

Name of Practice: DIVERSIONS
DCR Specifications for No. SL-5

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

A. Description and Purpose

A channel with a supporting ridge on the lower side constructed across the general land slope.

To improve water quality by directing nutrient and sediment-laden water from large areas to sites where it can be used or disposed of safely.

B. Policies and Specifications

1. Cost-share and tax credit are authorized for:
 - i. Diversions, ditches, or dikes. Subsurface drains may be installed where necessary for the proper functioning of the diversion.
 - ii. Installation of structures such as pipe, chutes, underground outlets, or other outlets, if needed, for proper functioning of a ditch or dike, for more even flow, or to protect outlets from erosion.
 - iii. Necessary leveling and filling to permit installation on an effective system.
 - iv. Removing portions of stonewalls or hedgerows if necessary to permit establishment of the practice.
2. Cost-share and tax credit are not authorized for ditches or dikes designed to impound water for later use, or that will be a part of a regular irrigation system.
3. A protective outlet or waterway that is installed solely as an outlet for a diversion system and serves no other conservation purpose should be cost-shared as a component of this practice. A protective outlet or waterway that, by itself, solves a conservation problem, but also serves as an outlet for a diversion system, should be cost-shared under practice WP-1 or WP-3.
4. Cost-share and tax credit with the same person is limited to once on the same acreage.
5. Soil loss rates must be computed for all applications for use in establishing priority considerations.
6. This practice is subject to NRCS Standard 362 Diversions.

7. 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 SWCD 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, alone or when combined with any other cost-share program will not exceed 75 percent of the total eligible costs.
2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia law 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.
3. If a cooperator receives cost-share, only the cooperator'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 SWCD 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.

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