

MINUTES
CBP WQGIT BMP Verification Committee
Conference Call

Tuesday, March 3, 2015

<http://www.chesapeakebay.net/S=0/calendar/event/22535/>

Summary of Action and Decision Items:

ACTION: Rich Batiuk will propose to Dana York (Panel Chair) and the Panel the Committee recommendation for having an overall meeting between the Panel and all seven jurisdictions on July 31, following the Panel's review of the individual members' jurisdiction evaluations on July 30.

ACTION: As the evaluation form is drafted with the help of the sector workgroup coordinators, the draft evaluation form will be shared with the BMP Verification Committee in tandem with the BMP Verification Review Panel when requesting feedback.

ACTION: Rich Batiuk will suggest to the BMP Verification Review Panel that they provide one or two primary points of contact for each jurisdiction for use by each jurisdiction when revising their verification programs.

ACTION: The BMP Verification Committee will schedule a call in the last week of September in order to given a direct reporting out on the Panel's final set of comments and recommendations before they are publically reported out on October 2nd.

ACTION: CBPO staff will revise the Panel Schedule (Attachment A) to exclude the phrase "to address the panel's recommendations" from the November 16-December 18 schedule item.

DECISION: BMP Verification Committee members reached agreement on November 16, 2015 as the deadline for jurisdictions to submit their revised final draft BMP verification quality assurance plans to EPA for review and approval.

ACTION: CBPO staff will revise the January 2016 schedule item (Attachment A) to exclude mention of who will be providing the briefing. The presenter of the briefing will be revised at a later date.

ACTION: Jurisdictional representatives should add the August 27-28 panel meeting on their calendars. CBPO staff will work to figure out how best to make that face-to-face meeting work for you.

ACTION: Jurisdictions should send recommended statisticians who might be able to assist in forming the statistical design expert panel to Brian Benham at benham@vt.edu.

ACTION: CBPO staff will post the Tetra Tech statistical sampling guidance memo Jeremy Hanson mentioned on the CBP partners' BMP verification web site.

ACTION: CBPO staff will incorporate the various verification timeline documents into the BMP verification web pages so they are more prominently displayed.

Convene 2:00 PM

Welcome, Introductions, and Objectives of Today's Conference Call – Rich Batiuk

- David Wood (CRC) verified call participants and Rich Batiuk reviewed the agenda and the advance briefing materials.

Review of CBP BMP Verification Review Panel Schedule – Dana York

- Rich Batiuk walked through the Panel's proposed 2015 schedule and responsibilities (Attachment A) and discussed the following specific schedule aspects and opportunities:
 - Discuss and resolve any questions/concerns about the scheduled sequence of actions by the Panel as well as the jurisdictions and EPA
 - James Davis-Martin (VA DEQ): There might be some benefit in the July 30-31 meeting including having Panel conversations directly with the jurisdictions on the second day. The opportunity for communication might ease that transition and accelerate the jurisdictions' abilities to address the Panel's high priority concerns.
 - Rich Batiuk (EPA): I think that makes a lot of sense.
 - Ann Swanson (CBC): I second that idea. The fewer surprises and more interaction, the better. It also provides more transparency for other stakeholders and informs the expectations of the public.

ACTION: Rich Batiuk will propose to Dana York (Panel Chair) and the Panel the Committee recommendation for having an overall meeting between the Panel and all seven jurisdictions on July 31, following the Panel's review of the individual members' jurisdiction evaluations on July 30.

- James Davis-Martin: You don't see the word "Committee" anywhere on the schedule. Just an observation.
- Ann Swanson: I agree that is probably not right.
- Rich Batiuk: At what points during this overall schedule do you all see this committee meeting and playing a role?
- Russ Baxter (VA Secretary of Natural Resources Office): That August timeframe would be good. There will be some commonalities in terms of the Panel's reviews and recommendation which apply across all the jurisdictions and it might help for us all to understand those.
- Ann Swanson: Do you do that in conjunction with the August 27-28 panel meeting, or do you do it just before or just after?
- Russ Baxter: Either way, incorporating it in with August 27th and 28th might make most sense.
- Rich Batiuk: If there is a timeframe in there that might be worth a group look, we can build a conference call or even a face to face meeting into the schedule.
- James Davis-Martin: This committee is the partnership's collective ability to influence the verification process, therefore I would like the Committee to be directly involved in the development of these evaluation forms the Panel will be using. I would suggest there are lots of ways to meet the Verification Principles that may or may not include the sector guidance.
- Rich Batiuk: What the Panel members are looking for from workgroup coordinators when developing the evaluations are the big elements from their guidance. They want to know if those elements were included in the jurisdictions' programs, or, if they were not included, what was used instead. The workgroup

coordinators are highlighting existing guidance and key things the panels should be looking out for.

