Objectives of Today's Conference Call

- Rich Batiuk (EPA, CBPO; BMP Verification Committee Chair/Coordinator) convened the call and welcomed participants.
  - Attachment D (protocol comparison matrix) was still being developed
  - He noted that materials and call summary from the BMP Verification Review Panel's October 12th, 2012 conference call were available on the Chesapeake Bay Program website's calendar at:
    http://www.chesapeakebay.net/calendar/event/18810/

Response to Feedback on the Revised Draft BMP Verification Principles

Rich Batiuk described the feedback from BMP Verification Review Panel members on the draft verification principles (Attachment A). He asked the Committee members first to identify what specific set of Panel feedback they want to consider or discuss during the today's call. Next, determine what changes do we make to principles in response to the Panel's feedback, and then ask for volunteers to iron out language as needed. The plans are to finalize the principles for final review and adoption by the Principals' Staff Committee in December.

The Panelists' feedback is described in Attachment A. The key points and questions from the Committee's discussion of the feedback are captured below.

- Roy Hoagland (Hope Impacts, LLC): pages 3-5 of Attachment A have new, updated material. Does bold font indicate language he [Tim Gieseke] proposed?
  - Rich Batiuk: Correct. That text is his suggested additions.
- Robert Traver's comment on hidden versus visible stormwater BMPs.
  - Rich Batiuk suggested this was not an issue for the principles, but a detail to highlight for the Urban Stormwater Workgroup and their work on their draft protocol.
  - Roy Hoagland agreed.

ACTION: CBPO staff will share Robert Traver's comment with the Urban Stormwater Workgroup.

- Gordon Smith's comment on the top of page two.
  - Beth McGee (Chesapeake Bay Foundation) and Pat Buckley (PA DEP) felt it was a communication issue.
  - Rich Batiuk: We will bring this issue to the attention of the Communications Workgroup for their input further down the road.

ACTION: CBPO staff will share Gordon Smith's comment with the Communications Workgroup.

- Dana York's question on the top of page two.

- o Roy Hoagland recommended sending this question to the Urban Stormwater Workgroup to be addressed in their protocol.

ACTION: CBPO staff will share Dana York's questions with the Urban Stormwater Workgroup.

- Gordon Smith's comment on the top of page two.
    - o Pat Buckley and John Rhoderick (MD Dept. of Agriculture) felt it was a communications issue.
    - o Pat Buckley clarified that it's not necessary for Communications workgroup to address the issue, but they could discuss and consider the value of it.

ACTION: CBPO staff will share Gordon Smith's comment with the Communications Workgroup.

- Richard Klein's suggestion to develop a subset of protocols that are suited to the technical and time constraints of lay volunteers or the public
    - o Rich Batiuk asked the Committee members if this comment should be addressed in the Principles or by the workgroups in their verification protocols.
    - o Pat Buckley: does not seem reasonable due to potential for double-counting.
    - o Russ Baxter (VA Dept. of Environmental Quality): this suggestion resembles citizen monitoring. It may be a tool that a state can use to assist its verification program
    - o Ann Swanson (Chesapeake Bay Commission): citizens monitoring more of a mechanism belonging in a protocol than being a principle.
    - o Beth McGee: agreed with Russ Baxter and Ann Swanson, but really likes Richard Klein's idea. Richard Klein is right to suggest leveraging volunteer resources. Would like to capture the concept captured somewhere in the supporting documentation for the BMP Verification Framework so it does not slip off the radar screen entirely.
    - o Bill Angstadt (MD/DE Agribusiness Association): Richard Klein's winter cover crop example does not meet same level of rigor as existing programs.
    - o Pat Buckley: Agreed with Bill Angstadt; don't recommend going down this path.
    - o Ann Swanson: Suggest sending to this suggestion to the sector workgroups to identify and discuss possible subsections of BMPs where taking a citizens monitoring might make sense.
    - o Pat Buckley: If citizens monitoring is acceptable option, she would argue that farmer self-reporting should also receive full credit for verification.
    - o Russ Baxter: Might make sense as an option in certain circumstances with proper level of rigor, but not required verification approach.
    - o Mark Dubin (UMD/CBPO) pointed out that private property would exclude possibility of citizens monitoring for most agricultural BMPs. The Agriculture Workgroup had discussed similar options (e.g., certified/trained third party checks, etc.), but definitely recognized significant limitations for private property reasons.
    - o Rich Batiuk: Agreed with the direction being recommended by all the members' feedback. Seems to be a good concept, but doesn't belong in principles.

