

April 30, 2015

Via e-mail to agreement@chesapeakebay.net

Mr. Nicholas DiPasquale
Chair, Chesapeake Bay Program Management Board
410 Severn Avenue, Suite 109
Annapolis, MD 21403



**RE: Riparian Forest Buffer Management Strategies
Comments**

Dear Mr. DiPasquale and Management Board Members:

The undersigned members of the Choose Clean Water Coalition—a coalition of organizations from Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia with the common goal of restoring the thousands of streams and rivers flowing to the Chesapeake Bay—respectfully submit the following comments on the draft Riparian Forest Buffers Management Strategy.

The Coalition recognizes the extensive benefits of riparian forest buffers on water quality and habitats in the watershed. From a public policy standpoint, the Coalition strongly agrees with the goal of 70 percent of riparian areas throughout the watershed being forested. The comments below are intended to help the Bay Program partners reach this goal.

A. The Riparian Forest Strategy Should Focus on Permanent Protection to Ensure Riparian Forest Buffers Remain Over Time.

The Chesapeake Bay Watershed Agreement Riparian Forest Buffer Outcome is:

Continually increase the capacity of forest buffers to provide water quality and habitat benefits throughout the watershed. Restore 900 miles per year of riparian forest buffer and conserve existing buffers until at least 70 percent of riparian areas throughout the watershed are forested.

The strategy falls short of reaching this goal because it fails to implement permanent protection measures which would ensure forest buffers remain over time. Currently, the United States Department of Agriculture's Conservation Reserve Enhancement Program targets high-priority conservation issues. Riparian forest buffers are a common Conservation Reserve Enhancement Program practice and approximately 63,000 acres of forest buffers are kept under these contracts in the Chesapeake Bay watershed.

The problem with contracts is that they expire. First, the average investment period is only 15 years (the life of the contract). Once the contract lapses, the landowner can re-enroll as long as they are in compliance. The strategy recognizes that those enrolled in a 15-year contract are allowing their contracts to expire instead of re-enrolling. Second, when there is intergenerational transfer of land, the contract expires. These contracts represent a great amount of effort and financial investment.

Bay Program partners should ensure landowners re-enroll in riparian forest buffer contracts to minimize the loss to acres and to safeguard investments. Under "Factors Influencing Success"

Part G, the strategy discusses how many of the contracts are expiring. Here, there should be language to explain why the contracts are expiring (i.e. because the forest buffer stock is inadequate due to lack of outreach during the length of the contract) and how the Bay Program can assist in ensuring these contracts do not lapse. The Bay Program can help avoid lapses through: (a) active outreach during the life of the contract; (b) learning the landowners intentions through outreach and increasing the landowner's awareness of the opportunity to re-enroll (preferably in an easement); and (c) encouraging the landowner to re-enroll in either a contract or an easement (See Buffering the Bay – Forestry Workgroup Report).

As the strategy recognizes, another effective solution to this problem is permanent easements on properties. An easement would allow the Department of Agriculture to fund the landowner to maintain the riparian forest buffers overtime through cost-share programs. On page 5 under "Description", the strategy generally mentions that contracts should be rolled over through easement programs. The following language should be added under "Management Approaches" to incentivize landowners to roll their contract over into an easement:

- "An easement program should be implemented where the landowner is paid an extra \$600/acre for permanent retirement of the land."

This ensures the riparian forest buffers remain permanently. The 2014 Farm Bill has a provision to convert contracts into easements, but this needs to be a priority. It is essential to protect the long lasting planted buffers because they have the most impact on protecting the watershed from runoff.

B. The Riparian Forest Buffer Strategy Should Require Riparian Forest Buffers Be Incorporated into State Stormwater Plans

Currently, riparian forest buffers are not a priority practice. Under the "Actions, Tools and Support to Empower Local Governments and Others," riparian forest buffers are recognized as critical barriers between polluting landscapes and receiving waterways using relatively little land. One suggestion is to integrate riparian forest buffers into the state stormwater programs. This idea is mentioned under the heading "Make new program linkages and use financial leverage to conserve and restore more riparian forest buffers." This suggestion should be a focus of the final strategy, not merely be mentioned in passing. Because riparian forest buffers reduce runoff of nitrogen and phosphorus, it is reasonable to incorporate the riparian forest buffer mandate into state stormwater programs.

