

BMP Verification Ad-Hoc Action Team

Meeting Minutes

October 8th, 2021

9:00 AM – 11:00 AM

Meeting materials: [link](#)

Summary of Actions and Decisions

Decision: The BMPVAHAT approved the [September meeting minutes](#).

Action: Please complete the offline poll about Partial Credit by **COB Friday, Nov 5th**. Results will be discussed at the November meeting.

Action: Jurisdictions are encouraged to familiarize themselves with the sub-sampling methods that their states use to prime the discussion at the November meeting.

Action: The *Development and Approval Process for Alternative Verification Protocols* document has been updated to include the tables requested by PA. These tables can also be found directly at [BMP Verification Framework Elements](#) under the “Documentation of jurisdictional BMP verification programs” section or within the 2014 BMP Verification Framework Document [found here](#) using the tables and page numbers referenced in the *Development and Approval Process* document. The team webpage has been updated to include these links as suggested.

Welcome, Introductions, Roll Call, Elliott Kellner, Chair (WVU)

- Welcome & Roll Call of participants
- **Decision:** The BMPVAHAT approved the [September meeting minutes](#).
- **Announcement** – Wetland Restoration and Creation, *Vanessa Van Note (Coordinator)*
 - [Jessica Rodriguez](#): When you were talking with the smaller group, did the discussion lead into what the new credit duration might be?
 - [Vanessa Van Note](#): They felt that it should exist in perpetuity, as wetlands are a natural resource. I’m currently working on how to document that.
- **Announcement** – Grass Buffers, *Vanessa Van Note (Coordinator)*
 - [Jill Whitcomb](#): While there may not have been as strong of an interest in pursuing additional credit years on grass buffers, I don’t think that it would be accurate to say that it wouldn’t be a valuable endeavor. There were some lessons learned through the Barnyard Runoff Control and Loafing Lot Management effort that are perhaps being applied to any individual practice that we look at.
 - [Vanessa Van Note](#): It is something that I’ll continue pursuing to see if we can reach full resolution for it.
 - [Elliott Kellner](#): To Jill’s point about lessons learned - one of the takeaways was that some of these issues may be best addressed in source sector workgroups. For the purpose of this group, we have solicited comments and recommendations about grass buffers and no one has stepped up to say that they’re advocating for increasing this credit duration. In the absence of anyone articulating clear support for a specific change, it may be best to open up a general conversation about that practice in the source sector workgroups. Again, this issue is not being dropped. We’re just saying that there doesn’t seem to be any much more that this group can do.
- **Next Meeting:** **Friday, November 12th, 9:00 - 11:00 AM.**

Broader Programmatic Discussion, *Vanessa Van Note, EPA/Coordinator.*

The group continued their discussion from last month on the broader programmatic issues of verification, focusing particularly on state responsibility of federally funded practices. The discussion of statistically sub-sampling practices will be held at our November meeting.

Link to Jamboard: <https://jamboard.google.com/d/1BSSfqOH4B-EINx7WU0rdQhBdVWQIDhsGBoLur7lpk84/edit?usp=sharing>

Should states be responsible for locating and verifying federally funded practices?

James Martin: Even if the 1619 agreement issues are resolved and states have the exact coordinates of these practices and contact information for participants, there is still an issue of access. Also - NRCS is part of the partnership that agreed to implement verification, so why should it fall on the states to do that work?

Norm Goulet: Is it possible to take the loading responsibility from the states and put it on the federal government? It would remove the burden from the states.

James Martin: The parallel concept would be the air deposition loads. Those reductions are expected to be achieved by the federal Clean Air Act. We'd have to figure out what share of the ag load reduction is reasonable to be expected to be accomplished by the Federal programs implementing agricultural BMPs, and then assign that to federal agencies.

Jill Whitcomb: PA did provide responses to these questions on August 24th. One of the main issues here is that sometimes practices are co-shared - that is, cost-shared by both federal and state funds. If state funds are put towards practices, then those should be tracked by the states. However, in cases where state funds cost share programs are not involved in this, we don't have access to this information. The farm bill has put in a statute for confidentiality and privacy, so how do we adjust the policy to fit that requirement? In doing so, it's putting the onus on the federal partners to figure this out. At the state level, we work well with our NRCS offices and don't want to put them at odds with each other for the sole fact of being able to verify these practices, that they have had no party to. In my perspective, the answer to this question would be that no, with the caveat of if there were state funds also used on top of the federal funds provided, we should have a record of that.

