# Chesapeake Bay Riparian Forest Buffer CREP Report: Revisiting the RFB State Task Force Reports and Suggested Recommendations for Today's Challenges and Opportunities

Conservation Strategies Consulting

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A Report for States Commissioned by Chesapeake Bay Program Partners

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# Dedication

This report is dedicated to the farmers and many agency and non-profit organizations who work with them to restore streamside buffers throughout the six state Chesapeake Bay watershed. Your work deserves to be celebrated and is a gift to current and future generations.

We also would like to acknowledge the conservation leadership and vision of Michael J. Linsenbigler. Mike served as the nation's first CREP Manager for USDA Farm Service Agency and was a champion for farmers and conservation as Deputy Director of FSA's Conservation Environmental Programs Division. After Mike retired from USDA, he co-founded Conservation Strategies Consulting and was proud to continue his work in support of conservation in the Chesapeake Bay watershed, including working with the Alliance for the Chesapeake Bay on the State Riparian Buffer Task Force Reports and work for Chesapeake Bay Foundation. Sadly, Mike passed away May 11, 2021.

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*Executive Summary*

The Chesapeake Bay Total Maximum Daily Load (TMDL) addresses nutrient and sediment runoff into the Chesapeake Bay. Each of the six Chesapeake Bay watershed states developed Watershed Implementation Plans (WIPs). Riparian forest buffers (RFBs) are a highly cost effective practice for water quality, stream health and climate resilience. Conservation Reserve Enhancement Programs (CREPs) partner state, federal, and in some cases NGO resources to incentivize farmers to voluntarily restore RFBs and other conservation practices through long-term contracts that provide annual rental payments and cost share assistance. This report focuses heavily on CREPs as they are a powerful tool and were the primary strategy states employed to meet RFB WIP goals. Significant effort was invested in developing the 2015 Riparian Forest Buffer Task Force reports[1] to identify barriers to RFBs and to provide recommendations to address them. Through the leadership of Senator Casey in Pennsylvania and others, CREP provisions were included in the 2018 Farm Bill to help address barriers to RFB enrollment, but implementation of these provisions was largely impeded by discretionary decisions made by the prior administration.

As we near the 2025 WIP deadline, there is both an increased sense of urgency and opportunity. States and NGOs have created RFB incentives and programs, some of which enhance CREP as a tool and others of which complement and work independently of CREP RFB progress. Congress is working on reauthorizing the 2023 Farm Bill. USDA is increasing staffing and for the first time, hired regional CREP coordinators to build capacity and better work with CREP partners. Secretary Vilsack recognizes the significance of CRP for achieving climate mitigation and adaptation goals ("Sometimes the best solutions are right in front of you") and a heightened emphasis on equity and inclusion to "bring new voices and communities to the table," remove barriers and provide increased flexibility.

In light of our experience working on CREP and private lands conservation and our work for the Alliance for the Chesapeake Bay with states on the 2015 RFB State Task Force process, Conservation Strategies Consulting LLC[2] was asked by Chesapeake Bay Program partners to write this report. The full draft report will be available soon; this document provides key background, recommendations and executive summary from the report. This is intended to serve as a helpful resource to states as they work on their new strategic action plan to accelerate RFB implementation that will be finalized by the end of June 2022. Although specifics vary from state to state, we see that in general, it appears worthwhile to pursue RFB goals through state incentives and strategies within the CREP context and also independent strategies that complement CREP and other farm bill conservation programs. Accordingly, key recommendations are:

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[1] https://chesapeakeforestbuffers.net/chesapeake-rfb-initiative-2/

[2] Conservation Strategies Consulting LLC was cofounded in 2014 by Mike Linsenbigler, former Deputy Director of USDA FSA CEPD and CREP Manager, and Terry Noto, an environmental attorney with years of public interest experience working on private lands conservation programs, including CREPs.

- *Invest in CREP RFBs:* CREP was historically the primary strategy to deliver RFBs for good reason given the powerful combination of state and federal resources and the opportunity to provide producers with economically competitive incentives under long-term CRP contracts and, in some cases, state-funded permanent easements. There is still strong logic to this argument and renewed opportunity working with the Biden Administration and in the 2023 Farm Bill. Of course, capitalizing on this is not solely within the power of states and requires the cooperation of USDA to, for example:
    - Streamline and expedite CREP amendments
    - Provide technical and financial assistance for NEPA compliance such as Environmental Assessments
    - Identify and address bottlenecks to expedite CREP enrollment/reenrollment and conservation plan development, such as through increased agency staffing and support for conservation districts, creating CREP RFB teams, increased interagency training, and greater sensitivity to the impact of decisions, like detailing USDA field staff to Headquarters, that can adversely impact momentum in the Chesapeake Bay watershed
- *Invest in stand-alone RFB programs:* States, foundations and NGO partners are wise to invest in both the state-side of the CREP *and* in complementary stand-alone programs. States are accelerating RFB enrollment through enhanced incentives, such as Maryland's $1,000 per acre RFB bonus payment, that leverage and make CREP enrollment more attractive to producers as well as stand-alone programs, such as the cost share assistance provided by James River Association to landowners, such as country clubs, universities and prisons, to install riparian forest buffers on lands that do not meet USDA program eligibility requirements. Investment in CREP provides strong leveraging of state and NGO dollars, but stand-alone programs can be more nimble and provide greater state and/or local control. This flexible, multi-pronged investment strategy makes sense and reflects the strong desire of states to see RFB goals met. To optimize this approach we suggest:
    - Work with funders, NGOs, conservation districts, state agencies and others to pursue a holistic approach to RFB programs to avoid duplication, confusion, overlap and competition among programs, identify gaps in existing programs, and also to maximize synergies, so there are options for a wide variety of landowners, producers and riparian lands that reflect conditions and opportunities in that state
    - Work collaboratively with the state WIP leads and the range of RFB programs within the state to enhance consistency of tracking progress, milestones and barriers to ensure full credit is received under the WIP goals for progress and an adaptive management approach is used to expedite any needed changes to boost performance
- *Collaborate to maximize RFB enrollment across programs:* Maximize RFB enrollment and the benefits of CREP and other RFB enrollment opportunities including stand-alone state or NGO programs by:
    - Developing and distributing easy at a glance comparative charts that provide landowners and farmers with a way to compare all of the options
    - Support conservation districts with increased funding and staffing

    - Provide turnkey management service that applies to any RFB regardless of program
- *Seek supportive changes in 2023 Farm Bill and CRP rules:* Advocate for changes in the 2023 Farm Bill that make CREP less onerous, more workable and provide more power to the states including:
    - Allow states to unilaterally opt to include positive new farm bill provisions as addenda to the CREP Agreement without having to go through lengthy CREP amendment negotiations and without adverse impacts to their existing CREP Agreement and budget (i.e., without any quid pro quo of accepting lower federal incentives and waiving the 20% non-federal match requirement)
    - Streamline the CREP amendment process, provide cost-share for NEPA compliance and expedite CREP amendments that are needed for time-sensitive nationally significant environmental goals, like the Chesapeake Bay TMDL.
    - Establish turnkey management pilot for high priority areas, like the Chesapeake Bay, to remove a barrier to participation and success by providing willing landowners with free, turnkey management of riparian buffers and other exceptionally high value environmental practices.

*Background*

Starting with Maryland, the Chesapeake Bay watershed was the first region of the Nation to embrace the innovative approach of leveraging state and federal investment in conservation through Conservation Reserve Enhancement Programs (CREPs) that offer producers enhanced incentives and focus enrollment on select conservation practices in key target areas to meet the nationally significant goal of restoring water quality in the Chesapeake Bay watershed and the Bay itself. Although each CREP is unique, they all share a commitment to voluntary conservation, state and federal interagency collaboration and improvement of water quality and wildlife habitat. Collectively, these CREPs have a strong track record of success, collectively enrolling hundreds of thousands of acres in the Chesapeake Bay watershed. These programs are a unique opportunity to focus millions of dollars of state and federal conservation funding to enroll significant acreage in key target areas in long-term rental agreements and, in some cases, permanent conservation easements, to further these water quality and wildlife habitat goals.

Since 2010, state Watershed Implementation Plans (WIPs) to implement the Chesapeake Bay TMDL generally prioritize riparian forest buffers as a highly cost-effective, long-lasting and important water quality practice that helps reduce nutrient and sediment loadings to streams, stabilize streambanks, cool stream temperatures, and improve nutrient processing capacity of streams. Understandably, the Chesapeake Bay states relied heavily on the CREPs for RFB and other key practice enrollments as these are such a powerful tool for focused, voluntary, long-term enrollment of large acreages of sensitive lands along rivers, streams and erosion prone areas and restoring them to forested streamside buffers, wetlands, and other practices.

However, although once the national model for CREP and riparian forest buffer enrollments, RFB enrollments declined in many states and generally did not keep pace with state goals. In June 2014, a watershed-wide effort to reinvigorate programs designed to implement

RFBs was convened by USDA Under Secretaries Scuse and Bonnie, including an initial commitment of $5,000,000 for CREPs. USDA professionals from the Forest Service, Farm Service Agency (FSA), and Natural Resources Conservation Service (NRCS) worked with state agency partners to convene task forces in each of the Chesapeake Bay states to identify barriers to enrollment/reenrollment and put forth recommendations to address the steep drop off in RFB restoration and protection. Dozens of meetings between September 2014 and February 2015 brought together multiple stakeholders and partner agencies in each state. Each state developed a report and a set of recommendations to address barriers to enrollment.

