

Agriculture Workgroup (AgWG)

Conference Call Summary

August 8, 2014

10:00 AM to 12:00 PM

ACTION & DECISIONS

DECISION: Agriculture Workgroup members approved the full [RI Panel Report](#), which was revised based on workgroup comments provided during the July 24th workgroup meeting.

DECISION: Based on the supermajority vote, the [proposed alternative language from the workgroup's agricultural BMP verification ad hoc team](#) will replace the existing language in the 7/28 verification guidance document regarding alternative strategies in the appropriate sections for each of the four BMP types.

DECISION: Workgroup members approved the complete [verification guidance](#) with the approved changes by consensus.

MINUTES

1. Welcome and Introductions

2. RI Technical Review Panel Recommendation Report

- Bob Ensor, Chair of the Resource Improvements Technical Review Panel, presented the panel's revised recommendations based on the Agriculture Workgroup's recommendations during the July 24 meeting. The package was approved by the Watershed Technical Workgroup yesterday.
 1. Re-title RI-1 Waste Storage Structure to Dry Waste Storage Structure.
 2. Add wording to RI-15 Rotational Grazing, Visual Indicator, Number 1 to say 75% perennial grass cover is maintained in all grazing areas through the appropriate use of fencing as needed and "Landowner has a plan for movement of animals to maintain appropriate forage cover."
 3. Changing and adding the wording in RI-2 Animal Compost Structure. Visual Indicator Number 5 change to The appropriate carbon source to animal carcass volume was utilized resulting in appropriate biological decomposition. Add a VI-6 The resulting product is utilized according to state and local regulations.
 - Roy Hoagland (Hope Impacts): Chris Brosch raised on 7/24 that visual observation was not sufficient for these RIs?
 - Chris Brosch (VT-VADCR): Comfortable with the changes
- John Rhoderick (AgWG Chair): The RI panel has addressed the changes as requested. Does anyone have any objections to approving this report today?
 - There were no objections.

- Rich Batiuk (EPA) noted that the basinwide verification guidance will reference this report. Thanks to the AgWG for approving this today.
- John thanked Bob Ensor, Dana York, and the technical review panel for their work.

DECISION: Agriculture Workgroup members approved the full [RI Panel Report](#), which revised based on workgroup comments provided during the July 24th workgroup meeting.

3. Agricultural BMP Draft Verification Guidance

- Batiuk: The BMP committee received the AgWG's 7/28 version of the verification guidance and the prologue of overarching issues. The committee felt that these three issues are separable from the full guidance and can be addressed individually.
 - **Less than 5% criteria issue.** The committee was supportive of the AgWG's request. This will be captured in the guidance.
 - **USDA's 5% verification gap.** The committee took this one step further based on feedback from partners and have strengthened the language regarding EPA working with all federal partners to improve verification (so that the jurisdictions are not burdened with this task). The 5% vs. 10% issue will be addressed by the panel.
 - **Independent review.** The 13 review panel members came up with definitions for independent review and external independent review. It was not their intent to exclude conservation districts from verification. They clarified that the person who installed or designed the bmp should not be the same person to verify it.
 - Steve Taglang (PA DEP): In a conservation district with only 1 person who is qualified to do this type of verification, they are also going to be assisting the farmer in writing the grant. The separation of an individual in some cases will be very difficult to achieve.
 - Mark Dubin (UMD): A state agency person is typically involved with checking, and this would qualify as independent review.
 - Taglang: PA is also concerned that most of our BMPs are NRCS practices, and PA would have difficulty verifying these, and will need help from the federal agencies.
- Mark reviewed the revised draft agricultural verification guidance documentation developed since the July 24 workgroup meeting. The ad hoc team developed two alternative paragraphs for the workgroup to consider prior to approving the full guidance document today.
- John asked if members from the ad hoc team would like to weigh in on the alternative language.
 - Hoagland: Feel that the 7/28 language better reflects the AgWG recommendations from 7/24. The ad hoc team's alternative language is more confusing than the 7/28 language. The 7/28 language talks about

exceptional circumstances for the use of the alternative rather than the use of the default. Request that someone in support of the alternative justify their opinion.

