

SUMMARY OF DECISIONS AND ACTIONS
CBP WQGIT BMP Verification Committee
Conference Call
Monday, November 26, 2012, 1:00PM – 3:00PM
<http://www.chesapeakebay.net/calendar/event/18951/>

Objectives of the day's Conference Call – Rich Batiuk

- Rich Batiuk (U.S. EPA CBPO) convened the call at 1:00 PM. He welcomed the participants, and briefly reviewed the agenda and advance briefing materials.

Final Draft BMP Verification Principles Delivered to PSC – Rich Batiuk

- Rich Batiuk explained the draft BMP Verification Principles ([Attachment A](#)) were approved by the Management Board (MB) at their November 14 meeting and have been delivered to the Principals' Staff Committee for their review and adoption at their December 5th meeting.
- He noted that Pennsylvania's request to add "as appropriate" to Principle 5 was presented to the Management Board, recognizing this change was not recommended by the BMP Verification Committee. The Management Board agreed that the existing Principle 5 language—"should strive to achieve"—was sufficient.

Identification of Opportunities Higher BMP Efficiency Credit with Collection of Additional Conservation Practice Data by NRCS and FSA

- Olivia Devereux (Devereux Environmental Consulting) explained that USGS had been contracted by the Partnership to compile data on all Natural Resource Conservation Service (NRCS) and Farm Service Agency (FSA) cost-shared practices and remove duplicate practices.
 - NRCS and FSA have slightly different definitions than the Chesapeake Bay Program's approved BMPs, so there are cases where the states could potentially get more credit if they were more specific on definitions of BMPs.
 - There are already huge benefits for using system that NRCS and FSA have put in place for collecting data. The jurisdictions could gain additional benefits—receiving credit for even more agricultural conservation practices—if NRCS and FSA collected additional data slightly differently.
- Olivia Devereux: there are some data elements requested by the CBP partners which are not always populated by NRCS or FSA. (See Table 1, page 1 of [Attachment B](#))
 - NRCS and FSA have many goals including water quality.
 - Land use and animal type are already set up in data base; would be bigger change to add and populate cover crops.
- John Rhoderick (Maryland Dept. of Agriculture): We have worked on this before, and have been told that as a national database, unable to change NEIEN for state or regional needs. This has been an insurmountable issue for well over a decade with no agreement on its resolution.
- Susan Marquart (USDA NRCS): it's important that states know about the Conservation Data Streamlining Initiative (CDSI).
 - Nona McCoy (USDA, NRCS): NRCS is working hard on CDSI. Encourage Committee members to look into the initiative.

- Susan Marquart: CDSI will be introduced next calendar year. As a part of this, there will be changes to the Land Use and Land Cover categories and definitions, and added modifiers so others can do watershed level resource analysis and assessments.
- Olivia Devereux: good to know about the initiative, but the current data problems are not only with classes, but with the collection of the data itself. Will fields be populated?
 - Susan Marquart: Yes. The whole system will be updated, and anticipate additional data will be collected as a part of that.
- Nona McCoy: It may be worthwhile having conversations with CDSI contacts. It has been an ongoing initiative for several years.
- Jack Frye (Chesapeake Bay Commission): Does Attachment B just list a subset of examples?
 - Olivia Devereux: Yes. The three bullets state the purpose of the project and the table identifies the specific instances I could find where additional data could result in higher reduction efficiencies.
 - Dean Hively (U.S. Geological Survey): There are some categories that have never been populated, so rather than new data collection it may be just an issue of populating those fields. To build on other comments, it does seem that there is good opportunity to continue on CDSI discussion.
- Rich Batiuk: As our next steps, recommend we start with a core list and ask a series of questions. If it's existing field or not, what are the types of information needed to give states full credit. If it's existing field, work with CDSI colleagues and try to move forward with adding the new field. Get all states to agree on that list and see if there is an opportunity to work with CDSI folks on incorporating those practices and data fields into the national data base. Finally, work with NRCS on commitments to ensuring the collection of the data and incorporation into the data base.
 - Olivia Devereux: The animal type, as an example, applies to a dozen or so other BMPs.
- Rich Batiuk: Is this something we could turn to the Agriculture Workgroup for their help?
 - Mark Dubin (Univ. of Maryland; Coordinator, AgWG): This would be part of our midpoint assessment priorities, e.g. to improve and enhance the BMP data and agriculture datasets. It also relates to some of the BMP panels and what would like to see improved in next version of the model.
- Rich Batiuk: Is there a specific point person at NRCS?
 - Nona McCoy: There are many folks working on CDSI at headquarters, unsure if there is a specific head person to contact. There is a great [PowerPoint presentation](#) available on [CDSI website](#).

ACTION: Nona McCoy will locate the contact person for CDSI for the CBP partners to work through to address the above identified issues and needs.

