

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

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

***Delaware: March 18, 2022***

**Purpose and Background**

To help the states prepare for the upcoming Chesapeake Riparian Forest Buffer (RFB) 2022 Leadership Workshop, Eastern Research Group (ERG) led a discussion in each state about state specific RFB programs. Ultimately, these discussions were designed to assist the jurisdictions in writing their Strategic Action Plans for RFB that will be discussed at the workshop. See the Strategic Action Plans for RFB guidance accompanying this summary for additional information.

This document summarizes the discussion that ERG organized and facilitated with representatives from various agencies working on RFB programs and projects in Delaware.

**Participants**

The following individuals participated in the Delaware Riparian Forest Buffer discussion on March 18, 2022:

* Marcia Fox, Delaware Department of Natural Resources and Environmental Control (DNREC)
* Beth Krumrine, DNREC
* Catie Soriano, DNREC
* Jenna Talbot, DNREC
* Jennifer Walls, DNREC
* Ben Coverdale, DNREC
* Clare Sevcik, DNREC
* Sam Topper, Delaware Department of Agriculture
* Brian Jennings, U.S. Fish & Wildlife Service (Chesapeake Bay Field Office)
* Kasey Taylor, Delaware State Conservationist, Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA)

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

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

This portion of the discussion focused on successful elements of existing RFB programs in Delaware, as well as challenges. The group considered the following questions:

* How has buffer rollout gone in recent years for programs in your state?
* What elements have worked well in your state and have led to your greatest successes?
* Do the elements for success vary between urban and rural locations?
* What are some of the barriers your program faces?
* Do the barriers vary between urban and rural locations?

Below is a narrative summary of the key take-aways from Part I of the RFB discussion.

**Delaware Discussion Summary**

**Current Successes:**

* Governor Carney is a significant proponent of trees and tree planting in Delaware. His support for tree plantings is likely related to Delaware’s Climate Action Plan. Although water quality protection may not be Governor Carney’s primary goal with tree plantings, his support could be leveraged to help achieve the Chesapeake Bay RFB outcome.
* Governor Carney’s [Tree for Every Delawarean Initiative](https://dnrec.alpha.delaware.gov/tedi/) (TEDI) has garnered a lot of interest and momentum with the public. TEDI directs funding to partners throughout Delaware, with projects in both urban and rural areas. The TEDI tracking tool can track trees planted in the Chesapeake Bay watershed.
* Land Use successes:
	+ The likely path to more RFB acreage in Delaware is through counties. Activity on the local level related to buffers could be leveraged statewide.
		- New Castle County has a riparian buffer area overlay zone ordinance (Ordinance No. 97-044). The projects resulting from this ordinance have merit. This approach could be beneficial statewide.
		- Sussex County has introduced a new ordinance related to buffers that is under review. This complex ordinance addresses all types of buffers and does not focus solely on RFB. There are some concerns about the loopholes in the ordinance language. The benefit of this ordinance is the conversation around buffers.
* Although grass buffers are an easier sell to landowners, acceptance of this practice could open the discussion to RFB.
* Tax Ditches are a challenge for implementation; however, practitioners are seeing a shift from mowed ditches to maintaining tall buffers/vegetation around tax ditches. Cost share is available to assist with ditch practices.

**Current Barriers/Challenges:**

* Many of the same barriers and challenges identified in Delaware’s past RFB report to the Chesapeake Bay still exist: willingness of landowners to implement RFB; tax ditches and ditching systems; and constraints on the field associated with RFB.
* Landowner opposition to RFB is a significant barrier. This practice is unattractive to farmers and producers for a variety of reasons, including row crop shading and taking land out of production. Some landowners have misperceptions about RFB (e.g., takes whole fields out of production).
* Department of Agriculture’s Forest Stewardship Program has adequate funding but does not have landowner demand. There is a need for landowner referrals.
* RFB practices are not easy to maintain. For RFB to be successful, the maintenance must be easy for landowners.
* Another RFB program will not move Delaware closer to the Chesapeake Bay RFB outcome without legislation. Although there is a need for political backing and legislation, DNREC cannot lobby political leaders.
* DNREC does not have land use authority. This lack of authority and lack of legislation limits DNREC’s ability to increase RFB acreage.
* The Conservation Reserve Enhancement Program (CREP) is successful at creating RFB acreage, but the process is lengthy, sometimes taking a year or longer. This timeframe is not feasible for many landowners.
* There is more interest in and funding for TEDI than there are staff to keep up with the demand for tree projects.
* TEDI counts number of trees planted, but the Chesapeake Bay RFB outcome is focused on number of RFB acres. Replanting trees does not grow the number of RFB acres.
* USDA acknowledges that the annual cost-share program funding allocation will not be sufficient to reach Chesapeake Bay RFB outcomes in Delaware.
* DNREC has experienced resistance in the past for offering incentives for RFB that were too competitive with commodity prices or CREP that would result in taking land out of production.