Key 2015 RFB State Task Force recommendations centered on the need for:

- Strong leadership signals and investment in RFBs and CREP at the federal, state and local level, including making it faster and easier to amend CREP agreements. Steps are being taken by leadership at all levels, but experience since 2015 shows this recommendation has grown in significance, particularly given the looming WIP deadlines.
- Increased staffing and interagency training, especially in light of staffing cuts, retirements and loss of institutional memory and working relationships. While there have been trainings and some increases in staffing, this recommendation is, in some respects, even more urgent today given the impact of COVID restrictions and working remotely, retirements, the impact of staff details to DC and staff turnover.
- Increased incentives to enhance economic competitiveness on lands with cropping history and also updated marginal pastureland rental rates. USDA has recently made some helpful changes and some states have increased incentives, but this remains a relevant recommendation.
- Support with managing and maintaining RFBs, including increased maintenance payments, extended establishment periods, and some states called for pooling maintenance/management work and providing turnkey service through crews. A wide array of factors including climate change, invasive species; the elimination of mid-contract management cost share in the 2018 Farm Bill; and busy, aging and/or absentee landowners are increasing the urgency and need for cost share and turnkey assistance.
- Ensure cost share and Practice Incentive Payment (PIP) are based on actual costs in the area and fairly reimburse farmers for establishment costs of RFBs and associated costs, like stream fencing, stream crossings and alternate water.
    - States asked for more flexibility at the local and state level to waive cost share limitations, such as New York City CREP's 3-tiered waiver process
    - Most states asked FSA to pay the PIP as major components are completed, not after the entire practice is completed which may take several years

  State FSAs have been working to update cost share rates and there may be a greater shift to NRCS flat rates. However, the 2023 Farm Bill and/or CREP Agreements should specify 40-50% PIP as there have been large swings in USDA policy (slashing PIP from 40% to 5% and recently boosting PIP to 50% for continuous non-CREP CRP) which were unprecedented and unforeseen by the RFB State Task Force reports.
- Help states with the cost of any environmental assessments that may be needed for CREP amendments. There is a continuing need to address this barrier, although recently the Biden Administration has offered cost share assistance for EAs which is a positive development.

- Expand the West Virginia CREP target area to include the remaining portion of the Chesapeake Bay watershed that is not covered by a CREP agreement. This is a continuing need.

In 2018, when Congress reauthorized the Farm Bill, it included significant provisions from Senator Casey's Conservation Reserve Enhancement Program Improvement Act of 2018 to address CREP barriers, particularly for RFBs. Important provisions included:

- Providing cost share based on the current, fair market price of component costs in the area;
- CREP riparian forest buffer management payment that would provide up to 100% of the costs of managing RFB vegetation over the life of the CRP contract;
- Allows payment of the PIP as major components are installed, allowing the farmer to recover out of pocket costs more quickly;
- Allows the USDA Secretary to temporarily waive non-federal CREP match

Unfortunately, not all of the 2018 Farm Bill provisions were favorable; for example, it eliminated 50% cost share FSA paid for mid-contract management, changed signing incentive payments (SIPs) from $100/acre to 32.5% of the first year CRP rental payment, and reduced CRP rental payments to 90% of rental rates for continuous CRP (although this was waivable for CREP). Fortunately, existing CREP Agreements were grandfathered in as is, but unfortunately, to utilize the 2018 Farm Bill CREP provisions states and FSA needed to agree to amend the CREP agreements. The cuts Congress made to incentives were exacerbated by discretionary cuts made by the Trump administration, such as slashing the PIP from 40% to 5%. Unfortunately, the interpretation by the administration at that time was that any CREP amendments would entail renegotiation of the entire CREP agreement and USDA would seek to reduce federal incentives to the new lower level of federal incentives they were offering for other forms of continuous CRP. States reasonably concluded they had more to lose than to gain from pursuing CREP amendments. Predictably slashing federal incentives had a significant adverse impact on continuous CRP enrollment and on the willingness of states to amend their CREP agreements.

While certain policy decisions in the past administration had a predictable and significant chilling effect on negotiations to amend CREP agreements, there has been important interagency and partner communication and work that deserves recognition and can provide a strong basis for moving forward. States are accelerating RFB enrollment through enhanced incentives, such as Maryland's $1,000 per acre RFB bonus payment, that leverage and make CREP enrollment more attractive to producers as well as stand-alone programs, such as the cost share assistance provided by James River Association to landowners, such as country clubs, universities and prisons, to install riparian forest buffers on lands that do not meet USDA program eligibility requirements. Investment in CREP provides strong leveraging of state and NGO dollars, but stand-alone programs can be more nimble and provide greater state and/or local control. This flexible, multi-pronged investment strategy by states of investing in RFBs within CREP and outside of CREP makes sense and can offer a sound way to move forward in uncertain and rapidly changing times.

*Recommendations*

We offer the following suggestions to help states, USDA and partners pursue a flexible strategy to accelerate RFB WIP goal implementation in a fast-changing, dynamic environment:

- *Continued state investment in CREP and in stand-alone RFB programs (states)*
    - *Holistic approach to RFB incentive programs within state:* States work with RFB program funders (state agencies, NGOs, etc) to pursue a holistic approach to RFB programs to avoid duplication, confusion, overlap and competition among programs, identify gaps in existing programs, and also to maximize synergies, so there are options for a wide variety of landowners, producers and riparian lands that reflect conditions and opportunities in that state.
    - *WIP leads make sure credit for all RFB work within state*
    - *Pursue adaptive management approach:* Work collaboratively within the state to track progress, milestones and barriers to make changes and boost performance through adaptive management. Include farmer surveys on RFB options.
    - *Consider opportunities to increase state investment in CREP RFBs:* State can increase incentive, like Maryland $1,000 bonus, or it can seek to amend CREP agreement. Of course, the latter is highly dependent on whether USDA streamlines and expedites the CREP amendment process.
    - *Develop outreach materials and website materials on all RFB options within the state including easy to use comparison charts for farmers:* Practical, easy to use materials that offer at a glance comparisons of the relevant CREP and non-CREP RFB options are needed. Hard copies should be given to county NRCS, FSA and conservation districts.
    - *Ensure there is adequate support for conservation districts:* Farmers generally know and trust local conservation district staff and they are often the "unsung" heroes of conservation. States should ensure there is sufficient financial, technical and interagency support for soil and water conservation districts.
- *Create RFB interagency teams in Chesapeake watershed starting with highest priority areas to accelerate (federal, state, local):* These teams would primarily focus on CREP RFBs but should also be conversant with non-farm bill RFB incentive programs in the state and provide farmers with comparison charts and contact information.
    - CRP Conservation plan development
    - CRP enrollment
    - Spot checks and certifications of compliance for reenrollment
- *Increased staffing (federal, state, local):*
    - Increased staffing and interagency training, especially in light of staffing cuts, retirements and loss of institutional memory and working relationships
    - Track turnaround times and quickly implement additional staff, interagency RFB team, and/or contract with qualified NGOs or TSPs to address bottlenecks
    - Identify staffing shortfalls and utilize short term strategies (including assigning staff on detail, MOUs with NGOs, etc) and accelerated hiring – particularly in high priority and high workload counties
    - Outreach providers – recognize the role of conservation districts in outreach and helping farmers through enrollment process, financial status of the districts, and staffing needs

- *Interagency training, networking, peer to peer learning (federal, state, local)*
    - Annual Chesapeake Bay CREP Forum for networking, peer to peer learning, training and brainstorming how to address barriers
    - Regional trainings including in field
    - Mentoring new staff and to promote learning from retiring staff
    - Interagency training for CREP foresters, NGO staff, etc that helps them establish working relationships with county FSA, NRCS and conservation districts and helps avoid conflicting outreach messages that confuse farmers
- *RFB outreach (federal, state, local)*
    - Recognize role of conservation districts and ensure have sufficient funding and staff
    - Share RFB outreach materials including development of materials for websites and social media posts and videos
    - Consider state RFB website, like CREPPA in Pennsylvania
    - Provide information regarding all relevant RFB opportunities in the state and easy comparison tables for farmers
    - Provide brochures at the counter on all relevant RFB programs including non-farm bill programs
    - Bring up RFBs with farmers when discussing other farm conservation issues, like manure storage
    - Utilize existing mapping to inform outreach efforts, such as reaching out to landowners who farm down to the stream
- *Update marginal pastureland rental rates (USDA)*
    - Work collaboratively with local farmers, conservation districts, NGOs and others to update and increase MPL rates
- *Cost share (USDA)*
    - FSA has been updating cost share payment caps and may be moving to NRCS flat rates; this will be an issue for the 2023 Farm Bill
- *Revise CRP rule to clarify that PIPs are not a form of cost share but rather are an incentive payment (USDA)*
    - PIPs have always been a form of incentive payment and should not count towards the 100% cap on cost share from all sources. The Trump administration's CRP rule change on this was not required by the 2018 Farm Bill and is an unwarranted reversal of long-standing USDA policy.
- *Streamline and expedite CREP amendment process (USDA).* The CREP amendment process should take 6-12 months, depending on complexity, and USDA should prioritize conservation benefits, particularly for Chesapeake Bay CREPs which are key to meeting TMDL WIP goals:
    - *USDA provide funds for any NEPA compliance needs*
    - *Adopt a policy that provides 2:1 cash credit for funds expended by the state that increase the duration, value and extent of conservation benefits.* For example, a state funded permanent easement that covers CREP acres post expiration of the CRP contract and provides cost share for management and/or enhancement of the cover post expiration of the CRP contract
    - *Amend the WV CREP to include the entire WV Chesapeake Bay CREP watershed*

    - *Keep PIP at 40% and waive 100% cap on Cost Share as needed.* This is important to avoid penalizing states who opt to amend CREP Agreements (as current agreements have a 40% PIP) and who provide state funded cost share.
- *2023 Farm Bill provisions:*
    - Clearly provide States may unilaterally accept new Farm Bill incentives, such as RFB CREP Management Payment, by signing an addendum to the CREP Agreement without renegotiating other provisions of the CREP Agreement and waiving any impact on 20% non-federal match
    - Include pilot for turnkey RFB management and PPA
    - Increase $50,000 payment limitation to $100,000
    - Codify a policy that provides 2:1 cash credit for funds expended by the state that increase the duration, value and extent of conservation benefits
    - Create subprogram within ACEP that applies to high value CRP/CREP enrollments, such as riparian forest buffers, wetlands, etc to meet key wildlife, water quality, climate, stream health and erosion prevention goals in high priority areas, including the Chesapeake Bay
    - ACEP farmland preservation easements should require stream buffers
    - Specify a 40-50% PIP
    - Codify 3-tiered waiver process for cost share and PIP
- *Prioritize RFBs as a key part of federal and state climate mitigation and adaptation strategies and farmer participation in carbon credits:* In addition to water quality, wildlife and erosion prevention, the Chesapeake Bay CREPs provide highly valuable climate mitigation and adaptation benefits, such as the impact of riparian forest buffers on cooling stream temperatures and providing stream and flood resilience.

