

**SUMMARY OF DECISIONS AND ACTIONS**  
**CBP WQGIT BMP Verification Committee**  
**Meeting and Teleconference**  
**Wednesday, March 13<sup>th</sup>, 2013**  
**Chesapeake Bay Program Office Main Conference Room**  
**410 Severn Avenue, Annapolis, MD**  
<http://www.chesapeakebay.net/calendar/event/19218/>

**Objectives of Today's Conference Call**

- Rich Batiuk (EPA, Chesapeake Bay Program Office) convened the meeting at 10:00AM and reviewed the day's [agenda](#).

**Report Out from Ad Hoc Group on Transparency**

- As a follow-up to the Committee February 20<sup>th</sup> meeting, Rich Batiuk asked Mark Dubin to update the participants on the Ad Hoc group on transparency.
- Mark Dubin (University of Maryland, CBPO; Coordinator, Agriculture Workgroup) explained that the Ad Hoc Transparency Group met the preceding Friday, March 8<sup>th</sup>. He felt the discussion was very constructive and made progress. The group is working on a one page draft addendum to the verification principles to clarify the transparency concept. Once the smaller group reaches agreement they will share their recommendations with the Committee and sector workgroups for their review and consideration.
- Hank Zygmunt (Resource Dynamics, Inc.) asked who was on the ad hoc group.
  - Mark Dubin explained that he, Jack Frye, Matt Monroe, Rebecca Hanmer, Bill Angstadt, Roy Hoagland, Frank Coale, and Gary Shenk were the group, as agreed to by the Committee at its February 20<sup>th</sup> meeting. Gary Shenk and Matt Johnston determined that only one of them needed to participate. Jeremy Hanson was also present at the meeting as support staff.
- Rich Batiuk described the next steps for the ad hoc transparency group:
  - The ad hoc group will continue its work on the document. When ready, it will share its recommendation with the Agriculture Workgroup (AgWG) in response to the workgroup's request for guidance, so they can continue developing their verification protocol.
  - The Committee will review and consider the ad hoc group's recommendations, from the perspective of all sectors and decide how to proceed from there.
- Roy Hoagland (HOPE Impacts LLC) noted the ad hoc group was not yet in agreement and is still trying to build consensus.

**Review of Most Commonly Applied and Most Reduction Effective BMPs**

- Matt Johnston (University of Maryland, CBPO) explained the methods and caveats from analysis of over 70 CBP Partnership approved BMPs. He noted the specific definitions for the practices are available in the [Scenario Builder documentation](#).
  - He emphasized a caveat in the comparison of reductions between wastewater/combined sewer overflows/septic systems sectors and the nonpoint sectors. The baseline for wastewater was 2011 progress, whereas the baseline for the other sectors was the no-action scenario.
  - For more details, view his [presentation](#) or associated [handout](#).

