

September 26, 2019

RE: Request to re-convene Best Management Practices (BMP) Verification Subcommittee and address additional issues of concern

Chesapeake Bay Program (CBP) Management Board Members
Dana Aunkst, Chair, CBP Management Board
U.S. Environmental Protection Agency
410 Severn Avenue, Suite 109
Annapolis, MD 21403

Dear Management Board Members and Chair Dana;

The Water Quality Goal Implementation Team (WQGIT) discussed verification issues at their meeting on July 8, 2019. The group recommends the BMP Verification Subcommittee be re-convened, or a new group that includes similar representation (Jurisdictions, EPA Chesapeake Bay Commission, sector workgroup chairs/staffers, and at large members), convene to discuss and make recommendations to the Partnership regarding the implementation of BMP verification. The WQGIT recommends that this be a standing group, able to address topics such as those below, as well as any additional topics that may arise during their discussions or that may arise in the future.

Several topics and action items were identified by the WQGIT, they are described below with specific recommendations for your consideration:

1. Consider alternatives and make recommendations on the timing and format of annual updates to jurisdictions' verification program plans. While the intent was for the states to submit revisions to their Quality Assurance Project Plans (QAPPs) with the annual submission of Best Management Practices (BMPs) so that changes in the QAPP reflected changes in the data, quality of the data, and how data is processed, this process is not used in all cases and would benefit from clarification from the CBP partnership.
2. Consider alternatives and make recommendations on the process and timing for review, approval and publication of the annual updates to jurisdictions' verification program plans and QAPPs to ensure the equitable and consistent application of verification standards between states. Nutrient Management Plans may serve as a case study in considering this issue. EPA has committed to provide a more detailed explanation of how it currently conducts its verification review as part of this discussion
3. Consider alternatives and make recommendations on procedures for review and approval of any additional data collection and verification expectations that are beyond those included in jurisdictions' approved verification program plans, particularly those that are beyond the CBP partnership's basinwide verification framework document. While the original jurisdiction verification program plans were reviewed in great detail by verification experts prior to approval, EPA now conducts the review of the updated jurisdiction plans, following the CBP partnership's BMP basinwide verification framework document that reflects approved verification protocols and procedures. This includes a comparison against the improvements that were recommended by the BMP

verification committee and panel in the original review. Some jurisdictions think the recent reviews of annual updates may go beyond the original approved protocols. Conservation Tillage may serve as a case study in considering this issue.

4. Consider alternatives and make recommendations on improving the reporting of verification actions that remove or discount reported BMPs from the model. Efforts should focus on final progress scenarios in CAST. The verification actions to remove BMPs at the end of their credit duration are included in “error reports” that are uploaded to each state’s password-protected sites but are not currently included in CAST reports. This presents a transparency problem for local implementation partners interested in seeing that the BMPs they report are simulated in the models. These reports should be re-evaluated in light of verification to ensure our BMP reporting systems are as accurate and transparent as possible.
5. Make recommendations on alternatives to the current all-or-nothing approach to BMP re-verification. The partnership should explore the potential for partial credit, or variable credit through time rather than losing 100% credit for practices outside of their credit duration or otherwise removed for verification. Animal Waste Management Systems may serve as a case study in considering this issue. Any recommended changes to the model would need to be vetted through the Partnership and approved in accordance with the decisions made at the July 2018 Principals’ Staff Committee meeting.
6. Consider alternatives and make recommendations on procedures for updating or establishing BMP credit durations. The partnership should re-assess the scientific/logical basis for the established credit durations and update them as appropriate. The forestry workgroup has requested revisiting credit durations on some practices. Similarly, the responsibility for establishing the credit duration for newly established BMPs is not clearly assigned. Expert panels have been addressing credit durations as part of the technical appendix that accompanies their reports, but have been doing so with little guidance to ensure consistency. Any recommended changes to the model would need to be vetted through the Partnership and approved in accordance with the decisions made at the July 2018 Principals’ Staff Committee meeting.
7. Consider alternatives and make recommendations on back-out and cut-off procedures, documenting those processes and ensuring they are consistent with the processes for updating land cover and transparent in CAST data reporting. BMPs reported as installed in accordance with verification plans, can be eliminated from the modeling for reasons other than verification, such as back-out or cut-off. These procedures have not been documented with the same level of transparency as verification, nor have the processes been re-evaluated in light of verification or the high-resolution land cover data acquisition plan, and this is needed. Any recommended changes would need to be vetted through the Partnership starting with the applicable sector workgroups.
8. Consider alternatives and make recommendations for determining and including an estimate of the costs of verification for each BMP in CAST. It is understood that the costs for on-the ground verification and compliance would vary by jurisdiction, so the cost data would likely need to originate from the states

Finally, there are two additional issues of concern that were raised by jurisdictional members during the WQGIT conversation:

1. The process and methods used by the CBPO modeling team to evaluate annual progress data submissions. The analysis that was done for 2018 progress did not accurately reflect the details of the data and resulted in faulty conclusions that reflected poorly on reporting jurisdictions. The jurisdictional members request that moving forward, the analysis methods be developed in coordination with the partnership and be clearly documented. It would also be helpful for the resulting progress reviews to include a factsheet to help interpret the findings along with the reasoning supporting any resulting conclusions. Suggestions for how jurisdictions could improve the quality of their data and resolve any identified concerns should also be included. The goal is to move the process from the current “gotcha” mindset to a collaborative partnership effort to improve the integrity of our modeling data and processes. This may be most appropriately considered in the Watershed Technical Workgroup.
2. The second issue goes beyond the Verification Subcommittee or workgroup and beyond the role of the WQGIT. Ensuring jurisdictions have full access to all federally cost-shared conservation practice data and enhancing reporting of federally cost shared practices were among the twelve Verification Framework elements approved by the partnership. Despite significant efforts at the state and federal levels, very little progress has been made in these areas. The jurisdictions ask that the Management Board take the lead in advancing these lagging verification elements. Absent progress in resolving these data issues, the established verification group should consider any needed changes to the verification framework and guidance.

Without some progress on these critical issues, the Partnership’s verification efforts, and our overarching water quality goals are vulnerable to failure.

On behalf of the Water Goal Implementation Team, thank you for your consideration.

Sincerely,

Dinorah K. Dalmasy and James Davis-Martin, Co-Chairs WQGIT
Teresa Koon, Vice Chair WQGIT