SUMMARY OF DISCUSSION AND FOLLOWUP ACTIONS
Chesapeake Bay Program Partnership's
BMP Verification Review Panel
January 28, 2015 Meeting
http://www.chesapeakebay.net/S=0/calendar/event/22453/

Summary of Action and Decision Items

ACTION: Rich Batiuk will reach out to jurisdiction representatives on the BMP Verification Committee to gauge their progress towards developing their verification programs, and request that they use the BMP Verification Review Panel's recommended framework in order to provide consistency between the plans.

ACTION: Rich Batiuk will ask the BMP Verification Committee jurisdictional members to submit their drafts jurisdictional BMP verification programs quality assurance plans by June 22, 2015 in order to give the Chesapeake Bay Program Office staff one week to review them for completeness prior to being submitted to the BMP Verification Review Panel members on July 1, 2015.

DECISION: The BMP Verification Review Panel members agreed on the proposed 2015 BMP Verification Review Panel schedule and responsibilities incorporating the above described adjustments.

ACTION: Rich Batiuk will develop a summary document that pulls out references to BMP Verification Program development within the draft 2015 Chesapeake Bay Program Grant Guidance, and share it with the BMP Verification Review Panel members. [Post Conference Call Note: see Attachment A for this summary document]

DECISON: The two Panel meetings listed on the 2015 schedule will be held during the week of July 27th, and the week of August 24th.

ACTION: David Wood will distribute a poll to the panel members to determine which specific dates during these two weeks work best for the panel members.

DECISION: The BMP Verification Review Panel agreed to need to convene a statistical sampling/survey design group of experts to review the jurisdictions' BMP Verification Programs' proposed statistically-based verification survey designs for statistical rigor.

ACTION: Rich Batiuk will work with Virginia Tech and Tetra Tech to move forward with convening the statistical sampling group of experts, and to include Steve Dressing (Tetra Tech) in that group.

ACTION: Rich Batiuk will find out the timing of the next round of NFWF RFPs and send the Panel the appropriate NFWF schedule and contact information.

Welcome and Introductions – *Dana York (Chair)*
- Dana York convened the conference call and reviewed the agenda for the meeting.
- Dana York informed the Panel members that Richard Klein has requested to be removed from the Panel given his work related commitments.
- Gordon Smith mentioned his statistical sampling design experience that the Panel could tap into during the review of the jurisdictions' draft BMP verification program documents.
- Rebecca Hanmer raised three questions on the Year One Implementation Framework Plan:
    - The Agriculture Workgroup BMP Verification Guidance differed from the BMP Verification Review Panel's recommendations with regards to transparency and third party review. How is that being dealt with?
        - Rich Batiuk (EPA): We will have to see how the jurisdictions' verification programs shake out before we can address that completely, but the bottom line still remains that the jurisdictions' BMP verification programs must achieve the five BMP verification principles.
    - The Partnership's Scientific and Technical Advisory Committee still seems unhappy with the Basinwide BMP Verification Framework. How is the panel addressing STAC's concerns with the Verification Framework?
        - Rich Batiuk: STAC was more focused on the last third of the verification life cycle, while this panel was looking at the whole process. There is still more dialogue to be had, but I can circle back with them and make sure the issues are clarified.
    - Are Tim Gieseke and Andrew Sharpley moving ahead with writing grant proposal for NFWF to pursue an alternate evaluation system?
        - Dana York: We will discuss this further at the end of the conference call.

BMP Verification Review Panel 2015 Schedule and Responsibilities – *Dana York*
- Dana York reviewed the proposed 2015 schedule for the panel and outlined the Panel's responsibilities.
    - For more information, please see the presentation.
- Tom Simpson: What is the relative size we are talking about in terms of the physical length of the states' quality assurance plans?
- Rich Batiuk: Based on their current quality assurance plans which describe their BMP tracking and reporting programs, but not verification, I anticipate plans on the order of 30-40 pages.
- Tim Gieseke: Are the states all going to follow the "Table of Contents" provided previously by the Panel?
- Rebecca Hanmer: I think the most important thing for the jurisdictions to provide in their BMP verification program documentation is explanatory language (in plain English) that provides sufficient rationale for their decisions, particularly when it deviates from our recommendations. We can't just review a series of tables and references—we need to understand the why they made the decisions they did.
- Rich Batiuk: I will reach out to the seven jurisdiction representatives on the BMP Verification Committee and set up calls or meetings with them to check on their progress and/or to talk through the process they are following towards developing their

verification programs. I will request that they use the Panel's framework—Tables 5 through 8—as their 'table of content' as much as possible for the sake of consistency.

