

United States Department of Agriculture



Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

Phone Number (651) 602-7900  
Fax Number (651) 602-7914

---

June 27, 2012

David J. Frederickson  
Commissioner of Agriculture  
625 Robert Street North  
St. Paul, MN 55155

Dear Commissioner Frederickson:

The Minnesota State Technical Committee Subcommittee (MSTCS) wishes to thank you for the opportunity to respond to the questions you forwarded concerning the development and implementation of the Minnesota Agricultural Water Quality Certification Program (MAWQCP).

We have completed our work and respectfully submit our responses for your consideration as you work with the Advisory Task Force to develop MAWQCP.

The MSTCS wishes to reaffirm the need for the program to remain voluntary and look forward to successful implementation reaffirming agricultures desire to be a strong partner in conservation efforts across the great State of Minnesota.

A handwritten signature in black ink that reads "Don A. Baloun".

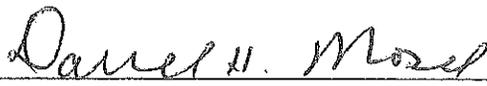
DON BALOUN  
State Conservationist  
NRCS

A handwritten signature in black ink that reads "Warren Formo".

WARREN FORMO  
Executive Director  
Minnesota Ag Water Resource Center

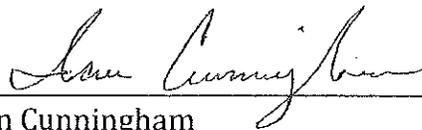
MSTC Certainty Subcommittee Signature Page

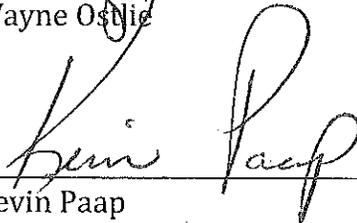
  
\_\_\_\_\_  
Don Baloun

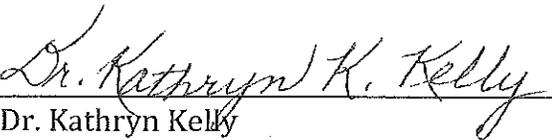
  
\_\_\_\_\_  
Darrel Mosel

  
\_\_\_\_\_  
Warren Formo

  
\_\_\_\_\_  
Wayne Ostie

  
\_\_\_\_\_  
Ian Cunningham

  
\_\_\_\_\_  
Kevin Paap

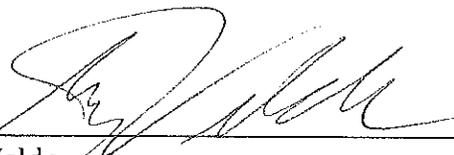
  
\_\_\_\_\_  
Dr. Kathryn Kelly

  
\_\_\_\_\_  
Cal Spronk

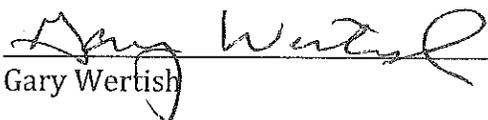
  
\_\_\_\_\_  
Bob Lefebvre

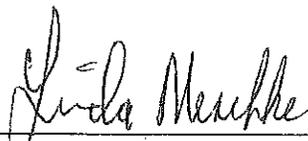
  
\_\_\_\_\_  
Chuck Uphoff

  
\_\_\_\_\_  
David Legvold

  
\_\_\_\_\_  
Tim Velde

  
\_\_\_\_\_  
Riley Maanum

  
\_\_\_\_\_  
Gary Wertish

  
\_\_\_\_\_  
Linda Meschke

**MSTC Subcommittee Responses to Commissioner Frederickson's Questions**  
**June 22, 2012**

**1. *How should the State implement this program and what timeline would best integrate with federal funding cycles?***

- The MN Agricultural Water Quality Certification Program (MAWQCP) must remain voluntary.

**a. Does the subcommittee recommend a statewide or piloted watershed approach?**

- The MSTC Subcommittee (MSTCS) recommended with unanimous consensus that the MAWQCP should implement the program with a piloted watershed approach.

