

ATTACHMENT C

Chesapeake Bay Program Partnership BMP Verification Review Panel's Guidance and Recommendations to the Six Source Sector Workgroups, the CBP BMP Verification Committee, and the Seven Watershed Jurisdictions

**Summarized and Annotated with Requested CBP BMP Verification Committee
Actions and Decisions at the January 28, 2014 Committee Meeting**

Panel Guidance and Recommendations to the Six Workgroups

You Provide Guidance, Jurisdictions Develop Protocols.

- Are we comfortable with taking this approach as the workgroups move forward with finalizing their guidance by early February?

Use the Urban Stormwater Workgroup Narrative as a Model to Follow.

- Are we supportive of this model for other workgroups' narratives?

Use the Verification Program Design Matrix in Developing Your Guidance.

- Do you have any questions about, concerns with, and/or recommendations for enhancements to the program design matrix?
- Are we supportive of including the program design matrix into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Consider these 14-steps when Developing Your Verification Guidance.

- Do you have any questions, concerns and/or recommendations for the 14 steps?
- Are we supportive of including the 14 steps into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Use the State Protocol Components Checklist.

- Do you have any questions, concerns and/or recommendations for the state protocol components checklist?
- Are we supportive of including the state protocol components checklist into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Additional Submission Documents for Protocol Approval.

- Do you have any questions about the Panel's recommendations concerning documentation?
- Are we comfortable with the Panel's recommendations?
- Can we put discussion of documentation expectations on the agenda for the joint Committee/Panel meeting in March/April with CBPO staff working up a briefing/options/recommendations paper for advance distribution?

Consider the Panel's Comments on Your Draft Protocols.

- Do you have any questions/concerns regarding the Panel's comments on the workgroups' draft verification protocols reviewed during Panel's August 28-29 meeting?

Workgroups/Jurisdictions: Group Practices and Verification Options Together.

- Do you have any questions about/concerns with the Panel's recommendations concerning grouping of practices?

Aim High.

- Do you have any questions about the Panel's recommendations to the workgroups to focus their guidance "on 'robust' levels of inspection and corresponding schedules for verifying their source sector's suite of practices, treatments, and technologies"?
- Are we comfortable with the Panel's recommendations?

Define How to Verify and at What Frequency.

- Do you have any questions about the Panel's recommendations concerning defining the suite of possible verification techniques and what frequency?
- Are we comfortable with the Panel's recommendations?

Address Inspection Frequency for Functional Equivalents.

- Based on Dana York's briefing on the functional equivalent proposed approach being reviewed by the Partnership's Agriculture Workgroup, do you have any questions concerning how this approach could be applied across all the source sectors?
- What pieces of functional equivalents below in the BMP verification framework and what should be handled under the Partnership's existing BMP protocol?
- Are we comfortable moving forward with the approach for addressing functional equivalents along the following parallel lines:
 - Continue forward with the Agriculture Workgroup's expert panel review and see how the assembled experts response and what they recommend
 - Work to translate the functional equivalents approach into guidance applicable across all source sectors
 - Draft up guidance to be incorporated into the framework document for review up through the partnership
 - Work with the Water Quality Goal Implementation Team on how to build addressing functional equivalents into the future into the existing BMP protocol

Provide Guidance on Intensity of Verification Choices.

- Do you have questions on the Panel's recommendations?
- Are we comfortable with the Panel's recommendations?

Confirm Cross-Walks between CBP BMPs and NRCS/State BMP Practice Design Definitions/Standards.

- Do you have questions on the Panel's recommendations?
- Are we comfortable enough with the Panel's recommendations that we can recommend taking steps to institutionalize an annual cross-walk review process to factor in the new

BMPs adopted by the Partnership in the prior year, working through the Agriculture Workgroup and the Watershed Technical Workgroup?

Establish Practice Life Spans and Use within Verification Guidance/Protocols/Programs.

- Do you have questions on the Panel’s recommendation for continued crediting of a practice after its recorded lifespan as long as the proper level of re-verification occurs confirming the practice is still present and functioning?
- Are we comfortable in moving forward with the Panel’s recommended steps be taken in factoring practice life spans into the workgroup’s BMP verification guidance, the Committee’s basinwide framework, and the jurisdictions’ BMP verification programs:
 - For the existing Chesapeake Bay Program Partnership approved BMPs, the respective source sector **workgroup** needs to assign a life span/expiration date for each approved BMP. In doing so, the workgroups need to consider contract/permit life span, engineering design life span, and actual life span.
 - For all future BMP expert panels convened by the Chesapeake Bay Program Partnership, the **workgroups** need to ensure each panel is charged with establishing a recommended life span/expiration date for each of the practices at which time they must be re-verified or be removed from the data submitted for crediting.
 - **Workgroups** need to develop specific guidance for how to sunset specific reported practices which have gone beyond their lifespan and have not received the level of required re-verification after the designated lifespan and the **jurisdictions** need to build systems for carrying this out within the larger verification programs.
 - The **Committee** needs to develop specific guidance that ensures the Chesapeake Bay Program Partnership’s NEIEN-based BMP reporting system specifically addresses the issue of practice life span, including building in a system for flagging reported practices which are past their established life spans, and confirmation there was follow up re-verification of their continued presence and functional or removal from the data submitted for crediting.

Adapting Verification Protocols with Emerging Technologies

- Do you have any questions regarding the Panel’s recommendation that “as BMP implementation strategies, products, and technologies develop, workgroups and jurisdictions may be able to change the method used to verify practice implementation”?
- Are we comfortable with capturing this recommendation into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Panel Guidance and Recommendations to the Seven Jurisdictions

Use the Verification Program Design Matrix in Developing Your Program.