ACTION: Rich Batiuk will reach out to jurisdiction representatives on the BMP Verification Committee to gauge their progress towards developing their verification programs, and request that they use the BMP Verification Review Panel's recommended framework in order to provide consistency between the plans.

- Dana York: Can the staff at the Chesapeake Bay Program Office take a first cut at reviewing the jurisdictions' verification programs just to make sure they have all of the necessary pieces before they are given to the panel to review?
  - Rich Batiuk: It will tighten the timeline, but we will try to fit that review in. If drafts come in early, we will do that review and get the results of each review out to the Panel members as soon as possible.

ACTION: Rich Batiuk will ask the BMP Verification Committee jurisdictional members to submit their drafts jurisdictional BMP verification programs quality assurance plans by June 22, 2015 in order to give the Chesapeake Bay Program Office staff one week to review them for completeness prior to being submitted to the BMP Verification Review Panel members on July 1, 2015.

- Dana York: Are all panel members comfortable with the overall schedule for 2015? Do you have any concerns or changes?
- Gordon Smith: Chesapeake Bay Program Office staff should send the Panel members any state's draft document which EPA received early so the Panel members can get a jump start on their reviews.
- Tom Simpson: I request that should there be delays in jurisdictions development of their verification program documentation drafts and a deadline is missed, that the BMP Verification Review Panel still be allowed a minimum of a 17 day review period and the rest of the schedule be shifted forward accordingly.
  - Rich Batiuk: Yes, we will revised the overall schedule as needed to make sure the panel is allotted ample time to review the drafts and interact with the jurisdictions. It's more important to keep the time needed for the reviews and interactions than to meeting a certain deadline date in January 2016.
- Rebecca Hanmer: What is the status of EPA's 2015 Chesapeake Bay Program grant guidance?
  - Rich Batiuk: The draft 2015 grant guidance was distributed to the seven jurisdictions for review back in late December with feedback due from the jurisdictions by the end of January. The draft grant guidance does include several new sections of text describing the expectations for BMP verification programs consistent with the October 2014 Basinwide BMP Verification Framework document.

DECISION: The BMP Verification Review Panel members agreed on the proposed 2015 BMP Verification Review Panel schedule and responsibilities incorporating the above described adjustments.

ACTION: Rich Batiuk will develop a summary document that pulls out references to BMP Verification Program development within the draft 2015 Chesapeake Bay Program Grant Guidance, and share it with the BMP Verification Review Panel members. [Post Conference Call Note: see Attachment A for this summary document]

