

TAC Forestry Sub-committee
Sept. 28, 2018
DCR Office – Staunton

Members present:

Jim Echols – DCR - Committee Chair (voting member)
Todd Groh – VDOF (voting member)
Patti Nylander – VDOF (non-voting member)
Rachel McCuller - Headwaters SWCD (voting member)
Sarah Hagan – VDOF (non-voting member)
Bryan Hofmann – Friends of the Rappahannock (voting member)
Amanda McCullen – Culpeper SWCD (voting member)

Members absent:

Carl Garrison – Virginia Forestry Association (voting member)

A quorum was declared with five of six voting members present.

With the new additions of Bryan Hofmann and Amanda McCullen to the committee, everyone introduced himself or herself. Jim reviewed the process for reviewing ideas, making recommendations, and voting. The primary goal of the expanded subcommittee and TAC is to establish better strategies within the cost-share programs as a means to encourage more landowner participation in programs to help improve water quality within the Chesapeake Bay and state waters. All committee meetings are open to the public; all meetings shall be face to face. The meeting announcement was posted on Town Hall website. If committee members cannot attend, a proxy can attend the meeting and vote in place of a voting member where they serve as the alternate from the same organization.

Members reviewed notes from the previous meeting

Jim Echols asked for a motion that minutes be approved as written.

Todd made a motion, Sarah seconded, motion carried unanimously.

The group continued to work through the 12 items listed on the matrix:

1F – DOF making site-specific recommendations on number of trees to be planted.

Discussion:

Members are in favor of allowing the forester recommendations to be the standard for FR-1 and FR-3 practices.

Current guidance calls for NRCS standard to be used for these projects, which is 300 trees per acre. For FR-3, the minimum planting number listed in the VACS specifications is 110 stems per acre for hardwoods.

Making a change may cause friction with NRCS if the District program deviated from NRCS specs in this practice. Would be good to maintain consistency between programs and recommendations.

Planting hardwoods can be cost-prohibitive because of shelters and maintenance.

Friends of the Rappahannock (FOR) offers 100% for riparian buffers in several counties. Worked well to partner with FR-3 projects, where FOR paid the remaining 25%.

Maybe the important aspect is to determine a bare minimum density (number of trees per acre). What is the lowest number of trees that can be accepted?

Do we consider two different minimum densities based on hardwoods vs. pine?

Acreages that are planted at different densities are scored differently in terms of score. Suggestion to make it easier for districts, to make a single payment that incorporates establishment, rental, and maintenance all at the beginning. For the sake of simplicity, if the minimum number of trees per acre is going to be a small difference (250 vs. 300); is it better to stick with the CREP standards? For FR-3, the cost-share manual states that a minimum of 110 hardwood trees per acre is required. The subcommittee suggests allowing the DOF forester to make stocking recommendations based on completed Form 7.8 "Cost Share Plan" stating landowner objectives. FR-3 may include pine plantings as well. Committee members all agree that current standards and rates make sense and can remain in place. Jim asked for a motion if all members agreed with current standards and rates for FR-3 projects. All voting members voted to support this proposal for FR-3. This recommendation will be made to the full TAC once everything is checked for clarity. For FR-1, current standards and rates make sense and can remain in place. Jim asked for a motion if all members agree with current standards and rates for FR-1 projects. All voting members present voted in favor of keeping current standards and rates. Motion carried. This recommendation will be made to the full TAC once everything is checked for clarity.

1F Summary:

- For FR-3, hardwood plantings only have to be 110 stems per acre. This should stay the minimum standard.
- DOF Foresters should have the authority to set a site-specific stocking rate for both FR-1 and FR-3.
- The subcommittee needs to study this further to make sure that all specifications are clear and agreed upon by the subcommittee. The subcommittee will table this item until the next subcommittee meeting.

2F – Do away with incentive payment and make the program 100% cost-share (pay 100% of the eligible cost instead of the current 75% of eligible cost).

Discussion:

Concern about landowner investment if project is paid in full and landowner having an interest in minimizing costs – avoiding unnecessary costs.

Consider the idea of 100% (instead of today's standard of 75% payment) cost-share in addition to the incentive payment.

Landowners may already feel like they are invested because they had to pay the costs up front. Spot checks (verification of implementation) is done on BMPs. A certain percentage of BMPs are spot checked each year. In addition, more are spot checked as they near the end of the lifespan in the contract so that credit in the Bay Model can be extended beyond the contract life of the project. If deficiencies are found, responsible parties are given the opportunity to bring projects back up to par. If the project is not brought back to the standards, the responsible party is asked to repay the state a prorated portion of the original costs share on the project.

On the whole, offering 100% (as opposed to 75%) may attract more participants who have not participated before now.

Idea brought up; keep incentive payments, and increase reimbursement to 95%. Also, consider increasing the cap from \$50,000 to \$75,000.

