

# Agriculture Workgroup (AgWG)

November 19<sup>th</sup> 10:00 AM – 12:30 PM

## Call Summary

Meeting materials: <http://www.chesapeakebay.net/calendar/event/22599/>

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### Actions and Decisions:

**ACTION:** Mark Dubin and Lindsey Gordon will reach out to the signatory representatives to ask for the selection of the at-large membership. Results will be posted by December 3<sup>rd</sup>, 2015, and the AgWG will then review the selected candidates during the December meeting to determine if there is adequate representation across the 5 categories of membership outlined in the Workgroup governance protocol.

**DECISION:** The AgWG approved the motion to bring the Nutrient Management Cross Walk Report forward to the WQGIT for the December meeting, and to revisit the report and EPA's discussions with the jurisdictions during the December 17<sup>th</sup> AgWG meeting.

**ACTION:** AgWG should send any comments to Mark Dubin and Lindsey Gordon regarding scheduling conflicts. The 2016 calendar will be finalized during the December meeting.

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### 10:00 **Welcome, introductions, review meeting minutes**

Workgroup Chairs

Meeting minutes from 10/15/15 were approved.

### 10:10 **Agriculture Workgroup Governance Protocol and Membership**

Workgroup Chairs

- The AgWG will revise their governance protocol to include more information about the membership selection process and description of terms.
- Mark Dubin and the Workgroup Chairs introduced the newly selected signatory representatives to the AgWG.
  - The AgWG approved of the selected signatory representatives.
- Mark Dubin explained how the at-large membership positions would be selected by the signatory representatives, and described the term limits for at-large membership.
- Kristen Saacke Blunk noted that the at-large and signatory members will only be deferred to for consensus if consensus is not able to be reached after significant deliberation within the AgWG as a whole. Furthermore, if additional expertise is needed within the AgWG, then outside experts may be brought in for representation.
- Kim Snell-Zarcone noted that priority should be given to people who have been active in the process and meetings of the AgWG.
  - Saacke Blunk: This is a fluid process, and one of the things that we will need are new voices coming in. One of the things I am concerned about, is that when we do have to default to the official membership, we could get into equity issues around balanced representation from each of the 5 membership categories.

- Marel King asked how the re-nomination process will occur in the future. A rolling process versus an annual re-nomination.
  - Dubin: I think we can have a combination of both, should certain members need to resign from their positions early. And I want to remind everyone that this is not a voting group, but it's a consensus group.
- Bill Angstadt expressed discomfort with the overwhelming representation of nominations from Maryland and Pennsylvania, and a lack of representation from other jurisdictions and interests.
  - Tim Sexton noted that the call went out in Virginia, but they did not receive any nominations.
  - John Rhoderick reminded everyone that these are one year terms, so perhaps in the future there would be more representation from the other jurisdictions.
- Kristen Saacke Blunk expressed concern, and suggested leaving a few membership spots open to reserve spaces for other representation.
  - Ann Swanson agreed with Saacke Blunk, and expressed concern with the 1-year terms if the person participating is very active and engaged in the meetings and AgWG process. Kristen Wolf agreed with Swanson's statement.
  - Dubin noted that people are welcome to participate in the AgWG meetings even if they are not on the official membership.
    - Ann Swanson disagreed with Mark Dubin, explaining that the Bay Program is moving towards a system of official representation, and this would discourage participants in meetings if they do not have an official voice.
  - Chris Brosch stated that the goal is for good representation when consensus is reached. He agreed with Mark, stating that it is unlikely that participants would feel disenfranchised.
- Mark Dubin suggested having 5 categories, with 2 nominees from each category, leaving 2 positions open for future nominees.
  - Tim Sexton supported this idea.
  - Dubin: We only have one nomination from USDA, so there would potentially be a 3<sup>rd</sup> position available that could be allocated to another group, or just left open.
  - Saacke Blunk expressed discomfort allocating a certain number of members to each category, and suggested leaving it flexible.
- Saacke Blunk suggested an alternate membership representation ratio: one academic, one from the USDA, 2-3 in agribusiness/industry, 1 in conservation districts, 2-3 in conservation/environmental NGOs.
  - Dubin noted that nominees may feel disenfranchised if they are explicitly rejected while other membership spots are left open.
  - Kelly Shenk mentioned that if we clearly explain why they were not selected, then they may not feel disenfranchised.
- Marel King: Wasn't there discussion in a previous meeting where each group or industry would come together to nominate one member, in a similar fashion to the signatory selection process?
- Bill Angstadt suggested following the procedure of letting the 8 signatories ranking 12 names and compiling those to select final nominations.
  - John Rhoderick: But we're wrestling with putting them into categories.
  - Dubin: Each signatory would be prioritizing names within each category.