- Do you have questions on the Panel's recommendations?
- Are we comfortable with the Panel's recommendations?

Consider these 14 Development Decisions steps when Creating Your Verification Program.

- Do you have questions on the Panel's recommendations?
- Are we comfortable with the Panel's recommendations?

Use the State Protocol Components Checklist.

- Do you have questions on the Panel's recommendations?
- Are we comfortable with the Panel's recommendations?

Address Certification/Training of Verifiers in Your Programs.

- Do you have questions on the Panel's recommendations?
- Are we comfortable enough with the Panel's recommendations to incorporate their recommendations into the documentation requirements into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Aim High or Explain Why.

- Do you have questions on the Panel's recommendations?
- Are we comfortable enough with the Panel's recommendations to incorporate their recommendations into the documentation requirements the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Prioritize Verification Towards Priority Practices.

- Do you have questions on the Panel's recommendations?
- How do we judge what level of less intensive verification methods are acceptable when applied to lower priority practices?
- Are we comfortable enough with the Panel's recommendations to incorporate their recommendations into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Robust Upfront Verification Yields Less Intensive Follow up Reviews.

- Do you have questions on the Panel's recommendations?
- Are we comfortable enough with the Panel's recommendations to incorporate their recommendations into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Understand the Basis on which the Panel will Evaluate Your Draft Verification Program.

- Do you have questions on the Panel's recommendations?

Build in time for Continuous Improvement Early.

- Do you have questions on the Panel's recommendations?

Panel Guidance and Recommendations to the BMP Verification Committee

Ensure Adoption of Consistent Nomenclature and Accepted Definitions.

- Do you have questions on the Panel's recommendations?
- Are we comfortable enough with the Panel's recommended nomenclature and definitions to incorporate these definitions the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Independent Review: a review carried out by someone within the same organization having technical expertise in the subject matter to a degree at least equivalent to that needed for the original work, but who was not involved as a participant, supervisor, technical reviewer, or advisor in the development or operations of the program/practice under review.

External Independent Review: a review carried out by a separate outside organization with technical expertise in the subject matter to a degree at least equivalent to that needed for the original work. Generally, this level of review is sought when considering key decisions that are being made that could affect **the overall verification** programs.

[Please note the above edits (in bold typeface) made by the Panel Chair after distribution of the Panel's recommendations report on November 19th for purposes of clarity, not to change the overall definition.]

Seek to Strengthen Ability to Verify CBP Defined BMPs.

- Do you have questions on the Panel's recommendations?
- Are we comfortable in moving forward with the Panel's recommended steps:
 - Move towards providing verifiers with distinct BMP definitions/standards for all CBP approved BMPs so that each BMP may be reliability reported with using the approved verification method.
 - Build into the Partnership's BMP protocol process assistance from its future expert panels in providing distinct practice definitions which incorporate descriptive elements which can be checked by anyone involved in the verification process and result in similar verification findings.

Further Strengthen Commitment to Transparency.

- Do you have question on the Panel's recommendations and recommended edits to the BMP verification principles' transparency addendum?
- Are we comfortable with incorporating the Panel's recommended edits into the BMP verification principles' transparency addendum, previously reviewed and agreed to in principle by the Committee pending decisions on the word choices, and moving the addendum language forward to the Management Board for review and recommendation to the Principals' Staff Committee for final adoption on behalf of the larger Partnership?

"The measure of transparency will be applied to three primary areas of verification: data collection, data **validation synthesis** and data reporting."

“Transparency of the process of data collection must incorporate **clearly defined independent** QA/QC procedures, which may be implemented by the data-collecting agency or by an independent **external third** party.”

“Transparency of the data reported should be transparent at the **most site-specific finest possible** scale that conforms with legal and programmatic constraints, and at a scale compatible with data input for the Chesapeake Bay Program partnership modeling tools.”

- Are we comfortable enough with the Panel recommendation “that aggregated data can be used, be considered validated, be provided to the public, and still be considered consistent with the Partnership’s transparency principle if there is independent verification/validation of the underlying data” to incorporate the recommendation into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?
- Are we comfortable enough with the Panel recommendation for adding the following recommendation to Section 15 of the next revised draft version of the July 15, 2013 draft basinwide BMP verification framework document?

“All practice and treatment data reported for crediting of nutrient and sediment pollutant load reductions and used in some form by the Chesapeake Bay Program Partnership in accounting for implementation progress should be made publically accessible through the Partnership’s Chesapeake Stat website. Conforming with legal and programmatic constraints, the reported practice and treatment data should be publically available to at the most site-specific scales, in order of preference: site-level, followed by subwatershed, municipality, county, and then state.”

Provide Functional Equivalency Guidance.

- Addressed above given Panel recommendation to workgroups on page 2.

Treat Cost-Shared and Non Cost-Shared Practices the Same in Terms of Applying Privacy Restrictions.

- Do you have questions on the Panel’s recommendations?
- Are we comfortable enough with the Panel’s recommendation to incorporate the recommendation into the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

Provide Partners with Access to Statistical Design Expertise.

- Do you have questions on the Panel’s recommendations?
- Are we comfortable enough with the below Panel’s recommendation to incorporate the recommendation into Section 15 of the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?

“The Chesapeake Bay Program Partnership will develop, fund, and maintain a long term mechanism through which the seven watershed jurisdictions can directly access statistical survey design experts and expertise in support of continued implementation and adaptation of their verification programs.”

Work with STAC on BMP Performance Evaluation Process

- Do you have questions on the Panel's recommendations?
- Are we comfortable enough with the below Panel's recommendation to incorporate the recommendation into Section 15 of the next revised draft version of the July 15, 2013 draft BMP Verification Framework document?