C. The Forest Buffer Strategy Should Focus on Advancing Tools to be More Targeted and Cost-Effective.

The strategy highlights the importance of science and technology to improve riparian forest buffer practice. The strategy highlights using and analyzing geographic prioritization tools and using demographic tools and high resolution imagery.

We support the idea of the geographic prioritization tool. This provides the most cost-effective strategy and targets the low hanging fruit. We also support monitoring efforts involving data derived from high resolution imagery. These tools must continually advance to become targeted and cost-effective in order to achieve the riparian forest buffers outcome.

We would like to see more specific recommendations in the final strategy on the methods that will be used to track riparian forest buffers.

D. The Riparian Forest Buffer Strategy Should Directly Focus on Strategic Outreach to Landowners in Order to Make Riparian Forest Buffer Practices More Attractive.

The strategy recognizes that outreach to landowners needs to be improved through the expansion of outreach resources and for effective communication. We have a few suggestions to make outreach stronger.

1. The Forest Buffer Outcome Should Not Be Limited To Agriculture.

The riparian forest buffers strategy appears to relate only to agriculture. The strategy includes section regarding suburban areas needing improvement in protecting and establishing riparian forest buffers. However, urban outreach and implementation is completely missing from the strategy. Surface runoff occurs in many urban areas and this should be implemented into the strategy under the “Non-Ag Lands” strategy element section.

2. The Riparian Forest Buffer Strategy Should Focus More Heavily on Strategic Outreach to Landowners.

Riparian forest buffers are a tough ask for landowners, particularly farmers who make up the majority of the current Conservation Reserve Enhancement Program contracts for riparian forest buffers. The strategy discusses improving programs to make the practice more appealing, which includes technical assistance, maintenance, more flexible Conservation Reserve Enhancement Programs, and strategic riparian forest buffer outreach. However, the strategy fails to mention how this outreach, which is a key component to the success of this outcome, will work.

In order to have effective outreach regarding riparian forest buffers, it is necessary to target areas that lack buffers. A method needs to be established and implemented to determine areas that are in need of riparian forest buffers. Further, research, focus groups and message testing should be done to learn why farmers choose to protect and maintain riparian forest buffers and to create messaging aimed at new farmers that reflects this research. Once target areas and effective messaging are identified, key messengers should be employed to encourage use of riparian forest buffers in those areas.

We are happy to discuss our comments on the draft Riparian Forest Buffer Management Strategy further. Please contact Jill Witkowski by phone at 443-842-7525 or by email at witkowskij@nwf.org.

Respectfully submitted,

American Rivers

Anacostia Watershed Society

Audubon Naturalist Society

Bluewater Baltimore

Conservation Pennsylvania

Conservation Voters of Pennsylvania

Delaware Nature Society

Eastern Pennsylvania Coalition for Abandoned Mine Reclamation

Float Fishermen of Virginia
Friends of the North Fork of the Shenandoah River
Friends of the Rappahannock
Friends of the Rivers of Virginia
Izaak Walton League of America
James River Association
Lackawanna River Corridor Association
Maryland Conservation Council
Maryland Sierra Club
Mid-Atlantic Council of Trout Unlimited
National Aquarium
National Parks Conservation Association
Nature Abounds
Neighbors of the Northwest Branch, Anacostia River
New York League of Conservation Voters
Paxton Creek Watershed & Education Association
Penn Future
Potomac Riverkeeper Network
Rock Creek Conservancy
Shenandoah Valley Network
Sleepy Creek Watershed Association
South River Federation
St. Mary's River Watershed Association
Susquehanna Greenway Partnership
Virginia Conservation Network
Waterkeepers Chesapeake
West Virginia Rivers Coalition