

## BMP Verification Ad-Hoc Action Team

### Conference Call Meeting Minutes

Friday, August 7<sup>th</sup>, 2020

9:30 AM – 11:30 AM

#### **Summary of Actions and Decisions:**

- **Decision:** The BMP Ad Hoc Action Team decided there is fair representation of participants included on the team to meet the current goals of the group.
- **Action:** BMP Ad Hoc Action Team members are requested to submit nominations (including self-nominations) to Vanessa Van Note ([vannote.vanessa@epa.gov](mailto:vannote.vanessa@epa.gov)) and Whitney Ashead ([asheadw@chesapeake.org](mailto:asheadw@chesapeake.org)) by **COB Aug. 21<sup>st</sup>**.
- **Action:** Vanessa Van Note will put together a short guide with screenshots on how to navigate and use CAST if you are a beginner to the program.
- **Action:** Jurisdiction members are requested to send concerns relating to credit duration and partial/variable credit to Vanessa Van Note as part of an effort to compile all jurisdiction concerns. The effort will be ongoing. However, initial concerns are requested by **COB August 24<sup>th</sup>**.
- **Action:** BMP Ad Hoc Action Team Members will provide any edits or comments to the Draft Task Statement to Vanessa Van Note ([vannnote.vanessa@epa.gov](mailto:vannnote.vanessa@epa.gov)) and Whitney Ashead ([asheadw@chesapeake.org](mailto:asheadw@chesapeake.org)) by **COB August 21<sup>st</sup>**.
- **Action:** Whitney Ashead will send out an availability poll to determine a monthly-meeting time for the group. Members requested to fill out the poll by next week **COB August 14<sup>th</sup>**.
- **Action:** BMP Verification Ad Hoc Action Team Members are requested to send input on presentation topics for the group's second meeting by **COB August 19<sup>th</sup>**.

#### **9:30 AM      Welcome, Introductions, Roll Call, Vanessa Van Note (EPA), Coordinator**

- Welcome
- Roll Call of participants

#### **9:40 AM      Confirmation of Participants, Vanessa Van Note (EPA), Coordinator**

- The Ad-Hoc BMP Verification Action Team will represent the WQGIT signatory representatives, WQGIT at-large members, source sector workgroups, advisory committees, and include national experts on verification
  - Identify if there is accurate representation within the current participants

#### **Discussion/Questions:**

- **Vanessa Van Note:** Are there any comments about meeting representation? Please let me know if there is anyone that should be added or if you do not feel like this is an accurate representation? Hearing nothing, we will move on.

**DECISION:** The BMP Ad Hoc Action Team decided there is fair representation of participants included on the team to meet the current goals of the group.

#### **9:45 AM      Chair Nomination Announcement, Vanessa Van Note (EPA), Coordinator**

The BMP Verification Ad-Hoc Action Team needs chair nominations

- Roles and responsibilities include being the spokesperson for the group, leading workgroup conference calls, and helping Bay staff prepare and develop agendas
- Nominations are due by **COB Friday, Aug. 24**. Nominees are asked to provide a short bio with relevant experience.
  - Time will be allotted at the next BMP Verification meeting for nominees to introduce themselves and explain their interest in being the chair of the group.
  - Voting to select the chair will be done following the next BMP Verification Meeting in private via an online poll.

**Discussion/Questions:**

- **James Martin:** Are you looking for self-nominations at this point?
- **Vanessa Van Note:** Yes, but if you would like to nominate someone as well, we are open to who would be qualified representatives of this group. We are asking that you submit a bio if interested. Any other comments?

**ACTION:** BMP Ad Hoc Action Team members are requested to submit nominations (including self-nominations) to Vanessa Van Note ([vannote.vanessa@epa.gov](mailto:vannote.vanessa@epa.gov)) and Whitney Ashead ([asheadw@chesapeake.org](mailto:asheadw@chesapeake.org)) by **COB Aug. 24<sup>th</sup>**.

**9:55 AM**      **History of Credit Duration,** *Jeff Sweeney (EPA)*

- **Summary:** Jeff Sweeney provided a brief history of the BMP credit duration and discussed the difference between credit duration and BMP lifespan. The presentation included examples of evidence used to determine credit duration, monitoring practices, and process for BMP downgrades or renewals.

