Logo

Description automatically generated

**Riparian Forest Buffer Program Best Practices Discussion Summary**

***In Preparation for Chesapeake Riparian Forest Buffer 2022 Leadership Workshop***

***Virginia Discussion: March 21, 2022***

**Section 1. Background and Objectives**

To help the states prepare for the upcoming Chesapeake Riparian Forest Buffer (RFB) 2022 Leadership Workshop, Eastern Research Group (ERG) led a discussion in each state about state specific RFB programs. Ultimately, these discussions were designed to assist the jurisdictions in writing their Strategic Action Plans for RFB that will be discussed at the workshop. See the Strategic Action Plans for RFB guidance accompanying this summary for additional information.

This document summarizes the discussion that ERG organized and facilitated with representatives from various agencies working on RFB programs and projects in Virginia.

**Participants**

The following individuals participated in the Virginia RFB discussion on March 21, 2022:

* Kevin McLean, Department of Environmental Quality
* Caitlin Verdu, Department of Forestry
* Dean Cumbia, Department of Forestry
* Christine Watlington, Department of Conservation and Recreation
* Barbara McGarry, Department of Conservation and Recreation
* James Martin, Department of Conservation and Recreation

**Section 2. RFB Program Best Practices Discussion Summary**

**Part I. General Reflections on Virginia’s Existing RFB Program(s)**

This portion of the discussion focused on successful elements of existing RFB programs in Virginia, as well as challenges. The group considered the following questions:

* How has buffer rollout gone in recent years for programs in your state?
* What elements have worked well in your state and have led to your greatest successes?
* Do the elements for success vary between urban and rural locations?
* What are some of the barriers your program faces?
* Do the barriers vary between urban and rural locations?

Below is a narrative summary of the key take-aways from Part I of the RFB discussion.

**Virginia Discussion Summary**

**Current Successes:**

* Chesapeake Bay Preservation Act is a growth management law enacted in the late 1980s that preserves existing RFB to the east of I-95.
* Virginia has been working on RFB issues for a while, reflected in lots of programs and funding. As a result, RFB is not a new concept and people have an awareness because they have seen RFB on the landscape.
* Virginia Department of Forestry has the Riparian Forest Buffers Tax Credit Program (<https://dof.virginia.gov/wp-content/uploads/Riparian-Buffers-Tax-Credit_pub.pdf>). This program incentivizes retention of RFB associated with harvesting of timber. The program is beneficial but does not create new miles of RFB.
* There is a strong network of partnerships, which has led to an increased awareness of RFB.
* The CREP program has also led to RFB successes in Virginia.

**Current Challenges/Barriers:**

* Many of the existing RFB programs in Virginia focus on protecting and preserving RFB, not necessarily on creating new miles of RFB. These RFB preservation programs are important but are not consistently counted by the Bay Program’s RFB outcome metric. The Bay Program’s RFB outcome metric has two parts: Restore 900 miles per year of riparian forest buffer and conserve existing buffers until at least 70 percent of riparian areas throughout the watershed are forested. Given Virginia is still a significantly forested state, it is possible that the 70 percent portion of the outcome has been met. Virginia would like to do this analysis, but there is ambiguity around what counts and what doesn’t count toward the 70 percent (e.g., buffers under contract). There is work needed to determine a consistent methodology for tracking this portion of the RFB outcome.
* Virginia is in a place of transition/flux, so many factors are unknown or recently known.
* Virginia is not willing to override private property rights, so a strategic action plan will need to address the objections of landowners to RFB as a practice, particularly agricultural landowners.
* The perspectives of agricultural producers and landowners towards RFB create a challenge in Virginia.
* Producers with leased lands have no incentive to plant RFBs because this practice leaves them with fewer acres to use and an expense that will not be recuperated; tax incentives will not help individuals who are leasing the land.
* For agricultural landowners who are actively farming, there could be both a cultural/historical and an economic barrier to planting RFBs. Replanting trees can be seen as disrespectful to past generations who worked hard to clear the land. The land used for RFB is taken out of production but still requires maintenance. There are both establishment and maintenance costs that are a bottom-line negative for landowners.
* The different perspectives of producers, hobbyists, and landowners need to be taken into consideration when trying to sell RFB as a practice. RFB programs have not effectively targeted these different characteristics.
* Some landowners who do choose to plant buffers are sold on the practice because they want fencing and a watering system, not because they care about the actual buffer.
* It takes considerable time to do landowner outreach and build relationships. These activities are not easy with staff who are already stretched.
* Past RFB projects that did not do well or failed receive negative attention, which influences the perception of RFBs among other landowners, making them a harder sell.
* When landowners do want to plant RFBs, it can be confusing to know which programs are available and navigate the programs’ complex processes.
* Positive and negative word-of-mouth makes a difference. If the process is easy and the RFB is successful, this can be influential in other landowners’ willingness to plant RFBs. If the process is complex and the RFB is unsuccessful, the negative experience can also influence other landowners.
* Fear or a lack of regulatory understanding among landowners can also create barriers and challenges. Landowners may hear about someone excavating in a Chesapeake Bay Preservation Act protection area and receiving a fine or have concerns about FEMA. There needs to be work on messaging and helping people understand regulations and programs.
* Many government programs want a 10–15-year commitment from landowner and some landowners are aging out of these programs and do not want to re-enroll. Where districts have strong relationships, land transitions can present an opportunity for RFB.