- Angstadt: I disagree with that. Whether we want to face it or not, these 12 people are going to feel engaged, and the next tier of people will feel less engaged. One of our biggest tasks in 2016-2017 will be communicating/outreaching to stakeholders with the Phase III WIPs and Mid-Point Assessment. So the more stakeholders we've got at this table inside the 12, the better off we'll be.
- Saacke Blunk: I don't see anyone sitting in the proverbial balcony. This is our safety net of building consensus within a smaller group. I don't know what this means for the next vice-chair or co-chair, but I would like to think that we will continue to say that our objective is to have the right people at the table, and that there is a system set up on the side. So we have to reach out to everyone to remind them they are a part of the conversation, and they are needed at the table.
  - Lindsay Thompson: I completely understand where Kristen is coming from, but I'm concerned it contributes to our initial concern that people will start counting. I understand that we want to have broad representation, but I don't think that putting the whole list out there and asking the signatories to rank them is going to preclude us from that same situation. I'm inclined to put the list out to the signatories and have them rank that to see how it shapes up. If we end up lacking representation in a certain category, then we can revisit it.
  - Chris Brosch agreed with Lindsay Thompson. Kristen noted that she could live with that suggestion.
  - Kim Snell-Zarcone noted that she agreed with Kristen, and suggested grouping the nominees together if they are primary and alternates.
- John Rhoderick: I'm putting Bill Angstadt's motion forward to the group. The AgWG will allow jurisdictions to select 12 nominees, review the top 12 candidates with the AgWG and identify where they fit within the governance membership categories and gauge comfortability with the group.
  - Tim Sexton seconded.
  - Bill Angstadt suggested removing the priority ranking process, and having jurisdictions submit a panel of 12, unranked.
  - The jurisdiction's votes will be kept anonymous.

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10:30 **Nutrient Management Task Force Update** Workgroup Chairs, Jenn Volk, Kelly Shenk

- Kelly Shenk provided an overview of the crosswalk submissions from the jurisdictions, and reviewed comments and concerns brought up by the Nutrient Management Task Force.
- Kim Snell-Zarcone: Is the information in the crosswalk supposed to be aspirational or is it a reflection of this is how things actually were during that 1-year timeframe?
  - Shenk: It's the latter- the justification for reporting specific acres in the specific time frame. Some states did report certain programs that are not ready to report yet, which was noted.
- Beth McGee: I feel like what's missing is around Tier 2 P and the notion of "just because there's a P index in the regulations, that you shouldn't just get credit for all the acres under

Tier 2” because unless the P index results in a change in manure application, there isn’t a reduction attributed to P.

- Shenk: We included a specific question to address this (question 6 in section 2.2). It’s likely we don’t have complete information from every state for that question. This is a level of detail that will be difficult for some states, who may not collect that information.
- Dubin: We knew we were asking for information on programs that ended half a year ago. This is a hindsight process, and we didn’t give them a long time to provide responses. Most programs don’t track these specific questions, so it’s something we’ll have to identify and grow into.
- Tom Simpson: Less important than the P question, but in Tier 3, Section 3.1 box B – to check that box, there had to have been a net change in applications of N, not just that the test was run. Is this correct?
  - Shenk: Yes, that was the definition provided in the panel report.
- Kelly Shenk explained how EPA plans to use the information in the crosswalk. Asking for compliance information is not new; making adjustments to state reported acres for credit is not new. EPA thinks that these forms should help them to continue discussions with the states, where they may lack supporting documentation to justify their reported acres. If the EPA does not have significant confidence in the information provided by the state, there will have to be adjustments. The other options would be the CEAP report, and the recent animal agriculture reports that the EPA has been conducting. EPA would be willing to look at other lines of evidence the states could provide or the CBP could suggest.
- Bill Angstadt: Kelly stated that this will come down to EPA confidence, which includes negotiations with the states to build confidence. This is the right direction – it’s not the plan that’s important, it’s the implementation of the plan that moves us toward water quality restoration. I would suggest the AgWG accepts this crosswalk report and moves it forward to the WQGIT.
- EPA intentions and the crosswalk will have to be finalized by November 30<sup>th</sup> if it’s to go in front of the WQGIT by their December meeting.
  - Shenk: I think there’s a lot of work and coordination that needs to be done before this can go to the WQGIT, and I don’t think there will be enough time to get this all finalized. By the 14<sup>th</sup>, we need to have all the documentation finalized, and confirmation from the modeling group.
- Dave Montali asked about the purpose of the crosswalk, whether it was for all of the tiers or tier 2 P.
  - Shenk: We were initially focused on Tier 2 P as dictated by the Management Board. But EPA regularly asks for the compliance information of all tiers, so it only made sense to include that information in the crosswalk as well.
  - Montali: I see this morphing from Tier 2 P crediting to a potential discount of our current acres for 2015-2016. Some folks were concerned about over-crediting, and this may be a step backwards in terms of discrediting with a lack of verification. I think a lot of us were unaware that Tier 1 crediting was a part of this process.
  - Shenk: I understand your concerns. The CEAP study says a 30% compliance rate is what’s happening in the watershed right now, so that could be a possible default. But I would rather go to specific people and have a serious discussion with them to make sure that we are reporting accurate numbers of compliance here.
  - Dave Montali expressed concern about the intentions of the Management Board and the WQGIT.

