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Citizens Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

Nick DiPasquale
Director, EPA Chesapeake Bay Program
410 Severn Ave
Suite 109
Annapolis, MD 21403

July 25, 2013

Dear Nick,

The Citizens Advisory Committee (CAC) commends the EPA and the other Chesapeake Bay Program (Program) partners for embarking on a process to review and verify the protocols used to evaluate the implementation of best management practices.

As stated in our letter to you on December 17, 2012, CAC sees the need for robust and practicable procedures relating to both "transparency" and "verification."

"Of particular interest to us is the need for guidance delineating what is and is not sufficient transparency as required in the "public confidence" principle. Absent a significant level of heightened transparency in the verification process itself and the underlying data to support any conclusions; we will not meet the public confidence standard envisioned by the principle".

On February 4, 2013 the Program responded in a letter to CAC and requested CAC to help with defining operational transparency:

"This is an issue on which the Citizens Advisory Committee must advise the Partnership- help us collectively define what we mean by transparency and how that transparency can be achieved. The Committee should share specific examples which can be applied across source sector and jurisdiction as is the intent behind the Partnership's adopted public confidence principle."

CAC member, Rebecca Hanmer has been participating on the Verification Committee and provided feedback on behalf of Citizens Advisory Committee.

The focus of this correspondence will be on the relationship between "transparency" and "verification" - with initial emphasis on agricultural non-point sources of nutrients and sediments because of the importance of these practices for achieving Watershed Implementation Plan (WIP) requirements. We recognize there are in some instances, legal limitations for reporting some farm-specific information. Although there may be some practical limitations associated with gathering and reporting information on BMPs



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implemented voluntarily, the BMP Verification Committee's principle re: "sector equity" dictates giving attention to agricultural verification protocols that provide the same level of transparency that occurs with, for example, urban and suburban stormwater. Currently, this does not exist.

For example, several of the jurisdictions reported significant pounds of nutrient pollution reduction based on implementation of management plans. However, in contrast to the high rates of reported nutrient management plan implementation, the 2011 CEAP Report* found that only 9% of cropped acres met the criteria for both phosphorus and nitrogen management, when rate, form, time, and method of application were considered. Results indicate, for example, that only 35% of cropped acres met criteria for application rate for nitrogen and 37% for phosphorus. For "manured" acres only, these percentages drop to 30% and 19% respectively. The CEAP report concluded that despite improvements in nutrient application rates, about 66% of corn acreage does not achieve the rate, timing, and method criteria that minimize environmental losses of nutrients. As a result, improved nutrient management on cropland and verification of that improvement continues to be a major conservation policy goal.

In sum, there are significant differences between reported progress provided by the jurisdictions and that reported by farmers themselves via the CEAP process. Only a transparent verification protocol that includes the recommendations below can resolve these differences.

Recommendations:

- (1) Technical assistance: CAC supports the decision to create a workgroup to "dive deeply" into making recommendations for verification protocols for nutrient management plans to ensure transparency of on-farm application of fertilizer, manure and bio-solids. We respectfully ask that you consider the suggested candidates for workgroup appointment that we have listed in the attachment.
- (2) Targeting: We recognize that the jurisdictions and Program face many challenges in strengthening verification and transparency. However, changes are essential to solving the current problems with insufficient verification. Targeting of those practices and geographic areas based on the geographic location of the greatest agricultural loadings should be a significant component of WIP reporting. In sum, targeted implementation frees up funding for verification.
- (3) Third party analysis: Protocols should require review of any aggregate information by a third party as well as a comparison between the aggregated information and real world modeling data (to analyze water quality implications).
- (4) Tracking: There is a basic need to track where manure goes. Many producers have insufficient land for environmentally responsible use of the manure.** Even when there is a permit to guide the handling of manure on a farm, too often once transport of the manure off the farm occurs, there is no accounting (chain of custody) of where the manure goes. A clear and transparent accounting of the fate of the manure will not only have water quality benefits but can also help promote market based solutions that can provide farmer income from alternative off-farm uses.
- (5) Model: If there are to be any early model revisions related to non-point source provisions, they should be accompanied by actions to ensure that other important issues are addressed. For example, phosphorus soil saturation should be taken into account and nutrient reduction credits should only be given when a CAFO permit is implemented, not merely applied for or issued.
- (6) Public understanding: Transparency is an essential element of public understanding and acceptance of any verification program and protocol. The Program needs to ensure that any protocol and any assessment of the protocol can be clearly understood by the public.

In conclusion, we note that several of these recommendations are included in the EPA "Interim Assessment of 2012-13 Milestones and WIP Progress" and look forward to seeing them reflected in the next WIPs issued by the jurisdictions.

Lastly, CAC is committed to preserving healthy and sustainable agriculture in our communities. Rural landscapes are integral to the fabric of our region's culture. Just as clean water is important to healthy communities, so are healthy local food sources. We believe responsible agricultural practices that seek credit towards the WIPs are as congruent as possible with urban stormwater verification requirements. We encourage the EPA to use the Chesapeake Bay Program as a venue to promote and share successful examples across the watershed that demonstrate healthy farm practices, the community ethos that support them, and the mechanisms that promote verification.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. John Dawes". The signature is fluid and cursive, with the first name "R. John" and last name "Dawes" clearly distinguishable.

R. John Dawes
Chair, Citizens Advisory Committee

cc: Rich Batiuk, Associate Director for Science, Analysis and Implementation, EPA Chesapeake Bay Program

Enclosure: List of candidates that might be invited to participate on a workgroup

*Assessment of the Effects of Conservation Practices on Cultivated Cropland in the Chesapeake Bay Region; Conservation Effects Assessment Project (CEAP), USDA Natural Resources Conservation Services, February 2011

** Note we have learned of a producer who opted to remove 200 acres of trees from the farm in order to have enough land to spread on-site manure.

List of candidates that might be invited to participate on a workgroup
Verification group - land application of manure as part of Nutrient Management Plans
(It should be noted that they have not been contacted)

Jeffery Allenby
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