

CHESAPEAKE BAY COMMISSION
NOVEMBER 2015 MEETING MINUTES

The Chesapeake Bay Commission held its fourth quarterly meeting of 2015 on Thursday and Friday, November 5-6, 2015, in Easton, 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 Emmett Hanger
Senator Nancy King
Delegate Scott Lingamfelter
Delegate Maggie McIntosh
Senator Thomas "Mac" Middleton
Delegate Margaret Ransone
Virginia Citizen Member John Reynolds
Representative Michael Sturla
Senator Frank Wagner
Secretary Molly Ward
Senator Gene Yaw
Rear Admiral Ricky Williamson

Staff: Ann Swanson
Jen Donnelly
Ann Jennings
Bevin Buchheister
Marel King

Members not in attendance:

Maryland Citizen Member Bernie Fowler
Secretary John Quigley

Thursday, November 5, 2015

Call to Order and Approval of Minutes and Agenda

The meeting at the Eastern Shore Conservation Center in Easton, Maryland was called to order by Chairman Lingamfelter at 1:00 PM. CBC Executive Director Ann Swanson took roll call, and then the members unanimously approved the minutes of the Sept. 10-11, 2015 CBC meeting and the agenda for this meeting. The Chairman noted that the CBC is playing a leadership role in Livestock Stream

Exclusion and called for Marel King, PA Director, to give an update on PA's Regional Conservation Partnership Program proposal. King reported that the final proposal is due to USDA on Tuesday, November 10th. PA Dept. of Ag is the lead and they are requesting \$4 million from NRCS to help implement the recommendations of the CBC livestock stream exclusion report. Partners will bring another \$4 million in significant contributions. Partners include the PA Fish and Boat Commission, DEP, DCNR, CBF, Trout Unlimited, NFWF, Penn AG and CBC. Chairman Lingamfelter noted that in VA, the number of farmers that signed up during two years when the state offered 100% funding for livestock stream exclusion, FY 2013-2015, will achieve 34% of the nitrogen reduction needed, and 13-14% of the sediment reduction needed, from the agricultural sector to meet the 2025 TMDL.

Chairman Lingamfelter noted that the CBC's 2013 white paper on how to credit conservation in the TMDL led to an EPA funded study done by the Virginia Forestry Dept., and that work was ongoing on how to credit natural filters. Ann Swanson, gave an update on the four options contained in the CBC white paper.

- Action - Chairman Lingamfelter asked staff to prepare a briefing document for the January meeting packet on the four options for crediting conservation, so that staff and members can explore the positions of our member states in adopting this new approach.

Chairman Lingamfelter raised the emerging issue of bans on coal tar based sealants and directed members to a USGS document in the packets. Members will soon receive a policy report on this issue from the Va. Coastal Policy Center of William and Mary Law School. Lingamfelter said the CBC should approach this issue the same way we did lawn fertilizer and microbeads, and engage with the industry before developing legislation.

- Action- Chairman Lingamfelter asked staff to research bans on coal tar sealants.

Chesapeake Bay Agriculture 101

Dana York, who worked for NRCS for 32 years, gave an overview of agriculture in the world, noting we will need a 100% worldwide increase food production by 2050 if the population grows to 9 billion. She then focused on agriculture in the watershed explaining that lots of nutrient reductions from ag are from land conversion, that land in ag production has decreased in all states except Virginia. She said that farmers are aging and since most don't have retirement accounts other than their land, conversion of farmland is a current concern. York said that the USDA CEAP report shows 97 percent of ag land in the Bay watershed land has some conservation on it but that manure application has increased.

Our State Animal Agriculture Programs- EPA Region III's 2015 Assessment

EPA reviewed the states' animal agriculture programs as part of the TMDL and the court-ordered settlement agreement. Kelly Shenk, Agricultural Advisor, Region III, EPA, reported on CBC state's strengths and opportunities for improvement. Generally, she concluded that successful initiatives include three key components: good coverage and compliance with regulatory programs, voluntary incentives, and state cost-share. Shenk noted that Maryland could increase compliance rates, and that EPA will watch how the state implements LSE measures, the PMT rollout, and how MD will offset growth in the poultry nutrient load. In Virginia EPA will be watching the resource Management Plan Program ("Ag Certainty"), the "small AFO" program, and nutrient management on unpermitted dairies. Pennsylvania needs to focus on increasing compliance with current regulations, priority practices needed for TMDL, and their ag cost share is not on par. Moving forward, PA should create more voluntary ways to accelerate priority practices, and target ag cost share.

Virginia's Agricultural Voluntary Programs: A Discussion of the Commonwealth's Successful Tools

Russ Baxter, Virginia's Deputy Secretary of Natural Resources for Chesapeake Bay, gave an overview of some of Virginia's most effective programs including the Resource Management Plan Program, the Agriculture BMP Cost Share Program, and the land conservation tax credit program. He said the state's offer to fund livestock stream exclusion at 100% encouraged many farmers to sign up for the first-time in the cost share program. To date VA has spent \$53 million dollars, with \$30.5 million spent in the in Chesapeake Bay watershed, and needs an extra \$68 million to fully fund this program. Baxter also said that VA would soon be considering whether it should continue to pay for practices like no-till that farmers might do without cost share, how trading will affect implementation of Ag practices, and whether GIS and high-tech targeting can help cost-shared practices achieve greater efficiency and better results. Baxter also noted that consistent funding is needed to train and retain qualified Soil and Water Conservation District employees but funding for Districts has always been tied to funding for cost share practices, so it is not consistent.

