

CHESAPEAKE BAY COMMISSION  
SEPTEMBER 2016 MEETING MINUTES

The Chesapeake Bay Commission held its third quarterly meeting of 2016 on Thursday and Friday, September 8-9, 2016 in Lancaster, PA.

Commission members in attendance:

Secretary Mark Belton  
Delegate David Bulova  
Representative Garth Everett  
Delegate Barbara Frush  
Delegate Tawanna Gaines  
Representative Keith Gillespie  
Senator Guy Guzzone – Day 2 only  
Senator Emmett Hanger  
Delegate Scott Lingamfelter  
Secretary Patrick McDonnell  
Delegate Maggie McIntosh  
Senator Thomas “Mac” Middleton  
Representative Michael Sturla  
VA Citizen Member, Dennis Treacy  
Senator Frank Wagner  
Secretary Molly Ward (Dep. Sec. Russ Baxter attended on behalf)  
Senator Gene Yaw  
Rear Admiral Jack Scorby

Members not in attendance:

Senator Richard Alloway  
PA Citizen Member, Warren Elliott  
Maryland Citizen Member Bernie Fowler  
Delegate Margaret Ransone

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

**THURSDAY, SEPTEMBER 8, 2016**

**Call to Order**

The meeting at the Lancaster Marriott Penn Square in Lancaster, PA was called to order by Chairman Middleton at 1:00 PM.

Chairman Middleton welcomed new members to the Commission.

- Mr. Dennis Treacy, our new VA citizen member, who currently serves as President of the Smithfield Foundation.

- Acting Secretary of PA-DEP, Patrick McDonnell, attending his first CBC meeting

CBC Executive Director, Ann Swanson took roll call, and then the members unanimously approved the minutes of the May 12-13, 2016 CBC meeting and the agenda for this meeting.

### **Part I: Chesapeake Bay 201 Phosphorus**

Dr. Peter Kleinman of USDA-ARS updated members on some of the latest science regarding agricultural phosphorus. Phosphorus loads to water are more influenced by hydrology than soil levels. No-till practices also accumulate phosphorus on the soil surface where it is at risk of runoff. Occasional deep tillage would help to reduce this risk, especially in hydrologically connected areas. A research project is planned to test this approach.

### **Part II: Soil P-Indexes: Minimizing Phosphorus Loss**

Dr. Doug Beegle of Penn State explained that P-indexes identify the relative risk of phosphorus loss in agriculture and that soil phosphorus measurement alone cannot determine risk because transport factors also play a role in phosphorus loss. In some areas approximately 90 percent of phosphorus loss comes from ten percent of the field because transport factors are high in that part of the field. More research is needed to account for differences in physiographic regions and to make sure P indexes are linked to practices that reduce phosphorus loss. A new P-Index for Pennsylvania is expected in 2017. Beegle noted that a P-index does not solve overall regional nutrient imbalances.

### **Part III: Manure Transport: Optimizing Local Use**

The subject of nutrient imbalances was then addressed by Ernie Shea, Project Facilitator for the Delmarva Land and Litter Challenge. The goal of the Challenge is for the region to be in balance with the import and export of nutrients by 2025. No near term alternative uses of manure seem viable, so the focus of the group is on responsible land application, including manure transport. Approximately 156 thousand acres are needed for the manure generated on the peninsula, and there are 467 thousand acres available. Distribution is the issue.

### **Legacy Sediments: The Stream as Pollution Source**

Mr. Joe Sweeney provided an introduction to the Big Spring Run project in Lancaster County, which reduced 44 million pounds of sediment for 1.5 cents per pound. Lead researchers, Dr. Dorothy Merritts and Dr. Bob Walter of Franklin & Marshall College, then described the "Aquatic Ecosystem Restoration" practice, which seeks to restore the hydrologic and ecologic function of streams and riparian areas.

Before restoration Big Spring Run site was eroding sediment. Post restoration it is trapping sediment. Restoration also reduced water temperatures through re-connections with groundwater, and reconnected the stream to its floodplain, providing storage of stormwater and reduction in its velocity. Following the introductory presentations, Commission members traveled by bus to an un-restored and then restored site to see the before and after conditions.

**FRIDAY, SEPTEMBER 9, 2016**

### **Call to Order**

Chairman Middleton called the meeting to order at 9:00 AM and asked Executive Director Ann Swanson to take roll. He then introduced Maryland State Senator, Guy Guzzone, who replaced Senator Nancy King on the Commission.

Chairman Middleton then noted that in the past year CBC decided to more actively communicate our legislative work. Chesapeake Bay Awareness Week, a CBC Facebook page, several Op-Eds published, etc. are examples of this new work. Middleton asked each member to fill out the communications survey, provided in the meeting packets, and return them to Jen Donnelly.

