

Summary of Feedback from One-on-One Phone Calls with Each BMP Verification Steering Committee Member

Organized by topic/issue, please find a bulleted summary of the excellent feedback received from phone calls with each Steering Committee members following the March 27th conference call. I have not associated specific members with specific comments to respect the request for candid feedback and recommendations.

Steering Committee Responsibilities

- Sharing experiences with the other jurisdictions.
- Need a more complete schedule for upcoming meetings/conference calls.
- The Steering Committee has to agree on the need to make improvements to the existing tracking and reporting systems.
- Need to look at the whole chain of who reports to whom.
- Need clarity about the transparency on the work of the group.
- Need a clear discussion of the structure of the groups and who does what, who makes what decisions, and how this all works toward actionable items.
- Need to make it clear that the Steering Committee is not taking on developing protocols for certification of tradable credits.
- Ok to bring on board a member with trading expertise, but not for the purpose of addressing verification of tradable credits.
- Not concerned about the roles between the Steering Committee and the BMP Panel—just need to clarify the decision making roles of each.

BMP Verification Panel

- Caution about how we use the expert panel—don't want the panel telling the states exactly what they need to be doing.
- Look to include more regional/local experts so the members come to the table already knowing the Bay watershed states, the issues, and the challenges being faced.
 - Examples of such recognized regional experts are Doug Beegle, Penn State, Kurt Stevenson, Virginia Tech, and Jim Shortle, Penn State
- Potential panel member: Eric Schaeffer, Environmental Integrity Project
- Potential panel member: Jeff Kelble, Shenandoah River Keeper
- Seek members with expertise necessary to really work through the entire verification framework coming forth from the work of the partnership.
- Might be good to have some panel members with ISO 9000, 14000 experience.
- Someone with environmental market/carbon trading experience would be a good member for the panel.
- Potential panel member: George Kelly, Environmental Banking (wetland mitigation banker in Maryland) [two individual members recommended George]
- Draw in a past member of the NAS Chesapeake Bay Evaluation Panel—look into who was leading the NAS panel's focus on BMP tracking and reporting as a potential BMP Verification Panel member.

- Consider selecting someone from the CBP's Citizens Advisory Committee –for example, Nikki Tinsley.
- As long as we include enough outside expertise, it's ok to draw in a few members from the immediate Chesapeake Bay community.
- Need to be sure you have a strong voice on what's possible to be implemented at the state scale represented on the panel.
- Potential panel member: Bob Ensor, Howard County Conservation District [two individual members recommended Bob]
- Potential panel member: Dana York, Green Earth Connection
- Potential panel member: Tom Simpson, Watershed Stewardship.
- The selection of a chair, vice chair of the BMP Verification Panel should be Management Board decision.

Alternate Structure

- Don't think of this as restructuring, but refining the current proposed structure.
- Establish a Management Board Group 4-5, maybe maximum of 7, existing Management Board members who's role would be to think through the actionable items and how to best package up and work the recommendations through/sell the Management Board.
- Current Steering Committee is just too big to carry out the above task.
- Concerned that Steering Committee has too much authority.
- Establish a BMP Verification Advisory Council which would include a combination of jurisdictional representatives and 4-5 recognized experts.
- BMP Verification Advisory Council would undertake the following five efforts:
 - 1) Establish the verification principles
 - 2) Review and approve the verification protocols
 - 3) Evaluate whether the level of rigor is consistent across the source sectors
 - 4) Use the verification principles/protocols to review/critique the states' verification programs
 - 5) Advise the Management Board on how to proceed forward on specific actionable items—want to be sure what comes out of the council cannot be ignored.

Existing BMP Tracking and Reporting Process Schematic

- Illustrate the entire BMP data tracking and reporting process in a schematic, from the point that the specific practice has been implemented on the ground all the way up through the delivery of the BMP data to EPA through the NEIEN system.
- Lay out the whole process and identify where there are holes/gaps that need to be addressed/filled.
- Identify at what points in the whole process is there uncertainty/uncomfort/lack of clarity about what is being accounted for
- Need to point out existing processes for removing expired BMPs and addressing double counting.

Verification Protocols

- We are missing the states' descriptions of their existing BMP tracking and reporting protocols so Steering Committee members can clearly understand what's already in place

and what needs work/tightening up to ensure strong accountability and transparency to the public.

