

SUMMARY
Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
Conference Call
Monday, April 1st, 2013
<http://www.chesapeakebay.net/calendar/event/19138>

SUMMARY OF DECISIONS & ACTION ITEMS

DECISION: The March meeting minutes were accepted as written.

ACTION: Bill Stack and Matt Johnston will communicate with the shoreline erosion control expert panel to ensure their definitions delineate between stream restoration and shoreline erosion control.

DECISION: The stream restoration expert panel report was not approved for submission to the WQGIT.

ACTION: WTWG members will submit their final vote on the urban stream restoration report to Matt Johnston by Friday, April 5th.

Post-meeting note: The WTWG approved the report with 5 jurisdictions approving and sending the report to the Water Quality GIT and 2 jurisdictions abstaining.

DECISION: The Workgroup approved the interim rate for non-conforming future and existing stream restoration projects.

MINUTES

Welcome, Introductions, and Approval of March Meeting Minutes

- Alana Hartman (WV DEP; WTWG Chair) convened the call at 9:30 AM and reviewed the day's agenda.
- Hartman directed participants' attention to the minutes from the workgroup's March 4th meeting ([Attachment A](#)).
 - She asked for corrections or objections to the minutes.
 - None were raised; the minutes were approved as written.
- **DECISION:** The March meeting minutes were accepted as written.

Action Item: Approval of Stream Restoration Expert Panel Recommendations

- Bill Stack (Center for Watershed Protection, CBPO) recapped comments and concerns expressed about the report during the March WTWG meeting.
 - He explained there was some confusion about how to deal with non-urban stream requirements. Bill explained that the first protocol will likely account for 90 percent of all N, P and TSS reductions. He described how the protocols are applicable to other land uses.

- Stack clarified that Protocol 2 is really an enhancement for TN reduction, and that land cover doesn't really enter into the 2 protocols.
- He explained Protocol 3 is very similar to using the rate-adjustor curves for stormwater retrofits. Protocol 3 uses upstream land covers; to compute the load you would take the loading from the land uses and drainage areas. For protocol 3, the engineers will report efficiency reductions, not load reductions.
- For more details, view the associated documents:
 - [Attachment B](#)
 - The [draft urban stream restoration report](#) (March 1st version)
 - [Appendix B](#) to the draft report
 - [Appendix C](#) to the draft report
- Bill Keeling (VA DCR) expressed a general concern with using unit-area loads from the Watershed Model.
 - Matt Johnston (UMD, CBPO; WTWG Coordinator): since we will ask for area treated, the land use will also be reported and we can treat multiple land uses under protocols 1 and 2.
- Johnston presented the flow chart of proposed reporting requirements. He noted that "acres treated" was missing from the list in Attachment B.
- Keeling: if there is no 12-digit HUC for the reported project?
 - Johnston: then we would apply a default, which the WTWG will need to determine.
- Hurd (Tetra Tech) asked how the length and reduction rate are related to each other.
 - Johnston referred to the protocol and said the reduction rate will be submitted by engineers. CBP modeling team will determine if rate falls within reasonable range estimate. If it seems like an outlier, it would go back to the jurisdiction for more information.
- Keeling: so how does that work on a stream (e.g. first-order) that is not simulated in the model?
 - Johnston explained that any non-tidal stream can have stream restoration on it, regardless of the order. The Model does not currently simulate lower order streams, but treats stream restoration as a practice that occurs within the land-river segment on these non-modeled streams. Obviously, stream restoration projects on larger, tidal rivers are probably more appropriately reflected using the shoreline erosion protection BMP.
 - Keeling: More concerned about the way regional factors treats sedimentation from various stream orders and results in questionable sediment loads.
 - Johnston: current stream restoration BMP works the same way. The load reduction occurs at the end of the land-river segment.
 - Johnston explained that not all projects will report under Protocol 2, but it can be an added bonus for projects that provide the necessary data.
- Johnston: Do we say that the default is the interim rate, or the old existing rate?
 - Keeling: suggest using the interim rate because there was only one study behind the old existing rate.
- Keeling: what do we do with historical data, where the only information we may have is linear feet?

