

# **NEBRASKA BUFFER STRIP PROGRAM**

## **Description and Guidelines**

### **Introduction**

The Nebraska Buffer Strip Program (NBSP) was created by the Nebraska Legislature in 1998. The program encourages landowners to establish buffer strips, specifically filter strips and riparian forest buffers, along vulnerable surface water resources. Buffer strips are an effective means of reducing sediments and other pollutants in runoff. Funding for the program is from a fee assessed on pesticides registered for sale in Nebraska, and is administered by the Nebraska Department of Agriculture (NDA), Nebraska's natural resources districts (NRDs), and the USDA Natural Resources Conservation Service (NRCS).

### **Eligible Areas**

Land eligible for enrollment in this program is cropland (in annual crops or legumes as part of a rotation) adjacent to perennial streams, seasonal streams, wetlands, permanent bodies of water, or existing buffer strips established after January 1, 1996. The area of the streams, wetlands, and permanent bodies of water are not eligible for enrollment except that three-dot blue line seasonal streams on USGS quadrangle maps that are cropped may be eligible for out of channel flow filter strips. Fields adjacent and parallel to the area to be buffered must be cropped (in annual crops or legumes as part of a rotation).

- Perennial streams are any solid blue line on USGS quadrangle maps or other streams with perennial flow that are verified on-site.
- Seasonal streams are any three-dot blue line on USGS quadrangle maps or any areas of concentrated flow with a defined bed and bank that has either a scoured bottom (from normal flow) or hydrophytic vegetation.
- Wetlands are any wetlands that meet permanently flooded, intermittently exposed, semi-permanently flooded, or seasonally flooded criteria. The wetlands protected by buffer strips cannot be cropped during the life of the contract.
- Permanent bodies of water are surface water bodies, such as lakes or ponds that provide water cover throughout the year.
- Areas in expiring NBSP contracts are eligible for re-enrollment within six months of expiration date.
- Areas in expiring continuous or regular CRP contracts are eligible for enrollment, provided the eligibility criteria above and NRCS practice specifications are met.
- Areas in NBSP, CRP, or CREP contracts which were cancelled early must wait two years before they are eligible for the NBSP, provided eligibility criteria and NRCS practice specifications are met.

### **Payment Rates**

- For dryland cropland that is enrolled in the CRP, CREP, or other governmentally-funded programs, the NBSP payment rate per acre shall be 20% of the weighted average soil rental rate.
- For dryland cropland that is not enrolled in CRP, CREP, or other governmentally-funded programs, the NBSP payment rate per acre shall equal 120% of the CRP weighted average soil rental rate plus \$5, minus payments from any other source. (The CRP weighted average soil rental rate is the amount calculated before the incentive and maintenance rate are added.) In no case may the payment from all sources exceed \$250 per acre.
- For irrigated cropland enrolled in CRP, CREP, and/or any other governmentally-funded program, the NBSP payment rate per acre shall equal \$250, minus payments received from all other sources.
- For irrigated cropland not enrolled in CRP, CREP, and/or any other governmentally-funded program, the NBSP payment per acre shall be equal \$225, minus any other program payments.

### **Deadlines**

- Funding availability for new applications is reviewed annually near the start of each calendar year but applications may be submitted at anytime. Depending on funding availability and program demand, applications may be held, reviewed, and approved on a periodic basis.

### **Process**

1. The landowner works with the NRCS on tentative buffer strip locations and to complete the application.
2. The landowner submits the completed application to the NRD.
3. The NRD and the NDA consider the application.
4. If approved, the landowner enters into a formal agreement with the NRD.
5. The landowner establishes and maintains the buffer strip according to NRCS FOTG practice requirements.

### **General Terms**

1. The contract length cannot be less than five, or more than ten, years.
2. Eligible buffer strips are filter strips (NRCS FOTG practice 393) and riparian forest buffers (NRCS FOTG practice 391).
3. The established vegetation must meet NRCS FOTG practice requirements.
4. Limited haying and grazing is allowed provided it meets NRCS FOTG practice requirements.
5. Minimum width is 20 feet for filter strips and 55 feet for riparian forest buffers (35 feet must be trees and 20 feet must be grass), unless NRCS FOTG practice requirements are greater.
6. Maximum width is 120 feet for filter strips and 180 feet for riparian forest buffers, unless NRCS FOTG practice requirements are greater. For streams, the maximums apply to each side of the stream.
7. Minimum size per application is one acre.
8. Fields adjacent and parallel to the area to be buffered must be cropped (in annual crops or legumes as part of a rotation) for the duration of the contract.
9. Failure to maintain the buffer strip according to contract requirements may result in forfeiture of past and future payments.
10. Early cancellation of all, or a portion of, a contract may warrant penalties of not more than the total of all payments received, plus 25% of one year's payment.
11. Buffer strips will be subject to compliance checks by NRD and/or NDA staff.