

Agriculture Workgroup (AgWG)

July 14th, 2016

1:00 PM – 4:00 PM

Conference Call Summary

Meeting materials: <http://www.chesapeakebay.net/calendar/event/24157/>

Actions and Decision:

DECISION: The AgWG approved the motion put forth by Bill Angstadt to approve PA DEP's proposal for verification as an alternative acceptance mechanism, with the understanding that in October 2016, the AgWG will be able to review their statistical methodologies used in the final process, and consider appropriate modifications to the BMP verification guidance document if requested and determined necessary.

Welcome, introductions, roll-call, review meeting minutes

Workgroup Chairs

- Meeting minutes from the June 16th meeting were approved. Motion from Tim Sexton, seconded by Clint Gill.

Penn State Farm Self-Assessment Project

S. Taglang, PA Representatives

PA DEP presented the results of the recent farm self-assessment project conducted in the Chesapeake Bay Watershed of Pennsylvania by Penn State University.

Discussion:

- Ron Ohrel: Will visited farms be spread evenly throughout PA's portion of the watershed? Or will it be done by county? E.g., if you have 700 surveys from Lancaster Co. and 200 surveys from York Co., will you visit 70 and 20 farms in those counties, respectively?
 - Kelly Shenk: PADEP told us that they were going to do 10% per county. But it will be good to clarify that with DEP directly.
 - John Bell: Kelly, you're confusing the survey being done per this activity with the farm inspections to be done by state or conservation officials per "reboot". They are separate activities.
- MDA: Can Ted give a brief definition of MMP and who is subject in PA?
 - Steve Taglang: There are 2 regulatory requirements for manure in PA – the Nutrient Management Act, which requires a NMP for the largest farms, and regulations for manure management that requires any operation that generates land applied manure has to prepare a manure management plan.
- MDA: How many acres does 7000 farms equate to in PA?
 - PADEP: We can't say at this point.

- Marel King, CBC: Will the use of cost-share or not also be verified during the farm visit? It sounds like the producer's answer is the only way to determine that, due to the confidentiality of the information.
 - PA DEP: The report form/visit document has some examples of different funding streams, so that allows the verifier to prompt the farmer on what would be a cost-share that would have been provided by the program. I agree with Marel that the producer's answer is the only way to determine that.
- Kelly Shenk: Will error bars be developed for each practice? I think this is important because error bars can vary widely based on the practice. Remember that in the CEAP survey they had issues with farmers reporting on tillage given confusion on definitions for example.
 - PA DEP: That's a point about how we're going to try and analyze the data on a BMP-by-BMP basis to address issues that are BMP dependent. Some of them we are very confident in, and other BMPs may have a wide margin of error.
- Ron Ohrel: How is farmer privacy being maintained through this process? Are individual addresses to be entered into the model?
 - PA DEP: We will not report individual names, and have robust confidentiality protocols developed. Each farm will have a specific ID number that we will refer to.
- Kelly Shenk: For MMPs (manure management plans), does the 10% verification include an assessment of not just who wrote the plan but whether it is fully implemented?
- Ron Ohrel: If a large number of randomly selected farms refuse a visit, does that affect the statistical validity of extrapolation?
 - PA DEP: Potentially. Hopefully it won't happen; we have a few safeguards that will ensure the 10%. We make clear that if you fill out the survey, there's a chance that you'll be selected for a farm visit by personnel.
- MDA: How will individual BMPs be reported via NEIEN and how do you intend to capture and report re-verifications.
 - PA DEP: These would be aggregated by county.
- Marilyn Hershey: If you do find inaccurate reporting, what time frame are you giving farmers to complete the BMP?
 - PA DEP: I don't think that's our intent here at all. We're engaged in several different operations in terms of farm-by-farm activities. For this effort, if the self-reporting data doesn't match up with what's on the ground, we're just recognizing that on our forms and taking that into account for how we can report that data.
- Ron Ohrel: Will those doing farm visits be asked to assess the quality/functionality of BMPs? i.e., if the farm reported having filter strips but the site visit reveals they're heavily eroded, are those filter strips counted as being present on the farm?
 - PA DEP: Extension staff will be trained on assessing the existence and functionality of the BMPs that are reported. So yes, if there comes a point where there was a practice that was reported and the extension verifier does not see the BMP functioning properly, then that would not be counted. It would be counted as essentially a failure within the statistical pool.
- MDA: How do you intend to re-verify BMPs?
 - PA DEP: It goes back to while the department won't maintain the list of the farm information, the checklist will contain the individual farm ID #, so we can go back and could track it back to the individual that the practices are owned and operated by.
- MDA: Does PA want to have eyes on the ground for the farms that weren't surveyed?

