

# **West Virginia Riparian Forest Buffer Initiative State Task Force**

## **DRAFT Interim Report**

### **1. Executive Summary**

The West Virginia portion of the Chesapeake Bay watershed is comprised of nine counties: eight Eastern West Virginia counties that drain into the Potomac River and parts of Monroe County that form the headwaters of the James River. This strategy was developed to address some of water quality and environmental concerns that are caused by the loss of forest habitat adjacent to rivers and streams. As part of the State Watershed Implementation Plan (WIP), West Virginia has developed an ambitious goal of enrolling by 2025, an additional 6,931 acres of Riparian Forested Buffers in West Virginia's portion of the Chesapeake Bay watershed from the 2009 baseline level. This goal may be achieved if there is significant political will (Federal, State, and local) that supports the efforts and provides the resources and commitment to achieve the goal. There is little or no data showing that producers are restoring riparian forest buffers (RFBs) on their own without any Federal, State, Local or NGO assistance. West Virginia's Conservation Reserve Enhancement Program (CREP) is the primary tool for protecting existing RFBs and increasing enrollment in new RFBs. NRCS programs, such as the Environmental Quality Incentives Program (EQIP) and Conservation Stewardship Program (CSP), provide some increases in enrollment and ancillary benefits through in field practices. West Virginia has a strong track record of success and strong support from the farm community, such as the West Virginia Farm Bureau Federation, for voluntary, incentive based conservation.

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.

The following are the West Virginia Riparian Forest Buffer Initiative State Task Force's primary initial findings regarding the challenges and barriers to riparian forest buffer enrollment and initial recommendations to boost enrollment:

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. A piecemeal approach without adequate resources will not address the issues associated with achieving desired program outcomes. Since RFBs are one of the most cost-effective means to achieve Nitrogen reductions the failure to provide adequate resources could lead to higher societal costs. Failure to achieve desired program goals may mandate more expensive nutrient reduction options such as enhanced nitrogen removal or urban storm water retrogrades.

Staffing increases are necessary as there are insufficient staff resources to do the job. FSA staffing has dropped by over 20% since 2002. Fundamental tasks such as practice certification, compliance reviews, and outreach are not being completed now. Current staffing levels (FSA/NRCS/WVDOF/SWCD/WVCA) are inadequate to address the 100% increase in workload during the next 7 years. It will require 6 additional staff years (FSA, NRCS, FS, WVCA and the SWCDs) to provide resources to implement an outreach program, oversee contracts, reduce contract maintenance issues, and ensure Federal resources are spent in an efficient and accountable manner. The estimated annual cost is approximately \$412,000 per year. It will likely cost \$2,884,000 in additional staffing costs through 2022.

A new outreach campaign is needed to attract producer and landowner attention and boost enrollment. A major rebranding/outreach effort is needed to attract producer and landowner attention and boost enrollment. CREP and EQIP are not new programs, but new attention and excitement can be generated around the suggested revisions in incentives, expansion of the CREP target area, and increase in CREP acreage cap. The program complexities and significant perceived risks associated with the program require extensive one-on-one discussions with producers. In addition prior to the launch of a media program there must be sufficient resources to timely and professionally address the increased demand for services. There are insufficient outreach resources currently committed to the program. Annual funding of \$10,000 to \$20,000 per year may be adequate to enhance on going media efforts. West Virginia will coordinate with other Bay states and work on sharing (where feasible) various media products (video, pamphlets, etc.). The Agencies, consistent with privacy requirements, should develop and maintain a database on the ownership, land use, previous contacts etc. for potential participants in the watershed and plan to utilize the GIS based CREP targeting tool developed by Maryland. The WVDOF GIS specialist has adapted the tool for 3 WV Potomac watersheds and foresters have done some outreach utilizing this tool. It may be possible to have an on-line capability to increase the effectiveness of 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 as well as leveraging other programs, such as the WV Welcome Wagon through WVU Extension Service.

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. This will require additional trained staff. Staff needs to know issues related to livestock, grazing management, economics, weed control and forestry related issues. 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 and to provide cost share for true cost of components. The high capital costs of many of the fencing, stream crossing, etc. and delays associated with PIP processing due to current procedure cause significant cash-flow issues. 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. There is also a need to adjust the payment cap issues associated with fencing, water development, pipeline, stream crossing, and other components.

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).

