

**SUMMARY OF DECISIONS AND ACTIONS**  
**CBP WQGIT BMP Verification Committee**  
**Meeting**  
**Thursday, February 21<sup>st</sup>, 2012**  
**Chesapeake Bay Program Office Main Conference Room**  
**410 Severn Avenue, Annapolis, MD**  
<http://www.chesapeakebay.net/calendar/event/18958/>

**Objectives of Today's Conference Call**

- Rich Batiuk (EPA, Chesapeake Bay Program Office) convened the meeting at 9:00AM and reviewed the day's [agenda](#).
- The overall meeting objective is to determine if the Committee believes we are ready to move forward with the workgroups' draft BMP verification protocols and the other components of the basinwide verification framework up through the CBP partnership: WQGIT->Advisory Committee-> Management Board->Principals' Staff Committee.

**Review of Source Sector and Habitat Workgroups' Final Draft Verification Protocols**

*Agriculture Workgroup (AgWG)*

- Mark Dubin (University of Maryland, CBPO; Coordinator, Agriculture Workgroup) and Frank Coale (University of Maryland; Chair, AgWG, via teleconference) described the latest version of the AgWG's draft verification protocol ([Attachment A](#)). View their [presentation](#) for more details.
  - Mark Dubin noted they are still working on the supporting report with Tetra Tech.
- Mark Dubin asked for the Committee's guidance on the concept of "transparency" for verification. He explained the AgWG protocol bases "relative transparency" on the verification method and entities involved, and the reported data.
- Frank Coale clarified that the Agricultural Workgroup requested a definition of transparency and how deep into the reporting and data collection process an evaluation of transparency would go. There are conflicting conceptions of transparency within the Agricultural Workgroup, so the workgroup requests guidance from the Committee.
- Hank Zygmunt (Resource Dynamics, Inc.) noted that there are two elements to transparency under the Verification Principles: Public Confidence, and the Practice Reporting process.
- Ann Swanson (Chesapeake Bay Commission): If, for example, the 80% confidence level proposal is agreed upon, there still needs to be some kind of oversight or open review to ensure all six states are comparable in their approach with specific verification protocols to achieve that 80% level.
- Roy Hoagland (HOPE Impacts LLC) noted the 80% proposal is still just a proposal; it has not been fully vetted and accepted by the Agricultural Workgroup yet. He mentioned that planning tools are also an aspect of transparency. The public needs confidence, using nutrient management as an example, that nutrient application rates in a plan are followed in real life.
- Hank Zygmunt: Seem to be asking the Committee what the available options are for transparency. Aggregated data seems to be the starting point; would like to hear responses and thoughts from others on this. Offer we start to consider graduated levels of

data beyond aggregated, if in fact this is what we mean by public confidence as defined in the Principle.

- Bill Angstadt (DE/MD Agribusiness Association): Clarify—does going beyond mean going to finer scale than aggregated county level data?
  - Hank Zygmunt: Yes, that’s my understanding based on the Principles and past discussions. Seems transparency would be a more refined level of data sharing than is currently available. Not sure how a 1619 agreement would fit in. We need to agree on a starting point.
- Rebecca Hanmer (Retired; Chair, Forestry Workgroup): From the Citizen Advisory Committee (CAC) perspective, the transparency issue is very deep. In its December 17, 2012 letter to EPA, the CAC acknowledged that not everything needs to the same levels of transparency or verification. Certain practices could be focused or given special consideration, e.g. auditing the most widely used practices. May have to go beyond aggregated data at some level. We do not need to try to solve verification for all the practices at once, but focus on the practices where the greatest reductions occur.
- Frank Coale: Need to separate the theoretical from the practical side of things. If we want a verification protocol that goes all the way down to the individual implementation level and is agreeable to the diverse agriculture stakeholders, it might be possible, but would take much longer to develop.
- Mark Dubin: As Bill Angstadt has noted in previous discussions, there is a scale factor to consider. We need a discussion to determine what level of transparency we are comfortable with, given confidentiality needs.
- Hank Zygmunt noted the Review Panel requested an analysis of which BMPs could be a “priority” given the amount of planned reductions through those practices in the jurisdictions’ Watershed Implementation Plans (WIPs).
- Roy Hoagland: the public is also more interested in transparency for certain practices, e.g. management plans.
- Jack Frye (CBC): some of this has to do with the ability to collect and post some of this information, e.g., information was available for Virginia’s trading program, but until recently it was not readily available online.
- Pat Buckley (PA Dept. of Environmental Protection): Feel today is an opportunity to discuss these protocols, but not comfortable making a recommendation to move forward with the protocols today.
- Rich Batiuk: Correct, we are not seeking final endorsement on the workgroups’ draft BMP verification protocols during today’s meeting.
- Bill Angstadt: In past dialogues we’ve acknowledged that verification of every practice and every acre is cost-impossible. Another issue is scale. Verification and accounting would have to be at appropriate scale for the associated modeling/reporting tools. We need to consider the appropriate scale for audits, especially since many practices are not cost-shared and an audit would have to be voluntary. Regarding plans—many of the BMPs we have are mitigation. The most effective option is prevention. Unfortunately, these preventive practices do not exist in the tools, e.g. nutrient management is a land use, not a BMP in Scenario Builder. Auditing plans does not make sense, since the management actions under those plans are not tracked.
- Matt Monroe (WV Dept. of Agriculture): can’t speak for WV DEP, but Dept. of Ag would not consider sharing data publically at anything below the county level—would not consider sharing information beyond that, e.g. farm level.

