

Hello Mark and Emma -

Thank you for the webinar last week on the agriculture BMP verification protocol. After reviewing the document, we have coordinated with WVDA and have the following comments:

If this is guidance, words like “will, must, required, only” should be replaced with words like “should, may, recommended, etc”. With respect to transparency and clear messaging to the public, it is confusing to the public to use these words if these are “recommendations”.

Visual assessment BMPs single year – verified annually – while the rationale for this is understood, the practicality of it is questionable. Thousands of acres are enrolled in various programs. Often once a farmer adopts the practice, it is continually implemented. The description in part 2a on page 20 seems to conflict with the information on page 21 which states that a statistical subsample can be utilized. Clarification is needed on the expectations for follow up on annual BMPs.

Visual Assessment Multi-year – It is our understanding that verification of forest buffers on agriculture land falls under the Forestry BMP verification protocol. If so, it is confusing to list it as an example of a visual assessment multi-year agriculture BMP in the table on page 20.

We believe following the national protocol for initial verification and spot checks of cost shared BMPs should be sufficient. NRCS’ practice of spot checking 5% of BMPs under contract per year has been developed in policy, is over-seen by national headquarters, and is developed and done by trained individuals who have not been involved with the layout or payment of the practice. This effort to ensure tax payer dollars are spent appropriately should be adequate to also ensure that the practice is still in place and functioning.

Re: minimum expectation of verification for permitting programs – requiring 100% of permitted BMPs be verified annually is excessive and inconsistent with both WV’s Region 3 EPA approved enforcement and compliance strategy and with the other sector BMP verification protocols. All other sectors have a maximum of 10% per year whether regulated or unregulated. It is also inconsistent with the other agriculture BMP categories within the guidance which only require 10% or 5%.

Clarification is needed on the verification expectations when a project transitions from cost share to non-cost share within the expected life span of the practice, such as an ag waste storage structure. Rather than having to conduct an initial verification inspection of those practices at 100%, we would recommend continuing with the previous spot checking subsampling methodology.

Please contact me if you have any questions or need clarification.

Sincerely,  
Teresa

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