ACTION: As the evaluation form is drafted with the help of the sector workgroup coordinators, the draft evaluation form will be shared with the BMP Verification Committee in tandem with the BMP Verification Review Panel when requesting feedback.

- James Davis-Martin: In terms of format for the evaluation forms, I would highlight the Verification Principles, and under each principle you list the different guidance elements. That way the panel can look and see that all the principles were addressed even if all the guidance elements were not.
- Discuss and reach agreement on the process for review and approval of jurisdictional BMP verification program evaluation forms
 - No comments except for those already noted above.
- Discuss and reach agreement on how best to structure the opportunity for continued collaboration between the jurisdictions and the Panel during the September 1 through October 1 time period
 - Ann Swanson: August 27-28 will be an opportunity to see the preliminary Panel reaction and receive guidance. In September, there will be collaboration with jurisdictions. Maybe in the late September timeframe, there should be another check-in with the BMP Verification Committee. Almost a round-robin for jurisdictions to share the best ideas and solutions to gaps etc.
 - James Davis-Martin: Did the Panel consider forming jurisdictional teams to address this?
 - Rich Batiuk: No they didn't. I will bring up the idea of identifying a panel member or two as a primary point of contact for each jurisdiction to the attention of Dana York in her Panel Chair role.

ACTION: Rich Batiuk will suggest to the BMP Verification Review Panel that they provide one or two primary points of contact for each jurisdiction for use by each jurisdiction when revising their verification programs.

- James Davis-Martin: Maybe not a pre-designated team, but just a panel member that felt particularly strongly about a particular set of comments on a specific jurisdiction's proposed BMP verification program.
- Rich Batiuk: I would want to share as much of the detailed feedback from individual members as possible, but they will want the opportunity to work through the concerns as an entire panel.
- James Davis-Martin: Maybe the individual reviewers would have to justify its comments for inclusion.
- Rich Batiuk: David Wood and I will perform a strict, verbatim compilation of the comments received. We will not lose good feedback from the panel members in the process.
- Ann Swanson: So the October 2nd Panel report out is more about highlighting the outstanding issues that have not yet been resolved. Therefore, a mid-September BMP Verification Committee check-in would be useful and a mid-late October Committee check-in would also make sense as well given the report-out by Dana York.
- James Davis-Martin: I might suggest it be the week prior to October 2.

ACTION: The BMP Verification Committee will schedule a call in the last week of September in order to given a direct reporting out on the Panel's final set of comments and recommendations before they are publically reported out on October 2nd.

- Discuss the Committee's desire for a more formal reporting back the Panel's recommendations during a conference call scheduled in the mid-October timeframe
 - Addressed in the discussion above.
- Discuss the possibility of further opportunity for collaboration between the jurisdictions and the Panel during the October 19 and November 16 time period, including opportunity for the Panel to provide feedback to the jurisdiction on any proposed changes to their BMP verification programs
 - Addressed in the discussion above.
- Discuss and reach agreement on a November 16, 2015 deadline for jurisdictions to submit revised final draft BMP verification quality assurance plans
 - Russ Baxter: I want it to be clear who makes the final decisions as these dates play out. The concern is that the Panel is advisory to the Partnership, but the current schedule doesn't read that way.

ACTION: CBPO staff will revise the Panel Schedule (Attachment A) to exclude the phrase "to address the panel's recommendations" from the November 16-December 18 schedule item.

- George Onyullo (DDOE): We are okay with the process, and November 16 is okay with us as the deadline for submitting revised final drafts.

DECISION: BMP Verification Committee members reached agreement on November 16, 2015 as the deadline for jurisdictions to submit their revised final draft BMP verification quality assurance plans to EPA for review and approval.

- James Davis-Martin: In the January 2016 schedule item (Attachment A), shouldn't it be EPA be putting forth their recommendations?

ACTION: CBPO staff will revise the January 2016 schedule item (Attachment A) to exclude mention of who will be providing the briefing. The presenter of the briefing will be revised at a later date.

- Ann Swanson: For clarification, anything missing from the jurisdictions' plans will be added in the June 23-29 timeframe so the Panel is getting a complete set? Are you handing them more of a checklist or an evaluation?
- Rich Batiuk: It is more of working down a checklist in that first week.
- Ann Swanson: I would use term "completeness checklist" instead of "evaluation".
- James Davis-Martin: There is already a checklist of verification elements required to be included, so aren't the jurisdictions going to use that as their own self-check?
- Rich Batiuk: You are right. One of our questions in our EPA/jurisdiction one-on-one BMP verification calls being scheduled is to ask if each jurisdiction is going to use those checklists. You would hope so, but this was just a request of the Panel so they could focus more on substance than completeness during their July review.
- James Davis-Martin: Another option beyond a checklist, is an attached addendum that says where to look in the protocol documents to find a particular element like that documented in the

Partnership's BMP expert panel reports. This would provide the check list that the Panel is requesting, but would also give more flexibility to the jurisdictions.

