

CBP WQGIT BMP Verification Committee
Friday, May 18, 2012 Conference Call
Summary of Decisions and Actions

Completing the Review of Revised Draft BMP Verification Principles

Feedback on revised draft verification principles emerging from April 30th conference call

Principle 1:

- Need to add a footnote to the term functional equivalents with a commitment to define exactly what we mean with the use of this term.
- Confused about exactly what we are saying with the “In support of...” language.
- Need to provide a clear definition of functionally equivalent and a clear example of a functionally equivalent practice (e.g., single strand vs. five strand wire fence excluding cattle from an adjacent stream) and a partially functionally equivalent practice (e.g., 10 foot riparian buffer vs. a 35 foot riparian buffer).
- Pennsylvania disagrees with the language “not expired or removed from the landscape.”
- Don’t make the removal of expired practices automatic.
- Need to recognize that life span is defined based on a contractual period, not the actual time frame for which that practice is actually effective.
- Need to change “not expired” to “no longer functional”.

DECISION: Principle 1 was edited to read as follows to incorporate specific edits recommended by members, subject to further review and revision:

PRINCIPLE 1: Practices, treatments, and technologies reported for credit through the Chesapeake Bay Program partnership must be:

- properly designed, installed, and maintained to ensure that they are achieving the expected nutrient and sediment reductions reviewed and approved to by the partnership;
- consistent with or functionally¹ equivalent to established practice definitions and/or standards;
- ~~not previously reported~~ **double counted**; and
- ~~not expired or removed from~~ **functional and present on** the landscape.

In support of tracking, verifying and reporting practices not consistent with, nor functionally equivalent to, established practice definitions and/or standards, partners and stakeholders can seek partnership review and approval of BMPs and corresponding efficiencies, supported by documentation/data, which are less than functional equivalents of the previous partnership approved BMPs working through the established partnership BMP review protocol.

- 1. The CBP’s BMP Verification Committee intends to provide a clear definition of ‘functionally equivalent’ in the next version of the draft BMP verification principles.**

Principle 2:

- Need to factor in recognition of the ability of the jurisdictions to prioritize which sets of non-cost shared practices they will direct their limited resources towards tracking, verifying and reporting.

DECISION: Principle 2 was to read as follows to incorporate specific edits recommended by members, subject to further review and revision:

PRINCIPLE 2: Verification of practices needs to provide assurance of effective implementation by being scientifically rigorous and defensible in this era of TMDL accountability, based on 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) while allowing for adaptability **and ability to prioritize efforts for verifying and accounting for non-cost shared practices.**

Principle 3:

- Concerned about the use of the word baseline and its application across all source sectors.
- Concern about the use of the term “periodic confirmation” and how it gets applied to the actual sources sectors within the workgroups’ recommended protocols.

DECISION: Principle 2 was to read as follows to incorporate specific edits recommended by members, subject to further review and revision:

PRINCIPLE 3: Need to establish ~~a representative baseline~~ **an inventory of current year** practice implementation from which periodic confirmations will be performed to account for changes through time.

Principle 4:

- Members from Pennsylvania, West Virginia, and Delaware Maryland Agribusiness Association were supportive of Principle 4A.
- Members from Maryland, Hope Impacts, Resource Dynamics, Inc., and EPA were supportive of Principle 4B.

DECISION: Neither consensus nor a majority opinion could be formed as to which version of Principle 4 to put forth, so both versions of Principle 4 will be presented to the Water Quality Goal Implementation Committee.

Discussion and agreement on remaining draft principles

Principle 8:

DECISION: Members agreed that draft Principle 8 is not a principle and will be removed from the revised draft list of BMP verification principles.

Principle 9:

- There is a transparency principle nested within the current principle text.
- We need further discussion of exactly what data will be reported.
- We need further discussion of what we mean by public transparency and public reporting.

ACTION: Roy Hoagland will send Rich Batiuk edited Principle 9 language to become a new draft Principle 5.

Post Conference Call Note—Here’s the edited Principle 9 language, now draft Principle 5, as provided by Roy Hoagland, subject to further review and revision by members:

“Principle 5: Verification of practices needs to incorporate transparency in both the processes of verifying and the underlying data in order to ensure public confidence in the actual occurrence of practice implementation and pollution reduction.”

