


Forest Buffer Resource Improvement (RI) Practices: Credit Duration Discussion

AgWG Meeting 06/15/2023

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Overview

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 - II. Timeline
 - III. Concerns about the proposal/Requests from EPA
 - IV. Forestry WG Response to EPA Requests
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Does the AgWG support extending the credit durations of RI-9 and RI-10 practices from 10 years to 15 years?

The BMPVAHAT is asking the AgWG for approval, with input from technical experts (Forestry WG).

To jog your memory...

RI Practice

RI-9: Forest Nutrient Exclusion Area (10-34 ft buffer)

RI-10: Buffer on Watercourse (>35 ft buffer)

- Voluntarily installed practices or used in instances where landowners can't accept government money (e.g., plain sect farmers, etc.)
- Verification Requirements: Visual Indicator Checklist



Cost-shared practice

NRCS Practice 391: Riparian Buffers

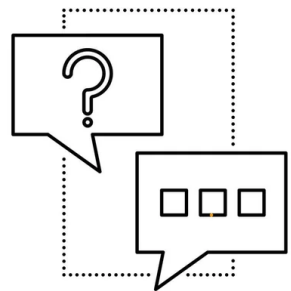
- Implemented with federal or state financial assistance.
- Verification Requirements: NRCS specified standards and specifications.

Where are we now?



The AgWVG discussed and voted on this in April. Following the meeting, concerns and questions were raised and the decision item did not reach consensus.

EPA voted 'hold' and provided some requests in order to move their vote from a 'hold' to 'stand aside'.