- Matt Johnston (UMD, CBPO): in terms of Olivia Devereux's first two examples, is it a problem that the field person is not collecting the information in first place, or that it is not being entered.
 - Nona McCoy: It's a combination of things, depends on context.

- John Rhoderick: this is a contract database and these are secondary fields.
 - Mark Dubin: Some data is available through the contract folder and it is a matter of transferring it into the database. Other fields like cover crops are not collected or are not available even in the contract file.
- Rich Batiuk: A key issue is getting that request down to the conservation districts and ensuring the missing data are collected by colleagues working with the producers. It is definitely a resource issue from federal and state perspective, but how can we start to address it from federal and state side?
 - Nona McCoy: not sure exactly what we are looking for, what information or files we are asking for.
 - John Rhoderick: the central issue seems to be getting more specific details from contract files.
 - Susan Marquart: I think the new CDSI will do a better job of integrating those things.
 - Roy Hoagland: if understanding the discussion correctly, the states have more detailed data than FSA or NRCS.
 - Devereux: Yes, for states that track those BMPs, they have more detailed information.
 - Rich Batiuk: That is the objective: to give states full credit for the conservation practices being implemented by their producers by ensuring the collection of missing data which would lead to the crediting of more practices and more reduction efficient practices.
 - Roy Hoagland: some of the language of the attachment was confusing. We're not talking about higher effectiveness value for BMPs, but more accurately recording all the BMPs implemented, leading to crediting of some BMP at a CBP adopted higher efficiency level because the state is reporting more details on that practice.
 - Olivia Devereux: correct. By being more specific we can assign the correct effectiveness values...if data isn't provided, lower rates are assigned by default. An example is cover crops. Strictly reporting the presence of cover crops results in a jurisdiction receiving the lowest efficiency level assigned to a generic cover crop. Reporting of planting time, method of planting, and seed planted will yield credit because the state can report on more specific cover crops.
- Rich Batiuk: this has some important connections to the basinwide 1619 agreement discussion coming up next. In terms of the next steps, let's work to better identify the missing data and work through Agricultural Workgroup before elevating to higher levels. Would like to continue working directly with Susan Marquart and Nona McCoy, and identifying colleagues working on CDSI to work collectively with BMP Verification Committee. The BMP Verification Committee will identify and elevate issues to respective agencies and partnership as appropriate.
 - Nona McCoy: Sounds fine. Also, it is important to note the CDSI is NRCS, not FSA. More than happy to track down the appropriate folks at NRCS.
- Rich Batiuk: will you be able to track down FSA contacts too?
 - Nona McCoy: I can try.
 - Rich Batiuk: Recognize they are separate agencies. While the majority of practices are NRCS, some important practices are cost-shared by FSA.

ACTION: BMP Verification Committee members should contact Rich Batiuk if they are interested in participating in a small group to work with Susan Marquart and Nona McCoy along with CDSI colleagues on further fleshing out a resolution to these long standing data collection and reporting issues.

Moving Forward with a Basinwide 1619 Agreement – Olivia Devereux/Nona McCoy

- Olivia Devereux walked through the preliminary draft basinwide 1619 agreement previously shared with the Committee ([Attachment C](#)). Attachment C is the template provided by FSA.
- Olivia Devereux: NRCS and FSA have been extremely helpful and patient throughout the process. USGS made separate agreements with FSA and NRCS.
 - To identify duplicate data, best to have location or producer name
 - NRCS suggested it would save a lot of time to have a Baywide agreement, as it would reduce the amount of back-and-forth necessary.
- Pat Buckley (PA Dept. of Environmental Protection): personally extremely interested in signing on to this kind of agreement. Would Pennsylvania be able to get the data statewide and not just for the Chesapeake Bay basin?
 - Olivia Devereux: Definitely yes.
- Nona McCoy: NRCS's Office of General Counsel has concerns over multi-state agreement. Also important to note CBWI and NCRP have both expired, no new enrollment until new Farm Bill is passed. Connecting to a USDA program will need to be done. Need to confirm if respective states DEPs are the appropriate signatories.
 - Pat Buckley: Why would a state DEP not be an appropriate signatory to such a basinwide agreement? In Pennsylvania, DEP administers the CREP programs, staffs the conservation commissions, and funds county conservation employees that install practices.
 - Jenn Volk (Univ. of Delaware): Same question for Delaware Department of Natural Resources and Environmental Control (DNREC). DNREC does all the data aggregation; no other state agency seems equipped to handle that task right now.
 - Pat Buckley: requested Nona McCoy be more of an advocate for the jurisdictions' DEPs, given they are the agencies that report the data, administer, and provide a lot of the funding and technical assistance for county conservation districts across the Bay watershed.
- Rich Batiuk: there are definitely a range of responsibilities under multiple state agencies within a single jurisdiction which would make them appropriate signatories. We will certainly work with all the state and federal partners to understand who needs to be signatories to such an agreement.
- Pat Buckley: Will you help the states understand the requirements and timelines? Do not want this issue to be left behind or forgotten.
- Rich Batiuk: Yes. We are also fortunate to have Susan Marquart and Nona McCoy on the BMP Verification Committee to help all the partners work with USDA to work through these issues.
- Nona McCoy: first, need better understanding of connection between anticipated signatories and USDA technical assistance program. If this needs to be done through individual calls, let me know. Second, once I hear from the Office of General Counsel

what the concerns are, can communicate those concerns to Rich Batiuk and the full Committee.