Chesapeake Bay Riparian Forest Buffer and CREP Report

State by State CREP Summaries

*Delaware*

Delaware and USDA launched the Delaware CREP in 1999 to enroll up to 6,000 acres in DE's Chesapeake Bay watershed in parts of Sussex, Kent and New Castle Counties. After the DE CREP successfully enrolled 6,000 acres, the CREP acreage goal was increased to 10,000 acres. The DE CREP target area is about roughly one third of the land mass of Delaware and includes some of its most highly prized waterways. About half of the land is agricultural, but unlike the other Chesapeake Bay states, most of the agricultural land is in row crop production, often with tile drainage, not dairy and livestock production. There are 2,000 miles of tax ditches in Delaware.

The DE CREP focuses on 7 conservation practices, including RFBs, grass filter strips, wetlands restoration and hardwood tree planting. In 2015, there were 102.2 acres of CP22 in DE CREP. However, this under counts interest in tree planting. CP3A hardwood tree planting has long been the most popular practice in the DE CREP and wetland buffers are often forested. However, at the time of the RFB Task Force, DNREC only counted CP22 towards DE's streamside tree planting goals even though CP3A and CP23 include riparian tree planting.

Under the DE CREP Agreement, USDA pays 10 to 15 years of annual CRP rental payments plus a bonus on soil rental rate, a one-time $100/acre signing incentive payment, 50% cost share, and a 40% practice incentive payment (PIP). For CP22, USDA pays 130% of the base rental rate and Delaware pays 27%. However, the USDA rental payments are paid annually, and Delaware pays participants a lump-sum upfront incentive payment for CREP enrollments. Some participants do not like receiving the payment in a lump sum due to higher taxes, but this is more administratively feasible. In addition, DE pays 37.5% cost share once the practice has been installed and certified.

In 2014, FSA and Delaware amended the DE CREP to address significant declines in enrollment because of the lack of economic competitiveness on cropland due to record high commodity prices and incentives that had not been adjusted since the CREP was launched. This change raised the maximum allowable rental payment for tree planting practices from $150 per acre to $225 per acre. However, there was continuing concern that these rates were not as attractive as the rates paid by the neighboring Maryland CREP. Rates for marginal pastureland were quite low: $52/acre in Kent County; $54/acre in New Castle County and $60/acre in Sussex County. MPL rental rates have not been adjusted since 2000. In 2015, there were no acres of MPL enrolled in DE CREP.

In 2015, the DE CREP temporarily shut down due to lack of state match. Unfortunately, if a DE CREP contract expired during this shut down, it could not be reenrolled if the enrollment was forested. The Delaware legislature passed new state CREP match and the DE CREP reopened in 2016. In light of the shut-down experience in Delaware and other states, the 2018 Farm Bill includes a provision allowing USDA to temporarily waive state CREP match requirements in order to avert shut downs of CREPs.

Further, DE state law prohibits placement of forest buffers along maintained tax drainage ditches without a court order. A high priority for DE is to work with Public Tax Ditch Managers to encourage establishment of grass filter strips along maintained ditches. In addition, Kent, New Castle and Sussex Conservation Districts have their own cost share programs, but only New Castle's includes RFBs.

Reenrollment was a key priority for the RFB Task Force as approximately 3,700 acres of DE CREP enrollments were due to expire and come up for enrollment between FY 2015-2017.

*Maryland*

Maryland pioneered the first CREP in the nation in 1997. The objectives were to improve water quality and restore wildlife habitat throughout the entire state of Maryland through a mix of 14 conservation practices, including riparian forest buffers, grass filter strips and wetland restoration. This CREP is approved to enroll up to 100,000 acres, including 77,000 acres for stream buffers and related practices. Maryland has excelled at obtaining enrollment, exceeding all Bay states except Pennsylvania. MD CREP has roughly 74,500 acres enrolled. From 1999 to 2003, Maryland CREP enrollment grew at a fast rate due to strong interagency leadership, NGO support and outreach as well as attractive incentives at a time of relatively low commodity prices. A cadre of dedicated interagency staff with strong working relationships who viewed CREP as a unique opportunity to implement significant change was also a key factor to success.

Over time, enrollment declined due to a variety of factors, including rising commodity prices from 2011-2013, agency staffing cuts, changing NGO priorities, an aging farming population who were sometimes reluctant to sign long-term contracts and concerned about retirement and estate issues, and maintenance and establishment issues that can preclude reenrollment eligibility if left unaddressed, including issues with grass practices naturally succeeding into woody vegetation and in some instances, invasive species. Shut downs of CRP/CREP due to Congressional delays in reauthorizing the farm bill and government shut downs also impaired momentum.

The Maryland CREP is the primary tool for protecting existing RFBs and enrolling new RFBs. In 2015, there were 15,519 acres of CP22 RFBs enrolled in the Maryland CREP. USDA pays 50% cost share, 40% PIP, $100/acre SIP, and annual CRP rental payments. The bonus on soil rental rate varies (80%-200%) depending on the conservation practice; riparian forest buffers (CP22) receive 200% + SRR. Maryland sought to maximize the impact of state dollars by providing supplemental cost share (up to 87.5%), state incentive signing bonus ($100/acre) for all acres (new enrollments and reenrollments) and optional permanent conservation easements (payment is based on the fair market value of the foregone development rights). MD CREP allows participants to enroll up to 250 ft wide RFBs for additional wildlife habitat benefits. Permanent easements are eligible on CREP acres and adjoining lands that help meet the CREP water quality and wildlife habitat goals. Maryland's spirit of innovation also included approaches to outreach, including a farmer-to-farmer outreach effort.

As the oldest and one of the most successful CREPs in the nation, Maryland was one of the first states to tackle the issue of CREP reenrollments. Understandably, there were some issues with lands that had issues with their vegetative practices (lands must be in compliance with their existing CRP contracts in order to be eligible for reenrollment). Not surprisingly, reenrollment became a high priority. Reenrollment is key to maintaining current water quality and wildlife habitat gains and is a highly cost-effective approach as the investment has already been made in establishment of the trees and environmental benefits grow over time with the trees. In 2015, when the RFB Task Force review was conducted, Maryland was facing a wave of expiring CREP contracts: over 12,600 acres of expiring CP22 CREP enrollments within the next 5 years (2015-2020). A key challenge Maryland faced was the issue of preventing grass buffers from transitioning to trees due to lack of maintenance of grass practices. Maryland partners recommended a process to allow the conversion of some grass filter strips to RFBs and retain compliance with CREP.

Many of Maryland's CREP RFBs are on the Western shore of the Chesapeake Bay and in Western Maryland occur on marginal pastureland and are associated with livestock or dairy production. Many of the operations are relatively small and the land is owned and operated by part-time producers. Producers often view the program as an opportunity to increase the value and usefulness of their operations by developing exclusion fencing of the stream, water tanks and stream crossing while enhancing the environmental benefits. The value of these capital improvements and associated improvements in grazing distribution and herd health can often significantly exceed the value of annual rental payments and is the principle economic factor that causes producers to enroll. The $50,000 payment cap limitation can be an issue for some in

Maryland because the cost of RFBs and associated items, such as exclusionary stream fencing, alternative water, and stream crossings can exceed $50,000.

On the Eastern Shore of the Chesapeake Bay, most of the RFB enrollment occurs on cropland. This is a high priority area for Maryland as the seven Eastern Shore Counties are estimated to have less than 70% of their stream miles buffered or partially buffered. Commodity crops (corn, soybean, wheat) on large farm operations predominate in the area. Many acres are leased under short term leases. Landowners who enroll in CREP generally provide little or on compensation to the producer when the land is enrolled in an RFB. Competition between environmental uses of riparian areas and producer desires to keep land in crop production has created some tension. In 2013, when corn prices were over $6.00/bushel, a producer could see his/her income drop by over $600/acre or more for every acre of leased land enrolled into CREP. However, establishment of RFBs on cropland in the Eastern Shore is one of the most cost-effective means to reduce nutrient loadings.

In 2009, Maryland and FSA successfully amended the CREP agreement. While this was a lengthy process, it provided key gains, including increasing the incentive percentage on soil rental rate for riparian forest buffers to 200%.

When the RFB Task Force recommendations were created in 2015, Maryland had a broader set of CREP amendment goals that included:

- Improving long-term functionality of CREP RFBs by building on the cooperative efforts of the USFWS Maryland FS and CBF in utilizing maintenance crews to protect the investment in establishment of RFBs by conducting maintenance. This would include extending installation of RFBs from 2 to 4 years, increasing maintenance payments to up to $150 per acre, and pooling contracts and subcontracting with maintenance crews to provide maintenance.
- Include up to 60 ft wide CP4D buffers as eligible for use adjacent to drainage ditches as long as the area closest to the ditch is maintained in grass. Maryland had restricted eligible practices along drainage ditches to 35 ft grass filter strips after RFBs created ditch maintenance complications.
- Add CP 39-constructed wetlands to treat tile drainage water to the Maryland CREP. This would be a key way to improve water quality of tile drainage water before it is discharged into waters and would be suitable along drainage ditches or in pivot irrigation corners.
- Maintenance of riparian grass buffers so they continue to meet practice standards throughout the life of the contract and do not succeed into woody vegetation and invasive species. Maryland was seeking flexibility to reenroll some grass filters strips under CP4D.