Annual maintenance payments should be raised from \$5/acre to at least \$10/acre and should be paid separately from the CRP annual rental payment. Maintenance issues associated with flooding, noxious weed infestation, low tree survival, and deer predation, etc. are significant deterrents to enrollment. High maintenance cost, lack of labor and/or equipment and lack of familiarity with technical standards are all issues that may adversely impact the enrollment. Increasing the maintenance rate by \$5-10/acre would not match the out-of pocket costs for a producer. A \$10/acre increase in maintenance cost would increase Federal program costs by about \$600,000 (life-of contract) and would require an additional \$120,000 state match of which only half -- \$60,000 – needs to be cash match. Separating the annual maintenance payment from the annual CRP rental payment would help participants see that they are being compensated for maintenance and that they are expected to conduct maintenance.

Expanding the total potential CREP acreage enrollment by 2,840 acres (from 9,160 acres to 12,000 acres) is needed to provide sufficient opportunity to meet WIP goals within the Chesapeake Bay watershed while continuing to provide opportunity to meet the CREP water quality and wildlife goals throughout the West Virginia CREP target areas. Raising the WV CREP

acreage cap will require a CREP amendment. It will likely have a program cost (life of program) of \$2,800,000 to \$3,500,000 dependant on assumptions on rental rate and estimated establishment costs. This change will cause an additional state match of \$560,000 to \$700,000 (50% of this state match may be in-kind contribution and state match may include any non-federal contribution from CREP partners).

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 an environmental assessment (EA) may be required by the National Environmental Policy Act (NEPA). State, NGO or other non-federal funding is needed to conduct the environmental assessment. The EA would cost about \$30-40,000 and take about 6 to 9 months to complete.

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.

## **2. Current Baseline and Goals**

Riparian buffers are a cost-effective means to reduce nutrient (nitrogen/phosphorus loading) into the Chesapeake Bay and are an integral element of West Virginia's Watershed Implementation Plan (WIP). Approximately 70-75% of our State's riparian areas within our portion of the Chesapeake Bay watershed are forested. Our State WIP goal is to increase the amount of riparian forest buffers by 6,931 acres by 2025 acres from the 2009 baseline level.

Currently there are about 5,880 acres (3,442 acres of which are in West Virginia's Chesapeake Bay watershed) enrolled in the WV CREP program. The WV CREP provides cost-share payments, annual rental payments (10-15 years) and other financial and technical assistance incentives to those who enroll land into riparian forest buffers (CP22). During the next 5 years, 992.7 acres of existing riparian forest buffer (CP22) CREP contracts will expire, particularly in the latter years. Enrollment trends have been slowing in the program over the past 5 years for various reasons.

## **3. Agencies and Groups Participating in the Strategy**

Numerous federal and state agencies as well as non-governmental organizations are actively involved in promoting riparian forest buffers in West Virginia, and, as such, have participated in West Virginia's Riparian 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 West Virginia CREP has been the leading program in West Virginia's portion of Chesapeake Bay watershed for implementation of riparian forest buffers (RFBs) since it was launched on April 19, 2002. 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. Although FSA staffing is limited due to recent budget cuts and constraints, FSA has an office in nearly every county in West Virginia's portion of the Chesapeake Bay watershed 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 West Virginia 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. US FWS has a special arrangement in place with a non-governmental organization, Trout Unlimited (TU), to assist private landowners with the implementation and management of various conservation program practices. The US FWS has played a critical role in riparian forest buffer implementation in West Virginia's Chesapeake Bay watershed and their continued support is key to achieving our goals.

West Virginia Department of Agriculture: WVDA is responsible for business development, environmental programs, and public health. As the lead state agency for agriculture in West Virginia and a CREP partner, WVDA assists, promotes, and supports a multitude of activities in our State, including internal and external efforts for improving the Chesapeake Bay. From their work and oversight on water quality, nutrient, land and animal management, and simply as a leader of agriculture, they are a valuable asset to everyone's efforts and play a critical role in the development of our State's Watershed Implementation Plan (WIP) for the Chesapeake Bay.

West Virginia Conservation Agency: WVCA provides for and promotes the protection and conservation of our State's soil, land, water, and related resources. Through their own responsibilities, including WCVA's role in working with local Conservation Districts, and as a partner and the lead State agency for CREP in WV, WCVA is crucial to the forward movement of Riparian Forest Buffers and Chesapeake Bay resource improvements. WCVA provides financial program assistance, technical and administrative support for conservation activities, assistance to the development of our Watershed Improvement Plan, and actions connected with numerous other agencies for natural resource improvements. WVCA is a critical player in our broad effort to improve the Bay.

