Chesapeake Bay Program Partnership's
BMP Verification Review Panel Meeting

April 1, 2014

Annapolis, Maryland

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

- **Streams**: Bill Stack, CWP

- **Wetlands**: Denise Clearwater, Chair/Jennifer Greiner, Coordinator

- **Agriculture**: Mark Dubin, Coordinator

- **Forestry**: Rebecca Hanmer, Chair/Sally Claggett, Coordinator

- **Stormwater**: Norm Goulet, Chair

- **Wastewater**: Tanya Spano, Chair/Ning Zhou, Coordinator

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

- **Receive a summary** of comments received

- **Ask questions** or request clarification of specific elements of the workgroup's protocol based on the documentation provided in the February 12th revised draft basinwide framework report

- **Provide feedback**—recognize positive elements, recommend specific improvements/needed changes

- **Reach agreement** amongst the Panel on whether the Partnership should move forward with the proposed final verification guidance as written or with requested modifications

Comments Received

Acknowledgement of Committee and Panel Members Providing Comments in Advance

- Russ Baxter, VA DEQ
- Curt Dell, Panel
- Mike Gerel, Panel
- Tim Gieseke, Panel
- Rebecca Hanmer, Panel
- Dianna Hogan, Panel
- Richard Klein, Panel
- Beth McGee, CBF
- Matt Monroe, WV DA
- Gordon Smith, Panel
- Andy Zemba, PA DEP

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

Summary Comments Received from Panel and Committee Members

- Overall: Should the Panel/Committee be more prescriptive in our guidance (Gerel, Gieseke)

- Overall: structural and cultural practices differ substantially in how they may be most effectively verified (Gieseke)

- Overall: Coordination of Common Practices Across Sector Workgroups: Despite the commitments from workgroups with overlapping BMPs to work together on developing verification guidance (e.g., agriculture, forestry, wetland), there are inconsistencies among the recommendations e.g., for agricultural forest buffers. There should be consistent recommendations for a particular BMP. (McGee)

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

Summary Comments Received from Panel and Committee Members

- Overall: Sector Specific Guidance Needs to be Harmonized: The sector specific workgroups should seriously consider the recommendations of the Verification Panel. At the moment, the guidance documents are vastly different in terms of detail, format, etc. The Verification Panel recommended using the Urban Stormwater Sector's approach as a "go-by" and we support that recommendation. Furthermore, they also recommended reviewing the Program Design Matrix and the 14 Development Decision steps to ensure their guidance documents address these questions, where possible. These changes should help provide consistency among sector specific guidance documents in terms of format and the type and level of information provided. (McGee)

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

Summary Comments Received from Panel and Committee Members

- Overall: To provide context, it may be helpful to numerically represent the percentage of discharge that a sector's verified BMPs physically touches (Gieseke)

- Agriculture: verification guidance not sufficient, real disappointment (Gerel)

- Agriculture: the existing document may be overly complicated and confusing. It would be interesting to know, for example, how the verification matrices change among these different categories. Without knowing this, it is not possible to determine whether BMPs could be lumped into, perhaps, two categories (structural and annual/management plan) for verification purposes. (McGee)

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

Summary Comments Received from Panel and Committee Members

- Agriculture: The four general categories of BMPs appear to have a fair amount of overlap and rather than clarifying the verification process, I think, add to the confusion (Figure 3 p. 41 in main document and p. 5 in Appendix K (McGee)

- Agriculture: The multi-page table of assessment methods and practice types is currently confusing. In addition, how is it to be used? (McGee)

- Agriculture: This approach relies on "…establishing an up-front standard confidence level threshold for 100% model effectiveness credit." How will this be accomplished? That is a key question, yet nothing in the existing guidance indicates how that would be done. Also, is the assumption that if a jurisdictions does not meet this threshold level, they will not be given credit for a particular BMP? If so, this should be explicitly stated. (McGee)

Final Review of Source Sector/Habitat Workgroups' Verification Guidance

Summary Comments Received from Panel and Committee Members

- Other than Ag: guidance was sufficient, with stormwater particularly "creative and appropriately specific in how to tackle the different types of practices…and…inspections" (Gerel)

- As much as I would like for this process to come to an end, I believe the sector specific guidance documents still need a fair amount of work, some (e.g., agriculture), more than others. The Verification Panel provided some excellent recommendations – the workgroups should work to include and address their suggestions and recommendations. (McGee)