- Need to build in a commitment to sustained ‘spot checking’ following establishment of the baseline.
- Need to communicate/share what the states are already doing:
 - Maryland: mature program
 - Delaware: documentation within the Phase II WIP appendices, BMP Quality Assurance Project Plan
 - West Virginia: pilot study
 - Virginia: results from their pilot study working with multiple conservation districts
 - Pennsylvania: does not have a verification program in place, but Steve Taglang is moving the state slowly in the right direction.
- 4 of these 5 states (member was unfamiliar with NY’s programs) have good to solid verification programs in place
 - Identify the remaining gaps/weaknesses and commit to filling in/addressing these
 - Look to Pennsylvania to bring up their program to the similar level of the other 4 states
- Looking at the four principal agricultural sectors—cash grain, poultry, swine and dairy—look for where are solid verification programs in place and drawn these together. Essentially, track down case studies across the jurisdictions as the ‘gold standards’ to put forward.
- Recognize there is a hierarchy already in place, with a defined obligation for verification in the case of the regulatory source sectors and for those credits which will be traded. We need to focus outside of these two frameworks.
- The frequency of the checkups may be more important than the method for how one actually conducts the original survey.
- Likely to build off existing programs, but then adding in specific elements recognized by the partnership to be missing.
- We need a series of attributes one considers as one determines whether the approach to verification makes sense.
- Need to recognize that hiring new people and seeking a lot of new resources are going to be extremely difficult in the current economic climate.
- Want to see what the states have in place currently measured up against the attributes we are seeking in a verification program.
- We have BMPs implemented across the watershed—the real challenge we are facing is determining if those same BMPs are actually functioning as we had designed them.
- Need to disconnect verification of tradable credit from work on the verification of tracked and reported practices for the purposes for reporting on what has been implemented and anticipated load reductions.
- Need clarification on whether these protocols cover only voluntary/non-cost shared or cost shared/regulatory practices as well.
- Envision verification will be need above and beyond existing regulatory programs (states’ CAFO programs) and established agricultural certainty programs which oversight is already factored in directly.
- Once we account for existing cost shared programs and regulatory program, and then factoring that new programs (e.g., ag certainty) will address some of the remaining gaps,

then we can focus on the remaining gaps as the focus of the partnership's verification program.

- Without getting trained eyes out in the field, you won't get a full, true inventory of what is being put on the land.

Verification Principles

- Difficult to create a single agricultural verification program and stick it down the states throats.
- Add a principle that recognizes the need to build off the states' existing tracking, verification, and reporting systems.
- Need to learn lessons from the recent experiences with the agricultural certainty discussions among USDA, states, EPA and the environmental advocacy community.
- Need to working a clear definition for what's sufficient—achieving a certain level of comfort, confidence—in place of use of the term “consistent”.
- Concerned about the principle focused on ‘consistency across source sectors and jurisdictions.
- Need to put focus on the principle addressing the need for a balance between resources for verification vs. implementation.
- Need to include a principle describing how we can use verification to make better use of our existing resources in supporting local decision making, target better, make more efficient use of our resources.
- People are focused on maintaining the status quo—this is clear in some of the phrasing of the draft principles.
- Need to clearly define verification.
- Consistency is needed across the whole reporting train in terms of documentation and rigor.
- Strive for as much consistency as possible.
- Not focusing on functional equivalency could be a slippery slope.
- Could consider giving credit for partial functionality, but would need the partnership to approve such a set of partially functional BMPs to prevent an arbitrary scale of efficiencies for such practices.
- Places to look for a definition of verification include: USDA Office of Ecosystem Markets documents, WRI memos, state nutrient trading legislative statues.
- Really like the last verification principle, particularly if its tied to agricultural certainty.

Documentation to Share with Steering Committee Members

- New York's Agriculture Environmental Management (AEM) web site as a great source of more detailed documentation.
- New York's on-site farm assessment protocols as written up in support of the NACD project.
- Results from Virginia Department of Conservation and Recreation's pilot on tracking and reporting non-cost shared conservation practices working with six of their conservation districts.
- Pennsylvania's nutrient trading website accessible at:
<http://www.dep.state.pa.us/river/Nutrient%20Trading.htm>

- Maryland’s written protocol for their on-farm site assessments.

Other Verification Programs as Possible Models

- Minnesota Legacy Program—very strong verification program for a state
- Food Alliance
- Ohio
- Florida
- California greenhouse gas emissions program
- North Carolina
- Wisconsin—Fox watershed
- Willamette Basin in Oregon

Available/Forthcoming Tools

- New York’s development of an on-line interface directed towards the conservation districts.

Summarized: April 13, 2012 based on phone conversations held between April 4-12.