WV Department of Environmental Protection: WVDEP, primarily a regulatory agency for the protection of air, land, and water, is the lead agency for the development of our Watershed Implementation Plan and has been instrumental in coordinating many various natural resource agencies into an effective working group to track, plan, and set goals for improving the Bay. As an agency also interested in furthering volunteer improvement methods toward our natural resources and as a CREP partner, they continuously contribute to the effort of recognizing landowner contributions through available conservation programs and practices. With their type of work, including their direct link to EPA, they are a respected element in assisting with the overall understanding of regulatory and nonregulatory program provisions.

WV Division of Natural Resources – WVDNR is responsible for wildlife management, hunting and fishing regulations, and provides oversight to our State's waters, parks, and other natural resource assets. They are an active part of our Federal and State program assistance activities and are consistently providing input, ideas, and suggestions for wildlife, conservation, and natural resource improvements. In assisting USDA and as a CREP partner, they have actively monitored progress of the various conservation activities and are a critical asset to our plans for improving the Bay and promoting the establishment of Riparian Forest Buffers.

WV Division of Forestry – WVDOP's mission is to protect and manage all of WV's forest resources. Working through special partnerships to promote forest stewardship is one of their specialties. As a valuable and active technical service provider of conservation and environmental practices for our private landowners, the Riparian Forest Buffer practice has been one of their concentrations. From normal program work to being a CREP partner agency, WVDOP holds conservation tree planting plan responsibilities in coordination with NRCS's overall plan. Likewise, they have oversight and follow up responsibilities with the implementation of the buffers progressing through natural regeneration as well as other continuous landowner activities with forest resources.

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 WV, 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.

WVU Cooperative Extension Service – WVUCES is an educational agency and is committed to creating a learning community among groups and individuals throughout the state. Through their work, county by county, they are an exclusive link to educating the public about the importance of our Chesapeake Bay improvement efforts. Additionally, with their ability to reach and teach individuals and groups at the local level, the benefits to be gained by their contributions are insurmountable. As an unfortunate oversight of not being included as an original CREP partner agency, they have not been deterred from providing valuable input to the

overall purpose of promoting the protection of our natural resources and various other available programs and practices.

Trout Unlimited: To date, TU is our single non-governmental organization (NGO) working with us in WV to keep our coldwater fisheries and their watersheds safe from environmental threats. Initially, through their special arrangement with USFWS, they have strived to assist and have promoted and physically completed numerous conservation practices for the landowners in the state and more so in the Chesapeake Bay area. Next, they continuously originate, support, and endorse varied natural resource practices for the betterment of the watersheds within the Bay regardless of the agency. Although not a current CREP partner, through their cooperation with FSA and NRCS in our programs to their continuing work with volunteer groups, TU's accomplishments have unquestionably proven they are a valuable leader for reaching our goal of improving the Bay and increasing Riparian Forest Buffer establishment.

Chesapeake Bay Foundation: Founded in 1967, CBF is the largest independent conservation organization dedicated solely to saving the Chesapeake Bay. Currently, CBF partners with PA on their CREP. CREP participants receive funding to create riparian buffers, wetlands, wildlife habitat, grass filter strips, native grass stands, and more. One of the most popular CREP projects is planting streamside buffers. Through CREP, CBF and its partners have planted more than 1,800 miles of streamside buffers in the Chesapeake Bay watershed. While not a partner to the WV CREP, CBF does have a forester who is working in part in West Virginia, and CBF cooperates on at least one riparian forest buffer project per year with WVDOF.

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 WV 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**

This issue is addressed in greater detail in the West Virginia Riparian Buffer Strategy (attached). In summary, current programs and gaps include:

- **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.

- **The West Virginia CREP (WV CREP)** was launched in 2002, and is a partnership between FSA and the State of West Virginia. The West Virginia CREP is the principle program for the creation and protection of new riparian buffers in West Virginia's Chesapeake Bay watershed. The original West Virginia CREP agreement was amended in 2002, 2004, 2007, and 2012, and currently provides enrollment authority of up to 9,160 acres of highly erodible cropland or other environmentally sensitive agricultural lands along eligible streams, rivers, or water bodies. Currently there are about 5,880 acres (3,442 acres of which are in West Virginia's Chesapeake Bay watershed) enrolled in the program that provides cost-share payments, annual rental payments (10-15 years) and other financial and technical assistance incentives to enroll. During the next 5 years, 992.7 acres of existing riparian forest buffer (CP22) CREP contracts will expire, particularly in the latter years, and are a priority for reenrollment. CP22 enrollment has been declining the past 5 years. To meet WIP goals in the WV CREP target area and continue to meet CREP goals in the rest of the WV CREP target area, it is necessary to: 1) amend the CREP to include the headwaters of the James River in Monroe County; and 2) increase the CREP acreage cap to 12,000 acres.
- **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 been used in West Virginia to create some riparian forest buffers and, more commonly, for exclusionary livestock fencing from riparian areas. This activity has not been previously accounted towards WV'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.

