

Name of Practice: CREP STREAM EXCLUSION
DCR Specifications for No. CRSL-6

Only implemented under CREP

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's CREP stream exclusion 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 existing pastureland and reduce NPS pollution associated with grazing livestock.

The purpose of this practice is to provide livestock watering systems and fencing that will improve water quality by eliminating direct access 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.** The system receiving state cost-share and tax credit should reflect the least costly, most 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 FSA approved CREP projects.
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 and operation and maintenance plans must be prepared and followed in accordance with NRCS FOTG. Factors to be addressed should include water sources, environmental impacts of soil fertility maintenance, access lanes, fencing needs, wetlands, minimum cover or grazing heights, carrying capacity of the land and rotational schedules.
4. Flash grazing (allowing livestock to graze the excluded riparian area) is **NOT** allowed during the lifespan of this practice.
5. To protect stream banks and CREP buffer areas, state cost-share and tax credit are authorized for:
 - i. Permanent stream exclusion fencing, to restrict access to the stream and the CREP buffer area in connection with newly-developed watering facilities. The stream exclusion fence must be:

- a. placed a minimum of 35-feet away from the top of the streambank, except as designed in areas immediately adjacent to livestock crossings and controlled hardened accesses;
 - b. installed parallel and adjacent to the CRP acreage;
 - c. necessary to prohibit livestock access to the CRP contract acres devoted to the riparian buffers.
 - ii. Stream crossings for grazing distribution, as long as the crossing restricts access to the excluded area.
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;
 - 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. Livestock crossings **only** if the crossing is essential
7. This practice is not intended to establish pasture management. A rotational grazing system may be installed in conjunction with CREP stream exclusion fencing and alternative watering systems. Rotational grazing components may be funded utilizing Virginia Agricultural Best Management Practices Cost-Share Program (VACS) funds as follows:
- i. Within the CREP eligible areas, a simultaneously planned SL-7 practice may be used to develop a rotational grazing system where judged appropriate and feasible by the local technical authority (see the SL-7 specification for requirements). Consideration must be given, in such cases, to the additional management requirements of such systems.
 - ii. An applicant may not apply for or receive cost share funds for SL-6 and SL-7 practices or SL-6 and CRSL-6 both funded by the Virginia Agricultural Best Management Practices Cost Share Program on the same fields.
8. 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.

9. Soil loss rates must be computed for all applications for use in establishing priority considerations.
10. All permits or approvals necessary are the responsibility of the applicant.
11. This practice is subject to NRCS Standards: 382 Fence, 390 Riparian Herbaceous Cover, 533 Pumping Plant, 512 Pasture and Hay Planting, 561 Heavy Use Area Protection, 574 Spring Development, 575 Trails and Walkways, 578 Stream Crossing, 614 Watering Facility, 516 Livestock Pipeline, 472 Access Control, 642 Water Well.
12. The system shall be maintained for the lifespan of the CREP contract. By accepting payment for this practice the recipient agrees to maintain the practice for the specified lifespan. This practice is subject to spot check by USDA and the District throughout the lifespan of the practice Failure to comply may result in penalties, including contract termination and reimbursement of federal and state cost-share funds and/or tax credits.

C. Rate(s)

1. For BMPs identified on approved farm conservation plans the CREP state cost-share rate is twenty-five percent (25%) of FSA approved eligible cost or one half of the FSA cost share for all CREP components. All state cost share payments will be based upon the FSA form 848.
2. In instances where extenuating circumstances result in cost-overruns, local CREP partners should coordinate to utilize the FSA “cost-share cap waiver” process, where appropriate.
3. 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.
4. The tax credit rate is 25% of the eligible out of pocket cost not to exceed \$17,500.00. If an applicant receives cost-share, only the applicant’s share of the project 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.

Revised March, 2017