**Discussions/Questions:**

- **Gary Felton:** You said you start to measure BMP metrics towards the end of its life, please expound.
- **Jeff Sweeney:** So, towards the end of its life it is reporting as being inspected and maintained then it gets a new life and the credit duration in the model starts over again. Does that answer your questions?
- **Gary Felton:** That is close. When you say metrics that is a word that encompasses everything – is this just a visual inspection?
- **Jeff Sweeney:** There are a lot of different methods. A lot of times it is a visual inspection but sometimes you cannot do a visual inspection and you can do satellite imagery, farmer surveys, etc. The easier ones are the visual inspections.
- **Gary Felton:** My concern is that BMPs are intended to reduce nutrients. Is there a measurement of nutrients?
- **Jeff Sweeney:** No, not necessarily and usually not. It is often more of a visual inspection of if the practice is still there and if it appears to be functioning the way that it is intended to.
- **Gary Felton:** Thank you, I feel better about that now.
- **Kevin Du Bois:** Have you quantified the lost credit due to lack of inspection and maintenance?

- **Jeff Sweeney:** Yes we put out reports every year of the acres and animal units that are no longer getting credit because the credit duration has expired and those BMPs have not been inspected and maintaining functioning so therefore they drop out of the model. We put out reports every year and you can measure the effect of that as far as pounds of nutrients on sediments. Does that answer your question?
- **Kevin Bu Bois:** Where do we find access to those reports?
- **Jeff Sweeney:** CAST, if you're not familiar CAST is the online watershed model if you go to the Bay Program website it will take you right there.
- **Vanessa Van Note:** cast.chesapeakebay.net, all error reports associated with 2019 Progress, including loss of credit duration: <https://cast.chesapeakebay.net/Home/TMDLTracking>
- **Jeff Sweeney:** You can use the help desk feature on the CAST website and Jess Rigelman or Olivia Devereux will respond to you, likely within about ten minutes with the information you are looking for. It is definitely a lot of information to sort through.
- **Ruth Cassilly:** <https://cast.chesapeakebay.net/Home/TMDLTrackingReports>
- **Loretta Collins:** Could we potentially get a few screenshots on how to work through that process if you are not necessarily fluent in CAST with just how to navigate it. I think that would be really helpful.
- **Jeff Sweeney:** Sure. We had a session on this at the WTWG last year that we can resurrect as well.

**ACTION:** Vanessa Van Note will put together a short guide on how to navigate and use CAST if you are not familiar with it.

- **Kevin Du Bois:** Climate impacts should be considered when looking at natural resource BMPs lifespans and effectiveness
- **Jeff Sweeney:** Yes, that is a whole other project going on at the Bay Program and the continuation of the effects of climate change. Something like that project could be built in, a part of that project is to look at BMP and how their effectiveness could deteriorate as a result of climate change. That is being addressed by the Bay Program. I don't know if it will be a specific charge to think about that in this line up of BMPs to look at for this specific project, but it should be kept in mind.
- **Vanessa Van Note:** I am working on compiling on-going efforts of the Bay Program and I will make sure to make this group aware as I become aware of more ongoing BMP Verification efforts throughout the Bay Program.

**ACTION:** Jurisdiction members are requested to send concerns relating to credit duration and partial/variable credit to Vanessa Van Note as part of an effort to compile all jurisdiction concerns. The effort will be ongoing. However, initial concerns are requested by **COB August 24<sup>th</sup>**.

- **Lisa Beatty:** PA did use NRCS contract duration as a basis to define credit duration. NRCS has since reduced contract durations.
- **James Martin:** Trying to think ahead to the next steps for this group, would it be possible for you to distribute to the group a list of BMPs and their credit durations as they stand now in advance

of our next meeting so that folks can have time to look through those before next meeting. I think that would be helpful.

- **Vanessa Van Note:** Those can be accessed on NEIEN and I am providing [a direct link to the appendix where you can see how states submit BMPs](#), how they are translating into CAST, and the credit durations associated with the BMPs in NEIEN. A caveat to all of this is that this is a decade of history and progress that now is very general and I will try to do the best to go more in-depth as we move forward but I want to set the foundation first.
- **Loretta Collins:** Clarification to that question. If you go on NEIEN you are talking about the CBP credit durations, correct? With James, he mentioned NRCS lifespan and all of this terminology gets muddled. Is it what our current credit durations are vs. NRCS and lifespan for credit durations?
- **Vanessa Van Note:** The compare contrast is something we will need to compile later. Does that answer your questions James?
- **James Martin:** Yes, I think so. Having the appendix does not tell you anything about how that credit duration was derived and I think it is that component piece that would be most useful.
- **Vanessa Van Note:** In next meetings I was hoping to do a deeper dive into the documentation that surrounds the decisions of credit durations. That information I can dive into and locate.
- **Lisa Beatty:** Will this be before the next meeting?
- **Vanessa Van Note:** Yes, that is my intention but if that does not work out with time constraints, I will let everyone know.
- **Matt Ehrhart:** Do states have uniform credit durations for a particular BMP?
- **Jessica Rodriguez:** There are over 300 BMPs. The group is supposed to prioritize and/or focus on a subset of the BMPs regarding changes to their credit duration, right? Rather than looking at all 300 BMPs.
- **Loretta Collins:** Prioritizing seems the only feasible way to get the task done. Later I suppose we must discuss how to prioritize....
- **Jeremy Hanson:** Many of those BMPs are annual and their credit duration = 1 year. Prioritizing all the "cumulative" BMPs with duration >1 is a good start and timesaver.
- **Rebecca Hanmer:** Another timesaver for prioritizing is feasibility of resolution.
- **Vanessa Van Note:** Jeremy and Jess, those are great recommendations. I will take note of them.

