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## Cattle Exclusion Mandate From Perennial Streams in Virginia

I am a cattle farmer and landowner in Augusta County, Virginia and I support a deadline to fence cattle out of streams.

I gaze down at the river flowing through our farm. Today the water is clear. But in warmer times it flows like chocolate milk—thick with brown sediment. The sediment clogs the gills of all the critters. They die. Our river is polluted.

In warmer times, anytime the air temperature is above fifty degrees, all the cattle upstream spend a lot of time in the river cooling off. When they move around the cloven hooves on their half-ton bodies dislodge the soil along the banks of the river and cause the soil to fall into the river. While they are cooling off in the water, they defecate into the water. Their manure and urine pollute the water accelerating the destruction of the aquatic ecosystem. Not only is the water full of sediment, it’s laden with nutrients and pathogens.

We voluntarily fenced our cows out of the river sixteen years ago. We used federal and state cost-dollars to help fund the installation of fences, livestock watering systems and livestock crossings. We also planted hardwood trees along the banks of the river and two tributaries. But unless everyone fences their cows out of the river do the efforts on our meager half-mile of river really matter?

I was a District Conservationist for USDA’s Natural Resources Conservation Service and worked for over thirty years helping farmers fence their cattle out of streams, rivers, and wetlands. Many have done their part and I am grateful for their commitment to clean water. But most farmers are not doing their part; one study says eighty percent of them. They have their reasons. They don’t want somebody telling them what to do, they fear government intrusion, they don’t want change, they don’t think their cows do damage to the stream. Some opponents of a deadline say it will put some farmers out of business.

I’ve never known a farm to go out of business because they had too much conservation, I have known farms to go out of business because they didn’t have enough conservation. Poor soil health, poor herd health, and exceeding the carrying capacity of the land—that’s what makes farmers go out of business—not more conservation.

Many times, I have heard, “I’ll fence my cows out of the stream when you make everybody do it.” Well, it’s time.

The taxpayers of this commonwealth and this nation have paid out hundreds of millions of dollars to fund voluntary projects, like ours, to clean up our streams. They do so willingly because they know that good land use benefits everyone. Furthermore, it’s a lot more economical to pay a farmer for a fence and a livestock watering system than to pay for a wastewater treatment plant and a new school if the farmer went out of business and sold the land for a housing development.

So, after more than thirty years of voluntary recruitment, millions of dollars in cost-share, millions of dollars for technical assistance, we are only twenty percent towards the goal of fencing most cattle out of streams and wetlands?

Is it any wonder the current administration and many lawmakers want a deadline to fence cattle out of perennial streams? I firmly believe if we fenced the cows out of perennial streams, we could de-list most streams from Virginia’s dirty-waters list.

Virginia House Bill 1422 states:

*Beginning July 1, 2026, any person who owns 20 or more bovines in the Chesapeake Bay watershed shall install and maintain stream exclusion practices sufficient to exclude all such bovines from perennial streams in the watershed.*

The bill further states:

*It shall be an affirmative defense to any action brought under this article for failure to install or maintain stream exclusion practices that the person required to install and maintain such practices submitted a complete application, as determined by either the Department of Conservation and Recreation (DCR) or the appropriate soil and water conservation district, for cost-share funding prior to December 31, 2025, and is waiting to receive cost-share funds.*

In other words, if a farmer is signed up to receive cost-share funding by December 31, 2025, and there is no funding to help the farmer, the farmer is not in violation.

Voluntary measures to fence cattle out of streams have served us well but after thirty years of relentless marketing, staffing, and cost-share, it’s time to move on, we need a deadline to get on with the business of doing the right thing.

About the author: Robert “Bobby” Whitescarver is a watershed restoration consultant and cattle farmer. He can be reached through his website at [www.gettingmoreontheground.com](http://www.gettingmoreontheground.com)