- **Newly Authorized Regional Conservation Partnership Program (RCP)** which includes funds from EQIP, CSP, and/or ACEP:

- **National Fish & Wildlife Federation Proposal** - This project is a multistate partnership inclusive of WV, PA, MD, DE and VA to target dairy operations. Jefferson and Berkeley counties within WV will be eligible to participate and will focus on traditional practices such as waste management/storage, upland practices, fencing, etc., with the caveat that participants install riparian buffers. It is expected that standard EQIP rates will apply.

- **WV Agricultural Land Protection Authority Proposal** - This project targets the placement of perpetual easements on lands that are the most critical for the protection of water quality in the Bay headwaters of WV. By incentivizing permanent buffers around sinkholes in karst areas, as well as buffers in the riparian corridors and high quality forests, this project will ensure better protection of these sensitive areas.

- **Trout Unlimited (TU) West Virginia Fencing Project** – In partnership with US Fish & Wildlife Service's Partners for Fish & Wildlife Program, TU is partnering with willing local landowners, NGOs, and state and federal agencies in West Virginia to restore streams and streamside vegetation. TU has a full-time dedicated fence crew; work includes: installation of livestock exclusion fences, riparian plantings, alternative water sources, and fish-friendly stream crossings.

- **Chesapeake Bay Implementation Grant (CBIG)**- Funding is secured through the state and typically administered through the WV Division of Forestry to target high priority buffer areas that may not fall under agricultural land use. These are often small buffers and are installed with the assistance of volunteers.

- **Section 319 USEPA NPS Funding** within targeted watersheds- currently only within Sleepy Creek watershed. The practices will be 35 ft. buffers wherever/whenever possible, but we have worked with the landowners in areas where they could extend the buffer further downstream but could not get the full 35 ft. in certain areas. They are required to enter into a 5 year contract with the district and agree to maintain their buffer for a minimum of 5 years. The grant covers the costs of trees/tubes/cages/stakes etc. in full, and WVCA is able to provide all of the needed match using the landowners time/equipment spent prepping the site and the volunteer hours spent planting the trees.

## 5. Factors Influencing Ability to Meet Goal

This issue is addressed in greater detail in the West Virginia Riparian Buffer Strategy (attached). In summary, factors influencing West Virginia's ability to meet the riparian forest buffer goal include:

CREP challenges/constraints on enrollment: As is discussed above, the WV CREP is highly successful, but requires amendment of the CREP target area to include relevant parts of Monroe County (the headwaters of the James River) to fully include all of WV's portion of the Chesapeake Bay watershed, and increase the total number of acres authorized to enroll in the WV CREP to 12,000 (to allow sufficient acreage to meet WIP RFB goals in Bay watershed as well as CREP goals throughout entire WV CREP target area).

Enrollment trends have been slowing in the program over the past 5 years for various reasons, including economic competitiveness issues. Almost all of the acreage that has been enrolled in WV's CREP has been marginal pastureland. Economic competitiveness of the program for livestock/dairy producers is vitally important. Marginal pastureland rental rates are out of date and are estimated to be 40-50% below market rates. They need to be increased. In addition, having to wait extended periods of time for practice incentive payments (PIPs) can have a chilling effect on enrollment, especially given the significant upfront investments participants need to make in items like fencing. Providing greater flexibility for partial-PIPs as components are installed would help. In addition, cost share caps on many components are too low and do not reflect prices participants are actually paying. Increasing cost share caps will increase economic competitiveness and attractiveness of RFB enrollment.

Like all Chesapeake Bay states, a further challenge in the recent past has been the prolonged shut-downs of CRP/CREP due to Congressional delays in reauthorizing the farm bill. A high priority for our outreach strategy is to inform landowners/farmers that this period of uncertainty is over as Congress has reauthorized the farm bill and to galvanize excitement around the proposed CREP amendment changes (such as the expanded CREP target area and proposed increased incentives).

