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

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

A. Description and Purpose

Protection by fencing along all water bodies and streams 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. To provide 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 may be authorized as a single eligible component only if all of the following apply:
      (a.) The fence is placed a minimum of 35 feet away from the stream, 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. Grazing (including flash grazing) and haying are not allowed in the protected riparian area during the lifespan of this practice. When both sides of the stream are under the same ownership livestock must be excluded from both sides of the stream.
3. Cost-share and tax credit are not authorized for:
    i. Boundary fence 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.

4. 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.

5. Wildlife, environmental, and livestock shade considerations must be given when designing the practice.

6. This is a one-time incentive payment not eligible for reapplication on the same site. Life span requirements can be waived if damaged by flooding.

7. Soil loss rates must be computed for all practices for use in establishing priority considerations.

8. 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.

9. All practice components implemented must be maintained for a minimum of either 5 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 state cost-share payment rates shall be based on the approved or 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 10 acres. The rates including the buffer payment rates are:

Minimum fence setback (from the top of streambank)	Lifespan	Cost-share rate	Buffer payment rate	Buffer payment cap
35'	10 years	80%	$80 per acre per year	$8,000 per contract
	5 years	75%	$80 per acre per year	$4,000 per contract

NOTE: For the purposes of calculating buffer acres, measurements are capped at 100 feet from the tope of streambank or 1/3 of the floodplain up to 300 feet.

2. The maximum state cost-share payment for this practice will be $100,000.

3. 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.

4. 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.

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