**10:30 AM**      [History of the BMP Verification Program](#), *Vanessa Van Note (EPA), Coordinator*

- **Summary:** Vanessa provided a history of the BMP verification process, procedures and protocols. The presentation included a deeper dive into why the current verification framework is in place, a deeper dive into the partnerships and history behind BMP Verification Steering Committee and now the BMP Verification Ad Hoc Action Team.

**11:00 AM**      [Background to the Formation of an Ad-Hoc Action Team](#), *Vanessa Van Note (EPA) Coordinator*

- **Summary:** Vanessa affirmed the primary function of the Ad-Hoc Team moving forward, as charged by the Management Board to the WQGIT and the chain of approval.

#### Discussion/Questions:

- **Lisa Beatty:** I have a question about the timeline on the draft task statement, in that the credit duration approved by the WQGIT would be June 2021-Sept 2021 but when you look at the BMP ad hoc for the actual WQGIT the due date for CAST 2021 would just be June so it looks like those timings are not matching up.
- **Vanessa Van Note:** I will go back and check on that. My understanding is that the final submission would be at the end of September, but I apologize if I was wrong on that. I will make a note to go back and check that.
- **Jeff Sweeney:** CAST21 needs to be through the approval process by Sept. 2021 so whatever is approved by then will make it in to CAST.
- **Lisa Beatty:** Well in the workplan that was given on July 24<sup>th</sup> it says, “partnerships approve projects of the BMP Verification Ad Hoc Action Team” and the action team is listed and besides that is June 2021
- **Jeff Sweeney:** I am not sure why that date is there. There is a point where the Bay Program Office is doing a lot of technical work on this. So, on the workplan we have put in the date when the technical work will be done. All of the options will be given to the relevant workgroup and then it is purely the decisions that need to be made. So the date you see on the workplan is really the date that we can guarantee that we will have all the options out there for your to consider. Making the decisions and getting the approval through so many workgroups is sometimes very long and the office can’t guarantee that. All we can tell you is that it needs to be approved by Sept. 1, 2021 to make it done.
- **Lisa Beatty:** I suggest that be clarified on the charge so that everyone is on the same page.
- **Jeff Sweeney:** That was on the original document but maybe it did not make it in. We will make sure to adjust that.

#### **11:10 AM**      Prioritization of BMPs, *Lucinda Power (EPA)*

- **Summary:** Lucinda Power provided an introductory discussion regarding which BMPs should be the primary focus for the BMP Verification Ad-Hoc Action Team, as it relates to revisiting credit duration and BMP lifespans. The presentation also introduced funding concerns and funding options moving forward.

#### Discussion/Questions:

- **Rebecca Hanmer:** Process: (1) nominations from jurisdictions/tech WGs re which credit durations at issue; (2) workload required to address; (3) then decide whether need extra funding.
- **Alana Hartman:** Thinking about putting out an RFP for a contractor and when this work will actually get started and we have to have it ready for approval and recommendations by next June. Maybe there are some university internships over the long-break that colleges might have this winter. Maybe we could shift some of the projects to this and have them do a literature search for us.
- **Vanessa Van Note:** Good idea, I will make a note of that.
- **Loretta Collins:** I think Alana has a great idea. The Bay Program has a lot of summer interns but that would be too late for looking towards Sept. 2021