Staffing cuts & impact on TA/program delivery: Since 2002 staffing for FSA, NRCS, and State Forestry Agencies have been adversely impacted by budgetary constraints. Many FSA county offices have been closed or consolidated, and county office staffing has dropped from about 80 employees statewide to about 50 employees currently. In addition, new Farm bill programs have further increased workload. NRCS also faces similar challenges with staffing reductions from 210 employees to 140 employees (from 2005 to 2014), despite increased demands for services. The WV Division of Forestry has 3 foresters servicing the project area and whose duties include working on RFBs. The increased workload associated with the necessary increase in RFB enrollment along with re-enrollment of expiring CRP contracts for RFBs during the next five years will provide a significant challenge to a greatly reduced staff for all of the agencies.

Furthermore, FSA's national computer software for CRP/CREP is extremely complicated, lacks adequate instructions, is not program appropriate, and is not user friendly. There are currently

5 separate computer program softwares/operations to approve one contract. This is discouraging to employees and strongly reduces the initiative to promote the program.

Technical assistance is the key element for outreach, customer service, practice success, and accountability. At the current staffing levels, program enrollment, conservation planning activities, ongoing maintenance, compliance of contracts and practices, and the potential to achieve WIP goals are all challenged.

Outreach: Riparian forest buffer establishment is a practice that typically requires working one-on-one with a farmer/landowner as this is a more complex practice than, for example, grass filter strips. We have seen strong examples in our state of how dramatically the work of a highly motivated, highly credible, local outreach provider can make in boosting RFB enrollments. WV is currently challenged by insufficient resources for outreach and we believe a coordinated RFB outreach strategy is needed to maximize and leverage existing resources and impact, enlist new resources, and inform farmers/landowners of new incentives and opportunities we hope to achieve (such as expanding the CREP target area, raising total authorized enrollment and providing stronger financial incentives). During 2013, FSA was challenged to have funding for any outreach activities (including postage for notification letters of expiring contracts).

## **6. Management Approach**

### **Leadership, Coordination and Administration of Programs**

West Virginia seeks to develop a coordinated, riparian forest buffer (RFB) strategy to boost riparian forest buffer (RFB) enrollment/reenrollment through 1) seeking policy/guidance adjustments (including a CREP amendment) to address barriers to enrollment and expand the CREP target area to include the entire West Virginia Chesapeake Bay watershed; 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 as well as seeking funding to fill them; 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 to provide the farmer/landowner with a smoother, quicker, more pleasant enrollment experience. 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 about enrollment opportunities in CREP, EQIP, and other RFB programs. It will be important to rollout the RFB strategy and RFB outreach campaign concurrent with approval of the requested policy changes/CREP amendment. "Piecemealing" policy changes should be avoided to the maximum

extent possible because it detracts from increased RFB enrollment momentum and unfairly penalizes early adopters.

West Virginia also seeks to promote, coordinate and recognize partnering with NGOs on RFBs. As discussed above, partners, such as Trout Unlimited and WVU Cooperative Extension are providing significant value in helping to boost RFB participation in West Virginia. It is important to recognize this contribution and include these entities as CREP partners in amending the West Virginia CREP. This will better reflect the level of partnering in West Virginia, more accurately demonstrate the leveraging of federal investment, and count towards the State/local match (20% minimum state/local match).

West Virginia welcomes and encourages further partnering opportunities, such as through RCPP proposals and, potentially, through the Chesapeake Bay Foundation's voucher/buffer bonus program funded by NFWF and other grant funding.

Furthermore, there are additional potential synergies across USDA programs, such as pairing streambank stabilization and stream restoration through EQIP with CREP RFB enrollments (e.g., with EQIP and CREP).

### **Need for Policy or Guidance Adjustments**

#### **1. Expansion of the CREP target area to include parts of Monroe County**

There are approximately 7,000 acres of land in Monroe County that drain into the Chesapeake Watershed that are not yet included in WV's CREP. The area includes agricultural land that has various natural resource concerns that are also adversely impacting some fresh water mussels that are threatened or endangered. The inclusion of this area could potentially add an additional 100 acres or more of forested riparian buffers. USFWS and others fully support the expansion.

#### **2. Flexibility to provide partial practice incentive payments (PIPs) as costs are incurred**

Provide either the State FSA committee or county FSA committee the flexibility to provide partial payment for Practice Incentive Payment (PIP). The high cost for fencing, water development, pipelines, etc. along with the relatively long establishment period (2 to 3 years) of RFBs can cause cash-flow issues for some producers. Additionally, with the average contract acreage at 12.2 acres per contract, the Signing Incentive Payment (SIP) does not contribute any substantial payment to assist with practice implementation costs. Furthermore, some producers assign their PIP payment to the contractor. In the case of West Virginia CREP, groups such as Trout Unlimited are the contractors doing a lot of the installations. This delay in payment process is impacting the producers and contractors as they work on a calendar year basis for funding and the delay of PIP payments causes administration issues for them. It is recommended that at a minimum, situations with 1) Trout Unlimited, 2) COC documented hardship cases, and 3) limited resource producer situations should be allowed a waiver of the current PIP procedure.

