

Chesapeake Bay Basinwide BMP Verification Framework Year One Implementation Plan

DRAFT November 3, 2014

Subject to Change Based on Further Feedback from BMP Verification Committee

This year one implementation plan outlines the schedules and responsibilities of the Chesapeake Bay Program partners' jurisdictions and involved committees and workgroups, specifically spelling out what needs to be accomplished through December 2015 in order to keep on track with the three year staged implementation of the basinwide framework.

Overall Year One Schedule

September 2014: Principals' Staff Committee approves and adopts the Chesapeake Bay Basinwide BMP Verification Framework.

October: Final Chesapeake Bay Basinwide BMP Verification Framework published.

November: Letter from Principals' Staff Committee chair to Partnership on framework implementation.

October-June 2015: The seven jurisdictions and local/federal data providers work to develop and enhance their BMP tracking, verification and reporting programs to be consistent with BMP verification principles. Jurisdictions may contact the Partnership's BMP Verification Expert Panel members for help, expert advice and assistance during this time period.

October-June 30: The seven jurisdictions fully document their BMP tracking, verification and reporting programs within their existing Chesapeake Bay Implementation Grant QA plans (or Chesapeake Bay Regulatory and Accountability Grant QA plans). Guidance on needed documentation is provided in Appendix Q of the basinwide framework report.

July 1-31: The CBP BMP Verification Review Panel reviews each jurisdiction's verification program documentation using the BMP verification principles' as the key review criteria.

August 1-September 30: The CBP BMP Verification Panel meets with each jurisdiction to discuss the Panel's review, working collaboratively with each jurisdiction to address concerns raised by Panel.

October 15: The CBP BMP Verification Panel provides written feedback and recommendations to BMP Verification Committee, Management Board, Principals' Staff Committee, EPA and the jurisdictions on each jurisdiction's verification program.

October 15-November 15: The seven jurisdictions are given the opportunity to provide EPA with their responses to the Panel's findings and recommendations on their proposed verification program.

November 15-December 31: EPA reviews/approves each jurisdiction's verification program or requests specific enhancements to address the Panel's recommendation prior to EPA approval.

January 2016: BMP Verification Review Panel and EPA report findings and approval results, respectively, to the Partnership's Management Board and Principals' Staff Committee.

January-Onward: Seven jurisdictions and local/federal data providers continue to develop, enhance and implement their BMP tracking, verification and reporting programs, updating their quality assurance plans annually (July 1st) reflect any program changes.

BMP Verification Review Panel Schedule and Responsibilities

October 2014-June 2015: Be available to provide expert advice to the jurisdictions upon request.

January-March: Develop a clear set of criteria and supporting review sheets to be used in reviewing each of the seven jurisdictions' proposed BMP verification programs to assist in achieving a common level of consistency in the reviews by all 13 panel members. Share the draft criteria and supporting review sheets with the BMP Verification Committee for their review and feedback.

April: Share the criteria and supporting review sheets with the seven jurisdictions.

May: Work with Chesapeake Bay Program Office staff to schedule the meetings with each of the seven jurisdictions in the August-September timeframe.

July 1-31: Review each of the seven jurisdictions' verification program documentation using the above agreed to criteria and supporting review sheets.

July 31: Send the combined set of seven jurisdictions' verification program reviews to the Chesapeake Bay Program Office which, in turn, will collate the reviews by jurisdiction and distribute each set of Panel reviews to the respective seven jurisdictions.

August 1-September 30: Meet with each jurisdiction to discuss Panel's review, working collaboratively to address concerns raised by Panel.

October 15: Provide written feedback and recommendations on each jurisdiction's verification program to the Chesapeake Bay Program Office staff who, in turn, will distribute to BMP Verification Committee, Management Board, Principals' Staff Committee, and the jurisdictions.

January 2016: Make the Panel's final verbal report out on its recommendations on each jurisdiction's verification program to the Management Board and Principals' Staff Committee then sunset the Panel.

BMP Verification Committee Responsibilities

October 2014: Review and approve the year one basinwide BMP verification framework implementation plan for transmittal to the Management Board for their final approval.

February-March 2015: Review the draft criteria and supporting review sheets prepared by the BMP Verification Review Panel and provide the Panel with the Committee’s feedback.

October 2014-June 2015: Respond as requested to issues/questions raised by the jurisdictions during their development of their enhanced BMP tracking, verification and reporting programs.

