



State of West Virginia
DEPARTMENT OF AGRICULTURE
Gus R. Douglass, Commissioner

Janet L. Fisher
Deputy Commissioner

Steve Hannah
Deputy Commissioner

April 21, 2006

Stephanie Timmermeyer
Secretary, WV Dept. of Environmental Protection
601 57th Street
Charleston, WV 25304

Dear Secretary Timmermeyer,

As a member of the Nutrient Criteria Committee (NCC), which was originally established by the Environmental Quality Board, the West Virginia Department of Agriculture (WVDA) has been actively involved in all aspects of development of nutrient criteria for West Virginia's lakes. As the NCC did not reach consensus on nutrient criteria as of its last regularly scheduled meeting, the WVDA looked at positions put forth by several members of the NCC. We are mostly in agreement with the position paper recently developed by the Coal Association, but differ on a few points. The attached document outlines the WVDA's final recommendations regarding nutrient criteria for West Virginia Lakes

Sincerely,

A handwritten signature in black ink, appearing to read "J. Matthew Monroe".

J. Matthew Monroe
Environmental Coordinator
WVDA

Recommendations for Developing Nutrient Criteria for West Virginia Lakes

Submitted by the West Virginia Department of Agriculture

(in reference to the Coal Association's position paper)

- We AGREE that West Virginia should not use EPA's reference based method as USEPA's eco-regional data set is not representative of the conditions found in West Virginia
- We AGREE that the statistical relationships calculated by the Rivers Coalition and Coal Association were very weak and would not be appropriate (on their own) for selecting nutrient criteria
- We AGREE that West Virginia should not use the Trophic State Index as it is not applicable to West Virginia's man-made impoundments
- We AGREE with West Virginia using applicable scientific literature such as the VAAC document mentioned in the Coal Association report
- We AGREE with the EPA definition of lakes as, "natural and artificial impoundments with a surface area greater than 10 acres and a mean water residence time of 14 or more days" as appropriate for use in West Virginia
- We AGREE that Mount Storm Lake and Beech Fork Lake "do not accurately represent typical lake conditions" and should not be included in the definition of lakes subject to nutrient criteria
- **We AGREE that West Virginia should not set coldwater criteria**
- **We STRONGLY RECOMMEND AGAINST setting coolwater criteria (at this time)** due to insufficient data and research. As the NCC has worked on nutrient criteria for West Virginia lakes for approximately 4 years, the group has only discussed the coolwater classification in the last couple of months. While classifying lakes into warmwater and coolwater may be a valid discussion, it would be entirely inappropriate to set criteria at this time based on very little knowledge of how it might affect West Virginia lakes. Coolwater fisheries are important to the State, however, the WVDA recommends a minimum of a 2 year study before decisions are made that may reduce productivity thus negatively impacting the warmwater fisheries in these lakes
- **While we consider the data very inadequate to base a strong decision on, the WVDA recommends setting an average TP value of no less than 50µg/L for category B and C lakes in West Virginia**

- **WVDA recommends setting the 90th percentile chlorophyll-a between 35-60µg/L for category B and C lakes**
- We AGREE that Secchi depth and Nitrogen should not be recommended as appropriate criterion for West Virginia's lakes
- We AGREE that the effects of nutrient enrichment are not acute in nature, therefore, only chronic criteria are recommended
- We AGREE with the criteria implementation that is outlined in the Coal Association document such as a minimum of 4 samples collected over the growing season (April to October) in the hypolimnion with multiple samples in a day averaged into a single result
- We AGREE that chlorophyll-a criteria should not be used for permitting purposes, rather only for assessment purposes