- **Kevin Du Bois:** Perhaps the committee should also consider inspection and maintenance methods to facilitate compliance with the credit duration.
- **Vanessa Van Note:** We really don't want to compromise the quality of our inspection and how we are going to navigate considering these BMPs it is going to have to go through our source-sector workgroup. Shortening credit duration, obviously is possible that could be up for consideration or recommendation. As we move forward with discussing what we have on the table right now as primary concerns we can move forward with discussing what our process is for considering those.
- **Jeff Sweeney:** The Bay Program really does not dictate anything on inspection and maintenance. Localities and state agencies would do that. We have documentation of the programs that the States have for all of the BMPs that they report to us in the QAPPs which can be found in the meeting material on this [meeting page](#) if you want to know how it works now but we really don't dictate. Of course, through verification the objective is to strengthen those programs.
- **Matt Ehrhart:** I agree with considering methods
- **Kevin Du Bois:** Should recommendations for credit duration be to shorten duration, will there be any consideration of capacity to perform more rigorous inspection and maintenance?
- **Kevin Du Bois:** Seems like that is already an issue.
- **Vanessa Van Note:** Thank you, Kevin. I apologize for misunderstanding a bit.
- **Lisa Beatty:** Would a survey to jurisdictions to what BMPs they want to focus be possible so they could be discussed at the next meeting?
- **Vanessa Van Note:** Yes, this would be possible I would really like our next meeting to be heading down that path to figure out what is on the table for consideration. If a survey is the preference anyone can put their opinion in but if there is another way you would like that to be done, we can offer other options.
- **Lisa Beatty:** Surveys sometimes limit because you would be picking certain BMPs instead of all 300. Jurisdictions might also just give you a list. That might be more open-ended for everyone.
- **Vanessa Van Note:** Yes, that is what I meant by a survey and it could be a good way to hear from the jurisdictions and address the concerns directly. I just wanted to make sure that wasn't being too forward and that everyone here feels comfortable with me collecting the information in that way.
- **Lisa Beatty:** The task statement says that we would be reporting to the WQGIT quarterly in the WQGIT meeting it was said this would be a standing update at each meeting.
- **Vanessa Van Note:** I apologize, I missed that. I heard quarterly but I am happy to adjust that and I would not mind or I'm sure the chair wouldn't mind giving updates at every single meeting.
- **Loretta Collins:** Kevin's comment brings up the tension between the science informing credit durations and the feasibility of implementation of verification programs.

**11:15 AM**      **Review of the [Task Statement](#), Vanessa Van Note (EPA), Coordinator**

- **Summary:** Vanessa provided an overview of the updated task statement and goals of the BMP Verification Ad-Hoc Action Team and reviewed the overall scope and charge. The group discussed potential deliverables and timeline.

**Discussion/Questions:**

- **Jessica Rodriguez:** When did you want any initial comments on this draft charge and timeline document?
- **Vanessa Van Note:** Any initial comments within a 2-week deadline, 21<sup>st</sup> because I would like to present this at the next WQGIT meeting for approval of a final draft. This is all open to your edits and comments, including the timeline.

**ACTION:** BMP Ad Hoc Action Team Members will provide any edits or comments to the Draft Task Statement to Vanessa Van Note ([vannnote.vanessa@epa.gov](mailto:vannnote.vanessa@epa.gov)) and Whitney Ashead ([asheadw@chesapeake.org](mailto:asheadw@chesapeake.org)) by **COB August 21<sup>st</sup>**.

**ACTION:** Whitney Ashead will send out an availability poll to determine a monthly-meeting time for the group. Members are asked to fill out the poll by next week **COB August 14<sup>th</sup>**.

**11:30 AM**      **Meeting adjourns**

**Participant List:**

Elliot Kellner, WVU, STAC  
Emily Dekar, USC  
Diane McNally, EPA  
Joe Wood, CBF  
Kevin Du Bois, DoD  
Whitney Ashead, CRC  
Vanessa Van Note, EPA  
Jeff Sweeney, EPA  
Lucinda Power, EPA CBPO  
Rebecca Hanmer, Forestry WG  
Jeremy Hanson, EPA  
Suzanne Trevena, EPA  
Dana York, GEC  
Jason Keppler,  
Sally Claggett, Forestry Workgroup  
Adrienne Kotula, CBC  
Jessica Blackburn, CAC  
James Martin, VA  
Cassandra Davis, NYSDEC  
Jennifer Starr, LGAC  
Greg Sandi, MDE  
Alana Hartman, WV DEP  
Pat Thompson, Energy Workgroup  
Ruth Cassilly, UMD  
Matt Ehrhart, CAC  
Brittany Sturgis, DNREC  
Curtis Dell, USDA  
KC Filippino, LUWG, Hampton Roads Planning Commission

Gary Felton, AgWG, UMD  
Loretta Collins, AgWG, UMD  
Bill Tharpe, MDA  
Lisa Beatty, PA DEP  
Ted Tessler, PA DEP  
Norm Goulet, NOVA  
Lee McDonnell, EPA CBPO