Jurisdictions’ Responsibilities

Document verification programs. Document their BMP tracking, verification and reporting programs within their existing Chesapeake Bay Implementation Grant QA plans or Chesapeake Bay Regulatory and Accountability Grant QA plans following the extensive guidance provided in the Basinwide BMP Verification Framework report (see Section 3 on pages 23-38 and Appendices D and Q).

Provide ‘plain English’ descriptions of verification programs. Documentation of the jurisdictions’ verification programs must be written in such a way as to be understandable and readable by a more public audience, not just Bay Program partners and sector experts. Achievement of the Partnership’s public confidence BMP verification principle depends heavily on publically understandable verification program documentation.

Recognize responsibility for all submitted practice data. Throughout the documentation of their BMP tracking, verification and reporting programs, the jurisdictions are ultimately responsible for providing the necessary documentation of verification of all practices implemented within their part of the Chesapeake Bay watershed and submitted through each respective state’s NEIEN node for crediting of nutrient and sediment pollutant load reductions. They are responsible for documenting—in detail or by reference—the verification programs, protocols and procedures for all agencies, organizations, institutions and businesses contributing to the collective set of tracked, verified and reported practices for nutrient and sediment load reduction credit.

Sunsetting practices beyond lifespans. Need to build systems/decision rules into the jurisdiction’s larger BMP tracking, verification, and reporting program for sunseting and removing previously reported practices which have gone beyond their lifespan and have not received the level of required re-verification after the designated lifespan.

Outcomes of statistical subsampling-based verification. Spell out within their BMP verification program documentation not only the design of their statistically valid sub-sampling methodologies, but exactly how the jurisdiction will apply the results from the sub-sampling to determine what portion of the entire population of practices are considered “still there” through time. Provide documentation on the jurisdiction’s rationale for selecting specific factors such as errors bands, confidence levels, and groupings or stratification of BMPs.

Establish protocols for annually accessing federal cost-shared practice data. Establish a well-documented data access and processing protocol that will ensure annual routine, thorough and consistent data access for all USDA Farm Bill agricultural conservation programs within their jurisdiction.

Ensure crediting of Conservation Technical Assistance. The six states need to work directly with their NRCS and FSA state offices to ensure full access to the un-aggregated, federally reported Conservation Technical Assistance (CTA) and take the necessary steps to prevent any double counting prior to reporting CTA for nutrient and sediment pollutant load reduction crediting.

Document verification of non-cost shared practices. Take full advantage of the guidance provided in the *Chesapeake Bay Program Resource Improvement Practice Definitions and Verification Visual Indicators Report* (see Appendix H in the Basinwide BMP Verification Framework report) to further develop and enhance programs directed towards the collection and verification of non-cost shared agricultural conservation practices that meet the Bay Program Partners' BMP definitions.

Address double counting. Document methods and procedures to be followed to remove duplicate records and prevent double counting of cost-shared and non-cost shared practice data across all source sectors and habitats.

Clean-up historical BMP data. Carry out a comprehensive clean-up of the jurisdictions historical BMP databases by October 2015 following the guidance provided by both the Watershed Technical Workgroup (see pages 20-21 in the Basinwide BMP Verification Framework report) and the Water Quality Goal Implementation Team's summary of decisions from their October 7-8, 2014 meeting.

Aggregated Data Considered Transparent Upon Validation. Recognize in the jurisdiction's QA plan that aggregated data can be used, be considered validated, be provided to the public and still be considered consistent with the Chesapeake Bay Program partnership's transparency principle if the data are collected and reported in accordance with a jurisdiction's approved verification program, including an independent review element.

Treat Cost-Shared and Non Cost-Shared Agricultural Conservation Practice Data the Same in Terms of Applying Privacy Restrictions. Recognize in the jurisdiction's QA plan the same privacy protections provided to cost-shared data will apply to non-cost shared data not associated with a regulated entity. In order for jurisdictions to carry out this recommendation, they may need new or amended state legislation to ensure their existing state privacy restrictions apply across all agricultural conservation practices data.

Federal Agency and Facility Responsibilities

Develop and share BMP verification documentation. Federal agencies/facilities are responsible for undertaking verification of their installed nutrient and sediment pollutant load reduction practices, treatments and technologies and sharing documentation of their verification protocols with their respective state counterparts in the form of existing documented references or development of new agency specific BMP verification documentation, which each jurisdiction can directly site/reference/link to within its quality assurance plan. Federal agencies also have the option of following the BMP verification procedures developed and adopted by a jurisdiction by providing documentation that demonstrates adherence to their programs and protocols.