Incentives* may be good because they encourage the longer life span.

* The incentives referred to above are:

\$25/acre for a 10 year life vs a \$50/acre for a 15 year life for FR-1

\$100/acre for a 10 year life vs \$150/acre for a FR-3 planting pine

\$100/acre for a 10 year life vs \$250/acre for a FR-3 planting hardwoods

CREP withholds some of the final payment for 2 years after the tree planting is complete to ensure that there is at least 70% survival. Could the District consider doing this? This is more a program change than a specification change. Single payments are a more simple process, simple for Districts and simpler for landowners.

Some discussion around taking advantage of 100% cost-share. Landowners (responsible party) with cost responsibility look for the most cost efficient way to install practices. When there is a 100% reimbursement this check on costs is lost because the responsible party will be reimbursed at 100% of the allowable cost.

The practice does allow for maintenance, which includes controlling invasive species.

A motion was made in FR-3 projects; keep the incentives to allow for longer lifespan.

Jim asked if the group could reach consensus that incentives should remain in place.

Motion carried unanimously.

For cost-share rate, where do we put it? Some in favor of 100%, some 90-95%.

What could be consequences if program is put at 100%? Do Districts get inundated and a huge backlog is created, leaving projects pending funding for a long time?

For FR-3, raise the cost-share rate to 95%.

Jim asked if the group could reach consensus that the cost-share rate is raised to 95%.

The motion carried by a 4/1 vote in favor.

Some concern with unintended consequences if placed at 100%.

For FR-1, the benefits and rankings for FR-1 projects are not as high in Bay models. We- do not get as much credit in the Bay Model for planted areas that are not near streams.

Proposed keeping incentive payments the same, but increasing the cost-share to 95%. Further discussion is needed for FR-1 projects.

This proposal was tabled.

2F Summary:

The subcommittee recommends an amended "suggestion" as follows:

- Subcommittee supports keeping the incentive payments on FR-1 and FR-3
- Subcommittee supports increasing the cost share on FR-3 to 95% of eligible costs
- Subcommittee supports raising the cap on payment for FR-3 from \$50,000 to \$70,000.
- The subcommittee wants to further discuss 75% vs. 95% payments on FR-1.

3F – Reduce number of stems per acre required in FR-3 from 300 to 100 stems per acre.

Discussion:

Keep all items the same:

In section 8, add a footnote: "For site-specific tree stocking rates refer to VDOF Form 7.8 "Cost-share Plan". This would allow the DOF Forester to make a site-specific recommendation on the stocking rate.

The motion carried unanimously.

3F Summary:

The subcommittee recommends an amended "suggestion" where the DOF Forester would be allowed to develop a site-specific stocking rate that is consistent with the VDOF Form 7.8.

4F – If applicant applies for FR-3, in conjunction with and SL-6, cap stays at \$70,000 to promote forested riparian buffers.

Discussion:

Make FR-3 an exception practice, along with SL-6 and Waste Management so that the cap will move from \$50,000 to \$70,000. Group is in consensus.

Jim asked if the group could reach consensus that the cap for FR-3 projects is raised from \$50,000 to \$75,000

Motion carried unanimously.

4F Summary:

Subcommittee recommends accepting this “suggestion” that the producer’s financial cap be \$70,000 for a FR-3 done in association with a SL-6.

5F – Provide 100% cost-share on riparian buffers

Discussion:

There was discussion concern with tree availability from DOF nursery. There are other seedling sources within the state and adjoining states.

The cost share percent was addressed under 2F proposal and the consensus was to change the cost share rate to 95%

Jim asked if the group could reach consensus that riparian buffers are cost-shared at 95%

Motion carried by a 4 to 1 vote.

Some question about why CREP was included in this proposal. DCR has, in some years, fund CREP at 50% with federal funds covering the other 50% of the costs. Need some more clarification on the CREP section of this “suggestion”.

Tabled this.

5F Summary:

The subcommittee recommends accepting a modification of this “suggestion:

- Provide 95% cost share to FR-3.
- The issue of DOF nurseries is outside of the scope of this committee.
- Subcommittee will attempt to get more information about what the “suggestion” is regarding CREP. Until more information is obtained, the CREP portion of the “suggestion” will be tabled.

6F – Higher incentives for tree plantings within buffer (longer timespan on contracts)

Discussion:

Concern with increased and difficult workload for Districts if something like deed restrictions are required.

There are other easement holding entities that may be able to fit the niche of holding a riparian easement, so SWCDs should probably not take on dealing with deed restrictions.

Deed restrictions may be a deterrent for landowner participation with such a long commitment
Consensus of the group is that this is not approved.

Proposal that this is not carried forward due to above mentioned concerns (additional workload for Districts, and possible deterrent to landowners)

Jim asked if the group could reach consensus that this proposal

This proposal was not approved by unanimous vote of the subcommittee.

