

Summary of the CBP Partnership's BMP Verification Review Panel Feedback to the Six Sector Workgroup on their Verification Guidance Documents During the April 1, 2014 Panel Meeting

Overall

- Curt Dell: We might need an overall statement about a sufficient 80% confidence level, or some other threshold across the sectors, not just for agriculture.
- Rebecca Hanmer: Suggest establishing or defining a high level of rigor for the most important practices and a lower level of rigor for those practices which are not contributing significantly to a jurisdiction's WIP implementation.
- Curt Dell: Option 2 for semi-regulated BMPs in the Urban Stormwater Workgroup's draft guidance is the only place in any of the full suite of draft guidance to provide specific text on statistical sub-sampling. Maybe the Panel should come up with an umbrella statement or something to apply across sectors on this issue.
- Gerel: Given the guidance documents followed different formats and structures, can't easily see whether the workgroups have actually provided guidance on all the different elements of the checklist. [**Workgroups:** Please double check that your verification guidance provides guidance/recommendations to the jurisdictions for addressing all the elements within the Table 11. State Protocol Components Checklist (on pages 91-93 in the February 2014 draft basinwide verification framework document).

Agriculture

Feedback from April 1st meeting

- Mike Gerel: Latest version was an improvement, but there is still a lot to be done.
 - Would like to see something along the lines of the Wastewater Treatment Workgroup's on-site systems guidance, which says here is what exists now, and here are minimum expectations for verification. The minimums would help establish the desired confidence thresholds. The Agriculture Workgroup's guidance should address the frequency of inspections, number of inspections, viable types of verification methods, the type of data that would be made publically accessible, etc.
 - Footnotes might help in the matrix. Would hope that the matrix would prove readily useful for the states. Is there some value to breaking down the categories into types and provide narrative or concrete examples? All of this is governed by the level of prescription that we want to provide. Lean a bit more toward more prescription in this source sector given the lack of strong regulatory overlay seen in the wastewater and stormwater source sectors. In cases where data reporting or verification may be limited due to privacy concerns, then perhaps a certified third party could provide verification and confidence.
- Rebecca Hanmer: Focus on the narrative guidance and stop working on the matrix. The current narrative is missing some of the perspective that is in other sectors' guidance, such as what is working, what is not working, what can be improved, etc. The guidance is not just for the agricultural community but for the interested public as well, so it is important to provide this perspective. The Panel asked for robust verification, especially in the case of practices that account for the greatest reductions. Suggest that the Agriculture Workgroup gives examples of robust verification for these practices that are most intense.

- Dan Zimmerman: Suggest looking at other programs or possible coalitions (e.g. preservation programs) so that the burden doesn't completely fall on understaffed conservation districts. In Lancaster County, roughly 25% of the farms are preserved. Preserved farms are inspected every two years.
- Tim Gieseke: There is a very fine line between some practices currently placed in separate categories. See "structural practices" and "cultural practices" as a way to separate out BMPs for purposes of verification. "Cultural practices" covers anything that is not structural, such as cover crops and nutrient management. A plan is entirely different than an activity. Perhaps the activity or the outcome should be credited, not the plan. Would reduce the matrix and categories to cultural and structural, since it splits hairs too closely with the current four categories.
- Curt Dell: Maybe some of the rows can be removed or maybe combine the matrices somehow.
- Tom Simpson: Think the matrix was born "in the weeds" and stayed there. Suggest having three categories: structural, implemented plans, and non-structural practices. Also, the guidance should answer the question: "what is the minimum that I need to know to have confidence enough to verify implementation?" We might know that states are doing more, but it could be better documented.
 - Keep it simple. Look at existing programs, determine if they achieve the minimum requirements, and identify potential gaps.
- Mike Gerel: The bottom line should be that first "there" verification must occur to ensure the practice was installed. Whatever the driver or verification method for that "there" to be established, it should be documented and explained in the state's protocol.
 - If all state and federal cost-shared practices are verified when installed, then that should be stated up front in the guidance. Right now that is not clear in the document. The majority of what we have been talking about is what comes after or next, such as spot checks and validation.
- Rebecca Hanmer: Suggest establishing or defining a high level of rigor for the most important practices and a lower level of rigor for those practices which are not contributing significantly to a jurisdiction's WIP implementation.

Streams

- Panel comments made during the April 1st Panel meeting were all answered by Bill so the Panel had not requests for any specific changes to be made as a result of that discussion.

Wetlands

- Provide non-Maryland examples in the guidance.
- Clarify overlap among the sectors where wetland-type projects are implemented (work already in progress).

Forestry

- On page 42, number 5 [Appendix K] improvements on reporting are suggested, but not clear what those specific improvements are. If majority of harvesting is on private lands, what is the authority for states to require or verify these forest harvesting BMPs? [Sally answered this question, but perhaps the section needs some clarifying language]

- Mike Gerel: Does the workgroup need to be more prescriptive? Did we need to establish a minimum threshold for verification, particularly in the case of different federal programs having different requirements.
 - Sally Claggett: Might be an easy fix that if the states vary significantly from the guidance, then they should explain their reasoning.
- The guidance describes “process improvement,” not “adaptive management.”

Stormwater

Comments from April 1st

- Concerns from multiple Panel members about option 3 for non-MS4 areas. The guidance states the results can only be applied to “comparable and adjacent non-MS4s in their portion of the Chesapeake Bay watershed,” but perhaps this can be more clearly defined.
- Dianna Hogan: Minor edits to “adaptive management” section. Would call it “improvement in identifying locations for retrofits and restoration projects.” [See written comments below].

Written comments

- Number 5, “BMP Verification as Adaptive Management”: The first paragraph does NOT describe adaptive management at all. That is only identification of where retrofits or restoration is needed. This is a great idea and should stay in the document, but it is not adaptive management. The next paragraph after number 5 might start to get at adaptive management but doesn’t really go there. However, it does call for using information to improve future conditions, which can feed into AM. Use of AM is a great idea (and recommended by NRC) so I think this section could be edited slightly to highlight that the information will be available and should be used for AM by the jurisdictions. Perhaps the title is “Applying BMP Verification Information for Adaptive Management”. The first sentence in the second paragraph should start with “This real world data collected on actual BMPs...”. Also, the header for this section either needs to be on that second paragraph (since the first paragraph isn’t AM) or that second paragraph should be formatted to show it is part of the AM discussion. Here are some references you could cite to give the local and state agencies more information on AM (they will need more definition on this):
 - Williams, B. K., R. C. Szaro, and C. D. Shapiro. 2009. Adaptive Management: The U.S. Department of the Interior Technical Guide. Adaptive Management Working Group, U.S. Department of the Interior, Washington, DC.
 - Williams, B. K., and E. D. Brown. 2012. Adaptive Management: The U.S. Department of the Interior Applications Guide. Adaptive Management Working Group, U.S. Department of the Interior, Washington, DC.

Wastewater

- Include District of Columbia into narrative definition of significant facilities.
- Otherwise, great job.