Provide BMP verification documentation through CBP website. Work with the Chesapeake Bay Program Office to ensure all federal agency and facility BMP verification related QA plans (or similar standard operating procedures documentation) are posted on the Partnership's website (www.chesapeakebay.net) and accessible through the BMP verification web pages located there.

Meet or exceed state verification program requirements. Federal agencies and their respective federal verification procedures must meet or exceed the standards established in the jurisdictions' verification program to which they are reporting.

EPA Responsibilities

Review and approve jurisdictional BMP verification programs. Based on the review of each of the seven jurisdictions' quality assurance plans, EPA will approve, or provide specific requests for changes prior to approval, each of the seven jurisdictions' proposed BMP verification programs based, in part, on the feedback from and the recommendations of the Chesapeake Bay Program's independent BMP Verification Review Panel.

Amend the grant guidance. Work with the jurisdictions to amend the 2015 Chesapeake Bay Program Grant and Cooperative Agreement Guidance to fully document the Partnership's BMP verification expectations as contained within the basinwide framework report.

Design Verification Program Audit. Design and document how periodic on-site audits of the jurisdictions' BMP verification programs will be conducted and share the verification program audit documentation with the jurisdictions.

Provide partners with access to statistical design expertise. Develop, fund, and maintain a long-term mechanism through which the seven watershed jurisdictions can directly access statistical survey design experts and expertise in support of continued implementation and adaptation of their BMP verification programs.

Ensure public access to all credited practice data. Provide public access to all practices, treatments and technologies data reported for the crediting of nutrient and sediment pollutant load reductions and used in some form by the Chesapeake Bay Program partners in accounting for implementation progress through the Bay Program partners' Chesapeake Stat website.

Maintain annual progress data submission/review documentation. Maintain updated documentation of the entire annual progress data submission and review process.

Provide for training for partners and stakeholders. EPA, working with other Bay Program partners, will provide training (e.g., webinars, workshop, meetings) and support the development and widespread distribution of outreach materials.

USDA Responsibilities

Ensure 1619 Agreements are in place for all involved state agencies. Work with each of the six states to establish 1619 conservation cooperator agreements with each of the identified state

agencies which have direct responsibilities for planning, funding, delivery, reporting, and/or submission of agricultural conservation practice data listed in Table 3 on pages 13-14 of the Basinwide BMP Verification Framework report and described further in Appendix E.

Use consistent language in watershed states' 1619 agreements. Adopt the broadest, most consistent language within all existing and all new 1619 conservation cooperator agreements as documented in Appendix F of the Basinwide BMP Verification Framework report.

Ensure annual data access. Establish an annual data handling protocol that will ensure routine, thorough, and consistent data access for all USDA Farm Bill agricultural conservation programs by all six states.

Adhere to common schedule for accessing federal cost-shared practice data. NRCS, FSA, and the six watershed states will follow the below timeline each year for ensuring comprehensive, consistent reporting of federal cost-shared conservation practice data across all six states (see page 46 in the Basinwide BMP Verification Framework report).

Enhance collection and reporting of cost-shared practices. Work with the Partnership's Agriculture Workgroup on addressing identified opportunities (see Table 4 and Appendix G in the Basinwide BMP Verification Framework report) to enhance the record-keeping associated with USDA conservation practices, in order to capture specific information that can be used to more efficiently integrate the data with jurisdictional datasets and to more accurately represent the practices in the Partnership's Scenario Builder tool, and in Partnership's various Chesapeake Bay watershed and estuarine water quality models.

Provide State 1619 Conservation Cooperators Access to CEAP Data. Give state agencies with 1619 Conservation Cooperator Agreements access to the Chesapeake Bay watershed CEAP data strictly for purposes of informing adaptation of their conservation delivery programs.

Develop Common Federal Cost-Share Practice Data Template. The Chesapeake Bay Program partners will develop a common template for requesting NRCS and FSA Farm Bill Program conservation practice data for Chesapeake Bay watershed farmland to support consistent annual reporting of federal conservation practice implementation, facilitate consistency and transparency among the jurisdictions, and ensure a more complete, comprehensive accounting of implemented conservation practices.

Source Sector/Habitat Workgroups Schedule and Responsibilities

Adopt lifespans for existing CBP approved BMPs. Develop and assign a lifespan/expiration date for each CBP-approved BMP, considering contract/permit lifespan, engineering design lifespan and actual lifespan.

Guidance for sunseting practices. Develop specific guidance for how to sunset specific reported practices which have gone beyond their lifespan and have not received the level of required re-verification after the designated lifespan.

