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#### **Re: National Water Quality Initiative**

Dear Ms. Best-Wong & Mr. Weller:

The Association of Clean Water Administrators (ACWA) wishes to applaud the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) for the leadership and partnership in establishing the National Water Quality Initiative (NWQI). This groundbreaking initiative provides an essential framework for many state offices to implement a concentration of conservation systems in high priority watersheds, with a focus on addressing agricultural contributions to impairments, and the ultimate goal of the removal of waters from the Clean Water Act 303(d) list or adequately addressing a TMDL implementation plan. The majority of state water quality programs have identified high priority watersheds in need of restoration and developed restoration plans, but securing adequate resources to implement these plans has been an ongoing challenge. The NWQI provides an opportunity to make strides towards increasing implementation of a watershed based plan, and to monitor the effectiveness of the efforts.

As the association serving state surface water quality agencies, ACWA's mission is to serve as the national voice for state surface water quality program concerns, interests and priorities. With the NWQI being a new partnership between USDA and EPA and one of high priority, ACWA gathered feedback from states on their experiences with NWQI. Overall the feedback on states' NWQI experiences was very positive. The state feedback provides valuable insights into some areas for improvement that could strengthen partnerships that will further NWQI's early success. Below we have shared some of the key highlights from input provided by Clean Water Act § 319 (Section 319) program coordinators

representing 26 states. We hope this letter will launch follow-up discussions with EPA, NRCS and states on the recommendations we provide and ways that all partners can continue to strengthen these relationships to ensure lasting success.

## **Discussion**

The overall success of the initiative, as experienced collectively by many states, includes significantly increased coordination and communication between NRCS and the state water quality agency. The majority of respondents reported that the NWQI relationship between the state and NRCS is working and productive. Several states reported that the watershed selection process was very well coordinated and resulted in relationship building and general awareness among both NRCS and the state water quality agency regarding each agency's goals, programs, and areas where collaboration can be achieved. However, a hand full of states expressed dissatisfaction with NWQI coordination efforts in this early stage of the initiative. For the initiative to be successful at the national scale, we encourage USDA-NRCS and EPA to identify and work with states to address the barriers to a productive relationship.

ACWA is pleased to report that some NRCS/state partnerships have expanded as result of the increased communication and relationship building surrounding the NWQI efforts. Specifically, a few states reported having prioritized other sub-watersheds for partnerships with NRCS similar to NWQI. Other states reported on collaborating with NRCS on other grant or funding opportunities. Increased communication and collaboration stemming from the initiative has started conversations about employee sharing. Some states reported that the memorandum of understanding (MOU) and required monitoring are also assisting with building relationships between multiple agencies, as well as continuing open dialogue between NRCS and the state. Overall, many states reported NRCS has demonstrated excellent cooperation and a strong desire to achieve the NWQI goals.

The majority of states reported flexibility to add or change watersheds that meet the justification requirements. Three-quarters of the state respondents that desired to add or change watersheds indicated they were able to switch sub-watersheds upon request without much difficulty. However some state water quality agencies indicated that the NRCS state office discouraged requests for a watershed change. ACWA recognizes that NRCS may have valid concerns with such changes, and encourages enhanced NRCS /state communication on those obstacles.

Nearly three-quarters of state respondents reported that the conservation actions are appropriate for their region and the target pollutants, but a few exceptions were noted. Some states identified terraces with outlets and agrichemical holding facilities as eligible practices that may not adequately address their targeted pollutants. Conversely, some states expressed a desire for an increase in wetlands, riparian, stream restoration, filters, and buffer practices as these practices were the most effective in addressing targeted pollutants.

Some states experienced challenges associated with the timing of the NWQI bulletin. In FY14, the national NWQI bulletin was released in late December, 2013. This was earlier than in FY13, and greatly appreciated by states. Some states commented that state NRCS receipt of the bulletin

as early as possible in the fiscal year is critically important to future NWQI success. In some instances, when the bulletin is issued later in the fiscal year, landowners elect to sign up under the general Environmental Quality Incentives Program (EQIP) contract as opposed to the NWQI because of EQIP's immediate accessibility and perception of greater certainty. This contributes to a state's inability to utilize all of the available NWQI resources. Furthermore, some states commented that NRCS offices are hesitant to sign up landowners for the NWQI without the bulletin due to a lack of understanding of the specific requirements of this new program and because the longevity of the initiative is uncertain.

About half of the states reported that their state is utilizing all or most of the eligible EQIP funds for the initiative. The other half reported being unable to utilize all the NWQI funding, with few states reporting an inability to execute any contracts under the initiative. State water quality agencies cited the following two primary perceived reasons for an inability to use most of the initiative resources: 1) the aforementioned timing of the bulletin; and 2) the challenge of educating landowners about the initiative or enticing them to participate.

### **Recommendations:**

1. Increase awareness with state water quality agencies and state NRCS offices on NWQI's continuous sign-up process, and that development of a conservation plan is not a pre-requisite, but rather a part of the process.
2. Expressly clarify the types of data that NRCS will make available to state water quality agencies, and explain the process that can be used by state water quality agencies and NRCS offices for sharing data as part of a MOU, including clarity on language designating states as "conservation cooperators" in order to be eligible to receive geo-referenced data through an MOU.
3. Encourage state water quality agencies to increase partnering and/or resource sharing with NRCS local offices, Conservation Districts and/or Watershed Coordinators to help educate landowners about the initiative or to provide the necessary technical assistance for the initiative (including third party certification as Technical Service Providers). Some states reported using Section 319 resources for outreach, and partnering with NRCS, Soil and Water Conservation Districts/County Conservation Districts or Watershed Coordinators to inform landowners about the program.
4. Many states report agreement with staying the course of the NWQI. However, in certain circumstances waivers to change or add watersheds are warranted. As mentioned above, while the majority of states' efforts to add or change watersheds have been successful and positive, a few states have reported difficulty. NRCS HQ should clarify the waiver process for NRCS state offices and state water quality agencies, so that is clear when waiver opportunities are available and warranted.
5. Identify a process by which state water quality agencies and state NRCS offices could bring questions and issues needing clarification that may arise to EPA and NRCS

Headquarters for resolution. This could ensure greater national consistency in NWQI implementation and could assist with potentially developing a Q & A document that all states could use as a resource to guide the process in the future. Designate a NWQI intermediary at both NRCS HQ and EPA HQ to address issues and clarifying questions that may arise between state water quality agencies and NRCS state offices. The two intermediaries could consult on a case-by-case basis.

6. ACWA recognizes that EPA plays a critical role providing guidance to states on implementing the requisite monitoring in NWQI Watersheds. States desire further clarification on how all the monitoring mechanisms will be utilized by EPA and NRCS to evaluate success of the initiative. For example, how the in-stream monitoring results will be used to evaluate the NWQI. State water quality agencies should be involved in shaping how the monitoring results will be used and reported. In-stream monitoring should be considered long-term (7-10+ years), however, there could be interim measures, such as data collected from edge of field monitoring or pour points.

On behalf of ACWA, thank you for your work on the NWQI and continued commitment to this program. We look forward to further discussion on these recommendations for continued success and improvements of this initiative. Please contact ACWA Executive Director Julia Anastasio at [janastasio@acwa-us.org](mailto:janastasio@acwa-us.org) or (202) 756-0600 ext. 1 with any questions.



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