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

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

***West Virginia: March 22, 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 West Virginia.

**Participants**

The following individuals participated in the West Virginia Riparian Forest Buffer discussion on March 22, 2022:

* Teresa Koon, West Virginia Department of Environmental Protection (WVDEP)
* Alana Hartman, WVDEP
* Dallas (Scott) Settle, WVDEP
* Rosey Santerre, West Virginia Division of Forestry (WVDOF)
* Jeremy McGill, WVDOF
* Matt Monroe, West Virginia Department of Agriculture (WVDA)
* Joseph Hatton, WVDA
* Cindy Shreve, West Virginia Conservation Agency (WVCA)
* Jennifer Skaggs, WVCA
* Christopher Evans, Farm Production and Conservation-Natural Resource Conservation Service (FPAC-NRCS), Morgantown, WV, U.S. Department of Agriculture (USDA)
* Kyle Aldinger, NRCS, Morgantown, WV, USDA
* Dustin Wichterman, Trout Unlimited

**Section 2. Overarching Summary of RFB Programs and Best Practices**

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

This portion of the discussion focused on successful elements of existing RFB programs in West 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.

**West Virginia Discussion Summary**

**Current Successes:**

* The Farm Service Agency has worked hard to implement incentives in West Virginia and made sure West Virginia has adequate Conservation Reserve Enhancement Program (CREP) funding.
* Long-term partnerships with dedicated staff and communication among partners ensure RFB practices are successful.
* Many established RFB practices are doing well and have landowners that are RFB champions. Some of these landowners installed their RFB 15 years ago and other landowners have 3- to 4-year-old buffers. West Virginia could enlist the help of these RFB champions to showcase their successful RFB projects to other landowners.
* Shared foresters in West Virginia provide good technical assistance by developing good planting plans and checking in with landowners over time.
* Strong partners like Trout Unlimited and their staff build relationships with riparian landowners and ensure RFB success.
* NRCS staff have diligently implemented Environmental Quality Incentives Program (EQIP) and worked with landowners to find compromises that would meet their needs (e.g., encouraged them to sign up for a 15-foot buffer in situations that they did not want a 35-foot buffer).
* Long-term partnerships have resulted in community buy-in for RFB and other conservation practices.
* State-funded Chesapeake Bay implementation grants have been key where landowners are not eligible for existing cost-share programs (e.g., CREP or EQIP).

**Current Challenges/Barriers:**

* Filling vacant forestry positions in West Virginia due to lack of qualified individuals and lack of competitive pay compared to industry salaries.
* Significant shortage of foresters coming out of forestry school adds to the hiring challenge.
* Lack of training and loss of institutional knowledge are significant staffing impediments, particularly as staff retire or leave. There is a difference between resource staff who understand the RFB and other conservation practices and staff that have programmatic expertise within FSA to make the programs work. Programmatic staff have a working knowledge of the programs’ nuts and bolts to communicate and work with landowners.
* Inconsistencies in funding (e.g., per acre cost to fund an RFB project) and the prescription for tree planting across conservation programs.
* State agency purchasing policies and processes also create RFB challenges. Projects that reach the $5,000 threshold are not desirable to partners because they trigger additional requirements and complexities. This reduces West Virginia’s ability to deliver high quality conservation projects on state lands as well as other public and private lands.
* RFB maintenance is a primary source of failure and a significant challenge. Maintenance issues arise from falling tree tubes, freeze and thaw, and a lack of adequate communication to landowners about the amount of time needed to maintain RFB. A lot of maintenance assistance is needed, but state agencies do not have the capacity to provide all landowners with that level of maintenance education and on-site support.

**Part II. Information on West Virginia’s RFB Program(s) Logistics**

This portion of the discussion focused on program logistics for West 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 West 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

**West Virginia Discussion Summary:**

* Current programs in West Virginia focus primarily on agricultural landowners. There is a Communi-tree program for non-agricultural public landowners. West Virginia should find a way to provide RFB funding to private urban landowners.
* Trout Unlimited has used state Chesapeake Bay grant funding to facilitate RFB projects on non-agricultural properties.
* West Virginia should tap into social marketing techniques and incorporate these techniques into programs, as well as program budgets. The goal would be to ask landowners what they need and use the information to help administer RFB programs and tailor services to landowner needs.

Funding Processes

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

**West Virginia Discussion Summary:**

* West Virginia should find a private source of funding so that state agencies could give grants to avoid state purchasing processes.
* Changing state purchasing processes does not seem like a feasible solution.