Develop Guidance for Sunseting Practices. Sector workgroups will develop specific guidance for how to sunset specific reported practices which have gone beyond their lifespan and have not received the level of required re-verification after the designated lifespan.

Annually update NRCS standards/CBP approved BMPs Crosswalk. Working with the Watershed Technical Workgroup, the Agriculture Workgroup will annually review the crosswalk between NRCS standard practice codes and the Bay Program-approved BMPs and their definitions.

Host source sector/habitat specific webinars. Team up with the Communications Workgroup and the CBP Communications Office in developing the need presentation materials and scheduling webinars directed towards specific source sector and habitat restoration audiences.

Watershed Technical Workgroup

Develop NEIEN-based procedures for removing practice data beyond life spans. Oversee the development of and approval specific procedures that ensure the Partnership's NEIEN-based BMP reporting system includes mechanisms for both flagging reported practices that are past their established lifespan and confirming there was follow-up re-verification of their continued presence and function or removal from the data submitted for crediting.

NEIEN-based reporting of verification. Determine which sets of BMP event status codes and BMP funding source codes all seven jurisdictions will be responsible for reporting into the future to ensure full implementation of the basinwide BMP verification framework.

Update NRCS standards/CBP approved BMPs crosswalk documentation. Based on the Agriculture Workgroup's annual review of the crosswalk between NRCS standard practice codes and the Bay Program-approved BMPs and their definitions, ensure the approved changes or additions are incorporated into the appropriate Bay Program partners' models and other decision support tools as well as the Chesapeake NEIEN Node Codes list and supporting documentation.

Oversee the annual progress data submission/review process. Review and approve all updates to the documentation of the steps, processes and procedures followed by Chesapeake Bay Program Office staff in receiving, reviewing, processing and submitting to the watershed model for the crediting of each jurisdiction's annual implementation data submissions.

Communications Workgroup Responsibilities

October 2014-March 2015: Development of a public friendly basinwide BMP verification framework executive summary; series of presentations providing an overview of BMP verification as well as details of the basinwide framework with a focus on addressing the different source sectors; videos; and 'road show' plan addressing schedule of events, speakers, publications, and articles/authors.

April-September 2015: Begin year one 'road show' to promote, engage and inform including: CBP sponsored webinars, in-person presentations; presentations/panel at professional events/conferences; and articles in professional/agency publications.

October 2015-March 2016: Creation of targeted outreach strategies—plans for reaching and engaging the next levels of audience beyond those defined here including more local source sectors and practice implementers.

Water Quality Goal Implementation Team Responsibilities

Amend the Partnership’s BMP Protocol to Address Verification. Formally amend the Partnership’s *Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model* to specifically address BMP verification as follows:

- Commit the Bay Program partners to develop and adopt, as needed, new verification requirements for new BMPs through its existing BMP expert panel, workgroup review and goal implementation team decision-making process.
- The future membership make-up of and charges to the BMP expert panels convened by the Bay Program’s technical workgroups will need to incorporate verification expertise and responsibilities, respectively.
- The BMP expert panels will be charged with recommending potential verification protocols as they develop their practice-specific nutrient and sediment load reduction effectiveness recommendations. (The respective source sector/habitat workgroup will still be responsible for the development of any new verification procedures for new practices, treatments, and technologies.)
- BMP expert panels will be charged with establishing a recommended life span/expiration date for each of the practices at which time they must be re-verified or be removed from the data submitted for crediting.
- BMP expert panels provide distinct practice definitions which incorporate descriptive elements that can be checked by anyone involved in the verification process and result in similar verification findings.

Management Board Schedule and Responsibilities

November 2014. Review and approve the year one basinwide BMP verification framework implementation plan based on recommendations from the BMP Verification Committee.

October 2014-December 2015. Respond, as requested by the BMP Verification Committee or Water Quality Goal Implementation Team, to issues/questions raised by the jurisdictions during their development of their enhanced BMP tracking, verification and reporting programs.

Principals’ Staff Committee Schedule and Responsibilities

October 2014-December 2015. Respond, as requested by the Management Board, to policy oriented issues/questions raised by the jurisdictions during their development of their enhanced BMP tracking, verification and reporting programs.

Scientific and Technical Advisory Committee Responsibilities

Plan for the collection of BMP performance data through the Partnership. Work with the Bay Program partners to develop a longer-term process of collecting, analyzing and using the resulting scientific evidence to assist in quantifying the performance of the individual and collective reported BMPs into the future.