



*A unifying voice for Virginia's forestry community*

June 7, 2019

Department of Environmental Quality  
Attn: Chesapeake Bay Plan  
P.O. Box 1105  
Richmond, VA 23218

Re: Virginia's Draft Phase III WIP for meeting the Chesapeake Bay TMDL

### **Success of Forestry**

The Virginia Forestry Association (VFA) appreciates the opportunity presented by the Office of the Secretary of Natural Resources through the Virginia Department of Environmental Quality (DEQ) to reflect on Virginia's Draft Phase III Watershed Implementation Plan for meeting the Chesapeake Bay Total Maximum Daily Load.

VFA has been an active participant during the course of the previous two phases of the Watershed Implementation Plan, and we are most pleased that the forestry community has been successful in reaching its nutrient reduction goals during that time. We mean to continue to excel in the Bay clean-up effort as the Commonwealth strives to meet statewide targets for the year 2025 that now include considerations for climate change and population growth.

VFA represents Virginia's diverse forestry community and promotes the sustainable use and conservation of forest resources to ensure their long term social benefits for all Virginians. Our 1200 members include a vast array of forest product companies, woodland owners, timber harvesting businesses, and professional foresters. We believe that conservation and sustainable use of forest resources drive ecological, economic, and social prosperity in Virginia.

VFA has reviewed the proposed WIP III and we remind state officials of our forestry achievements during the course of the Phase I and II WIPs. Specifically, Virginia's forestry community has thoroughly adhered to BMPs to protect water quality and prevent sedimentation. The Draft Phase III WIP cites the following programs and their accomplishments in recognizing forestry's contributions in improving the Chesapeake Bay's water quality:

- Timber Harvest Inspection Program – In the past two years, the BMP implementation rate within the Bay watershed was 94.7% and 96.6%, vs. the WIP II goal of 95% implementation by 2025. The Forestry sector has already accomplished this goal.



- Logger Education – Since 1997, 9,272 harvesting professionals have attended 304 programs relating to water quality protection. Since 2012, there have been 2,465 participants in 89 logger training programs.
- Silvicultural Water Quality Enforcement – Virginia is the only southern state that grants authority to the State Forester to assess civil penalties. Since 2012, the VDOF was involved with 928 water quality actions. Less than 1% of those actions resulted in Special Orders being issued. All other issues were corrected through informal conference. Industry support of BMP compliance has contributed to this excellent result.
- Riparian Forest Buffer and Afforestation Programs – VDOF is recognized as the lead agency in providing technical assistance and the forest tree seedlings for all riparian forest buffer installations projects.
- Riparian Buffer Tax Credit Program – VDOF operates a tax credit program for landowners that actively manage their timber and retain riparian buffers.
- Urban Forestry Program/Virginia Trees for Clean Water – VDOF provides project coordination, networking, technical assistance and grants for specific projects related to Urban Forestry.
- Forest Land Conservation – The WIP III cites the VDOF Conservation Easement Program which holds 170 easements in 57 counties and the City of Suffolk, covering 52,180 acres. The program is credited with maintaining working forest that keep the forest land base intact. It is important that forested conservation easements allow for forest management to provide long term economic value and thus sustainability to the landowner.
- Working Forest – The WIP III recognizes forests as dynamic ecosystems that contribute to clean water, air, renewable energy, forest products, wildlife habitat, soil retention and our local economies. “Manipulation of the forest through harvesting or other types of silvicultural practice mimics natural processes enhancing forest benefits and contributing forest products options for landowners.” A healthy forest products industry helps ensure the long term viability of working forests.

VFA is pleased with the appropriate recognition the Draft WIP III describes for the forestry community’s role in maintaining and improving water quality for the Bay watershed. Since VFA’s start-up of the state-level Sustainable Forestry Initiative in 1995, well before the initial WIP process, we have been a part of the creation of strengthened forestry BMPs and a strong Sustainable Harvesting and Resource Professional (SHARP) logger education and recognition program. We have supported harvest notification and as an industry, required BMP

compliance. Our loggers have embraced and implemented Forestry BMPs that protect water quality, at a cost to their own operations.

### **Comments Regarding State Initiatives for the Chesapeake Bay Phase III WIP**

VFA has reviewed the fifty initiatives proposed to bring Virginia into compliance with the 2025 TMDL goals as established by EPA, a process that has included discussions with our members and partnering organizations. We offer the following analysis for specific initiatives by number, primarily as relates to forestry but also to process and broader impact on rural communities:

(2) Extending the Chesapeake Bay Preservation Act West of Interstate 95 – VFA believes we should step back from the call to expand the Bay Act area unless there are compelling reasons for doing so. Certainly a thorough analysis of impact on the forest products industry, forest landowners, land use, and rural communities should precede such an action. The Chesapeake Bay Preservation Act was enacted more than 30 years ago for a very specific purpose and localities currently have the option to adopt the provisions of the Act if they choose to do so. We are unclear with how it fits in with the WIP plans, and offer that perhaps the Act is now even unnecessary given the WIP requirements.

VFA has agreed to serve on the Chesapeake Bay Act Working Group formed by the Secretary of Natural Resources, and we very much appreciate that opportunity. However, we oppose extension of the Act to west of I95 until the work group concludes its deliberations and indeed finds it necessary.

