credit.

Signing Up a Participant

- Self-Certification Form: Optional but Strongly Suggested (see Glossary)
- Contract Part I: Required
- W-9 Form: Required
- Ensure that the participant understands that cost-share funding is considered to be income (i.e. tax implications), but the District should NOT give tax advice
Compliance Issues

- If the SWCD is notified by USDA that an applicant is in violation of any Farm Bill conservation provision, then the applicant is not eligible to receive cost-share funds.
- Problems identified as part of a founded ASA complaint where the Commissioner of Agriculture has issued a corrective order are ineligible.
- Problems identified as being in violation of a state environmental law or regulation if the applicant has received an enforcement order from DEQ, unless cost-share assistance was requested to correct the problem prior to commencement of the enforcement action, are ineligible.
Resource Reviews

- Part of the Conservation Planning process used to evaluate potential impacts of BMP projects on resources of the Commonwealth (e.g. T&E species).
- Review process is required for ground disturbing BMPs receiving state funds.
- Tracking Program is set up to automatically run a query once all BMP components are digitized as required.
- SWCD is required to follow up with the appropriate agency if there is a hit when a query is run (allow 30 days).
- Documentation of the review process and any follow up documentation should be maintained in the case file.

Priority Considerations

- An application must meet one of the following Priority Considerations in order to be eligible for funding:
  - Located in the highest ranked hydrologic units
  - Field located within or upstream of an impaired stream segment (which can be found in the Tracking Program)
  - Field meets 1/3 HEL (highly erodible land) criteria
  - Application will implement a BMP within an approved Resource Management Plan
- Exceptions to the above criteria include the following Priority Practices:
  - Animal waste practices
  - Practices to protect groundwater, prevent gully erosion or critical areas (see Manual Page II-8)
Secondary Considerations

- Secondary Considerations are developed and used by SWCDs to prioritize applications that address locally identified water quality concerns.
- Consist of a set of written narrative statements accompanied by a ranking worksheet.
  - The ranking worksheet assigns numerical values to the criteria in the secondary considerations document so applications can be ranked against each other.
- Must be approved by the SWCD Board and DCR by June 30th and must remain in place throughout the entire program year; changes cannot be made during the year.

Funding Caps

- Monetary practice caps on individual practices no longer exist
- Participant cap is $100,000 per participant per fiscal year
- RMP-1 and RMP-2 do not effect this cap
**Variance Procedure**

- Process in place to allow Districts to request an exemption to the VACS participant cap when VACS dollars are already in their budget (i.e. this is not additional money!)
- Must be requested by the District Board before submittal to the DCR Variance Committee
- Eligible practices:
  - SL-6W, WP-4, WP-4B, WP-4LL, WP-4LC, WP-4SF
  - SL-6W/SL-6N combination projects
  - SL-6N/WP-4FP combination projects
  - SL-6N/SL-6F combination projects
  - SL-6/WP-4SF combination projects
  - SL-6W/WP-4SF combination projects

**Variance Committee**

- Variance requests are submitted to DCR Agricultural Incentives Program Manager who then convenes the Committee to consider the request (include a CDC and AgBMP Engineer)
- The Committee will respond to the District Board within 45 business days of the receipt of request
- Committee can ask for a field visit or require extra documentation
- The District Board can only approve the practice AFTER the Variance has been approved by DCR
Approval Process

- Estimates are completed and all applications are ranked.
- The Conservation Plan and the application is brought before the Board for approval.
- Contract Part II and the Conservation Plan must be signed and dated by a Board member.
Cost-Share Rates

- Three types of cost-share payment rates:
  - Percentage-based rate e.g. SL-6N
  - Flat per acre rate e.g. SL-8B
  - Combination of percentage-based and flat rate cost-share e.g. SL-1 practice which includes a 75% cost-share rate for eligible component costs plus a flat rate incentive payment which varies based upon lifespan.
- VACS funds can be combined/piggybacked with federal funds such as EQIP to pay the maximum cost-share rate as allowed in the VACS BMP specification.
- “Double-dipping” is not allowed, however (as noted on the Part I application)

Notification of Contract Approval

- Once approved, the SWCD must notify the participant of contract approval via written correspondence.
  - Correspondence should include the amount approved and a deadline for completion.
  - Letter can be generated from the Ag BMP Tracking Program.
- For practices where the cost of any one component is estimated to exceed $30,000, the Bid Process must be followed. See next slide.
- A copy of the correspondence and the completed Bid Solicitation Sheet (if applicable) should be maintained in the case file.
Bid Solicitation Process