*New York*

New York and USDA launched the New York CREP in 2003 to improve water quality and restore wildlife habitat in 17 New York counties in several key watersheds throughout the state, including New York's Chesapeake Bay watershed, which comprise the northern headwaters of the Chesapeake Bay watershed. The NY CREP is authorized to enroll up to 40,000 acres of highly erodible cropland and cropland and marginal pastureland along eligible

streams, rivers and waterbodies. Eligible conservation practices include riparian forest buffers and grass filter strips.

Most of the RFB enrollments in New York's Chesapeake Bay watershed occur on marginal pastureland and are associated with dairy and livestock production. Many of the operations are relatively small and the land is owned and operated by part-time producers. Producers often view the program as an opportunity to increase the value and usefulness of their operations by developing exclusion fencing of the stream, water tanks and stream crossing while enhancing the environmental benefits. The value of these capital improvements and associated improvements in grazing distribution and herd health can often significantly exceed the value of annual rental payments and is the principle economic factor that causes producers to enroll.

In addition, enrollment of buffers on cropland is a high priority for water quality as in some areas, it is common to see producers farming right down to the stream. Incentives do not reflect the economic value of this land. New York's RFB Task Force recommendations and proposal to FSA for $1,000,000 in funding focus on addressing this issue through increased combined state and federal incentives laser focused on the first 50 feet of RFBs or grass filter strips on either side of the stream (see below).

The New York State CREP was amended in 2012 to include the missing parts of the New York portion of the Chesapeake Bay watershed. There was interest in publicizing a relaunch of the CREP at this time; however, this was not possible given Congressional delay in passing the Farm Bill which caused the shut-down of CRP and CREPs.

The RFB State Task Force found that enrollment trends in CP22 CREP buffers had been slowing over 2010-2015 for a variety of reasons, including incentives that are no longer economically competitive. Marginal pastureland rental rates were out of date and were estimated to be 50-80% below market rates. In addition, cost share caps were often too low and did not reflect prices participants were paying. The New York City Watershed CREP had a 3-tiered waiver process that addressed this problem and was a key priority in New York's RFB Task Force recommendations to include in the NYS CREP.

With nearly 5,000 acres of buffers set to expire over the next five years (2015-2020), boosting reenrollment was a key objective of New York's RFB Task Force recommendations and proposal to FSA for the $1,000,000 in funding.

*Pennsylvania*

Pennsylvania launched its first CREP in 2000 to target $210 million to improve water quality and restore wildlife habitat in 20 counties in the southern half of Pennsylvania's Chesapeake Bay watershed by enrolling up to 100,000 acres of a mix of 17 conservation practices, including riparian forest buffers. The CREP enjoyed strong enrollment, and in light of this success, Pennsylvania and USDA expanded the CREP to Pennsylvania's 23 northern tier counties in the Chesapeake Bay watershed and raised the cap on maximum enrollment by another 100,000 acres and an additional $200 million.

FSA pays a $100/acre signing incentive payment (SIP), 50% cost share, a 40% practice incentive payment (PIP), and 200% of the soil rental rate for riparian forest buffers (including a $5-10 annual maintenance payment). Pennsylvania pays 50% cost share for RFB enrollments up to 50 feet from the stream on either side of the stream. In addition, Pennsylvania will pay up to $850 per acre for RFBs cost share without fencing and up to $1250 per acre for RFBs with fencing. State cost share also includes up to 50% for post planting herbicide applications.

"Enrollment history in PA CREP has shown the difference highly trained and motivated local staff can make through concentrated outreach effort and sufficient one-on-one discussions with farmers in the community to promote CREP." In the early years of the program, in addition to many dedicated NRCS, FSA and conservation district staff, Pennsylvania and NGO partners hired biologists to work primarily on CREP outreach. Their combined efforts were instrumental in achieving high RFB enrollment rates. The FSA CEPD CREP Manager at the time noted that there was strong interagency cooperation and a culture of providing some flexibility to address issues at the local, county level.

From 1999-2013, RFBs were a highly popular practice (the 3rd most popular conservation practice), comprising approximately 15% of total PA CREP enrollment. However, enrollment in RFBs significantly declined in several years before the RFB State Task Force; dropping to only 3% of total PA CREP enrollment from 2012-2013.

Enrollment was adversely impacted by high commodity prices which made the PA CREP incentive package less financially attractive and other issues. For many, assistance with fencing, stream crossings, water development, and RFB installation is a key motivator to enroll, but this was undercut by cost share caps that were out of date and too low on many components and thus, did not reflect the costs participants were actually paying. Agency staffing cuts, lack of funding for outreach and, in some cases, partnering and interagency communication issues, further exacerbated these problems.

In addition, a wave of expiring contracts made achieving strong reenrollment and preventing slippage a high priority in the RFB State Task Force discussions. In 2015-2020, 7,713 acres of riparian forest buffer CREP contracts were set to expire. Key concerns included both whether farmers would be interested in reenrolling these acres and whether the condition of the riparian forest buffer cover was sufficient to make reenrollment feasible. A notable strength in PA CREP is that they recognized "that it is much more cost effective to expand the RFB establishment period from 2 to 3-4 years, and provide cost share for spraying to control invasive plants" to help ensure good RFB establishment success and higher tree survival rates.

Several Pennsylvania NGOs obtained grant funding to create buffer bonus programs cooperatively with NRCS and FSA. In addition, at the time of the RFB State Task Force reports in 2015, there was excitement about the recently approved Growing Greener grant for PACD for CREP outreach.

*Virginia*

The first Virginia CREP opened for enrollment of up to 25,000 acres (22,000 acres of riparian enrollments and 3,000 acres of wetlands) in 2000 to improve water quality and restore

wildlife habitat in in Virginia's Chesapeake Bay watershed through a mix of 4 conservation practices: riparian forest buffers, grass filter strips, wetland restoration and marginal pastureland wildlife habitat buffer. The same level of financial incentives were provided for all 4 practices; there was no clear priority established for RFBs.

Virginia has 15.3 million acres of land (over 55% of the state) in the Chesapeake Bay watershed. Agriculture accounts for more than 25% of the land use, including dairy, poultry and livestock operations in the Shenandoah Valley, beef and cash grain in the Piedmont and corn/soybean rotation, small grains and some vegetable production in the Coastal Plain. Thus, marginal pastureland, cost share for RFBs and associated stream fencing, stream crossings and alternate water as well as cropland enrollments are important in Virginia.

There were many early adopters in VA CREP riparian forest buffers. Virginia enrollment of RFBs peaked at 4,500 acres per year in 2001 and 2002. The CREP's early popularity was due to the "practical and economically feasible package of financial and technical support to assist producers with implementation of this important, but costly BMP." From 2005-2014, RFB buffer enrollment dropped to below 1,000 acres/year except in 2007 and 2008. In 2014, DCR introduced a 100% cost-share reimbursement option (SL-6) for fencing livestock out of streams but this was not associated with buffer or filter strip restoration. There was a such a strong level of producer response for SL-6, DCR ran out of funding. To better leverage state and federal investment, DCR planned to decrease cost share for SL-6 in 2016 and shift investment and priority back to CREP to spur RFB enrollment, increasing state cost share to 50%.

Virginia CREP is the main vehicle for enrollment of riparian forest buffers in Virginia. The Virginia Riparian Forest Buffer state task force found that accelerating CREP RFB implementation was not only good for water quality and meeting WIP goals, it was also beneficial for farmers. "Focusing efforts on accelerating CREP in Virginia, and across the Chesapeake Bay Watershed, will not only further the States' progress toward WIP goals for watershed restoration; it will also help more farmers and agricultural landowners manage their productive lands more economically, effectively and efficiently."

Virginia was facing a wave of expiring CRP acres, with 8,500 acres of riparian forest buffers coming up for reenrollment in 2015-2018. The Virginia Riparian Buffer State Task Force concluded that increased incentives were needed to encourage reenrollment as well as new enrollments of RFBs.

*West Virginia*

The West Virginia CREP opened for enrollment in 2002 to improve water quality and restore wildlife habitat in the Cheat, Kanawha, Little Kanawha, Monongahela, Potomac and Ohio River watersheds through a mix of six conservation practices, including riparian forest buffers. The West Virginia CREP has been amended several times and now is authorized to enroll up to 9,160 acres of highly erodible cropland or other environmentally sensitive agricultural lands along eligible rivers and streams.

In West Virginia, most of the enrollment of RFBs occurs on pastureland and is associated with livestock production. Many of the operations are relatively small and the land is owned and

operated by many part-time producers. Producers often view the program as an opportunity to increase the value and usefulness of their operations by developing water, exclusion fencing of the stream, pipelines and water tanks, and stream crossings. The value of these capital enhancements far exceeds the value of annual rental payments and is the principle economic factor that causes producers to enroll. The enhanced property value associated with the capital improvements and the benefits associated with improved grazing distribution and improved herd health must offset the income loss, operation and maintenance cost/issues associated with participating in the program in order for a producer to enroll. Producers' opportunities to participate are also impacted by outreach activities, producers' preconceived thoughts on the positive and negative impacts of enrollment and the ability to provide timely and professional service to the producer.

Reenrollment is also a priority. When the Riparian Forest Buffer State Task Force reports were being prepared, West Virginia was facing a wave of 992.7 acres of riparian forest buffer enrollment contract expirations over the next five years.