Vanessa Van Note (in chat): Jill, which policies should we address to match the statutory requirement?

Jill Whitcomb (in chat): The policies to verify NRCS and FSA practices just like we would any other practice.

Mark Dubin: To Norm's point - A few years back there were some discussions about the federal agencies having some responsibility for reporting and verifying agricultural BMPs, and there was a lot of discussion about how federal agencies would not participate in that. Just some background info.

James Martin: I think that was specific to ag lands that were owned by federal agencies, as opposed to agricultural lands impacted or implemented through federal programs. I think NRCS programs explicitly exclude state or federally owned ag lands.

Mark Dubin: The federal properties have at least received technical assistance from NRCS for implementing conservation practices.

Alana Hartman: No we shouldn't be responsible because we don't know where they are. If someone could tell us, then maybe we could talk.

Clare Sevcik (in chat): Agreed, Alana.

Emily Dekar: For NY - I personally feel that the feds should give us that location data. If we switch to saying that NRCS is responsible for locating and verifying those sites, it would put a major roadblock

on NY's verification system. We do not have specific location data for those practices unless we ask those local NRCS for that data. So we tell counties to work closely with the NRCS offices with those practices. I think we would end up double counting if NRCS was to start verifying themselves.

Bill Tharpe (in chat): I'm having some tech issues but wanted to chime in for MD. Very similar to NY, relying on data input from the local SCD office on bmp implementation. Also, agree with James about Landowner permissions.

Jill Whitcomb: We're all in a state of transition. We've been given the responsibility to go out and verify all ag practices, regardless of funding sources or other constraints. Our conservation districts ask farmers to sign a landowner release NRCS form so that their information can be obtained and tracked, but we still have significant gaps in our dataset. It sounds like NY is further along than PA.

Loretta Collins (in chat): Jill, how receptive are farmers to the release forms?

Emily Dekar (in chat): In NY, since most of the practices are being implemented with County SWCD involvement at some level, we also have the release forms. We don't usually have any issues with this, as farmers are generally more willing to share information with their county SWCD than they would be the Feds.

Jill Whitcomb: It's dependent on the culture of the growers and how willing they are to share info, it also matters what that information is used for. Also, it depends how the technicians approach it and how they feel about asking. Sometimes if they're not necessarily equipped to ask for that information they may not ask for it at all.

Emily Dekar: In NY the difference is that our NRCS is so short staffed that it's our districts that are doing the construction, inspection, and technical assistance on those NRCS practices. So as of right now, I'm pretty confident in the practices we have captured and reported.

James Martin: The difficulty here is that according to the verification framework, the answer to this question is yes. But the verification framework consisted of 12 elements, and two of those elements were about a) ensuring full access to federal cost shared ag conservation practice data and b) enhancing data collection and reporting of federally cost shared practices. Those two elements have not been realized, yet the question is still here. If we're not implementing those elements, then the framework needs to be revisited and the expectation for states would need to change.

Jill Whitcomb (in chat): Agree with James.

Jen Wells: One of the challenges DE has had is that the NRCS definition of verification is different from what the states are responsible for. That's a challenge for us if we are relying on their verification of practices that are under contract. My hope is that NRCS would work with us more closely to help us meet our protocols and maintain credit for some of these practices. Also, mirroring what NY said earlier, our district staff supports both state funded and federally funded BMPs and we do rely heavily on them for verification and locating information because of the privacy restrictions.

Jill Whitcomb: It's a lot to put on the conservation districts. We hit issues early on regarding relationships with conservation districts, EPA, NRCS, etc. concerning job duties and responsibilities.

Matt Ehrhart: We've generally had 100% cooperation from the landowners/producers to capture older practices that may have been prior federal/NRCS practices, which I think is different than going out and trying to poll people who you are not working with for information about past projects. Also, I think it's important to recognize that we've been pushing this uphill for decades now, and it's going to take incentive or interest from DC to make that change within the agency.

Loretta Collins: Even if NRCS reports the practices, isn't there still an issue of verification?

Norm Goulet: NRCS may want to be out of the regulatory arena, but unless there's a load responsibility associated with that, they don't care.

Jill Whitcomb: State programs may not align perfectly with NRCS, but they do still have regulations to abide by. We just have to make sure they meet our state requirements.

