

Name of Practice:  
STREAM PROTECTION (FENCING WITH WIDE WIDTH BUFFER)  
VACS Program Specifications for No. WP-2W

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Stream Protection best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice provides stream protection by fencing along all live streams or live water in a field, to reduce erosion, sedimentation, and the pollution of water from agricultural nonpoint sources.

The purpose of this practice is to offer an incentive that will change land use or improve management techniques to more effectively control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for:

- i. Permanent fencing to protect streambanks from damage by domestic livestock. Cost-share may be authorized for fencing as a single eligible component that stands alone as a measure that will significantly improve water quality.
- ii. Providing access to water for livestock by installing livestock crossings that will retard sedimentation and pollution. When no other water source is feasible or exists, a controlled hardened access may be used to provide livestock access to the water. The installation of livestock crossings and controlled hardened accesses is limited to small streams. When required, permits must be obtained by the applicant from authorities before the practice will be approved.
- iii. Fencing, as a single eligible component, only if all of the following apply:
  - a. The minimum fence setback from the stream must be at least 35 feet, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses.
  - b. Wetlands, intermittent springs, seeps and gullies adjacent to streams should be included in the buffer area. Isolated seeps, springs or wetlands may be fenced as well.
  - c. There is adequate natural or planted vegetation between the fence and the stream to serve as an effective filter strip to improve water quality.

2. The buffer must be maintained as perennial species for the practice lifespan. Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice. If at any time during practice lifespan the participant is found to be grazing (including flash grazing) their livestock in the buffer, as documented by photographic evidence, the District shall require the repayment of the entire buffer payment (i.e. non-prorated).
  - i. When both sides of the stream are under the same ownership, livestock must be excluded from both sides of the stream.
3. The intent of this stream protection practice is for the fields adjacent to the buffer to remain in pasture for the length of the contract lifespan. If any part of this practice is damaged or destroyed during contract lifespan, the participant shall be subject to pro-rated repayment per the Practice Failures section of the VACS Guidelines. If the fields adjacent to the buffer are converted to any other use during contract lifespan, those fields will be ineligible for any VACS Program funding until the stream protection practice lifespan expires or the pro-rated repayment has been made.
4. Cost-share and tax credit are not authorized for:
  - i. Boundary fencing if it is being used to bring new pasture into production. If the stream is the barrier currently confining the livestock, then fencing is allowed.
  - ii. Interior cross fencing that does not exclude livestock from the stream.
  - iii. Rebuilding of existing fence.
  - iv. Temporary fencing.
  - v. Hardened travel lanes that are not attached to a crossing or limited access.
5. 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.
6. Wildlife, environmental, and livestock shade considerations must be given when designing the practice.
7. This is a one-time incentive payment not eligible for reapplication on the same site. Lifespan requirements can be waived if damaged by flooding.
8. Soil loss rates must be computed for all practices for use in establishing priority considerations.
9. This practice phase is subject to NRCS Standards 342 Critical Area Planting, 382 Fence, 390 Riparian Herbaceous Cover, 472 Access Control, 575 Trails and Walkways and 578 Stream Crossing.

10. All practice components implemented must be maintained for a minimum of either five years or 10 years, as indicated in the table below, 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 VACS payment shall be based on the approved estimated cost or eligible actual cost, whichever is less, and shall vary by the minimum fence setback and lifespan of the practice. The buffer payment rates shall be provided for a maximum of 15 acres. The VACS payment rates including the buffer payment rates are:

<b>Minimum fence setback (from the top of streambank)</b>	<b>Lifespan</b>	<b>VACS payment rate</b>	<b>Buffer payment rate</b>	<b>Buffer payment cap</b>
35'	10 years	80%	\$80 per acre per year	\$12,000 per contract
	5 years	75%	\$80 per acre per year	\$6,000 per contract

NOTE: The buffer payment cap is the maximum a participant can be paid per tract even when multiple practices with buffer payments are approved in a given program year (for example, but not limited to, FR-3, SL-6F, SL-6W, WP-2W and WQ-1).

2. As set forth by Virginia Code, the Commonwealth currently provides a tax credit for implementation of certain agricultural best management practices as discussed in the Tax Credit Guidelines of the VACS Manual.
3. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost 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.