**b. If piloted, are there specific watershed recommendations?**

- The MSTCS recommends that criteria be established when identifying watersheds. Consider the following:
  - The pilots should reflect diversity of land uses to include cropland, livestock and forestry.
  - Histories of established partnerships present to ensure success, including Ag leadership.
  - Demonstrated abilities of partners to work across county/political boundaries to successfully implement a watershed based initiative.
  - Demonstrated participation levels in a previous (similar) initiative/program.
  - Demonstrated partnership efforts with a targeted educational component of a similar initiative/program.
  - Evaluation of the pilot watersheds should occur to determine if program modifications are needed or to determine if the program needs to be terminated.
  - The evaluation process should include participant and stakeholder feedback.

**c. Where do we pilot? What watersheds?**

- The MSTCS has consensus in recommending we pilot in no more than three (3) watersheds, where we have the best responses to the criteria identified in 1 (b) above.

**Timeline-** the best opportunity for coordination with federal programs would be to start MAWQCP implementation by October 1 of each year.

**2. *What "value" should the program provide to producers?***

**a. How can the program provide value to farmers and ranchers?**

- Consider providing additional incentives to participants for outstanding participation within a watershed.
- MAWQCP must give producers assurance that as long as they adopt the best available science (FOTG standards), they are meeting the State water quality concerns.
- Participants would receive priority for conservation plan development, including higher eligibility and ranking for funding of implementation of the plan.

- Participants should be eligible to receive added incentives for practices that improve their operation if they're enrolled in the program.
- Participants should be recognized and identified as environmentally sound producers from both the public and private sectors.
- Participants should be exempted from water quality permitting and reporting requirements.

**b. Are there additional incentives that might be used to encourage participation?**

- All producers should have access to targeted educational programs.
- Participants should receive recognition from the private sector, in particular Ag lenders, co-ops, etc.

**c. What value or assurances does the program provide to the public?**

- Certification that farmland is being managed responsibly to improve water quality.
- Improved knowledge of the extent to which the best available science is being implemented.
- A better understanding of agricultural production systems.
- Improved water quality.

**3. How can the State develop an effective technical assistance and verification process?**

**a. What are the potential advantages and/or limitations of having third party certifiers' work with farmers to develop approved conservation plans?**

The MSTC Subcommittee (MSTCS) recommends that the conservation planning and certification of the conservation plans within the MN Agricultural Water Quality Certification Program (MAWQCP) function as two separate responsibilities. The conservation plans should not be written by the same individual that is responsible to certify if the conservation plan is in compliance with MAWQCP. In addition the Committee makes the following recommendations:

- All third party certifiers/verifiers should be certified or licensed by MDA.
- Certifiers should not have a vested interest in the land or participant.
- MDA should consider qualifications similar to the USDA, NRCS Technical Service Provider requirements.
- MDA should consider/develop minimum criteria/educational credits to qualify an individual to complete conservation plans for the program.
- Conservation planners could be certified by utilizing the current NRCS requirements to become a certified planner.
- The Committee makes a recommendation to MDA to have a process in place to evaluate/spot check work performed by all certifiers to maintain as much consistency as possible.

**b. What are the potential advantages and/or limitations of the current NRCS approach to Technical Service Providers [TSP's] for the certification program?**

**Advantages:**

- The current TSP approach provides credibility, integrity and transparency.
- Existing programs provide a base from which to begin accelerated conservation planning.

**Limitations:**

- The current process can be cumbersome.
- The current delivery system lacks the trained staff to meet this programs conservation planning need if its' potential is realized.

**c. How might available funds be used to provide technical support for preparing conservation plans from both TSP's and other qualified technical professionals?**

- MDA should consider the development of incentives for participation such as property tax credits.
- MDA/Task Force will need to consider the cost for certifiers providing the service. Examples that should be researched/discussed are the Pork Quality Assurance Plus Program and the Livestock Environmental Quality Assurance Program (LEQA-Dairy).