- Matt Johnston noted the handout was still in draft, and that urban BMPs were missing from the tables.
- Beth McGee (Chesapeake Bay Foundation) asked for clarification on the difference between decision agriculture and enhanced nutrient management.
  - Mark Dubin: Decision agriculture is more technology-based nutrient management. Enhanced is a pre-planting reduction to agronomic application rate.
- Mark Dubin noted that the practices listed are from the jurisdictions' WIPs. In some cases, the practices have not yet been approved by the Partnership for inclusion in the progress runs.
- Jeff Sweeney (U.S. EPA, CBPO) explained the [Summary Table of BMPs \(.xlsx\)](#), which breaks down the practices by sector and jurisdiction. The percent implementation (in green) shows the coverage of the practices in the given jurisdiction.
- Jeff Sweeney reviewed the findings and pie charts, watershed-wide and by each jurisdiction, for nitrogen, phosphorous and sediment.
  - View Sweeney's [presentation](#) to see the charts. Agriculture practices are displayed in green; urban practices in yellow; wastewater and septic systems in red, and; resource practices in light blue.
- Jack Frye (Chesapeake Bay Commission) and Hank Zygmunt asked why the agriculture practices seemed to account for 75% of the total reductions.
  - Jeff Sweeney emphasized the caveat in the comparison of reductions between wastewater and the nonpoint sectors. The baseline for wastewater was 2011 progress, whereas the baseline for the other sectors was the no-action scenario. Taking this approach, the analysis directly factors in maintenance, conservation and preservation of all relevant practices and control technologies currently on the ground in order to meet WIP levels in 2025.
- Rebecca Hanmer (Retired, Citizen's Advisory Committee and Forestry Workgroup) clarified that these charts represent the practices that are most-relied upon in the states' Watershed Implementation Plans (WIPs).
- Jeff Sweeney: Correct. The BMPs with the larger slices in the pie chart are the practices that achieve the greatest reductions in the WIPs, whether due to the effectiveness of the BMP, or due to high levels of planned implementation.
  - Matt Johnston noted that the tables could be used in conjunction with the pie charts. For example, land retirement accounts for one of the biggest reductions, but is eighth in terms of acres implemented.
- Mark Dubin clarified that nutrient management in the model is only for nutrient application, and does not include all aspects of a Nutrient Management Plan. Nutrient Management Plans include a number of considerations besides application rate, such as cover crops, crop residue, etc.
- Hank Zygmunt asked how conservation plans represented in the tables.
  - Jeff Sweeney: Conservation plans are listed under agricultural practices in the tables and as "ConPlan" in the pie charts.
- Rich Batiuk thanked Jeff Sweeney and Matt Johnston for all their work over the past several months on these comprehensive analyses. He directed Committee members' attention to the questions from [Attachment A](#) and sought Committee members' input and suggestions.
  - Greg Sandi (Maryland Department of Environment) asked if CBPO staff could create a summary table with the information from the pie charts.

- Ann Swanson suggested compiling a list of the top 3-5 practices for each jurisdiction from these results.
- Hank Zygmunt was curious how this information relates to cost.
  - Rich Batiuk noted consideration of costs was not an objective in the analysis requested by the BMP Verification Review Panel and the Citizens Advisory Committee. The states have tools to make those cost estimates and decisions on their own as needed.
- Matt Johnston explained CBPO could use the presented data to provide per-unit benefits for these BMPs. However, the caveat that these results are unique to the specific scenario would apply even more. If a practice efficiency or anything changes were made to have the model scenarios were ran, then the results would be different.
- Mark Dubin noted this information will be shared with the agriculture workgroup so they can perhaps focus on specific practices.
- Rebecca Hanmer asked that the same presentation is given with the same level detail to the Review Panel.
- Jeff Sweeney noted that some of the states developed their plans at the state level, so we need to be careful about the scale at which we consider the data.
- Dana Minerva (Anacostia Watershed Restoration Partnership) cautioned that any cost-benefit or cost-per-unit may undercut some on-the-ground efforts if the cost is high and fails to convey the additional benefits from implementing the practices other than delivered nutrient and sediment load reductions.
  - Rich Batiuk clarified the Committee is not considering nor undertaking a cost-benefit analysis.
- Pat Buckley (PA Department of Environmental Protection) felt this information would be helpful to inform the states as they determine their verification programs or efforts, but should not be used by CBP to instruct states how to prioritize implementation of their verification programs. She was concerned that this may become a top-down approach.
- Ann Swanson stated we should not focus so much on the exact number of top practices, e.g. five or six. It is up to the jurisdictions to decide where they focus and how they develop their verification programs.
- Rich Batiuk summarized the suggestions for next steps:
  - CBPO staff will prepare the requested summary tables of the practices and percentages from the pie charts.
  - CBPO staff will document the recognized ‘data anomalies’ to aid the jurisdictions and other partners interpretation and use of these analysis results.
  - CBPO staff will develop and provide relative benefit-per-unit-per-BMP information.
  - Present full set of information and charts to the BMP Verification Review Panel.
- Rich Batiuk asked for feedback on the proposed next steps.
- Mark Dubin suggested adding a footnote to the slides that clarifies the caveat for wastewater/septic reductions compared to the other sectors.
- Hank Zygmunt felt it is important to emphasize significance of state budgets and priority BMPs.
- Ann Swanson: important for this group to identify priority BMPs and for EPA to work with states on those priorities.
- Pat Buckley noted that finances and states’ WIPs are not the purpose of the verification discussion.

