Delaware Chesapeake Riparian Forest Buffer Initiative – DRAFT Interim Report

1. Executive Summary

The Chesapeake Bay watershed covers about one third of Delaware's land area, 769 square miles, and includes half of Sussex County, a third of Kent County, and 10 percent of New Castle County. Some of the state's most prized waterways lie in the Chesapeake Bay Watershed: Broad and Marshyhope Creeks; and Nanticoke, Chester and Choptank Rivers.

About half of the land area is agricultural, primarily row crop production. Only about 10 percent is considered developed. Forests and wetlands make up another 37 percent. The Bay and its related rivers, streams, creeks and wetlands are used for transportation, recreation, tourism and commercial fishing. Delaware topography is relatively flat and geographically close to the Bay, with widespread ditching.

Excess nitrogen and phosphorous and other pollutants find their way into the groundwater and the Bay's tributaries. Sources are agricultural and residential fertilizers, stormwater runoff, erosion and sediment, wastewater treatment plants, septic systems, excess use of fertilizer, and manure from poultry and livestock. The nitrogen and phosphorous, especially, fuel the growth of algae blooms.

As part of the State Watershed Implementation Plan (WIP) Delaware developed for the Chesapeake Bay Total Maximum Daily Loads (TMDLs), Delaware has developed an ambitious goal of enrolling 5,571 acres of forested riparian buffers on private lands and restoring and protecting 1,449 acres of RFBs on public lands by 2025. *Should we say that this goal should be revisited?*

Although Delaware's CREP is the primary tool for protecting forested riparian buffers in Delaware, boosting forested riparian buffer enrollment is challenging because of a variety of factors. Compared to other Chesapeake Bay states, a high percentage of Delaware's eligible lands are in row crop agricultural production. DE amended the CREP in July, 2014 to try to address the lack of economic competitiveness on cropland due to low incentives that had not been adjusted since the CREP was launched and record high commodity prices. There has not yet had enough to see if the raised rates are high enough, but there are concerns that this does not compare favorably with the incentives provided across the state line in Maryland. The main barrier to RFB enrollments in CREP are the fact that tax ditch easements do not allow tree planted immediately adjacent to a tax ditch. Farmers are also concerned with shading row crops.

A strong commitment of Federal, state and local leadership is needed to support the program efforts and to provide adequate resources in Delaware and throughout the Chesapeake Bay watershed as a whole. RFBs are one of the most cost-effective means to achieve nitrogen reductions, but strong and consistent interagency cooperation and prioritization of resources is needed. Failure to achieve desired program goals may mandate more expensive nutrient reduction options, such as enhanced nitrogen removal or urban storm water retrogrades. To meet these ambitious goals, Delaware needs to get the maximum return for state investment in CREP and in state cost share and easement programs. A key priority is to provide stable, long term state CREP funding. USDA needs to more fully consider the challenging circumstances Delaware is facing and provide increased flexibility. State, federal, and local government agencies must ensure that RFBs are installed on all public lands. Delaware needs to receive full credit from the Bay Program for RFBs, any forested practices, like CREP hardwood tree planting, 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 relationships between agencies. A coordinated, multi-partner RFB outreach campaign is needed to attract farmer and landowner attention and interest. More outreach funding is needed and a campaign needs to be developed that draws in other partners, such as conservation groups, to help promote the program. Important leadership can be provided by farm organization leaders who choose to install RFBs on their home farms. New programs, such as RCPPs and Delaware's proposed agricultural certainty program, provide new opportunities to create cross-selling with

RFBs. It is vital to ensure there is sufficient support to conservation districts and to have multiple staff who are sufficiently trained to assist, or, when needed, replace the CREP manager.

Greater flexibility is needed in buffer design to address the tax ditch issue and greater partnering is needed with tax districts. Delaware tax district law easement *forbids* installation of trees immediately adjacent to tax ditches. There are over 3,000 miles of tax ditches in Delaware. Maryland has a multi-zoned RFB design. Delaware needs to work with tax districts to develop an appropriate technical standard that provides the desired water quality and wildlife benefits but also is compatible with tax ditches. It is also important to work comprehensively across USDA programs to address the tax ditch issue, facilitating streambank restoration, tax ditch friendly buffer design, and enhanced de-nitrification through such options as controlled drainage water management.