- Beth McGee (Chesapeake Bay Foundation): Is there a legislative reason why NRCS would be opposed to a basinwide 1619 when FSA appears not to be? Or is it just a difference of legal opinion?
 - McCoy: Not sure. Cannot speak to that reason.
- Rhoderick: on page three, the current language seems to restrict the use of the data to assessment of specific programs.
 - Olivia Devereux: the intention is not to restrict access to data. I would welcome suggested changes to the draft agreement text. This is a standard template, so changes can certainly be made.
 - Rich Batiuk: We certainly welcome input on the language as the partnership moves forward with it.

ACTION: BMP Verification Committee members will provide recommended edits to the draft basinwide 1619 data sharing agreement to Olivia Devereux.

- Olivia Devereux described how a basinwide 1619 data sharing agreement could help the individual watershed jurisdictions ([Attachment D](#)). The potential benefits for each state are summarized in Table 1 of Attachment D.
- Rich Batiuk: What are jurisdictions' perspectives?
 - Matt Monroe (WV Dept. of Agriculture): do not personally know the ins and outs enough to know what would change under an agreement. Probably no real difference for the Department of Agriculture, but might be helpful for other West Virginia agencies like West Virginia Department of Environmental Protection.
 - Pat Buckley: Pennsylvania is very interested in pursuing a basinwide agreement with Pennsylvania DEP as a signatory.
 - Jen Volk: think it would be helpful for Delaware, but do not know if it is 100 percent necessary.
 - Ed Kee (Delaware Department of Agriculture): Agree with JenVolk's comment. Such a basinwide agreement would be useful to Delaware and the other states, and we should further pursue within the Committee.
 - John Rhoderick: Maryland has its Conservation Tracker is in place, but could use the NRCS data as a QAQC check for what is in the state database.
 - Rich Batiuk: Olivia Devereux mentioned that there is a chance that some federal technical assistance may not be included in the state database. Possibility there are more practices than previously thought which Maryland could get credit for.
 - Olivia Devereux: It would be interesting to see what the benefit to MD is, but it is too early to know right now. Will be valuable to hear what new practices Maryland Department of Agriculture discovers which were not already in Conservation Tracker.
 - Russ Baxter (VA Dept. of Environmental Quality): Do not have much to offer from a DEQ perspective. If there needs to be more detailed discussions, they should be directly with the Virginia Department of Conservation and Recreation.

- Beth McGee: Conceptually makes sense to have consistent access to federal cost share data across all six jurisdictions. Assuming we can work out resolutions to these issues, this all makes a lot of sense.
 - Roy Hoagland: Agreed with Beth McGee's statements.
- Nona McCoy: In event that we cannot do a basinwide agreement, what is downside?
 - Rich Batiuk: As Olivia Devereux described, a basinwide agreement would save considerable staff time for both the federal and the six jurisdictions' agencies. Future changes or additions to the agreement could be made once and be effective immediately across all six jurisdictions. Access to federal cost shared data would be completely removed as a cross jurisdictional equity concern and the partners could keep their focus on resolving other, more important issues.
 - Olivia Devereux: do not have specific watersheds right now, but I have been told there have been other multistate agreements. Will circle back on this.
- Rich Batiuk: question directed to Ed Kee—are these types of issues you would like to see bubble up to be addressed by you and your fellow state agency secretaries? What else should be done by the Committee to prep for eventual presentation to the Principals' Staff Committee in late spring?
 - Ed Kee: The bottom line is “why not?” proceed forward with a basinwide agreement. More data tends to be beneficial as long as it is not redundant. Appreciate the hard work and sincerity by the Committee members. Concerned that we may be reaching too hard for something that provides little benefit overall; that would be initial question from a senior management perspective.
- Rich Batiuk: If a producer has taken effort and invested some of his/her own money to implement a practice, it makes sense that we should try to capture and account for that.
- Beth McGee: Is there some political value to marketing this kind of group data sharing? No answer needed, but something to consider down the road.
- Kelly Shenk (U.S. EPA Region 3): this really sells well with farmers as a clear demonstration that we are trying to give credit for all their practices. It goes a long way to show we are working to respond to their requests and concerns.
- Jack Frye: having one umbrella agreement, looking down the road, will likely save a lot of time as programs change.
- Rich Batiuk summarized the next steps:
 - Olivia Devereux will provide Nona McCoy with an inventory of the state agencies and their respective responsibilities related to delivery of technical assistance and cost share funds.
 - The self identified sub-team of committee members (see prior Action item) will work in parallel over the next several months to also tackle the issues and concerns surrounding a basinwide 1619 data sharing agreement, and bring its recommendations to full Committee for discussions and further decision making at the Committee's February 21 face-to-face meeting.