### **CBC Staff Updates**

#### **GIT Summary:**

Responding to the members' request in May, staff included a summary of the Bay Program's Goal Implementation Teams in the advance mailing packets.

#### **Technical Assistance:**

Several different federal and state programs are providing Technical Assistance. In May, members requested a clearer picture about – What is TA; Who is providing it; How much is being provided; and What are the issues? Staff is preparing a primer to answer these questions, which will be completed by January.

#### **WIP Agricultural Buffer Status & Project Progress:**

During the May meeting, members asked for the implementation status of forest buffers. Ann Jennings prepared a brief fact sheet which was placed in the meeting packets.

#### **NFWF Livestock Stream Exclusion Project:**

The National Fish & Wildlife Foundation awarded Pennsylvania a \$600,000 grant, matched by over \$900,000 in partner contributions (CBC is one of the partners). The project aims to implement 100% stream exclusion in a targeted sub watershed that includes Plain Sect farms.

### **Chairman's Updates**

#### **PA Leadership Meeting:**

Representative Everett reported that the Pennsylvania Delegation hosted a meeting for the Majority and Minority Chairs of the PA House and Senate Agriculture & Rural Affairs and Environmental Resources and Energy Committees, and their staff, at the Smithsonian Environmental Research Center in Maryland. They heard from some of the region's leading scientists and spend some time on the Bay in a research vessel. Seven of the eight committee leaders were represented and feedback was very positive.

#### **Executive Council Meeting:**

Chairman Middleton will represent the CBC at the Chesapeake Executive Council (EC) Meeting on October 4 in Virginia. The meeting theme is "Celebrating Success" and members will be adopting a resolution in support of local governments. One of the topics during the private session will be the recent Environmental Finance Center report. The E.C. will receive the report and the Principals' Staff Committee will continue to review the report and identify potential future actions. Delegate Bulova, who represented the Commission at the Environmental Finance Symposium in April, which led to the report, noted that the ultimate goal is to identify one or two strategies that are actionable for the states.

A recommendation on selection of the Bay Program's Independent Evaluator was expected to be on the EC agenda, but there is currently no consensus among the partners. Factors include perceived conflicts of interest and costs to the states of \$125,000 to \$350,000 per year.

### **Midpoint Assessment and Phase III WIPs**

The Commission is proceeding with its Work Plan to cover important parts of the TMDL Mid-Point Assessment at quarterly meetings. Rich Batiuk, Associate Director for Science, Analysis and Implementation at the Chesapeake Bay Program Office summarized the states' progress to date and challenges to reaching the 2025 goal. Most of the progress so far has come from wastewater. That is also where most of the funding has been directed.

Maryland is "on track" for its goals, but where reductions are made is important to restoring MD tributaries. Pennsylvania is not on track, and is responsible for 69% of the Bay-wide nitrogen load reduction. Much of those reductions will need to come from agriculture. Virginia is also on track but stormwater will be a challenge.

Lee Currey, Director of the MDE Science Services Administration and Co-Chair of the Bay Program's Modeling Workgroup, discussed the reservoir system above the Conowingo Dam which has reached "dynamic equilibrium," meaning its trapping capacity has been reached and the nutrients and sediment flowing into the system are flowing out. The next phase of TMDL implementation will need to account for these higher loads to the Bay. Policy decisions will have to be made regarding how those loads are allocated. To put the new load into context Currey noted that the TMDL and WIPS get us zero percent out of attainment for water quality, and the new load from Conowingo will only take us 1-3% out of attainment. This points to the importance of implementing the rest of the WIPs to meet the TMDL.

Delegate Lingamfelter asked for information on the options identified by the U.S. Army Corps of Engineers in the Lower Susquehanna River Watershed Report to address these loads.

### **Conservation Innovation: Aviation Biofuel**

Dr. Tom Richard, Director of the Penn State Institutes for Energy and the Environment, reported on a continuing initiative to produce biofuel for the aviation industry. Prompted by airlines' interest in sustainable fuel sources, and the Navy's "Green Fleet" goals, demand is growing for bio-based jet fuel. Penn State is leading a regional partnership that would produce biomass in the Chesapeake watershed, close to aviation markets. The effort is also aimed at benefitting water quality, as biomass crops such as switchgrass or fast-growing trees can be used in riparian buffers or other marginal land. It was the consensus of the Commission to write a letter of support for a federal grant that will fund the next phase of this initiative.

### **New Business**

The Commission has been working with U.S. Senators Cardin and Casey and the Wolf administration to secure additional federal dollars, especially from USDA, for agricultural conservation practices in Pennsylvania. Delegate Lingamfelter has also taken the request to Senator Kaine.

Chairman Middleton adjourned the meeting at 11:55 a.m.