Greater flexibility is needed to enroll marginal farmland and to provide marginal pastureland rental rates that are economically competitive. It is important to take advantage of every opportunity to enroll RFB on marginal farmland. *Does DE need to communicate fuller flexibility here in definition of MPL?* In addition, Delaware's marginal pastureland (MPL) rental rates are probably xx to xx% below the market rate. Increasing the MPL rate could help boost RFB enrollment opportunities.

2. Current Baseline and Goals

According to Delaware's WIP, there are currently 2,226 acres of Streamside Forest Buffers. Delaware has ambitious WIP goals:

2011 Goal: 2,449 acres

2013 Goal: 2,895 acres

2017 Goal: 4,234 acres

2025 Goal: 5,571 acres

Streamside forest buffers were also assessed as a BMP for public lands in the WIP. The current amount of Streamside Forest Buffers varies by year; Delaware's goal is to increase the amount annually by at least 2 acres. By 2025, Delaware's goal is to increase the Streamside Forest Buffer acreage on public lands to 30 acres:

2011 Goal: 2 acres

2013 Goal: 6 acres

2017 Goal: 14 acres

2025 Goal: 30 acres

However, these numbers DO NOT match up with the milestone numbers because they have changed since the WIP was written & as the Chesapeake Bay Program evaluates land uses and milestones. These numbers below include both public and private lands:

2015 Goal: 2,230 acres

2017 Goal: 5,102 acres

2025 Goal: 7,020 acres

DE's original forest layer was created by Delaware Forest Service in 2007/8 and was based off of 2007 aerial photography. This layer has not been updated since then and expect to have an updated layer in 2015. Currently, DE have no way of assessing the trend in riparian land use over the past five years but hope to in the future.

3. Agencies and groups participating in the strategy

Numerous federal and state agencies as well as non-governmental organizations have participated in Delaware's Forest Buffer Initiative State Task Force process. The list of participants, including specific roles, responsibilities, and resources that played a key role in this effort consists of:

USDA Farm Service Agency: FSA is the lead agency for administration of the voluntary Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP). The Delaware CREP has been the leading program in Delaware's portion of Chesapeake Bay watershed for implementation of riparian forest buffers (RFBs) since June, 1999. The FSA County office system with its local, farmer elected committee is specially designed and has responsibilities to oversee and administer various programs, including conservation, disaster, price support, farm credit, and other services for the public sector. FSA has an office in every county in Delaware and has personnel in place to service our agricultural producers and other interested parties.

USDA Natural Resources Conservation Service: NRCS is the lead technical agency for assistance with CRP and CREP and is a partner in the Delaware CREP. NRCS is also the lead agency for programs, such as the Environmental Quality Incentives Program (EQIP), the Conservation Stewardship Program (CSP), the Agricultural Conservation Easement Program (ACEP), and Regional Conservation Partnership Program (RCPP), which include riparian forest buffers and/or practices that enhance RFB performance.

US Fish & Wildlife Service: US FWS works to conserve, protect, and enhance fish, wildlife, and plants, including their habitats. They also partner with private landowners in their mission to preserve and protect natural habitats and wildlife resources. US FWS is a CREP partner. The US FWS has played a critical role in riparian forest buffer implementation in the Chesapeake Bay watershed and their continued support is key to achieving our goals.

US Forest Service: USFS is another agency of the USDA and administers the nation's 155 national forests and 20 national grasslands. Major divisions of the agency include the National Forest System, State and Private Forestry, and the Research and Development branch. Although not an official CREP partner agency in DE, USFS has actively participated in various activities associated with improving the Chesapeake Bay as well as supporting other federal and state agencies through their various conservation and natural resource programs and activities. Their insight, experience, and knowledge about forest resources are a tremendous advantage to everyone's efforts especially with their broader link to the many forest resource areas throughout the entire Chesapeake Bay region.

Conservation Districts: There are 3 Conservation Districts (CDs) in Delaware's Chesapeake Bay watershed. The CDs play a critical role in RFB outreach, conservation planning, and technical assistance. There is a Delaware CREP coordinator located in the Kent County CD.