ACTION: Jurisdictional representatives should add the August 27-28 panel meeting on their calendars. CBPO staff will work to figure out how best to make that face-to-face meeting work for you.

Plans for Virginia Tech Providing Panel and Jurisdictions with Survey Design Support – Rich Batiuk/Dana York

- Discuss and understand how Virginia Tech, through their cooperative agreement with EPA, will be providing support to both the Panel and the jurisdictions:
 - Panel request for survey design expert review (Attachment B)
 - Brian Benham (VT): This statistical process goes a little beyond our initial scope of work. We would write an RFP and write a charge that would describe what this statistical review panel would be charged with. Our process is not designed to work with the states to develop the sampling protocol and procedure. That is more Tetra Tech's role.
 - Beth McGee (CBF): The NRCS does the CEAP survey of implemented BMPs. Is there any way to take advantage of that?
 - Susan Marquart (USDA): There is a whole division of NRCS that does that. We use NASS and they go out and do personal surveys with the farmers. In the Chesapeake Bay region, a 40 page document is distributed to farmers who are asked a lot of very detailed questions are useful to understanding their current practices. Using that data would require further discussion with NRCS folks.
 - Rich Batiuk: A number of CBP partners are currently were working directly with NASS to put in place as a mechanism to access to better poultry data all while respective the confidential nature of the data. I think CEAP data gives us a unique big picture, but there is a still a strong level of discomfort with taking that data down to a much more specific scale.
 - Rich Batiuk: Brian, would you benefit from members of this committee recommending experts from the universities who might be of use.
 - Ben Benham: Sure, we have begun to reach out to folks, but we can certainly add them to our list of possible experts.

ACTION: Jurisdictions should send recommended statisticians who might be able to assist in forming the statistical design expert panel to Brian Benham at benham@vt.edu.

ACTION: CBPO staff will post the Tetra Tech statistical sampling guidance memo Jeremy Hanson mentioned on the CBP partners' BMP verification web site.

POST MEETING NOTE: This Tetra Tech report is embedded in [Appendix B](#) at the end of the Agriculture Workgroup's BMP verification guidance on pages 69-79.

- Pennsylvania and Virginia's requests for statistical survey design expert support (Attachment C)
 - Davis-Martin: The timelines for the survey design assistance for the Panel and the jurisdictions needs are not the same.
 - Rich Batiuk: That is right and it is something we are working on with Brian Beham and Jeremy Hansen.

Efforts Underway the Committee Needs to be Aware of – Rich Batiuk/David Wood

- Scheduling one-on-one BMP verification calls with each of the jurisdictions
- Working with CBP Sector/Habitat Workgroup coordinators on drafting up evaluation forms
- Scheduling a meeting with USDA senior management on working to resolve issues and take action on a number of previous commitments to ensuring “Full Access to Federal Conservation Practice Data”
 - Ann Swanson: If something like this needs to be called to the USDA leadership’s attention, the Chesapeake Bay Commission can help organize a meeting with some of the secretaries of the state agencies. If that seems necessary, we should definitely be doing it.
 - James Davis-Martin: Let’s not focus exclusively on USDA, there are other federal agencies that need to be participating in this process, and I want to be clear that we aren’t just picking on USDA.
 - Ann Swanson: Are the two priority federal land-holding agencies the Department of Defense (DoD) and USDA?
 - James Davis-Martin: I would say the priority federal facility/federal land-holding agencies are DoD, Department of Homeland Security, and General Services Administration because they have the largest impacts from a nutrient and sediment pollutant loading perspective.
- Further expanding the CBP partnership’s BMP verification web pages
 - James Davis-Martin: We have a couple of quality timeline documents developed (including the one from today). We should make those more predominantly displayed timelines on the Partnership’s web site.

ACTION: CBPO staff will incorporate the various verification timeline documents into the BMP verification web pages so they are more prominently displayed.

- Scheduling source sector and habitat specific BMP verification guidance webinars
 - Ann Swanson: You should market these webinars as being aimed at data providers and maybe even data managers. They should be an audience we are focused on.

Adjourn 4:00 PM

List of Call Participants

<u>Members</u>	<u>Affiliation</u>
Rich Batiuk	EPA
David Wood	CRC
James Davis-Martin	VA DEQ
Ann Swanson	CBC
Russ Baxter	VA Secretary of Natural Resources
Ted Tesler	PA DEP
Jeremy Hanson	VA Tech
Brian Benham	VA Tech
Dana York	Green Earth Connections LLC
Susan Marquardt	USDA
Beth McGee	CBF
George Onyullo	DDOE
Matt Monroe	WV Dept of Agriculture
Jason Keppler	MDA

Alisha Mulkey	MDA
John Rhoderick	MDA
Bill Angstadt	DMAA
Wendy Walsh	NY USC
Lara Kling	DDOE