- Dana York reviewed the proposed approach towards developing evaluation forms (beginning on page 9 of her briefing presentation) that will be used to assess the jurisdictions' verification programs and asked for feedback from each panel member. She emphasized that if a Panel member picks a score of '3', that Panel member should then specifically identify what element(s) are missing.
- Tom Simpson: Anything we can do to encourage the jurisdictions to be consistent in the layout and approach of their draft BMP verification program documents would be extremely helpful.
- Tim Gieseke: The Table of Contents we provided can still be a framework, but the jurisdictions just don't have to address all of the elements in it. We don't want to impose redundancy or stifle innovative in any way. They can clearly not include a specific component which we have recommendation. That way they can develop a program that makes sense for them, but the format is consistent for us. Also, if many jurisdictions rely heavily on statistical techniques, can we just comment that the program is good as long as the statistics are verified to be legitimate by some other expert?
    - Rich Batiuk: Yes, we will have the statistical-based survey designed evaluated parallel to this panel's efforts by a team of statistical survey design experts. That team of statistical survey design experts will be convened through EPA's cooperative agreement with Virginia Tech.
- Dan Zimmerman: I have concerns about how we will be able to judge whether one plan will work better than another, because they likely will be very different, even if the formats are the same.
- Rebecca Hanmer: I want to reemphasize that jurisdictions will need to supply the rationale behind their statistical sampling designs. We need to understand their level of site reviews which are planned as part of their protocols. Also, making sure our evaluations that are in sync with the Verification Guidance is great, but in some cases the guidance developed by a sector may not mesh with this Panel's judgment. For example, I am concerned that it will result in important third party review being left out of Agriculture BMP verification. Finally, I think that in cases where there is overlap between two sets of technical guidance (two sector groups provided two different sets of guidance for one type of BMP) that we should make the comment that jurisdictions should follow whichever guidance is more stringent.
- Mike Gerel: My biggest concern is knowing why jurisdictions made the decisions they did, especially if they choose to deviate from our guidance, omitting specific recommended sections or elements, or take a significantly different path forward.
- Gordon Smith: All the Panel's feedback is going to be based on the degree to which the state has followed the Panel's guidance. What are the options for interacting with the jurisdictions during the two week review period?

- o Tom Simpson: Can Chesapeake Bay Program Office staff be accumulating the responses from the states/DC between the initial Panel meeting and the Panel meetings with each of the states?
  - o Dana York: I think we should have a central person to collect and comments from the panelists and pass them along to the jurisdictions.
  - o Rich Batiuk: David Wood and I will be the point persons for collecting those comments as they accumulate and will reach out to the jurisdictions when necessary.
  - o Dana York: I just want the panelists to be careful to avoid expressing any opinions to the jurisdictions before a formal decision has been reached by the panel as a whole.
- Gordon Smith: I also want to point out that the Tetra Tech framework might be useful to everyone as they review the verification programs. Finally, to the extent that we can coordinate with the Chesapeake Bay Program's Modeling Team, I think it would be beneficial. We want the verification programs to inform the Bay Program's Watershed Model, not just the programmatic evaluations.
- Dianna Hogan: I don't have any concerns or changes to the proposed plan at this point.
- Curt Dell: I agree that we need to stress the value of the jurisdictions providing sufficient detail for their rationale when they deviate from our guidance.

DECISON: The two Panel meetings listed on the 2015 schedule will be held during the week of July 27th, and the week of August 24th.

ACTION: David Wood will distribute a poll to the panel members to determine which specific dates during these two weeks work best for the panel members.

DECISION: The BMP Verification Review Panel agreed to need to convene a statistical sampling/survey design group of experts to review the jurisdictions' BMP Verification Programs' proposed statistically-based verification survey designs for statistical rigor.

- Rebecca Hanmer: I request that Steve Dressing, Tetra Tech, be included on that group of experts because of his familiarity with the BMP Basinwide Verification Framework and the workgroup's, particularly agriculture, verification guidance documents.

ACTION: Rich Batiuk will work with Virginia Tech and Tetra Tech to move forward with convening the statistical sampling group of experts, and to include Steve Dressing (Tetra Tech) in that group.

- Dana York: We may need another Panel conference call in the March 2015 timeframe when the evaluation forms are distributed, but we will wait and see.
- Rich Batiuk thanked the panel members for all of their hard work and dedication to this effort. He offered to work towards publishing a joint paper, or series of papers, in a peer reviewed journal documenting all the work of the Panel on BMP verification in order to ensure that the panel members received adequate professional recognition for their efforts.

- Rebecca Hanmer: I want to remind everyone that Kristen Saacke-Blunke (Chesapeake Bay Program's Agriculture Workgroup Chair) encouraged us to send in a proposal to NFWF for an alternative evaluation system.
  - Rich Batiuk: This request is appropriate and timely and the next NFWF Small Watersheds and Innovative Nutrient and Sediment Reduction RFPs are now in the formative stages.

ACTION: Rich Batiuk will find out the timing of the next round of NFWF RFPs and send the Panel the appropriate NFWF schedule and contact information.