- Mark Dubin: Using the charts, the jurisdictions should consider the implementing programs and how what verification is associated with those practices. For example, land retirements under Conservation Reserved Enhancement Program (CREP) already have specified verification procedures, so we can be confident in those reductions as represented in the pie charts.
- Rebecca Hanmer thanked Rich Batiuk and CBPO staff for their work on the analysis.
- Ann Swanson encouraged the staff to present the data or other aspects of it however they wish. They should not limit the data presentation to the Committee’s ideas.
- Pat Buckley: Do not necessarily see the need for this data to go to the Management Board or Principals’ Staff Committee. Think it is useful to inform the states, but not to inform all levels of the Partnership.
- Rich Batiuk: So we will take these charts and tables, along with the additional charts and tables generated as a result of the requests by the Committee, and share those materials with the source sector and habitat workgroups. We can share the revised set of presentation and briefing materials once more with the Committee and then have complete package ready for the Review Panel.
  - Roy Hoagland: we don’t want to make unnecessary work for ourselves. Suggest we should get information directly to the Panel without going back through the Committee and see how the Panel wants to use the information.

**DECISION:** The Committee agreed to the following next steps on the presentation of the most commonly applied and most reduction effective BMPs:

- CBPO staff will prepare the requested summary tables of the practices and percentages from the pie charts.
- CBPO staff will clearly document the recognized ‘data anomalies’ to aid the jurisdictions and other partners interpretation and use of these analysis results.
- CBPO staff will develop and provide relative benefit-per-unit-per-BMP information.
- CBPO staff will develop some introductory charts and text better explaining and illustrating the context in which these analyses were conducted.
- CBPO staff will add asterisks to the wastewater and septic system slices on each of the pie charts clearly documenting these data were based on a baseline of progress reported through 2011, not a 1985 ‘no action’ baseline.
- Present full set of information, charts, and tables to the BMP Verification Review Panel.

**Staging/Ramping up Jurisdictional Implementation of Enhanced BMP Verification Programs**

- Rich Batiuk directed the Committee’s attention to [Attachment B](#).
- Rich Batiuk asked for feedback on the second bullet under questions and assumptions: “Confirm the ultimate intent is to put in place verification protocols for all practices, treatment and technologies yielding nutrient and sediment load reductions (or prevention in the first place) tracked and reported for credit at some point in time.”
- Roy Hoagland agreed.
- Russ Baxter expressed reluctance about the reference to “all” practices. There might be some practices or programs that are so insignificant that they are just not worth verifying. Spending resources on verification for these practices would conflict with the earlier discussion about priority BMPs.
  - Matt Monroe and Pat Buckley agreed.

- Russ Baxter: We should look at verification overall that makes sense to the states. It is not possible to count every single BMP.
- Roy Hoagland commented that there should be protocols in place for all tracked and reported practices—we should not just ignore some practices.
- Russ Baxter: Seems we probably have a different interpretation of the term “all.” We are not going down to level of each individual practice. The intention is to have verification across all source sectors and addressing priorities, but does not involve verification of every single practice on the ground.
- Matt Monroe: It is important to consider the effect on states if a certain amount of practices are unable to be verified and are dropped from accounting in and crediting using the Bay watershed model.
- Beth McGee: want to make sure we are referring to same thing by “practice.” Categories of BMPs or specific practices? Seems Russ Baxter and Matt Monroe have a different interpretation than Roy Hoagland.
- Pat Buckley: Pennsylvania also has concerns about the use of the word “all.” Encouraged caution as we move forward. Cutting out BMPs for lack of verification may be step in wrong direction and would not reflect reality.
- Rich Batiuk sought the Committee’s input on the fourth bullet. Are we comfortable with “grace period” over which all jurisdictions would stage or ramp up over time the enhancements to their existing BMP verification programs and still get credit for the full suite of BMP they are tracking and reporting?
- Matt Monroe: are we talking about future verification, or are we including historical data cleanup too?
  - Rich Batiuk: the verification protocols apply to practices into the future. We are also discussing options for historical data clean-up later on in the agenda for this meeting, but verification is primarily for cost-share and non-cost shared practices tracked and reported into the future.
- Russ Baxter: A lot of factors and the timing are yet to be determined. Perhaps this discussion is premature.
- Rebecca Hanmer felt it is important to consider and incorporate monitoring data to review results, not just “bean counting” the BMPs.
- Roy Hoagland: if our goal is to change status quo, we need to keep moving forward. Do not want to set an arbitrary grace period for verification. Agree with Russ Baxter. We should wait until we have the reason and more information to set some sort of grace period.
- Matt Monroe: the focus in short term should be on implementation.
  - Pat Buckley agreed.
- Ann Swanson: suggest we do not call it a “grace period,” since the jurisdictions will still be hard at work with implementation and enhancing their verification.
- Mark Dubin: the need to highlight that such a period is on the table, even if not fully defined or agreed upon right now.

