



Citizens Advisory Committee

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May 8, 2019

Matthew Lohr
Office of the Chief
USDA Natural Resources Conservation Service
1400 Independence Ave, SW
Room 5105-A
Washington, DC 20250

Cosmo Servidio
EPA Region 3 Administrator
1650 Arch Street
Mail Code: 3RA00
Philadelphia, PA 19103

Ben Grumbles
Principals' Staff Committee Chair
Maryland Department of the Environment
Montgomery Park Business Center
1800 Washington Blvd.
Baltimore, MD 21230

Dear Mr. Lohr, Mr. Servidio, and Mr. Grumbles:

As your citizen advisors, we urge you to address the challenges to BMP verification in the Chesapeake Watershed due to some interpretations of the Section 1619 privacy provisions of the Food, Conservation, and Energy Act (Farm Bill). Resolving this issue is essential as we enter the final Phase III Watershed Implementation Plans (WIPs).

The Citizens Advisory Committee (CAC) to the Chesapeake Executive Council met in Virginia on February 20-21, 2019 for our quarterly meeting. Our meeting theme focused on successes and challenges to implementing and verifying conservation practices on agricultural lands. We heard from regional and local agencies of the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), local Soil and Water Conservation District, Virginia Department of Environmental Quality, and a regional nonprofit working with farm communities. We also have members who are farmers, work for agricultural business or are practitioners who help farmers implement Best Management Practices (BMPs) on their land.



Jessica M. Blackburn, CAC Coordinator
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CAC has been a strong advocate for BMP verification for many years. One of the critical issues repeatedly raised at our meeting is the difficulty verifying agricultural BMPs from practices funded by NRCS or with NRCS technical assistance because of Section 1619 privacy concerns and limitations. We believe verification is vital to assure: a) accurate accounting of progress in achieving Chesapeake Bay Program nutrient and sediment reduction goals, b) public support for taxpayers' funding of conservation and restoration, c) full credit to farmers for the BMPs that are on the ground, and d) confidence in the Bay Model. We also heard from regional and local agencies of the NRCS, the local Soil and Water Conservation District, and others that Section 1619 was presenting an unforeseen and unintended impediment to the Chesapeake Verification Program just as it is beginning to be implemented by the states.

We respectfully request that you directly explore and take steps to resolve this time-sensitive issue to find a solution to this BMP verification challenge, specifically:

- 1) Convene a working group of representative technical, scientific and legal experts in EPA, USDA, the watershed states and Bay Program partners directly involved in this issue to investigate current activities and ensure that new and existing practices reported in the Phase III WIP progress runs can be reasonably verified. This may include:
 - Working with our Land Grant Universities, or other trusted agricultural partners, to find a mutually agreeable mechanism to accurately track and verify ongoing and extended life agricultural BMPs;
 - Examining structures and processes on local conservation district levels where there is strong collaboration among the agencies;
 - Identifying what can be replicated across the watershed;
 - Considering whether practices providing the most pollution reduction should be given priority for verification until the programs are fully in place; and
 - Developing a laymen's communications strategy that will explain potential changes in progress reporting because of BMP verification.

- 2) Renew and build upon the USGS-USDA data collection cooperative agreement when it expires in 2020. This would allow for continued collection of aggregated data.

We understand that resource gaps and fiscal restraints can limit activities of the BMP Verification Committee and that jurisdictions will need time to find the right balance between verifying existing and implementing new practices. We are concerned that without changes to Section 1619 implementation, new practices put on the ground as a result of the Phase III WIPs may not be reported, while existing practices already counted in the Bay Model will begin to expire if they are not verified. This could lead to future progress reports showing substantial decreases in BMP implementation. Not only would this be demoralizing for the myriad stakeholders in our region, it could also call in to question the integrity of the Bay Model and the efficacy of state and federal funding of the Bay Watershed programs.

Lastly, we ask that a speaker from the Chesapeake Bay Program join us for our next quarterly meeting in Baltimore, Maryland on May 22-23, 2019 to share the findings of the first BMP Verification Assessment. We also welcome your reports of further action related to Section 1619.



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Your attention to these matters is greatly appreciated and we look forward to hearing from you.

Sincerely,



Matt Ehrhart
Chair, Citizens Advisory Committee

Cc via email: Dana Aunkst, Director, EPA Chesapeake Bay Program
Jim Edward, Deputy Director, EPA Chesapeake Bay Program
Terrell Erickson, USDA NRCS Acting Regional Conservationist
Barry Frantz, Chesapeake Bay Coordinator, NRCS
Scott Phillips, Chesapeake Bay Coordinator, USGS
Kelly Shenk, Nutrient Coordinator, EPA Chesapeake Bay Program
Bay Program Management Board Signatory Representatives



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