

Comments on the Wetland Recommendation to Extend Credit Duration of Select Wetland Practices from the BMPVAHAT Membership to the Wetlands Workgroup.

BMPVAHAT December 2021 Minutes:

https://www.chesapeakebay.net/channel_files/42754/bmpvahat_dec_minutes_draft_v2.pdf

Purpose of this document: The recommendation from the wetlands workgroup was discussed at the December 2021 BMPVAHAT. The following comments should be considered by the wetlands workgroup and addressed in the recommendation document.

Who will be the audience for the recommendation? The WQGIT will need to approve the recommendation to remove verification requirements from wetland restoration, rehabilitation, and creation in the model (these practices currently need to be reinspected every 15 years). The audience will be composed of state representatives, program managers, members of the advisory committees, and representatives from the source sectors (Agriculture, Forestry, Urban Stormwater, Watershed Technical Workgroup). The audience focuses primarily on the CAST model and will need to understand how these practices are reported, what structures exist on the ground to ensure the practices exist and function on the landscape, and how wetlands function as a natural resource.

- 1. Do NRCS and state specifications apply to one or all three of those practices?**
 - If the NRCS specifications don't apply to all three practices, then we shouldn't be extending this to all practices.
- 2. Is there any evidence that shows that wetlands aren't being changed to developed lands? What data do we have that shows no net loss of wetlands?**
 - There are jurisdictional and regulatory requirements to ensure no net loss of wetlands. Which ones?
 - What does the Bay Barometer say about wetland contribution to water quality?
- 3. The VA coastal master plan that was just released stated that 89% of our tidal wetlands were going to be gone by 2080.**
 - The tidal wetlands scenario that was raised would be loss due to climate change.
 - How would non-tidal wetlands be impacted by climate change?
- 4. Can the land use model pick up wetlands?**
 - KC with the LUWG has provided what the LU team is capable of capturing regarding wetlands. Will forward information to WWG.

5. **Clarify which wetland practices in the recommendation are land use change practices.**
6. **The role of the Food Security Act** - requirements needed to convert a wetland (classification based on hydrology) to agricultural land. NRCS makes sure classified wetlands are not being converted. Once it's determined as a wetland, it is rare that it is lost. NRCS monitors wetlands to ensure size and function is retained.
 - Requirements on maintenance or mitigation if there is a land use conversion.
7. **When NRCS reports wetland enhancement and restoration practices to states for inclusion in CAST, they report that for NRCS easement programs as well, so these are BMP acres that are restored or made into wetlands that are perpetual or 30 yearlong easements.** If we don't take that into consideration, states will lose a lot of easement credit that they have because of that credit duration.
 - The easements prevent development. Wetlands may become "Waters of the US".
 - NRCS monitoring program is rigorous.
8. **In some states, a wetland may be converted back to agriculture land.** Once the contract expires after 10-15 years, a landowner has 5 years to decide whether or not to convert the wetland back to ag land. This would need to be paid for by the landowner. Establishing the hydrology of the wetland is a cost-intensive process.
 - **Does NRCS have documentation of this process?**
9. **How are wetlands that are implemented voluntarily treated?** Are they automatically considered regulated wetlands?
10. **Clarify the existing regulatory and verification structure for wetlands in each state.**
 - Be clear about what happens when a wetland is developed to ensure no net loss of wetlands.
11. **Can these comments be considered at the March 2022 workshop?**
12. **Specify how wetlands differs from forest practices, which may also be considered "naturally regenerative".**
 - This is a shift programmatically. The FWG brought forth real on-the-ground data about how the buffers are staying in place, and that still did not open the door for a practice that remains in the model in perpetuity. The equitability across sectors and regenerative practices needs to be considered. We need to have a discussion on "regenerative practices" – which ones are they and how do we address them?

13. Should practices with regulatory protections (like the CWA, Food Security Act, state regulations) have verification requirements? This is the basis of the argument presented by the wetlands workgroup and may be worth other sectors exploring.