

**CBP WQGIT BMP Verification Committee**  
**Thursday, August 16, 2012 Conference Call**  
Event page: <http://www.chesapeakebay.net/calendar/event/18556/>

**SUMMARY OF DECISIONS AND ACTIONS**

**Objectives of Conference Call**

Rich Batiuk (EPA, Chesapeake Bay Program Office) convened the call shortly after 9:00 AM.

- Rich outlined the requested decisions from the Committee members during the call:
  - Agreement on the revised verification principles in order to send the revised draft principles to the Water Quality Goal Implementation Team (WQGIT) and eventually the Management Board (MB) for review and feedback
  - Decision on a subset of nominees for the BMP Verification Review Panel (five to seven, maybe more) to send to the Management Board for final approval
  - An agreement on operations for the BMP Verification Review Panel
  - Feedback and approval of the agenda for September 12<sup>th</sup> face-to-face meeting

**Review of the Revised Draft BMP Verification Principles**

Rich Batiuk walked through key changes to the draft Principles (6/5/12 version: [Attachment A](#)) made in collaboration with about a half dozen Committee members (e.g., Bill Angstadt, Russ Baxter, Pat Buckley, Matt Monroe, Aaron Ristow) who provided specific feedback and recommended edits (see Attachments [B1](#) and [B2](#)).

- Beth McGee (Chesapeake Bay Foundation) expressed concern that the revisions shift the Panel's responsibility to review the Workgroups' sector protocols; Roy Hoagland (Hope Impacts LLC) also requested clarification on this point.
  - Later in the call, Rich Batiuk pointed out that the charge to the BMP Verification Review Panel ([Attachment D](#)), in the third paragraph in the "Charge" section, addresses this concern.

**DECISION:** The Committee agreed to the recommended edits to the first paragraph on page 1, with the following additional edit in the last sentence: "...program may already ~~being~~ achieving some of these...".

**DECISION:** The Committee agreed to the following edits to the third paragraph on page 1 recommend by Russ Baxter: "...towards achieving ~~and~~ or maintaining the following...".

- Rich Batiuk noted that there will be further opportunities to make further refinements to the draft Principles move along to the WQGIT and MB for review and, eventually, the Principals' Staff Committee for final approval.
- Hank Zygmunt (Resource Dynamics, Inc.) asked if Bill Angstadt (Delaware Maryland Agribusiness Association) considered the scale of verification issue, which was brought up in discussion among the Agriculture Workgroup, was fully addressed in the draft Principles.
  - Bill Angstadt indicated the Agriculture Workgroup was working to address the scale issue as part of it recommended verification protocols.

- Hank Zygmunt suggested, and Rich Batiuk agreed, to further consider the topic of scale of BMP verification for discussion at the September 12 face-to-face meeting.

**ACTION:** Chesapeake Bay Program Office staff will add a specific discussion of the scale of BMP verification to the September 12 meeting agenda.

**DECISION:** The Committee agreed to the recommended edits to the first and second paragraphs on page 2 in Attachment [B1](#) put forth by Bill Angstadt and Russ Baxter (VA Department of Environmental Quality).

- Roy Hoagland suggested that the last sentence in the “Principle 2: Scientific Rigor” paragraph should be added back, but modified to state “crediting of practice data may vary...”
  - Pat Buckley (PA Department of Environmental Protection) noted that there is no consensus within the AGWG on how to discount BMPs according to how the practice data was collected; she requested leaving out the sentence.
  - Aaron Ristow (NY, Upper Susquehanna Coalition) and Matt Monroe (WV Department of Agriculture) agreed with the point made by Pat Buckley
  - Beth McGee commented that this may be an issue for the Verification Review Panel to consider and make a recommendation.
  - Pat Buckley recommended removing the sentence until the Panel is able to make a recommendation, at which point the Partnership will decide whether or not to accept their recommendation

**DECISION:** The Committee agreed to remove the last sentence in the second principle.

**ACTION:** The Committee will request the BMP Verification Review Panel consider the issue of partial crediting of practices.

**DECISION:** The Committee agreed to the recommendation for deleting the last sentence in the first paragraph on page 3 in Attachments [B1](#) as put forth by Matt Monroe.

