

Attachment A
Final Draft Chesapeake Bay Program Partnership's
BMP Verification Principles

CBP Principals' Staff Committee Review Version

Recommended by the Management Board: November 14, 2012
Subject to Further Revision

The priority of the Chesapeake Bay Program (CBP) Partnership is the implementation of the Chesapeake Bay TMDL, the jurisdictions' Watershed Implementation Plans, and 2-year milestones. The Partnership has committed to the development of a basinwide best management practice (BMP) verification framework for use by the seven watershed jurisdictions to assure data quality for BMP reporting for annual Model Progress runs. The CBP Partnership will establish a BMP Verification Review Panel which will examine the degree to which a jurisdiction's program meets the parameters established by the Partnership's BMP verification framework. This review will include an examination of existing BMP measurements, accounting, and inspection systems and any proposed improvements to those systems submitted for CBP Partnership review. The Partnership recognizes that some jurisdictional programs may already achieve some of these principles and may not require significant modification or enhancements.

The CBP Partnership has defined verification as the process through which agency partners ensure practices, treatments, and technologies resulting in reductions of nitrogen, phosphorus, and/or sediment pollutant loads are implemented and operating correctly. The process for verifying tradable nutrient credits or offsets is a separate, distinct process not addressed either by these principles or through the partnership's BMP verification framework.

Working to verify that practices are properly designed, installed, and maintained over time is a critical and integral component of transparent, cost efficient, and pollutant reduction effective program implementation. Verification helps ensure the public of achievement of the expected nitrogen, phosphorus, and sediment pollutant load reductions over time. The CBP Partnership will build from existing practice tracking and reporting systems and work towards achieving or maintaining the following principles.

PRINCIPLE 1: PRACTICE REPORTING

Verification is required for practices, treatments, and technologies reported for nitrogen, phosphorus, and/or sediment pollutant load reduction credit through the Chesapeake Bay Program (CBP) partnership.

Verification protocols may reflect differing tools and timelines for measurement, as appropriate, for a specific BMP. For example:

- A permit (e.g., MS4) may establish periodic inspections for a regulatory BMP;
- A contract may govern examinations of a cost-shared structural (e.g., manure storage structure) or annual (e.g., cover crops) BMPs; or
- A statistical sampling may best define measurement for non-cost shared structural, annual and/or management BMPs.

Verification protocols will ensure that under normal operating conditions:

- Structural practices are properly designed, installed, and functionally maintained to ensure that they are achieving the expected nitrogen, phosphorus, and sediment pollutant load reductions reviewed and approved to by the CBP Partnership;
- Practices, including annual practices, meet the CBP Partnership's implementation and management definitions;
- Practices are consistent with or functionally equivalent to established practice definitions and/or standards;
- Practices are not double counted; and
- Practices are currently functional at the time of seeking credit and not removed from the landscape.

For verified practices not consistent with, nor fully or partially functionally equivalent to, established practice definitions and/or standards, partners and stakeholders can seek CBP Partnership approval for crediting through the established CBP Partnership's BMP review protocol.

Any practice, treatment, and technology (or partial or full equivalency) approved by the CBP Partnership that is properly tracked, verified, and reported will be incorporated into the CBP Partnership's models and credited in the accounting of progress toward the jurisdictions' milestones and in the interpretation of observed trends in monitoring data.

PRINCIPLE 2: SCIENTIFIC RIGOR

Verification of practices assure effective implementation through scientifically rigorous and defensible, professionally established and accepted sampling, inspection, and certification protocols regardless of funding source (cost share versus non-cost share), source sector (agriculture, urban, etc.), and jurisdiction (state, local). A method and schedule for confirmations to account for implementation progress over time will help ensure scientific rigor. Verification shall allow for varying methods of data collection that balance scientific rigor with cost-effectiveness and the significance of or priority placed upon the practice in achieving pollution reduction.

PRINCIPLE 3: PUBLIC CONFIDENCE

Verification protocols incorporate transparency in both the processes of verification and tracking and reporting of the underlying data. Levels of transparency will vary depending upon source sector, acknowledging existing legal limitations and the need to respect individual confidentiality to ensure access to non-cost shared practice data.

PRINCIPLE 4: ADAPTIVE MANAGEMENT

Advancements in Practice Reporting and Scientific Rigor, as described above, are integral to assuring desired long-term outcomes while reducing the uncertainty found in natural systems and human behaviors. Verification protocols will recognize existing funding and allow for reasonable levels of flexibility in the allocation or targeting of those funds. Funding shortfalls and process improvements will be identified and acted upon when feasible.

PRINCIPLE 5: SECTOR EQUITY

Each jurisdiction's program should strive to achieve equity in the measurement of functionality and effectiveness of the implemented BMPs among and across the source sectors.