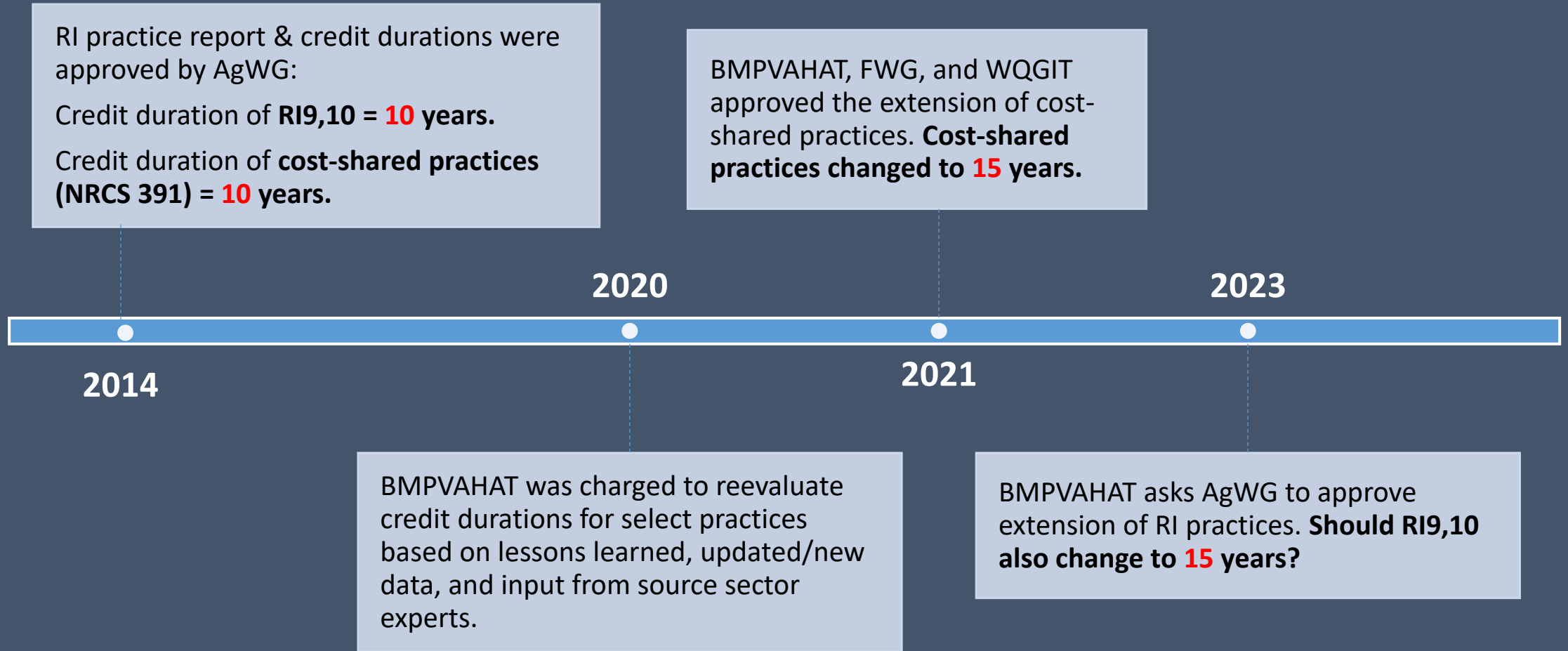


RESPONSE

The FWG* responded to those requests/concerns, which the AgWVG will review today.

*Why FWG? They are providing expertise on a BMP within their source sector.

Timeline



Concerns About the Proposal

The EPA expressed concerns about extending the credit duration of RI-9 and RI-10 practices to 15 years.

The EPA votes **HOLD** and requests closer examination of how to deal with the following:

REQUEST 1) Demonstrate that the standards and specifications including function, tree density, canopy cover, survival rate, no concentrated flow, frequency for inspection and maintenance are equivalent between federally funded and RI practices.

REQUEST 2) Define how RI practices will differ from federally funded practices.

REQUEST 3) Clearly define how the move to make RI and NRCS practices equivalent will impact the current ability to report RI practices.

For the formal responses to these requests, see [Response to EPA vote](#) document.

REQUEST 1: Demonstrate that the standards and specifications (including function, tree density, canopy cover, survival rate, no concentrated flow, frequency for inspection and maintenance) are equivalent between federally funded and RI practices.

RESPONSE 1:

Due to the inherent definition of RI practices, the standards and specifications of RI practices are not required to meet federal standards.

Expertise from the FWG* states that:

- Federal requirements are not needed to reliably have buffers survive and grow.
- If the buffer is healthy and living at 3-5 years (establishment), then it's likely to be functioning at 15 years even if the original planting was done voluntarily by the farmer, and not according to an NRCS standard.
- A 15-year credit duration seems reasonable based on the inherent biology and ecology of established young forest, as well as incentive to the agencies to support retention of the buffers in their communication and policies.

*Anne Harrison-Strang, MD Forest Service; Rebecca Hanmer, FWG Chair. See direct quotes in document on calendar page.

Concern (related to Request 1): RI practices are half the credit duration of cost-shared practices because they are not held to the same standards and specifications as NRCS (cost-shared) practices. Therefore, the RI 9 and 10 practices should remain at 10 years.

Response:

Yes, this is *usually* the case. But practices RI9,10 are the exception. They had the same credit duration as NRCS practices from the start.

Members from the original technical panel* stated that these practices were not given half the credit durations as their NRCS practice counterparts because they are ***just as likely to remain in place and be effective as ones installed through a public cost-share program using NRCS CPSs, i.e., they each have similar chances of thriving or declining (e.g., flood, disease, farmer removal), so the same credit duration was applied.***

Extending the credit durations of these practices does **NOT** mean that other RI practices are/should be eligible for the same credit durations as their NRCS/cost-shared practice counterpart

*Greg Albrecht, NYSDEC; Jeff Hill, YCCD. See direct quotes in document on calendar page.

Response 1 Recap:

Technical experts state that the RI visual indicators are sufficient to ensure functionality of these practices to 15 years.

Federal standards are not needed to ensure this.

REQUEST 2: Define how RI practices will differ from federally funded practices.

RESPONSE 2:

The definitions of RI practices and federally funded practices will not be affected by the extension of RI-9,10 practice credit durations.

