

DELIBERATIVE DRAFT

June 20th, 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,

We are writing to add our voice to the May 8, 2019 letter you received from the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council (CEC). As the representatives of the agriculture sector for the Chesapeake Bay Program, we want to ensure that you understand the gravity of the challenge that the Chesapeake Bay jurisdictions are facing regarding agricultural best management practice (BMP) verification. During the development of these state-specific BMP verification programs, it was expected that jurisdictions would be able to work collaboratively with federal partners to access specific data critical to identifying functioning BMPs in the watershed. As implementation of agricultural verification programs has expanded, some aspects of these programs have shown to be very successful. Unfortunately, tracking and subsequent verification of BMPs funded in-part, or in-whole, by the USDA-NRCS has been complicated by a recent reinterpretation of the Section 1619 privacy provisions of the Food, Conservation, and Energy Act (Farm Bill). As time goes on, the Chesapeake Bay watershed jurisdictions are losing confidence that they will be re-granted access to this critical federally-held information, most notably locational data.

As committed members of the CBP Agriculture Workgroup, we understand well that producer privacy is critical to the success of many of the federal programs supporting BMP implementation and technical assistance (TA), however it is exceptionally difficult for states to locate and verify a number of agricultural BMPs without the assistance of our federal partners. Without this assistance, we struggle to maintain and

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build on the progress we have made towards our target load allocations. Some jurisdictions' water quality monitoring data confirms that nutrient and sediment reductions have been made over the past several years. A loss of credit for still-functioning BMPs that influenced those reductions will result in a skewed picture of progress and will send a poor message to the public, especially to those producers who have spent millions of dollars out of their pockets to implement the practices.

States are committed to tracking and reporting agricultural BMPs now and into the future to the extent that time and resources allow. As we draft this letter, some jurisdictions have already lost nutrient and sediment reduction credit for BMPs that are most likely still in place and functioning as originally intended. We are seeking the opportunity to verify if this is actually the case. Moving forward we hope there is opportunity to come together and find feasible solutions to this challenge. We wholeheartedly endorse the suggested actions laid-out by CAC in their [recent letter](#):

1. Convening of a working group of representative technical, scientific and legal experts in EPA, USDA, the watershed states and Bay Program partners and
2. The renewal and broadening of the USGS-USDA data collection cooperative agreement when it expires in 2020.

Thank you for your time and consideration.

Sincerely,

Matt Monroe

Vice-Chair, Chesapeake Bay Program Agriculture Workgroup

Cc: Jason Keppler, Chair

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