

CHESAPEAKE BAY COMMISSION
Washington, DC
May 9-10, 2013

The Chesapeake Bay Commission held its second quarterly meeting of 2014 on Thursday, and Friday, May 8-9, 2014, in Washington DC.

The following Commission members and staff were in attendance:

Chris Abruzzo
Russ Baxter
Mike Brubaker
David Bulova
Garth Everett
Joe Gill
Emmett Hanger
Kelly Heffner
Scott Lingamfelter
Thomas "Mac" Middleton
M Ron Miller
Margaret Ransone
John Reynolds
Admiral Dixon Smith
Michael Sturla
Molly Ward
John Wood

Staff: Ann Swanson
Paula Hose
Jack Frye
Bevin Buchheister
Marel Raub

Members not in attendance:

Richard Alloway
Warren Elliott
Brian Frosh
James Hubbard
Maggie McIntosh
Dixon Smith
Frank Wagner

Thursday, May 8, 2014

The meeting at the Beacon Hotel was called to order by Chairman Ron Miller at 10:00 A.M. Following roll call, Chairman Miller welcomed new members Delegate David Bulova (VA), Delegate Margaret Ransone (VA), VA Secretary of Natural Resources Molly Ward, VA Deputy Secretary of Natural Resources for the Chesapeake Bay Russ Baxter. Joe Gill was congratulated

on his confirmation as MD Secretary of Natural Resources. The minutes of the January 2, 2014 Commission meeting and the agenda for this meeting were approved. The CBC budget for FY2015 will be increased by \$1,000 but no appropriation increase will be necessary. The FY2015 budget was approved. Meeting dates and locations for 2015 were approved but locations in Virginia for the September meeting and Maryland for the November meeting still need to be determined.

Chairman Miller began the discussion on the 2014 Chesapeake Bay Agreement and announced that the Bay Program Executive Committee will meet in June to sign the new Agreement. Sec. Gill and Ann Swanson briefed the Commission on the process that has been followed in developing the new Agreement. Gill noted that there were over 2,400 public comments on the Agreement with many calling for the inclusion of climate change, environmental justice and toxics. The Bay Program established an Issues Resolution Committee which worked through all the comments and prepared items for discussion. The agreed principles were used as a guide for how things were to move forward by working collaboratively and with respect for each signatory, with all treated fairly. Consensus continues as a very important concept.

Sec. Gill described the consensus process and how it was used to work through the issues. He described how the flow of goals made logical sense: Sustainable fisheries leads to vital habitat, and addressing water quality and toxics issues lead to healthy watersheds. Goals also include stewardship to engage the broader public, land conservation and improving access to the Bay. Sec. Ward recognized the wonderful job that Sec. Gill has done as Principle Staff Committee Chair to bring everyone along. Ann Swanson pointed out the ten most important changes in the Agreement that will go out for final comments. CBC members questioned how specific numeric targets for the outcomes were reached and recommended that a companion document be prepared that gives supporting information on how the outcomes were selected. The GIT's are now developing appendices that will include the data needed to support the Agreement's specifics. CBC members recommended that this document be finished before the Agreement is signed. Where specific language changes were offered, Ann agreed to bring them forward to the Bay Partnership to consider.

Chairman Miller suspended the meeting for lunch and the Commission then relocated to the Capitol Visitor's Center and the meeting was reconvened at 1:05 PM.

Ann Swanson gave a presentation entitled "OUR NEXT CHALLENGE: PHOSPHORUS, *Is Progress Being Overwhelmed?*" Trend slides for nitrogen and phosphorus in the Bay watershed illustrated that the positive long term trends (reductions) are becoming reversed by the near term trends. High yield sites are associated with agricultural and urban areas. Decreased loads were attributed to air and point source reductions. Loads are actually increasing from agriculture and urban development. It was noted that the recent USDA CEAP report identified a decrease in manure management on farms. Also impervious surfaces supply phosphorus in urban areas and the runoff delivers it to streams where stream channel erosion contributes even more. Biosolids are also contributing to this load. 2011 had the highest phosphorus load to the bay since

monitoring began. Members discussed various ideas for improving management in agricultural and urban areas. Commission staff will explore the fertilizer sales numbers in each state and status of turf fertilizer management tracking and other urban controls.