- Dana York thanked the panelists and adjourned the call.

<u>Adjourned</u>

<u>List of Conference Call Participants</u>

Panel Members

Dana York (Chair)	Green Earth Connection LLC
Dianna Hogan	USGS, Eastern Geographic Science Center
Gordon Smith	Wildlife Works Carbon
Rebecca Hanmer	Retired
Dan Zimmerman	Warwick Township
Curt Dell	U.S. Department of Agriculture, Agriculture Research Service
Tom Simpson	Water Stewardship, Inc.
Tim Gieseke	Ag Resource Strategies
Mike Gerel	Sustainable Northwest
Robert Traver	Villanova University

Panel Staff

Rich Batiuk	U.S. EPA, Chesapeake Bay Program Office (CBPO)
David Wood	Chesapeake Research Consortium (CBPO)

Non-Panel Participants

Russ Baxter	Virginia Department of Environmental Quality

ATTACHMENT A
BMP Verification Related Text Extracted from the December 24, 2015
2015 Draft Chesapeake Bay Program Grant and Cooperative Agreement Guidance

Page 14:
3.) *CWA Sections 117(e)(1)(A) – Chesapeake Bay Regulatory and Accountability Program Grants (CBRAP)*

These grants help each of the six watershed states and the District of Columbia to:

- Develop/revise regulations, design and implement WIPs and two-year milestones;
- Implement regulatory, tracking, reporting, verification, assessment, and/or monitoring commitments of the jurisdictions' WIPs and/or two-year milestones or in response to EPA's evaluation of these documents;

Page 33:
In September 2014, the Chesapeake Bay Program partnership's Principals' Staff Committee approved and adopted the Chesapeake Bay Basinwide BMP Verification Framework.[1] This framework commits the partners to a set of five BMP verification principles and comprehensive sets of BMP verification guidance. Based on the schedule agreed to by the CBP partnership, as embodied within the framework report, the expectation is clear that during 2015 all seven jurisdictions will develop, document, and submit for EPA review and approval, enhanced BMP tracking, verification, and reporting programs. These programs will need to be fully consistent with and supportive of the Chesapeake Bay Program partnership's adopted BMP verification principles. CBRAP grant funding can be used directly by the jurisdictions to support the development or enhancement of their BMP verification programs and their continued operation.

Page 34:
"d. Improved Tracking, Reporting, Verification, and Accountability Consistent with WIPs and/or Two-Year Milestones for Water Quality
- Development and implementation of National Environmental Information Exchange Network (NEIEN) BMP data flows to report practices to the Chesapeake Bay Program;
- Improved verification of point and nonpoint sources of pollution and management actions (e.g., procedures for verifying that agricultural conservation practices – both cost-shared and non-cost shared – are properly designed, installed, and maintained) consistent with the November 4, 2009 and December 29, 2009 expectations letters, as well as the *Guide for EPA's Evaluation of Phase I Watershed Implementation Plans* issued April 2, 2010, as amended or clarified by subsequent EPA or Chesapeake Bay Program partnership communications, including the CBP partnership's September 2014 Chesapeake Bay Basinwide BMP Verification Framework;
- Development and implementation of protocols and staff resources to report data that meet EPA expectations for tracking and verification into NEIEN, Scenario Builder, the Chesapeake Bay Watershed Model, ChesapeakeStat, and/or Chesapeake Bay Tracking

---

[1] Chesapeake Bay Program, 2014. *Strengthening Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basinwide Framework*. Annapolis, Maryland. Accessible at: [give web site URL]

and Accountability System (BayTAS), and are consistent with the November 4, 2009 and December 29, 2009 expectations letters, as well as the *Guide for EPA's Evaluation of Phase I Watershed Implementation Plans* issued April 2, 2010, and subsequent EPA and Chesapeake Bay Program communications;

- Development and/or improvement of procedures for verifying practices that were designed, implemented, and maintained properly, including as specified in permit or contract conditions; and/or
- Reporting of available state data for the 12 outcome measures contained in the EO 13508 Strategy."