6F Summary:

The subcommittee does not recommend accepting the “suggestion” of adding deed restrictions as part of the practices. The subcommittee needs to look at this “suggestion and see if we adequately addressed the concept of having incentives to lengthen the time of the BMP lifespan. The subcommittee also needs to find out if the EPA will accept having a lifespan of more than 15 years.

7F – 100% cost share for buffer establishment with 3-year establishment contract included to ensure proper establishment of forest buffer through proper maintenance.

Discussion:

Asking a SWCD to not accept a practice until three years after completion would place an undue burden on SWCDs and discourage landowners.

Consensus of the group is that we do not support this.

All members voted in favor of not supporting this proposal.

7F Summary:

The subcommittee does not recommend accepting this “suggestion”.

8F – Consider creating a cost share option for planting trees in existing “SL6” practice buffers, possibly to include a rental incentive payment upfront.

Discussion:

This already exists and landowners have the option to come back in the office even after they have participated in SL6 and sign up for an FR-3. Signing up for these two practices at different times will not negatively affect ranking for the tree planting.

Group was in consensus that this capability is already in place and can be used.

This ability to do a FR-3 where a SL-6 already exists is currently allowed within the current cost-share program.

The group voted unanimously to not create a special practice to allow a FR-3 on top of a SL-6 because there is nothing to prevent a FR-3 installation where a SL-6 exists.

8F Summary:

The subcommittee does not recommend accepting this “suggestion”.

The subcommittee did not address the suggestion of rental payments, so this issue needs to be brought back to the subcommittee.

9F – Develop buffer strategies for properties that are not traditional agriculture, but may be in a rural or even suburban setting, and have a stream flowing through their property. This may mean expanding the VCAP

Discussion:

In order for a person to qualify for planning and assistance from the District, they have to be a bonafide agricultural operation (showing at least \$1,000 income per year generated from agriculture)

VCAP currently does not cover bank stabilization, but does cover other practices for landowners that aren’t traditional AG producers

Turf conversions can be covered under VCAP.

Cap is at \$3500, which does not go far, particularly for buffer establishment projects

There is a vacuum in trying to serve non-traditional AG producers.

Concern that funds will be taken away from AG producers; what are the optics of this?

VCAP funds are through the District and administered by Districts.

While VCAP has asked for additional funding to get more projects done, it has been made clear that any additional funds do NOT come out of Ag BMP funds.

Unanimous consensus of the group is that this project exists elsewhere. The proposal should be tabled.

9F Summary:

The subcommittee does not recommend accepting this “suggestion”.

10F – Develop a position that can consolidate all of the best options for buffer projects.

Discussion:

Something like a finance officer who shops around for the best buffer project for landowners. As conservation practitioners, shouldn't we all already be the resident experts? Many government groups are already familiar with state and federal programs. There are many non-profit groups that come on the scene. It is hard to keep up with all of the practices. All members in the group agree this would be great, and see a need. Practicality of getting it done is likely beyond the scope of this group. The unanimous consensus of the group is that there is no further action required by the TAC, the item should be tabled.

10F Summary:

The subcommittee does not recommend accepting this “suggestion”.

11F – Some form of sustainable farming certification

Discussion:

Districts offer various farm recognition programs. Resource Management Plans are in place to recognize producers that are already voluntarily participating in Ag BMP's. The unanimous consensus of the group is to table this item.

11F Summary:

The subcommittee does not recommend accepting this “suggestion”.

12F – With existing programs, reduce the restrictions to make the programs more palatable for farmers.

Discussion:

Consensus of the group is that flash grazing should not be allowed in any practices where trees are planted. Creates an undue burden on Districts to try to enforce. Currently mowing is allowed in FR-1 and FR-3 practices. The unanimous consensus of the group is to table the flash grazing portion of this item.

The unanimous consensus of the group is that various fruit and nut producing trees can be used in tree establishment projects. This is supported and will be brought to the TAC.

Consensus of the group is that there is flexibility in what type of fence can be installed around FR-1 and FR-3 projects.

Some concern was raised that there are no specific minimum stocking requirements in terms of tree survival. Some discussion around how spot checks can potentially address and focus on working with the landowner to improve any deficiencies in practices prior to going down the route of asking for the funds back.

12F Summary:

The subcommittee does not support allowing flash grazing on the forestry practices.

The subcommittee does support allowing the planting of non-timber trees in a forest buffer.

If any new recommendations are presented in sub-committees, how should they be accepted? In addition, what are next steps? Jim will look in to what the process is.

Jim made a motion to adjourn, Brian seconded, motion carried.

With no further items to discuss, the meeting adjourned at 1:13pm

Next meeting will be from 1:00 PM until 4:00 PM on October 24, 2018 at the DCR office in Staunton (12 Sunset Blvd., Staunton, VA 24401)