Chairman Miller introduced Admiral Smith who introduced Sarah Diebel, Navy Region Mid-Atlantic Chesapeake Bay Program Liaison, gave an overview of the Department of Defense's (DoD) footprint in the bay, their challenges, their accomplishments and future initiatives. The Navy is the lead agency for all the services and has been a partner in CBP since 1984. The 2009 Presidential Executive Order guides their programs and actions on the 38 DoD installations in the Bay watershed. DoD is second largest federal landholder with 1% of the watershed and have spent \$64 million for restoring clean water. Achieving the EO and Bay TMDL has ongoing costs of \$10-\$20M per year for compliance over 19 installations. They are still working to improve coordination with surrounding jurisdictions. A question was asked about whether DoD facilities pay stormwater utility fees to jurisdictions. Sarah said they can pay fees, but they must be reasonable and reflect what actually flows to the local system.

Next, Chairman Miller introduced a series of presenters that addressed the new 2014 Farm Bill's Regional Conservation Partnership Program (RCPP) and how it offers additional funding opportunity for the Bay watershed. Jeremy Peters, Director of Federal Policies, American Farmland Trust shared their priorities of farmland conservation funding, targeting for greater outcomes, and re-linking conservation compliance with crop insurance. The RCPP will select projects through a competitive process and leverages partner resources for outcome-based conservation. Kirk Hanlin, Assistant Chief, Natural Resources Conservation Service noted that agriculture represents 30% of bay land use with 83,000 farms. According to the USDA CEAP Report, progress by agriculture has been made between 2006 and 2012, but there is still more to do. The new RCPP program funding is divided in three categories with 25% offered at the state level, 40% from National HQ and 35% in the Critical Conservation Area (CCA) designation that will probably include the Chesapeake Bay. Jake Riley, National Fish & Wildlife Federation shared examples of state, national and CCA types of projects. It will be important to leverage and target conservation investments and provide administrative efficiency and flexibility. Members questioned whether RCPP funding in the Bay could reach the level of funding provided under CBWI in the previous Farm Bill. It was requested that USDA report back to the Commission quarterly on what is spent and who is funded and what is achieved. Mr. Riley expressed support by NFWF for developing a Bay-wide proposal with the jurisdictions and other partners to support achieving the WIP goals and Two-year Milestones.

Next, EPA Deputy Administrator Bob Perciasepe discussed the FY14 EPA CBP budget and TMDL challenges nationwide. They have been trying to increase the budget available for supporting the CBPO and states clean-up activities. The Bay TMDL is receiving national attention and they want to help states make the TMDL program successful. The two-year milestones have been an important means to measure progress. The model is the best in the world, but getting quality data is tough and needs to be improved. Members noted that the ground truthing of the model is water quality monitoring and discussed the need for improved

water quality monitoring to demonstrate actual progress and the importance of verifying conservation practices. However, members raised concerns that the cost associated with verification could reduce funding available to implement additional conservation practices. Perciasepe expressed hope that we will use more market-based mechanisms, like nutrient trading, in the future.

Following a break, Chairman Miller introduced Senator Ben Cardin who was our host for this meeting at the Capitol Visitors Center and the informal Question & Answer Reception. Senator Cardin welcomed everyone and thanked the Commission for sharing suggested actions on what congressional members can do to advance Chesapeake Bay Restoration. He also thanked Ann Swanson for her leadership and Congressman Chris van Hollen for his work to support funding for the Chesapeake Bay clean-up in the 2014 Farm Bill. Chairman Miller introduced the panel members for the afternoon Bay Restoration discussion, with facilitation by Al Todd, Alliance for the Chesapeake Bay. Members of the panel included Ann C. Mills, Deputy Under Secretary, USDA; Bob Perciasepe, Deputy Administrator, US EPA; Peyton Robertson, Director, NOAA Chesapeake Bay Office; Christopher Abruzzo, Secretary, Pennsylvania Department of Environmental Protection; Joseph P. Gill, Secretary, Maryland Department of Natural Resources and Molly Ward, Virginia Secretary of Natural Resources.