**Part II. Information on Delaware’s Existing RFB Program(s) Logistics**

This portion of the discussion focused on program logistics for Delaware’s RFB programs in urban and/or rural locations. The group considered how existing RFB programs incorporate these elements now, as well as steps that Delaware is taking to incorporate these elements soon. Where RFB programs may not fully address these elements, discussion participants identified some challenges that might arise in trying to do so. Each element related to program logistics is listed, with the associated discussion summary provided underneath.

Eligibility and Flexibility

* Flexible to meet landowner needs
* Available to agricultural and non-agricultural landowners

**Delaware Discussion Summary:**

* CREP is the primary program for RFB implementation, but it is not flexible or simple for landowners to navigate.
* Funding through TEDI is available for projects in both urban and agricultural areas, but the process is still complicated due to state contracting complexities and reliance on a variety of partners.
* Funding through Section 319 and Chesapeake Bay Implementation Grant (CBIG) is available for landowners; however, these are funded on a case-by-case basis. Funding could be leveraged to assist with an buffer implementation program.
* A single RFB program that is simple for landowners to navigate, as opposed to a suite of different programs throughout the state, might be beneficial. However, existing state contracting requirements and processes might pose as a barrier for the creation of a single, simple program.
	+ For example, CREP can provide rental incentives for 10-15 years. A state buffer program could only fund a rental incentive project short term.

Funding Processes

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

**Delaware Discussion Summary:**

* The idea of funding available “on-demand” exists with the Forest Stewardship Program/state cost-share program, but it is not dedicated program funding. Funding for the state cost-share program is transfer-tax money predominantly used as a safety net for EQIP used at the forester’s discretion. The state cost-share program is a 50 percent reimbursement program where the landowner needs to simply show receipts. This funding is use-it-or-lose-it money; almost $30K in unused funding is returned each year.
* Funding is available through Section 319 or CBIG funds and are used on-demand. Synergies could be possible with these funding sources and TEDI to develop a state cost-share program funding mechanism that can fund implementation and maintenance but cannot fund annual rental payments. The state cost-share program staff would like funding to cover all costs for afforestation or RFB.

Program Services

* Technical assistance provided
* Maintenance provided

**Delaware Discussion Summary:**

* Forest Stewardship Program provides landowners with assistance in developing plans.
* It is important to understand what type of landowner is requesting what type of practice: is it tried and true producers or is it new/underserved landowners? Understanding landowners’ characteristics will help agency staff understand the different type of technical and maintenance services needed for these specific types of landowners.

Program Integration/Synergy

* Integration of buffers into other existing like-minded state programs (for example, land conservation and the state revolving loan fund program)
* Opportunities to pair programs and funding

**Delaware Discussion Summary:**

* TEDI, Section 319, and CBIG currently rely heavily on a variety of partners to disperse funding for tree projects through existing programs. For example, Delaware Department of Agriculture’s Urban and Community Forestry Program is a conduit for Section 319, CBIG and TEDI money for urban trees. CBIG funding has been provided to Delaware Forest Service (DFS) for buffer plantings, in the past.
* Forest Stewardship Program staff would like to bolster their program with TEDI funding.

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

Discussion participants considered how Delaware’s RFB programs incorporate enabling conditions now and steps that Pennsylvania is taking to incorporate these conditions in the near-term. The group mentioned where programs may not have these conditions in place and challenges they would face in providing these enabling conditions. Each element related to program logistics is listed, with the associated discussion summary provided underneath.