Matt Ehrhart: Jill makes an excellent point. The NRCS constraints are not simply a desire to not cooperate. The privacy issues go back to farm bills and regulatory background that can't just be undone at a regional level. That's not to say other pathways aren't an option. The landowners always have the right to share their information, so there might be ways to programmatically address this issue without changing 1619 at a national level.

James Martin: In VA landowners are happy to share data but they want to be compensated for it. It is our Continuing Conservation Initiative (CCI) Program.

Rebecca Hanmer (in chat): NFWF has funded a large 'collaborative' project in VA Rapp Basin - brings agencies together plus \$ for forest buffer planting and maintenance. Would be interesting to look at Rapp RB experience -- does this collaborative framework help. Excellent follow up with farmers so far, yearly.

Mark Dubin: To address Matt's idea about alternative ways to share information, keep an eye on the NRCS/VA pilot.

Jill Whitcomb: When or how will we be getting status updates on these pilots?

Mark Dubin: These projects have different timelines, but I'm sure we could bring the results of these projects back to this group or the WQGIT.

Suzanne Trevena: I can reach out to Leon Tillman and Kelly Shenk to discuss the best form for these periodic updates.

Alana Hartman: NFWF posts ag networking forums to showcase the projects that they funded. Folks might want to get on their mailing list.

Olivia Devereux: USGS and EPA are working on finalizing the restricted file federal agency report that they will share with NRCS. A version that doesn't include the privacy data will be shared with DEP and EPA, so we're in the approval process for that restricted file. That report is in final form.

Jack Murphy: In regards to some of the NRCS pilots, the PA report is being drafted currently. NRCS will be meeting with EPA soon to discuss further data sharing opportunities.

With the resources that states have available, what is feasible?

Vanessa Van Note: We will address this question at the next meeting.

James Martin: Can you be more specific to the resources provided?

Vanessa Van Note: I'm thinking along the lines of WIP assistance funding, CBRAP grants. I'm not sure what specific financial resources are available to each state.

James Martin: In VA, since the verification framework was established, our funding has declined. There was no additional funding provided to jurisdictions to implement the verification process.

Jill Whitcomb: PA is in a similar position with our federal grants. We did a workload analysis that assessed what it would take to implement a program to the standards of some other states that have been able to add additional staff and it was not acknowledged to the point we hoped for.

Vanessa Van Note: MD also provided a budget analysis. Have any other states?

Alana Hartman: Doesn't sound familiar for WV.

James Martin: In VA I don't think we did.

Loretta Collins: I thought there were funding pots and some funding was dedicated to verification. Is there some or none?

James Martin: There was not nearly enough funding dedicated to verification. The core CBRAP grant has been zero. Occasionally the WIP assistance funding has included the opportunity to request funding for verification, but this does not include the ability to hire staff.

Rebecca Hanmer (in chat): Re: funding verification: FWG guidance tried to tie verification to a programmatic need -- for better maintenance of buffers.

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Partial/Diminishing Credit, *Vanessa Van Note, EPA/Coordinator, Jason Keppler, MDE/Vice Chair*
Vanessa discussed the diminishing credit solution for expired NEIEN practices presented by Maryland and solicited feedback from the membership. The group will vote on drafting a recommendation for partial credit at the November meeting.

Discussion

Kate Bresaw (in chat): How does this translate to practices not reported in acres?

James Martin (in chat): Could be applied similarly to any BMP measure...feet, AU, systems I think

Loretta Collins: How would this work with county related data vs state data? Would the acre changes be on the county level?

James Martin: I would imagine that it'd be applied at the same scale the data is reported. If it's reported at the county scale, you'd run the calculation for those practices at each of the counties independently to spread the verification phase out across the geographic area.

Vanessa Van Note: That's correct.

Matt Ehrhart (in chat): wouldn't the location of the acres selected for removal be important given delivery ratio impacts?

Olivia (in chat): Matt - yes, but if the states are reporting at a scale of state, for example, then that means they do not have data in finer scale.

Cassie Davis: Is the idea that when we get our error reports we'd get an additional column for these BMPs that are outside of verification?

Vanessa Van Note: Yes, but I'm working with the communication team to figure out what exactly that will look like.

Loretta Collins: Can you define what you mean by artificial jump?

Vanessa Van Note: BMPs haven't been verified on the ground. It's a gamble because we don't actually know if they're on the ground. I'll think about a different word choice there. I don't want to make it seem like it's a complete fabrication.