Forestry workgroup: Rebecca Hanmer/Sally Claggett

- Sally Claggett (U.S. Forest Service, CBPO; Coordinator, Forestry Workgroup) described the Forestry Workgroup's latest verification protocol ([Attachment B](#)).
- Roy Hoagland: Does the protocol propose graduated credit based on confidence in the data?
- Sally Claggett: Not any more. Either the practice gets credit or it does not.
- Ann Swanson: To clarify, the protocol recommends that the jurisdictions would periodically verify expanded tree cover with aerial imagery every five years.
- Roy Hoagland: How is the recommendation different from what is currently done?
- Sally Claggett: It's very different. There is currently no documentation outside of tree plantings; we do not know if any given jurisdictions are gaining or losing tree coverage. The states also have different ways to collect and count tree plantings.
- Sally Claggett noted the suggested verification procedure for urban riparian buffers is the same as for expanded tree cover.
- Rebecca Hanmer: We've always credited buffers once the project is planted. Still waiting for information from Chesapeake Bay Program Office staff to see if planned urban tree planting have a significant impact in states' WIP reductions or not. Currently, the seven jurisdictions have little or no staff to handle verification of urban tree coverage.
- Rebecca Hanmer: From CAC perspective, still waiting to see examples of how to achieve 80% confidence level. The Forestry workgroup drafted a protocol for agricultural-forest buffers, perhaps the Agricultural Workgroup could use the Forestry Workgroup's protocol as an example to see what level of confidence the protocol achieves.
- Bill Angstadt: As an example of confidence, the NRCS CEAP study had a sample size of 750 farms and had 95% confidence at a 4-digit HUC scale. They have a forthcoming study (June 1) with twice as many data points. They hope to achieve a 95% confidence level at the 12-digit HUC level and hope to extrapolate down to an 8-digit HUC scale. So we need to consider the number of data points that would be needed at a given scale.
- Roy Hoagland reiterated the 80% level proposal has not been agreed upon yet.
- Ann Swanson: what percent of buffers are on agricultural lands?
  - Jeff Sweeney (EPA, CBPO): more than just most, probably 90-95% of buffers are on agriculture lands. Very few are on urban by comparison.
- Sally Claggett: Common buffer types vary by jurisdiction, e.g. Maryland has more grass buffers; Pennsylvania has more forest buffers.
- Sally Claggett: The jurisdictions all have thorough data for forest harvesting on public land, so the protocol focuses on verification on private land.
- Pat Buckley: Asked for clarification that if a jurisdiction does not track implementation on private lands, then it can no longer report the 1% rate?
  - Sally Claggett: The 1% harvest rate is the automatic default, so a jurisdiction could still report at that rate. We would need additional data to apply credit at another higher rate.
- Hank Zygmunt: We have been talking about the 80% confidence level for 4-5 months now. Curious when or how that will move forward or be decided. It would be useful to have specific examples for the March 13<sup>th</sup> Review Panel meeting.
- Rich Batiuk: At this point we are waiting for concrete real world examples before agreement is reached. We can take the forestry protocol as one example.

- Rebecca Hanmer: There is an overlap between the Agricultural Workgroup and the Forestry Workgroup regarding agricultural riparian forest buffers. Should the Forestry Workgroup do a more expanded write-up for the Panel?
  - Rich Batiuk: but the Forestry Workgroup's verification protocol documentation should focus on further addressing the issues that have been highlighted by the Committee and the Panel.
- Pat Buckley: comment on page 4—Pennsylvania is not comfortable specifying which agency will coordinate the reporting as they are multiple agencies involved within Pennsylvania's BMP tracking and reporting system.
  - Sally Claggett: Good point. Will work on the language to address Pennsylvania's concern.

**ACTION:** The Agriculture Workgroup and Tetra Tech will use the Forestry Workgroup's agriculture riparian buffer protocol as an example to illustrate how a BMP verification protocol is evaluated to determine if it achieves the 80% confidence level.