- PA DEP: Not necessarily. This effort is to collect the information that's on the ground right now, to improve data collection that we haven't had over the last 30 years.
- MDA: Would this be on an annual basis, or just a one-time thing?
 - PA DEP: It's currently a one-time thing. We're developing other mechanisms by which to efficiently collect BMP data information. This was one of those efforts.
- Kim Snell-Zarcone: What is the "lifetime" of the data that will be collected from this survey?
 - PA DEP: We have installation dates associated with records, and that starts the clock. Lifespans are established under the RI guidance. And they're shorter than what they could be.
- Kelly O'Neill: Steve, will inspections under reboot collect info on BMPs that have been unreported?
 - PA DEP: That is a separate effort. This effort to address the self-reported data is separate from our inspection effort for all farms in the CBW. BMPs will be a part of that inspection, but we don't want to have our inspectors doing this when it's being done in other methods.
- Kelly Shenk: Just resubmitting this question since it got lost in the shuffle. For MMPs, does the 10% verification include an assessment of not just who wrote the plan but whether it is fully implemented?
 - PA DEP: The term fully assumes there was a plan that was written, and we want to know who wrote it, when it was written, and we will assess whether it was fully implemented.
- Mark Dubin discussed the CBP verification guidance, and the decisional process for PA DEP's proposal. The AgWG has two options: to revise the verification guidance language, or to develop an alternate acceptance strategy that could occur on a state-by-state basis.
- Questions on whether a change in the verification language would require a change in supplemental tables and forms.
 - Mark Dubin replied that amendments to the principle guiding language would result in edits to the other tables.
- Marel King: I think this whole process has been very helpful, so I would suggest that if the group decides to move forward with this amendment, that perhaps if this option is utilized, that the process requires the states to come to the AgWG and explain the methodology. Especially when we're leaving open ended parameters, like other valid statistical sample sizes.
- Preliminary motion, which was later withdrawn, raised to accept PA DEP's proposal for their methodology based on making an amendment to the Agriculture BMP Verification Guidance, understanding that a change in the relevant tables would reflect this new language.
 - Kim Snell-Zarcone: I worry that the language that's in the proposal does not capture the specificity of what PA DEP has done.
 - Kristen Saacke Blunk: Can the motion be adapted to include Marel's comment that these be reviewed by the AgWG on a case-by-case basis with the State having to bring its request to the AgWG?
 - Lindsay Thompson noted that this suggestion would be more in line with Option 2 to develop an alternative acceptance mechanism.
 - Kristen Saacke Blunk raised concerns about the 10% sample if only a fraction of the 700 farms in the subsample are meeting all of the requirements for implementation, thereby further reducing the sub-sample to a range that is not statistically valid. She wondered what the appropriate percentage would be for extrapolation, and how the QAPP would play into this.