#### **3. Flexibility to provide higher points in EQIP ranking for participation in CREP RFBs (CP22).**

### **Landowner Outreach and Customer Service Strategy**

Almost all of the acreage that has been enrolled in WV's CREP has been marginal pastureland. One of the key selling points of the program has been the high level of financial assistance provided for fencing, stream crossings, water developments and water facilities that the federal government provides along with the substantial annual rental payment. In a couple of counties in the project area a local County Executive Director (who was also a farmer) made a concentrated effort through one-on-one discussions with farmers in the community to promote CREP. This effort resulted in a substantial increase in knowledge of buffer purpose and overall enrollment. His efforts highlight the importance of direct one-on-one communications and marketing by trusted sources that understand the challenges of farming operations.

West Virginia seeks to develop a coordinated approach among the multiple partners with-in the project area. FSA, NRCS, USFWS, WVDA, WVCA (including Conservation Districts), WVU Extension, WVDEP, WVDNR, WVDOF, WVU Extension, USFS, NGOs and others will develop a coordinated approach and utilize their resources to best address these needs. West Virginia encourages and welcomes new partnering opportunities with NGOs and others, and plans to seek additional funding to implement this RFB outreach campaign. West Virginia plans to include any new or enhanced partnering in the CREP Agreement and in RCPPs.

### **Establishment, Maintenance, Compliance and Reenrollment**

During the next 5 years, 992.7 acres of existing riparian forest buffer (CP22) CREP contracts will expire, particularly in the latter years, and are a priority for reenrollment. Encouraging CREP participants to reenroll (or, in some cases, to transition to ACEP easements) is a high priority. This will require specific and timely outreach to participants with expiring CRP contracts and, in some cases, technical assistance to help participants to resolve compliance issues that may otherwise preclude eligibility for reenrollment.

#### **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. Provide participants with information and TA regarding any potential upgrades (e.g., expansion of acres or cost share for alternate water & stream fencing)
  - c. Provide TA to help participants resolve compliance issues
  - d. Encourage participants with reenrolling RFBs to include upgrades, such as increased acres and/or alternative water and stream fencing.
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/Service Forester certify practice compliance for all CREP contracts;

4. Ensure that NRCS/Service Forester conduct annual status reviews or periodic site visits during the life of the CREP contract and provide such data to FSA (CED/County FSA Committee). 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 West Virginia's progress toward implementation of our WIP;

(See discussion below under Technical assistance)

### **Technical Assistance Delivery**

As discussed above, since 2002 staffing for FSA, NRCS, and State Forestry Agencies have been adversely impacted by budgetary constraints and, new farm bill programs have further increased workload.

Increased staffing will permit:

- Greater opportunity for one-on-one contacts
- Improved customer service/customer experience (e.g., quicker turn-around times)
- Reduction in out-year maintenance contract compliance issues through better follow up with RFB participants
- Ability to develop targeted marketing, conservation buffer tours, education tools, etc.
- Ability to carry out necessary and required technical servicing actions (see Technical Assistance section)

Recommendations:

1. Seek funding for 2 RFB Circuit rider teams: The Commodity Credit Corporation (USDA) or State funding should provide funding to create two teams comprised of a FSA program technician, NRCS soil conservationist, and a service forester primarily dedicated to development of outreach and program implementation. The estimated cost for the team is estimated at \$412,000/year based on the following: 2 FSA program technicians – (based on GS-6 step 6 level with 25% for benefits) - \$51,400/staff year; 2 NRCS soil conservationists – (based on GS-9 step 6 level with 25% for benefits) - \$70,000/staff year; 2 State Foresters – (based on a \$50,000/ base salary + 25% benefits - \$62,500/year); and 1-2 WV Conservation Agency or local Conservation Districts RFB specialists (\$45,000/year for 1) to assist the producers with the actual, on ground implementation of various conservation practices. In some cases, producers choose to perform their own work on scheduled practices and this agency individual may assist with “on ground” work to ensure practices meet timely completion as well as planned/prescribed standards and specifications;

2. Continue partnership with US Fish and Wildlife Service's Partners for Wildlife Program and Trout Unlimited and, as discussed above, include TU as a CREP partner in CREP Agreement.