WV CREP is the primary tool in West Virginia for protecting existing RFBs and increasing enrollment in new RFBs. There are several important reasons West Virginia has wanted to amend its CREP Agreement. First, it would like to add the headwaters of the James River in Monroe County to the CREP target area. Unfortunately, this area was inadvertently left out of the CREP target area when the CREP Agreement was negotiated. Second, West Virginia would like to increase the CREP acreage goal to 12,000 acres to allow sufficient acreage to meet the WIP RFB goals in the Chesapeake Bay watershed as well as CREP goals throughout the entire WV CREP target area.

A one-time Chesapeake Bay incentive payment (CBIP) for enrolling and reenrolling riparian forest buffers was added to help spur enrollment in RFBs.

West Virginia CREP has also been characterized by strong partnering and outreach, including the innovative work by Trout Unlimited to provide turnkey service to landowners fencing cattle out of streams and restoring in-stream and riparian habitat. The cost of this work is partially offset by assignment of cost-share.

## WIP goals

The goal throughout the Chesapeake Bay watershed has been to buffer 900 stream miles/year. As part of the Phase II State Watershed Implementation Plan (WIP), each state developed goals for implementation of practices to address runoff of sediments and nutrients (nitrogen and phosphorus) by 2025. Most of the states relied heavily on voluntary implementation of riparian forest buffers through CREP on private lands. All of the states relied on multiple practices; for example, Maryland relied on 41 agricultural milestone actions. However, RFBs are a particularly important practice in terms of overall goals, cost effectiveness, and long-lasting impacts in helping to meet TMDL WIP goals and improve stream health and water quality.

| State | Phase II WIP goals | Enrollment | Estimated rate/year | Comments |
|---|---|---|---|---|
| Maryland | 1,546 acres from 2009 baseline | 63,980 acres of grass and RFB buffers by 2025; had 52,405 acres by 6/30/21 | 4,295 acres/yr grass & RFB buffers | |
| Pennsylvania | 89,630 acres | PA had 48,792 acres of RFBs; 24,000 acres of this were CREP RFBs | 6,895 acres/yr | 35 ft minimum width for RFBs |
| Virginia | 80,000 acres - approximately | | 6,215 acres/yr | CREP is primary RFB enrollment tool but 100 acres/yr EQIP |
| Delaware | 5,571 acres & 1,449 acres urban | DE had 2,226 acres of RFBs | | |
| New York | 10,222 acres | NY had 4,300 acres in CP22 in Chesapeake Bay watershed 2015 | 475 acres/yr | |
| West Virginia | 6,931 acres from 2009 baseline | | 250 acres/yr | |

Many of the states had even more ambitious Phase III WIP goals for RFBs; cumulatively adding up to 190,557 acres by 2025. As of 2020, states reported a cumulative total of 36,700 acres of RFBs. This represents a gap of 153,857 acres of RFBs needed in the watershed as a whole. However, analysis shows that there were some counties in every state that have had a high success rate in working with farmers to install riparian forest buffers.

## Riparian Forest Buffer State Task Force Reports

Across the Bay watershed, enrollment in RFBs is higher where the total package of incentives offered is economically competitive and the practice makes sense within the farm's overall operation. Cost share assistance is critical because it makes it affordable to fence cows out of streams and provide safe, reliable alternate water supplies. Red tape and delay are a serious drag on enrollment and spring from lack of program flexibility (e.g., to waive cost share caps at the local level) and failure to elevate RFB goals over other competing programs and goals. All six state task forces emphasized that to succeed in meeting RFB goals, a strong commitment of federal, state and local leadership is needed to:

- *Set annual riparian forest buffer implementation goals* within each agency down to the local level to accelerate RFB implementation.

- *Champion timely completion and approval of Conservation Reserve Enhancement Program (CREP) amendments* to increase incentives, provide greater program flexibility (such as delegating authority to local level over cost share), and, where needed (VA, WV), increase total acreage allowed to enroll to meet WIP goals.

- *Set technical assistance goals/workplan* within each agency (NRCS), including TSP strategy, to improve turn-around times and performance.

- *Increased coordination and cooperation between state water quality leadership, state CREP partner agency leadership* (including state departments of agriculture and natural resources).

*DE goals:*

- *A strong commitment of Federal, State, and local leadership is needed to support the program efforts and to provide adequate resources in DE and throughout the Chesapeake Bay watershed as a whole.* A key priority within this is to provide stable, long term state CREP funding. USDA needs to more fully consider DE's unique situation and provide greater flexibility.
    - A greater focus needs to be placed on installing RFBs on all public lands – *seek commitments from agencies to install RFBs and to document those RFBs*
    - DE needs to receive full credit from the Bay program for any forested practice, such as CREP CP3A hardwood tree planting and livestock exclusion from streams in forested areas, that function as RFBs.
- *A new outreach campaign is needed to attract producer and landowner attention and boost enrollment.* Delaware has the advantage of having close-working interagency relationships. A coordinated, multi-partner RFB outreach campaign could help attract farmer and landowner attention and interest. More outreach funding is needed to do so. This campaign could be combined with new programs, such as RCPP and DE's proposed agriculture certainty program. If the DE CREP Manager retires, a new CREP manager needs to be hired and CREP training is needed.
    - *Outreach for reenrollment:* Given the wave of expiring CREP acres, it is important to encourage reenrollment during the last few years of the contract to ensure acres will qualify for reenrollment and to encourage upgrades, such as increasing the acreage enrolled or changing the practice to an RFB.
    - *Promote, coordinate and recognize partnering with NGOs*
    - *$10,000 for outreach*
    - *Outreach to Amish farmers*
- *Increased incentives.* Increased incentives are needed to enroll and re-enroll land into RFBs to compete with the price of commodities, the loss of cropland, and the shading of cropland adjacent to buffers, wetness, and wildlife damage.
    - *$200/acre/year bonus payment for CP22 for new enrollments*
    - *$100/acre/year bonus payment for CP22 reenrollments*
    - *Update and increase MPL rental rates*
- *Greater flexibility is needed in buffer design to address the tax ditch issue and greater partnering is needed with the tax ditch program.* DE tax ditch law rights-of-way do no allow the installation of trees immediately adjacent to tax ditches without a court order to

remove the area from maintenance or a maintenance agreement with the tax ditch managers. There are over 2,000 miles of tax ditches in DE. Maryland is working on a multi-zoned RFB design. DE needs to work with the tax district program to develop an appropriate technical standard that provides the desired water quality and wildlife benefits but is also compatible with tax ditch maintenance. One sided ditch maintenance and/or planting trees immediately after ditch maintenance (which occurs in a 15-20 year cycle) are options that should be considered.

- *Utilize Marginal Pastureland and offer rental rates that are economically competitive.* It is important to take advantage of every opportunity to enroll RFB on marginal farmland. DE's marginal pastureland has never been utilized in DE and MPL rental rates are extremely low. Increasing MPL rates could help boost RFB enrollments. It is important to provide training on the flexibility of these riparian lands that do not meet cropland eligibility but are eligible for CRP enrollment as marginal pastureland.

*MD goals:*

- *A stronger commitment of Federal, State and local leadership is needed to support the program efforts and to provide adequate resources in Maryland and throughout the Chesapeake Bay watershed as a whole.* Heightened focus on RFBs is justified due to the cost-effectiveness of this means to reduce N-loading and Maryland is interested in examining ways to prioritize implementation in high pollutant loading regions of the state.
- *A heightened outreach campaign is needed to attract producer and landowner attention and boost enrollment.* Maryland seeks to develop a coordinated, multi-partner RFB outreach strategy that addresses targeted audiences (landowners, farmers, absentee landowners), particularly in high priority areas; includes messaging on stewardship and environmental benefits of RFBs, incentives, and RFB maintenance; employs leveraging and cross-selling opportunities (such as through RCPPs and Maryland's new agriculture certainty program); and addresses both reenrollment and new enrollment opportunities. Concerns of aging farmers and landowners must be addressed, including information on estate issues and hardship situations. Maryland would like to work with retired agricultural personnel who are familiar with the conservation programs and local farmers.
- *Staffing levels need to be evaluated to ensure there are adequate staffing levels to meet this challenge.* Maryland identified FSA, NRCS and state forester staffing levels as a challenge to meet increased workload. FSA staffing had dropped by over 20% since 2002.
- *Sufficient training is needed to provide producers and landowners the assistance they need to enroll, establish and maintain RFBs*
- *Greater flexibility is needed to provide PIPs as components are completed and to provide greater flexibility to waive federal cost share caps at the county and state level to reflect the true cost of components*
- *Increase incentives to enhance economic competitiveness with cropland rental rates.*
- *Annual maintenance payments should be increased.*
- *Extended establishment period from 2 to 4 years.*
- *Provide additional CREP permanent easements.*

*NY goals:*

- *A stronger commitment of Federal, State and local leadership is needed to support the program efforts and to provide adequate resources in New York and throughout the Chesapeake Bay watershed as a whole.* A piecemeal approach without adequate resources will not achieve the desired program outcomes. RFBs are one of the most cost effective approaches and failure to achieve RFB goals may mandate more expensive nutrient reduction options like enhanced N removal or urban stormwater retrofits.
- *A heightened outreach campaign is needed to attract producer and landowner attention and boost enrollment.*
- *Staffing levels need to be evaluated to ensure there are adequate staffing levels to meet this challenge.* FSA staffing dropped by over 23% since 2002. FSA was able to rehire some staff in 2015 but more program technicians were still needed. This is a key focus of NY's request to FSA for $1,000,000 in funding.
- *Sufficient training is needed for FSA, NRCS and SWCD staff to familiarize them with the latest policies, promote interagency teamwork and provide assistance:* A 2-day training and materials are a key focus of NY's request to FSA for $1,000,000 in funding.
- *Greater flexibility to provide partial PIPs as major components are completed:* Having to wait for PIP can have a chilling effect on enrollment, especially given heaving upfront costs and long wait times for producers. In addition, this creates a problem when seeking AgNPS grant funding for state cost share.
- *Flexibility to raise cost share caps:* The NY CREP should be amended to provide a 3-tiered waiver process, like the New York City CREP waiver process.
- *Marginal pastureland rental rates need to be updated:* MPL rates have not been updated since 2005 and require a $50/acre increase (a 40-60% increase). This would more fairly compensate farmers and would create needed "buzz."
- *Increase annual maintenance rates:* Double annual maintenance rates from $5/acre to $10/acre.
- *Extend establishment period from 2 to 4 years.*

*PA goals:*

- *Leadership, coordination and administration of programs to boost RFB enrollment and reenrollment through:*
    - Signal that RFB enrollment is a high priority
    - Increase team building and interagency and CREP partner communications
    - A CREP kick-off event to highlight new changes and generate excitement and interest in participation
    - High ranking officials present agency staff recognition for RFB enrollments
    - Provide performance recognition for all agency and NGOs working on RFB enrollment and reenrollment
    - Provide extra points in EQIP ranking to allow for a contracted buffer to get additional points even if it has not yet been installed
    - As barriers to enrollment are identified, seek to address them through policy adjustments where possible
    - Regularly convene TA providers to update guidance to reflect the latest understanding about technical issues, such as tree shelter use and removal, methods to improve shrub survival, specifics of herbicide spot spraying, etc.