Citizens' Perspective On Agriculture: Recommendations From Our Citizens Advisory Committee

Matthew Ehrhart, a member of the Chesapeake Bay Program's Citizens Advisory Committee and Director of Restoration, Stroud Water Research Center, discussed the CAC's priorities for agriculture. Ehrhart asked for CBC support that verification be evidence based, independent, and integrated into practices. Capital infrastructure needs, specifically in the dairy industry, were also mentioned. Ehrhart asked CBC to weigh in with NRCS on how the loss of CBWI funding makes it hard to deal with infrastructure on small dairies that have 40-120 cows. He also suggested there be an interstate discussion on manure transport because it is subsidized differently in each jurisdiction and may lead to unintended consequences in neighboring states.

Ehrhart said that the CREP program needs improvement. NRCS receives funds from FSA to deliver CREP, but is not accountable for the results, so NRCS doesn't have performance goals for implementing CREP. Also, FSA manages the money but doesn't give NRCS funds to support education and outreach. He asked the CBC to put additional pressure on this since our states are CREP program partners. Ann Swanson said that staff met with USDA, NRCS & FSA, but we have not heard back from them so we may need members to meet with them. Members raised the issue that the end of CBWI in the Farm Bill meant less resources to the Chesapeake Bay watershed.

- Action - Vice Chair McIntosh recommended the CBC meet with USDA leadership about the hardship of accessing much reduced funds in RCPP and the need for more technical assistance.

Chairman Lingamfelter adjourned the meeting for the day at 4:15 p.m.

Friday, November 6, 2014

Following breakfast meetings of each state Delegation, Chairman Lingamfelter re-convened the meeting at 9:15 a.m.

U.S. Navy Actions: Sharing Responsibility To Meet The TMDL

Rear Admiral Rick Williamson, USN, Commander, Navy Region Mid-Atlantic, and Sarah Diebel briefed the members on DoD actions to meet the TMDL. The Navy is the designated lead for DoD in the Chesapeake Bay Program and their actions are guided by the Executive Order and Bay Agreements. They are strongly committed to the water quality, land conservation and public access goals, and are already requiring livestock stream exclusion on their rented lands. Diebel covered the Readiness &

Environmental Protection Integration (REPI) program in which military bases partner with states and non-profits to preserve land around bases to protect the military's operational capabilities. She noted that most DoD restoration funding was used for wastewater treatment plant upgrades and stormwater, and that the DoD must have MS4 permits finalized in order to fund stormwater practices.

Pennsylvania's Strategy To Deliver Clean Water

The schedule of speakers was changed to accommodate Sec. Redding's need to return to PA for pressing business. Sec. Redding spoke about rebooting the Commonwealth's effort to meet the TMDL. He said PA will press hard to meet what was agreed to in 2010, but will also press back hard to make sure that PA receives credit for its efforts. He is mindful of the scope of the job with 67 counties in the watershed in PA. Redding said PA has two equal goals, clean water and viable farms. He said PA needs to use existing laws across the entire production sector, and promote stewardship beyond compliance. He also mentioned that they are in very early discussions about Growing Greener III with the Governor, which could fund priority BMPs.

Maryland's Enhanced Phosphorus Management Tool

Frank J. Coale, Ph.D., from the University of Maryland, College of Agriculture and Natural Resources, explained the differences between the MD Phosphorus Site Index and the revised tool called the Phosphorus Management Tool. He explained that the input provided for both tools is not much different but what we do with the numbers is different. He noted that three pathways of risk are measured under both tools but the PMT assesses each pathway separately rather than averaging all three together to assess risk. This enables the PMT to show if there is high risk of phosphorus loss from a single pathway. Coale said the PMT is already being revised to improve confidence by incorporating the APEL model, so the PMT II will be using model outputs, instead of best professional judgment, to estimate phosphorus loss at edge of field. Coale said that he regularly talks with scientists at UVA and Penn State about updating these tools. Sen. Middleton noted that farmer acceptance of the revised tool depends on government commitment to help with alternative uses of manure, and that Maryland formed a committee to help with this.

Increasing Visibility of Members

Members discussed how to showcase their activities throughout the watershed and their work on the Chesapeake Bay Commission. Members suggested using a public relations template for use when they members organize tree plantings or take part in other Bay restoration activities. Briefings to Legislative Committees were suggested, as well as member Op-Eds on their CBC work. Sen. Middleton suggested that each delegation introduce a resolution creating "Bay Week" that would occur during the same week in each state, and would encourage involvement by restoration groups as well as school systems, community colleges, and other groups. The press could highlight all the activity during that week and build public awareness and support for Bay restoration.

- Action- Staff will recommend ideas for briefings to legislative committees that have jurisdiction over Bay restoration issues.
- Action- Chairman Lingamfelter will work with staff to draft a Bay Week resolution that can be used by the MD and PA delegations.

Chairman Lingamfelter adjourned the meeting at 12:15 PM.