- Required when the cost of any one component of a VACS contract is estimated or equal to $30,000.
- Process must be used for each component that exceeds an estimated cost of $30,000.
- Practice will be “Conditionally Approved Pending Bids” with Conditional Approval Form Letter sent.
- Bid sheet should be completed and returned in 120 days.
- Three bids required. If three bids cannot be obtained, documentation must accompany the bid sheet. Same with choosing a contractor that was not the lowest bid.
- Final Approval contingent upon receipt of the completed bid sheet; then practice will be switched to Approved status with final letter sent.

Approval of Additional Cost-Share

- If available, additional cost-share funds and/or tax credit can be approved by a SWCD for a practice that has already received approval but certain conditions must be met.
  - Unforeseen circumstances that warrant design or construction changes or additional material expenses directly related to the unforeseen circumstance (e.g. dry well)
- Any additional cost-share or tax credit granted should be documented in the Comments box in the Ag BMP Tracking Program as well as in the minutes of the SWCD Board meeting. Minutes must include the amount and the reason for the increase.
Average Cost List

• Each SWCD should annually develop an average cost list for BMP components. This is done prior to approval of first application of the fiscal year and provides the basis for estimates.
• SWCD can use the NRCS Average Cost List and make modifications so that it is more applicable locally.
  – Note: The NRCS Average Cost List is typically released around October 1 of each year. If the SWCD elects to use/modify it, then the SWCD cannot change its cost list during the fiscal year to match the new NRCS cost list.

Note on Work Completed by Producers

• For specifications where Districts pay cost-share AND the producer chooses to complete their own work, the District should have the participant turn in a bill/invoice for their work.
• Districts should have a plan to address such self-billing via their Average Cost Lists to avoid intentional or unintentional gouging.
• However, participants may claim their own time, materials, fuel cost, shipping, hauling, etc., just as a contractor’s overall pricing would reflect these items.
Cost-Share Payments

- May only be made to the entity (SSN or Tax ID #) that signs the Contract Part I Form.
- May not be split between two participants.
- Two-party or co-payee checks where two signatures are required are only allowed for lending institutions.
- IRS 1099 Form must be issued to the entity that receives a cost-share payment of $600 or more.
- May not be made until the participant AND the SWCD has certified the practice as complete and meeting standards and specifications.

Issuing AgBMP Tax Credits

- The current Virginia AgBMP Tax Credit is 25% of total eligible costs not to exceed $17,500.
- Tax credit should be Board approved prior to implementation of a practice; based on the total estimated cost.
- A Conservation Plan should be approved for the practice (required by Code of Virginia).
- Tax credit is calculated using field measures and receipts and is issued based on the lesser of the total estimated or total actual cost.
- A tax credit certificate must be provided to the participant and a copy maintained in the case file.
- For BMPs where a tax credit can be taken instead of a cost-share payment, please ensure that the form denoting such is included in the case file.
Conservation Planning Highlights

- The VACS Program supports and encourages the development and implementation of DCR Conservation Plans, USDA Conservation Plans, and Resource Management Plans on agricultural land in Virginia to provide erosion control or address water quality issues.
- BMPs may require a Conservation Plan:
  - 2021 Virginia Agricultural Cost-share, Tax Credit and CREP BMPs table
  - Prior to any cost-share payment being made to the participant, a required plan must be approved by the District Board.
- Code of Virginia (§ 58.1-339.3 and § 58.1-439.5) requires a participant to have a soil Conservation Plan approved by the local Soil and Water Conservation District in order to be eligible to receive an Agricultural BMP Tax Credit.
- Conservation Plan Table of Contents

Carryover Process

- VACS practices are split into three categories:
  - Practices with one program year completion dates eligible for carryover (see Page II-32)
  - Practices with two program year completion dates eligible for carryover (see Page II-32)
  - Practices not eligible for carryover (not listed… aka everything else)
Practices with One Program Year Completion Dates Eligible for Carryover

• So What Does This Mean?
  – Prior to June 30th, 2021, the District must assess all BMPs
  – If justified (i.e. under construction), the District Board may take formal action to extend the completion date until June 30th, 2022
  – The BMP Status in the AgBMP Tracking Module should be changed to “Carryover”
  – Practices on this list that are not completed by the end of PY21 on June 30th, 2022 will be cancelled; no further extension will be granted