Urban Stormwater workgroup (USWG): ([Attachment C](#))

- Norm Goulet (Northern Virginia Regional Commission) noted the same version of the Urban Stormwater Workgroup's BMP verification protocol has been shared previously with the Review Panel at its December 6<sup>th</sup> meeting, so there is not much new to say. The local and state partners have provided many comments on the recommended protocols. The current draft protocol goes as far as the Workgroup is comfortable with going at this time.
- Norm Goulet: Agreed with Bill Angstadt's earlier comments on scale. For urban stormwater facilities, we are talking about physical verification of practices within permit cycles, so a discussion of confidence intervals does not apply.
- Norm Goulet also noted that data availability for practices is fixed in state regulations or permits. Performance sampling for stormwater practices would be cost-prohibitive in a verification context, so the workgroup favored the visual indicators approach. The biggest issue is still the non-regulated (non-MS4) areas. There is no regulatory hammer or mechanism in these areas. The workgroup proposed a few options; in the absence of a physical inspection or verification, credit for practices in non-MS4s would be gradually discounted.
- Rich Batiuk noted that [Attachment G](#) lists some of the issues that Norm Goulet was addressing in his comments; [Attachment H](#) compares all six of the workgroups' draft verification protocols across a number of common variables.
- Russ Baxter (VA Dept. of Environmental Quality) noted that in terms of cost-effectiveness, most of stormwater population and loads are in MS4 areas, at least in Virginia (Arlington, Alexandria, Virginia Beach, etc.).
- Pat Buckley: Not sure how many of PA's 1200 municipalities in bay watershed are Phase II MS4s, but none are Phase I. A lot of Pennsylvania's stormwater is in these non-MS4 areas, so there is concern about the USWG protocol's potential impact on the state's WIP if there is a discount to stormwater BMPs in non-MS4 areas, as suggested by the USWG.
- Ann Swanson: the question is, how do we proceed in a reasonable way given relative loads reductions and effort.
- Norm Goulet: important to keep in mind that the Bay TMDL, as described in the jurisdictions' Phase II WIPs, calls for reductions in non-MS4 areas, and these are not necessarily insignificant.

- Jack Frye: Everyone wants credit for their practices or effort, but to get that credit it seems reasonable to have some threshold, e.g. to get a paycheck it is necessary work first.
  - Russ Baxter clarified that there are no specific pound reduction goals or requirements for non-MS4 localities, i.e. no wasteload allocation. It's not allocated to that level under the TMDL, but reductions are still necessary as Norm Goulet pointed out.
- Pat Buckley: does not see how Pennsylvania could meet the protocol with its 1200 municipalities.
- Bill Angstadt: Pennsylvania is going to be crucial in this. It raises sector equity issue if we ask county conservation districts to participate in agriculture verification, but we have townships that are not engaged in stormwater verification.
- Katherine Antos (EPA, CBPO): There is a “semi-regulated” category defined in the protocol. A lot of growth and urban loads are captured under construction general permits.
  - Norm Goulet: Katherine Antos is correct. The states are able to use these general permits to close some gaps and enforce statewide performance standards.
- Katherine Antos: Even if non-MS4 stormwater areas are not a major part of the overall load, concerned about impact that not counting practices may have. Perhaps there are third parties, organizations, or groups to help fill in the gaps.
- Norm Goulet: Every state operates differently, sometimes substantially. So it can be difficult to reach consensus on a sector-wide protocol given these differences.
- Batiuk: How did the Urban Stormwater Workgroup address plan-based urban practices, like urban nutrient management?
  - Norm Goulet: Urban nutrient management is going through the expert BMP panel process, so those verification recommendations are forthcoming. The USWG asks each of its' expert BMP panels to make recommendations on verification. For plan-based practices there is still a distinction between MS4 non-MS4 areas, so the practices have to be addressed in this way. The urban sector has been criticized on this issue so much in the past, so the panels' charges have included verification.
    - Hank Zygmunt: perhaps the Agricultural Workgroup could consider a similar approach for its expert BMP panels.

#### Wastewater Treatment Workgroup (WWTWG) ([Attachment D](#))

- Ning Zhou (Virginia Tech, CBPO) noted there is already high confidence in verification under existing regulations and law for permitted wastewater facilities and CSOs. The Wastewater Treatment Workgroup has previously agreed that if a jurisdiction will seek credit for non-significant facilities, then the same reporting requirements for significant facilities would apply to those non-significant facilities. For CSOs, the regulatory Long Term Control Plans meet or exceed the verification principles and expectations.
- Ning Zhou explained that PA and NY do not plan to seek credit for installation and maintenance of existing or new on-site treatment systems, so the WWTWG's proposed verification protocols would not apply in those two jurisdictions. He noted Delaware, Maryland, and Virginia have provided detailed description of their jurisdictional on-site BMP system programs; these descriptions are included as Appendices A, B, and C, respectively, within the Workgroup's recommended draft verification protocols.

- Virginia has monitoring requirements for larger on-site systems, similar to non-significant treatment facilities.
- West Virginia does not have plans to enact regulations like MD, VA, or DE, but they have committed that they would abide by the protocol if they do seek credit in the future for the installation of new and maintenance of existing on-site treatment systems.
- Ann Swanson: just to clarify— there is an annual inspection and maintenance requirement for advanced systems in Maryland?
  - Greg Sandi (MDE) noted that the new regulations just took effect so they have not been enforced yet, but there are such requirements.