Delaware Department of Agriculture, Forestry Service: To conserve, protect, and enhance the forest and its resources for the public through education, management, demonstration, promotion, and providing technical services in a timely and efficient manner.

The Delaware Forest Service provides a wide range of services to help Delawareans manage and improve their forest resources. These services are divided into three categories: conservation, protection, and education. The Forest Service mission is to conserve, protect, and enhance the forest and its resources for the public through education, management, demonstration, promotion, and providing technical services in a timely and efficient manner.

The Forest Service is a valuable and active planner of conservation and environmental practices for private landowners. Service foresters write conservation tree planting plan in coordination with NRCS's conservation plan and EQIP contracting.

Delaware Department of Natural Resources and Environmental Control: The mission of the Delaware Department of Natural Resources and Environmental Control is to protect and manage the state's vital natural resources, protect public health and safety, provide quality outdoor recreation and to serve and educate the citizens of the First State about the wise use, conservation, and enhancement of Delaware's Environment.

Division of Water monitors, manages and protects Delaware's ground and surface waters, tidal wetlands and underwater lands; serves as a link to the Delaware Estuary Program, Inland Bays Estuary programs and the Delaware River Basin Commission; provides centralized geographic information system services; and coordinates citizen volunteer monitoring programs. The Division manages the state's water resources through various regulatory programs; provides technical assistance, laboratory services, and educational services; performs applied research; and administers loans to municipalities and communities for water pollution control projects.

Division of Watershed Stewardship manages and protects the state's soil, water, and coastlines with a comprehensive array of watershed programs to ensure proper stewardship of Delaware's natural resources. These programs protect and maintain the state's shoreline and navigable waterways; regulate changes to coastal and urban lands; develop and implement innovative watershed assessment, monitoring and implementation activities; promote wise land use and water management practices, while maintaining a strong local agricultural interest, protecting urban communities and providing for public safety.

Alliance for the Chesapeake Bay: Founded in 1971, The Alliance works throughout the Chesapeake Bay watershed, bringing together individuals, organizations, businesses and governments to find collaborative solutions, to build a strong commitment to stewardship, and to deliver innovative, broadly-supported programs that benefit the land, waters, and residents of the Chesapeake Bay watershed. The Alliance is not a DE CREP partner, but the Alliance and its consultants are playing a role in helping to facilitate the Riparian Forest Buffer state task force process.

4. Current Programs and Gaps.

Conservation Reserve Enhancement Program (CREP) is an offshoot of the Conservation Reserve Program (CRP), the country's largest private-land conservation program. Administered by the Farm Service Agency, CREP targets high-priority conservation issues identified by local, state, or tribal governments or non-governmental organizations. In exchange for removing environmentally sensitive land from production and introducing conservation practices, farmers, ranchers, and agricultural landowners are paid an annual rental rate. Participation is voluntary, and the contract period is typically 10–15 years, along with other federal and state incentives as applicable per each CREP agreement. Most states have at least one CREP program, and all 6 of the Chesapeake Bay states have a CREP program.

Delaware CREP: The Delaware CREP seeks to enroll up to 10,000 acres of riparian buffers, grassed filter strips, shallow water areas for wildlife, wetland restorations, permanent wildlife habitat, and hardwood tree planting in the Chesapeake, Delaware and Inland Bay basin areas. The DE CREP does not need an increase in the acreage cap at this time, as current enrollment is 4,000 acres below the maximum enrollment cap. In recent years, CREP enrollment has significantly declined due to a variety of factors, including prolonged shut downs of CRP/CREP due to Congressional delays in reauthorizing the Farm Bill as well as maximum allowable soil rental rates that were not economically competitive due to the sharp rise in commodity prices. Unlike some Chesapeake Bay states, Delaware's Chesapeake Bay watershed is strongly dominated by row crop agriculture, not dairy and livestock production. In 2014, DE increased our maximum allowable soil rental rate, but we have not been able to test out the adequacy of these incentives because CREP only recently reopened. The main barrier to CP 22 RFB enrollment in Delaware is the tax ditch easement that will not allow trees immediately adjacent to a tax ditch because of maintenance. Currently, producers are more willing to install grass buffers along the edges of wet woods, as the land being removed from production produces marginal

yields due to wetness, shading, and wildlife damage. The State of Delaware's portion of the rental payments is provided in an upfront, lump sum payment after enrollment. The marginal pastureland rental rate for Kent County is $52, New Castle County is $54 and Sussex County is $60. There are currently 30.8 acres of CP22 enrolled in the Delaware CREP. The most popular CREP practice is Hardwood Tree Planting, CP3A.