Program Services

* Technical assistance provided
* Maintenance provided

**West Virginia Discussion Summary:**

* The West Virginia Conservation Agency provides technical assistance to landowners through the state’s 14 conservation districts.
* Staff in the West Virginia Division of Forestry provide technical assistance for CREP and EQIP related RFB.
* The lack of staffing capacity within the state agencies results in limited maintenance assistance for landowners. Paid maintenance by a trained contractor for the first three years would vastly improve the survival chances of CREP funded RFB. FSA provided paid maintenance through the CLEAR30 pilot (<https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/crp-clear30-pilot.pdf>). However, there is no consistent existing funding source or mechanism to support maintenance activities.
* A maintenance incentive payment, similar to a past CREP incentive bonus payment, could entice hesitant landowners to implement RFB.
* Trout Unlimited could assemble a full-time maintenance crew to support RFB maintenance for RFB projects, but funding would be an issue.
* State agencies can also provide landowners with the materials for maintenance. For example, state agencies could give landowners white oak stakes to help keep tree tubes upright longer.

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

**West Virginia Discussion Summary:**

* West Virginia’s In Lieu Fee Program installs RFB by pairing forested buffers with stream and wetland restoration projects throughout the state. (<https://dep.wv.gov/WWE/Programs/Pages/In-Lieu-Fee.aspx>)

**Part III. Information on Enabling Conditions for West Virginia’s Existing RFB Programs**

Discussion participants considered how West Virginia’s RFB programs incorporate enabling conditions now and steps that West Virginia is taking to incorporate these conditions in the near-term. The group mentioned where programs may not have these conditions in place and 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

**West Virginia Discussion Summary:**

* West Virginia state agency staff could draft and sign on to a letter to local planning commissions with a request for localities to consider incorporating RFB protections in local ordinances.
* Involving the Division of Highways in RFB discussions is important because the division understands stronger policies that avoid cutting RFB trees while conducting tree cutting operations.
* West Virginia has sufficient tools for RFB prioritizing, but staffing and landowner willingness remain challenging.
* NRCS is creating a statewide organization-based inventory that identifies the name of the organization and the services provided by the organization. This inventory could be the foundation for an RFB staff inventory to determine who across the state is trained on RFB-related programs and can support projects.
* Trout Unlimited would like to find funding focused on evaluating past RFB projects with the goal of documenting lessons learned of successful projects to inform future projects. This could include identifying the frequency and type of maintenance conducted for each project, the protection methods, establishment success, etc.

Financial and human resources capacity

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

**West Virginia Discussion Summary:**

* Staffing is the most significant limiting factor to RFB progress. West Virginia has vacant positions that have yet to be filled and no candidates applying to fill them. There is a concern about promoting programs to landowners and not having the staffing to provide technical assistance through the funding process. This will create landowner frustration with RFB programs.
* Qualified people are likely out in the workforce, but state agency pay is not competitive with industry salaries. There are also cost of living differences throughout the state that affect staffing and staff retention.
* West Virginia has funding for riparian foresters, or forestry coordinators, but it has been a challenge to hire anyone to fill these positions.
* It is unclear what the future holds for the conservation districts in West Virginia. The Conservation Agency provides a lot of support to conservation districts. Staff capacity for RFB could come through more staffing at the conservation district level.
* There is currently more RFB funding than there is landowner demand.
* Although CREP is funded well as an overall program, there appears to be a trend over the years of offering less funding per project.

Trained and Cost-Effective Service Providers

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

**West Virginia Discussion Summary:**

* Training is available and occurring in West Virginia, but with so many different sources of funding and different partners involved in RFB, it is challenging to get new staff up to speed and comfortable with all the information.
* Trout Unlimited could help facilitate additional training and can secure additional staff to help supplement limited agency staff capacity. Trout Unlimited has funding to offer these services. While Trout Unlimited works within our priority areas, it is possible for staff to work in other portions of the larger river systems. But there may be the need for state agencies and other partners to cover areas outside of Trout Unlimited’s priority areas.

Materials

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

**West Virginia Discussion Summary:**

* Clements State Tree Nursery, West Virginia’s state-run tree nursery, closed in 2021 due to lack of demand for bare root seedlings and associated budget losses. There are discussions about the West Virginia Conservation Agency taking over this nursery. There was tremendous partnership potential with the nursery that did not come to fruition, possibly due to challenges with providing containerized seedlings.
* West Virginia would like to have more local sources of trees.