**Part II. Information on Your State’s Existing RFB Program(s) Logistics**

This portion of the discussion focused on program logistics for Virginia’s RFB programs in urban and/or rural locations. The group considered how existing RFB programs incorporate these elements now, as well as steps that Virginia is taking to incorporate these elements soon. Where RFB programs may not fully address these elements, discussion participants identified some challenges that might arise in trying to do so. Each element related to program logistics is listed, with the associated discussion summary provided underneath.

Eligibility and Flexibility

* Flexible to meet landowner needs
* Available to agricultural and non-agricultural landowners

**Virginia Discussion Summary:**

* James River Association has a tool that helps landowners determine eligibility and which buffer program is right to meet their specific needs. The Virginia Department of Forestry is developing a similar tool to help landowners determine applicability and eligibility of cost-share programs. The tool applies to agricultural landowners, with the possibility of also being applicable to urban landowners. https://www.jamesriverbuffers.org/apply.html
* The Virginia Trees for Clean Water grant program focuses on urban tree projects, including urban RFB (<https://dof.virginia.gov/urban-community-forestry/urban-forestry-community-assistance/virginia-trees-for-clean-water-grant-program/>)
* Virginia needs to use social science to understand landowners’ barriers and objections to RFB and design programs that address their barriers and objections.

Funding Processes

* No out-of-pocket expense for landowners
* Sustainable source(s) of funding available “on demand”

**Virginia Discussion Summary:**

* Virginia has RFB programs with no out-of-pocket expenses for landowners. One example is the James River Buffer Program (<https://www.jamesriverbuffers.org/>) that is a no-cost, flexible program available to landowners.
* The problem is landowners do not want RFB, so they are not taking advantage of these programs.
* Virginia needs program to reach landowners with incentives that are meaningful to them.

Program Services

* Technical assistance provided
* Maintenance provided

**Virginia Discussion Summary:**

* The James River Buffer Program (<https://www.jamesriverbuffers.org/>) takes care of the initial planting and maintains the buffers for three years once they are planted.
* One potential key to more success is to figure out what producers want and find a partner to help by providing assistance. For example, Trout Unlimited is implementing RFB pilots with agricultural producers that changes the process to simplify for landowners. For example, the bid process is taken out or Trout Unlimited helps the landowner navigate the process or help with maintenance. In these instances, the landowner did not necessarily want RFB, but did want trout in the stream. A similar model of focusing on the benefits important to a landowner to drive RFB implementation could work.

Program Integration/Synergy

* Integration of buffers into other existing like-minded state programs (for example, land conservation and the state revolving loan fund program)
* Opportunities to pair programs and funding

**Virginia Discussion Summary:**

* No specific examples of RFB integrated into other like-minded programs provided during the discussion.

