

Questions/Issues for Resolution by the CBP BMP Verification Review Panel Coming Out of the August 28-29, 2013 Meeting

As Compiled by Rich Batiuk: 9/30/2013

Transparency

- Confirmation on the Panel's recommendation that the CBP Partnership should use the following language, with recommended text in bold below, in the final version of the operational definition of transparency text.

"Transparency of the process of data collection must incorporate **clearly defined** QA/QC procedures, which may be implemented by the data-collecting agency or by an independent third party."

"Transparency of the data reported should be transparent at the **most site-specific** scale that conforms with legal and programmatic constraints, and at a scale compatible with data input for the Chesapeake Bay Program partnership modeling tools."

- Confirmation that the Panel is supportive of the "most site-specific" language as this is defined by the conformance with legal and programmatic constraints.
- Confirmation that the Panel is supportive of Tom Simpson's recommendation that the definition of transparency be more process oriented, therefore, that the #3 Recommendation should be directly incorporated into the definition of transparency.
- Panel development of specific text for inclusion in the transparency language more clearly defining the reference to an "independent third party."
- Confirmation that the Panel believes the transparency language shared with the Panel for its review and response should be used by the CBP Partnership as an operational definition for the existing Public Confidence guiding principle, not as a new separate, sixth guiding principle.
- Confirmation of the Panel's support for a recommendation to the CBP Partnership for ensuring non-cost share data provided by producers would also be aggregated and privacy protected the same as cost-shared data. Rationale is to address the concerns articulated by Matt Monroe that lot of producers do not want share non-cost shared data unless it will be aggregated or protected in some way.
- Panel development of some narrative addressing how the Partnership can ensure transparency is achieved even in cases where the underlying practice data is aggregated prior to public release
- Confirmation of Panel agreement on the need for clear definitions of the terms "independent" and "external"—Robert recommended using well established definitions for both terms established by civil engineering professional societies.

Agriculture Workgroup

- Confirmation of the Panel's position on whether or not the procedures that NRCS and FSA follow for confirming cost-shared practices have been implemented meet the CBP Partnership's principles and ag BMP verification protocols or not. [As a reminder, the Agriculture Workgroup's position they are not stating up front in the workgroup's draft verification protocols that NRCS and FSA verification programs necessarily meet the protocol—will likely be the case, but needs to be documented as so by each jurisdiction.
- Following the July 31 Panel conference call, the August 28-29 Panel meeting, and the September 12 webinar, need a clear narrative statement on the Panel's reaction to the proposed agricultural verification tool and its utility within the larger basinwide verification framework.

Non-Cost Shared Practices

- Need a clear narrative statement from the Panel on how the jurisdictions should address verification of non-cost shared practices.

Functional Equivalents

- Need a clear narrative statement from the Panel on how the jurisdictions should address verification of functionally equivalent practices.

STAC Verification Subgroup's Draft Findings and Recommendations

- Need a clear narrative statement on the Panel's response to the Scientific and Technical Advisory Committee Verification Subgroup's August 16 comments, findings, and recommendations as presented by Dr. Brian Benham, STAC Verification Subgroup Chair at the August 29 Panel meeting.

Statistical sub-sampling/surveying

- Need the Panel to develop guidelines/criteria for designing effective statistical sub-sampling verification protocols.
- Confirmation of the Panel interest in/willingness to go on the record recommending that the CBP Partnership develop, fund, and maintain for the long term a mechanism through which the jurisdictions can gain direct access to survey design experts.

Feedback loop for assessing effective of BMP verification programs

- Panel interest in recommending the need to embrace adaptive management and learn from this ongoing process both within the jurisdictions and within the larger CBP Partnership
- Panel development some specific narrative describing how the overall Chesapeake Bay Program Partnership as well as the individual jurisdictions should design, reach agreement on, and implement over time a system for providing feedback on the effectiveness of the jurisdictions verification programs, including the specific methods and assumptions

- Panel development of narrative describing how the Partnership and the individual jurisdictions can actively “consider the continued evolution of the understanding of the performance of practices as a component considered under the adaptive management principle” –Robert Traver as quoted in the Panel meeting summary.
- Panel development of recommended steps the Partnership and the jurisdictions can take to ensure there is continual adaptive management from this period forward through time
- Confirmation of the Panel’s interest in/willingness for going on the record recommending the CBP Partnership commit to a robust evaluation of its basinwide BMP verification framework and the jurisdiction-specific BMP verification programs every five years (consistent with the existing CBP Partnership’s BMP protocol which calls for review of each of the CBP approved BMPs every five years)

Definitions

- Please provide clear working definitions for terms currently causing confusion: verification, validation, adaptive management, independent, external, third party, and independent entity

BMP Verification Framework Implementation

Confirmation the Panel is supportive of the Partnership moving forward with the recommendations described in the draft Section 15 text as presented during the August 28-29 Panel meeting and summarized below:

1. Reference Partnership’s adopted BMP verification principles in the 2014 *Chesapeake Bay Program Grant and Cooperative Agreement Guidance*.
2. The Panel will determine if the proposed verification protocols, procedures, and processes are fully consistent with and supportive of the Partnership’s adopted verification principles during review of each of the seven jurisdictions’ proposed enhanced BMP tracking, verification and reporting programs
3. The Partnership’s Principals’ Staff Committee will only approve a jurisdiction’s proposed verification protocols, procedures, and processes if they are fully consistent with and supportive of the Partnership’s adopted verification principles.
4. Each of the seven watershed jurisdictions will either adopt verification protocols consistent with the protocols adopted by the Partnership as part of the basinwide BMP verification framework or develop verification protocols judged to be comparable by an independent group of recognized experts convened by the Partnership.
5. The Partnership will seek establishment of an independent consortium of land grant universities and charge them with responsibility for determining whether the jurisdictions’ designed verification procedures/surveys meet the 80 percent minimum threshold of relative data confidence. This independent university consortium will follow

the appropriate procedures and apply the tools adopted by the Partnership in evaluating whether the minimum threshold has been met.

6. The Partnership formally amend its [Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model](#) to commit the Partnership to develop and adopt, as needed, new verification requirements for new BMPs through the Partnership's existing BMP expert panel, workgroup review, and goal implementation team decision making process.
7. Institute 1619 Conservation Cooperator agreements in all six states covering all state agencies both directly involved in conservation planning, funding, delivery, reporting, and submission of conservation practice data and with responsibility for submitting aggregated agricultural conservation practice data to the CBP Partnership's Annual Progress Review through their respective state's NEIEN node.
8. Ensure each of these 1619 Conservation Cooperator agreements adopts the broadest, most consistent language as described in the USGS *Tracking Progress Towards Achieving Water Quality in the Chesapeake Bay Using USDA Farmland Conservation Data*.
9. Each of the six Chesapeake Bay states should establish a well-documented annual data handling protocol that will ensure routine, thorough, and consistent data access for all USDA Farm Bill agricultural conservation programs.
10. Seek NRCS commitment to continue to working to enhance data collection and reporting in the areas identified by the Partnership's Agriculture Workgroup.
11. Develop a common template for the six states requesting NRCS and FSA Farm Bill Program conservation practice data for Chesapeake Bay farmlands.
12. Annually update the crosswalk between NEIEN and USDA (FSA and NRCS) practice codes and CBP Partnership Scenario Builder definitions to reflect progressive changes in USDA and CBP conservation practice definitions.
13. Follow an established timeline each year (see Section 15 for specific timeline dates) for ensuring comprehensive, consistent reporting of federal cost shared conservation practice data across all six states.
14. Request each jurisdiction, within their respective quality assurance plan, clearly document their specific methods employed to prevent double counting of cost shared practices.
15. Request each jurisdiction undertake a comprehensive clean-up of their respective historical BMP databases in preparation for re-calibration of the Chesapeake Bay Program Partnership's Chesapeake Bay Watershed Model.

16. Documentation of each jurisdiction's BMP verification program will build directly upon their existing quality assurance plans already drafted, approved by EPA, and in place supporting their Chesapeake Bay Implementation Grant and Chesapeake Bay Regulatory and Accountability Grant.
17. Reach agreement within the Partnership on the set of required data fields to be reported through each jurisdiction's annual progress data submission through their NEIEN node which provide clear documentation that implementation of each reported practice have been verified.
18. Chesapeake Bay Program Office staff will review the jurisdictions annual NEIEN-based submissions of implementation progress data for documentation of verification as part of their routine evaluations of the quality and completeness of the data. The annual progress data reviews will be conducted following the guidelines and protocols agreed to by the Partnership through the Watershed Technical Workgroup. Any submitted progress data without the required verification documentation will be returned to the jurisdiction for incorporation of required documentation and resubmission.
19. EPA will annually review and approve the jurisdictions' quality assurance plans submitted as part of their annual applications for their Chesapeake Bay Implementation Grants/Chesapeake Bay Regulatory and Accountability Grants. EPA will focus its annual reviews on any changes to the plans as submitted by the jurisdictions. EPA must review and approve the quality assurance plans prior to the annual grant awards.
20. EPA will conduct periodic on-site audits of the jurisdictions' BMP verification programs carried by teams of recognized experts to ensure the procedures and protocols documented within the jurisdictions' QA plans are being effectively carried out.
21. The Chesapeake Bay Program Partnership's Scientific and Technical Advisory Committee, working with the Citizens and Local Government advisory committees, will sponsor periodic—every 3-5 years—independent evaluations of the effectiveness of the basinwide BMP verification framework and the individual jurisdictions' BMP verification programs in achieving the five BMP verification principles adopted by the Partnership. Findings and recommendations from these periodic independent evaluations will be presented directly to the Principals' Staff Committee for consideration and follow-through actions and decisions.
22. In the first full annual progress reporting cycle coming two years after the date of adoption of the basinwide BMP verification framework by the Principals' Staff Committee, those reported practices, treatment, or technologies for which documentation of verification has not been provided for through each jurisdictions' NEIEN-based report systems will not be credited for nitrogen, phosphorus or sediment reductions for that year.