The matrix below provides an integrated summary of the discussion points related to the RFB best practice elements. This integrated summary highlights key issues related to each of the best practices and 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 | No specific examples of existing programs that offer no out-of-pocket expense for landowners provided during the discussion. | No additional needs or challenges related to offering no out-of-pocket expense for landowners specifically addressed during discussion. |
| Sustainable source(s) of funding available “on demand” | No specific examples of existing programs that have sustainable sources of “on demand” funding provided during the discussion. | There is interest in finding a private source that West Virginia state agencies could give grants to avoid state purchasing processes. |
| Technical assistance provided | Provided by the West Virginia Conservation Agency through the state’s 14 conservation districts and the West Virginia Division of Forestry for CREP and EQIP related RFB practices. Trout Unlimited also provides for their RFB projects in focus areas. | Need to fill vacant positions within state agencies to provide additional technical support. Trout Unlimited able and willing to staff up to help supplement state agency staff and provide technical support. |
| Maintenance provided | Very little maintenance assistance offered through current CREP and EQIP landowner support; primarily focused on maintenance reminders throughout the year. | Need additional state agency staff to expand maintenance assistance to landowners, as well as additional consistent funding. Partners like Trout Unlimited could provide maintenance crews, but also need adequate funding. Could provide landowners with more materials needed for maintenance (e.g., white oak stakes). Consider providing maintenance incentive payments. |
| Flexible to meet landowner needs | No specific examples of existing flexible programs to meet landowners needs provided during the discussion. | Need social marketing techniques to determine landowners’ needs and barriers then tailor RFB programs to meet those identified needs |
| Available to agricultural and non-agricultural landowners | Primary focus is RFB projects for agricultural landowners, but some smaller RFB projects are happening on non-agricultural public land through seed tree program. Trout Unlimited has supported non-agricultural RFB projects. | Need to create RFB program that focuses on private non-agricultural land |
| 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) | In Lieu Fee Program installs RFB by pairing forested buffers with stream and wetland restoration projects statewide | No additional needs or challenges related to program integration or pairing specifically addressed during discussion. |
| ***Enabling Conditions*** | | |
| Adequate state staff to effectively implement programs | Numerous vacant state agency and nonprofit partner forestry positions have yet to be filled due to lack of applicants | Existing staffing gap is the most significant limiting factor to RFB progress. Need more competitive state agency salaries to compete against industry salaries. Need to train and develop a plan to retain staff once they develop institutional knowledge and competency. |
| Adequate program funding to meet demand for buffers | Currently more available RFB funding than landowner demand | Need to create more landowner demand by increasing staffing capacity to build relationships with landowners and identify their needs related to RFB |
| Cost-effective restoration contractors available to complete work | No specific examples of existing cost-effective restoration contractors available to complete work provided during the discussion. | No additional needs or challenges related to existing cost-effective restoration contractors available to complete work specifically addressed during discussion. |
| Trained technical assistance providers available to work with landowners | Staff training is available and occurring, but takes time to develop institutional knowledge and competency in new staff. | Need to train and develop a plan to retain staff once they develop institutional knowledge and competency. Trout Unlimited could help facilitate additional trainings and can secure additional staff to help supplement limited agency staff capacity. |
| High-level coordination and direction at state-level (including a state Buffer Strategy) | Long-term statewide partnerships with dedicated staff and good communication among partners | Need to involve the Division of Highways to address policy that would avoid cutting RFB trees while conducting tree cutting operations |
| State or local policies supporting buffer restoration or conservation | No specific examples of existing state or local policies supporting RFB restoration or conservation provided during the discussion. | Need to localities to consider incorporating RFB protections in local ordinances |
| Local government engagement to incorporate buffers in planning efforts | No specific examples of existing efforts to engage local governments to incorporate buffers into planning efforts provided during the discussion. | Need to consider sending letter from state agency staff to local planning commissions with a request for localities to consider incorporating RFB protections in local ordinances |
| Information on where to prioritize buffer plantings based on areas with the highest potential impact, the greatest opportunity, or other criteria | Numerous tools and information available for prioritizing buffers | Need evaluation information on past RFB projects with the goal of documenting lessons learned of successful projects to inform future projects. |
| Adequate supply of trees and planting tubes | Trout Unlimited buying trees for RFB projects from out-of-state. Demand for bare root trees is down based on recent state-run nursery closures. | Need more local sources of trees, even if the state-run nurseries reopen. |