**Part III. Information on Enabling Conditions for Your State’s Existing RFB Programs**

Discussion participants considered how Virginia’s RFB programs incorporate enabling conditions now and steps that Pennsylvania is taking to incorporate these conditions in the near-term. The group mentioned where programs may not have these conditions in place and what challenges they would face in providing these enabling conditions. Each element related to program logistics is listed, with the associated discussion summary provided underneath.

Supporting Planning and Policy

* High-level coordination and direction at state-level (including a state Buffer Strategy)
* State or local policies supporting buffer restoration or conservation
* Local government engagement to incorporate buffers in planning efforts
* Information on where to prioritize buffer plantings based on areas with the highest potential impact, the greatest opportunity, or other criteria

**Virginia Discussion Summary:**

* Funding for RFB on state lands under the Virginia State Lands Watershed Implementation Plan is coming down the pipeline, but the timing is described as loose. The goal is to prioritize where to implement RFB on state lands as models, but there are not enough state lands for RFB implementation to achieve goals. Virginia can use RFB on state lands to market RFB to other landowners.
* State land funds have been available to state agencies for projects on their properties for over 40 years. These state-owned lands have agency missions that drive their management decisions. There is a need to educate these agencies and look at their specific needs, just like any other property owner. The lessons learned in working with state agency property owners could be applied to private landowners.
* Virginia could consider using land use data with adequate resolution and the Bay Program stream data to identify large parcels for RFB implementation and then send a survey to those landowners with the parcels. The survey could ask landowners what it would take for them to implement RFBs and allow Virginia to address their specific needs. Although this approach could be challenging because programs have specific requirements and not all landowners may meet those requirements, this approach could be more effective than trying to canvass all producers, which had a dismal response rate when tried in the past.
* A study conducted by the Virginia Cooperative Extension that found some producers have installed RFB without public funding. These privately funded RFB practices are not tracked. There is a need to capture this information at the state level and ensure that Virginia is getting credit.

Financial and human resources capacity

* State has adequate staff to effectively implement programs
* Programs have adequate funding to meet demand for buffers

**Virginia Discussion Summary:**

* The Virginia Department of Forestry provides technical support and has adequate staff for current programs. However, more staff will be needed to reach RFB goals given the order of magnitude of plantings.
* Resources to help people step through the processes are essential. In addition to printed and web resources, there’s also the need for people in the field who are well-versed on various programs.
* There are three RFB specialists through Farm Service funding, but they do not cover the entire state.

Trained and Cost-Effective Service Providers

* Cost-effective restoration contractors available to complete work
* Trained technical assistance providers available to work with landowners

**Virginia Discussion Summary:**

* Training and maintaining field employees as knowledgeable advocates who are conversant in what programs and funding are available for RFB is challenging because the programs are always changing.
* Staff turnover is also a challenge; there’s a need for regularly occurring training to keep staff educated.
* NRCS has monthly trainings; RFB programs could be included in these trainings.
* Staff also need opportunities to exchange information and expertise with each other through networking events, such as on-the-ground field days.

Materials

* Adequate supplies (e.g., trees, planting tubes, etc)

**Virginia Discussion Summary:**

* Virginia currently does not have nursery stock to meet RFB goals, but there is expansion happening at some nursery facilities. The Department of Forestry manages two seedling nurseries and a third will open to increase seedling supply. <https://www.buyvatrees.com/product-category/hardwood-species/riparian-species/>

The matrix below provides an integrated summary of the discussion points related to all of the RFB best practice elements. This integrated summary highlights key issues related to each of the best practices and also denotes where the group did not identify a program, need, or challenge related to a best practice.

