

CHESAPEAKE BAY COMMISSION
JANUARY 2017 MEETING MINUTES

The Chesapeake Bay Commission held its first quarterly meeting of 2017 on Thursday and Friday, January 5-6, 2017 in Annapolis, MD.

Commission members in attendance:

Senator Richard Alloway
Secretary Mark Belton
Delegate David Bulova
PA Citizen Member, Warren Elliott
Representative Garth Everett
Delegate Barbara Frush
Delegate Tawanna Gaines
Representative Keith Gillespie
Senator Guy Guzzone
Senator Emmett Hanger
Delegate Scott Lingamfelter
Secretary Patrick McDonnell
Senator Thomas "Mac" Middleton
Representative Michael Sturla
VA Citizen Member, Dennis Treacy
Secretary Molly Ward represented by Dept. Sec. Russ Baxter
Senator Gene Yaw

Members not in attendance:

MD Citizen Member, Bernie Fowler
Delegate Maggie McIntosh
Delegate Margaret Ransone
Senator Frank Wagner
Rear Admiral Jack Scorby

Staff: Ann Swanson
Jen Donnelly
Ann Jennings
Marel King

THURSDAY, JANUARY 5, 2017

CALL TO ORDER

The meeting at the Loews Annapolis Hotel in downtown Annapolis, MD was called to order by Chairman Middleton at 1:00 PM.

Chairman Middleton welcomed the members by wishing them a happy new year. The Chairman reviewed the theme of the meeting, "Managing for Change."

CBC Executive Director Ann Swanson took roll call, then Delegate Lingamfelter moved to approve the minutes of the November 10-11, 2016 CBC meeting. Delegate Frush seconded the

motion which was approved unanimously. By unanimous consent the members also approved the agenda for this meeting.

THEME: MANAGING FOR CHANGE

CHESAPEAKE BAY: CLIMATE CHANGE 201

Dr. Donald Boesch provided an overview of several indicators of climate change, including rising surface temperatures, water temperatures, and sea level. Implications were also discussed, such as inundation of populous areas such as Hampton Roads Virginia, migration of tidal marshes, more intense storm events, migration of fish species and loss of Bay marine life. Dr. Boesch indicated that a changing climate will make achieving the Bay TMDL more difficult. He recommended continued consideration of climate change in managing for the TMDL but recommended against altering the specific load reductions.

PREPARING FOR CLIMATE CHANGE

Virginia Director Ann Jennings then summarized the process of incorporating climate change and its impacts into the Mid-Point Assessment of the TMDL. The Bay Program has been analyzing the extent to which climate change factors may make it easier or harder to reach water quality goals in the Bay. Several options for quantitative and qualitative methods to address these impacts are under consideration by the Bay Program Partnership with decisions to be made later this year.

Commission staff also recommended consensus language to be included in the final Phase III Watershed Implementation Plans Expectations document that will be sent to states from EPA, describing how new information on climate change could be incorporated into the two-year milestone process.

OUR BAY AND RIVERS ON DRUGS

PHARMACEUTICAL AND ILLICIT DRUGS

Dr. Emma Rosi provided an overview of another emerging stressor on aquatic ecosystems – pharmaceuticals. These substances are entering waterways via several waste streams, including human, municipal, manufacturing, and agricultural. The impacts of their presence in the environment include increased antibiotic resistance, life cycle changes, and endocrine disruption. Dr. Rosi emphasized the importance of drug take-back programs, reducing use where feasible, upgrading wastewater infrastructure, and continued research.

ENDOCRINE-DISRUPTING CHEMICALS

Dr. Pete Myers then described that these impacts are not limited to aquatic organisms, but represent a worldwide public health threat with potential transgenerational effects. He indicated that a researcher at Carnegie Mellon University, Dr. Terry Collins, is developing a water treatment technology to remove chemical compounds. The members were very interested in hearing from Dr. Collins at a future meeting.

POSITIVE SIGNS OF CHANGE IN THE CHESAPEAKE

Despite the many remaining challenges facing the Chesapeake Bay and its watershed, Dr. Walter Boynton and Dr. Jeremy Testa presented some encouraging information on improving Bay conditions. Declining nutrient trends are resulting in fewer algae blooms, increased water clarity, increased submerged aquatic vegetation and improved dissolved oxygen – all indicators of improved water quality and improved living resource habitat. The progress may be nearing a

tipping point, where positive ecological feedback will magnify progress in reducing nutrient and sediment inputs.