**4. How can the State of Minnesota effectively and efficiently integrate current state and federal conservation delivery expertise to ensure successful implementation of this program?**

**a. How should a state certification program integrate or build upon current NRCS guidance for conservation plans?**

- MDA needs to make certain that the MAWQCP procedures are consistently implemented from all providers.
- MDA needs to consider the role of NRCS and SWCD's as program neutral conservation planners.
- The NRCS conservation planning certification program or a similar process should be considered for MAWQCP.

**b. What are the strengths, concerns and limitations in the current approach to conservation plans?**

**Strengths:**

- The process is comprehensive and has national credibility.
- The process is implemented with NRCS, SWCD's and TSP's so the infrastructure is in place.
- Would not require costs/staff time to implement a new process and would provide the best opportunity of NRCS/SWCD's staff to participate in the program.

**Concerns/Limitations:**

- NRCS "9 steps to planning" and module training courses may be too cumbersome to some private sector providers to participate as conservation planners.
- Need to make certain the plans developed are useful and integrated to the individual operations.
- Need to make certain the final conservation planning product is something that can be verified as being actively implemented within the lifespan of MAWQCP.
- Some conservation offices have taken different approaches to building farmer relations and this could limit farmer participation.
- The public and some of the agricultural sectors have inadequate awareness and appreciation of the values of a conservation plan.

**c. How can the process be streamlined to reduce the cost of developing a good conservation plan?**

- Need to strengthen partnerships between NRCS, SWCD's and private sector planners.
- Need statewide process developed to maximize the efficiency of training all planners.
- Need an agreed upon statewide definition of a conservation plan.
- Need to utilize watershed pilots to capture the "lessons learned" from implementation.

**d. How effective is the current process for integrating state-recommended agricultural practices into the NRCS conservation plans and how can the current process be improved?**

- The FOTG conservation practices standards are well known.
- BWSR and NRCS implement the current process in the development of producer led, program neutral conservation plans.
- Need to implement a statewide process (to include MAWQCP) for identifying when and if flexibility (waivers) is needed within any of the specific conservation practice standards.
- BWSR is currently looking at the Standard Oversight Council (SOC) which is a process that Wisconsin developed to have a transparent process statewide.
- Must have staff capacity to adequately meet the potential demand for program participation.
- The voluntary program must be funded adequately.

**e. What tool can be developed to implement MAWQCP?**

- The subcommittee supports a tool similar to the Conservation Measurement Tool (CMT) utilized by NRCS for implementation of the Conservation Stewardship Program (CStP). The tool selected should contain the following attributes:
  - Tool must adequately assess water quality benefits;
  - Must have flexibility to meet the wide realm of MN producer needs;
  - Must identify a "threshold" score for minimum program participation;
  - Must be farm size neutral;
  - Must be land use neutral and capture all of the land uses present on a given participants application;
  - Must reduce the monitoring/measurement/modeling costs of program implementation;
  - Must integrate water quality resource concerns present on participating operations;
  - Must capture/identify the required conservation practices to meet the State water quality laws/rules;
  - Must be science based and capture all the physical effects;
  - Must capture/measure progress to assist with the validation of the participants conservation plan;
  - Adequate staffing will be required to make the selected tool effective.

**5. How should the certification program be structured to best integrate state and federal expertise and funding?**

- The MSTCS has unanimous consensus that the MAWQCP Advisory Committee should strongly recommend that Local, State, Federal and Private funding be targeted to the selected watersheds to ensure adequate resources are available for all participants that wish to voluntarily participate.
- MAWQCP must leverage Clean Water Funds or other State funding sources.

**a. Does the subcommittee have recommendations on how the program practice criteria be developed?**

- MDA should consider working with BWSR/NRCS to look at Standards Oversight Council (SOC) or a SOC like process for MN.
- Selected process must include farmers to review and "litmus test" the practice standards for practicality of implementation on the farm.
- MDA/State Agencies/NRCS must fund the support process agreed upon for development and maintenance of the conservation practice standards/FOTG.