**DECISION:** The Committee to the recommended edits to Principle 4 in Attachments [B1](#) put forth by Matt Monroe and the change in wording recommended by Jack Frye: “...found in ~~guaranteeing~~ **assuring** desired long term...”.

- Bill Angstadt discussed the recommended addition of Principle 5: Sector Equity:
  - He also expressed a desire for more consistency in the use of the terms “program” and “protocol” within the Committee’s documents and discussions
  - Roy Hoagland commented that he envisioned protocols as an element of the states’ verification programs
  - Rich Batiuk pointed out that the Committee still needs to discuss its vision of the states’ verification programs (originally scheduled for the August 16 conference call) and what they consist of, including protocols. Once the Committee reaches agreement, we can then ensure that the all our verification documents are consistent in their language in terms of the usage of terms like “program” and “protocol”.

- Rich Batiuk asked if there were any objections to sending the principles, in draft form, to the Water Quality Goal Implementation Team and the Management Board for their consideration
  - Evan Branosky (World Resources Institute) suggested that second sentence of the second paragraph ought to read “The process for verifying tradable nutrient credits or offsets...”

**DECISION:** The Committee agreed to the following edits to the second paragraph on page 1 recommended by Evan Branosky: “The process of ~~certifying~~ **verifying** tradable nutrient credits **or offsets** is a separate...”.

- Bill Angstadt motioned to forward the draft principles to the Water Quality Goal Implementation Team (WQGIT) for their September 10 meeting, to receive feedback prior to the Committee’s Sept. 12<sup>th</sup> face to face meeting

**DECISION:** The Committee agreed to the revised draft BMP Verification Principles, factoring in the above agreed to edits, will be forwarded to the Water Quality Goal Implementation Team for consideration during its September 10<sup>th</sup> conference call.

- Rich Batiuk outlined the current proposed schedule and decision making steps for the next several months leading to final adoption of the BMP Verification Principles by the Principals’ Staff Committee ([Attachment C](#)):
  - Make additional refinements to the Principles in September based on feedback received from the WQGIT and determine if they are ready for consideration by the BMP Verification Review Panel in October.
  - Based on WQGIT and Panel feedback, the Committee would seek review of the Principles from the Management Board in November and seek their approval to present the draft final Principles to the Principals’ Staff Committee in January 2013.
- Ann Swanson (Chesapeake Bay Commission) expressed her appreciation for putting the decision process in writing.

**DECISION:** The Committee approved the proposed “Chesapeake Bay Program Partnership’s BMP Verification Principles Decision-making Process” and schedule as outlined in [Attachment C](#).

### **Selection of BMP Verification Review Panel Nominees**

Rich Batiuk described the process and schedule followed for requesting BMP Verification Review Panel nominations sent out to the Goal Implementation Teams, workgroups, and advisory committees. A total of 27 nominees were recommended, and the Committee was asked prior to the August 16 conference call to list their “top” 5 choices for Panel membership as well as identify any nominees which may have a conflict of interest or lacked the expertise being sought.

- [Attachment E \(.xlsx\)](#) lists the received nominees and [Attachment F \(.xlsx\)](#) lists the nominees with the compiled feedback from Committee members.