**DECISION:** The Committee decided to wait and see what seven jurisdictions put forward as enhancements to their current verification programs and their timeframe for implementing these enhancements before recommending to the larger Partnership a specific schedule for full implementation of the verification framework.

**ISSUE:** The Committee recognized further work is needed on better defining and articulating the implications of “confirm[ing] the ultimate intent is to put in place verification protocols for all practices, treatment and technologies yielding nutrient and sediment load reductions (or prevention in the first place) tracked and reported for credit at some point in time.” Strong concerns were expressed by Virginia, Pennsylvania, and West Virginia on the use of the word ‘all’ in this statement extracted from [Attachment B](#).

## **Six-State 1619 Data Sharing Agreement and Enhanced USDA Data Collection and Reporting: Update and Next Steps**

### 1619 Data Sharing Agreement

- Rich Batiuk recalled previous Committee discussions of a potential multi-state 1619 agreement. He asked for the Committee’s thoughts on the path forward. He noted this version of Attachment C filled in the state agency names, unlike the initial draft version shared with the Committee in preparation for its September 12, 2012 meeting.
  - He noted the attachments (C, D, and E) were provided to the Committee members through email and were not available on the website.
- Pat Buckley: is data received from USDA considered verified?
  - Jeff Sweeney noted the cost-shared practices are checked by NRCS to make sure they are built to standards and specs.
  - Matt Johnston pointed out that NRCS has been active participant in the Agriculture Workgroup during the verification discussions.
  - Rich Batiuk stated we will ensure this question is considered and answered by the Agriculture Workgroup.
- Russ Baxter asked what the utility might be of a multi-state agreement when each state has the ability to enter its own agreement and, in some cases, already have one.
- Matt Monroe echoed Russ Baxter’s comment, noting West Virginia already has an agreement in place. He wondered if there had been discussion about such a potentially large agreement. The data handling requirements are so specific and individuals within each of the state agencies are held personally responsible for violations. WV Department of Agriculture has a 1619 that is signed by Commissioner of Agriculture, and individual staff members that handle the data complete sign-off sheets.
- Jack Frye: As I understand it, in Virginia individuals sign their own 1619 agreement with the Farm Service Agency.
- Rich Batiuk introduced Rich Sims (U.S. Department of Agriculture, Natural Resource Conservation Service) who is the regional conservationist for five of the watershed’s six states and has been assisting the Partnership on the 1619 issue within NRCS.
- Roy Hoagland: so what’s the down side of an agreement? Not clear on this.
  - Russ Baxter: Not sure about the down-sides, but it would certainly be more complicated to have a six state agreement, and it would be more difficult to make adjustments. It might solve a problem that does not exist.
- Jack Frye: the point for these agreements is for states to identify which practices are both federal- and state-cost-shared to prevent double-counting. The states have different data fields so this is an individual issue for each state to sort out with USDA.
- Ann Swanson: In response to the National Academy of Science’s Panel report to the CBP partnership and other scrutiny, it would be good to demonstrate efforts to improve data fed into the Bay Watershed Model. So for example, we could package together the six states’ 1619 agreements and communicate the benefits of the agreements through a

simple explanation on the cover sheet. If the states update their individual agreements regularly, perhaps a multi-state agreement is not the best approach.

