

Name of Practice: ALTERNATIVE WATER SYSTEM  
DCR Specifications for No. SL-6B

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's alternative water system best management practice, that are applicable to all contracts, entered into with respect to that practice.

A. Description and Purpose

A structural practice that will provide an alternative water source for livestock to reduce direct deposition of animal waste to waterways. This practice may reduce stream bank erosion and livestock waste reaching the stream.

To provide a livestock watering system, and/or fencing that will improve water quality by discouraging animal access to streams for watering where there is a defined water quality problem. Stream exclusion fencing is an optional component of this practice. The system receiving tax-credit should reflect the least cost, technically feasible, environmentally effective approach to resolve the existing water quality problem.

B. Policies and Specifications

1. Tax-credit on this practice is limited to pastureland that borders a live stream or Chesapeake Bay Preservation Act Resource Protection Area as defined by local ordinance. Exception to this may be granted in cases of severe environmental degradation occurring in and around features such as, seeps, ponds, wetlands, or sinkholes, etc.
2. To protect stream banks, a state tax credit is authorized for:
  - i. Fencing to exclude livestock from a stream or waterway is eligible for a tax credit as a stand-alone component or in combination with an alternative water system of this best management practice, no minimum setback distance is required, however the fence must be maintained for the life of the practice.
  - ii. Hardened stream crossings for livestock watering and grazing distribution, so long as the crossing restricts access to the stream in those fields serviced by the hardened access.
  - iii. Fence chargers used to electrify permanent or temporary fencing.
3. To supply water, state tax credit is authorized for:
  - i. Construction or deepening of wells if it is the only technically feasible alternative for a water source.
  - ii. Development of springs or seeps, including fencing of the area, where needed, to protect the development from pollution by livestock.
  - iii. Construction or repair of dugouts, dams, pits, or 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.
- iv. Installing pipelines, storage facilities, cisterns, and troughs.
  - v. A water supply system can include a portable system to meet the management requirements necessary for systems operation rather than a large number of permanent water facilities.
  - vi. Wells must be provided with pumping equipment (except for artesian wells) and adequate facilities. Tax credits may be issued in connection with wells for pipe installed in the well (including the casing), pumps, pumping equipment, and well houses.  
Districts may authorize tax credit 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.
  - vii. 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.
4. 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. A portable water supply system is any system or component (i.e. trough, pipe, etc.) that is:
- i. Commercially available or farmer constructed,
  - ii. 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,
  - iii. Capable of being maintained in a stable position and protected from any damage while the system or component is in use, and
  - iv. Capable of being moved in a timely manner from one location to another within the acreage for which the system is designed.
5. The primary water use of the components which were installed with a state tax credit must be for the purpose of providing water for livestock; however, incidental use is not prohibited. State 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.

6. No state 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.
7. Soil loss rates must be computed for all applications for use in establishing priorities for receiving tax-credit funds.
8. All permits or approvals necessary are the responsibility of the applicant.
9. This practice is subject to NRCS Standards 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 512 Forage and Biomass Planting, 516 Livestock Pipeline, 528 Prescribed Grazing, 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.
10. 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 implementation. By accepting 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.
11. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner, and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).

C. Rate(s)

1. 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.
2. If an applicant receives any funding assistance, only the amount 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 identified 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