<table>
<thead>
<tr>
<th>Practice Code</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>FR-4</td>
<td>Woodland Erosion Stabilization</td>
</tr>
<tr>
<td>NM-3C</td>
<td>Split Application of Nitrogen on Corn Using Pre-Sidedress Nitrate Test</td>
</tr>
<tr>
<td>NM-5N</td>
<td>Precision Nitrogen Management on Cropland - Nitrogen Application</td>
</tr>
<tr>
<td>NM-5P</td>
<td>Precision Nitrogen Management on Cropland – Phosphorous Application</td>
</tr>
<tr>
<td>RMP-1</td>
<td>Resource Management Plan Development</td>
</tr>
<tr>
<td>RMP-2</td>
<td>Resource Management Plan Implementation</td>
</tr>
<tr>
<td>SL-1</td>
<td>Long Term Vegetative Cover on Cropland</td>
</tr>
</tbody>
</table>

(May not be carried over more than two planting seasons, i.e. spring and fall.)
Practices with Two Program Year Completion Dates Eligible for Carryover

<table>
<thead>
<tr>
<th>Practices with two program year completion date eligible for carryover</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR-1 Afforestation of Crop, Hay and Pasture Land</td>
</tr>
<tr>
<td>FR-3 Wetland Buffer Filter Area</td>
</tr>
<tr>
<td>SE-1 Vegetative Stabilization of Mined Fringe Areas</td>
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<tr>
<td>SE-2 Meadowland Stabilization</td>
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<tr>
<td>SL-1 Trench Systems</td>
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<td>SL-5 Diversion</td>
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<tr>
<td>SL-6 GN Stream Exclusion with Narrow Width Buffer and Grazing Land Management</td>
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<tr>
<td>SL-8 CR Stream Exclusion with Wide Width Buffer and Grazing Land Management</td>
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<tr>
<td>SL-7 Extension of Watering Systems</td>
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<tr>
<td>SL-9 Grazing Land Management</td>
</tr>
<tr>
<td>SL-11 Permanent Vegetation Cover on Critical Areas</td>
</tr>
<tr>
<td>SL-11B Farm Road Animal Travel Lane, Heavy Use Area Stabilization</td>
</tr>
<tr>
<td>WP-1 Sediment Retention, Erosion or Water Control Structures</td>
</tr>
<tr>
<td>WP-2A Streambank Stabilization</td>
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<tr>
<td>WP-2B Stream Crossflow &amp; Hardened Access</td>
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<tr>
<td>WP-2C Stream Channel Stabilization</td>
</tr>
<tr>
<td>WP-2D Stress Protection (Grazing with Narrow Width Buffer)</td>
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<tr>
<td>WP-2F Stress Protection (Grazing with Wide Width Buffer)</td>
</tr>
<tr>
<td>WP-3 Sod Waterway</td>
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<tr>
<td>WP-4 Animal Waste Control Facilities</td>
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<tr>
<td>WP-4B Dairy Lending Lot Management System</td>
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<tr>
<td>WP-4C Composting Facilities</td>
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<tr>
<td>WP-4F Animal Mortuary Incinerator Facilities</td>
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<tr>
<td>WP-5 Stormwater Retention Pool</td>
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<tr>
<td>WP-6 Agricultural, Chemigation &amp; Foremost Neatling Facility</td>
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<tr>
<td>WP-7 Surface Water Related Impoundment for Water Quality</td>
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<tr>
<td>WQ-1 Water Table Control Structures</td>
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<tr>
<td>WQ-11 Agricultural Subsidy Protection</td>
</tr>
</tbody>
</table>

SL-6W Carryover Example

- SL-6W signs up in March 2021 (PY2021)
  - Should be carried over by District into PY2022 (2nd PY) starting July 1, 2021; no formal Board motion is required
  - Not done by June 30th, 2022? The District Board (with justification) can approve a Carryover into FY2023 (3rd PY)
SL-6W Carryover Example

– Still not done by June 30th, 2023? District can request a Carryover from DCR for moving the project into PY2024 (4th PY)
– If this DCR-approved Carryover is granted, the project must be completed or cancelled by the end of the 4th PY
– No further Carryovers will be granted