- Johnston: Historical stream restoration will receive whatever default rate the WTWG chooses.
- Sally Claggett (US Forest Service, CBPO): We should keep in mind that the floodplain may be broken out as a separate land use category.
- Johnston: Since the panels and phase 6 land uses are taking place concurrently, we may need to go back to the sector workgroups and BMP panels as we get closer to the phase 6 model in 2017.
- Claggett: if these BMPs reach into the floodplain, we'd have to analyze how they interact with buffers BMPs.
- Johnston recalled comments from VA DCR and responded to those concerns.
 - See the [associated handout](#) for more details.
- Keeling: If NRCS stream restoration projects need to be reported at an aggregated scale, how would that work under the panel recommendations?
 - Johnston: With the current recommendations, it would receive the default rate if the reporting requirements are not met at the aggregated level. The Agriculture Workgroup could work with NRCS over coming months on this issue.
- Keeling asked where the distinction is made between shoreline erosion control and stream restoration.
 - Chris Brosch (Virginia Tech/VA DCR) noted that shoreline erosion is under the estuarine model, whereas stream restoration is in the watershed model. So the watershed model would not output credit for shoreline erosion control.
 - Jeff Sweeney (EPA, CBPO) noted there is an ongoing expert panel on shoreline erosion control.
 - Norm Goulet (Northern Virginia Regional Commission): suggest communicating with Sadie Drescher (CWP) that her expert panel will need to delineate between shoreline erosion control and stream restoration.
- **ACTION:** Bill Stack and Matt Johnston will communicate with the shoreline erosion control expert panel to ensure their definitions delineate between stream restoration and shoreline erosion control.
- Hartman asked the jurisdictions for their vote to approve the report.
 - Aaron Ristow (USC): New York abstains
 - Ted Tesler (PA DEP): not prepared to endorse it at this time, because they are still collecting comments from colleagues. Abstain.
 - Marcia Fox (DE DNREC): we have no issues with moving forward with report. Delaware votes yes.
 - Keeling (VA DCR) abstained
 - Greg Sandi (MDE): Also abstain, given other jurisdictions are not yet comfortable with proceeding.
 - Hartman: West Virginia is content with the changes and votes yes.
 - **DECISION:** The stream restoration expert panel report was not approved for submission to the WQGIT.
 - **ACTION:** WTWG members will submit their final vote on the urban stream restoration report to Matt Johnston by Friday, April 5th.
 - **Post-meeting note:** The WTWG approved the report with 5 jurisdictions approving and sending the report to the Water Quality GIT and 2 jurisdictions abstaining.

- Johnston: We can discuss the default values for stream restoration next month if needed.
- Keeling: Virginia will vote for the interim rate, because it was used in WIP II development.
- Goulet: given the differential between existing and interim rate, would not expect anyone to vote for existing rate.
- Stack: the interim rate was rejected in favor of the proposed protocols, but the panel felt the interim rate was greatly superior to the existing rate.
 - He noted there was concern from the expert panel that the interim rate would not afford enough incentive to report new projects under the new proposed protocols.
- Goulet: Suggest adding the caveat that the panel's design considerations should still be followed to earn the interim rate.
 - Hartman: Are the design considerations included in the stream restoration definition?
 - Johnston: Yes.
- Hartman: Should we split the default rate between historical and future?
 - Johnston: If you make this distinction, people in the future would have to remember which year each project was reported.
- Hartman asked for objections to using interim rate for non-conforming stream restoration projects, both historical and future.
 - None were raised; the interim rate was approved for use as the default rate.
- **DECISION:** The Workgroup approved the interim rate for non-conforming future and existing stream restoration projects.

2012 Progress “Lessons Learned”

- Olivia Devereux (Devereux Environmental Consulting) described some of the lessons learned from the 2012 progress run. She noted this was the earliest the partners have completed the submissions and progress run. Devereux explained that there were fewer errors this year, though there were some issues with the new NRCS data.
 - For more details, view the associated handouts:
 - [2012 Lessons Learned](#)
 - [Changes made to Annual Progress Review data](#)
- Devereux explained that NRCS' definition of wetland restoration includes practices like phragmites removal (handout erroneously said “phragmites *planting*”), which does not meet the CBP definition. She asked if any of the WTWG participants had any perspective or thoughts on the issue.
 - Dana York (Green Earth Connection, LLC): We should probably have the wetland group look at this issue.
- Devereux noted the first contracts for CREP forest buffers are beginning to expire. If the landowners re-enroll then there will be a risk of double-counting since the contracts will appear as new acres in the FSA data. She asked for the jurisdictions' thoughts on how to handle this data issue moving forward.
 - Keeling noted that VA will avoid this problem by not relying on the FSA data.
 - Ristow said that NY also plans to not use the FSA data, though they use the data to know when contracts are about to expire.