Environmental Quality Incentives Program (EQIP): NRCS administers EQIP. Eligible program participants receive financial and technical assistance to implement conservation practices (inclusive of riparian buffers), or activities such as conservation planning, that address natural resource concerns on their land. Payments are made to participants after conservation practices and activities identified in an EQIP plan of operations are implemented. Contracts can last up to ten years in duration. EQIP has not been used in DE to create riparian forest buffers but has been used for excluding livestock from riparian areas using fencing. This activity has not been previously accounted towards DE's WIP goals.

Conservation Stewardship Program (CSP): Helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities and adopt additional conservation activities to address priority resource concerns. Participants earn CSP payments for conservation performance – the higher the performance, the higher the payment. CSP enhancements include extending riparian forest buffers (ANM05).

Agricultural Conservation Easement Program (ACEP)**:** provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits. Newly created by the 2014 farm bill, ACEP consolidates three former programs: the Wetlands Reserve Program, the Grassland Reserve Program and the Farm and Ranchland Protection Program. Riparian forest buffers could potentially be protected under the agricultural land easements, as part of the working farm, or under a wetland easement, as associated buffer. Under the 2014 farm bill, there are increased opportunities for CREP participants to transition enrollments under expiring CRP contracts to NRCS ACEP easement programs; further discussion is needed to provide guidance on how interested landowners could transition some RFBs from CREP to NRCS easement programs.

Regional Conservation Partnership Program (RCPP): Newly authorized program that includes funding for EQIP, CSP, and/or ACEP.

Delmarva Whole System Conservation Partnership – From Field to Stream is a unique collaboration, which for the first time brings together conservation organizations, agribusiness, government agencies, and the scientific community to focus on achieving specific outcomes that address significant resource concerns affecting the Chesapeake Bay and agricultural productivity. The public-private partnership will use a science-based approach to: 1) target conservation practices where they will achieve the greatest outcomes, 2) increase implementation of NRCS and partner programs using innovative delivery mechanisms, and 3) monitor and evaluate outcomes with a Delmarva Science Collaborative of leading scientists. The project will holistically address the primary resource concerns of degraded water quality and habitat of the Chesapeake Bay watershed by avoiding pollution at the source with in-field practices (CSP and EQIP) and trapping pollution downstream before it enters major tributaries (ACEP/WRE). The objectives are 1) improve water quality through the implementation of advanced nutrient management practices on 95,000 acres and restoring, enhancing, and protecting 3,000 acres of natural filters (wetlands and buffers); and 2) expand wildlife habitat by enhancing, restoring, and protecting 3,000 acres of high quality wetlands and buffers. They estimate that these "avoid and trap" practices in priority locations will reduce 836,000 pounds of total nitrogen, 33,300 pounds of total phosphorus, and 58,000 pounds of total suspended solids currently delivered to local waterways each year. The increased level of practice implementation will directly support state watershed implementation plans and assist agricultural communities and states with meeting the goals of the Chesapeake Bay total maximum daily load (TMDL). This project will demonstrate a voluntary, efficient, and effective process to achieve environmental outcomes and thus serve as a model for greater adoption of practices throughout the Chesapeake Bay watershed and beyond.

Accelerating Chesapeake Bay Watershed Implementation Plans: Through a combination of actions identified in Watershed Implementation Plans to address the Chesapeake Bay TMDL, jurisdictions have mapped out an array of BMPs that incrementally will achieve required water quality goals. This project concentrates efforts on those high value agricultural practices that jurisdictions are targeting to address water quality degradation by reducing and controlling nutrient and sediment movement and to enhancing habitat. For Delaware, the objective is twofold: (1) Increase implementation of cover crops by planting an additional 2,500 acres of cover crops per year as part of a larger Soil Health Initiative, along with an additional 2,000 acres of other EQIP Core Practices that will help improve soil health, and (2) Increase implementation of grass and forested buffers by establishing an additional 120 acres of buffers. DNREC proposes to work with the Conservation Districts and NRCS to establish a Buffer Bonus Program, offering landowners a voucher worth up to $1500 per acre of installed buffer, which they can apply toward the landowner cost-share portion of implementing EQIP Core Practices. As a state with a strong agricultural industry, Delaware seeks opportunities to implement BMPs that benefit both the economic and the environmental sustainability of its farms.

