

## **Section 15. Implementation of the BMP Verification Framework**

The BMP Verification Committee recommends the Chesapeake Bay Program Partnership commit to and carry out the following series of recommendations, processes, and procedures following the recommended timeline to ensure full, basinwide implementation of the BMP verification framework equitably across all jurisdictions and source sectors.

### **BMP Verification Principles**

**Recommendation:** Include a specific reference in the 2014 *Chesapeake Bay Program Grant and Cooperative Agreement Guidance* to the Partnership's adopted BMP verification principles to fully ensure the expectation is clear that all seven jurisdictions will develop, document, and submit for review and approval enhanced BMP tracking, verification and reporting programs which are fully consistent with and supportive of the Partnership's adopted verification principles.

**Recommendation:** During the Partnership's BMP Verification Review Panel's review of each of the seven jurisdictions' proposed enhanced BMP tracking, verification and reporting programs, the Panel will determine if the proposed verification protocols, procedures, and processes are fully consistent with and supportive of the Partnership's adopted verification principles.

**Recommendation:** During the Partnership's Principals' Staff Committee review of each of the seven jurisdictions' proposed enhanced BMP tracking, verification and reporting programs, the Committee will only a jurisdiction's proposed verification protocols, procedures, and processes if they are fully consistent with and supportive of the Partnership's adopted verification principles.

### **BMP Verification Protocols**

**Recommendation:** The Partnership put forth the clear expectations that each of the seven watershed jurisdictions will either adopt verification protocols consistent with the protocols adopted by the Partnership as part of the basinwide BMP verification framework or develop verification protocols judged to be comparable by an independent group of recognized experts convened by the Partnership (see next recommendation for details). Those comparable verification protocols will be formally adopted by the Partnership and made available for adoption and application by the other jurisdictions.

**Recommendation:** The Partnership will seek establishment of an independent consortium of land grant universities and charge them with responsibility for determining whether the jurisdictions' designed verification procedures/surveys meet the 80 percent minimum threshold of relative data confidence. This independent university consortium will follow the appropriate procedures and apply the tools adopted by the Partnership in evaluating whether the minimum threshold has been met.

**Recommendation:** The Partnership formally amend, through action by the Water Quality Goal Implementation Team, its [Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model](#) to specifically address BMP verification. The amended protocol will commit the Partnership to develop and adopt, as needed, new verification requirements for new BMPs through the Partnership's existing BMP expert panel, workgroup review, and goal implementation team decision making process. The future membership make-up of and charges to the BMP expert panels convened by the CBP Partnership's technical workgroups will need to incorporate verification expertise and responsibilities, respectively. The BMP expert panels will be charged with recommending potential verification protocols as they develop their practice-specific nutrient and sediment load reduction effectiveness recommendations. The respective source sector/habitat restoration workgroup will still be responsible for development of any new verification procedures for new practices.

### **Ensuring Full Access to Federal Conservation Practice Data**

**Recommendation:** Institute 1619 Conservation Cooperator agreements in all six states covering all state agencies both directly involved in conservation planning, funding, delivery, reporting, and submission of conservation practice data and with responsibility for submitting aggregated agricultural conservation practice data to the CBP Partnership's Annual Progress Review through their respective state's NEIEN node. By jurisdiction, these state agencies include:

- Delaware:
  - Department of Agriculture
  - Department of Natural Resources and Environmental Control
  - Forest Service
- Maryland
  - Maryland Department of Agriculture
  - Maryland Department of the Environment
- New York
  - Department of Environmental Conservation
  - Upper Susquehanna Coalition
- Pennsylvania
  - Department of Agriculture
  - Department of Environmental Protection
- Virginia
  - Department of Conservation and Recreation
  - Department of Environmental Quality
- West Virginia
  - Conservation Agency
  - Department of Agriculture
  - Department of Environmental Protection

Ensure each of these agreements adopts the broadest, most consistent language as described in the USGS *Tracking Progress Toward Achieving Water Quality in the Chesapeake Bay Using USDA Farmland Conservation Data*.

**Recommendation:** The six states, USDA, and other appropriate partners sign a cover page referencing the attached six state-specific 1619 agreements collectively to ensure all six states have full access to federal financially assisted practice data.

**Recommendation:** Seek NRCS commitment to continue to working to enhance data collection and reporting in the areas identified by the Partnership's Agriculture Workgroup.

**Recommendation:** Develop a common template for requesting NRCS and FSA Farm Bill Program conservation practice data for Chesapeake Bay farmland to support consistent annual reporting of Federal conservation practice implementation, facilitate consistency and transparency among the jurisdictions, and ensure a more complete, comprehensive accounting of implemented conservation practices.