BMP Lifespan/Maintenance Requirements

• Responsible for maintenance of the BMP for the full length of the lifespan
  – Lifespan begins on January 1 of the year following BMP installation
• Changes in control of land such as sale or loss of lease do not exempt a participant from maintenance reqts
  – Encourage long term written lease agreements for BMPs with long lifespan requirements or encourage the owner to sign up for the BMP rather than the lessee
• In the case of participant death, the SWCD Board can waive the maintenance requirement
Verifications

- Conducted annually by SWCD staff and DCR
- Inspection of BMPs in lifespan to ensure they are functioning and maintained
- Randomly selected by DCR
- DCR Engineering Services available for help as needed
- Additional verifications may be added by the SWCD at any time during the year (if needed)

Damaged/Destroyed Practices

- Responsibility of the participant
- Once a practice is found to need maintenance or is destroyed, the SWCD must:
  - Verbally contact the participant and provide notification of the deficiency. Document the date and the conversation in the conservation planning notes in the case file.
  - Provide written notice within two weeks via certified mail. Written notice should include the nature of the deficiency and the time allowed to bring the contract back into compliance, noting that repayment will be required if the contract is not brought back into compliance. A copy should be maintained in the case file.
Damaged/Destroyed Practices

- The SWCD can provide the participant with up to six months grace period for practice compliance.
- At the close of the grace period, the practice must be reinspected. If the deficiency has not been corrected, the SWCD will provide written notice that repayment of funds is required in 60 days. A copy should be maintained in the case file.
- If repayment is not received or deficiencies corrected in 60 days, the SWCD will contact the OAG for assistance in reclaiming funds.
- Tax credit must be returned for the Virginia Dept of Taxation
- Calculation for return of funds is based on a prorated formula (see Manual)

Hardship Process

- Utilized in highly unusual situations where a participant requests that the Board forgive repayment of cost-share funds
  - Life-threatening illness, bankruptcy, or other highly unusual situation
- SWCD Board must determine that due to highly unusual circumstances beyond the participant’s control, it is reasonable to forgive repayment of funds in whole or partially; the District may in turn suggest solutions to DCR.
- All hardship requests shall be submitted to DCR’s Ag Incentives Program Manager with a carbon copy to the CDC. An ad hoc committee will decide whether to grant hardship.
Practice Failures - Weather

• For certified practices that fail due to weather conditions such as drought, floods or tornadoes
• Participant may request additional cost-share in future sign-up periods
• Resets BMP instance lifespan
• Must be approved by Ag. Incentives Program Mgr
• See Manual for further details

Extreme Act of Nature (EAN) for SL-8B Only

• District Board of Directors (BOD) may authorize a one-time per planting season extension of 14 days beyond the standard planting dates cited within the practice specifications.
• When the standard planting dates are extended, so too are the corresponding performance criteria.
• Once planted, those cover crops must satisfy the required performance criteria included in the practice specification (e.g. 60% cover)
Extreme Act of Nature (EAN) for SL-8B Only

- BOD actions for extension must have supporting EAN documentation.
- The following two options allow the BOD to approve an extension for an entire county, city, or multiple jurisdictions. These documents are:
  - Documentation of the Governor’s request for a disaster designation
  - Documentation of a Farm Service Agency (FSA) disaster declaration
- In either case, the disaster declaration must directly impact the germination or growth of cover crops in the counties or cities included in the designation.

EAN for SL-8B Only continued

- If there is no disaster declaration request from the Governor or disaster declaration issued by the FSA, the BOD may extend planting and performance criteria dates at a hydrologic unit code (HUC) level. To do so, the BOD must have both:
  - Documentation from a local credible source such as the local Virginia Cooperative Extension Agent or AREC which clearly references the unusual EAN circumstances and their impact to the HUC(s) in question
  - Documentation from a professionally recognized climatology expert which clearly references the unusual EAN circumstance in the HUCs being considered for an extension (e.g. State Climatology Office, United States Drought Monitor, Palmer Drought Severity Index)
EAN for SL-8B Only continued

- As stated before, the BOD may grant an EAN for one or more HUCs within their District boundaries that applies to all SL-8B practices that are wholly within those HUCs.
- DCR’s Ag. Incentives Program Mgr must be notified.
- Farmers need not formally apply; records should be kept for all impacted case files.
- All farmers should be reminded that the performance criteria will also be pushed back by 14 days, but the 60% cover metric still must be met in order for the farmer to be paid.