*Stream Restoration & Stream Health Workgroup:* ([Attachment E](#))

- Bill Stack (Center for Watershed Protection) explained the draft stream restoration protocol and recommendations, noting there were significant updates compared with past drafts shared with the Committee and Panel.
  - He noted if you sum up all the restoration projects under the jurisdictions' Phase II WIPs, there would be a total of over 700 miles of stream restoration within thousands of individual projects through 2025.
- Pat Buckley: Need to have further discussion with stream restoration staff in Pennsylvania, but would like to note it could be problematic to have an expectation of annual progress reports from non-MS4 municipalities. Similar to the concern with the Urban Stormwater Workgroup's protocol.
- Bill Stack commented that transparency works both ways. It's important for localities to see understand how their projects are reported and used to calculate pollutant reductions.
- Rebecca Hanmer: in your experience, are there frequently forest buffers associated with stream restoration projects?
  - Bill Stack: In my experience there are typically riparian plantings, primarily for mitigation, but also because it is good for the overall project.
- Pat Buckley: which group was working on the protocol; not sure who, if anyone from PA DEP was involved in development of the protocol.
  - Bill Stack explained the full Habitats Goal Implementation Team still needs to vet the revised draft protocol, and PA DEP on team's membership.

*Wetlands Action Team:* ([Attachment F](#))

- Denise Clearwater (MDE) noted the revised draft wetland verification protocol has been fleshed out among the Wetlands Workgroup, but there was limited feedback or response to the second draft, so the current third draft cannot be considered a consensus document.
- Ann Swanson: so the practitioners visit the wetland site once to verify it is established.
  - Denise Clearwater clarified that there is also a follow-up visit, though not personally certain when or how frequently the follow-up visits occur.
- Steve Strano (NRCS) explained that NRCS mainly performs wetland restoration through two programs: Conservation Reserve Enhancement Program (CREP) and the Wetland Reserve Program (WRO). He stated that NRCS has technical responsibilities for CREP, though it is a Farm Service Agency (FSA) program. FSA sets the requirements for CREP, with verification through status reviews or required follow-ups is only on about 10% of the contracts. Every site is visited at least once.
- Hank Zygmunt: is it 10% over the life of project?



- Steve Strano: When it was reported as completed. The following year, 10% of projects are selected out of ones that were established and reported in preceding year. The 10% are random selected. The 10% is what is required, though landowners will often contact NRCS if they notice problems with the project; this is especially true for wetlands. The farmer will only take the land out of production because they want the wetland, so there is an interest in maintaining it.
- Roy Hoagland: Asking for clarification—so the recommendation for CREP projects is the current protocol, where projects are checked when they are installed, and a certain percentage are checked periodically over the contract term.
- Steve Strano: Correct.
- Steve Strano: The WRP is an easement program, so the government has a vested interest. These sites must be monitored annually into perpetuity. Not all monitoring is on site, but the monitoring is all on-site for the first three years. At least every fifth year would be on-site. The government can authorize additional uses (e.g., grazing) in the WRP; would be required to do on-site monitoring following that authorization.
- Strano: Wetland restoration projects in the WRP are going into areas that were previously wetlands, unlike mitigation projects. All the wetlands are designed to NRCS standards, which are publicly available.
- Bill Stack: Regenerative basin and channel design are one type of stream restoration projects that are associated with wetlands. Verification for these types of projects was outside the scope of the Urban Stream restoration expert panel or the stream restoration principles. We may need to reconcile whether certain types of projects fall under the wetlands or stream restoration protocols.
- Rich Batiuk: We are starting to clarify areas of overlap and will follow-up on this.
- Mark Dubin: did the protocol address the use of remote sensing to monitor projects?
  - Strano: Yes. Site visits required for first three years, and every fifth year after that or more frequently in some cases. Use aerial photography otherwise.
- Rebecca Hanmer: For CREP projects, there is extra attention from the landowner. Curious to know if the same thing might be true for buffers. It seems landowners view them differently.
  - Steve Strano: not sure, it is often the state foresters who write the plans and manage the buffer projects. Since there is a monitoring requirement for easements in WRP, NRCS has requested additional funds to continue the monitoring in the future.

### **Committee discussion of the Source Sector and Habitat Workgroups' Final Draft Verification Protocols**

- Pat Buckley suggested stretching the verification schedule ([Attachment Q](#)) so there is more time to incorporate feedback and dialogue between the Committee and Review Panel.
- Rich Batiuk: Indeed the Review Panel has a lot on their plate. We want to find the balance between having enough time and keeping things moving forward. Let's move on to the transparency issue first and then return to the schedule. The Agricultural Workgroup has made a specific request for guidance. We want a process to define transparency so the Partnership is comfortable with it. Thoughts on how we might proceed forward with this. Do we try to tackle the Workgroup's request in discussion, or do we identify a small group of folks to meet separately and grapple with this?
  - Roy Hoagland: The last option.