- The Phase 5.3.2 Nutrient Management Crosswalk and the issues of equitability and transparency will be discussed again at the WQGIT December 14-15 meeting.

**DECISION:** The AgWG approved the motion to bring the Nutrient Management Cross Walk Report forward to the WQGIT for the December meeting, and to revisit the report and EPA's discussions with the jurisdictions during the December 17<sup>th</sup> AgWG meeting.

**11:15 Phase 6 Beta Version Nutrient Management Representation** Gary Shenk

- Gary Shenk briefed the AgWG on the inclusion of nutrient management in the Beta Phase 6 version of the model.
- Bill Angstadt expressed support for the way Nutrient Management is being handled in the Beta version of the model.
- Bill Angstadt proposed a motion that the AgWG move to approve the current proposed methodology for including Nutrient Management in the Beta Phase 6 model. Bill feels strongly that the workgroup should go on record as approving this methodology before it goes before the WQGIT and Management Board.
  - Chris Brosch clarified that the double counting issue would be a double counting of rate, which is a Tier 1 issue. He also noted that the Ag Modeling Subcommittee approved this methodology and recommended it to the Workgroup in September.
  - Angstadt withdrew his motion, on the grounds that the AgWG representatives are able to clarify that in September, the AgWG took action on not using nutrient management reduction efficiencies in the beta Phase 6 model.
    - Dubin: The AgWG did weigh in on the phase 6 BMPs and scenario builder methodologies in September, when they approved the beta phase 6 methodologies and scenario builder inputs.

**12:00 AWMS Panel Update** Jeremy Hanson

- Jeremy Hanson updated the AgWG on the AWMS Panel's plans for setting up a meeting schedule. There will be more information to present during the December meeting. Jeremy did not receive additional comments on panel membership from outside of the AgWG, so that is why the panel is moving forward.

**12:15 Discussion of 2016 AgWG meeting calendar** Workgroup Chairs

- Mark Dubin briefed the Workgroup on the current meeting schedule and the proposed calendar for 2016. Changes include moving the AgWG meetings to the second Thursday of every month in order to avoid conflict with the WQGIT. Furthermore, the December quarterly meeting would be postponed until February, in favor of a one-day meeting held on December 17<sup>th</sup> at the CBP Offices in Annapolis, MD.
- May and November quarterly meeting dates would overlap with CBC meetings (Thursday and Friday CBC meetings requiring Wednesday travel). Shift these meetings to the 3<sup>rd</sup> Thursday.
- Robin Pellicano brought up the issue of having items presented to the AgWG and then immediately turned around to the WQGIT in the following week.

**ACTION:** AgWG should send any comments to Mark Dubin and Lindsey Gordon regarding scheduling conflicts. The 2016 calendar will be finalized during the December meeting.

12:30 **Adjourn**

**Next conference call:**

**December 17<sup>th</sup>, 9:00 AM – 4:00 PM** in the Fish Shack at the CBP Office (410 Severn Ave., Annapolis Maryland)

Participants:

Greg Albrecht, NY Dept. of Agriculture and Markets  
Steve Taglang, PA DEP  
Ted Tesler, PA DEP  
Kristen Wolf, PA DEP  
Kim Snell-Zarcone, Conservation PA  
Chris, Lancaster  
Bill Angstadt, Angstadt Consulting  
Kristen Saacke Blunk, Headwaters LLC  
Mark Dubin, UMD CBP AgWG Coordinator  
Lindsey Gordon, CRC Staff  
Bob Palmer, DE DNREC  
Chris Brosch, Citizen  
Rachel Rhodes, MDA  
Robin Pellicano, MDE  
Fred Samadani, Environmental and Water Resources Mgmt. Counseling  
Beth McGee, CBF  
Dave Montali, WV DEP  
Tim Sexton, VA DCR  
Tom Simpson, Aqua Terra Science  
Lindsay Thompson, MD Association of Soil Conservation Districts  
Ann Swanson, CBC  
Marel King, CBC  
Jeff Sweeney, EPA  
Glenn Carpenter, USDA NRCS  
Tim Garcia, USDA NRCS  
Jeremy Hanson, VT CBP  
Kelly Shenk, EPA  
Gary Shenk, USGS  
Steve Dressing, Tetra Tech