

December 23, 2014

Mr. Charlie Stiek, Chair
Citizens Advisory Committee to the Chesapeake Executive Council
612 Hull Street, Suite 101C
Richmond, VA 23224

Dear Chairman Stiek and Members of the Citizens Advisory Committee:

We thank you for your December 10, 2014 communications regarding the Expert Panel Report and Recommendations for Nutrient Application Management noting CAC's concerns for the proposed recommendations and specifically CAC's request to ensure that the verification process is fully in place ahead of nutrient management, as a practice, being credited by the model.

Based upon the significant and meaningful comments received, the mutual desire to build full Partnership consensus for the recommendations, and the emerging opportunity to devote additional time for some alternative considerations, the Agriculture Workgroup (AgWG) co-chairs, in concurrence with the Panel Chair, and with support of EPA, and in consultation with the AgWG at its December 11, 2014 meeting, have agreed to this path forward:

1. **Phase 5.3.2. Panel Short-term Re-evaluation** It is critical that the Nutrient Application Management recommendation presented by the Expert Panel be moved forward through an informed, consensus building process. Significant comments received coupled with alternative approaches proposed for the Panel consideration have provided an opportunity for re-convening the Panel on a short-term basis to re-evaluate their recommendations with attention given to the separation of N and P benefits for the Tier 2 and Tier 3 levels of reporting and providing for more specific documentation supporting the Panel's recommendations.
2. **Phase 5.3.2 Panel Timeline** Through decisions of and action by the Agriculture Workgroup at its December 11th meeting and expected to take place at its upcoming January 8, 2015 meeting, the Expert Panel will be charged to conduct the short-term re-evaluation and provide its revised recommendations in March 2015. The revised Expert Panel report would then go through the required review periods for the AgWG, the Watershed Technical Workgroup (WTWG), Water Quality Goal Implementation Team (WQGIT), and Modeling Workgroup per the timeline and framework described in the [Protocol for the Development, Review, and Approval of Loading Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model](#), including the required 20 day review and comment period(s). All comments would be expected in the required "track change format" described in the Protocol.

3. **Phase 5.3.2 Panel Charge** The Expert Panel will be re-convened during Winter 2015 and charged as follows:

The 5.3.2 Nutrient Application Management Expert Panel will conduct a short-term re-evaluation that will separate the N and P benefits for Tier 2 and Tier 3 levels of nutrient management effort and re-consider the agricultural land uses for which the benefits will be realized. The resulting report will clearly communicate the basis for each recommendation, including the supporting summary tables and figures, and the literature citations used by the Panel including the process for informing best professional judgment.

The Panel will also develop a checklist for the data needed for assessing the presence/absence of the level of nutrient management necessary to qualify for each Tier to provide jurisdictions with the necessary guidance for generating the reports and necessary Quality Assurance Plan documentation for reporting under the recommended definitions.

The panel will be provided technical support (Tetra Tech) and staff support (Emma Giese, CRC Fellow) to augment their work including development of additional documentation and narrative supporting the recommendations for the revised report.

4. **Phase 5.3.2 Nutrient Application Management Communications** Because of the level of interest in the work and products of this Panel, EPA will work with the AgWG, WQGIT, WTWG, and others to schedule and convene regular updates and briefings to communicate the science and Panel considerations associated with this practice. This effort will take place concurrent to the Winter 2015 work of the 5.3.2 Expert Panel to improve partner and stakeholder understanding of the science, issues, trade-offs, and considerations that are associated with nutrient management within the agricultural sector. The focus on communications will be with the express intent of ensuring that when the Panel report is released, reviewers and commenters will already have been fully apprised of the range of considerations evaluated through the Panel and science based process. In addition, a communications specialist will work with the Panel Chair to develop, in parallel, a narrative that describes the expected differences between a 5.3.2 Nutrient Management recommendation and what will likely be recommended for incorporation into the Phase 6.0 Chesapeake Bay Watershed Model.
5. **6.0 Nutrient Application Management Expert Panel** The AgWG will convene a separate Nutrient Management Expert Panel in 2015 to develop a more refined tiered set of nutrient management definitions, efficiencies, and individual component practices for the Phase 6 Chesapeake Bay Watershed Model which will better reflect what is happening on agricultural production lands, be more readily tracked, verified and reported, and provide added guidance on the data

requirements necessary for receiving nutrient management credit in 2018 and beyond. The charge, timeline, boundaries, and members for the Phase 6.0 Panel will be developed through a new expert panel process as presented at the December 11, 2014 AgWG meeting and for finalization at its January 8, 2015 meeting. The strawman for the expert panel process can be viewed at:

http://www.chesapeakebay.net/channel_files/21229/strawman_proposal_expert_panel_reorganization_process_12_3_2014_3.pdf.

Again, we thank CAC for its concern and consideration of the Expert Panel report recommendations. We believe that the path described here will provide a foundation for building the full consensus of the Partnership.

Sincerely,

Kristen Saacke Blunk, Co-Chair, Agriculture Workgroup

John Rhoderick, Co-Chair, Agriculture Workgroup