James Martin: I think that's an example of a challenge we may face with communication.

Jill Whitcomb (in chat): Perhaps something like “a more valid simulation of current BMP existence”

James Martin: Whatever change we see in BMPs that are simulated, each year of progress is rerun so when that happens, the bump in implementation would not be as evident. Will each year of progress be rerun on CAST21?

Olivia Devereux: Yes.

Alana Hartman: Would there be a way to make this policy happen for only BMPs expected to expire this year? Then there wouldn't be a jump.

Vanessa Van Note: I don't know the answer to that. I assumed it would be applied to the history.

Jill Whitcomb (in chat): I think we should retroactively apply the method.

Alana Hartman: I'm very concerned with how complicated this process is and how to communicate it, especially concerning the NEIEN validation reports and communicating "errors". And it would be hard to train new hires for this process. I found a way to graph last year's progress and this year's results BMP by BMP, so this new layer is going to be another complicated thing on that graph to try to explain.

Vanessa Van Note: Maybe I can think a little more about how it would be the least disruptive to the validation reports and the summaries. There could also be an option for you to participate in this so that it's not a requirement if your state chooses otherwise. I think we can also think of ways to most effectively communicate this to new hires.

Olivia Devereux: I am echoing Alana's comment about the difficulties of communicating this change to the average CAST user, people outside of this group.

Vanessa Van Note: Is there a way to explain that our purpose is to account for practices that have not been inspected but are believed to be on the landscape still?

Olivia Devereux: Yes but then that raises a question of credibility.

Jill Whitcomb: I think we have a credibility issue as well and that this option will help improve that credibility of what is actually happening on the ground.

Rebecca Hanmer (in chat): This conversation about communications is really important. We (our group) would need to go through its own communication process with stakeholders (like the CAST stakeholders) before recommending that a general partial credit option is adopted.

James Martin: I agree, Jill. Also to Rebecca's comment, the process that we're talking about here is not happening in CAST. It's happening between NEIEN and CAST, where the error report is generated. The vast majority of CAST users do not deal with that area, so I don't think communication with them will be that big of an issue.

Jessica Rodriguez (in chat): I think it would also be helpful to know what supporting documentation or information would be needed to move it through the Partnership. I know a recommendation but I assume we need more behind that.

Action: Please complete the offline poll about Partial Credit by **COB Friday, Nov 5th**. Results will be discussed at the November meeting.

Meeting Adjourned

Meeting Chat

From Matt Ehrhart - Stroud to Everyone: 09:04 AM

I think there are multiple invitations. perhaps we could just delete the old ones

From James Martin to Everyone: 09:11 AM

https://www.chesapeakebay.net/what/programs/bmp_additional_resources

If you go to this link and scroll to the bottom, you will find all of the Verification Framework Documents

From Jill Whitcomb, PA DEP to Everyone: 09:12 AM

Seems like there should be a link on the BMP Verification Ad-Hoc Action Team to lead everyone to the BMP Verification webpage above?

From VANESSA VANNOTE to Everyone: 09:18 AM

Jackie, could we get that link from James onto our webpage? Not sure if the structure supports it.

From Me to Everyone: 09:21 AM

I will look into it. I'm not sure it will support a link but I can definitely post the documents on our homepage.

Matt - thanks for letting me know about the calendar invites. I'll delete the old ones and send out an updated invite for future meetings!

From Rebecca Hanmer to Everyone: 09:26 AM

Outstanding idea, Norm and James.

From VANESSA VANNOTE to Everyone: 09:29 AM

Jill, which policies should we address to match the statutory requirement? Sorry, I missed that.

From Jill Whitcomb, PA DEP to Everyone: 09:30 AM

The policies to verify NRCS and FSA practices just like we would with any other practice.

From Clare Sevcik (DNREC) to Everyone: 09:31 AM

Agreed, Alana

From Loretta Mae Collins to Everyone: 09:34 AM

Jill- How receptive are farmers to the release forms?

From Jill Whitcomb, PA DEP to Everyone: 09:36 AM

Agree with James

From Emily Dekar - Upper Susquehanna Coalition to Everyone: 09:37 AM

In NY since most of the practices are being implemented with County SWCD involvement at some level, we also have the release forms. We don't usually have any issues with this, as farmers are generally more willing to share information with their county SWCD than they would be the Feds.