Something to suggest to sector workgroups, recognizing it can be an option under the right conditions. Will consider and discuss the possibilities in the future.

o Roy Hoagland: Given amount of time and effort invested to date by the Committee to draft the principles, suggested carefully considering whether we really need to amend them. Think the sector workgroups will already consider the volunteer/citizen option in their discussions, as Dubin described. If it's not a principle, may not need to send that guidance to the workgroups.

ACTION: CBPO staff will share Richard Klein's suggestions with the source sector workgroups for their consideration as they continue to develop their verification protocols.

- Daniel Zimmerman's feedback on page 3.
  o Pat Buckley: Agreed with his comments and felt they make good points, but he was pointing out more of a communications issue than something to be addressed in the principles.

ACTION: CBPO staff will share Daniel Zimmerman's comment with the Urban Stormwater Workgroup.

- Tim Gieseke's feedback on the bottom page 3 to the top of page 5.
  o John Rhoderick: unclear how the sixth suggestion – "improvements created by practices are not offset by other landscape management activities within the farmscape and/or watershed" – would be implemented.
    ▪ Bill Angstadt: would be very difficult to do.
    ▪ Matt Monroe (WV Department of Agriculture): no practical way to make these judgment calls in the field.
    ▪ Bill Angstadt: we don't need to address this in the verification principles since what we are developing is not for environmental market verification.

DECISION: The BMP Verification Committee decided Tim Gieseke's recommended language will not be added to the verification principles.

  o Uniformity and standardization (suggested insertion to Principle 5)
    ▪ Pat Buckley: we can achieve equity without uniformity and standardization. We have always allowed jurisdictions to develop their own unique programs. Suggest leaving it out.
    ▪ Bill Angstadt: This is exactly what we don't want. We want flexibility. We discussed this at length and determined that flexibility was more important than uniformity and standardization.
    ▪ Rich Batiuk asked the Committee members if there were objections to leaving out the language. Hearing none, the language was not added

DECISION: The BMP Verification Committee decided Tim Gieseke's recommended language for inserting into Principle 5 will not be added to the verification principles.

  o Principle 6: transactional costs
    ▪ Bill Angstadt: the proposed principle doesn't fit since this is not a market-based verification system. The states already make these choices.

- Roy Hoagland: what's the essence of the new recommended principle? Trying to better understand the intent of the proposal.
  - Rich Batiuk: Tim Gieseke's suggestion during the Panel's October conference call was to make the verification expense relative to the benefit.
- Pat Buckley: feel that this recommendation is common sense and the states will already be making these determinations. Does not need to be a principle.
- Matt Monroe: the states will make the decisions and develop programs to their own needs.
- Russ Baxter: do not see need to change principles on this.
- Beth McGee: suggested the communications folks consider this; it is up to the states, but communicating the trade-offs between monitoring and implementation is important.
- Rich Batiuk summarized the discussion that there is desire to allow flexibility for the states, not embody as a principle.

DECISION: The BMP Verification Committee decided Tim Gieseke's recommended language for a new Principle 5 will not be added to the verification principles.

ACTION: CBPO staff will share Tim Gieseke's recommended language with the Communications Workgroup for their consideration as they develop the verification communications strategy.