However, certain species, such as eelgrass, may continue to be hindered due to climate change. A continued system of robust water quality monitoring available to the public will be needed to analyze changes.

The CBC meeting ADJOURNED for the day at 5:00PM.

FRIDAY, JANUARY 6, 2017

CALL TO ORDER

Chairman Middleton called the meeting to order at 9:00 AM. Chairman asked CBC Executive Director, Ann Swanson to take roll.

CHAIRMAN'S UPDATE

CBC TECHNICAL ASSISTANCE

The report describing agricultural technical assistance programs in the Commission's member states is currently in the hands of an expert review team, but a few Commission members are asked to volunteer as reviewers.

CROSS CUT BUDGET

Members were provided with excerpts from the Chesapeake Bay crosscut budget prepared for Congress in response to the Chesapeake Bay Accountability and Recovery Act. It was noted that the state information was submitted within a tight timeframe with little guidance and is therefore not comparable across jurisdictions.

MD DIRECTOR SEARCH

Ann Swanson reported that seven candidates will go through an initial interview process. From those, a few will be chosen for final interviews with the Maryland Delegation.

BAY FACTOIDS

Members' attention was called to a document in their packets highlighting key facts about the Bay and its watershed. Members should find this useful in preparing remarks or social media posts about the Bay.

DELEGATION REPORTS

Based on discussion during their morning meetings, each Delegation provided anticipated legislative actions of the 2017 General Assembly for their state:

Maryland: Providing funds to jump-start the state's nutrient trading program; maintain water quality and open space funding; emphasizing need for technical assistance funding.

Pennsylvania: Establishment of a dedicated statewide non-point source improvement fund; residential lawn care nutrient management requirements.

Virginia: Developing policy on long-term nutrient offsets for economic development needs; evaluate efficiencies in environmental education; update SWCD conflict of interest

requirements; incentives for participation in the Resource Management Plan program; more accountability for combined sewer overflows; defend land and water funding

TMDL MID-POINT ASSESSMENT

NEW LAND USE/LAND COVER DATA TOOLS

Jeff Allenby of the Chesapeake Conservancy summarized the new high resolution land use cover data that has been compiled as part of the TMDL Mid-Point Assessment. This data is available at no charge to states and local governments for planning and tracking purposes and will help guide their determinations of the right practice in the right location.

TRANSITIONING TO A NEW ADMINISTRATION

Following an introduction by Virginia Citizen Member Dennis Treacy, the members received an analysis of the incoming Trump administration's priorities by Frank Vlossak, Partner at Williams & Jensen. Mr. Vlossak noted that the Trump environmental priorities will center around energy, climate and the Waters of the U.S. Rule. He noted that EPA nominee Scott Pruitt is likely a proponent of cooperative federalism. Mr. Vlossak also suggested that prior budget amendments targeted at the Chesapeake Bay TMDL would likely resurface. Opportunities include a preference for state action over federal, a new Farm Bill in the next one-to-two years and public-private partnerships.

THE IMPORTANCE OF FEDERAL INVOLVEMENT

A panel of experts then discussed the importance of continued federal involvement in the Bay restoration effort. Introduced by Virginia member Delegate David Bulova, the panel consisted of Brent Fewell of the Earth & Water Group, Kim Coble of the Chesapeake Bay Foundation and Chris Pomeroy of AquaLaw PLC. Mr. Fewell stressed EPA nominee Scott Pruitt's preference for "cooperative federalism" and defined roles of the state and federal governments. Ms. Coble noted that the Bay restoration is a model of how a federal-state partnership can work successfully. Mr. Pomeroy emphasized that the regulated community, specifically wastewater treatment, needs regulatory certainty.

ELECTION OF 2017 OFFICERS

Chairman [PA]: Rep. Garth Everett
Vice Chair [VA]: Del. Scott Lingamfelter
Vice Chair [MD]: Del. Tawanna Gaines

Executive Committee members:

- Rep. Mike Sturla [PA]
- Sen. Frank Wagner [VA]
- Sen. Guy Guzzone [MD]

Chairman Middleton asked for a motion to accept the above slate of officers, which was offered by Representative Sturla and seconded by Delegate Frush. Chairman Middleton then passed the gavel over to the 2017 Chairman, Rep. Garth Everett. In 2018, the Chairmanship of the CBC rotates to Virginia.

The meeting was adjourned at 12:00 p.m.