

MAWQCP Procedure for Certifying Producer October 2015

1. Sign application form signifying formal intent to pursue certification.
 - A. Designates signatory as having MAWQCP Applicant status and eligible to receive technical and financial assistance from Certification-dedicated sources (NRCS EQIP, BWSR, local incentives, etc.)
 - B. Provides for self-verification of compliance with all applicable current law and regulations. Where producer identifies compliance is not known or not in place, producer is to be provided assistance in establishing compliance via technical assistance from applicable agencies and their representatives, and/or any potential financial assistance that may also be accessible. Applicant has until the time of the final certification to confirm self- verification of compliance.
2. Conduct assessments with assessment tool for each parcel/each crop within producer's operation.¹ (See Technical Guide to the Minnesota Agricultural Water Quality Certification Program Assessment Tool.)
 - A. May constitute some or all of:
 - 1) Determination of, or adjustment in, parcel designations (i.e. combine multiple fields, sub- divide single fields, etc.) for purposes of assessing all land within a producer's operation and control.
 - 2) Determine if existing or preferred management and practices on each parcel achieve 8.5 or higher with assessment tool for each crop anticipated on the parcel in a 10 year time frame.
 - 3) Determine management and practices (nutrient management, tillage management, pesticide management, irrigation management, drainage management, and conservation practices) that producer will commit to on each parcel for each crop.
 - 4) Determination to include site visit verification for appropriateness of management commitments, placement of appropriate practices, and identify problematic conditions not previously known (e.g. eroded gully, poor silage storage, etc.)
3. Achieve assessment score of 8.5 or higher for each parcel/each crop with satisfactory on-site verification.
 - A. Are new conservation practices or repairs/modifications to existing practices needed to meet certification requirements?
NO: Proceed to formal Certification agreement process Item #5 YES: Proceed to technical and financial assistance process Item #4

¹ MINNESOTA STATUTES 2013 17.9894 Subd. 4. Effective control. "Effective control" means possession of land by ownership, written lease, or other legal agreement and authority to act as decision-maker for the day-to-day management of the operation at the time the producer achieves certification and for the required certification period.

4. Producer to work with their SWCD/NRCS/Watershed District or a private engineer/consultant to develop a conservation plan and/or designs for practices to fulfill commitments made in assessment process.
5. Conduct formal Certification agreement process.
 - A. Designee of MDA serving as official Certifying Agent² confirms the validity of producer commitments on the assessment tool for each parcel/each crop in the producer's entire operation (assessment tool saves final records and produces summary report for each parcel/each crop in producer's entire operation).
 - B. Certifying Agent performs a review of the assessment and on-site verification of all parcels in the producer's operation, confirming appropriateness of management and practices committed to and the absence of any other problematic conditions.
 - C. Certifying Agent completes formal Certification agreement with producer:
 - 1) Attach assessment tool reports for each parcel/each crop.
 - 2) Attach application form verifying self-certification of compliance with all applicable current law and regulations, or materials verifying subsequent compliance to all applicable current law and regulations producer was not in compliance with at time of initial application.
 - 3) If certification is contingent on the producer implementing new conservation practices or modifying existing practices, Certifying Agent will:
 - a) Document the location of the practice on a map as well as the appropriate summary reports for the impacted parcels. Documentation will include the practice, planned amount, planned implementation date and a source of financial assistance if applicable.
 - b) Flag the Certification agreement for a scheduled audit³ to verify the completion of the practice to which the producer has committed.
6. Inform producer that all data is private by law and that status of the producer as MAWQCP-certified cannot be publicly revealed unless Informed Consent form is signed for MDA.
 - A. Producer may sign Informed Consent form and MDA and local personnel may legally identify the producer by name or location as MAWQCP certified, or
 - B. Producer may choose to not sign Informed Consent form and no one--other than the producer— may ever identify the producer as MAWQCP certified or provide any identity or location data obtained through the certification process to anyone at any time.
7. Provide entire packet in hard copy and as final electronic records⁴ to Minnesota Commissioner of Agriculture for signature and official designation of producer as MAWQCP certified.

² MINNESOTA STATUTES 2013 17.9894 CERTIFYING AGENT LICENSE. Subdivision 1. License. A person who offers certification services to producers as part of the program must satisfy all criteria in subdivision 2 and be licensed by the commissioner. A certifying agent is ineligible to provide certification services to any producer to whom the certifying agent has also provided technical assistance.

³ MINNESOTA STATUTES 2013 17.9898 AUDITS. The commissioner shall perform random audits of producers and certifying agents to ensure compliance with the program. All producers and certifying agents shall cooperate with the commissioner during these audits, and provide all relevant documents to the commissioner for inspection and copying. Any delay, obstruction, or refusal to cooperate with the commissioner's audit or falsification of or failure to provide required data or information is a violation subject to the provisions of section 17.9895, subdivision 2, or 17.9896, subdivision 4.

⁴ MINNESOTA STATUTES 2013 17.9899 DATA. All data collected under the program that identifies a producer or a producer's location are considered nonpublic data as defined in section 13.02, subdivision 9, or private data on individuals as defined in section 13.02, subdivision 12. The commissioner shall make available summary data of program outcomes on data classified as private or nonpublic under this section.