Delaware Department of Agriculture (DDA)**:** The Delaware Forest Service has a 50% reimbursement state cost share program. Buffers are an acceptable practice for the program, although Delaware have not funded any buffers. DE generally do not spend the entire allotment of money each year ($37,500), but it mainly serves as a safety net. Delaware Forest Service tries to utilize EQIP money as the primary forestry cost share. The state cost share is a stand-alone program, no one is aware of the state cost share being used to leverage other programs, although it probably could be. If The Delaware Forest Service were to use the state cost share for buffers, they would consider both CREP and the harvest buffers specifications when designing the buffer. Generally, Delaware Forest Service program outreach is done by our service foresters; they are our front lines for interaction and buffer/cost share promotion.

DDA Forestland Preservation Program: Delaware's Forestland Preservation Program is modeled after the Aglands Preservation Program, which is largely unfunded. Both of those programs consider many factors when deciding on easements, including water quality.

DDA Aglands Preservation Program: The Aglands Preservation Program has protected over 30,000 acres of forestland in addition to the cropland. The Forestland Preservation Program has protected about 900 acres. There are no figures on the amount of buffers. The programs are well known in the agriculture community and are up to round 18 in the Aglands Preservation Program. Limited funding is an issue for this program. The DALPF has a significant backlog of applications.

5. Factors influencing ability to meet goal.

DE CREP: In recent years, CREP enrollment has significantly declined due to a variety of factors, including prolonged shut downs of CRP/CREP due to Congressional delays in reauthorizing the Farm Bill as well as maximum allowable soil rental rates that were not economically competitive due to the sharp rise in commodity prices. Unlike some Chesapeake Bay states, Delaware's Chesapeake Bay watershed is strongly dominated by row crop agriculture, not dairy and livestock production. In July 2014, DE increased the maximum allowable soil rental rate, but don't know of adequacy of the incentive since it was just increased in July, 2014 (Depending on soil types - trees were $150 per acre and have increased up to $225. Grasses were $110 and have increased up to $165). Prior to this, there had not been an increase in incentives since the program began in 1999. In addition, there is concern that even with the 2014 increase, the Delaware CREP is not competitive with the Maryland CREP.

The main barrier to CP 22 RFB enrollment in Delaware is the tax ditch easement that will not allow plant trees immediately adjacent to a tax ditch. Currently, producers are more willing to install grass buffers along the edges of wet woods, as the land being removed from production produces marginal yields due to wetness, shading, and wildlife damage.

Lack of consistent, secure state funding is another major concern. It is currently estimated that State funding for the CREP will run out in 1.5 years. The State estimates that it needs $750,000 to meet the CREP enrollment and reenrollment demand for the next two years. *(update on funding?)*

The marginal pastureland (MPL) rental rate for Kent County is $52, New Castle County is $54, and Sussex County is $60. MPL rental rates have not been adjusted 2000.

There are currently 102.2 acres of CP22 enrolled in the Delaware CREP. The most popular CREP practice is Hardwood Tree Planting (CP3A) with absentee landowners. The next three years (FY2015-2017) are the heaviest years for expiration of CREP contracts, with approximately 3,000 acres expiring.

A challenge for the Delaware CREP is to see if additional non-federal match can be provided and if there is flexibility to provide greater assistance on the federal side even if the non-federal match does not comprise 20% of the total CREP budget. A commitment is needed by June 2015 and a plan of action. One option is for the state is to reconsider how it structures its CREP match. It was stated that the state lump sum was not beneficial to landowners because of taxes. NRCS, FSA, DNREC, and DDA have meet to determine the best way to proceed with acquiring additional state matching funds.