Supporting Planning and Policy

* High-level coordination and direction at state-level (including a state Buffer Strategy)
* State or local policies supporting buffer restoration or conservation
* Local government engagement to incorporate buffers in planning efforts
* Information on where to prioritize buffer plantings based on areas with the highest potential impact, the greatest opportunity, or other criteria

**Delaware Discussion Summary:**

* DNREC has tried to have legislation passed that would help increase RFB acreage in the inland bays watershed, but this type of effort has been met with resistance and legal challenges.
* DNREC has raised the possibility of using state land acquisition as an approach to increasing RFB acreage.
* There are examples of county buffer ordinances in development. There is some concern, however, about whether the requirements will result in actual buffers. Another issue is that these ordinances do not always focus on RFB.
* LiDAR imaging helps to show where Delaware is with buffer progress in urban, suburban, and rural areas.

Financial and human resources capacity

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

**Delaware Discussion Summary:**

* TEDI Program has funding; however, there is a need for additional funding and staff. Currently, there not adequate staff to keep up with the demand for tree plantings.
* Department of Agriculture’s Forest Stewardship Program has adequate funding; the issue is that this program does not have demand.
* According to NRCS, requests for funding are growing, with FY21 requests at $25K and FY22 requests at $75K. There is adequate funding at all levels to meet current demand, but not all landowners want to partner on a federal or state contract.
* There is a need for trained staff who can readily talk buffer programs with landowners and develop relationships. It takes people with the right skill set and ability to talk to producers to do this well.
* In the past, mailings to landowners to generate interest in potential projects were most successful with follow-up phone calls to landowners. During this time, staff would sell every type of program available to landowners and then discuss as a team all the possible projects and divide up and assign the project to the best fit program staff.
* Over time, Delaware has moved away from boots-on-the-ground staff that could pitch buffer projects to landowners. This is due to attrition in the agencies and too much focus on federal government program paperwork.
* The University of Delaware Cooperative Extension might be a partner who can provide boots-on-the-ground trained staff who have the ability develop landowner relationships and sell buffer programs. There is an opportunity to leverage this partnership and their existing work.
* NRCS cannot hire more staff, but could go into a partnership agreement with other state agencies and program staff, such as Delaware’s cost-share program administrator.

Trained and Cost-Effective Service Providers

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

**Delaware Discussion Summary:**

* There is a need for a list of companies who are trained, cost-effective restoration contractors; expertise is essential.
* Capacity of trained assistance providers is an issue.
* Relying on untrained volunteers for tree plantings through TEDI could result in low survival rate.

Materials

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

**Delaware Discussion Summary:**

* Delaware agencies purchase trees from the John S. Ayton Tree Nursery in Preston, Maryland (referred to as the Preston nursery).
* The Maryland’s John S. Ayton State Tree nursery has sold out of trees; it is unclear if this is due to low supply or high demand.
* To ensure adequate supply, Delaware should contract with Ayton nursery for the trees needed through TEDI and other RFB projects.

The matrix below provides an integrated summary of the discussion points related to the RFB best practice elements. This integrated summary highlights key issues related to each of the best practices and denotes where the group did not identify a program, need, or challenge related to a best practice.