- Rhoderick: the new language suggests that states have the option to propose an alternative, and that it's not limited to exceptional circumstances.
- Chesapeake Bay Commission submitted minor edits to the ad hoc team's alternative language through AdobeConnect.
- Bevin Buchheister (CBC): What was the objection to "exceptional circumstances"?
- Brosch: The issue with exceptional circumstances was related to the ambiguity of what was meant by "exceptional". The alternative seemed to have good support from the workgroup because it was statistically based rather than the arbitrary 10%.
- Buchheister: Option 2 is then a little vague about what the alternative will be.
- Brosch: VA intends to use the TetraTech proposed approach.
- Hoagland: Note that the TetraTech alternative is not yet approved by AgWG.
- Kim Snell Zarcone (Conservation PA): The basis for "exceptional circumstances" as I wrote it was that there should be a default option and then a proposal to do something else. It doesn't make sense to have a "requirement" and then an alternative.
- Batiuk: Note that the exceptional circumstances language is not found in the other sector's guidance. The verification panel has agreed to the philosophy "aim high or explain why". Jurisdictions should adopt robust levels of verification guidance or explain in their quality assurance plans why they cannot. They will need to explain their legal or funding reasons why not. Jurisdictions still need to meet the 5 overarching principles of verification. The purpose is to allow alternative means of achieving verification.
- Hoagland: Recommend going back to the old language for "minimum expectations" rather than "default".
- VA concerned with tying it to the model runs. Concerned with the arbitrary 10% minimum and prefer the statistical approach.
- Batiuk: The AgWG has provided their "aim high" 10%, their alternative statistic approach, and their "explain why". The Verification Panel has said that there are multiple ways to get to the same point.
- Marel King (CBC): Agree that if a jurisdiction is not going to do one of the options provided, they will need to demonstrate how they are going to get there. Need to make clear that the rationale for alternative includes what the alternative is.

- Olivia Devereux: Recommend re-wording to “Any such alternative will be accompanied by documentation of the method and justification of the alternative.”
 - James Davis-Martin (VA DEQ): The AgWG’s options are captured under the 5 verification principles already.
 - Davis-Martin: One sector cannot be held to a different standard than others.
 - Hoagland: Equity did not require that the guidelines be exactly the same for every sector.
 - Lindsay Dodd (MASCD): Recommend additional edits in the second sentence of the CBC proposed alternative language.
- Dave Montali (WV): Note that the workgroup makes the recommendations. It’s up to the jurisdictions to submit their method. Rather than going into option #2, when the jurisdictions can already submit alternate approach, recommend making #2 a placeholder.
 - Davis-Martin: It is important to keep the ability to have multiple alternate approaches.
 - Bill Keeling (VA DEQ): If a confidence level is established in one sector, can it be applied to other sectors?
 - Hoagland: The science panel rejected this.
 - Robert Baldwin (DNREC): Recommend voting on the alternative language.
- Chair requested that the voting representatives identify themselves.
 - NY: Greg Albrecht
 - PA: Steve Taglang
 - DE: Robert Baldwin
 - MD: Jason Keppler
 - WV: Matt Monroe
 - VA: Chris Brosch
 - EPA: Kelly Shenk
 - CBC: Marel King
- Chair called for a vote on the language provided by CBC to insert into the document.
 - NY: does not support
 - PA: abstain
 - DE: does not support
 - MD: does not support
 - WV: does not support
 - VA: does not support
 - EPA: support
 - CBC: support
- There was not a supermajority and the proposal did not pass.
- VA requested a vote on the ad hoc team's alternative language proposal.
- Chair called for a vote on the proposed alternative language as it came out of the ad hoc committee.
 - NY: support

- PA: does not support
- DE: support
- MD: support
- WV: support
- VA: support
- EPA: support
- CBC: does not support
- Based on the supermajority vote, the proposed alternative language from the ad hoc team will replace the existing language in the document regarding alternative strategies in the four sections for each of the BMP types.
- Rhoderick: With the new language included in the verification guidance, the group is asked to approve the full guidance. Are there any objections to approving the guidance as a final document?
 - There were no objections.

DECISION: Based on the supermajority vote, the [proposed alternative language from the workgroup's agricultural BMP verification ad hoc team](#) will replace the existing language in the 7/28 verification guidance document regarding alternative strategies in the appropriate sections for each of the four BMP types.

DECISION: Workgroup members approved the complete [verification guidance](#) with the approved changes by consensus.

Adjourned

Participants

John Rhoderick (Co-Chair)	Maryland Department of Agriculture
Mark Dubin (Coordinator)	UMD
Marel King	Chesapeake Bay Commission
Emma Giese, Staff	Chesapeake Research Consortium
Kim Snell-Zarcone	Conservation Pennsylvania
Robert Baldwin	Delaware Department of Natural Resources and Environmental Control
Roy Hoagland	Hope Impacts
Robert Ensor	Howard County MD
Lindsay Dodd	Maryland Association of Soil Conservation Districts
Rachel Melvin	Maryland Department of Agriculture
Greg Albrecht	New York State Department of Agriculture and Markets
Steve Taglang	Pennsylvania Department of Environmental Protection
Ted Tesler	Pennsylvania Department of Environmental Protection
Kelly Shenk	U.S. EPA
Tim Sexton	Virginia Department of Conservation and Recreation
Chris Brosch	Virginia Tech/Virginia Department of Conservation and Recreation
Matt Monroe	West Virginia Department of Agriculture
Robin Pellicano	Maryland Department of the Environment
Bill Keeling	Virginia Department of Environmental Quality
James Davis-Martin	Virginia Department of Environmental Quality
Steve Dressing	TetraTech
Susan Marquart	NRCS
Jason Keppler	Maryland Department of Agriculture

Dave Montali
Bevin Buchheister
Rich Batiuk
Olivia Devereux

West Virginia
Chesapeake Bay Commission
U.S. EPA
Devereux Environmental Consulting

DRAFT