Since all most all CREP practices border a ditch or a stream, it was determined that the state was not capturing all of the riparian buffers. CP3A, Hardwood Tree Plantings, CP4D, Permanent Wildlife Habitat, and CP23, Wetland Restoration, are not currently being counted since these practices as not considered riparian practices. There are 3,371 acres in trees - CP22, CP23, and CP3A. NRCS and FSA need to work with DNREC to ensure CP3A and CP23 are counted as riparian buffers for the WIP. The amount of riparian buffers should be able to be calculated from aerial photography.

Tax Ditches – There are over 3,000 miles of tax ditches in the State. Buffers can be placed in right-of-ways but it takes a court order change to remove one side for maintenance. There would need to be an agreement with both the landowner and Tax Ditch Manager. An additional concern for one sided maintenance is if there are two landowners, one landowner gets all of the spoil. Also, tax ditch managers don't want to lose control. If a landowner has control on both sides, maintenance would still have to be on a side that would work with mowers. Tax ditch maintenance is scheduled every 15 – 20 years, so potential a RFB could be planted after the maintenance cycle. It is a high priority to educate tax ditch managers and work cooperatively with them.

6. Management Approach

Leadership, Coordination and Administration of Programs

Delaware seeks to develop a coordinated, riparian forest buffer (RFB) strategy to boost riparian forest buffer (RFB) enrollment/reenrollment through 1) seeking policy/guidance adjustments to address barriers to enrollment; 2) sending a strong leadership message from the highest levels of the relevant local, state and federal agencies that RFB enrollment/reenrollment is a high priority and promoting interagency cooperation; 3) developing and seeking funding for a coordinated, multi-partner RFB outreach strategy that addresses the appropriate targeted audiences (landowners, farmers, absentee landowners), includes messaging on stewardship and environmental benefits of RFBs, incentives, RFB maintenance, employs leveraging and cross-selling between programs, and addresses both opportunities to reenroll expiring CRP as well as enrollment of new acres; and 4) identifying staffing needs for outreach, administrative support, and technical assistance; and 5) providing outreach events that showcase the Governor, federal and local leadership supporting the effort.

A key part of this strategy is to identify opportunities for better interagency cooperation and increase partnering with NGOs. This also is an important opportunity to send a more consistent message across the board, letting farmers/ag landowners know the importance of RFBs and enrollment opportunities.

Need for Policy or Guidance Adjustments

The greatest opportunity for RFB is along the 3,000 miles of organized tax ditches in Delaware. The Chesapeake Bay Model and the WIP goal need to recognize and take credit for multi-zones RFBs on tax

ditches. A grass zone adjacent to the stream/ditch is needed to allow for ditch maintenance. Trees and shrubs would be established in the buffer which would filter ground and surface water, but would not be right adjacent to the ditch.

Landowner Outreach and Customer Service Strategy

Delaware seeks to develop a coordinated approach among the multiple partners with-in the project area and will develop a coordinated approach and utilize their resources to best address these needs. Delaware encourages and welcomes new partnering opportunities with NGOs and others, and plans to seek additional funding to implement this RFB outreach campaign. Delaware plans to include any new or enhanced partnering in the CREP Agreement and in RCPPs.

Collaborate on outreach strategy with the tax ditch program and manager to discuss the importance of RFB and opportunities to establish RFBs along tax ditch, while still allowing maintenance of the ditch system. This could be accomplished by methods such as one-sided ditch maintenance; maintaining a grass zone adjacent to the ditch; designing the RBF to allow equipment access for ditch clean-out; and working within the tax ditch cleanout schedule. A good avenue for education of the importance of RFBs are annual tax ditch meetings.

CREP outreach needs to be strengthen with a coordinated effort between the state of Delaware, FSA, and NRCS. Priority needs to be given to develop a coordinated, interagency RFB outreach strategy that focuses on local farmers and agricultural landowners, absentee landowners, and CREP participants with expiring contracts. Annual tax ditch meetings, Ag Week, the Delaware State Fair, and other events can be utilized to info landowners of the CREP program and the importance of Riparian Forested Buffers.