**Recommendation:** Through the Partnership's Agriculture Workgroup and the Watershed Technical Workgroup, annually update the crosswalk between NEIEN and USDA (FSA and NRCS) practice codes and CBP Partnership Scenario Builder definitions to reflect progressive changes in USDA and CBP conservation practice definitions and seek Partnership approval through the Water Quality Goal Implementation Team.

**Recommendation:** Follow the below timeline each year for ensuring comprehensive, consistent reporting of federal cost shared conservation practice data across all six states:

- July 15 – Submit data request to NRCS
- July 15 – Submit data request to FSA
- August 15 – USGS/jurisdictions receive FSA dataset
- October 1 – CBP Partnership Scenario Builder practice definitions 'locked down'
- October 15 – CBP Verification Committee approves updated crosswalk
- October 15 – USGS/jurisdictions receive NRCS dataset
- November 1 – USGS delivers USDA data to the jurisdictions
- December 1 – Jurisdictions submit integrated Federal-State dataset to the CBP Partnership's Annual Progress Review via NEIEN

## **Eliminating Double Counting**

**Recommendation:** Request each jurisdiction, within their respective quality assurance plan, clearly document their specific methods employed to prevent double counting of cost shared practices.

## **Clean-up of Historical BMP Data Bases**

**Recommendation:** Request each jurisdiction undertake a comprehensive clean-up of their respective historical BMP databases in preparation for re-calibration of the Chesapeake Bay Program Partnership's Chesapeake Bay Watershed Model.

## **Jurisdictional BMP Verification Documentation**

**Recommendation:** Documentation of each jurisdiction's BMP verification program will build directly upon their existing quality assurance plans already drafted, approved by EPA, and in place supporting their Chesapeake Bay Implementation Grant and Chesapeake Bay Regulatory and Accountability Grant.

### **Annual Progress Reporting**

**Recommendation:** Reach agreement within the Partnership through the Water Quality Goal Implementation Team's [Watershed Technical Workgroup](#) on the set of required data fields to be reported through each jurisdiction's annual progress data submission through their NEIEN node which provide clear documentation that implementation of each reported practice have been verified.

**Recommendation:** Chesapeake Bay Program Office staff will review the jurisdictions annual NEIEN-based submissions of implementation progress data for documentation of verification as part of their routine evaluations of the quality and completeness of the data. The annual progress data reviews will be conducted following the guidelines and protocols agreed to by the Partnership through the Watershed Technical Workgroup. Any submitted progress data without the required verification documentation will be returned to the jurisdiction for incorporation of required documentation and resubmission.

### **Partnership Processes for Evaluation and Oversight**

**Recommendation:** EPA will annually review and approve the jurisdictions' quality assurance plans submitted as part of their annual applications for their Chesapeake Bay Implementation Grants/Chesapeake Bay Regulatory and Accountability Grants. EPA will focus its annual reviews on any changes to the plans as submitted by the jurisdictions. EPA must review and approve the quality assurance plans prior to the annual grant awards.

**Recommendation:** Structured like the field collection and analytical laboratory audits conducted with the Partnership's watershed and tidal monitoring networks (with very successful outcomes for almost three decades), EPA will conduct periodic on-site audits of the jurisdictions' BMP verification programs. The audits, to be conducted by teams of recognized experts, will be carried out to ensure the procedures and protocols documented within the jurisdictions' quality assurance plans are being effectively carried out.

**Recommendation:** At the request of the Chesapeake Bay Program Partnership, the Scientific and Technical Advisory Committee, working with the Citizens and Local Government advisory committees, will sponsor periodic—every 3-5 years—independent evaluations of the effectiveness of the basinwide BMP verification framework and the individual jurisdictions' BMP verification programs in achieving the five BMP verification principles adopted by the Partnership. Findings and recommendations from these periodic independent evaluations will be presented directly to the Principals' Staff Committee for consideration and follow-through actions and decisions.

## **BMP Verification Framework Implementation Timeline**

**Recommendation:** In the first full annual progress reporting cycle coming two years after the date of adoption of the basinwide BMP verification framework by the Principals' Staff Committee, those reported practices, treatment, or technologies for which documentation of verification has not been provided for through each jurisdictions' NEIEN-based report systems will not be credited for nitrogen, phosphorus or sediment reductions for that year.

### **Funding**

EPA established the Chesapeake Bay Regulatory and Accountability Program (CBRAP) Grants to provide the seven watershed jurisdictions with the funds needed to establish, strengthen and expand existing BMP tracking, verification, and reporting programs among other jurisdictional regulatory and accountability programs. Within its 2013 *Chesapeake Bay Program Grant and Cooperative Agreement Guidance*, EPA took extra steps to clearly spell out that these CBRAP grants can be used to fund BMP verification programs (please see pages 13, 30, and 31 within the 2013 grant guidance document located in Appendix R).