- Rich Batiuk asked Mark Dubin for his thoughts on who should serve on a subgroup.
- Mark Dubin: need to talk about scale, so we would need Angstadt. We would definitely need Matt Johnston or someone from the modeling team, plus state rep(s), and maybe a practitioner.
- Roy Hoagland: suggest someone from CAC, too, and Bill Angstadt.
- Mark Dubin: Today we've heard points that are similar to points raised in Agricultural Workgroup discussion. There are two general sides to the argument.
- Rebecca Hanmer: Jack Frye made a good distinction between transparency and auditing. For example, Discharge Monitoring Reports (DMRs) are public data. Monthly DMRs are actually averages of more frequently collected data, so in this example there is still possibility to lie or misrepresent the numbers. So auditing may still be part of transparency to ensure that aggregated or averaged data is verified at some specific level, in a credible way, without necessarily having to make the entire set of data public.
- Bill Angstadt: In some sense, this is an issue of trust, e.g. some people do not believe if a farmer is doing what is written in a plan.
  - Rebecca Hanmer: It is not necessarily trust in the farmer, but also trust in the state agencies or other entities that collect or report the data. It's not a bad-guy good-guy thing, there are underlying economic issues to also consider.
  - Bill Angstadt: So it's not only the farmer, but also the state agencies and verifiers. This is much bigger than just the BMP verification issue, it's a much larger trust issue that may not be improved by the verification effort or addressed by the Committee.
- Ann Swanson: think this Committee has a responsibility to find a balance or middle ground between different stakeholders and interests. Many legitimate points have been raised. We owe the workgroups some feedback or guidance on the scale they should investigate for verification.
- Roy Hoagland: Hearing a lot of things that make sense. There is a whole different level of transparency between permitted and non-permitted systems or programs. It's not just a question of trust; on the other hand, there are real issues related to transparency.
- Matt Monroe: would like to know more about what the Committee is looking for, i.e. how far are going and are we considering what's practical.
  - Rich Batiuk noted the workgroups have started addressing the practicality issue.
  - Pat Buckley: this is why it is important to be realistic now, since the PSC will ultimately decide on these things. There are numerous areas of concern for Pennsylvania. Strongly disagree with implications that the states are unable to report accurate or reliable data.
- Ann Swanson: We're in a different world now, compared to when there was no TMDL. With verification we are trying to do something new or different, so we will have to stretch as times, even if something may not be doable. Would like to move away from the trust/distrust discussion.
- Bill Angstadt: we can all acknowledge that there are late-adopters, which is why PA DEP issues notices of violation and MDA audits Nutrient Management Plans and does not find 100% implementation. However, this is not the place to solve those problems.
- Hank Zygmunt recalled that the genesis of the BMP Verification Committee was based on research that was done by outside groups, e.g. National Academy of Sciences. We were given this task based on the findings from those reports.



- Hank Zygmunt: It will be good to know which BMPs account for the greatest reductions; perhaps those priority BMPs would be subject to increased transparency. It's fair to say the public is interested in knowing that public funds are being used effectively to achieve real reductions.
- Rich Batiuk: Heard support for forming a subgroup: Roy Hoagland, Rebecca Hanmer, Bill Angstadt, Mark Dubin, Frank Coale, plus a state representative and a CBPO modeling team member.
  - Mark Dubin: Suggest that Jack Frye would be a valuable member on subgroup as a representative of the CBC.

**DECISION:** In response to the request from the Agricultural Workgroup, the Committee agreed to form a transparency subgroup with membership comprised of: Roy Hoagland, Rebecca Hanmer, Bill Angstadt, Jack Frye, Mark Dubin, Frank Coale, plus a state representative and a CBPO modeling team member.

**POST MEETING NOTE:** Matt Monroe volunteered to serve as the state representative on the subgroup. Gary Shenk will serve as the modeling team member, with Matt Johnston as a back-up from the Scenario Builder perspective.

**ACTION:** The transparency subgroup was charged by the Committee to discuss the transparency issue in the context of the agricultural verification protocols and report back to the Agricultural Workgroup on the subgroup's recommendations for addressing transparency. The Committee as a whole will have the opportunity to review the Agricultural Workgroup's final recommended verification protocol, which will factor in the subgroup's recommended approach to transparency.

- Bill Angstadt noted that about 53% of the nitrogen reductions from agriculture in Maryland's Phase II WIP are from enhanced nutrient management or decision agriculture that have yet to be defined by the expert panel. So it's not really possible to discuss transparency for a practice that is not fully defined yet. Secondly, the protocols are up to the states. The small group, with only one state rep, should not mandate what the states do in terms of transparency. These are state decisions based on their enforcement and verification programs, needs, and capacity.
- Rich Batiuk: nobody is mandating what the states do anything on this. Frank Coale requested guidance on behalf of the Agricultural Workgroup. Certainly respect disagreement with the process, but the Committee is actively responding to the request by the Agricultural Workgroup chair so they can move their protocol forward.
  - Bill Angstadt respectfully disagreed.
- Ann Swanson: the states are not the exclusive Partnership members.
- Russ Baxter: on stormwater, concerned about limited resources. Want to do the biggest or easiest things first. Concerned that one of the hardest aspects (non-MS4 stormwater) is so minor and expensive. Want to use resources prudently. With new MS4 permits coming out, the biggest localities will have fairly significant reporting requirements.
- Rich Batiuk: Need to take stream protocol back through the Habitats GIT. The Wetlands Workgroup also needs to further vet its protocol to reach consensus within the workgroup. There were some potential overlaps between streams and wetlands, as noted by Bill Stack. Were there other issues in addition to these and stormwater.