They provide a full range of services (construct fences, develop water, construct water facilities, plant trees, etc.) for riparian buffer establishment. Many producers do not have the equipment, labor, expertise, etc. to develop the buffers. This one stop shopping/turnkey work that also meets FSA/NRCS standards is a popular way to implement the practice.

3. Seek to provide/restore cash awards for agency employees for extra work.

### **Need for Additional Financial Incentives**

The WV 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 government 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 (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.

Almost all of the land enrolled in the WV CREP is marginal pastureland (MPL). The rates for marginal pastureland have not been updated since 2002. Typical WV MPL rental rates are low: \$40/acre in Morgan, Berkeley and Jefferson counties and \$34/acre in Mineral, Hampshire, Hardy, Grant and Pendleton counties. MPL rental rates are probably 40 to 50% below the market rate. There is anecdotal evidence from field staff that some of the rates are insufficient to attract enrollment. Increasing the rental rates will develop “buzz” within the farm community and will assist in the marketing/outreach efforts. Using the change in livestock prices during the commensurate time frame, the change would be about 40 to 50% depending on time frame selected. Using the price change in livestock the price change for the 3 eastern counties would be increased from \$40 to \$56-\$60/acre and for the 5 western counties the rate would be \$48 to \$51/acre. This change would not require a pay-go.

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 update/increase MPL rental rates.
2. Seek to double annual maintenance payment and perhaps provide as a separate payment from annual CRP rental payment.

### **Other Recommendations**

## 1. Improved program accounting of RFBs for WIP goals

With the newly adopted BMP verification guidelines established under the Chesapeake Bay Program, West Virginia is required to verify all best management practices to be reported in the Chesapeake Bay model. This model is used to evaluate the Chesapeake Bay TMDL and state WIP implementation. West Virginia relies heavily on CREP for reporting forested and grass riparian buffers, as well as livestock exclusion, where appropriate. Not only do we need to increase riparian forest buffer establishment to reach our WIP goals and maintain current levels of implementation through reenrollment, we need to ensure that West Virginia is receiving full credit for its RFBs and for lands, such as other forested CRP enrollments along streams that are functioning as RFBs. The inclusion of additional staff through this program will ensure that we are able to adequately spot check and verify that all RFB practices are installed and maintained as intended. This will allow us to continue to report the acres we know are in place in order to meet our nutrient load reductions.

In addition, NRCS has a number of current activities/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.

## 7. Work Plan

### Leadership, Coordination and Administration of Programs

#### 1. Promote, coordinate and recognize partnering with NGOs

Next steps include:

- a. Seek to include more CREP partners, such as Trout Unlimited and WVU Extension Service through revised CREP Agreement;
- b. Coordinate outreach efforts with RCPP partners to “cross-sell” RFBs;
- c. Explore partnering possibilities, such as Chesapeake Bay Foundation voucher/buffer bonus funded by NFWF and potentially state or grant funding (match)
- d. Explore partnering possibilities with broader range of NGOs, such as Pheasants Forever, West Virginia Wildlife Federation, etc.

#### 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;
- b. High ranking officials present agency staff awards for RFB enrollments



## Need for Policy or Guidance Adjustments

Next steps include:

1. Seek non-federal funding (\$30,000-40,000) to conduct EA for inclusion of headwaters of James River in Monroe County in WV CREP target area, draw up revised CREP target area map and proposed CREP amendment language to expand CREP target area.
2. Work with other Chesapeake Bay states to seek policy adjustment from FSA HQ or CREP amendment language allowing flexibility for partial PIP payment (case-by-case county committee or state committee).
3. Evaluate the use of stream stabilization/stream restoration (\$100/linear foot) on a case-by-case basis as an item for financial assistance (payment limitation (\$50,000/year) would limit this to < 600 to 1,000 feet of stream bank).
4. Provide greater flexibility to permit on a case-by-case basis higher cost-share rate for livestock friendly fencing. This flexibility could apply to horses, sheep, calves, goats, etc. Basically, what is needed is a local process for determining if a higher cost share rate is justified.
5. Modify the National Policy that requires the more expensive (>\$2,400 / project for fencing, water facilities, stream crossing, etc) be sent to FSA NHQ for approval. This causes delays in implementation and increases workload for county/state staff. It is recommended that State FSA Committees be given authority in these situations.