- Rich Batiuk asked Rich Sims for his thoughts on a potential multi-state 1619 agreement.
- Rich Sims (USDA, NRCS): There would be a much better opportunity to make adjustments for individual state agreements, and there is a lot of precedent for these individual agreements. There is no precedent for a six-state agreement. It could be done, but it could take a while. May be better off with conversations with the state conservationists. Referencing Attachment E, there might be some confusion about available data that could be provided through a 1619 agreement. There are some data elements that are not collected by NRCS, e.g. the planting date for cover crops.
- Rich Batiuk: In the absence of a Baywide 1619 agreement, how can we work with NRCS and the state conservationists to ensure there is full cost-share data for the six states?
- Rich Sims suggested getting the states and the staff together to discuss these issues and the differences between the states.
- Rich Batiuk: What about the issue we've heard in the past regarding whether a state agency that both delivers conservation technical assistance funding and has a regulatory role, e.g. PA DEP, can in fact sign a 1619 agreement.
- Susan Marquart (USDA, NRCS): In the past PA DEP used publicly available data, so there was not a need to have an agreement.
- Pat Buckley: The staff member did this in the past. Believe the data is no longer available on the website. There would be interest from PA DEP to pursue signing a 1619 agreement. Believe PA's 319 program is also interested in access to the federal cost shared data. Would like clarification if there is a prohibition for PA DEP to sign a 1619 because they are a regulatory agency.
- Susan Marquart: Believe there was a concern in the case of the 319 data for a specific project. The geographic area was so small the data could potentially be identified to specific producers, so the data was not shared.
- Pat Buckley: so could DEP pursue this at the Chesapeake Bay watershed level?
  - Susan Marquart: We could start this conversation and ensure everything is done according to policy.
  - Rich Sims: Would like us to start at state conservationist level.
  - Pat Buckley expressed interest in pursuing this conversation and asked for guidance on what documents to start with.
  - Susan Marquart: believe we have other agreements in PA to use as starting point.
- Ann Swanson: Still think there is utility to package and use these agreements as a communication tool to demonstrate and recognize improvements in the data and ensuring the jurisdictions have full access to federal cost shared practice data.
- Matt Monroe: Have to remember that producers are comfortable working with NRCS, given the understanding that their data is protected. This data confidentiality is a big deal. We need to make sure this is done right.
- Rich Sims: I have a meeting with all six state conservationists early next month; can set aside time that day to discuss these issues. At the same time, suggest state agency people also meet with their respective state conservationists to discuss issues specific to their states. This two-prong approach would be ideal.
  - Rich Batiuk asked Rich Sims if as a result of this process, USDA would be comfortable with packaging the resultant six individual state 1619 agreements together with some type of cover sheet as suggested by Ann Swanson.

- Rich Sims agreed USDA would be supportive of this approach.
  - Rich Batiuk asked Ann Swanson to collaborate on the overlay piece.
- Rich Batiuk asked if the Committee members agreed with this path forward.
  - Bill Angstadt felt comfortable with the approach.
  - No objections were raised.

**DECISION:** The Committee agreed not to pursue a single six-state 1619 agreement, but instead seeking all six states’ signing their own individual 1619 agreements with NRCS and FSA. The bottom line objective remains the same—ensuring all six states have full access to all federally cost shared conservation practice data to be used to eliminate any double counting, target conservation program implementation, and fully credit their producers for their nutrient and sediment load reduction implementation actions.

**DECISION:** The Committee agreed to recommend to the Partnership that the six states, USDA, and other appropriate partners sign a cover page referencing the attached six state-specific 1619 agreements collectively ensure all six states have full access to federal cost shared practice data.

**ACTION:** Rich Sims committed to work with the six state conservationists to put in place comparable and consistent state-by-state 1619 agreements with FSA and NRCS. He committed to invest at his April 3rd meeting with all six state conservationists on working on this specific issue. He will work to get state-specific 1619 agreements in place for Pennsylvania and Delaware and refine/update the existing 1619 agreements in Maryland, New York, Virginia, and West Virginia as needed.

**ACTION:** Rich Batiuk and CBPO staff will provide Rich Sims with a state by state listing of possible gaps to be filled/issues to be addressed by either getting new 1619 agreements in place or refining/updating existing 1619 agreement. These state-specific lists will be based on the work conducted by staff over the past year working with each of the jurisdictions in support of the Committee’s work on this topic area.

**ACTION:** The Agricultural Workgroup will answer the question “is data received from USDA considered verified” within the context of their forthcoming final set of recommended verification protocols.