- For a list of workgroup protocol issues raised by the Panel, Committee, or others in previous discussions, see [Attachment P](#).
- Rebecca Hanmer: the workgroups are doing their best to develop scientifically defensible protocols, and the jurisdictions will fully address or consider the practicality aspects. Or at least that's the way the Forestry Workgroup interpreted the process.
- Roy Hoagland: We heard a lot of different inspection frequencies between the sectors and practices. We may need to look at these and make recommendations for the sake of sector equity.

Based on the workgroup specific discussions in the morning and the afternoon's cross workgroup discussions, here's the resultant follow through actions directed to the appropriate workgroup or group of workgroups.

**ACTION:** Given confidence in most of the draft agricultural verification protocols related to structural and annual practices which have visible outcomes, and pending clear examples of application of the 80% confidence threshold, the Committee asked the Agricultural Workgroup to actively seek further review of and work to further enhance its draft verification protocols addressing planning related practices (e.g., nutrient management plans).

**ACTION:** The Committee asked the Habitat Goal Implementation Team to fully review and revise, as needed, the revised draft stream restoration verification protocol prior to further review by the Committee and the Review Panel.

**ACTION:** The Committee asked the Wetlands Workgroup to fully review and revise, as needed, the revised draft wetlands restoration verification protocol prior to further review by the Committee and the Review Panel.

**ACTION:** The Committee asked the Workgroup Chairs and Workgroup Coordinators to work together to reconcile the following across the various workgroups' draft protocols:

- Where a practice or set of practices overlaps two or more workgroups, reach agreement on what is the recommended protocol for adoption by the partnership across workgroups and sectors;
- Where there are different inspection frequencies between source sectors and even practices, ensure there is a clear, documented rationale for those differences, otherwise seek to make them consistent; and
- Where there is inequity in terms of rigor, transparency, or any other principle, work to make the necessary adjustments and bring these to the attention of your workgroup and then the Committee as a whole.

## **Review of the Status of BMP Verification Framework Components**

Watershed Technical Workgroup's historical data cleanup procedures – Matt Johnston

- Matt Johnston (UMD, CBPO; Coordinator, Watershed Technical Workgroup) explained the Committee's request for the WTWG to consider a clean-up of historical BMP data.

- He explained that WTWG members from the jurisdictions are the contacts who submit the states' progress data.
- He described the concerns raised by the WTWG members. For more details, view his [slides](#).
- Pat Buckley commented that EPA is expecting a higher level of confidence in the states' data than it requires for the data used in the model.
- Matt Johnston presented some questions for the Verification Committee [slide 3].
  - Roy Hoagland: unable to answer questions without more time to consider. Perhaps the next step for verification is to decide how to handle historical data.
- Russ Baxter: currently there are issues where a jurisdiction will run out of space to earn credit for BMPs because a land use is already covered by historical BMPs.
  - Jeff Sweeney: correct, and that is something this workgroup can address.
- Pat Buckley: PA DEP already has a plan to identify BMPs and areas where there is historical over-reporting.
- Matt Johnston: To Roy Hoagland's point, one issue is that the deadline for this is mid-2015, so there is not much opportunity to delay to a later date. The jurisdictions would need to do the clean up in time for the next version of the model.

**ACTION:** Given time constraints within the meeting, the Committee members will review the series of questions posed by the Watershed Technical Workgroup and discuss its collective responses at the next Committee meeting.

*Status of response to Panel's request for most effective practices and most commonly applied practices* – Jeff Sweeney

- Jeff Sweeney described the request made by the Review Panel, which was mentioned multiple times earlier in the meeting, for a comprehensive accounting of the most load reduction effective practices and the most commonly applied practices within the jurisdictions' Phase II WIPs.
- Jeff Sweeney: We've done 27 model runs for 35 BMPs to date; have to assess about 45 more BMPs that do not require model runs. Should have the results by the scheduled March 13<sup>th</sup> BMP Verification Review Panel meeting, but would be very difficult to bring the draft results to the Committee prior to the Panel meeting.
- Rich Batiuk: the Committee, the Panel and the Citizen Advisory Committee want to know if there is a clear demarcation between some of the most effective and commonly applied practices and the rest of the practices. Would like a progress report a week before the Panel meeting so the Committee knows what will be presented to the Panel members.
- Hank Zygmunt: How many BMPs are included in the analysis?
  - Jeff Sweeney: Close to 100 total.
- Ann Swanson: hesitant to bring this to the Panel before it is at least shown to the Committee. We want to be careful with how the data is presented.
- Jeff Sweeney: Indeed, we have to be careful with presentation. The top practices will likely vary by scale—county, state, and watershed.
- Rebecca Hanmer: the Panel needs this information, depending on what is being asked, so that it can do its work effectively.
- Roy Hoagland: concerned of the message it sends if the Committee says it needs to see the information first. Would like to know the information, but don't think the Committee necessarily has to see it first.