- Principle 7: integrative management
  - Roy Hoagland: Do not see it as a separate principle, but perhaps it could be shared with the Agriculture Workgroup.
    - Mark Dubin: the Verification Committee could ask the appropriate workgroups to consider and respond to specific suggestions from the Panel.
    - Bill Angstadt: certainly support integrating natural resource protection, ecology, etc., but do not see how it relates to BMP verification.
    - Pat Buckley: The workgroups have enough to work on as it is, should not burden them if not necessary.

DECISION: The BMP Verification Committee decided Tim Gieseke's recommended language for a new Principle 7 will not be added to the verification principles.

- Principle 8: landscape context
  - Roy Hoagland: isn't this proposed principle about BMP selection rather than verification?
  - Ann Swanson: does this get to same issue as the proposed Principle 7? Seem like more of an overlay than a principle.
  - John Rhoderick: these are technical calls made by professional or extension individuals in the field. Do not see how it fits.

- Ann Swanson: Is there something in the proposed principles 7 or 8 that we are missing?
  - Mark Dubin: He is looking at effectiveness of BMP at field level rather than watershed level. The Bay Watershed Model already puts BMPs in context when it combines practice efficiencies and loading rates for specific fields.
- Rich Batiuk summarized the appreciation for the Panel's feedback and ideas. He noted the consensus to not add the new proposed principles.

DECISION: The BMP Verification Committee decided Tim Gieseke's recommended language for a new Principle 8 will not be added to the verification principles.

- Pennsylvania Department of Environmental Protection's suggestion to add the words "as appropriate" to end of Principle 5.
  - Pat Buckley: Pennsylvania made suggestion because they do not feel extra programmatic resources should be applied to "strive to achieve equity" if the effort will be extremely costly. Want to ensure that striving for equity is appropriate for jurisdictions' fiscal situations.
  - Rich Batiuk: this requested edit to Principle 5 was originally brought up at end of last Committee meeting, and was brought up through WQGIT discussion. Buckley brought it up at September 12th Verification Committee meeting for discussion at this conference call.
  - Roy Hoagland: the existing Principle 5 text provides the jurisdictions with the needed flexibility with the use of the term "strive to."
  - Beth McGee: agree with Hoagland, there is wiggle room within the existing language.
  - Pat Buckley: reiterate the concern that we do not set expectations that are too high.
  - Rich Batiuk: the BMP Verification Review Panel is still an advisory group and will be providing its recommendations to the Partnership for Partnership decisions. The principles will guide, but not dictate the decisions by the partnership on BMP verification.
  - Ann Swanson: understands Pat Buckley's concern, but felt "should strive to" provides enough flexibility, so did not agree with adding the additional proposed words.
  - Roy Hoagland: strongly suggest leaving out the additional words.
  - Russ Baxter: if we make a change, could phrase as "should strive where possible."
  - Rich Batiuk: everyone sees these as ultimate jurisdictional decisions. Hearing no consensus to add the language, will leave Principle 5 as is.

DECISION: The BMP Verification Committee decided to not add the words "as appropriate" to the end of Principle 5 and keep the text for this principle as written in the draft.

- Rich Batiuk asked for objections to move the draft verification principles in their current version as presented to the Committee during the conference call on to the Management Board for discussion at their November 14th meeting and on to the Principal's Staff Committee for review and adoption at their December 5th meeting.

- - Pat Buckley noted that Pennsylvania still prefers the additional language for Principle 5, but is okay with moving forward if that is the consensus of the Committee.
  - No objections were heard.

DECISION: The BMP Verification Committee decided to present the draft guiding principles to the Management Board and Principal's Staff Committee for review and adoption.