EAN for other Cover Crop Practices

- Includes SL-8H, NM-7, and WQ-4
- The Director of the Department of Conservation and Recreation (DCR) in consultation with the Virginia Soil and Water Conservation Board (VSWCB) may authorize District Boards to provide an extension for certain planting dates of up to 14 days beyond the planting date.
- Practices must satisfy required criteria included in practice spec.
An Intro to Key VACS Practices

- Stream Protection/Exclusion
- Forestry
- Nutrient Management
- Long Term Vegetative Cover
- Cover Crops
- Critical Areas
- Sod Waterway
- Animal Waste Control Facility

Stream Exclusion

Credit: Headwaters SWCD
SL-6N/SL-6W Stream Exclusion with Grazing Land Management

- Require stream exclusion fencing and an off-stream watering facility
- Includes a grazing management plan if more than three grazing units are created by installation of interior fencing
- Limited to pastureland that borders a live stream, CBPA-RPA, or in cases of severe environmental degradation occurring in and around springs, seeps, ponds, wetlands, sinkholes, etc.

SL-6N/SL-6W Stream Exclusion with Grazing Land Management

- Connected features should be included in the buffer with the minimum setback distance met
- Isolated features may be fenced, but do not require full buffer
- Grazing (including flash grazing) and haying are not allowed in the buffer; buffer payments must be paid back in full if the participant is caught flash grazing
- When participant owns both sides of the stream, the livestock must be fenced out from both sides
- No cost-share/tax credit allowed for any installation of interior fencing and watering facilities to distribute grazing in fields not receiving exclusion fence. (Applicant may apply for SL-7).
“N and W”

- SL-6, WP-2 and CCI practices have been split into “N and W” versions
- N = “Narrow” buffer options <35 feet
- W = “Wide” buffer options 35+ feet
- Wide buffer options include a buffer payment (for a max of 10 acres) as well as cost-share, whereas narrow buffer options include cost-share only

### SL-6W Stream Exclusion with Wide Width Buffer and Grazing Land Management

<table>
<thead>
<tr>
<th>Minimum fence setback (from the top of streambank)</th>
<th>Lifespan</th>
<th>Cost-share rate</th>
<th>Buffer payment rate</th>
<th>Buffer payment cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>50'</td>
<td>15 years</td>
<td>100%</td>
<td>$80 per acre per year</td>
<td>$12,000 per contract</td>
</tr>
<tr>
<td></td>
<td>10 years</td>
<td>95%</td>
<td>$80 per acre per year</td>
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<td>35'</td>
<td>15 years</td>
<td>90%</td>
<td>$80 per acre per year</td>
<td>$12,000 per contract</td>
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<tr>
<td></td>
<td>10 years</td>
<td>85%</td>
<td>$80 per acre per year</td>
<td>$8,000 per contract</td>
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SL-6N Stream Exclusion with Narrow Width Buffer and Grazing Land Management

<table>
<thead>
<tr>
<th>Minimum fence setback (from the top of streambank)</th>
<th>Lifespan</th>
<th>Cost-share rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>25'</td>
<td>15 years</td>
<td>75%</td>
</tr>
<tr>
<td>10'</td>
<td>15 years</td>
<td>65%</td>
</tr>
<tr>
<td></td>
<td>10 years</td>
<td>60%</td>
</tr>
</tbody>
</table>

Stream Exclusion Examples
Properly Installed Waterers

WP-2N/WP-2W Stream Protection

- Protects streams by fencing out livestock except for at stream crossings and/or hardened limited access points.
- Watering systems are not eligible (would use an SL-6N/SL-6W)
- Grazing (including flash grazing) and haying are not allowed in the buffer
- When participant owns both sides of the stream, the livestock must be fenced out from both sides
WP-2W Stream Protection (Fencing with Wide Width Buffer)
For stream protection without watering system (i.e. using limited access).

<table>
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<th>Buffer payment rate</th>
<th>Buffer payment cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>35'</td>
<td>10 years</td>
<td>80%</td>
<td>$80 per acre per year</td>
<td>$8,000 per contract</td>
</tr>
<tr>
<td></td>
<td>5 years</td>
<td>75%</td>
<td>$80 per acre per year</td>
<td>$4,000 per contract</td>
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</tbody>
</table>

WP-2N Stream Protection (Fencing with Narrow Width Buffer)
For stream protection without watering system (i.e. using limited access).

