

PA NRCS Comments
June 16, 2014

Chesapeake Bay Program Partnership Agricultural Workgroup's
Agricultural BMP Verification Guidance (May 9, 2014 version)

Page 2:

“Was the practice implemented to satisfy a regulatory requirement or was it implemented voluntarily?”

Comment: The report indicates that this is one of the key factors critical to building a verification protocol for agricultural BMPs. However, since participation in all NRCS programs is voluntary (whether it allows a producer to satisfy a regulatory requirement or not), this factor may not provide the desired purpose. If the purpose of this question was to screen BMPs that a landowner installed without any state, NRCS, or TSP technical assistance and therefore could possibly be deficient in its function, then this question needs to be re-worded. The voluntary aspect of NRCS conservation practices does not influence the reliability of the reported information.

Page 2:

Part 2 first sentence: “The Partnership approved agricultural”

Comment: Should this say “The Partnership agreed agricultural.....”?

Page 3 Table 2:

Comment: Prescribed Grazing may not be identifiable solely by visual assessment under 2b and would be an example of 2c.

Page 3:

3a “As a result, establishment of verification systems similar to those for publically funded or regulated practices will be needed.”

Comment: Systems should not have to be similar, but should allow for other approaches or methodologies, such as farmer self-certification and/or remote sensing, if the verification results provide statistically valid and/or equivalent results.

Page 3:

3a “identical annual environmental benefits for water quality”

Comment: It may be difficult to prove that “resource improvements” provide an identical annual environmental benefit for water quality compared to NRCS conservation practice standards and specifications.

Page 4

3b. The minimum expectation of verification for cost-share BMPs here and throughout the document:

“....minimum expectation for follow-up sub-sampling of 10% for BMPs achieving greater than 5% of the jurisdiction’s WIP agriculture sector goals.”

Comment: A follow-up sampling requirement of 10% is not feasible or necessary for NRCS conservation practices. A jurisdiction does not have authority to place additional requirements on the federal government, nor is it necessary. All NRCS practices should be treated in the same manner as described under the first paragraph in section 3b Cost-Shared BMPs. Additional scrutiny of NRCS conservation practices is not needed just because they make up a larger portion of the jurisdiction's goals. NRCS practices are inspected and certified upon completion. In addition, NRCS Government Manual Section 450-407 policy on documentation, certification, and spot checking requires 5% minimum sampling for spot checks. In reality, through NRCS's everyday work and the quality control quality assurance process, more than 5% of the conservation practices would most likely be scrutinized. All conservation practices included in the NRCS reporting system should be identified as exempt from 10% verification since conservation practices included in the NRCS reporting system are subject to the NRCS 5% spot checking policy.

Page 5

3c Regulatory programs

"...regulations differ by state, there are differences in oversight by federal, state, and local agencies across the Bay watershed."

Comment:

The word "federal" should be removed from this sentence. There is not any difference in oversight between NRCS across the Bay watershed since federal agencies only provide oversight over federal requirements (such as highly erodible land compliance). If this section refers to another federal agency, it should be specifically named.

Page 8

6d. Lifespan and Sunseting Practices

Comment:

It may not be feasible for a state to conduct a follow-up check of every conservation practice included in the historical dataset. In addition, implementation dates and location information for every NRCS conservation practice would be protected under Section 1619 and inspection of these practices would require a 1619 agreement with NRCS. In addition, NRCS does not have conservation practices mapped in its digital data base before 2003. However, checking to ensure that conservation practices still exist could possibly be completed by remote sensing if the process began now using recent data and proceeded into the future. This would also require a 1619 agreement and trained staff to review records and interpret the remote sensing.