| **Best Practices for Successful RFB Programs (both urban and rural)** | **Existing Programs and Activities** **Fully or Partially Addressing Best Practice** | **Needs and Challenges to Achieve Best Practice** |
| --- | --- | --- |
| ***Program Logistics*** |
| No out-of-pocket expense for landowners | No specific examples of existing programs that offer no out-of-pocket expense for landowners provided during the discussion. | No additional needs or challenges related to offering no out-of-pocket expense for landowners specifically addressed during discussion.  |
| Sustainable source(s) of funding available “on demand”  | The state cost-share program is nearly “on-demand.” This program can offer transfer-tax money as a safety net for EQIP at the forester’s discretion. Landowners simply show receipts for 50 percent reimbursement.  | Discussion of using TEDI funding through the state cost-share program, as opposed to the transfer-tax money that needs to go back if not used. This mechanism can fund RFB implementation and maintenance but cannot fund annual rental payments. |
| Technical assistance provided  | Forest Stewardship Program helps landowners develop plans. Urban Forestry Program helps local governments with urban tree planting/buffer assistance.  | Need to understand landowners’ characteristics to help determine the specific type of technical assistance for specific types of landowners. |
| Maintenance provided | No specific examples of existing programs that provide RFB maintenance mentioned during the discussion.  | Other than acknowledging the need for easy maintenance, no additional needs or challenges related to providing maintenance through RFB programs and projects specifically addressed during discussion. |
| Flexible to meet landowner needs | No specific examples of existing programs that are flexible to meet landowner needs mentioned during the discussion. | Need a single, simple RFB program that is simple for landowners to navigate, as opposed to a suite of different programs throughout the state, might be beneficial. However, existing state contracting requirements and processes might pose as a barrier for the creation of a single, simple program |
| Available to agricultural and non-agricultural landowners | TEDI funds projects for both urban and rural landowners. Forest Stewardship Program and cost-share programs address agricultural landowners. | No additional needs or challenges related to landowner availability specifically addressed during discussion.  |
| Program integration and pairing to incorporate buffers into other existing like-minded state programs (for example, land conservation, state revolving loan fund program, stream restoration)  | Section 319 funding, CBIG, and TEDI rely on partnerships. Delaware Department of Agriculture’s Urban and Community Forestry Program is a conduit for TEDI money for urban trees. | Delaware Forest Service wants to bolster their programs. Currently, TEDI funding, Section 319, and CBIG funding are provided to DFS to assist with urban forestry and stewardship needs.  |
| ***Enabling Conditions*** |
| Adequate state staff to effectively implement programs  | Key staff in key programs, but not at adequate levels.  | Delaware has less trained boots-on-the-ground staff with comprehensive program knowledge to build landowner relationships and pitch buffer projects to landowners due to attrition; this contributes to diminished landowner demand. Could partner with the University of Delaware Cooperative Extension staff and leverage their work to address this need. |
| Adequate program funding to meet demand for buffers | TEDI has funding. Department of Agriculture’s Forest Stewardship Program has funding. However, both programs could use additional funding.  | NRCS will not have adequate funding to meet the level of implementation to achieve the Chesapeake Bay RFB outcome. |
| Cost-effective restoration contractors available to complete work | No specific examples of existing programs that make cost-effective restoration contractors available to complete RFB work mentioned during the discussion. | There is a need to create a list of companies who are trained and cost-effective restoration contractors; expertise is essential. |
| Trained technical assistance providers available to work with landowners  | No specific examples of existing programs that make trained technical assistance providers available to work with landowners mentioned during the discussion. | There is a need for more trained technical assistance providers; see staffing needs |
| High-level coordination and direction at state-level (including a state Buffer Strategy) | Strategy in development. Many committed individuals in key agencies throughout the state.  | Coordination needs at state-level not specifically addressed during discussion. |
| State or local policies supporting buffer restoration or conservation  | Some county-level buffer ordinances in development (e.g., Sussex, New Castle). | Need legislation to help move Delaware closer to the Chesapeake Bay RFB outcome. Although there is a need for political backing and legislation, DNREC cannot lobby political leaders. Counties are the key to increasing RFB acreage; some county ordinances could be promoted statewide. |
| Local government engagement to incorporate buffers in planning efforts | Some county-level buffer ordinances are in development (e.g., Sussex, New Castle).  | No additional needs or challenges related to local government engagement to incorporate buffer in planning efforts specifically addressed during discussion. |
| Information on where to prioritize buffer plantings based on areas with the highest potential impact, the greatest opportunity, or other criteria  | LiDAR available to examine where Delaware is with buffer progress in urban, suburban, and rural areas. No discussion of how this information is currently helping to prioritize RFB efforts.  | No additional needs or challenges related to RFB prioritization specifically addressed during discussion. |
| Adequate supply of trees and planting tubes | Delaware purchases trees from multiple nurseries; however, large scale plantings (bareroot seedlings) are purchased from John S. Ayton State Tree Nursery in MD. Adequate supply has not been an issue until this year.  | Contract with Delaware’s tree supplier in Ayton, MD would help ensure that the nursery will have adequate supply for TEDI and other RFB projects.  |