- York indicated that MD also plans to not use the FSA data. She explained there will be issues coming out of toolkit because a new plan will look like new data, rather than maintenance data.
 - She mentioned that Maryland's Conservation Tracker contains more information ("field location") than the FSA data, so they are able to ensure only new BMPs are reported.
- Claggett: if acres come out of contract, that doesn't mean the acres of buffer aren't there. With such a small window of time for re-enrollment, landowners might miss it. Devereux commented that verification activities could pick up those acres.

The jurisdictional WTWG members described their experiences with the 2012 Progress Run.

- Hartman: WV had some confusion when we tried to report some cover crops on "rye grass," which is different from rye or cereal rye. Rye grass is not approved cover crop. WV will be changing this next year. XML query was not bringing in land uses for many of our BMPs. We were able to use special entries from the Appendix to map to specific land uses for nutrient management plans. WV was very happy to see the CREP acres from FSA, but now WV is concerned that this data represents maintenance contracts rather than new implementation. WV will need to check into this. WV also used a new conversion factor for "number of animals, mid-sized beef." This is in the Appendix and represents an average for heifer and beef cattle; this may be useful for other states to use.
- Ristow: New York's submission went smoothly. Gathering the data was difficult because of implementation from previous years (see Lessons Learned item #6), and missing implementation year data.
- Keeling: would like to add major river basin, 4-digit HUC, 6-digit HUC to NEIEN schema. Virginia has real issues with CBPO modeling team having changed stream exclusion fencing to non-urban stream restoration without vetting it through proper channels. The new "open enrollment" schedule should solve these types of problems. It appears to VA that you can't put exclusion fencing and a grass buffer on the same acre of Trampled Riparian Pasture. This workgroup also needs to weigh in on how BMPs are applied to CSO land uses. In effect, any BMP applied on CSO land is cut off. BMPs should be aggregated and earn credit at the aggregate scale rather than being cutoff.
- Greg Sandi (MDE): Maryland will be streamlining its reporting process.
- Fox: Delaware also had some issues with cover crops, like WV. Some problems with HUC typos and afforestation acres. Hope to work with Tetra Tech to develop a new tool for submission.
- Tesler: Trained new staff. Otherwise just had typical minor issues with typos, etc.
- Keeling: since the process went much smoother this year, does EPA still need to keep the schedule with 30 fewer days processing time for the states?
 - Devereux: Johnston and Marty Hurd will discuss the schedule, but the schedule will be the same due to Milestones and timing constraints.

2013 Progress

Marty Hurd and Matt Johnston explained the [2013 progress submission schedule](#).

- Marty Hurd (Tetra Tech) noted the schedule was pretty similar to previous years; the biggest change is for the new [open enrollment protocol](#).

- Johnston: past August 30th, until December 2nd, the appendix can be changed in three ways, all of which would be clearly noted and communicated to WTWG:
 - a new BMP efficiency is approved
 - a new BMP is approved
 - small changes to help a jurisdiction be able to submit data, e.g. “cover crops”
- Hurd: I will put together proposed NEIEN changes (including VA’s suggestion) for the May WTWG meeting. New BMPs will require quite a few changes to the Appendix. It would be great for the WTWG to recommend how the Appendix should read for the new BMPs so that the Appendix can be a one-size fits all document for these new BMPs.
- Johnston: we plan to share the animal and land use projection numbers with the jurisdictions as we did for 2012 progress.
 - He mentioned that Virginia and West Virginia were able to use permitted construction and harvested forest data to revise their projections.
- Keeling expressed concern that VA will not be able to report all the data by December 1st, which is a Sunday this year.
 - Sweeney: you do not have to do an initial submission, but it is in the state’s best interest to do so. If additional sources are found post-December 1, then states will have the opportunity to report these implementation data in the following Progress Year. If there are opportunities to add data post-12/2, and if it wouldn’t put CBP too far behind, they’d accept that data.
 - Keeling asked for that assurance in writing so it can be transmitted to grant administrator.
- Sweeney described Quality Assurance Project Plans (QAPPs) for the collection and use of environmental data that the jurisdictions are required to submit to EPA. There is renewed interest in these documents because of the verification committee’s work.
 - For more information, view his [presentation](#). The QAPP covers certain BMPs (listed in the presentation) and should include a reference to NEIEN.
 - Hartman: is there a way to reference the USGS study data?
 - Devereux: all the information was included in the November email that contained the data. Dean Hively is finalizing a publication describing the project; will be able to cite that when it is published.
 - Claggett: have many of the verification protocols referenced the QAPPs?
 - ...discussion...
 - Hartman suggested referenceing the NEIEN Appendix to save us from having to spell out every conversion rule, but someone corrected this to say that the QAPP is only about how the data are collected, analyzed and reported.
 - Sweeney: EPA has a QAPP for the data after it is submitted to NEIEN.
 - CBP modeling team will be looking at the NRCS practice codes’ mappings this summer.
- Johnston reviewed some of the data submission issues and asked for questions on the lessons learned.
 - Devereux, in response to question from Keeling, noted that BMPs should be submitted with implementation dates, which might just be the year for cost-shared practices. You need a month and day in NEIEN, but you can just pick a date in the submission.