(11) Enhance Coordination among State Agencies assisting farmers – WIP III recognizes overlap among state agencies (VCE, DCR, VDOF and VDACS) that provide technical assistance to farmers to improve farmer operations and reduce runoff of excess nutrients and sediment. Comment: VDOF should be the lead agency to provide technical assistance and support for afforestation, reforestation and forested buffers.

14) Provide adequate and consistent funding for technical assistance –Technical assistance funds should be steered to VDOF to provide technical assistance to the farming community as it pertains to forested buffer establishment, and/or afforestation projects that convert marginal agricultural lands to forestry.

(18) Increase tax credits for agriculture BMPs and equipment – This provision should apply to forestry BMPs as well.

(23) Increase NMP implementation on agricultural lands – Although not aimed at forestry, we are concerned as a matter of principal regarding government and regulatory process with the concept of giving the Secretary of Natural Resources the unique authority to unilaterally determine benchmarks annually, especially before the 2025 deadline. This language would anoint the Secretary with unlimited authority to impose mandates on landowners, and we ask for its removal.

(24) Livestock stream exclusion –The VDOF should take an active role in providing technical assistance as it pertains to establishing forested buffers and sourcing seedlings for livestock stream exclusion projects. On another matter of principal, we call for removal of the specific recommendation for the Administration to seek legislation setting a timeline for any mandatory compliance. This circumvents the effective partnership and voluntary approach that has been an alliance building process throughout the WIP development.

(29) Increase grass and forest buffers through the Conservation Reserve Enhancement Program – Note that forested and grass buffers are cited as “among the most cost-effective BMPs for reducing nonpoint source nutrient runoff”. We support increasing state matching for buffer establishment from 25% to 35%.

(32) Support growth of private sector native plant nurseries and oyster aquaculture – VFA was one of the original stakeholders supporting and advocating for the Agriculture and Forestry Industries Development Fund (AFID). We are concerned that prioritizing use of AFID funds for native plant nurseries and aquaculture operations is not in the spirit and intent of AFID’s purpose. The program was created to promote and sustain economic innovation in the agriculture and forestry industries and eligibility for AFID grants should serve those operations that most benefit the economic health of rural communities. We ask this initiative be removed from the plan.

(33) Implement DOFs Healthy Watershed Initiative – The Healthy Watershed Initiative began in 2014 and is now in its Phase III. To quote from the Phases 1 and 2 report “Although forest cover is recognized as one of the best land uses for achieving Chesapeake Bay water quality and healthy watershed goals and outcomes, localities and particularly MS4 jurisdictions in the watershed, have long maintained that unless TMDL credit is given for retaining forestland, there is little local incentive for doing so”. We should commit to support this initiative as it may result in future revenue streams for private landowners that will help maintain and increase forest cover that benefits the Chesapeake Bay watershed.

(34) Improve technical assistance, collaboration and oversight of stream protection projects. Increase riparian forest buffers and urban tree canopy – The Watershed Program Manager position for the VDOF was not approved in 2019. We support additional state funds for the position to fulfill this Initiative.

(35) Urban Tree Canopy Program – We support additional VDOF funding for positions to assist with its Urban Forestry program and to meet the goals of this Initiative.

## **Comments on the BMP Summary in Appendix D**

Chapter 8 of the WIP III proposal details the Watershed Implementation Plans by river basin. The BMP Summary to meet the WIP III proposal is detailed in Appendix D of the WIP III. The BMP goals that will impact tree planting in non-forest areas are as follows:

Agriculture Forest Buffers - 21,965 acres  
Agriculture Forest Buffers – Streamside with Exclusion Fencing – 26,390 acres  
Agriculture Tree Planting – 34,356 acres  
Developed – Forest Buffer – 43,517 acres  
Developed Forest Planting – 8,485 acres  
Developed Tree Planting – Canopy – 66,883 acres

VFA supports aggressive goals for establishing forested buffers and promoting working forest across the landscape. However, the goals must be reasonable, sustainable and funded for success. We believe these tree planting acreage goals may not be based on valid information and therefore unrealistic. We ask for explanation of how these figures were derived and research into whether adequate seedlings will be available from VDOF nurseries, and other public and private nurseries, at a practical cost to meet the goals while providing for reforestation on privately managed forest lands after harvest.

The VDOF should be the lead agency to evaluate these objectives and to identify resources needed to accomplish the Agriculture and Developed Buffer goals for the WIP III plan. The VDOF should consult with the forestry community along with agriculture and developed area stakeholders in this process.

### **Strong Industry, Strong Bay Protection**

In conclusion, it should be noted that the foundation of Virginia's forestry environmental and Chesapeake Bay conservation success is its strong wood products industry, which generates \$21.6 billion annually in total industrial economic output. Forest landowners, who receive well in excess of \$300 million each year in compensation for harvested timber from the industry, are then able to use these payments to invest in the very forest management practices that have led to forestry's success in meeting Bay cleanup goals.

Thank you in advance for your review and contemplation of these comments provided by VFA. We appreciate the opportunity to be part of this important WIP III process, and look forward to progressive dialogue and action.



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