New Principle:

- Bill Angstadt recommended the following new draft principle for the Committee’s review and consideration:

Principle xx: Agricultural nutrient management systems must provide Validation that farms in a watershed basin are performing as equivalent to the load outcomes assumed in the Watershed Model’s Nutrient and Sediment Scenario Builder.

This Validation must be scientifically rigorous and defensible and the presentation of watershed basin aggregated data must be available to the public to ensure confidence in achievement.

Action: USEPA CBP and USDA will enter into a data-sharing MOU to accept the Chesapeake Bay CEP as the protocol to Validate watershed basins (8 digit HUC) agricultural nutrient management outcome performance.

ACTION: Bill Angstadt’s recommended additional verification principle will be forwarded to the CBP’s Agricultural Workgroup for their further consideration and incorporation into their BMP verification protocols.

DECISION: Committee members agreed to share the revised draft principles with the source sector/habitat workgroups and the Water Quality Goal Implementation Team for further review and revision.

Review of Draft BMP Verification Review Panel’s Charge and Membership

Charge

- Need to clarify the relationship between the BMP Verification Committee and the Verification Review Panel in terms of reporting.

DECISION: The draft charge will be edited to ensure “the BMP Verification Review Panel will report back through the BMP Verification Committee which will be responsible for making arrangements for briefings of and presentations to the appropriate Chesapeake Bay Program management committee (e.g., Management Board, Principals’ Staff Committee).”

Membership

- Panel membership needs to lean more towards academic expertise, not advocacy focused.
- Need to add “Knowledge in data collection, statistical analyses, and survey methodologies.”
- Need to add “Knowledge of national statutes and national programs.”

- Delete “Knowledge and experience with verification programs used for water quality based trading programs.”
- Incorporate the following edits: “Applied knowledge and experience in ~~running~~ **developing and managing** verification programs.”
- Concern expressed about requiring a members from a local government with well recognized hands-on experience with verification at the locality scale and having a member represent a municipality with significant resources, atypical of Bay watershed municipalities.
- Need to keep our list of specific nominations internal to the Committee until we are ready to make specific membership recommendations to the Management Board.
- Need a cross walk between knowledge/experience sought and specific member nominations.
- Need short biographies for each nominated member.
- Need to focus on nationally recognized leaders—we need experts beyond those located in our watershed.

ACTION: CBPO staff will incorporate the individual Committee members recommended edits to the BMP Review Panel membership list of expertise and proficiencies.

DECISION: Committee members agreed to the following regarding the BMP Verification Review Panel membership:

- The list of specific nominations will be keep internal to the Committee until the Committee is ready to make specific membership recommendations to the Management Board ;
- A cross walk will be prepared between the knowledge/experience sought and specific member nominations; and
- Biographies will be provided for each recommended member nominee.

DECISION: The Committee agreed to share the revised draft BMP Verification Review Panel’s charge and membership principles with the Water Quality Goal Implementation Team for review and approval to pass on the partnership’s Management Board.

Setting Up for the Continued Productive Work of the Committee

- The revised schedule provided in Attachment E has been presented to and approved by the Management Board (May 9th) and the Principals’ Staff Committee (May 14th) .

DECISION: Committee members agreed to the following revisions to the details of the schedule of conference calls and meetings provided in Attachment E:

- For the June 19th BMP Verification Committee meeting, combine the presentations on ‘full access to federal cost shared conservation practices’ and ‘addressing double counting through state specific protocols’.
- Add a discussion of the expectations for BMP verification program documentation by the seven jurisdictions and by when to the agenda for the August 16th BMP Verification Committee conference call; and
- Add a discussion of the formal mechanism by which the Principals’ Staff Committee could formalize and communicate its agreement to a basinwide BMP verification framework and program to the agenda for the August 16th BMP Verification Committee conference call.

Participants

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| Bill Angstadt | Delaware Maryland Agribusiness Association |
| Rich Batiuk | U.S. EPA Chesapeake Bay Program Office |
| Russ Baxter | Virginia Department of Environmental Quality |
| Pat Buckley | Pennsylvania Department of Environmental Protection |
| Jack Frye | Chesapeake Bay Commission |
| Roy Hoagland | Hope Impacts |
| Susan Marquart | USDA Natural Resources Conservation Service |
| Beth McGee | Chesapeake Bay Foundation |
| Matt Monroe | West Virginia Department of Agriculture |
| Ann Swanson | Chesapeake Bay Commission |
| Dana York | Maryland Department of Agriculture |
| Hank Zygmunt | Resource Dynamics, Inc. |