## Landowner Outreach and Customer Service Strategy

Next steps include:

1. Develop coordinated, joint West Virginia RFB outreach plan that includes the following:
  - a. Assuming recommendations for increased financial incentives (updated MPL rental rates) and flexibility for partial PIP payments and higher cost share caps, focus outreach campaign on informing producers/landowners of these favorable developments that better meet their needs.
  - b. Outreach to CRP/CREP participants with expiring contracts.
  - c. Outreach to owners of horse farms/small ranches in WV eastern panhandle (some have overgrazing issues and other natural resource concerns and many are new to the area and do not have established relationships with conservation districts and USDA staff)
  - d. Strategy for outreach to absentee landowners (e.g., DC area residents with WV farmland). This includes seeking funding for a mass mailing to absentee landowners for entire WV Bay watershed (identify using GIS data). There is a track record of past

success of mass mailing to 250 absentee landowners. Multiple agencies need to coordinate to develop mailing list.

e. 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.

f. 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.

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

h. Amend CREP agreement to add partners, such as TU and WVU Extension Service, and revise CREP budget to reflect this additional non-federal match.

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. The many contacts that producers have with local FSA, NRCS, and Conservation District office staffs provide an opportunity to sell the program. 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

l. Conduct training by WV Forestry for RFB outreach providers, including Trout Unlimited, on use of GIS targeting tool.

#### Establishment, Maintenance, Compliance and Reenrollment

Next steps include:

1. Ensure county staff and technical service provider/planner is aware that containerized and larger sized trees that provide higher survival rates and more timely environmental benefits are permitted under the program & raise payment caps.

2. Expand establishment period & provide cost share in year 3 if natural regeneration fails, but only if contract holder has performed proper/planned management activities to permit natural regeneration to occur.

3. 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 (combine with increased education for farmers/landowners on RFB maintenance).

### Technical Assistance Delivery

Next steps include:

1. Seek funding to expand capacity to provide turnkey service to include riparian forest buffers and other components (tree planting, installation of water facilities/systems, stream crossings, maintenance, invasive species control, etc.).
2. Request FSA HQ to modify software within the agency to become more appropriate and user friendly to employees and avoid multiple systems.
3. Request FSA HQ to seek through Office of Management and Budget (OMB) funding to ensure adequate resources for staffing and training.
4. Seek \$412,000-\$457,000 a year for two circuit rider teams (2 FSA PTs, 2 NRCS conservationists, 2 Foresters, and 1 or 2 WVCA or Conservation District RFB specialists).
5. Explore the option of permitting TU to become a certified contractor. By being a certified contractor TU could design and install the practice that may reduce planning delays.

### Need for Additional Financial Incentives

Next Steps include:

1. Ask FSA to update marginal pastureland (MPL) rental rates
  - a. Document actual rental rates for livestock (current MPL rates are probably 40 to 50% below the market rate).
  - b. Provide documentation and request MPL rental rate increase through CREP Amendment.
2. Seek modification to increase the annual maintenance rate for the practice from the current \$2-\$5 range to \$4 to 10/acre range and provide as payment separate from rental rate. This should include the allowance for re-enrolled contracts to maintain the approved maintenance rates as was approved on their original contract.

### Other Recommendations

1. Improved program accounting of RFBs for WIP goals

Next steps include:

- a. NRCS along with WVDEP will review current activities that may enhance riparian habitats and develop systems to provide an accounting of ongoing benefits.

b. FSA should use data, such as CRP shape files, and overlay with USGS GIS stream data files and any remote sensing data, such as Light Detection and Ranging (LiDAR) data to more fully account for linear miles of established and protected riparian buffers. In addition, FSA should review other CRP data files to identify acres adjacent to streams that may be enrolled in other CRP tree planting practices, such as CP3, CP3a, CP23, CP31, etc.

c. WVDEP should work with FSA and Chesapeake Bay Program to ensure WV gets full credit for RFBs and for forested CRP practices, such as CP3, CP3a, etc, in riparian areas within Chesapeake Bay watershed.

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. Seek CREP amendment (these items are discussed above, but for greater clarity, we are also listing the components of a CREP amendment here)

**CREP Amendment:**

1. Increase maximum acreage cap to 12,000 acres.
2. Expansion of CREP target area to include James River drainage in Monroe County within WV CREP (an environmental assessment (EA) may be a prerequisite).
3. Include more CREP partners, such as Trout Unlimited and WVU Extension Service. This will increase the State/local match (20% minimum state/local match) and better reflects the level of partnering and leveraging of federal investment.
4. Double amount of annual maintenance payments and provide them separately from annual CRP rental payments.
5. Maintain existing maintenance rates for re-enrolled contracts or increase to newly authorized levels, whichever is higher.