*Enhanced data collection and reporting*

- Rich Batiuk directed Committee members’ attention to Attachment E. Given national focus of NRCS’s and FSA’s data collection efforts and work underway on the Conservation Data Streamlining Initiative (CDSI), it may be possible to fill in additional data elements, allowing states to get a higher level of efficiency for some cost-shared practices with the more detailed information. The idea was that if the data is collected, perhaps there are opportunities for those elements to be reported; if not, we need to communicate that to the state partners so they know what to expect. He asked for feedback on where this process stood.
- Susan Marquart: Not involved with specifics on CDSI, however, I have already connected Mark Dubin and Matt Johnston up with the NRCS staff working on land use issues in CDSI. Believe the Partnership will be adopting land uses that will correspond to the land uses under the CDSI.

- Matt Johnston noted there is no decision yet, but the Agriculture Workgroup is looking carefully at the CDSI land uses for possible adoption by the CBP Partnership for use into the future.
- Pat Buckley: Thought the issue was for NRCS to report the land use ID when it implements a BMP.
  - Susan Marquart: The problem is the reporting of a specific lands is in NRCS's Toolkit system, but it is not currently linked into the national reporting system. Believe those two databases will be connected in the future, but do not know for sure yet.
  - Rich Sims will contact the CDSI team leader to discuss these questions.
- Ann Swanson, recalling morning discussion, recommended the Committee focus these data efforts on the top priority BMPs, e.g. cover crops.
- Rich Batiuk: would we need to go down the list and identify specific data fields where NRCS is not reporting the data the states need access to or is there a specific person in CDSI that we should work with on this?
  - Rich Sims felt he should discuss with the CDSI team leader before engaging with larger group from the Partnership.
- Mark Dubin confirmed the Agricultural Workgroup is looking at NRCS's land uses as Matt Johnston noted. Additionally, the expert panels convened by the Partnership are working to better match up CBP approved BMPs with NRCS practices and codes. There are some impasses, such as cover crops with only one NRCS practice code.
- Rich Batiuk asked Mark Dubin what timeline the Agricultural Workgroup was working under on this set of issues.
  - Mark Dubin explained the Agricultural Workgroup will have more discussion on this topic at their March 21st meeting and will continue refining the list data needed by the states. The Workgroup can also schedule further discussions at the Partnership's Agricultural Modeling Workshop scheduled for late May.
  - Rebecca Hanmer noted the Forestry Workgroup has a longstanding issue with credibility of forestry buffers and the reporting of the width of the buffer. Want to ensure the data discussion includes that issue.
- Rich Batiuk outlined the proposed path forward on enhanced data collection and reporting based on Committee discussions and recommendations.

**DECISION:** The Committee agreed to proceed forward with addressing the needs for enhanced USDA data collection and reporting as follows:

- Following their March 21 meeting, the Agriculture Workgroup will provide NRCS via Rich Sims with a comprehensive list of the data which should be collected and reported by NRCS and FSA on specific conservation practices to ensure the jurisdictions can fully credit producers for their implemented practices. This list will address the Forestry Workgroup's long stated concerns about the non-reporting of the width of implemented buffers.
- Rich Sims will work with the USDA team working on the Conservation Delivery Streamlining Initiative, specifically Kevin Wickey, West Virginia NRCS State Conservationist, to determine how the identified gaps in data collection and reporting can possibly be filled.
- Rich Sims will then convene a meeting of the appropriate USDA and CBP partnership colleagues to work out how to best fill these identified data collection and reporting gaps.