- *Staffing and Training:*
    - Increase staffing:
        - Increased staffing to allow more one-on-one outreach, improved customer service (quicker turn-around times), reduce contract compliance issues through better RFB follow up
        - Coordinate on the ground outreach resources for more outreach staff to provide one on one contact with producers by knowledgeable, local outreach providers
    - Provide more interagency training
        - Consistent training for all agency and NGO employees to ensure consistent, accurate information to all CREP applicants
        - Train county office staff on benefits of RFBs and outreach efforts and provide helpful tools, such as FAQ sheet and information on economics, tax impacts and succession of contracts
- *Landowner outreach, Technical Assistance and Customer Service:* PA CREP has developed a CREPPA website and strong outreach materials in the past, including Buffer Calendars that provide helpful information about actions specific to various times of year and CREP signage.
    - Customer Service
        - Includes training (see above) on importance of RFBs and materials to answer questions, particularly on economics of CREP
        - More staffing to improve customer service and improve turnaround times, speeding up enrollment and reenrollment
        - Discuss reenrollment options during annual status reviews
        - Increased technical assistance as staffing levels are increased
    - Technical Assistance
        - Increased staffing is needed for timely delivery of technical assistance, including working with landowners during last few years of contract to help with reenrollment
        - Increase annual status reviews from 10% to 25% of CREP contracts
        - Increased annual status reviews during the first 5 years of CREP RFB contract
        - Conduct comprehensive status review every 3 years after the first 5 years of tree establishment
        - Conduct status reviews June-September, so tree condition can be assessed and adequacy of exclusionary fencing of cattle from stream
            - Identify any maintenance needs and discuss with participant
        - Increased TA regarding stream fencing, water crossings, alternate water and other important ancillary components in addition to RFB planting
        - Post planting herbicide application during the first 3-4 years after planting is important and participants may not have the equipment, expertise or time to do this themselves
            - Provide information about contractors, especially any turnkey local service that groups maintenance of local contracts
    - Develop a joint PA RFB outreach plan that includes:

        - Send post cards to CREP participants with expiring contracts to boost reenrollment
        - Strategy for outreach to absentee landowners, including a mass mailing
        - Update outreach materials, including a new PA CREP brochure
        - Update websites, including CREPPA website which is particularly high priority because it can serve as a simple, visually appealing one-stop site to gather additional information on RFBs
        - Develop videos, success stories, information about CREP and specific types of PA farms (such as RFBs and dairy/livestock operations)
        - Continue RFB Calendar
        - More CREP signs for participants
        - Develop FAQ sheet
        - Cross reference stream layer with CLU layer and county records for RFB outreach
- *Financial incentives:*
    - Update and increase cropland soil rental rates
    - Update and increase caps on cost share to reflect current local costs on RFB site prep, installation, stream fencing, water crossings and alternate water
        - Provide increased flexibility at the local level to waive cost share caps
    - Increase annual maintenance rate from $5/acre/year to $10/acre/year and make participants aware that even though maintenance is rolled into the CRP annual rental payment, it is increased compensation to help with maintenance
    - Continue to work with NGOs to expand buffer bonus program
- *Promote CREP reenrollment:*
    - Send post cards to producers with expiring acres at least 6 months prior to expiration
    - Outreach by local staff to producers with expiring contracts and update them on improvements in incentives, etc
    - Better interagency and partner communication so FSA, NRCS, conservation districts, NGOs are promoting reenrollment and providing consistent information
    - Increased technical assistance support to CREP participants in the last few years of their RFB CREP contract, including discussion of CREP reenrollment during status reviews
    - Provide information regarding potential upgrades, such as enrollment of additional acres or cost share for alternate water, stream fencing, etc

*VA goals:* VA's Riparian buffer state task force identified drivers and barriers to RFB enrollment and recommendations to address those barriers (pp.21-24)

- *Increase financial incentives for CP22 by:*
    - *Increasing the multiplier on soil rental rate from 120% to 150%.* This would be applicable on cropland and marginal pastureland. One of the key reasons producers cite for not reenrolling in VA CREP is noncompetitive rental rates. This issue is exacerbated by the shift from land value survey to NASS land value data which resulted in lower CRP soil rental rates in many counties.
    - *DCR would increase state cost share contribution from 25% to 50% from 2015-2018 and a $5 per acre lump sum rental payment*

    - *Amend the VA CREP to lift the $95/acre cap on all Chesapeake Bay CREP enrollments.* Enrollment of cropland, which is primarily located in the coastal plain, is a high priority for water quality and the $95/acre cap is a barrier to enrollment.
- *Provide greater flexibility in technical recommendations for establishment and management of RFBs*
    - *3-tiered cost share waiver cap process.* Cost share caps are often too low and present a barrier for CREP enrollment. Under the current process, even a modest waiver needs to be elevated to DAFP and takes too long
    - *Coordinate with EQIP* – provide higher points in EQIP ranking if participate in CREP RFBs
    - *Make signup process for CCRP and CREP less cumbersome for producers and staff* – suggest a two-part CRP-2C form to allow basic information in part 1 to get the process started and move forward with on-site consultation and CPO development
    - *Modify site prep recommendations*
    - *Expand eligible tree species selection list*
    - *Adjust tree species composition and planting density*
    - *Emphasize post-planting treatment of invasive competition* – Greater emphasis on site preparation and pre/post planting chemical treatment as establishment activities would help prevent maintenance issues later and improve tree survival
    - *Provide flexibility to withhold PIP as carrot after post-planting treatment is conducted*
- *Expand the VA CREP acreage enrollment cap from 25,000 acres to 30,000 acres.* CREP is the primary vehicle for RFB enrollment in Virginia. The current acreage cap is too low to meet VA's WIP goal for riparian buffers (80,000 acres). DCR was only seeking a modest 5,000 acre increase in the acreage cap in order to pursue incremental growth.
- *If an EA is needed for VA's CREP amendment, provide $40,000 in assistance to conduct the EA.* Virginia noted that there may be no need for an EA given that the target area and practices remain unchanged by the CREP amendment.
- *Establish a clear priority for RFBs*
    - *Although RFBs are key for WIP goals, no one agency supplies the leadership to focus efforts and advance the mission*
    - *Diminished staffing has resulted in spreading agency staff too thin*
    - *Interagency coordination is needed to accelerate RFBs*
- *Increase capacity for outreach, planning and trained technical assistance.* This was part of VA's request to FSA for the $1 M with possible match from the Chesapeake Bay Restoration Fund:
    - *Hire a team of buffers specialists (4 new staff positions)*
    - *Better coordinated through a strategic, targeted outreach plan*
    - *Replace old, out of date outreach materials*
    - *Joint outreach request submitted by the Forest Service or, if that fails, $65,000 for new outreach materials*
    - *Joint interagency training for all partners ($110,000)*
    - *GIS analysis to help inform outreach strategy*

*WV goals:*

- *A strong commitment of Federal, State, and local leadership is needed to support the program efforts and to provide adequate resources in West Virginia and throughout the Chesapeake Bay watershed as a whole.*
- *Staffing increases are necessary as there are insufficient staff resources to do the job.* FSA staffing has dropped by over 20% since 2002 and staffing level increases were needed at FSA, NRCS, WVDOF, the SWCDs and WVCA. *Was this part of WV $1 M request>*
- *A new outreach campaign is needed to attract producer and landowner attention and boost enrollment.* A boost in incentives, expansion of the CREP target area, increase in the WV CREP acre cap, and a major rebranding/outreach effort is needed to generate excitement and boost enrollment. *Asking $10,000-$20,000/yr for media campaign.* WVDOF GIS specialist adapted the MD CREP GIS tool for 3 WV Potomac watersheds and foresters have done some outreach utilizing this tool. The project will explore the use of hiring retired agricultural personnel who are familiar with the conservation programs and the local farm community to sell the program one-on one.
- *Sufficient staffing and training are needed to ensure sufficient capacity to provide producers and landowners the assistance they need to enroll, establish, and maintain RFBs.* Program complexity requires a well-trained staff. Staff training for FSA, NRCS, FS, WVDOF, WVCA and Conservation Districts is essential and the staffs need to have a better understanding of the important role each plays in developing a contract. *Provide $10,000 for staff development and training.*
- *Greater flexibility is needed to provide partial practice incentive payments (PIPs) after cost is incurred.* Unlike some other Bay states, West Virginia does not have a supplemental funding source to assist with the initial outlay of funds for practice implementation. With the small average contract size and the high capital costs of many of the fencing, stream crossing, water development, and tree planting practices as well as delays associated with PIP processing due to current procedure cause significant cash-flow issues for some contract holders. These issues disproportionately impact small and medium sized operations. Provide the State FSA officials the flexibility to issue PIP payments at the time the cost is incurred rather than after the entire practice is completed. This may not be needed for every contract, only those meeting specific limitations or other complications. *This does not create a need for extra funding.*
- *Greater flexibility is needed and to provide cost share for true cost of components.* There is a compelling need to provide greater flexibility to adjust the payment cap issues associated with fencing, water development, pipeline, stream crossing, and other components. Current policy requires too many requests to be sent to FSA NHQ for approval, which causes delays in implementation and increases workload for county/state staff. Like New York and Virginia, West Virginia is proposing a three-tiered approach to approval of waivers that is currently being successfully used in the New York City Watershed CREP. *This does not create a need for extra funding because discretion already exists to grant waivers; this recommendation will save administrative resources by delegating more to the State and Local level.*
- *Limited cost share is currently available for CREP participants if they need to replant RFBs due to a disaster (like flooding or drought); supplemental* ***non-FSA*** *cost share*

*assistance would be helpful to provide.* In the event of a natural disaster (flooding, fire, etc.), CRP can only pay up to 50% cost-share associated with RFBs. Due to the high capital costs the producer has a high risk (could be in excess of $10,000) to restore the practice after a flood. The recent major flood events over the past 10 years in West Virginia illustrate this potential risk. This risk could limit enrollment and NGOs should explore options that would reduce the risk to producers.