Review of Plans for Implementation of the Basinwide Framework

- Receive a **summary of the comments** provided by Panel and Committee members

- Hear a **verbal briefing** on how implementation will be conducted

- **Discuss concerns** and share ideas and specific recommendations for improving the planned implementation efforts

Review of Plans for Implementation of the Basinwide Framework

- Development and documentation of the jurisdictional BMP verification programs (**Section 14**)

- Partnership process for evaluation and oversight (**Section 15**)

- Communications and outreach (**Section 16**)

- Implementation of the basinwide BMP verification framework (**Section 17**)

Development and Documentation of the Jurisdictional BMP Verification Programs

Summary Comments Received from Panel and Committee Members

- Reorganize Section 14 to start with the Panel's recommendations to the jurisdictions (Hanmer)

- The Verification effort should build on the current QAPP agreements the states have with EPA. If there are revisions necessary to the QAPP documents, they can be incorporated over time. This approach avoids a system where similar or the same information is submitted or evaluated in different ways and keeps the integrity of the QAPP agreements as a cornerstone of the verification process. (Baxter)

Development and Documentation of the Jurisdictional BMP Verification Programs

How Implementation Will Be Carried Out

- Jurisdictions are being strongly encouraged to consult the Panel's:

  - BMP verification program design matrix

  - BMP verification program decision steps for implementation

  - State verification protocol components checklist

Development and Documentation of the Jurisdictional BMP Verification Programs

How Implementation Will Be Carried Out

- Jurisdictions are being asked to follow the Panel's recommendations:
    - Address certification/training of verifiers in their programs
    - Aim high or explain why
    - Prioritize verification toward priority practices
    - Robust upfront verification yields less intensive follow up reviews
    - Understand the basis on which the panel will evaluate each jurisdiction's draft verification program
    - Build in time for continuous improvement early

Development and Documentation of the Jurisdictional BMP Verification Programs

How Implementation Will Be Carried Out

- Setting the following verification program documentation expectations:
  - Address how their verification program meets the five BMP verification principles
  - By major source sector/habitat, address the bulleted documentation needs listed on page 96 (see next 3 slides)
  - Address assurance for full access to federal cost share practices
  - Document procedures for preventing double counting
  - Address plans for historical BMP database clean-up

Development and Documentation of the Jurisdictional BMP Verification Programs

How Implementation Will Be Carried Out

- **Source Sectors and Habitats:** By the major source sectors and habitats each jurisdiction will provide the following within their QA plans:

  - Provide copies of or cite specific references (with URL links) to the documentation of existing BMP verification programs in operation and overseen by other partners—e.g., NRCS, FSA, other federal agencies, federal facilities, conservation districts, municipalities—which are actively verifying practices implemented within the jurisdiction and which will be reported by the jurisdiction for nutrient and sediment pollutant load reduction credit

  - Provide copies of or cite specific references (with URL links) to the BMP verification guidance and procedures adopted by the Partnership

Development and Documentation of the Jurisdictional BMP Verification Programs

How Implementation Will Be Carried Out

- **Source Sectors and Habitats:** By the major source sectors and habitats each jurisdiction will provide the following within their QA plans (Con't):
  - Describe and fully document any jurisdiction-specific modifications to/variations from the Partnership adopted guidance and procedures

  - Document any jurisdictional decisions for focusing their verification programs/protocols on a subset of nutrient and sediment pollutant load reduction practices, treatment, or technologies or geographic areas

  - Document how each respective set of source sector/habitat BMP verification protocols will be implemented by whom, how, and through what programs/mechanisms

  - Document what/which source sector/habitat BMP verification protocols/procedures are already in place, fully operational, and being routinely carried out

Development and Documentation of the Jurisdictional BMP Verification Programs

How Implementation Will Be Carried Out

- **Source Sectors and Habitats:** By the major source sectors and habitats each jurisdiction will provide the following within their QA plans (Con't):
  - Document what/which verification protocols/procedures are planned for future implementation, by when, by whom, how and through what programs/mechanisms

  - Describe what further programmatic changes are necessary to be carried out by whom in order to make the source sector/habitat BMP verification protocols/procedures fully operational and routinely carried out

