

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WEST VIRGINIA CONSERVATION AGENCY
AND
USDA NATURAL RESOURCES CONSERVATION SERVICE
February 3, 2012**

BACKGROUND:

West Virginia is one of six states and the District of Columbia that is subject to the Chesapeake Bay TMDL. This TMDL calls for reductions in nutrients and sediment to attain specific cap loads. Contributing sources include wastewater treatment plants, agriculture, urban stormwater, and septic systems. Reductions from agriculture in the Potomac drainage are required and West Virginia is working to both install best management practices (BMPs) where needed but also to accurately account for existing BMPs on the ground. In order for West Virginia and our farmers to obtain full credit for agricultural BMPs that are in place, it is necessary for West Virginia to be able to document and verify these practices.

PURPOSE:

This MOU will outline the needs, processes, and resources for WVCA and NRCS to work cooperatively to obtain specific information on animal waste management and mortality disposal systems* installed on West Virginia farms in the Potomac drainage. This information will be aggregated at the county level and reported to the Chesapeake Bay Program to ensure West Virginia is receiving full credit for installed BMPs.

RESPONSIBILITIES OF THE PARTIES:

WVCA WILL:

1. Provide staff to work in local NRCS field offices to obtain the following information on animal waste management systems (AWMS) and mortality disposal systems (MDS) in the 8 counties of the Potomac drainage
 - a. Type of AWMS and MDS – poultry, dairy, beef
 - b. Number of animals for which the facility was built
 - c. Date installed
 - d. County
2. Collect data on animal waste management and mortality disposal systems installed under both the PL-534 program and EQIP (1996 – present).
3. Adequately aggregate the data to the county level to ensure the privacy of all producers is protected and abide by the requirements of the agreement currently in place between WVCA and NRCS concerning Section 1619 of the 2008 Farm Bill.

***Should only be poultry composters and incinerators**

Schedule field office visits to accommodate local NRCS staff.

NRCS WILL:

1. Notify field offices of project and request cooperation at the local level.
2. Provide access to computer systems and paper files as necessary for WVCA to obtain the data.
3. Provide initial guidance to WVCA staff on NRCS systems and files.

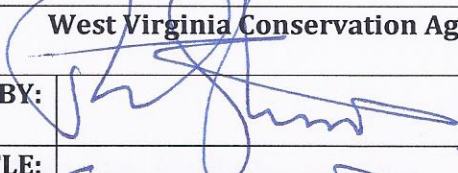
IT IS MUTUALLY AGREED THAT:

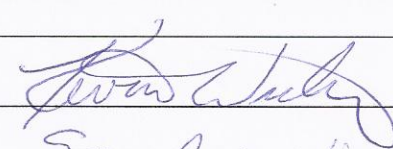
1. This MOU is effective on the date of final signature and shall continue in force for one year (March 1, 2013).
2. This MOU does not obligate funding. Nothing in this MOU shall obligate either the WVCA or NRCS to transfer any funds. Specific projects or activities that involve the transfer of funds, services, or property among the parties require execution of separate agreements and are contingent upon the availability of appropriated funds.
3. Any costs incurred by either party in implementing this MOU are the responsibility of that party.
4. This MOU may be modified by amendment duly executed by authorized officials of the WVCA and the NRCS.
5. This MOU may be terminated by either party hereto by written notice to the other party at least 30 calendar days in advance of the effective date of the termination.
6. The parties will each assume responsibility for the actions of their officials or employees acting within the scope of their employment to the extent provided by Federal and State law.
7. Employees of the WVCA or their agents shall not be considered as being federal employees or agents of the United States for any purpose whatsoever under this MOU. NRCS liability is limited to that which is covered under the Federal Tort Claims Act.
8. Any materials produced or published through this MOU will indicate that they were accomplished in cooperation between WVCA and USDA- Natural Resources Conservation Service.

PROJECT SCHEDULE:

May 1, 2012 Data collection in local field offices begins
September 30, 2012 Data collection is finalized

SIGNATURES:

West Virginia Conservation Agency	
BY:	
TITLE:	Executive Director
DATE:	2/21/2012

United States Department of Agriculture Natural Resources Conservation Service	
BY:	
TITLE:	STATE Conservationist
DATE:	3/1/2012

