

John, Kristen, Mark and Chris,

I'd like to extend my appreciation to all the Nutrient Management Expert Panel members in volunteering their time and expertise to engage in this important work. This is likely one of the most complicated practices, covering the most acreage, and a big player in achieving nutrient and sediment reductions from agricultural land. Therefore, ensuring that we build consensus on the panel's recommendation is critical for moving forward.

In the event that this week's Agriculture Workgroup meeting is viewed as an approval meeting, I want to convey the three main comments I have on the panel's report: (1) practice definitions need more clarity, (2) justification for efficiencies for Tier 2 should be documented, and (3) significant concerns expressed by partners should be addressed before these recommendations move forward, in compliance with the BMP protocol.

Definitions. A main reason for refining the nutrient management practice was to remedy the vagueness of the current practice definition. It is still unclear to me how a state will make the determination of whether an acre is under Tier 1 versus Tier 2 management. Although the panel was not charged specifically to deal with how states will verify nutrient management practices, the definitions should be clear enough to move the states down that path to have a strong defense for why they are counting some acres as Tier 2 versus Tier 1.

Efficiencies. The report outlines many caveats regarding the data evaluated in developing Tier 2 efficiencies. Some of the shortcomings of data used for Tier 2 articulated in the report were: majority of the data are not published; majority of the data are from plot studies and extrapolation to field and watershed scales is uncertain; and many of the studies only address surface runoff and do not address other key nutrient transport pathways like leaching and subsurface flow. Although I'm certain the panel had many discussions about efficiencies, there is no discussion in the main body of the report regarding how the panel used the data to arrive at an efficiency recommendation and why the panel believes the efficiencies chosen are defensible even given the data deficiencies articulated in the report.

Partner Concerns: I understand that other members of the Agriculture Workgroup have significant concerns about the panel's report. Given the concerns being raised by multiple partners, I am expecting that the Agriculture Workgroup will invoke and follow the procedures outlined in the latest version of the Partnership's BMP protocol (July 14, 2014) approved by the WQGIT. These procedures outline a clear process and timing for reviewing, raising comments, seeking specific responses from the Panel, working through the workgroup to resolve those concerns, working towards consensus decisions, and, as a last resort, asking for a super majority vote for a decision. I expect that we, as a partnership, will take the time to hear partner concerns and questions, work through these issues, and come up with a strong, defensible approach for moving forward in how to best credit nutrient management in our decision support tools.

I look forward to our discussion tomorrow and to working out an approach for advancing this important work. Thank you. K

Kelly Shenk, EPA Representative on the Agriculture Workgroup
EPA Region III Water Protection Division
shenk.kelly@epa.gov
410.267.5728

Mailing Address:

EPA Chesapeake Bay Program Office
410 Severn Avenue, Suite 112
Annapolis, MD 21403