- Rich Batiuk asked each Committee member representing a jurisdiction and a partner for their comments on the list in [Attachment F \(.xlsx\)](#) to help narrow the list to a well-rounded group of a manageable size.
  - Aaron Ristow had no comment.
  - Pat Buckley and Andy Zemba (PA DEP) voiced concerns about Mike Gerel and the travel expenses for an expert traveling from the Northwestern U.S.
    - They recommended Dan Zimmerman in place of Mike Gerel.
    - Rich Batiuk noted that EPA is planning to cover travel expenses for the Panel membership in order to bring in experts from outside the watershed, so the nominees should be considered on their merits and expertise rather than distance.
  - Maryland was not present for comment at this point of the conference call.
  - Matt Monroe (West Virginia Department of Agriculture) felt comfortable overall with the list.
  - Jenn Volk (University of Delaware) noted that Delaware's top choices were included in the top five, so they were comfortable with the results.
  - Bill Angstadt commented that the top five nominees are very agriculture-centric and three of them are located primarily in Maryland.
  - Russ Baxter felt that five is too small, probably want a larger group (under a dozen) to include expertise from all the sectors; he noted that two of the top nominees were among VA DCR's bottom choices.
  - Jack Frye (Chesapeake Bay Commission) supported representation from each of the sectors; he noted that Bob Ensor and Dana York work closely together, so it might be best to choose one of the two; he also supported Dan Zimmerman.
  - Susan Marquart (USDA, NRCS) agreed that five is probably too small; should try to include nominees from other sectors.
  - Valerie Frances (USDA, OEM) commented that we need to ensure we have the urban sector represented on the panel's members.
  - Beth McGee agreed with Jack Frye that Bob Ensor and Dana York may have some overlapping expertise; she suggested that the selected group should include at least one person with the necessary statistical skills.
    - She promoted Gordon Smith, pointing out that his experience with verification in carbon markets would be beneficial to the Panel
  - Evan Branosky had no input to add.
  - Bill Angstadt highlighted his ideal cross-section of experts:
    - Agriculture sector: Curtis Dell and Dana York
    - Urban/stormwater: Robert Traver and Rebecca Stack
    - Rural/urban interface with local government: Dan Zimmerman
    - Diana Hogan has desired technical expertise
    - He also noted that two experts from agriculture is probably enough, and that experts from the forestry and on-site system sectors would be beneficial.
  - Roy Hoagland also thought five would be too small, and that Bob Ensor and Dana York have overlapping expertise.
    - He supported Dan Zimmerman and felt Mike Gerel would also be a great panelist with a lot of urban stormwater experience.

- He also commented that Rebecca Hanmer and Gordon Smith would be strong candidates.
  - Hank Zygmunt concurred with Russ Baxter's comments and pointed out that there was a lack of nominees from outside the watershed.
    - He noted that Tim Gieseke and Mike Gerel were both well-respected and well-educated experts from outside the watershed.
- Rich Batiuk recapped the names that were offered in the discussion building on the top ten nominees:
  - Curtis Dell, Dana York, Dan Zimmerman, Robert Traver, Rebecca Stack, Gordon Smith, Tim Gieseke, Diana Hogan, Mike Gerel, and Rebecca Hanmer
- Roy Hoagland noted that Tom Simpson should also be considered
  - Bill Angstadt expressed concern that Tom Simpson may have a conflict of interest.
  - Roy Hoagland responded that the Committee should not have a criteria that disqualifies a nominee based on current membership within the CBP management structure.
- Susan Marquart suggested that the in-watershed experts (e.g. Simpson and York) should be balanced with one or two of the outside-watershed experts (e.g., Gerel); likewise, it is important to include experts like Dan Zimmerman who have local experience.
- Beth McGee suggested that Rich Batiuk should compile a matrix of the top dozen (or so) nominees to enable the Committee members to visually compare the sector-specific expertise (agriculture, urban, etc.) and characteristics (inside/outside watershed, etc.) of the listed nominees.
- Ann Swanson suggested that it might be useful to include someone that works extensively to verify and track BMPs at the local level.
  - Beth McGee suggested Richard Klein (Community and Environmental Defense Services) as someone with extensive local and technical experience with agricultural and urban/suburban BMPs.
- Mark Dubin (University of Maryland) recommended that the applicants should be contacted to ensure they are willing and able to serve on the Panel, before the list is presented to the Management Board.

**ACTION:** Rich Batiuk will draft up and share with Committee members on Monday, August 20<sup>th</sup> a matrix of the top BMP Verification Review Panel nominees with a request for Committee members to assess the list for any gaps in preparation for sharing a narrowed down list of nominees with the Management Board for a final decision at their September meeting.

### **BMP Verification Review Panel Operations**

**DECISION:** The Committee agreed to proceed forward with the proposed “Chesapeake Bay BMP Verification Review Panel Operations” as outlined in [Attachment G](#).

### **Draft Agenda for September 12 Face to Face Meeting**

Rich Batiuk described the draft meeting agenda ([Attachment H](#)) for the call participants.

