

Name of Practice: STREAM EXCLUSION WITH GRAZING LAND MANAGEMENT
DCR Specifications for No. SL-6

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's stream exclusion with grazing land management best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

A structural and/or management practice that will enhance or protect vegetative cover to reduce runoff of sediment and nutrients from grazing livestock on existing pastureland through livestock exclusion.

Provide livestock water systems, fencing and/or a hardened pad for winter-feeding that will improve water quality control erosion and eliminate direct access to or a direct runoff input to live streams where there is a defined water quality problem. **Stream exclusion fencing is a required component of this practice.** Rotational grazing is an optional enhancement of this practice. The exclusion and/or rotational grazing system receiving cost share should reflect the least cost, technically feasible, environmentally effective approach to resolve the existing water quality problem.

B. Policies and Specifications

1. State cost-share and tax credit on this practice are limited to pastureland that borders a live stream or Chesapeake Bay Preservation Act Resource Protection Area as defined by local ordinance. An exception to this may be granted in cases of severe environmental degradation occurring in and around features such as: springs, seeps, ponds, wetlands, or sinkholes, etc.
2. An applicant may not apply for or receive cost share funds for SL-6 and SL-7 or CRSL-6 and SL-6 practices funded by the Virginia Agricultural Best Management Practices Cost Share Program on the same fields.
3. A written management plan, to include a rotational grazing component if more than three new grazing units are created by the installation of interior fencing, and operation and maintenance plans must be prepared and followed in accordance with NRCS FOTG. Factors to be addressed in the management plan should include water sources, environmental impact of winter-feeding pad location, runoff from the feeding pad area, soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land and rotational schedules.
4. Grazing (including flash grazing) is not allowed in the protected riparian area during the lifespan of this practice. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.

5. To protect stream banks, state cost-share and tax credit are authorized for:
 - i. Fencing to restrict stream access in connection with newly developed watering facilities. The stream exclusion fence must be placed a minimum of 35 feet away from the stream, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
 - a. Wetlands, intermittent spring seeps and gullies adjacent to streams should be included in the buffer area. Isolated seeps, springs or wetlands may be fenced as well.
 - ii. Stream crossings for grazing distribution or limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.
 - iii. Fence chargers used to electrify permanent or temporary fencing.

6. To supply an alternative watering system to grazing livestock, state cost-share and tax credit are authorized for:
 - i. Watering developments including:
 - a. Wells, including a permanently affixed pump and pumping accessories;
 - I) Districts may approve cost-share for dry wells and/or well location studies (geotechnical surveys) for the development of an alternative watering systems on a case by case basis and at the discretion of the District's Board.
 - II) Pumps and equipment associated with portable and permanent watering systems. Pumps may operate on purchased electrical current or alternative energy sources such as solar, battery, mechanical or hydraulic energy. The selected pump and associated equipment should be the most cost effective for the specific site and application. The replacement costs of pumps and pumping equipment components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.
 - b. Connection to existing water supply
 - c. Development of springs, seeps, or stream pickups, including fencing of the area, where needed, to protect the development from pollution by livestock;
 - d. Ponds (if the only cost effective and technically feasible alternative for water source) including fencing of the area, where needed, to protect the development from pollution by livestock
 - e. Pumps and equipment associated with permanent watering systems.
 - ii. Watering facilities including:
 - a. troughs,
 - b. tanks/storage facilities/cisterns,
 - c. hydrants
 - iii. Pipelines to convey water to watering facilities.
 - iv. Stream crossings for limited water access as long as the fencing adjacent to the crossing restricts access to the excluded area.

- v. Portable water supply system components such as troughs, pipe, etc. that are:
 - a. Commercially available or farmer constructed,
 - b. Large enough to provide a timely and sufficient volume of water for the livestock to be contained in a specific area for which the system is designed,
 - c. Capable of being maintained in a stable position and protected from any damage while the system or component is in use, and
 - d. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
7. To establish pasture management through rotational grazing, state cost-share and tax credit are authorized for:
- i. Interior fencing and watering facilities that distribute grazing to improve water quality, when combined with the livestock exclusion component of this practice on an adjacent stream or sensitive feature. Consideration must be given, in such cases, to the additional management requirements of such systems.
 - ii. When more than three new grazing units are created by the installation of interior cross fencing, a written grazing management plan must be prepared and implemented. Input from the participant during the development of the plan is required.
8. To develop a hardened pad for winter-feeding of livestock state cost-share and tax credit are authorized for:
- i. Grading and shaping, geotextile fabric, gravel, concrete or bituminous concrete.
 - ii. The winter-feeding hardened pad will be cost shared based upon the existing herd size. Cost-share funds cannot be used to accommodate expansion of the herd size.
 - iii. All other means of reducing the environmental impact of the winter-feeding operation must be explored and rejected, due to economic inefficiency or lack of space for relocation, before cost-share or tax credit can be approved.
 - iv. Cost-share funding for a hardened winter-feeding pad will only be authorized after the “Needs Determination Worksheet” has been completed, and all other methods of resolving the water quality degradation have been considered.
 - v. A nutrient management plan is required to properly manage the manure collected from around the feeding pad that addresses all enriched runoff and manure accumulations associated with the winter-feeding pad.
9. Portable or temporary system components (fencing, etc.) cannot be utilized in other areas or moved from fields utilized in the system plan. The replacement costs of portable components which fail to function properly during the lifespan of the practice are considered maintenance expenses and are the responsibility of the participant.