  - Document the agency, departmental, and organizational responsibilities for carrying out the source sector/habitat BMP verification protocols/procedures cross walked with existing or planned regulatory programs, cost share programs, and programs providing technical services

Partnership Processes for Evaluation and Oversight

Summary Comments Received from Panel and Committee Members

- There needs to be clarification of how the verification principles apply to federal agencies. For example, in our data submissions we provide data supplied by USDA, however we are uncertain as to the robustness of the verification of that data. We have found QAQC problems with USDA data. In short, shouldn't the protocols apply across the board to all entities whose data ends up being reported through NEIEN? (Baxter)

- Independent Evaluations – "At the request of the Partnership……" I don't recall requesting this. I would like to reword this in a way that doesn't sound like everyone is pushing for this. (Monroe)

Partnership Processes for Evaluation and Oversight

Summary Comments Received from Panel and Committee Members

- Page 104: "The BMP Verification Committee recommends the Partnership commit to……….". I do not recall recommending to "Amend the CBP Grant Guidance to Reflect the Verification Principles"; I don't believe this is necessary. (Monroe)

Partnership Process for Evaluation and Oversight

How Implementation Will Be Carried Out

- Clear delineation of decision making roles within the Partnership:
    - CBP Verification Review Panel
    - CBP Principals' Staff Committee
    - CBP Advisory Committees
    - CBP Technical Workgroups
    - CBP Water Quality Goal Implementation Team
    - Jurisdictions
    - Federal agencies and federal facilities
    - U.S. EPA

Partnership Process for Evaluation and Oversight

How Implementation Will Be Carried Out

- Agreement on evaluation and oversight procedures and processes:
  - Amend the BMP protocol to address verification
  - Amend the CBP Grant Guidance
  - Annual review of the progress data submissions
  - Annual reviews of quality assurance plans
  - Periodic audits of jurisdictions' verification programs
  - Independent evaluations

Communications and Outreach

Summary Comments Received from Panel and Committee Members

- No comments received.

Communications and Outreach

How Implementation Will Be Carried Out

- "**Communications**" is defined as the dissemination and promotion of information related to BMP Verification for the purpose of increasing *awareness and understanding*.

- "**Outreach**", a component of this Communications Strategy, is defined as the proactive employment of specific strategies, techniques and tools by which to *increase active participation* in BMP Verification.

Communications and Outreach

How Implementation Will Be Carried Out

Goals of this Communications Strategy:

- Build understanding/support for BMP Verification process as a cross-jurisdiction, partnership effort

- To provide partners and communicators with clear, structured messaging that they can reference as they reach out to various audiences/"implementers"

- To have consistent public messaging across partnership about what BMP Verification actually IS

Communications and Outreach

How Implementation Will Be Carried Out

Focus of Overall Messaging:

- Rewarding efforts

- Accuracy and consistency

- Partnership

Communications and Outreach

How Implementation Will Be Carried Out

Needs Assessment is Critical

- Need a solid understanding of the target audience

- Recommend conducting a needs assessment following the template provided with the strategy

Implementation of the Basinwide BMP Verification Framework

Summary Comments Received from Panel and Committee Members

- Simplify the approval process: PSC approves framework, EPA approved jurisdictions' verification program via QA Plan approval (Baxter)

- EPA, not PSC should approve the jurisdictions' verification programs (McGee)

- Panel/committee needs more outside guidance to help define appropriate level of sub-sampling for inspection and validation (Gerel)

- Need to offer some basic statistical bounds within which jurisdictional efforts should operate to ensure sound data is presented to the public (Gerel)

Implementation of the Basinwide BMP Verification Framework

Summary Comments Received from Panel and Committee Members

- Recommend a percentage of the overall budget allocated to a landscape, outcome-based model as a pilot project to demonstrate how to align BMP values with the multiple sectors (gov, NGO, corporate, utilities) that are increasingly demanding improvement in natural resources and the accompanying data to account for those improvements. There is sufficient evidence at the international, national and state levels of a trend in this direction and while no one is certain what system eventually emerges, it would be prudent to hedge that outcome-based systems may become a significant part of the future of sustainability accounting. (Gieseke)

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- BMP Verification Principles
  - Amend the CBP grant guidance to reflect verification principles