Establishment, Maintenance, Compliance and Reenrollment

During the next e years, approximately 3,000 acres are expiring and are a priority for reenrollment. Encouraging CREP participants to reenroll is a high priority. This will require specific and timely outreach to participants with expiring CRP contracts.

Recommendations:

1. Promote RFB reenrollment in CREP:

    a. Provide targeted outreach to CREP participants in the last 1-2 years of their CRP contracts

    b. Encourage participants with reenrolling CREP to include upgrades, such as increased acres and/or *change the practice to a RFB.*

2. NRCS/FSA cooperation with outreach providers to inform CREP participants with expiring contracts of options to protect RFBs under ACEP easements;

3. Ensure that NRCS conduct annual status reviews or periodic site visits during the life of the CREP contract and provide such data to FSA. This will help reduce non-compliance issues and assist with producer awareness of planned items and contract requirements, as well as assist with Chesapeake Bay reporting of Delaware's progress toward implementation of our WIP.

Compliance is usually checked once in the first three years, and after that, minimally. The major maintenance issue is producers encroaching on CREP areas. Any encroachment is addressed immediately when found. NRCS does not have technical issues with trees in filter strips because they continue to provide water quality and wildlife benefits.

With a significant number of CREP and CRP contracts expiring in the next two years, reenrollment is a priority both for outreach and for ensuring there is adequate agency staff to handle increased workload in a timely manner.

Technical Assistance Delivery

The CREP enrollment process runs smoothly. Time to process an application varies depending on the time of

year, practice and obtaining signatures. The conservation plan for CREP is developed by a planner supplied by the State of Delaware. With the number of acres and contracts expiring over the next two years, additional help may need to be provided by NRCS. FSA, the State of DE. All agencies work well together and each tries to keep the project on point. Currently, there are no delays in producers receiving the state or federal incentives.

Recommendations:

1. Continue partnership with US Fish and Wildlife Service's Partners for Wildlife Program. They provide a full range of services for riparian buffer establishment.

Need for Additional Financial Incentives

The DE CREP provides a producer both cost-share funding and multiple financial incentives to enroll in CP22 for riparian forest buffers. The producer receives from the federal governmental an annual rental payment which consists of a base rental rate, a 100% rental rate incentive plus an annual maintenance rate of $2 to $5 acre/year (depending on the practice selected). In addition, the producer receives a one-time signing incentive payment of $100-$150 acre. The producer also receives cost-share assistance for 50% of the eligible establishment costs once the practice has been certified that it has been completed to the specifications and receives an additional Practice Incentive Payment, equal to 40% of the eligible establishment costs for the practice, after all planned practices are completed. The State provides a one-time lump sum payment equal to the base rental rate multiplied by the number of acres enrolled.

DE CREP does not have marginal pastureland (MPL) and the rates for marginal pastureland have not been updated since 2000. DE MPL rental rates are low. Increasing the rental rates could provide additional incentive for landowners to enroll their land in CREP.

Maintenance is critical to the long-term success and function of riparian forest buffers. At $5/acre/year, the annual maintenance payment does not cover the costs of paying a contractor to conduct maintenance. In addition, because the annual maintenance payment is rolled into the CRP rental payment, some participants are not fully aware that they are being compensated to conduct maintenance.

Recommendations:

1. Seek to increase MPL soil rental rates.

2. Seek to double annual maintenance payment and perhaps provide as a separate payment from annual CRP rental payment.

Seek a contiguous buffer bonus like Oregon? Do know what this is

Other Recommendations

1. Improved program accounting of RFBs for WIP goals:

Delaware relies heavily on CREP for reporting forested and grass riparian buffers. Not only does DE need to increase riparian forest buffer establishment to reach the WIP goals and maintain current levels of implementation through reenrollment, DE needs to ensure the state is receiving full credit for its RFBs and for lands, such as other forested CREP enrollments along ditches/streams that are functioning as RFBs. This will allow DE to continue to report the acres that are known and in place in order to meet nutrient load reductions.

In addition, NRCS has current practices that impact riparian areas that are not be accounted for in the Bay modeling efforts. For example: livestock exclusion in a 200 acre of forested land bisected by streams is not being accounted for. The benefits of livestock exclusion would include reduced waste loading, improved vegetative plant community, and reduced stream erosion.