- Following up on comments and feedback from the June 19 Committee meeting, the sector workgroups will give updated presentations in the morning on their latest draft verification protocols.
- Dean Hively and Olivia Devereux will also give a follow-up presentation to one they gave in June, and discuss access to federal cost-share data and resolution of double-counting
- Mark Dubin, Tom Schueler, and Jeff Sweeney will give their presentation on institutionalizing BMP life spans, which was pushed to the September meeting when time ran out at the June face to face meeting
- Rich Batiuk asked for feedback on the draft agenda.
  - Bill Angstadt felt the June meeting did not offer enough discussion time and suggested that more time should be allotted for discussion at the September 12 meeting, possibly including updates from the jurisdictions about their verification efforts.
  - Hank Zygmunt suggested checking the minutes from the last AGWG meeting to identify possible discussion items, e.g., the size/scope of verification efforts and current outreach efforts that would begin around October.
    - Pat Buckley expressed concerns over outreach efforts by EPA and Tetra Tech that may be premature when the jurisdictions' programs are not fully developed
    - Mark Dubin clarified that the outreach efforts under discussion were proposed to the AGWG to encourage participation from agribusiness and industry; the AGWG hopes to carry out the outreach in the fall.
    - Rich Batiuk mentioned that the BMP Verification Committee discussed its preliminary communication strategy during its July conference call, and the Committee will revisit that discussion in the coming months. Otherwise, there are no planned public outreach efforts yet agreed to by the partnership.
  - Susan Marquart recalled a previous discussion about the jurisdictions' inability to use some USDA data because of the way it is tracked in the database.
    - Ann Swanson recalled this as well, and that she had been willing to participate in these discussions.
    - Rich Batiuk noted that this topic was initially brought up in June, and was briefly revisited in July; he committed to touch base with Susan Marquart and Ann Swanson following the conference call.
    - Bill Angstadt commented that Olivia Devereux, Curtis Dell, and Jessica Rigelman have held dialogues with USDA since June on this subject.

**ACTION:** Rich Batiuk will work with Susan Marquart, Ann Swanson, Olivia Devereux and Dean Hively to investigate and identify issues regarding the jurisdictions' use of USDA data and bring these to the attention of the Committee and Partnership as appropriate.

- Mark Dubin noted that the Agricultural Workgroup intended to present some preliminary research findings from Tetra Tech at the September, rather than a complete re-hash of the Workgroup's June presentation.

- Rich Batiuk noted the desire to allocate more time for discussion and less time revisiting the workgroups’ presentations from June, perhaps including updates from the jurisdictions.
- Pat Buckley asked for clarification about situations where two Workgroups are working on the same BMP.
  - Rich Batiuk replied that this had been flagged as an issue and the key workgroup coordinators (Sally Claggett, Tom Schueler, and Mark Dubin) were collaborating on it; he will check on the status and report back to the Committee.

**Participants**

<u>Name</u>	<u>Affiliation</u>	<u>Email</u>
Bill Angstadt	Delaware Maryland Agribusiness Association	angstadtconsult@aol.com
Rich Batiuk	EPA, CBPO	batiuk.richard@epa.gov
Russ Baxter	VA Dept. of Environmental Quality	Russ.Baxter@deq.virginia.gov
Evan Branosky	World Resources Institute	ebranosky@wri.org
Pat Buckley	PA Dept. of Environmental Protection	pbuckley@state.pa.us
Sally Claggett	U.S. Forest Service	sclaggett@fs.fed.us
Mark Dubin	U. of Maryland	mdubin@chesapeakebay.net
Valerie Frances	U.S. Dept. of Agriculture, OEM	vfrances@oce.usda.gov
Jack Frye	Chesapeake Bay Commission	jfrye@chesbay.us
Jeremy Hanson	Chesapeake Research Consortium	jhanson@chesapeakebay.net
Roy Hoagland	Hope Impacts LLC	royhoagland@hopeimpacts.com
Susan Marquart	U.S. Dept. of Agriculture, NRCS	susan.marquart@pa.usda.gov
Beth McGee	Chesapeake Bay Foundation	bmcgee@cbf.org
Matt Monroe	WV Dept. of Agriculture	mmonroe@ag.state.wv.us
George Onyullo	District Department of Environment	george.onyullo@dc.gov
Marel Raub	Chesapeake Bay Commission	mraub@chesbay.us
Ann Swanson	Chesapeake Bay Commission	aswanson@chesbay.us
Jennifer Volk	U. of Delaware	jennvolk@udel.edu
Dana York	Green Earth Connection LLC	dyork818@yahoo.com
Andy Zemba	PA Dept. of Environmental Protection	azemba@state.pa.us
Hank Zygmunt	Resource Dynamics, Inc.	hankzyg@gmail.com