- Ann Swanson: for the Panel to complete its work, it is not possible for them to handle all these topics in one meeting. Regarding Jeff Sweeney's presentation, think it is important for the Committee to understand the information to help it flow better, not to cleanse it or get it first.

Communications Workgroup recommendation on a communication strategy

- Margaret Enloe (Alliance for the Chesapeake Bay, via teleconference) described the CBP Partnership's Communications Workgroup's draft communication strategy ([Attachment I](#)). She welcomed questions or comments
- Bill Angstadt: I've been getting a lot of questions about verification, and it's unclear what I'm allowed to talk about or not.
  - Rich Batiuk clarified that it's an open, public process and Bill Angstadt is welcome to discuss anything.
- Pat Buckley: the jurisdictions need more time. It will be a while before we are ready to reach out to stakeholder groups. There is no point communicating to the public when these verification elements are still being defined.
- Russ Baxter: the only real message at this point is that "we are still working on it." It is a complicated issue, we agree that it's important, but there is a lot of work left. We do not want to get ahead of ourselves in communication when there is so much work remaining. I would personally cancel the Review Panel meeting on the 13<sup>th</sup>. We might need to push back the PSC decision to August. The Panel, Committee, workgroups, and the jurisdictions' agencies have so much to consider and work out.
- Roy Hoagland: the way I understand it, this is being driven by 2017?
  - Rich Batiuk: the jurisdictions were also hoping to get credit for a wider array of practices, particularly those non-cost shared practices, in their two-year milestones leading up to 2017.
- Roy Hoagland: we may not need communication strategy at this point. Do not see this as a big public communication effort. I do not want to delay the schedule; perhaps there are things like the communication strategy that could be dropped at this time.
- Rebecca Hanmer: look at it in terms of whose behavior will need to change as result of verification efforts, e.g. communities.
- Russ Baxter: the consensus is that there will need to be communication eventually, but this is a long way off right now.
- Norm Goulet noted the stormwater community is already talking about verification quite a bit.

1619 Data Sharing Agreement and Enhanced USDA Data Collection and Reporting: update and next steps (Attachments J, K, and L)

- Due to time constraints, this discussion was postponed for a later meeting.

**POST MEETING NOTE:** The Committee's discussion of the draft basinwide 1619 data sharing agreement and ongoing efforts to enhance USDA data collection and reporting will be rescheduled to the Wednesday, March 13<sup>th</sup> BMP Verification Committee meeting.

**Review of Revised Jurisdictional BMP Verification QA Plan Documentation and Basinwide BMP Verification Framework Document Outlines – Rich Batiuk/Andra Popa**

- Batiuk noted there was not sufficient time to review and discuss [Attachment N](#) or [Attachment O](#) during the meeting. He asked Committee members to review and submit their comments after the meeting.
  - He also noted that [Attachment M](#) provides an update on the status of the verification framework documents.

**ACTION:** Members should provide comments on Attachment N and Attachment O to Rich Batiuk and Jeremy Hanson.

### **Review of the Forthcoming Decision Making Process and Final Schedule ([Attachment Q](#))**

- Rich Batiuk described the current schedule and timeframe ([Attachment Q](#)), noting concerns raised throughout the day.
- Russ Baxter: really tough to get buy-in on a moving target, as it is with the protocols. Many of the workgroups seem to need more time, and the jurisdictions need time to react to something firm.
  - Pat Buckley agreed.
- Roy Hoagland: could an extension of a few months still allow the jurisdictions to meet their milestones or other driving timelines?
  - Rich Batiuk: there is some wiggle room in the overall schedule, but we have to discuss this in more detail before reaching a final answer.
- Ann Swanson: seems that everyone needs more time. We should look at the endpoint and see what can be done.
- Hank Zygmunt: seems most of the workgroups need at least another 2-3 months to resolve remaining issues.
- Norm Goulet: at this point the stormwater workgroup just needs state input on its protocol. The workgroup has vetted its protocol as thoroughly as possible.
- Mark Dubin: the transparency issue is foundational to the overall verification protocol development. The Agricultural Workgroup is going to need about 3 months to finalize its verification protocol.
- Rebecca Hanmer commented it will be important to be clear about the role for state review of the protocols.
- Rich Batiuk summarized the growing consensus among the Committee members:
  - Provide the six workgroups with more time to work through the remaining identified issues and further build agreement on their protocols within their workgroups;
  - Provide more time to work across the six workgroups to resolve overlaps and narrow down any remaining inequity concerns across source sectors;
  - Provide more time for the jurisdictions to review the collective set of protocols prior to moving up the CBP Partnership management structure;
  - Reschedule the March 13<sup>th</sup> Review Panel meeting to a date to be determined several months from now.