<table>
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<th>Lifespan</th>
<th>Cost-share rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>25'</td>
<td>10 years</td>
<td>70%</td>
</tr>
<tr>
<td></td>
<td>5 years</td>
<td>65%</td>
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<tr>
<td>10'</td>
<td>10 years</td>
<td>60%</td>
</tr>
<tr>
<td></td>
<td>5 years</td>
<td>55%</td>
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</table>
Stream Crossings and Hardened Limited Access

SL-7 Extension Of Watering Systems

- For farms where livestock are previously excluded or concurrently excluded with a minimum 10’ or 35’ setback from all surface waters
- Can be used in addition to stream exclusion practices which do not authorize cost-share for any installation that is for interior fencing and watering facilities to distribute grazing in fields not receiving exclusion fence.
SL-7 Extension Of Watering Systems

- Cost-share on infrastructure to facilitate rotational grazing in fields where livestock are previously or concurrently excluded with a minimum 10’ or 35’ setback
- 10 year practice lifespan
- 50% or 75% cost-share options

CCI Highlights

- CCI = Continuing Conservation Initiative
- Meant to keep track of stream exclusion practices while also offering maintenance help to the farmer
- There are now five CCI options for stream fencing:
  - CCI-SL-6N = <35 ft buffers with exclusion & watering system
  - CCI-SL-6W = 35+ ft buffers with exclusion & watering system
  - CCI-WP-2N = <35 ft buffers with protection and limited access
  - CCI-WP-2W = 35+ ft buffers with protection and limited access
  - CCI-SE-1 = <10 ft buffer with top of bank fencing
CCI Highlights

• No minimum fencing or other standards required
• Practices merely need to be working and effective in judgment of the Conservation Planner
• Practices must not be in lifespan from any other conservation program

Forestry Practices

Credit: Chesapeake Bay Program
Forestry Practices:  
General Notes for FR-1 & FR-3

- Land must have been in crop, hay or pastureland production 2 out of past 5 years to be eligible; VACS does not cover replanting of cutovers
- DOF Forester will develop Form 7.8 plan specifying tree species and density
- Plantings must be protected from grazing
- Not authorized for Christmas tree production
- Failures: SWCD must be notified within 6 months of the failure; cost-share available one time to address failure due to circumstances outside of participant control

FR-1 Afforestation of Crop, Hay and Pastureland

- Essentially whole field conversion; land use change
- State per acre rates substantially increased in FY20:
  - $100/acre for 10 year lifespan
  - $150/acre for 15 year lifespan
  - Plus 75% cost-share on eligible costs

Credit: flickr.com
FR-3 Woodland Buffer Filter Area

- For planting hardwoods and/or conifers on a minimum of 35 feet from the edge of the streambank (up to the width of the entire floodplain, capped at 100 feet)
- Cannot be used for whole fields (see FR-1)
- State cost-share rate substantially increased to 95% on eligible components in FY 20, but buffer rates haven’t changed:
  - Conifers: $100/acre for a 10 year lifespan and $150/acre for a 15 year lifespan
  - Hardwoods: $100/acre for a 10 year lifespan and $250 for a 15 year lifespan

Credit: bayjournal.com

Nutrient Management Practices

Credit: ingenia.org
NM-1A Nutrient Management Plan Writing and Revisions

- Used for the development of a new NMP or the revision of an existing plan
- Applies to crop, hay, pasture and specialty crop lands
- Plan must cover at least 12 months of crop and management practices
- Must be developed based on recent soil samples within three years prior to the start date of the plan
- Participants may redirect cost-share to a private certified NM Planner by signing a written statement (in Manual)

Precision Practices: NM-5N and NM-5P

- Used for precision nitrogen or phosphorus applications according to a NMP based off of nutrient testing (e.g. PSNT, soil test, etc.)
- Include various precision technologies such as variable rate, zone application, multiple split applications and injection.
Long Term Cover and Cover Crops

SL-1 Long Term Vegetative Cover on Cropland

- Establishes grass and/or legume vegetation on cropland with existing cover of less than 60%
- 3 year minimum cropping history required
- Each field is eligible to receive cost-share and tax credit one time under the same ownership
- Cannot be used to reseed or improve hay or pastureland
- Lifespan: 5, 10 or 15 year options for farmer
- 75% cost-share rate on eligible components + an incentive payment of $25, $100 or $150/acre depending on chosen lifespan
Cover Crop Practices