2. Seek commitments from agencies with public lands to install RFBs to maximum extent possible and to document those increases.

7. Work Plan

Leadership, Coordination and Administration of Programs

1. Promote RFBs on tax ditches.

Next steps include:

a. Meet with the Tax Ditch Program, to discuss outreach collaboration, more flexible buffer design, and opportunities to couple CREP and EQIP/RCPP/ACEP to provide enhanced water quality and ditch stability.

2. Promote, coordinate and recognize partnering with NGOs

Next steps include:

a. Seek to include more CREP partners, such as The Nature Conservancy, Delaware Wildlands, and DEU Extension;

b. Coordinate outreach efforts with RCPP partners to RFBs; and

c. Explore partnering possibilities, such as Chesapeake Bay Foundation voucher/buffer bonus funded by NFWF and potentially state or grant funding (match)

2. Send strong signal that RFBs are a priority/interagency leadership

Next steps include:

a. Develop a CREP event in which possibly the Governor and/or High Ranking USDA official kick-off the new changes

Landowner Outreach and Customer Service Strategy

Next steps include:

1. Develop coordinated, joint Delaware RFB outreach plan that includes the following:

a. Develop outreach materials that inform potential participants of the higher CREP incentives.

b. Include recommendations for increased financial incentives (updated MPL rental rates).

c. Outreach to CRP/CREP participants with expiring contracts.

d. Outreach to owners of horse and small farms in De. Many are new to the state or to farming and do not have established relationships with conservation districts and USDA staff.

e. Strategy for outreach to absentee landowners. This includes seeking funding for a mass mailing to absentee landowners. Multiple agencies need to coordinate to develop mailing list.

f. Update existing and create new media material. Keep the web-pages updated and develop informational material (video, success stories, etc.) that the producers can take home to look at or that may be shared with groups.

g. Develop signage so that neighbors and others know the field is serving a conservation purpose and just not "poor farming" due to greater amount of native plants.

h. Develop a CREP event in which possibly the Governor and/or High Ranking USDA official kick-off the new changes.

i. Include agroforestry component in outreach message – e.g., include opportunities and education regarding fruit & nut trees, non-timber forest products, and timber opportunities in forested riparian buffers.

j. Increase training to county office staff on the benefits of riparian buffer and outreach efforts. Develop a questions and answers information sheet to help the staff. Staff should have information on economics, tax impacts, and succession of contracts.

k. Coordinate on-the-ground outreach resources and seek funding for more outreach staff – experience shows the importance of one-on-one personal contact with producers by credible/knowledgeable/local outreach providers

Establishment, Maintenance, Compliance and Reenrollment

Next steps include:

1. Seek to double annual maintenance payment and perhaps provide as a separate payment from annual rental payment so participants are more aware that they are being compensated to conduct maintenance.

2. *NRCS/FSA cooperation with outreach providers to inform CREP participants with expiring contracts of options to protect RFBs under ACEP easements – send out postcards, etc.;*

3. Ensure that NRCS conduct annual status reviews or periodic site visits during the life of the CREP contract and provide such data to FSA. This will help reduce non-compliance issues and assist with producer awareness of planned items and contract requirements, as well as assist with Chesapeake Bay reporting of Delaware's progress toward implementation of our WIP.

Need for Additional Financial Incentives

Next Steps include:

1. Look into increasing soil rental rates for Marginal Pasture Land.

2. Double amount of annual maintenance payments and provide them separately from annual CRP rental payments. Or maintain existing maintenance rates for re-enrolled contracts or increase to newly authorized levels, whichever is higher.

Other Recommendations

1. Improved program accounting of RFBs for WIP goals

Next steps include:

a. FSA and NRCS along with DNREC will review current practices that may count as RFBs and develop systems to provide an accounting of ongoing benefits to be entered in the Chesapeake Bay Model and counted toward the state's WIP goals.

2. Further inquire into potential program gaps regarding lands that don't meet program eligibility requirements or farmers/landowners, such as Plain Sect farmers, who decline to participate in federal programs, and, to the extent there is a demonstrated need, seek grant funding to pay for RFB establishment on lands that don't meet program eligibility requirements.

3. Work with the state to include RFBs on state lands.