The panel responded to numerous questions about the RCPP program opportunities and how climate change may impact bay clean-up. Ann Mills was asked to continue support for approval of manure ash as an organic fertilizer product and she promised to convey that interest to the proper agency. Congressman Tonko from New York expressed the importance of partnership and stewardship. Senator Kaine from Virginia also thanked everyone for their work to restore the Bay and asked what else, other than money was needed from Congress? The state secretaries said they wanted open communication with federal agencies and good working relationships.

The Chairman adjourned the meeting at 6:00 PM.

Friday, May 9, 2014

The meeting at the Blue Plains Visitors Center was called to order by Chairman Ron Miller at 10:00 am.

Ann Swanson provided CBC members with a summary of legislation and budget actions of all three states from their recent general assembly sessions. Also, members were provided the Chesapeake Bay Commission's Regional Conservation Partnership Program handout to share with others about what opportunities exist under the new 2014 Farm Bill. She also mentioned the significant positive feedback received about the Chesapeake Bay Q&A Reception the previous afternoon at the Capitol Visitors Center and that 22 of the 33 congressional offices were represented.

A follow-up discussion about the new Bay Agreement draft language was met with concern about the environmental education piece. Delegate Lingamfelter felt others will read the Agreement and, even though we know it is a voluntary agreement, may see it as a mandate. He

thinks the education section is more aggressive than necessary and Russ Baxter said the Virginia Administration was also very concerned. A change to the language will be considered.

There was also a suggestion to shift the land conservation goal and outcome out from between the stewardship and education goals. Those two goals should be together and education should follow stewardship.

Senator Hanger suggested the Commission invite the headwater states to send an ex-officio person to Commission meetings. Ann Swanson said this had been considered but is a budget concern and also has policy implications. How would we staff the states that are remote from the three core state members? Ron Miller recommended the Commission discuss this at our September meeting and asked staff to bring additional information to aid decision-making.

The Commission members boarded a bus for a tour of the Blue Plains Sewage Treatment Plant. George Hawkins welcomed the Commission to their new Visitor Center building and enthusiastically described their drive for innovation in everything they do including non-regulatory efforts. He introduced Donal Barron and Bethany Bezak who presented information on the new stormwater capture tunnel system that will serve the CSO area and has 20% additional capacity for future conditions of climate change, etc. Delegate Bulova asked if they were separating the CSO. Donal answered there is some separation but most of the time separation would be very disruptive in the old neighborhoods, so only partially. Bethany said green infrastructure is going to be important in areas to reduce stormwater inflows using rain gardens, biofiltration and other practices. Their green infrastructure challenge project has generated very good projects, particularly in the Bloomingdale section where they have significant flooding. They consider green infrastructure a proven technology and they are replacing what would've been the Piney Branch Tunnel with green infrastructure in the Park Piney Branch area. They will use adaptive management and learn as they go and improve upon successive projects. In Rock Creek 365 acres are targeted for green infrastructure and 133 more in Potomac Creek. This goal would include an interest in creating long-term local green jobs to certify and maintain these green infrastructure projects throughout time.

On private lands, Bethany said they are working with citizens for downspout disconnection from the sewer and other green infrastructure actions on their private land. Other local groups are also working specifically with citizens. Senator Middleton asked if there was a stormwater utility fee. Bethany said that they currently have a charge based on impervious area. They believe rain gardens have a highest water volume capture capacity for the lowest cost. They can accomplish 365 acres of controls in the public right-of-way and also will try to increase tree canopy by 40%. Bethany said rain water harvesting is also part of their means to control stormwater volumes and more information could be found on the DC Water website.

The Commission toured the facility and returned to the Beacon Hotel.

The meeting adjourned upon arrival at the Beacon Hotel at 12:15 PM.