

Name of Practice: HARVESTABLE COVER CROP  
DCR Specifications for No. SL-8H

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

A. Description and Purpose

Tax credits are provided for the establishment of vegetative cover on cropland for protection from raindrop and wind erosion and the reduction of nutrient losses to groundwater. Alternatively, participants certifying that they do not intend to utilize any available tax credits may be eligible for cost-share funds. This cover crop may be harvested after of the requirements of this specification have been met.

This practice will provide an incentive to keep a cover on cropland, which will help prevent the loss of nutrients. The primary purpose is to reduce winter rain and wind generated erosion, a secondary purpose is to reduce the leaching of nutrients to ground water. This practice is not intended to subsidize winter crop production.

B. Policies and Specifications

1. Soil loss calculations using the presently approved NRCS calculation methodology shall be documented and included in the participant file for review during spot checks.
2. Producers must be fully implementing a current nutrient management plan prepared and signed by a Virginia certified nutrient management planner that specifies cover crops as appropriate. The plan must include all appropriate agricultural production acres contained within the tract that contains the cover crop acreage and must be on file with the local SWCD. Any cost share payments shall not be made until a current nutrient management plan is on file with the SWCD.
3. No nutrients from any sources are allowed between the harvesting of the previous crop and March 1 of the next calendar year, except that use of manure (with less than 40 lbs N. per acre tested value) on up to 300 acres is permitted if all of the following conditions are met:
  - i. animals are raised as part of the applicants operation,
  - ii. inadequate manure storage is available for the winter,
  - iii. there are no other vegetated acres available to safely utilize the manure, and
  - iv. manure is applied in accordance with a nutrient management plan prepared by a Virginia certified nutrient management planner.
4. No nutrients may be applied at planting.
5. Cost-share payments for this practice are limited to no more than **600 acres** per applicant per SWCD per year.
6. If available as set forth in Section C. 1. of this specification, cost-share is provided as a flat rate per acre incentive to encourage proper establishment of vegetative cover and to offset a portion of the cost of seed and the seeding operation.

7. A good stand and good growth of winter cover must be obtained in sufficient time to protect the area in the fall and winter, or a minimum of sixty percent (60%) of the land area must maintain sufficient cover to intercept rain drops and reduce the impact of wind generated erosion. (Ongoing research in Virginia's coastal plain indicates that a cereal grain crop with 30 plants per square foot of field planted with two tillers per plant (60 tillers per sq. ft.) by December 1 provides the optimum biomass for scavenging excess nitrogen while protecting the soil from erosion).
8. The practice is intended to provide an incentive to keep a vegetative cover on cropland, which will help prevent the loss of nutrients, by reducing surface erosion and absorbing any excess nutrients from the soil. Current research indicates that early planting of winter rye maximizes the cover crops environmental benefit in Virginia. The SL-8H is designed to provide an incentive to farmers to provide year round vegetative cover on as much acreage as possible; it is not intended to subsidize winter crops produced for commodity purposes.
9. Harvesting for hay, haylage, silage, grain, or seed is permitted after March 14. Pasturing consistent with sound agronomic management is permitted as long as 60% cover is maintained through March 14.
10. Land enrolled in this practice may not be enrolled in another state cover crop practice, and may not be converted to or from another cover crop practice.
11. Select one of following species and/or mixtures of species to plant in all soils:
 

i.	Tetraploid rye (pure stand only) .....	2 bu./acre
ii	Winter Rye (not tetraploid) .....	2 bu./acre
iii.	Winter Annual ryegrass .....	20 lbs./acre
iv.	Winter Hardy Oats or Barley .....	2 bu./acre
v.	Winter Wheat or Triticale .....	2 bu./acre
vi.	Small grain mixtures.....	1 bu./acre with
	a) legume†.....	10 lbs./acre or,
	b) Daikon, (forage or tillage) radish...	6 lb./ acre or,
	c) canola or rape .....	4 lbs./acre
vii.	Daikon, (forage or tillage radish) .....	6-8 lbs./acre°
	mixture with annual rye grass .....	10 lbs./acre
viii.	Winter-hardy <i>Brassica</i> (canola/rape).....	5 -7 lbs./acre°
	mixture with annual rye grass .....	10 lbs./acre

† legume = Crimson Clover, Austrian Winter Pea or Hairy Vetch

°Use higher seeding rates for pure stands and lower seeding rates for mixed species plantings.

Higher seeding rates are recommended for aerial seeding.

12. Seeding of all seed types must be planted by the dates listed below:
 

i.	Cities of Chesapeake and VA Beach.....	<b>November 10</b>
ii.	Coastal Plain.....	<b>October 25</b>
iii.	Piedmont.....	<b>October 10</b>
iv.	Mountain and Valley.....	<b>October 5</b>

13. All seed must be free of prohibited noxious weed seed, have a minimum germination rate of 80% and have no more than 16 restricted noxious weed seeds per pound. If the grower elects to use home grown seed, it must be tested for purity, germination and noxious weeds prior to seeding by a recognized seed laboratory.
14. In order to be eligible for cost-share or tax credit, nutrient management plans must be prepared by a certified planner who holds a current Nutrient Management Planner Certificate issued by the Virginia Department of Conservation and Recreation. Nutrient Management Plans must be written to comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4 VAC 50-85-10 et seq.) and the criteria set forth in the Virginia Nutrient Management Standards and Criteria, revised July 2014.
15. In all cases, this practice is subject to NRCS standard 340.
16. The cover crop residue may be left on the field for conservation purposes; or the cover crop or its residue may be tilled under; or the cover crop may be harvested after March 14.

C. Rate(s)

1. For participants who certify in writing that they will not utilize the tax credit set forth above with regard to the implementation of this practice and who are not receiving payment for cover crops from another source on the same acreage, a state cost-share payment rate of **\$20** per acre is available. SWCDs should not issue cost-share funds if a good stand and good growth of winter cover is not obtained before December 1 and maintained through March 14. (See suggested language included with this specification.)
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. The cost of fertilizer may not be considered when calculating the participant's tax credit. Participants may receive either a cost-share payment or a tax credit for implementation of this practice but not both on the same acre.

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.

Revised March, 2017

Certification from an Agricultural Best Management Practice Participant that  
a Tax Credit will not be Utilized

I, \_\_\_\_\_ hereby certify that I will not claim the tax credit which is available for participation in the Harvestable Cover Crop, SL-8H practice, and therefore I am eligible for cost-share funding available under that practice for participants who do not wish to utilize the tax credit. I understand that any cost-share funds received must be returned should I claim the tax credit.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_