Review of the Draft Workgroup Protocol Comparison Matrix – Jeremy Hanson

- Jeremy Hanson (Chesapeake Research Consortium, CBPO) and Rich Batiuk walked Committee members through the draft protocol comparison matrix ([Attachment E](#)) following up on a request at the Committee's September 12th meeting. They asked for feedback from the Committee.

- Mark Dubin: there is some inherent overlap with the protocols, need for discussion among sector workgroups to hammer this out. Have to look at sources of data, ensure that consistent verification methods are applied.
- Roy Hoagland: it is important to capture what workgroups are doing and saying. The matrix would be more valuable to Committee that way. Need to have all the principles listed in left hand column. We need to remember who audience is. Would be helpful for PSC, but Committee can benefit from extra detail, less detail for PSC.

ACTION: BMP Verification Committee members should send their comments or suggestions on the draft matrix to Jeremy Hanson (jhanson@chesapeakebay.net).

Reminder of the Forthcoming BMP Verification Schedule – Rich Batiuk

- Rich Batiuk reviewed the BMP Verification schedule through June 2013 ([Attachment F](#))
 - The Committee will continue to try to meet the current schedule, but can make adjustments, if needed, by requesting schedule changes through the Management Board.
 - The BMP Verification Review Panel meets next Thursday, December 6th. Remote call-in access and as well as in person participation will be available and all materials will be publicly available in advance of the meeting.
 - Upcoming BMP Verification Committee conference calls and meetings:
 - Thursday, December 20, 2012 9-11AM (conference call)
 - Tuesday, January 22, 2013 1-3PM (conference call)
 - Thursday, February 21, 2013 9AM-3PM (face-to-face meeting)

Adjourned 3:00 PM

Participants

<u>Name</u>	<u>Affiliation</u>	<u>Email</u>
Bill Angstadt	DE/MD Agribusiness Association	angstadtconsult@aol.com
Rich Batiuk	EPA, Chesapeake Bay Program Office	batiuk.richard@epa.gov
Russ Baxter	VA Dept. of Environmental Quality	Russ.Baxter@deq.virginia.gov
Karl Blankenship	Bay Journal	bayjournal@earthlink.net
Pat Bradley	Limnotech	pbradley@limno.com
Pat Buckley	PA Dept. of Environmental Protection	pbuckley@state.pa.us
Olivia Devereux	Devereux Environmental Consulting	olivia@devereuxconsulting.com
Mark Dubin	U. of Maryland	mdubin@chesapeakebay.net
Jack Frye	Chesapeake Bay Commission	jfrye@chesbay.us
Jeremy Hanson	Chesapeake Research Consortium, CBPO	jhanson@chesapeakebay.net
Dean Hively	USGS	Dean.Hively@ars.usda.gov
Roy Hoagland	Hope Impacts LLC	royhoagland@hopeimpacts.com
Matt Johnston	UMD, CBPO	mjohnston@chesapeakebay.net
Ed Kee	DE Dept. of Agriculture	edwin.kee@state.de.us
Susan Marquart	U.S. Dept. of Agriculture, NRCS	susan.marquart@pa.usda.gov
Nona McCoy	U.S. Dept. of Agriculture, NRCS	Nona.McCoy@wdc.usda.gov
Beth McGee	Chesapeake Bay Foundation	bmcgee@cbf.org
Matt Monroe	WV Dept. of Agriculture	mmonroe@ag.state.wv.us
John Rhoderick	Maryland Department of Agriculture	rhoderjc@mda.state.md.us
Greg Sandi	Maryland Dept. of Environment	
Kelly Shenk	EPA, Region 3	shenk.kelly@epa.gov
Ann Swanson	Chesapeake Bay Commission	aswanson@chesbay.us
Jeff Sweeney	EPA, Chesapeake Bay Program Office	jsweeney@chesapeakebay.net
Larry Tull	DE Dept. of Agriculture	
Jennifer Volk	U. of Delaware	jennvolk@udel.edu
Beth Zinecker	USGS, CBPO	bzinecker@chesapeakebay.net
Hank Zygmunt	Resource Dynamics, Inc.	hankzyg@gmail.com