## **Watershed Technical Workgroup's Historical Data Cleanup Procedures Request for Direction from the Committee**

- Matt Johnston emphasized that these data cleanup plans belong to the states, though the Watershed Technical Workgroup (WTWG) would like some input from the Committee regarding the questions and options in Attachment F.
  - He reviewed the questions and options listed in [Attachment F](#)
- Matt Monroe asked what would qualify as verification for historical BMP data.
  - Matt Johnston: Great question. That still needs to be defined and agreed upon.
- Mark Dubin: In reality we will not be able to go all the way back to 1985 and verify practices, particularly plans or practices with shorter life spans. There might be more value in verifying structural practices with longer life spans.
- Jack Frye: Recalling this morning's discussion, perhaps we could focus on a small subset of priority practices for the historic data.
- Jeff Sweeney: Some states have been dropping practices from the historical record once life spans have been exceeded.
- Matt Johnston explained there is an incentive for jurisdictions to drop old historic practices off the back end when they expire. For instance, some counties are already at 100% implementation for some reported practices, so that county cannot earn credit for new implementation unless those old practices are dropped.
- Matt Johnston: Each state will be doing the work and looking at its historical record. The WTWG is comfortable looking at the states' plans for data cleanup, but the plans belong to the states. We are just seeking the Committee's advice and input.
- Beth McGee: There is a lot of inconsistency between the states. Ideally there would be some common minimum level of accuracy for the historical record. Most concerned about the historical record of urban stormwater BMPs.
- Mark Dubin: There may be a benefit limiting the Bay watershed model calibration to a shorter period of time, for which we have more reliable monitoring and implementation data. Leaning towards option 3 right now.
- Pat Buckley: the WTWG asked the jurisdictions to submit their cleanup plans. PA DEP explained its plans, and would like to know the status of this.
  - Matt Johnston: Nothing has happened yet, they are still in draft. The WTWG was returning to the Committee for some guidance and answers.
  - Pat Buckley: Without geographic references, Pennsylvania will not be able to verify historical practices. Pennsylvania would not have resources to go county-by-county to check the more specific data. Pennsylvania's plans are to work with Tetra Tech focus any historical data clean-up on priority practices or areas, e.g. Lancaster. PA supports option 4 for first question.
- Jeff Sweeney: would especially appreciate guidance from the Committee on how to avoid problems in the future, e.g. removal of BMPs into the future or dropping out BMPs as agriculture land is lost. Option 4 would give the states the least amount of cutoff for new implementation. There is no way any county can really attain 100% implementation of any practice.
- Pat Buckley: This is a reason why Pennsylvania plans to focus on areas with 100% implementations. Perhaps removal of practices due to loss of land could be a specific proposal to consider in the future.

- Rich Batiuk recapped the discussion. Heard most agreement on options 2 or 3, connecting it to the Partnership’s consideration/future decisions on the timeframe for Phase 6 Bay watershed model calibration.
  - Pat Buckley: PA still supports option 4.
- Matt Johnston: We may need to return to the Committee if the WTWG is unable to reach consensus on the cutoff issue.
- Matt Monroe: Do not want silence to infer concurrence on the options. Still need to discuss this further with other state staff.
- Matt Johnston noted that page 3 of Attachment F describes the proposed approach that CBPO staff could take if a state opted to not handle the data cleanup themselves. Jeff Sweeney will present this to the WTWG.
  - Rich Batiuk explained that having CBPO staff perform the cleanup is one option available to the states, in addition to either using contractor support or doing the work in-house.

**DECISION:** The Committee reached agreement on the following sets of direction back to the Watershed Technical Workgroup, recognizing jurisdictions (e.g., West Virginia) requested more time to consider the questions posed by the Workgroup:

- The time period for verification of historically reported practices will be based on the Phase 6 Chesapeake Bay Watershed Model calibration period (modified version of Option 3 under the first question as presented in [Attachment F](#)), noting Pennsylvania’s preference for Option 4;
- Jurisdictions can decide to place emphasis on specific practices and/or geographic areas to prioritize work on clean-up of their historical BMP databases;
- The jurisdictions will follow the protocols being developed by the source sector workgroup and the Watershed Technical Workgroup will look across the verification protocols to ensure equity amongst the sectors when they review the individual jurisdictions’ historical database clean-up plans (Option 2 under the second question in [Attachment F](#)).

**POST MEETING NOTE:** In an [April 9, 2013 letter](#) from Matt Monroe (WV DoA) to Rich Batiuk (U.S. EPA CBPO), West Virginia expressed its first and second preferences for option 1 and option 3, respectively, referenced in the above meeting discussions and above meeting decision. The meeting record will, therefore, be amended to record West Virginia preferences by reference to this letter and a copy of the letter has been posted for public access along with all the other meeting related materials posted on-line.