RI practices differ from cost-shared practices because RI practices **DO NOT:**

- Involve contract requirements
- Require oversight from government agencies
- Require the same standards/specifications as cost-shared practices during implementation

RI practices **DO:**

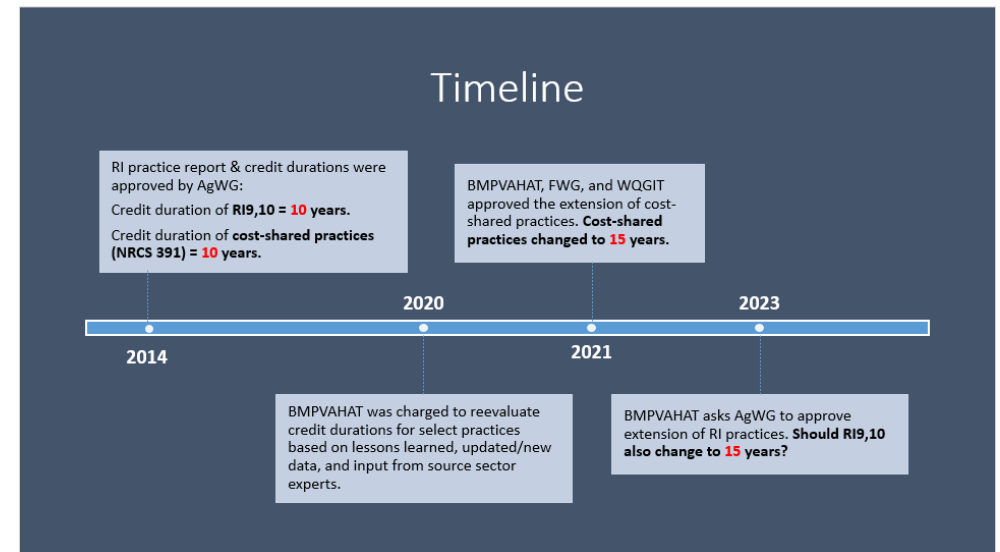
- Require the verifier to confirm all visual indicators are present and that the practice contains all critical design elements that are needed for WQ resource improvement

REQUEST 3: Clearly define how the move to make RI and NRCS practices equivalent will impact the current ability to report RI practices.

RESPONSE 3:

These practices were given the same credit durations in 2014, up until the 2021 WQGIT decision to extend cost-shared practices to 15 years. There were no previous issues with having the credit duration of these practices be the same as cost-shared riparian forest buffers.

In other words, this will NOT impact the ability to report RI practices.



Response 2 + 3 Recap:

Changing the credit duration of RI-9,10 to 15 years will not affect the definitions of RI practices, nor the ability to report these practices.

Questions?



Materials for Reference

- April Presentation to AgWG: [presentation](#)
- April 2023 AgWG minutes: [minutes](#)
- FWG Proposal to extend credit durations of select forestry practices (approved by the WQGIT in Aug 2021): [proposal](#)
- RI practice definitions and visual indicators report (approved by AgWG in 2014): [RI report](#)
- [FWG Response to EPA Vote](#)

RI-9,10: Forest Exclusion Area or Buffer on Watercourse Example Checklist Verification Date:

Cooperator Name, Address, and Phone #		FSA Farm / Tract Field Number:	SCD	Inspection Type <input type="checkbox"/> Initial Inspection <input type="checkbox"/> QA Spot Check <input type="checkbox"/> Re-verify <input type="checkbox"/> Other _____	
RI-9,10 Practice: Forest Nutrient Exclusion Area or Buffer on Watercourse				Supporting Data & Documentation:	
Re-Verification Interval: 10 years			Y	N	N/A
RI-9,10 Visual Indicators					
1	Dominant vegetation (>50% canopy cover) consists of existing, naturally regenerated, or planted trees and/or shrubs				Visual Observation
2	Perpendicular distance from top-of-bank of stream, ditch or tidal area ≥ 10' minimum average for width of buffer				Estimate by paces
3	Overland/sheet flow through buffer is maximized (no concentrated flow)				Visual Observation
4	Structural measures are present where vegetation practice is insufficient to control erosion				Visual Observation
Meets RI-9,10 Visual Indicators					
RI Installation Date:					
RI-9,10 Reportable Units: Feet					
Check RI Reporting and Record Length in Feet:					
RI-9: 10'-34' Width Nutrient Exclusion Area Length Feet: Width Feet:					
RI-10: 35'+ Width Buffer Length Feet: Width Feet:					
CERTIFICATION DATE/INITIALS:					
RE-VERIFICATION DATE/INITIALS:					

All Visual Indicators must either have a Y or NA marked. If an N is marked on the checklist, the RI may not be reported until the deficiency is addressed.

Additional Notes/Documentation about RI: