

State Specific  
Technical Service Provider (TSP)  
Training Module  
for  
West Virginia

## Purpose of this Module

This module will provide some general information that TSPs need to conduct conservation planning in West Virginia. This information is general in nature so the TSP may need to follow up with additional reading or training to make sure they have the knowledge, skill, licenses and certifications to conduct conservation planning in West Virginia.

## Review of State Laws

West Virginia requires permits for impacts to isolated waters and wetlands. Related details are provided under the “Review of Federal Laws” section below.

West Virginia requires State Historic Preservation Office coordination and review of projects *receiving federal funding*. Further details are provided under the “Review of Federal Laws” section below.

West Virginia Engineering Law can be found at:

<http://www.wvpebd.org/Home/WVEngineeringLaw/WVEngineeringLaw/tabid/818/Default.aspx>

# West Virginia Noxious Weed Act

[http://www.wvagriculture.org/images/Plant Industries/WV Noxious Weed Act.pdf](http://www.wvagriculture.org/images/Plant%20Industries/WV%20Noxious%20Weed%20Act.pdf)

- No person may sell, barter, expose, offer for sale or move, transport, deliver, ship or offer for shipment into or within this state any plant pest or other insects or noxious weeds in any living stage without first obtaining either a federal permit, where applicable, or a state permit from the commissioner.....



• Tree of Heaven: Foliage  
(Photo: Chuck Barger, The University of Georgia, www.forestryimages.org)

# West Virginia Noxious Weed List



- [http://www.wvagriculture.org/images/Plant\\_Industries/Rules\\_Dealing\\_With\\_Noxious\\_Weeds08.pdf](http://www.wvagriculture.org/images/Plant_Industries/Rules_Dealing_With_Noxious_Weeds08.pdf)
- Surveys have shown that the following plants are a detriment to agriculture in West Virginia and are hereby declared to be noxious weeds:
  - Johnson Grass
  - Plumeless Thistle,
  - Curled Thistle
  - Musk Thistle
  - Mile-a-minute
  - Japanese Knotweed
  - Purple Loosestrife
  - Tree of Heaven
  - Autumn Olive
  - Japanese Stiltgrass
  - Tartarian Honeysuckle
  - Morrow's Honeysuckle
  - Poison Hemlock
- West Virginia adopts the Federal Noxious Weed List of the Federal Noxious Weed Act [Public Law 93-629 (7 U.S.C. 2801 et seq.; 88 Stat. 2148)] as an extension of the West Virginia Noxious Weed list. The Federal Noxious Weed List (Appendix A) will be regulated by the West Virginia Noxious Weed Act.

## Review of State Laws

### West Virginia Stream Disturbances Permit Guidance

- <http://www.dep.wv.gov/WWE/Programs/nonptsource/streamdisturbance/Pages/default.aspx>
- <http://www.wvdnr.gov/REM/PLC.shtm>
- The West Virginia Conservation Agency can provide assistance with coordinating stream permits.

# Review of State Laws

## Logging Sediment Control Act Requirements and Other Logging Requirements

- Timbering operations must obtain or complete annual renewal of their WV Timbering License.
- Loggers who will supervise operations must complete training in BMPs, First Aid, CPR, and Safety to obtain a Certified Logger's Certificate.
- Each logging job requires the following:
  - A Timbering Operation Notification Form must be filed with the WV Division of Forestry
  - A sign must be posted at the landing that meets the requirements of the WV Division of Forestry
  - A Certified Logger must be present any time logging activities are being conducted.
  - The WV Division of Forestry must be notified if logging operations permanently or temporarily stop seven days or more prior to the planned completion date.
  - Failure to follow the BMPs which leads to irreparable soil erosion or endangers life may result in the issuance of a compliance order or a shut-down order from the WV Division of Forestry.
- Other requirements
  - Access road construction must be permitted with the WV Division of Highways.
  - Sightings of endangered species should be reported to the U.S. Fish and Wildlife Service.
  - Dredging, filling or alteration of a wetland may require a permit from the U.S. Army Corps of Engineers, the WV Public Land Corporation, and/or local jurisdictions.
- [http://www.wvforestry.com/Laws\\_and\\_Regs\\_for\\_WV\\_Loggers.pdf](http://www.wvforestry.com/Laws_and_Regs_for_WV_Loggers.pdf)
- <http://www.wvforestry.com/LSCA%20One%20of%20the%20Nation's%20Toughest%20Forestry%20Laws.pdf>

# Review of State/ Federal Laws Relating to Ginseng

- West Virginia Code §19-1A-3a mandates that the Division of Forestry weigh and certify all ginseng roots dug in the state. Ginseng plants must be at least 5 years old or older and have at least 3 prongs before they can be harvested. Seeds from the plant must be planted on the site of the harvest. Ginseng must be certified before leaving the boundaries of the state. Only registered dealers can certify ginseng.
- Requirements for the export of wild ginseng out of the country are established by the U.S. Fish & Wildlife Service. All ginseng plants must be at least 5 years of age and have at least 3 prongs before being harvested and therefore eligible for export.
- The West Virginia ginseng digging season runs from September 1 through November 30 of each year.
- A permit is not required to dig ginseng
- Digging of ginseng is not permitted on State Forests, State Parks, or other state-owned public lands. Permits to dig ginseng on the Monongahela National Forest may be obtained by calling (304) 636-1800. There is a fee associated with these permits.

In order to grow ginseng on your own property, a determination must be done before planting any ginseng on your property. The determination is to make sure there is no wild ginseng in the area you are wanting to plant. Determinations are done between April 15 and June 15 of each year. For more information and to request a form for a determination to be done please contact Robin Black at 304-558-2788 Ext. 51764. After the determination has been done then you can become a Ginseng Grower and a permit will issued.

**FOR MORE INFORMATION ABOUT  
HARVESTING AND SELLING GINSENG,  
CALL THE WEST VIRGINIA DIVISION  
OF FORESTRY AT (304) 558-2788.**



# Review of Federal Laws

## Endangered Species Act (ESA)

Section 7 of the ESA requires NRCS to coordinate with the U.S. Fish & Wildlife Service (FWS) for any conservation practices with potential to affect threatened, endangered, or candidate species or their designated critical habitat.

In West Virginia, NRCS and the FWS have developed the Interagency Coordination Tool (ICT), and proposed Farm Bill projects are required to utilize the ICT during the planning phase and have a clear report prior to implementing conservation practices.

Use the following website: <http://mapwv.gov/ict>

You will be directed to register and create a username and password and will then be provided access by the system administrator. Any questions on this can be directed to Jason Randolph, NRCS-WV State Biologist, at [jason.randolph@wv.nrcs.gov](mailto:jason.randolph@wv.nrcs.gov) or 304-284-7581.

# Review of Federal Laws

## Clean Water Act (CWA)

- **Section 404 –**

56 conservation practices were officially exempted from CWA 404 permitting since 31 March 2014. For practices that are not exempted, *landowners and contractors are responsible for obtaining authorization* to discharge fill materials into jurisdictional waters and wetlands from the Army Corps of Engineers - Huntington District, Baltimore or Pittsburgh Districts.

- **Section 401 –**

WV Department of Environmental Protection (WVDEP) issues 401 Water Quality Certification (WQC) whenever a CWA 404 permit is needed. In addition, WVDEP also regulates isolated waters/wetlands. *Landowners and contractors are responsible for obtaining 401 WQC and any other authorizations from WVDEP.*

# Review of Federal Laws

## National Historic Preservation Act

- **Section 106 –**

As a federal agency providing funding for Farm Bill projects, NRCS makes determinations of effect on cultural resources during the planning phase of conservation practices and coordinates with the WV State Historic Preservation Office as necessary.

# West Virginia Certifications

## West Virginia Nutrient Management Certification

West Virginia has a voluntary certification program available to individuals providing guidance to farmers or others to manage manures or organic by-products.

- Currently there are no reciprocal agreements regarding nutrient management certification with other states.
- Nutrient management certificates are valid for two years. To remain certified, twelve hours of West Virginia Department of Agriculture approved continuing education is required every two years.

[http://www.wvagriculture.org/programs/Nutrient\\_Management/Introduction.htm](http://www.wvagriculture.org/programs/Nutrient_Management/Introduction.htm)

[http://www.wvagriculture.org/programs/Nutrient\\_Management/Information.pdf](http://www.wvagriculture.org/programs/Nutrient_Management/Information.pdf)

[http://www.wvagriculture.org/programs/Nutrient\\_Management/Purpose.htm](http://www.wvagriculture.org/programs/Nutrient_Management/Purpose.htm)

- Persons wishing to become certified nutrient management planners must first pass an exam and meet the minimum education and work experience requirements.
- *These requirements include:* A four-year degree in agriculture or natural resources and one year of nutrient management experience. Or a combination of five years of post-secondary education and/or nutrient management experience.
- In either case, these must be deemed acceptable by the West Virginia Department of Agriculture.
- The exam is generally given twice a year, on the first Friday of February and August. Contact the West Virginia Department of Agriculture.

## West Virginia Board of Registration for Foresters

West Virginia requires that the competence of all foresters and forestry technicians be certified by the WV Board of Registration for foresters. Registration is valid for one year. Ten hours of Society of American Foresters approved continuing education and an annual fee are required to renew certification each June.

<http://www.wvlicensingboards.com/foresters/index.cfm>

# Review of State FOTG Requirements

## Vegetative Practices

- Mortality from deer herbivory is perhaps the greatest obstacle to retaining tree and shrub seedlings in most of West Virginia. Using protective tree tubes or planting larger diameter stock with temporary fencing deters deer browsing.
- Many West Virginia vegetative conservation practice standards address considerations for pollinators.
  - The West Virginia Pollinator Handbook can be accessed at: <http://efotg.sc.egov.usda.gov/references/public/WV/WVPH.pdf>

## Management Practices

- The West Virginia Nutrient Management (590) conservation practice standard requires that nutrient management plans be approved by a West Virginia Certified Nutrient Planner.
- Implementing practice outside of the primary nesting, fawning, etc. season of March 15 – July 15 is required in several conservation practices

## Engineering Practices

- Conservation practices that specifically require engineering services in planning, design, and installation are identified in Title 450, National Handbook of Conservation Practices, as having engineering discipline leadership from the Conservation Engineering Division, and subsequently in WV FOTG Section IV, Conservation Practices Standards. Engineering for conservation practices where malfunction or failure would adversely affect public health, safety, or property is commonly regulated by the States and requires Professional Engineering services.

# Review of Major Land Uses or Practices

- West Virginia is a geographically diverse state, including the Ohio River Valley counties along the western border with Ohio; the southern coalfield counties bordering Kentucky and Virginia; the northern panhandle, which lies in close proximity to Pittsburgh; the eastern mountain counties with elevations over 4,000 feet; and the eastern panhandle counties which lie in the Potomac River and Chesapeake Bay watershed.
- West Virginia ranks third in the nation in the percentage of its total land area covered by forests (78 percent) behind New Hampshire and Maine. The West Virginia Department of Commerce reports that forests cover approximately 12 million acres (78%) of the state's 15.4 million acres with 22.3 billion cubic feet of hardwood growing stock, second only to Pennsylvania. They also indicate that 88% of timberland in the state is privately owned.
- The state has a considerable amount of public lands and many large private landowners, including Timber Investment Management Organizations (TIMOs), Real Estate Investment Trusts (REITs), coal companies, and forest products companies. Over 7 million acres of forest land are held by family forest owners. Certain parts of the state have experienced continued reduction in parcel sizes, sometimes in conjunction with fragmentation of the forest, as well as related development and urbanization issues. Meanwhile, other parts of the state have actually seen some combining of ownerships and a trend toward more consolidation into larger private ownerships
- The remaining acreage is predominantly grassland with row cropland being mostly concentrated in in the eastern panhandle and Ohio River Valley. Beef cattle production is prevalent with poultry being produced in the ridge and valley section in the eastern part of the state.
- The southern coalfields are largely owned by private companies. Participation in NRCS programs is typically limited there.

# Review of Common NRCS Conservation Practices

- **Agronomic Conservation Practices**
  - Prescribed grazing, fencing, nutrient management, brush management, cover crops, forage and biomass planting
- **Engineering Conservation Practices**
  - Spring developments, pipelines, troughs, stream crossings, heavy use area protection, animal waste systems, irrigation, seasonal high tunnels

# Review of Major NRCS Conservation Practices

- Fish/Wildlife Habitat and Ecological Restoration
  - Practices vary for managing upland, wetland, and stream habitats and for restoring declining ecological sites. For example, early-successional forests can be created with cut-back borders, forest openings, and mowing/disking. In-stream fish structures may be built with rock/log vanes, J-hooks, or mud sills. Scrub-shrub wetlands may be enhanced by altering hydrology and introducing woody plants; riparian corridors can be fenced; and high-elevation bogs can be restored by planting red spruce (*Picea rubens*) seedlings.

# Review of Major NRCS Conservation Practices

- Forestry Conservation Practices
  - Common NRCS practices include pre-commercial forest stand improvement, grapevine control, livestock exclusion, riparian forest buffers, rehabilitation of existing woodland roads and treatment of woodland invasives. Other forest-based activities include wildlife-associated recreation (hunting, fishing, wildlife watching), forest-related recreation (hiking, biking, sightseeing, etc.), and the gathering and selling of specialty forest products (ginseng, Christmas trees, nurseries, mushrooms, nuts, berries, etc.). West Virginia's forests also provide millions of dollars of benefits in improved air and water quality along with improved quality of life for West Virginia residents.
  - WV NRCS has not adopted the Prescribed Burning (338) Conservation Practice Standard.

## West Virginia Agricultural Statistics (2012)

- 21,000+ farms covering 3,600,000 acres (23% of total land area)
- \$800,000,000+ market value agricultural products sold
- 32,000 operators
  - 900 – 34 and Younger
  - 8,000 – 65 and Older
  - 4,500 Beginning Farmers
  - Many Part-time Farmers with Outside Employment



# Review of Major Land Uses or Practices

## • Agricultural Products

- Poultry (broilers) are the state's #1 agricultural commodity, generating about 31% of West Virginia's total agricultural receipts.
- Beef cattle and calves produce about 21% of the state's total agricultural receipts.
- Chicken eggs, dairy products and turkeys are other major livestock products.
- Sheep and lambs, hogs, honey, farm raised fish and wool are also produced.
- Hay, grown to feed the state's livestock, is the #1 crop, providing 2% of West Virginia's total agriculture receipts
- Other major crops are apples, corn for grain, soybeans and tobacco.
- Peaches and wheat are also grown.
- The economic impact of the wood products industry in West Virginia exceeds \$4 billion dollars annually.



# Review of Important Fish, Wildlife, & Ecological Resource Issues

## Golden-Winged Warbler



The golden-winged warbler (*Vermivora chrysoptera*) is an increasingly rare early-successional species that requires a somewhat unique habitat of sparse trees and shrubs with an herbaceous understory of grasses and forbs in either upland or wetland settings. Although the species primarily suffers from hybridization from blue-winged warblers (*Vermivora cyanoptera*), golden-winged populations are declining throughout all of their range as early-successional habitats revert to mature forests and as upland and wetland habitats are lost to human development. Work for this species is concentrated in the eastern mountainous areas of the state at elevations above 1,500 feet. Conservation practices involving any type of tree removal may result in coordination with the FWS. *The previously mentioned ICT will guide conservation planners in developing avoidance measures and will advise when consultation with FWS is required.*

# Review of Important Fish, Wildlife, & Ecological Resource Issues

## Cerulean Warbler

Also less common, cerulean warblers (*Dendroica cerula*) nest and raise their young in large tracts of deciduous hardwood forests that have tall, large-diameter trees and diverse vertical structure in the forest canopy. Gaps in the forest canopy or small forest openings appear to be important. Cerulean warblers nest in uplands, wet bottomlands, moist slopes, and mountains. Although work for this species is not yet officially happening, the greatest potential for habitat improvements are in the southern, western and eastern portions of the state. Conservation practices involving any type of tree removal may result in coordination with the FWS. *The previously mentioned ICT will guide conservation planners in developing avoidance measures and will advise when consultation with FWS is required.*



Photo by Stuart Hingley

# Review of Important Fish, Wildlife, & Ecological Resource Issues

## Fresh-Water Mussels

The state's streams and rivers support diverse varieties of mussels with 88 species west of the Allegheny Front and 12 to the east. Mussels filter nutrients from water and improve the quality of watersheds. In-stream conservation practices to stabilize stream banks or create fish habitat occur commonly in WV. Proposed work in many waters may require landowners and contractors to coordinate and obtain permits from state and federal regulatory agencies. Surveys for mussels may also be needed prior to construction. *The previously mentioned ICT will guide conservation planners in developing avoidance measures and will advise when consultation with FWS is required.*

# Review of Important Fish, Wildlife, & Ecological Resource Issues

## Bats

White-nosed syndrome (WNS), a fatal fungus transmitted among bats while in hibernation, is decimating several bat species in eastern North America. Estimates indicate the loss of nearly 6.7 million bats in the past few years due to WNS; this could financially impact farmers due to increased crop losses from insects. The northern long-eared bat (*Myotis septentrionalis*), proposed for listing under the Endangered Species Act, and the Indiana bat, already listed as endangered, typify the plight of bats suffering from WNS in WV. Conservation practices involving any type of tree removal will likely affect bats in some way and may result in coordination with the FWS. *The previously mentioned ICT will guide conservation planners in developing avoidance measures and will advise when consultation with FWS is required.*

# Review of Important Fish, Wildlife, & Ecological Resource Issues

## Wetlands

Opportunities continue for establishing, restoring, enhancing, and preserving wetlands in WV. The EQIP program is the current tool under the federal Farm Bill that allows qualifying landowners to obtain NRCS financial and technical assistance for developing wetlands on their property. *The previously mentioned ICT will guide conservation planners in developing some avoidance measures and will advise when consultation with FWS is required.*

## Stream Restoration

Trout Unlimited and NRCS are partnering with private landowners to restore high-value cold water fisheries on private lands primarily in the eastern half of WV. Once prevalent throughout mountainous watersheds in WV, the native brook trout (*Salvelinus fontinalis*) is returning to parts of its former range through the cooperation of interested landowners, public agencies, and TU. As mentioned previously, landowners and contractors many need to coordinate with and obtain permits from state and federal regulatory agencies for in-stream work. Surveys for freshwater mussels may also be needed prior to construction. *The previously mentioned ICT will guide conservation planners in developing some avoidance measures and will advise when consultation with FWS is required.*

# Review of Important Fish, Wildlife, & Ecological Resource Issues

## High-Elevation Habitat Restoration

Identified as a declining ecological communities throughout Appalachia, high elevation red spruce bogs and ridges are priority areas targeted for restoration by several public and private entities, including NRCS. Restoration of these declining areas could improve habitat for a variety of rare plant and wildlife species, like the northern flying squirrel (*Glaucomys sabrinus*). Potential restoration work for interested landowners could be available on private inholdings or private lands bordering the Monongahela National Forest in the mountainous portion of eastern WV.

# Review of Important Fish, Wildlife, & Ecological Resource Issues

## Traditional Game

NRCS provides landowners opportunities to manage for habitat for traditional game species, like ruffed grouse (*Bonasa umbellus*), woodcock (*Scolopax minor*), and cottontail rabbit (*Sylvilagus floridanus*) by offering technical and financial assistance through the federal Farm Bill.

## Native Grass and Pollinator Restoration

Often associated with upland game management, warm season grasses are frequently sought by private landowners to enhance cool season grassland pasture systems and also make them attractive for wildlife. Commonly used warm season species include big bluestem (*Andropogon gerardii*) and Indian grass (*Sorghastrum nutans*).

Restoration of native flowering plants in WV, like butterfly weed (*Asclepias tuberosa*), are important for pollinating insects and is a priority for NRCS whenever possible.

## Review of Major Land Ownership

The U.S. Department of Agriculture reports that WV has the highest percentage (95.2) of family-owned farms in the country. The average farm size in WV is only 157 acres, while the rest of the nation averages about 418 acres per farm. Similarly, 88% of timber land in the state is privately owned according to the WV Department of Commerce.

WVDNR reports that 11% of WV's nearly 15.5 million acres are publicly owned. State and federal agencies managing these lands include the U.S. Forest Service, WVDNR and WV Division of Forestry, National Park Service, Army Corps of Engineers, and the FWS. Monongahela National Forest is the largest tract of government land in WV, representing over 920,000 acres of publicly-owned property.

Many farmers are part-time producers with outside employment.

Conservation planning on private land may include a public component, however the opportunity for private individuals to construct permanent conservation practices on public lands is limited.

## Expected TSP Workflow

The State Resource Conservationist (SRC) will be responsible for reviewing TSP conservation plan for the National Planner Certification.

Subsequent conservation plans will be reviewed by the District Conservationist (DC) at the local USDA Service Center.

The SRC and his or her staff will conduct plan reviews for TSP planner certification renewals.

TSPs will work with the local District Conservationist to make sure the proper environmental evaluations (NRCS.CPA.52) are completed.

- Landowner contracts with TSP for Conservation Plan or Conservation Practice work.
- TSP gathers resource information from landscape and from landowner.
- TSP identifies Landowner Resource Concerns and or Practice extents.
- TSP develops alternative conservation planning for Landowner to consider
- Landowner makes decisions on conservation plan and practices that he wants to implement and works with TSP to make record of decisions in Conservation Plan
- TSP delivers conservation plan to landowner
- Landowner makes payment for services to TSP or assigns payment via Farm Bill Program contract to TSP.
- Landowner implements conservation plan as per plan and schedule of operations.

## Additional References or Training

- State Field Office Technical Guide at:  
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/fotg/>
- State Training on CNMP Development
- Pennsylvania State University Agronomy Guide

## Certificate of Completion

After viewing the State Specific Training module, please print and sign the completion certificate on the following slide.

The certificate is your acknowledgement that based on the information provided in this module, you have the proper knowledge, skills and ability to conduct planning in this state.

Send the signed certificate to the State TSP Coordinator. Copy the below link to your browser for a list of State TSP Coordinators.

<https://techreg.sc.egov.usda.gov/RptStateContact4Admin.aspx>

## STATE SPECIFIC TRAINING MODULE COMPLETION CERTIFICATE

I, \_\_\_\_\_, hereby verify I have viewed and understand the  
*TSP Name*  
content of the West Virginia State Specific Training Module and affirm I have  
the knowledge, skills and ability to conduct conservation planning services in  
that state.

\_\_\_\_\_  
TSP signature

\_\_\_\_\_  
Date

## Non-Discrimination Statement

### Non-Discrimination Policy

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases apply to all programs and/or employment activities.)

### To File an Employment Complaint

If you wish to file an employment complaint, you must contact your agency's EEO Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at [http://www.ascr.usda.gov/complaint\\_filing\\_file.html](http://www.ascr.usda.gov/complaint_filing_file.html)

### To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9419, by fax at (202) 690-7442, or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)

### Persons with Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.), please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

### Supplemental Nutrition Assistance Program

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish, or call the State Information/Hotline Numbers.

### All Other Inquires

For any other information not pertaining to civil rights, please refer to the listing of the USDA Agencies and Offices.