- SL-8, SL-8B, SL-8H and WQ-4 are all commonly used to establish vegetative cover on cropland to reduce erosion and loss of nutrients
- Annual practices; can sign up every year
- Farmer can elect for cost-share or tax credit, but not both
- Seed types, rates and planting dates all prescribed
- NMP Required
- No nutrients allowed at planting
- Requires multiple field checks (planting & end of season)

SL-8B Small Grain and Mixed Cover Crop for Nutrient Management & Residue Management

- Flat rate per acre payment OR tax credit only; not both.
  - $20 per acre
  - $30 per acre early planting bonus
  - $10 per acre bonus for planting rye from the cultivars listed in the Manual
- Minimum of 60% cover must be obtained by Dec 1.
- SWCDs must check each field
SL-8B Small Grain and Mixed Cover Crop for Nutrient Management & Residue Management

- 60% cover required to be maintained through March 14; pasturing is permitted as long as 60% cover is maintained thru March 14.
- Harvesting for hay, haylage, silage, grain, straw or seed is not permitted.
- Crop must be killed by grazing, mechanical or chemical means no earlier than March 15 and no later than June 1. Residue may be left or tilled under.
- If producers anticipate a need for additional harvest, they should be applying for SL-8H instead.

SL-8H Harvestable Cover Crop

- $20 per acre flat rate payment OR tax credit only; not both
- Manure can be used on up to 300 acres but must meet conditions listed in the Manual
- Minimum of 60% cover must be obtained by Dec 1.
- SWCDs must check each field.
SL-8H Harvestable Cover Crop

- 60% cover required to be maintained through March 14; pasturing is permitted as long as 60% cover is maintained thru March 14
- Harvesting for hay, haylage, silage, grain, straw or seed is permitted after March 14
- Crop may also be tilled or left in field at that point

SL-11: Permanent Vegetative Cover on Critical Areas

- For stabilizing critically eroding areas, thus reducing the movement of sediment and nutrients from the site
- Allows for grading, shaping, filling, grass and/or tree establishment
- Not to be used in areas where water concentrates and flows
- Not interchangeable with WP-3 Sod Waterway, which requires Engineering
- 75% cost-share rate with tax credit
- Minimum of 5 year lifespan
WP-3 Sod Waterway

• Reduces the movement of sediment and nutrients via concentrated flow from cropfields into water bodies
• Requires engineering!
  – Know when to use a WP-3 and a SL-11; if you do not know, ask DCR Ag BMP Engineering Services for assistance in determining the correct practice (this goes back to I&E)
• Site preparation, grading, shaping, filling and establishing permanent vegetation
• 75% cost-share with tax credit
• 10 year lifespan

WP-3 versus SL-11

The Difference?

Concentrated flow is causing the erosion for the potential grassed waterway.
WP-4 Animal Waste Control Facilities

- A planned system designed to manage liquid and/or solid waste from areas where livestock or poultry are confined
- First step: Determine if feeding area can be moved to another location to address the resource concern; if the owner does not want to relocate based on location it is not acceptable to continue for producer convenience… “least cost, technically feasible”
- Consider all existing waste storage facilities when sizing the new storage facility as long as the facility is structurally sound.
- Number of livestock that would be used to design the animal waste control facility must be present before cost-share consideration is given
- 15 Year Lifespan; 75% Cost-Share

Examples: Bedded Pack

[Images of bedded pack]
Examples: Litter Shed and Composter (WP-4C)

Examples: Manure Lagoon
WP-4B Dairy Loafing Lot Management System

- Similar requirements to WP-4
- For dairy only, provides a loose housing facility plus a minimum of three grassed loafing lots
- Free stalls are not least cost, technically feasible
- 15 Year Lifespan
- 75% Cost-Share with Tax Credit

Examples: Dairies
Examples: Dairy Bedded Pack

PY21 Expansion of WP-4 Options

• In PY21, DCR expanded the WP-4 Animal Waste Control Facilities to the following:
  – WP-4LC -> For livestock in confinement
  – WP-4LL -> For non-bovine loafing lot systems
  – WP-4FP -> For feeding pads
  – WP-4SF -> For seasonal feeding facilities
QUESTIONS?

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