From Bill Tharpe - MDA to Everyone: 09:41 AM

I'm having some tech issues but wanted to chime in for MD. Very similar to NY, relying on data input from the local SCD office on bmp implementation. Also, agree with James about Landowner permissions.

From Rebecca Hanmer to Everyone: 09:45 AM

NFWF has funded a large 'collaborative' project in VA Rapp Basin - brings agencies together plus \$ for forest buffer planting and maintenance. Would be interesting to look at Rapp RB experience -- does this collaborative framework help. Excellent followup with farmers so far, yearly.

From Loretta Mae Collins to Everyone: 09:49 AM

Good point Jill

From Rebecca Hanmer to Everyone: 10:14 AM

Re funding verification: FWG guidance tried to tie verification to a programmatic need -- for better maintenance of buffers.

From Me to Everyone: 10:17 AM

The materials are not posted on the calendar page, as the Bay Program's website is going through a scheduled maintenance period. But I will post all materials as soon as I'm given access again.

From Kate Bresaw, PA DEP to Everyone: 10:28 AM

How does this translate to practices not reported in acres?

From James Martin to Everyone: 10:29 AM

Could be applied similarly to any BMP measure...feet, AU, systems I think

From Matt Ehrhart - Stroud to Everyone: 10:32 AM

wouldn't the location of the acres selected for removal be important, given delivery ratio impacts

From Olivia Devereux to Everyone: 10:33 AM

@Matt, yes, but if the states are reporting at a scale of state, for example, then that means they do not have data in finer scale.

From Jill Whitcomb, PA DEP to Everyone: 10:45 AM

I don't think the use of the work "artificial" is a good message.

*word

Perhaps something like "a more valid simulation of current BMP existence"

I think we should retroactively apply the method.

It is just revised history, which we continuously inventory, correct?

From VANESSA VANNOTE to Everyone: 10:49 AM

Alana, would you be willing to send me the visuals you create from the BMP summary report?

From Matt Ehrhart - Stroud to Everyone: 10:52 AM

I need to run to prepare for the next call. Thanks to all for a robust conversation.

From Rebecca Hanmer to Everyone: 10:54 AM

This conversation about communications is really important. We (our group) would need to go through its own communication process with stakeholders (like the CAST stakeholders) before recommending that a general partial credit option is adopted.

From Alana Hartman, WV DEP to Everyone: 10:58 AM

@Vanessa, sure thing! The chart type that my intern and actually Matt Monroe (WVDA) found was called a "waterfall chart" that is usually used for financial information.

From Jill Whitcomb, PA DEP to Everyone: 10:58 AM

Alana I'd love to see that chart as well. Thanks!

From VANESSA VANNOTE to Everyone: 10:58 AM

LOVE waterfall charts. Thanks for your willingness to share!

From Jessica Rodriguez DoD CBP to Everyone: 11:00 AM

I think it would also be helpful to know what supporting documentation or information would be needed to move it through the Partnership.

I know a recommendation but I assume we need more behind that.

From Me to Everyone: 11:01 AM

I will send a reminder email when the sub-sampling materials (and other materials) are posted on the calendar page! Sorry for the inconvenience.

From VANESSA VANNOTE to Everyone: 11:01 AM

Jessica, are you referring specifically to partial credit?

I will assume yes! :D

Meeting Participants

Jackie Pickford, CRC

Vanessa Van Note, EPA/CBPO

Elliott Kellner, WVU

Jason Keppler, MDA

Jen Walls - DNREC

Jennifer Starr, LGAC

Alana Hartman, WVDEP

Mollee Dworkin - DE DNREC

Loretta Collins, UMD. AgWG Coordinator

Jill Whitcomb, PA DEP

Kate Bresaw, PA DEP

Matt Ehrhart, CAC & Stroud Water Research Center

Emily Dekar - Upper Susquehanna Coalition (NY)

Cassie Davis, NYS DEC

Jason Keppler

Clare Sevcik, DE DNREC

Jessica Rodriguez, DoD Chesapeake Bay Program

Curt Dell USDA-ARS

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Rebecca Hanmer, Chair FWG
James Martin, VA DEQ
Lisa Beatty PA DEP CBO
KC Filippino, HRPDC, co-chair LUWG
Jack Murphy, NRCS
Elizabeth Hoffman, MDA
Bill Tharpe, MDA