- *Marginal pastureland rental rates have not been updated since 2002 and must be updated to be economically competitive.* Rental rates are probably 40 to 50% below the market rate. Increasing rental rates would increase program participation, fairly compensate producers for income foregone and generate "buzz" that will help sell the program. This increase would increase program cost by about $2.4 million (life of contract) and would require the State of WV and/or non-federal CREP partners to provide an additional $500,000 in life of contract match (but only half – $250,000 – needs to be cash match; the rest can be in kind contribution).
- *Expanding the CREP target area to include the relevant parts of Monroe County is needed to provide complete coverage of West Virginia's portion of the Chesapeake Bay Watershed.* In addition, inclusion of the headwaters of the James River will also provide strong benefits for wildlife, including some threatened or endangered species. Expansion of the CREP target area will require a CREP amendment and possibly an environmental assessment (EA) to comply with the National Environmental Policy Act (NEPA). The EA would cost about $30-40,000 and take about 6 to 9 months to complete. WV has conditionally included the in its February 27 request to FSA CEPD in case it is determined that this is necessary.
- *Seek to expand the use of turnkey operations for one-stop RFB implementation.* Expand the use of turnkey operations that provide one-stop RFB implementation. Trout Unlimited provides fencing, tree planting and water development to producers. Many producers do not have the time, equipment or experience in doing the work.

## 2018 Farm Bill

In 2018, when Congress reauthorized the Farm Bill, it included significant provisions from Senator Casey's Conservation Reserve Enhancement Program Improvement Act of 2018 to address CREP barriers, particularly for riparian forest buffers. Important provisions included:

1. *CREP Riparian Buffer Management Payments:* These payments provide up to 100% of the cost of management of riparian forest buffer vegetation over the life of the CRP contract. This would address a key need identified by many of the states in the Chesapeake Bay Riparian Forest Task Force Reports; the cost of management of riparian buffers is a barrier for many landowners and can lead to impaired functionality or even failure of the riparian buffer. This new payment became even more important when the 2018 Farm Bill eliminated 50% cost share for mid-contract management.

2. *Cost Share for CREP Riparian Buffers Based on Current Prices:* USDA pays 50% cost share and a 40% Practice Incentive Payment (PIP) based on allowable costs of components. Historically, cost-share reimbursement has not covered the true costs of these expenditures due to caps that were out of date, too low and not reflective of current

costs. The 2018 Farm Bill addresses this issue by making sure that cost share is based on fair market value, not only of trees, but of associated components, like fencing cattle out of streams, water crossings and alternative water development. This is important in many parts of the Chesapeake Bay watershed, including Virginia, Maryland, Pennsylvania, West Virginia and New York and was a key issue in the Chesapeake Bay Riparian Forest Task Force Reports.

3. *Partial PIP payment authority:* The 2018 Farm Bill allows re-imbursement for installation costs of major practice components prior to the full completion of installation of the entire conservation practice. It can take several years to fully install a riparian forest buffer, including expensive components like stream fencing, water crossings and alternative water development. Historically, farmers could receive cost share as major components were completed (such as stream fencing), but not the practice incentive payment (PIP). This has been a major barrier to enrollment, especially for low income farmers and was an issue identified by virtually all of the Chesapeake Bay states in their Chesapeake Bay Riparian Forest Task Force Reports.

4. *CRP soil rental rates:* The 2018 Farm Bill provides important authority to adjust CREP "soil rental rates" (SSR) provided sufficient justification is provided by the state. Soil rental rates are used to set the annual CRP rental payments producers get for taking land out of production. Ensuring these rates adequately compensate producers is key to encouraging participation in CREP.

5. *CRP eligibility for RCPP*: Only NRCS programs (EQIP, CSP, ACEP) were eligible for Regional Conservation Partnership Programs (RCPP) despite the fact that CRP and CREP are the key opportunities in the Farm Bill for long-term conservation practices, like riparian forest buffers, and provide both cost share assistance to install the vegetative practice as well as an annual rental payment. This language corrects that oversight and will be meaningful for RCPPs in the Bay watershed.

6. *State CREP match waiver:* The 2018 Farm Bill provides authority to allow CREPs to continue to enroll acres by temporarily waiving CREP match requirements "during a period when an eligible partner loses the authority or the ability to provide matching contributions" if USDA determines the waiver will advance conservation purposes. This helps to keep CREPs going even if the state temporarily runs out of cash. For example, Delaware CREP temporarily shut down after the Delaware legislature failed to reauthorize state CREP funding. This language provides authorization to avoid such shut downs in the future and to keep momentum going.

However, as discussed above, the 2018 Farm Bill also made some cuts to incentives, eliminating 50% cost share FSA paid for mid-contract management, changed signing incentive payments (SIPs) from $100/acre to 32.5% of the first year CRP rental payment, and reduced CRP rental payments to 90% of rental rates for continuous CRP (although this was waivable for CREP). Fortunately, existing CREP Agreements were grandfathered in as is, but unfortunately, to utilize the 2018 Farm Bill CREP provisions states and FSA needed to agree to amend the CREP agreements.

It is important to note that the cuts Congress made to incentives were exacerbated by discretionary cuts made by the Trump administration, such as slashing the practice incentive payment from 40% to 5%, eliminating the 20% bonus on soil rental rate on continuous CRP enrollments, and capping the soil productivity index which was a factor USDA always considered in setting CRP annual rental payments. USDA also took the bargaining position that any CREP amendments would entail renegotiation of the entire CREP agreement *and* that USDA would seek to reduce federal incentives in CREP to match the new lower level of federal incentives USDA was offering for other forms of continuous CRP. This was a stark contrast from the give and take bargaining process that defined CREP negotiations in the past. In light of all of this, the Chesapeake Bay states reasonably concluded they had more to lose than to gain from pursuing CREP amendments in the years following passage of the 2018 Farm Bill. Predictably slashing federal incentives had a significant adverse impact on continuous CRP enrollment and on the willingness of states to amend their CREP agreements. As a result, there have been no new amendments to CREP agreements in the Chesapeake Bay watershed during the 2018 Farm Bill which has had frustrated full implementation of the CREP provisions of the 2018 Farm Bill as well as CREP amendment goals identified in the Chesapeake Bay Riparian Forest Task Force Reports, such as expansion of the West Virginia CREP target area to include the rest of the West Virginia portion of the Chesapeake Bay watershed.

## Current Context

As was clear in the state reports in the April 27, 2022 workshop, the Chesapeake Bay states, USDA state offices, and partners have shown strong leadership at all levels to try to accelerate riparian forest buffers through increased CREP RFB enrollment and reenrollment and stand-alone programs. Significant actions have been taken at the federal, state and local level including:

*Improvements for Continuous CRP:* USDA Secretary Vilsack restored the continuous CRP incentives (non-CREP) and included new incentives, such as Climate Smart Incentive payment.

*Hired Regional CREP Manager:* For the first time, in additional to a national CREP Manager, FSA has hired Eastern, Central and Western CREP Managers. This is important to speed up and improve responsiveness of USDA headquarters to state and regional CREP needs.

*Increase opportunity and equity:* On December 20, 2021, FSA Administrator Zach Ducheneaux announced increased outreach to historically underserved farmers, ranchers and landowners, and changes to the non-federal CREP match requirements to remove barriers and increase opportunities for Tribal CREPs and other CREPs that address the needs of historically underserved farmers and ranchers.

*New investment in Chesapeake Bay watershed:* On May 6th, USDA announced $22.5 million investment in the new Chesapeake Bay States Partnership Initiative. This focuses on locally led approaches and targeted enrollments through EQIP, CSP and ACEP. Some

of this funding also goes for NRCS work with FSA to "identify needs and opportunities for buffer management on acres that may be coming out of CRP."

*Increased opportunity to address nutrients:* Congressional passage of the Biden Infrastructure Law (BIL) provides increased funding and interagency opportunities. The BIL provides significant funding for urban trees (e.g., Healthy Streets funding) and historic investment of billions of dollars in clean water and drinking water state revolving funds (SRFs). EPA Assistant Administrator for Water Radhika Fox recently issued a memo on nutrients embracing innovative, holistic approaches that combine MS4 and NPDES permit compliance with innovative investment through the SRFs in urban and rural buffers and other practices. *This aligns well with efforts in Maryland* (Maryland's Conservation Finance Act of 2022, MS4, DWSRF and scaling up Stream Re-Leaf program)*, Virginia* (Trees are now a stormwater practice) *and New York.*

*Maryland's Tree Solutions Now Act:* Maryland passed the Tree Solutions Now Act which invests in urban and rural trees and seeks to plant 5 million additional trees in Maryland. This law provides a state-funded $1,000/acre bonus for CREP riparian forest buffers in Maryland.