Preparation for BMP Verification Review Panel's First Face to Face Meeting
<u>Issues for Consideration by the Panel</u>
- Rich Batiuk reviewed the issues to bring forward to the Review Panel (Attachment B) in preparation for their face to face meeting. The list was based on minutes and discussion from previous BMP Verification Committee conference calls and meetings. He asked the Committee member if they felt any issues were missing or if any did not seem worth the panel's time.
- Pat Buckley: On the first item, EPA should be responsible through Clean Air Act audits etc. Do not see it as a partnership or state issue.
  - Rich Batiuk: The panel brought up the issue to make sure that all air emission reductions are captured. There was uncertainty if all BMPs that reduce air emissions were accounted for through the Clean Air Act or not.
  - Ann Swanson: what specific issues are talking about? Emissions from chicken houses, etc.? Is it all captured under the CAA SIPs?
  - Mark Dubin: Not sure if the Agricultural Workgroup has addressed this specific issue yet.
  - Bill Angstadt: This gets more into performance verification, e.g., a producer using alum in a poultry house. We are counting practices, not measuring performance.
  - Mark Dubin: This may be more germane for the BMP expert panels to consider rather than the BMP Verification Committee or BMP Verification Review Panel.

ACTION: CBPO staff will follow up with EPA air emissions regulators for more clarity and information on the issue.

- Matt Johnston (UMD/CBPO): On the second item, it is important to clarify discounting credit based on implementation versus performance to avoid double-discounting.
- Pat Buckley: Not sure what is meant by third item. Also, unsure if partnership can define "equity" in the fourth bullet. Each jurisdiction will develop its own verification program while "striving" for equity, but do not think it is necessary to spend time defining equity in this case.

ACTION: BMP Verification Committee member should continue to provide feedback on Attachment B to Rich Batiuk within next two weeks (by November 14th).

<u>Review of the Draft December 6th Review Panel Meeting Agenda</u>
- Rich Batiuk reviewed the draft December 6th Review Panel meeting agenda (Attachment C). He explained the idea to provide more time for discussion with the sector chairs/coordinators, and less time spent on detailed presentations. He asked for suggestions or comments on the agenda. None were heard.

- Mark Dubin: it is important for the Panel members to understand that the workgroups' protocols are still in draft form.
- Pat Buckley: on the double-counting item, did the jurisdictions present on this already?
    - Rich Batiuk: No, this is the project by Dean Hively and Olivia Devereux with NRCS and FSA.
- Buckley: When do you expect the 1619 agreement issue to be discussed again?
    - Rich Batiuk: the goal is to bring this topic up at November BMP Verification Committee conference call.
    - Pat Buckley: Want to have the issue teed up so it gets handled appropriately.

Review of Forthcoming BMP Verification Schedule – Rich Batiuk
- Rich Batiuk reviewed the current version of the BMP Verification schedule through June 2013 (Attachment E). He noted the sequence was essentially the same as previous versions with the changes being the exact dates.
    - The next BMP Verification Committee conference call is scheduled for Monday November 26th, 1:00pm-3:00pm
        - Use time to finalize approach for ensuring full access to federal cost shared practices and addressing double counting.
        - Pat Buckley asked if the previous version of the draft agreement could still be used of if it had been revised. Rich Batiuk recommended using the version that was shared with the Committee members in September, but agreed to resend the document.

ACTION: In preparation for November 26 conference call, CBPO staff will resend the draft Baywide 1619 agreement to BMP Verification Committee members.
        - Nona McCoy (USDA, NRCS): need to double-check with Rich Batiuk and NRCS colleagues to confirm if November is too early to re-visit this topic or if another month will be needed.
    - The Committee's December conference call is scheduled for Thursday, December 20th, 9:00-11:00AM.
    - The Committee's January conference call is scheduled for Tuesday, January 22nd 1:00-3:00 PM.
    - The Committee's February face-to-face meeting is scheduled for Thursday, February 21st, at the Chesapeake Bay Program Office's main conference room in Annapolis, Maryland.
- Rich Batiuk thanked everyone for their time and very constructive input.

Call adjourned

Conference Call Participants

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