10. The conservation planning process for developing an alternative watering system for livestock should include consideration of some means to provide water to the livestock during emergency conditions. Generators may not receive cost-share.
11. The primary water use of the components which were installed with state cost-share and tax credit must be for the purpose of providing water for livestock; however, incidental use is not prohibited. State cost-share and tax credit is not permitted for any electrical, structural, or plumbing supplies, including pipe, or associated construction costs for developing any incidental use. When an incidental use is anticipated, the District Board should consider the applicant's intent before approving the request. Incidental use will be documented in the applicant's file
12. No state cost-share and tax credit is authorized under the practice for any installation that is:
 - i. PRIMARILY for wildlife, dry lot feeding, barn lots, or barns.
 - ii. To make it possible to graze crop residues, field borders, or temporary or supplemental pasture crops.
 - iii. For boundary fencing or water supply systems used to establish new pastures not currently in use.
 - iv. For the purpose of providing water for the farm or ranch headquarters.
13. Soil loss rates must be computed for all applications for use in establishing priorities for receiving cost share funds.
14. All permits or approvals necessary are the responsibility of the applicant.
15. This practice is subject to NRCS Standards, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 516 Livestock Pipeline, 533 Pumping Plant, 561 Heavy Use Area Protection, 574 Spring Development, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility and 642 Water Well.
16. All practice components implemented must be maintained for a minimum of 10 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

C. Rate(s)

1. The state cost-share payment shall not exceed 80% of the eligible actual or estimated cost, whichever is less.
2. The maximum state cost-share payment for this practice will be \$70,000. Multiple SL-6s may be funded in the same program year up to the \$70,000 cap.

Participants receiving \$70,000 in cost-share funds for SL-6 practices shall not be eligible for any additional cost-share funds for any other cost-share practices in the same program year.

3. Examples:
 - i. If total SL-6 payments are equal to \$70,000 then no additional VACS for any other cost-share practices is allowed.
 - ii. If SL-6 payments are \$60,000, then \$10,000 would remain available for additional SL-6s, or \$10,000 would remain available for WP-4 and/or WP-4B but \$0 for other VACS practices.
 - iii. If SL-6 payments are \$40,000, then \$10,000 would remain available for other VACS practices, or \$30,000 for additional SL-6s, or WP-4 and/or WP-4B practices.
4. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00.
5. If a participant receives cost-share from any source (state, federal, or private), only the percent of the total cost of the project that the applicant contributed is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as described above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised. March, 2018

**Needs Determination Worksheet for Winter-Feeding Pad
for _____ project**

(To be completed by the conservationist; Use additional sheets as necessary)

This practice is not designed to be cost-shared as a stand-alone practice, but rather as a component to address a limited site specific situation, where an existing concentrated feeding location, due to its proximity to surface water or karst formations, concentrates manure and generates contaminated runoff that cannot be treated in a more cost-effective manner (including relocation of existing feeding site and fencing of stream buffers). All other potential more cost-effective approaches to reducing the water quality impact from the existing feeding operation must be implemented prior to consideration of construction of a winter-feeding pad (see Policies and Specification section B 6.)

Describe the current water quality problem? Have all other more cost-effective BMP approaches been implemented? If not do not provide cost-share. List approaches that have been considered.

Is there another location (further from the stream) that this feeding operation might be relocated to? If there is, relocate there and do not provide cost-share or provide environmental reasons why it cannot be relocated.

How many and what types of livestock will be fed at the facility? This facility should not be approved for cost-share unless a significant nutrient or bacterial contamination issue can only be cost-effectively resolved through the construction of the feeding pad. Explain the source and document the bacterial contamination being treated.

Is there an existing vegetated buffer between current the winter-feeding location and the closest waterway, are livestock excluded from the buffer and water feature? If animals have not been excluded from all water features on this tract, do not provide cost-share.

Describe the condition of the riparian area (starting at the top of the bank and proceeding upland for a minimum of 200 feet). If there is sufficient buffer width (200') that adequately treats contaminated run-off before it reaches the stream, do not provide cost-share.

How much pasture, hay land and cropland is available in this operation where the stored manure may be spread? If the available land cannot handle the anticipated amount of manure generated a plan must be developed for disposing of the manure in a manner consistent with existing nutrient management techniques.

Pasture acres _____ Hay acres _____ Cropland _____

What level of conservation planning has been accomplished on your operation?

What level of Conservation Plan implementation is in place on this operation?

Will the establishment of a winter-feeding pad in conjunction with stream fencing resolve all erosion, and bacterial contamination issues associated with this grazing system and feeding operation (including potential contaminated runoff from the winter feeding facility)? **If not, do not provide cost –share funds.**

Completed by:

Signature

Date

Title