*Trees for Every Delawarean Initiative (TEDI):* The goal is to plant at least one tree for every Delawarean. This is a key part of Delaware's climate action plan and includes rural and urban tree planting.

*Innovative funding in Pennsylvania:* PennVest and NFWF grant funding are providing millions of dollars to help accelerate riparian forest buffers, and Keystone Tree Fund checkoff is providing significant contributions from donations when people renew their drivers licenses. The Community Conservation Partnerships Program is providing a quick and easy way to sign up for buffers without red tape.

*Virginia and James River Buffer Program:* The James River Buffer Program works with a wide array of riparian landowners and is able to restore riparian forest buffers for landowners, such as prisons or country clubs, who are not eligible to participate in CREP.

*Innovative outreach strategies:* For example, Maryland has mapped and is targeting high priority areas for outreach. Pennsylvania's RFB Advisory Committee stakeholder process has continued on the ground and they have strong partnerships, such as Lancaster Clean Water Partners, South Mountain Partnership, Chesapeake Conservancy, and Chesapeake Bay Foundation's 10 million trees campaign. In addition, Pennsylvania is utilizing innovative outreach strategies, like the buffer my stream campaign and tax parcel data.

But many barriers discussed in the Chesapeake Riparian Forest Buffer State Task Force Reports are still an issue, including staffing declines, the need for turnkey maintenance and RFB installation (make it easy to plant a tree), lack of availability of contractors to install RFBs and to manage or maintain them (New York reports that contractors travel to New York from as far away as Virginia), slow turn-around times (Delaware reported some producers are waiting as long as 3 years for a signed CREP contract), and the slow pace of RFB enrollments. However,

Pennsylvania has developed an Invite to Qualify TSPs to Plant which prequalifies contractors, which will hopefully speed up implementation of buffers on the ground and reduce administrative burdens.

## Recommendations

Investment in CREP provides strong leveraging of state and NGO dollars. CRP is well known and understood by farmers and USDA invests millions of dollars into each CREP. However, it is important to recognize that much of the early success of CREP came from a spirit of partnering and flexibility. The CREP approval and amendment process, while never easy, was less cumbersome, time-consuming and more flexible than it became in recent years. Often there was latitude for field staff to utilize best professional judgment. There were strong commitments of state, federal and NGO investment in staffing, technical assistance and outreach. Over the years, the significance of some issues, like insufficient management assistance and the need for turnkey assistance, became clearer, particularly as CRP contracts came up for renewal and, in some cases, compliance issues were discovered. Revitalizing CREP can be frustrating for USDA, state and NGO partners, but there are encouraging signs of a shift in leadership at USDA headquarters and a renewed emphasis on partnering and the multiple benefits of CREPs. CREP specific recommendations:

1. *State CREP partners work with FSA State office to develop a "wish list" of changes for CREP to discuss with USDA CEPD.* Some changes, such as joint trainings, increased staffing, formation of RFB teams/strike teams, can be made without amending the CREP Agreement. Other changes, such as expanding the West Virginia CREP target area to include the rest of the West Virginia portion of the Chesapeake Bay watershed or increasing the federal incentive for riparian forest buffers in Virginia would require amending the CREP Agreement. If Delaware opts to provide state-funded cost share for riparian forest buffers, this could be done either through a CREP amendment and counted towards non-federal CREP match or without a CREP amendment as Maryland did with its $1,000/acre state-funded RFB bonus payment.

2. *Improve customer service and turn-around times.* Identify where bottlenecks are, such as turn-around times on conservation plans. Delaware, for example, reported some producers are waiting several years to successfully enroll in CREP. Strategies to address bottlenecks include: create RFB teams/strike teams whose only job is to focus on RFB enrollments and who are highly efficient due to this laser focus; increase staffing and, in the short term, detail staff or hire contractors to meet workload; provide increased financial support for conservation districts; and, as needed, ensure MOUs with partners include 1619 data sharing agreements and training in agency policy and software. FSA should seek to streamline and simplify the CREP enrollment process as much as possible and replace multiple, out-of-date software systems with one, user-friendly system.

3. *Provide turnkey buffer installation and management for interested landowners through an RCPP, NRCS MOU, or other funding.* This does not require amending the CREP Agreement and would address a barrier identified by states (Delaware, Pennsylvania, New York, West Virginia) in the April 27 workshop and in the Riparian Forest Buffer

Task Force Reports. In fact, Pennsylvania identified technical assistance as their biggest bottleneck. Not only would turnkey assistance help landowners who lack the equipment or time to conduct maintenance, management or installation of their riparian buffer, it could provide a steady stream of work in a cost-effective manner that would incentivize local contractors to do this work. Lack of local contractors was an issue mentioned by several of the states, including New York, Pennsylvania and West Virginia. The turnkey buffer service could extend to CREP and non-CREP buffers. Document the green jobs created by this turnkey service.

4. *Work with USDA leadership to streamline the CREP amendment process.* The CREP amendment process should take 6-12 months, depending on complexity, and USDA should prioritize conservation benefits, particularly for Chesapeake Bay CREPs which are key to meeting TMDL WIP goals. If environmental assessments, or other NEPA compliance is required, USDA should cost share the expense with the state. If a state chooses to amend the CREP Agreement, USDA should waive the 100% cap on cost share and keep the practice incentive payment at 40% to avoid penalizing states who opt to amend their CREP Agreements. This is particularly important in the Chesapeake Bay watershed given the significance of cost share and PIP to defray the expense of installing RFBs as well as associated components, like fencing cattle out of the stream, livestock crossings and alternate water.

5. *USDA host annual Chesapeake Bay CREP Networking Forum.*

6. *Update marginal pastureland rental rates (USDA):* Work collaboratively with local farmers, conservation districts, NGOs and others to update and increase MPL rates.

7. *Revise CRP rule to clarify that PIPs are not a form of cost share but rather are an incentive payment (USDA):* PIPs have always been a form of incentive payment and should not count towards the 100% cap on cost share from all sources. The Trump administration's CRP rule change on this was not required by the 2018 Farm Bill and is an unwarranted reversal of long-standing USDA policy.

8. *In the 2023 Farm Bill, address barriers by:*

    *a.* Expressly provide that States may unilaterally accept the RFB CREP Management Payment by signing an addendum to the CREP Agreement without renegotiating other provisions of the CREP Agreement and regardless of any impact on non-federal match;
    b. Include pilot for voluntary turnkey RFB management and installation (landowners would assign cost share and RFB CREP management payment but would pay no additional cost);
    c. Expressly provide that PIP must be offered for all continuous and CREP enrollments and must be equivalent to at least 40% practice installation cost;
    d. Direct FSA to provide up-front costs for very low income CRP participants as NRCS does in EQIP;

e. ACEP farmland preservation easements in the Chesapeake Bay watershed should require stream buffers;
f. Increase opportunity for BIPOC farmers through CRP TIP but retain riparian buffers;
g. Create a new easement category in ACEP that covers high value CRP/CREP enrollments such as riparian forest buffers; and
h. Increase $50,000 payment limitation to $100,000

As the state reports made clear in the April 27 workshop, experience has shown that it is wise to employ flexible, multi-pronged investment strategy of investing in RFBs within CREP and outside of CREP, instead of relying just on CREP. Relying on multiple programmatic opportunities to enroll RFBs allows the flexibility to fill in gaps, to have a more comprehensive suite of buffer options responsive to a wide array of landowners – not just farmers and agricultural landowners, and it is an important hedge against disruption, such as when there have been government shut-downs of USDA programs. Recommendations for an array of RFB programs:

1. *Holistic, less siloed approach:* Coordinate RFB programs to avoid duplication, confusion, overlap and competition among programs, identify gaps in existing programs, and provide outreach on all of the RFB programmatic options in at-a-glance format that makes it easy to compare the options (eligibility requirements, costs, incentives, etc):
    a. Increased staffing (federal, state, local) and utilize short term strategies (including assigning staff on detail, MOUs with NGOs, hiring contractors, etc) to address needs particularly in high priority and high workload counties
    b. Provide more funding for conservation districts; they often play a key role in farmer outreach and helping farmers through the enrollment process
    c. Interagency team building, communication and training
    d. Offer outreach materials that discuss all RFB options in the state and distribute them at the counter (FSA, NRCS, conservation district) and discuss RFBs with farmers when on the farm to discuss other issues, like manure storage
    e. Track where bottlenecks are and work together to fill in gaps
    f. Create interagency RFB teams
    g. WIP leads make sure credit for all RFB work within state: Virginia, for example, found hundreds of acres of buffers that farmers installed outside of cost share programs.

2. *Prioritize RFBs as a key part of federal and state climate mitigation and adaptation strategies and farmer participation in carbon credits:* In addition to water quality, wildlife and erosion prevention, the Chesapeake Bay CREPs provide highly valuable climate mitigation and adaptation benefits, such as the impact of riparian forest buffers on cooling stream temperatures and providing stream and flood resilience.

3. *Equity and RFBs:* In the April 27 workshop reports, states discussed exciting work to address heat islands and improve environmental justice through urban riparian forest buffers, street trees and other urban tree plantings. Equity also enters in recognizing and addressing barriers to BIPOC farmer participation in CREP, EQIP and other RFB

programs. This includes outreach, such as Section 2501 grants that include information about RFB programs, and addressing barriers, such as high out of pocket costs to install riparian forest buffers. In addition, the CRP Transitions Incentive Program (TIP) can help increase access for underserved, beginning and veteran farmers to farmland leaving CRP, but it is important to ensure this includes continued protection for riparian buffers and management assistance, such as the turnkey assistance.