  - Ensure jurisdictional verification programs are fully consistent with BMP verification principles

  - PSC approval of jurisdictions' programs based on meeting BMP verification principles

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- BMP Verification Protocols
  - Amend the Partnership's BMP protocol to address verification

  - Seek to strengthen ability to verify partnership-defined BMPs

  - Provide partners with access to statistical design expertise

  - Adapt protocols to reflect new verification technologies

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- BMP Data Transparency, Privacy and Public Access

    - Aggregate data considered transparent upon validation

    - Treat cost-share and non-cost shared agricultural conservation practice data the same in terms of applying privacy restrictions

    - Public access to all credited practice data

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Ensuring Full Access to Federal Conservation Practice Data
  - Ensure 1619 agreements in place for all involved state agencies

  - Use consistent language in all Bay watershed states 1619 agreements

  - Partnership agreement to ensure full access to federal cost share practice data

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Ensuring Full Access to Federal Conservation Practice Data (con't)

  - Ensure states credit conservation technical assistance

  - Provide states 1619 conservation cooperators access to CEAP data

  - Establish protocols for annually accessing federal cost shared practice data

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Ensuring Full Access to Federal Conservation Practice Data (con't)

  - Develop common federal cost share practice data template

  - Hold USDA agencies accountable to commitment to enhance data collection/reporting

  - Adhere to common schedule for accessing federal cost shared practice data

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Preventing Double Counting

  - Adopt preventing double counting procedures

- Clean up of Historical BMP Data Bases

  - Jurisdictions must commit to historical data clean-up

  - Move forward with historical data clean-up in parallel with reporting non-cost share practices

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Jurisdictional BMP Verification Documentation

  - Build upon existing quality assurance plans

- Prioritizing and Targeting BMP Verification

  - Empower jurisdictions to prioritize and target BMP verification

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Annual Progress Reporting
  - Use the Partnership's Data Exchange Network to document verification status

  - Annually review, update, and approve NRCS standards/CBP approved BMPs

  - CBPO review of annual implementation progress data submissions

  - Maintain and approve updated documentation on entire annual progress data submission/review process

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Partnership Processes for Evaluation and Oversight

    - EPA review of jurisdictions' quality assurance plans

    - Periodic EPA audits of jurisdictions' BMP verification programs

    - Independent evaluation by the Partnership's advisory committees.

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- BMP Verification Framework Imp. Timeline

  - Take specific steps to implement the basinwide BMP verification framework

  - Use the first two years to ramp-up jurisdictions' verification programs

  - Only verified practices will be credited after the initial two year ramp-up period

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- BMP Verification Framework Imp. Timeline (Con't)
  1) Jurisdictions develop/enhance their BMP tracking, verification, and reporting programs
  2) Jurisdictions fully document their programs within their existing CBIG required quality assurance plans
  3) BMP Verification Review Panel reviews each jurisdiction's QA plan, assessing strengths and the possible vulnerabilities
  4) BMP Verification Review Panel meets with each jurisdiction to address any discrepancies between program and framework

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- BMP Verification Framework Imp. Timeline (Con't)
  5) Jurisdictions have opportunity to respond to Panel's findings
  6) BMP Verification Review Panel provides written feedback and recommendations to BMP Verification Committee
  7) BMP Verification Review Panel reports its findings and recommendations to the Principals' Staff Committee
  8) Principals' Staff Committee approves each jurisdiction's BMP verification program or requests specific enhancements to address the Panel's findings and recommendation prior to Partnership approval

Implementation of the Basinwide BMP Verification Framework

How Implementation Will Be Carried Out

- Verification Program Development/Imp. Funding
  - Take full advantage of EPA funding available to support verification

- BMP Performance Evaluation
  - Undertake collection of BMP performance data through the Partnership

- Looking Towards the Future
  - Look out to a point in the future where outcomes will be measured in place of BMPs for verification of implementation actions

Tomorrow's Agenda for Joint Mtg with BMP Verification Committee

- Focused on systematic walk through of all 12 basinwide verification framework elements

- Panel Members roles during the meeting
    - Speak up when you hear/see something that does not make sense
    - Communicating feedback on workgroups' guidance
    - Articulating/clarifying the Panel's recommendations on specific framework elements
    - Helping the Committee members see the need to move forward with the more difficult to implement elements of the verification framework