

Comments submitted by West Virginia

In light of recent discussions re: the Phase 3 WIPs, are the 7 jurisdictions really in agreement that there is a need for Phase 3 WIPs as stated in paragraph 4 under “Purpose”? If we are meeting or exceeding our 60% target at the 2017 reassessment, and given that we provided an input deck through 2025 that met our caps, do we really need to develop a Phase 3 WIP? During development of our Phase 1 and 2 WIPs, all of our resources were heavily involved in the process and implementation slowed considerably. We do not want to slow implementation again to develop a Phase 3 WIP if we are on track to meeting our target.

Also, as noted previously, West Virginia remains very concerned that model changes that better represent our contribution may result in a tightening of our cap loads unless the methodology used to determine state allocations is also revisited.

Revision submitted by Virginia

Overview

The 2017 Chesapeake Bay TMDL Mid-Point Assessment

Purpose: The December 2010 Chesapeake Bay TMDL called for an assessment in 2017 to review our progress toward meeting and maintaining the nutrient and sediment pollutant load allocations identified in the TMDL through the Phase I and Phase II Watershed Implementation Plans (WIPs) and Milestones. This was designed as a mid-course check on our progress to allow necessary adjustments in strategies to ensure that the Chesapeake Bay Program Partnership (Partnership) could achieve its 2025 goals for putting the necessary practices in place to meet water quality standards, as well as an update to the decision support tools that guide implementation. The purpose of this document is to describe the framework and priorities for the mid-point assessment which will set the stage for any necessary revisions to the decision support tools, the TMDL, WIPs and milestones.

Priorities: The following are the priorities of the mid-point assessment:

1. IMPLEMENTATION, TRACKING PROGRESS AND REPORTING RESULTS

The priority of the Partnership is the focused implementation of the Chesapeake Bay TMDL, the jurisdictions' WIPs and 2-year milestones. The mid-point assessment will not interfere with maintaining the shared goal of having practices in place by 2017 that will achieve 60% of the necessary pollution reductions compared to the 2009 Bay TMDL baseline. The tracking and reporting process of the accountability framework, which is supported by decision support tools, including models and monitoring data, will remain stable up through the mid-point assessment. EPA will continue its TMDL oversight function and assess progress through 2017. Progress will be measured against the Phase II WIP Planning Targets set in August 2011, the Phase I and Phase II WIPs, and the 2-year milestones using Phase 5.3.2 of the Watershed Model. The Partnership will also track trends of nitrogen, phosphorus and sediment in the watershed and use updated monitoring data and attainment of dissolved oxygen, chlorophyll-*a*, and water clarity/SAV standards as part of an integrated approach toward assessing progress.

2. MODIFY DECISION SUPPORT AND ASSESSMENT TOOLS TO ENABLE SUCCESSFUL ENGAGEMENT OF LOCAL PARTNERS

Recognizing that change is inevitable over a 15 year period, it is appropriate for us to take stock of the latest science and data, the range of available tools and controls, the effectiveness and wisdom of past policies and how any updates will inform our collective strategies to attain applicable water quality standards. Because the acceleration of implementation efforts at the local level is critical to successfully achieving the Bay TMDL implementation goals, it is essential that the tools and monitoring data and other inputs that inform accountability framework be enhanced to foster the sustained engagement of local partners in the Bay

restoration process. The Partnership has an opportunity to encourage and strengthen engagement efforts to accelerate implementation by incorporating improved local area data and information. The Partnership will aim to improve and expand the use of monitoring data in assessing load reduction and water quality restoration progress and in evaluating local and regional effectiveness of management actions. The Partnership will work towards aligning local information, monitoring data and other indicators with the existing modeling, planning and reporting tools that support the accountability framework and enhance the evaluation of progress.

3. INCORPORATION OF NEW OR REFINED BMPS AND VERIFICATION OF PRACTICES INTO ACCOUNTABILITY TOOLS AND REPORTING PROTOCOLS

The Partnership will incorporate the work of the BMP Expert Panels as they seek to add or refine BMPs to enhance the evaluation of progress and crediting of practices on the ground. The Partnership will also continue work towards developing, adopting and implementing verification protocols for accurately crediting practices resulting in actual nutrient and sediment load reductions. Through verification, the goal is to provide credit for practices that result in additional water quality benefits while eliminating credit for those practices that are not effective because they no longer exist or are not being adequately operated or maintained.

4. EMERGING ISSUES THAT MAY IMPACT CURRENT STRATEGIES AND FUTURE PLANS

The Partnership will work to address other complex issues, including those previously recognized by the Partnership, which can affect actions necessary to restore Chesapeake Bay water quality. Examples include: accounting for the potential consequences of population growth and continuing climate change, accounting for innovative, new technologies, factoring in new understanding of the Susquehanna River dams' influence on nutrient and sediment pollutant loads, understanding and recognizing year-to-year variability of rainfall-driven nutrient and sediment loads and their impact on Bay water quality and taking full advantage of living resources as natural filters. This is part and parcel of the adaptive management commitment of the Partnership to consider new knowledge and updates in information which can best inform our watershed restoration strategies.

5. ADAPTIVE MANAGEMENT, TMDL MODIFICATION AND PHASE III WIPs

The Partnership recognizes the need to adaptively manage the Chesapeake Bay restoration. The Partnership will provide input on and review changes in decision support tools, such as the models and methods used to assess progress. Further, the Partnership will consider the need for updates to current TMDL and WIPs to address any needed modifications informed by the changes to the decision support tools, as well as state implementation experience to date. Depending on the progress to date, the relevance of the Phase I and Phase II plans and associated milestones, and any changes to the TMDL and decision support tools, the Phase III WIPs may vary in content and length from jurisdiction to jurisdiction. The Partnership will carefully

consider scientific, technical, financial, social, political and other implementation factors during this review of these changes.

Actions and Schedule: To inform the mid-point assessment, a detailed work breakdown structure (WBS) and “critical path” schedule will be developed with full input of the partner jurisdictions. The following 1st level WBS elements, some of which have begun or are ongoing, will be included:

- Gathering Partnership input and consensus on priority needs for the mid-point assessment - (Underway, completion by March 2013)
- Incorporating BMP expert panel and workgroup recommendations, with a focus on adding BMPs and updating current BMPs, to enhance the evaluation of progress – (Underway and Ongoing)
- Evaluate progress through 2017 and attainment of the 60% by 2017 goal (Completion by March 2018)
- Refining decision support tools, as appropriate, to enhance the evaluation of progress and crediting of actions on the ground (Underway, completion by X)
- Testing any refinements and, as appropriate, model modifications in response to this testing (Continuous, completion by X + 6 months)
- Quantification of model certainty and evaluation of limitations (Completion by Y = X + 12 months)
- Modification to the TMDL allocations, as needed, recognizing the limitations of the model (Completion by Z = Y + 6 months)
- Developing 2018-2019 Milestones (Completion by June 2018 or Z + 3 months, whichever is later)
- Developing draft and final Phase III WIPs as needed based on model limitations and agreed upon criteria for scope and content (Completion by Z + 12 months)
- Monitoring of progress by EPA as part of the TMDL accountability framework (Ongoing)