**Review of Revised Jurisdictional BMP Verification QA Plan Documentation and Basinwide BMP Verification Framework Document Outlines**

- Rich Batiuk recalled the Committee’s previous discussion of expanding the QA Plans. He directed participants’ attention to [Attachment G](#), which was expanded to reflect comments received from the Committee. He noted the CBPO responses to some of the key comments (page 3).
- Russ Baxter and Pat Buckley expressed a need for more time to consider the document.
- Rich Batiuk: We can circle back in a month or two.
- Rich Batiuk directed participants’ attention to [Attachment H](#).
- Ann Swanson felt it is important to document decisions, especially as transitions and changes occur within the partnership.

**ACTION:** Committee members will provide any additional comments on the revised draft “Documentation of the Jurisdictions’ BMP Verification Programs” ([Attachment G](#)) and the “Chesapeake Bay Program Partnership’s BMP Verification Program Document Expanded Outline” ([Attachment H](#)) by April 12<sup>th</sup>. CBPO staff will factor in those comments into revised drafts to be presented to the Committee at the next conference call.

### **Review of the Revised Proposed Forthcoming Decision Making Process and Schedule**

- Rich Batiuk asked the members if the Committee could be ready to bring the full package of all component of the basinwide BMP verification framework— verification protocols, historic data clean up plans, etc. — to the Principals’ Staff Committee by October 2013. Would this allow enough time for Review Panel, the jurisdictions, and workgroups to complete their respective work and contributions to the overall framework? After this, we would set a timeframe for the states.
- Russ Baxter: We should have at least two or three months between receiving the Review Panel’s feedback and presenting the recommendations to the PSC for final approval.
- Mark Dubin stated that the Agricultural Workgroup still needs several additional months to work on and their reach consensus on their verification protocols.
- Rich Batiuk recognized the Vital Habitats Goal Implementation Team also needed some additional time to work with their Streams and Wetlands workgroups on reaching full agreement within the Team on those verification protocols.

**DECISION:** The Committee agreed to the overall sequence of meetings as outlined in [Attachment I](#), with the specific dates to be based on the next face-to-face meeting date of the BMP Verification Review Panel (still to be scheduled in the August/September timeframe). Once the Panel’s next meeting date is established, then two to three months will be built in prior to setting the date for going to the Principals’ Staff Committee with the final draft basinwide verification framework for their review and approval.

- Rich Batiuk summarized the Committee’s next steps: CBPO staff will draft up and distribute/post the March 13<sup>th</sup> Committee meeting summary; schedule next face to face meeting of the BMP Verification Review Panel; and then revise and distribute the schedule (based on the Panels’ meeting date).
- Rich Batiuk thanked all the meeting participants for the investment of their time in a very productive meeting.

**Adjourned 2:50 PM**

## March 13, 2013 Meeting and Teleconference Participants

<u>Name</u>	<u>Affiliation</u>
Rich Batiuk (Chair/Coord.)	U.S. EPA, Chesapeake Bay Program Office (CBPO)
Jeremy Hanson (Staff)	Chesapeake Research Consortium, CBPO
Karl Blankenship	Bay Journal
Mark Dubin	University of Maryland
Jack Frye	Chesapeake Bay Commission
Roy Hoagland	Hope Impacts LLC
Matt Johnston	University of Maryland, CBPO
Beth McGee	Chesapeake Bay Foundation
Dana Minerva	Anacostia Watershed Restoration Partnership
Matt Monroe	WV Dept. of Agriculture
Greg Sandi	MD Dept. of Environment
Ann Swanson	Chesapeake Bay Commission
Jeff Sweeney	U.S. EPA, CBPO
 <i>Via teleconference:</i>	
Bill Angstadt	DE/MD Agribusiness Association
Russ Baxter	VA Dept. of Environmental Quality
Bryan Bloch	DE Dept. of Natural Resources and Environmental Control
Pat Buckley	PA Dept. of Environmental Protection
Sally Claggett	U.S. Forest Service
Rebecca Hanmer	Retired, CBP Citizen's Advisory Committee & Forestry Workgroup
Susan Marquart	U.S. Dept. of Agriculture, NRCS Pennsylvania State Office
George Onyullo	District of Columbia Department of Environment
Andra Popa	U.S. EPA, CBPO
Rich Sims	U.S. Dept. of Agriculture, NRCS HQ
Jennifer Volk	University of Delaware
Jennifer Walls	DE DNREC
Hank Zygmunt	Resource Dynamics, Inc.