- The jurisdictions wondered how to back out a BMP that is no longer there. This would be a good future agenda topic, since there are a couple of different ways to handle this. We need to find out how profound any problems are.
- Hurd: the jurisdictions can report voluntary (“implementation that is not cost-shared”) practices through NEIEN, but the issue has been whether or not those voluntary BMPs should be used in Scenario Builder and credited towards progress.
- Johnston: Seems that we may need decision by AgWG, USWG, and WQGIT for 2013 progress regarding voluntary BMPs for agriculture and urban practices.
 - Hurd: These are decisions and changes that will need to occur during open enrollment. The “funding” section of the schema could be used to make this distinction.
- Ristow: seems more important that the practice meets definitions, standards, and specs than whether or not it is voluntary.
- Johnston: will follow up with USWG and AGWG so a decision can be made this spring or summer.
- **Post-meeting note:** Following the meeting, the Chesapeake Bay Program Progress Team asked various partners if they recalled, or could point to, a specific decision by a source sector workgroup or the Water Quality GIT to NOT accept voluntary or non-cost shared practices in yearly progress. No such reference was recalled or pointed out. It is clear that no CBP group ever meant to exclude voluntary or non-cost shared practices in yearly progress as long as these practices follow CBP-accepted BMP definitions. Progress runs currently represent practices reported by the jurisdictions that are run through the Chesapeake Bay Program modeling tools to calculate the N, P and TSS loads delivered to the Bay. The ongoing verification effort may require more stringent verification requirements for these practices, but no such requirements have been finalized.

Historical BMP Cleanup Update

- Johnston described the BMP Verification Committee’s feedback to the WTWG regarding historical data cleanup and verification.
 - Keeling pointed out that Virginia laid out steps to how it could perform a cleanup, but did not commit to doing it.
 - The answer for now was to focus on the calibration period for verification of historically-reported BMPs.
 - It is OK to focus on the areas with most cut-off
 - Use the draft sector verification protocols as much as appropriate
 - It will not be up to the verification committee to decide if your historical BMP cleanup is adequate.

Action: keep on WTWG agenda to hold each other accountable.

Future Agenda Topics

- Rigelman: will provide states historical data from 2009 and back. Can do later years as well, but will be providing 1985-2009. She will also analyze where and what was cutoff.

- Hartman: we are proceeding with memo to source sector workgroups regarding proposed phase 6 land uses. Other items include the concerns raised by VA(grass buffers on TRP, and any BMPs on CSO), and the algal flow way technologies expert panel.
- Fox: Would be interested in following up on cover crops issue.
- Sarah Lane (UMD): Perhaps Sadie could do a quick update on the Shoreline Erosion Control panel, although it will be initially approved through the USWG.
- Hartman noted the July call will be on the second Monday (July 8th) instead of the first Monday (July 1st).
- Hartman thanked the participants for their time and input.

Adjourned

Next conference call:

Monday, May 6th, 2013

10:00AM – 12:00PM

<http://www.chesapeakebay.net/calendar/event/19139/>

Teleconference participants

<u>Name</u>	<u>Affiliation</u>
Alana Hartman (Chair)	WV DEP
Matt Johnston (Coord.)	UMD, CBPO
Jeremy Hanson (Staff)	CRC, CBPO
Bryan Bloch	DE DNREC
Chris Brosch	Virginia Tech/ VA DCR
Sally Claggett	USFS
Olivia Devereux	Devereux Consulting
Barry Evans	Penn State
Marcia Fox	DE DNREC
Norm Goulet	Northern VA Regional Commission
Marty Hurd	Tetra Tech
Bill Keeling	VA DCR
Sarah Lane	UMD/MD DNR
Neely Law	Center for Watershed Protection, CBPO
Jess Rigelman	J7 LLC
Aaron Ristow	Upper Susquehanna Coalition
Greg Sandi	MDE
Michael Schwartz	
Bill Stack	Center for Watershed Protection, CBPO
Jeff Sweeney	EPA, CBPO
Ted Tesler	PA DEP
Dana York	Green Earth Connection, LLC