**DECISION:** The March 13<sup>th</sup> Verification Review Panel meeting will be cancelled and will be rescheduled for a later date after the Committee meets again and agrees on a revised schedule.

- Roy Hoagland: Do not want cancellation of the March 13<sup>th</sup> Review Panel meeting to delay Jeff Sweeney's and Matt Johnston's work.
  - There was general agreement among the Committee on this.

- Jack Frye suggested the Committee could meet on the 13<sup>th</sup>. Jeff Sweeney could present the CBPO staff's findings at that time.
- Rich Batiuk: since we are stretching schedule, we can discuss the 1619 agreement in March along with other agenda items put off today due to time constraints.
  - Bill Angstadt: What's the status of a basinwide 1619 agreement—not a done deal?
    - Rich Batiuk: Correct—no final decisions have been made as the concept of a basinwide agreement and the current draft still very much in discussion by the Partnership.
- Rich Batiuk summarized the Committee's next steps.
  - CBPO staff will provide a summary of meeting discussion within a week.
  - CBPO staff will immediately notify the Verification Review Panel members that the March 13<sup>th</sup> meeting is cancelled.
  - The Committee will meet on March 13<sup>th</sup> to hear the results of the analysis of most load reduction effective practices and the most commonly applied practices within the jurisdictions' Phase II WIPs.
  - CBPO staff will distribute an agenda for the March 13<sup>th</sup> meeting reflecting discussions during this meeting and what the Committee members want to focus their attention on.
  - The Committee's transparency subgroup will meet prior to the Agricultural Workgroup's next meeting in March.

**DECISION:** The Committee will meet face to face in Annapolis at the Chesapeake Bay Program Office on March 13<sup>th</sup> in face of the previously scheduled BMP Verification Review Panel meeting.

- Jim Cox reflected that there was little or no discussion during the meeting about risk. He noted forest maturity affects nutrient uptake. The only way this system works is if everybody contributes; it will only move forward if everyone contributes and we are able to acknowledge their piece. In my experience, cannot disenfranchise people, e.g. homeowners. Spot checks: 10% refers to 10% of owners, not necessarily 10% of practices or acres. Voluntary implementation: if we're only tracking what the state/fed agencies pay for, there is tremendous under reporting.

**Adjourned 3:00 PM**

**Next meeting:**

Wednesday, March 13<sup>th</sup>, 2013, 10:00 AM -  
 Chesapeake Bay Program Office, Main Conference Room,  
 410 Severn Avenue, Annapolis, Maryland 21403  
<http://www.chesapeakebay.net/calendar/event/19218/>



## Meeting Participants

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Rich Batiuk	U.S. EPA Chesapeake Bay Program Office (CBPO)
Jeremy Hanson	Chesapeake Research Consortium/CBPO
Bill Angstadt	DE/MD Agribusiness Association
Katherine Antos	U.S. EPA Chesapeake Bay Program Office
Russ Baxter	VA Dept. of Environmental Quality
Pat Buckley	PA Dept. of Environmental Protection
Sally Claggett	U.S. Forest Service
Denise Clearwater	MD Dept. of Environment
Jim Cox	
Mark Dubin	University of Maryland/CBPO
Marcia Fox	DE DNREC
Valerie Frances	U.S. Dept. of Agriculture, OEM
Jack Frye	Chesapeake Bay Commission
Jennifer Greiner	U.S. Fish & Wildlife Service/CBPO
Rebecca Hanmer	Retired, CBP Citizen's Advisory Committee & Forestry Workgroup
Roy Hoagland	Hope Impacts LLC
Debbie Hopkins	U.S. Fish & Wildlife Service/CBPO
Susan Marquart	U.S. Dept. of Agriculture, NRCS PA State Office
Matt Monroe	WV Dept. of Agriculture
Thomas Morgart	U.S. Dept. of Agriculture, NRCS Maryland State Office
Andra Popa	U.S. EPA Chesapeake Bay Program Office
Greg Sandi	MD Dept. of Environment
Bill Stack	Center for Watershed Protection
Steve Strano	U.S. Dept. of Agriculture, NRCS Maryland State Office
Ann Swanson	Chesapeake Bay Commission
Jeff Sweeney	U.S. EPA Chesapeake Bay Program Office
Ning Zhou	Virginia Tech/CBPO
Hank Zygmunt	Resource Dynamics, Inc.
<i>Via teleconference</i>	
Karl Blankenship	Bay Journal
Chris Brosch	Va Tech/VA DCR
Frank Coale	University of Maryland
Margaret Enloe	Alliance for the Chesapeake Bay
Norm Goulet	Northern Virginia Regional Commission
Alana Hartman	WV Dept. of Environmental Protection
Neely Law	Center for Watershed Protection
George Onyullo	District Department of Environment
Dana York	Green Earth Connection LLC
Beth Zinecker	USGS/CBPO