| **Best Practices for Successful RFB Programs (both urban and rural)** | **Existing Programs and Activities**  **Fully or Partially Addressing Best Practice** | **Needs and Challenges to Achieve Best Practice** |
| --- | --- | --- |
| ***Program Logistics*** | | |
| No out-of-pocket expense for landowners | James River Association Forest Buffer Program is no-cost for landowners. | No additional needs or challenges related to providing no out-of-pocket expense sources of funding for RFB specifically addressed during discussion. |
| Sustainable source(s) of funding available “on demand” | James River Association Forest Buffer Program reviews applications on a continuous basis. | No additional needs or challenges related to providing on-demand sources of funding for RFB specifically addressed during discussion. |
| Technical assistance provided | James River Association Forest Buffer Program offers technical assistance. Department of Forestry staff offers technical assistance. | No additional needs or challenges related to providing RFB technical assistance specifically addressed during discussion. |
| Maintenance provided | Three years of maintenance provided to landowners participating in James River Association Forest Buffer Program. | No additional needs or challenges related to providing RFB maintenance specifically addressed during discussion. |
| Flexible to meet landowner needs | Trout Unlimited’s RFB pilot projects providing flexibility to meet specific landowners’ needs as a way to increase trout populations. | Creating flexible programs that meet landowners’ needs requires a better understanding of what landowners’ needs, barriers, and objections are to RFB so the appropriate programs can be identified to meet those needs. A targeted landowner survey to parcel owners might be needed to achieve this best practice. |
| Available to agricultural and non-agricultural landowners | Cost-share programs like CREP/EQIP address agricultural landowners; Department of Forestry’s Riparian Forest Buffers Tax Credit Program (<https://dof.virginia.gov/wp-content/uploads/Riparian-Buffers-Tax-Credit_pub.pdf>) promotes RFB retention on agricultural lands; Virginia Trees for Clean Water grant program provides funding for urban RFB (<https://dof.virginia.gov/urban-community-forestry/urban-forestry-community-assistance/virginia-trees-for-clean-water-grant-program/>); James River Buffer Program (<https://www.jamesriverbuffers.org/>) appears to address both agricultural and urban landowners | No additional needs or challenges related to making RFB programs available to both agricultural and urban landowners specifically addressed during discussion. |
| Program integration and pairing to incorporate buffers into other existing like-minded state programs (for example, land conservation, state revolving loan fund program, stream restoration) | No specific examples of RFB integrated into other like-minded programs provided during the discussion. | No additional needs or challenges related to integrating RFB into other like-minded programs specifically addressed during discussion. |
| ***Enabling Conditions*** | | |
| Adequate state staff to effectively implement programs | Virginia Department of Forestry has adequate staff for current programs, but more staff needed to reach RFB goals. Farm Service funds three RFB specialists, but they do not cover the entire state. | Need people in the field who are well-versed on various programs |
| Adequate program funding to meet demand for buffers | Funding exists to meet current demand; existing funding not always being used or requested. | Need to create more demand for existing funding by understanding and addressing landowners’ objections and barriers to RFB. |
| Cost-effective restoration contractors available to complete work | No specific examples of available cost-effective restoration contractors provided during the discussion. | No additional needs or challenges related to available cost-effective restoration contractors specifically addressed during discussion. |
| Trained technical assistance providers available to work with landowners | James River Association Forest Buffer Program has technical assistance providers that work with landowners on RFB installation and conduct maintenance. | Training must occur on a regular basis to keep up with staff turnover. NRCS has monthly trainings that could include RFB program training. Create opportunities for staff to exchange information and expertise. |
| High-level coordination and direction at state-level (including a state Buffer Strategy) | Strong network of partnerships working on RFB exists. | Need to capture privately funded RFB project information at the state level and ensure that Virginia is getting credit toward outcomes. |
| State or local policies supporting buffer restoration or conservation | Chesapeake Bay Preservation Act growth management law enacted in the late 1980s preserves existing RFB to the east of I-95. No specific examples of local policies supporting RFB restoration or conservation. | No additional needs or challenges related to state and local policies supporting RFB restoration and conservation specifically addressed during discussion. |
| Local government engagement to incorporate buffers in planning efforts | No specific examples of how local government engagement to incorporate buffers in planning efforts provided during the discussion. | No additional needs or challenges related to local government engagement to incorporate buffers in planning efforts specifically addressed during discussion. |
| Information on where to prioritize buffer plantings based on areas with the highest potential impact, the greatest opportunity, or other criteria | No specific examples of how programs use information to prioritize RFB provided during the discussion. | Consider using land use data with adequate resolution and the Bay Program stream data to identify large parcels for RFB implementation and survey landowners with identified parcels. |
| Adequate supply of trees and planting tubes | Adequate supply at the moment through existing nurseries and planned expansions. | No additional needs or challenges related to supply of trees and planting specifically addressed during discussion. |