- Bill Angstadt cited the need for data in order to see how this process will look, and recommended the AgWG take up the motion to amend the verification guidance. He also offered an edit to the motion to include a request from the AgWG to review the data and report from this inventory.
- Marel King cautioned editing the guidance document language because it would introduce a grey area on what the AgWG does and does not review and approve. The suggestion for a review would be covered under the alternative acceptance mechanism.
- Comments from Bill Angstadt and Kelly Shenk that it is difficult to edit the guidance document without seeing the results. However, if the PA DEP approach would be covered as an alternate acceptance mechanism, other states could follow suit with the same methodology and get their data approved as well. Given enough time, the AgWG could then decide to make a formal edit to the guidance document based on those methodologies.
- Revised motion from Bill Angstadt raised to accept PA DEP's proposal for their methodology based on approving it under an alternative acceptance mechanism, leaving the option open at a later point in time for the AgWG to revise the language in the Agriculture BMP Verification Guidance. This motion would include a revision of the separate verification guidance document to permit acceptance of initial BMP verification in addition to follow-up verification. Motion seconded by Tim Sexton.
 - Virginia noted they would be in favor with this approach.
 - Maryland noted an important distinction to address in the guidance document that the alternative acceptance mechanism would now include the ability to accept initial BMP verification in addition to follow-up verification. MD had concerns about a watering-down of the verification process with the potential for increased scrutiny moving forward.
 - West Virginia agreed with VA and MD, and was amendable to the approach.
 - PA DEP did not support the second part of the motion to deliver results and methods before data is submitted to NEIEN.
 - Mark Dubin noted that the CBP will review all data once it is submitted to NEIEN, and that PA DEP can come back to the AgWG in October to give a full presentation of the data and results.
 - Discussion on whether the AgWG should approve the data that's submitted to NEIEN. Concerns include that there is not a clear statement that there will be nuances to what the total sample size will be after the 700-farm sub-sample.
 - EPA offered to hire a statistician to conduct a rigorous review of the data and methods.
 - PA DEP/PSU noted that this type of review is already baked into their methodology, and to include another 3rd party verification would be redundant.
 - MD agreed with EPA's recommendation.

DECISION: The AgWG approved the motion put forth by Bill Angstadt to approve PA DEP's proposal for verification as an alternative acceptance mechanism, with the understanding that in October 2016, the AgWG will be able to review their statistical methodologies used in the final process, and consider appropriate modifications to the BMP verification guidance document if requested and determined necessary.

Wrap-Up/Review of Action and Decision Items/Announcements

Gordon

Lindsey reviewed the actions and decisions from the meeting.

Workgroup Chairs/M. Dubin/L.

Adjourn

Next meeting: Wednesday, July 20 – Thursday, July 21 Face-to-Face at USGS Offices in Baltimore, MD

Participants:

Lindsey Gordon, CRC
Lindsay Thompson, DE-MD Agribusiness Association
Mark Dubin, UMD
Jeff Hill, Lancaster county Conservation District
Jim Cropper, Northeast Pasture Consortium
Joe Montenegro, PA Farm Bureau
John Bell, PA Farm Bureau
Kelly O'Neill, CBF
Kelly Shenk, EPA
Kim Snell-Zarcone, NWF Choose Clean Water
Kristen Saacke Blunk, Headwaters LLC
Marel King, CBC
Marilyn Hershey, Ar Joy Farms LLC
PA DEP
Steve Taglang, PA DEP
Karl Brown, PA DEP
Jill Whitcomb, PA DEP
Kristen Wolf, PA DEP
Matt Royer, Penn State
Matt Monroe, WV DEP
Robin Pellicano, MDE
Rachel Rhodes, MDA
Alisha Mulkey, MDA
Clint Gill, DDA
Bobby Long, VA DCR
Tim Sexton, VA DCR
Ron Ohrel, Mid-Atlantic Dairy Association
Tim Garcia, NRCS
Gary Flory, VA DEQ
Bill Angstadt, Angstadt Consulting
Scott Ambler, VA DCR
Bill Chain, CBF
Gene Yagow, VT
Samantha Wood, UMD
Skyler Golt, UMD
Chris Thompson, Lancaster County Conservation District