Name of Practice: WOODLAND BUFFER FILTER AREA
DCR Specifications for No. FR-3

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's woodland buffer filter area best management practice, which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice creates a woodland buffer filter area to protect waterways or water bodies by reducing erosion, sedimentation, and the pollution of water from agricultural nonpoint sources.

The purpose of this practice is to offer cost-share for tree establishment plus a per acre payment that will change land use and establish a forest buffer to provide stream bank protection and to control soil erosion, sedimentation, and nutrient loss from surface runoff to improve water quality. This practice will also provide forest areas for the benefit of wildlife and aquatic environments.

B. Policies and Specifications

1. The Virginia Department of Forestry (DOF) forester will develop and/or approve a management plan, (Form 75 or other plan), specifying the appropriate tree species before work is started.

2. Crop, hay and pastureland must have been in production for at least two out of the past five years. Forestland being replanted following timber harvest is not eligible.

3. Gullied or eroded areas shall be stabilized with a temporary or suitably durable grass cover until trees are established. Pure stands of fescue are discouraged due to tree establishment competition. Plantings must be protected from grazing.

4. In any subsequent program year within the practice lifespan, a single replanting due to mortality losses from circumstances outside the control of the participant may receive cost-share. Only the eligible component costs necessary to replant the site for the same acreage. In order to be considered for cost-share on replanting, the participant must notify District staff within 6 months of a suspected failure. District staff will review conditions and determine eligibility for replanting in consultation with Department of Forestry. See Practice Failure section of Guidelines for further clarification. Other sources of funding may be used for replanting.

5. Cost-share payments may not be authorized for land enrolled under the FSA Conservation Reserve Enhancement Program (CREP).

6. Cost-share payments are not authorized for Christmas tree production.

7. Filter efficiency may also be improved by the addition of low growing or ground cover vegetation. Herbaceous plantings/shrubs are encouraged to provide soil stabilization and provide long-term benefits for wildlife. Department of Forestry will recommend appropriate species.

8. This practice is subject to the density determined by a DOF Forester in accordance with DOF Form 7.8.

9. The width of the wooded buffer will be a minimum of 35 feet from the edge of the stream bank. The entire flood plain is eligible for planting not to exceed 100 feet.

10. All practice components implemented must be maintained for a minimum of 10 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. Control of noxious and invasive plants to ensure the survival of the stand is the responsibility of the participant. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

C. Rate(s)

1. The state cost-share rate is 95% of the eligible approved component costs plus an incentive:
   i. For conifer buffers; $100.00 per acre for a 10-year lifespan, OR $150 per acre for a 15 year lifespan
   ii. For hardwood buffers $100 per acre for a 10 year lifespan, OR $250 per acre for a 15 year lifespan.

2. Eligible component costs receiving 95% cost-share are as follows:
   i. Site preparation – mechanical and/or chemical
   ii. Labor
   iii. Seedlings
   iv. Seed for ground cover (Fescue is discouraged)
   v. Herbaceous plantings/shrubs
   vi. Protective Fencing

3. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed $17,500.00.

4. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

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