

CHESAPEAKE BAY COMMISSION  
JANUARY 2016 MEETING MINUTES

The Chesapeake Bay Commission held its first quarterly meeting of 2016 on Thursday and Friday, January, 7-8 2016, in Annapolis, MD.

Commission members in attendance:

Secretary Mark Belton  
Delegate David Bulova  
PA Citizen Member, Warren Elliott  
Representative Garth Everett (only day 2)  
Maryland Citizen Member Bernie Fowler  
Delegate Barbara Frush  
Delegate Tawanna Gaines  
Representative Keith Gillespie  
Senator Emmett Hanger  
Senator Nancy King (only day 1)  
Delegate Scott Lingamfelter  
Delegate Maggie McIntosh  
Senator Thomas "Mac" Middleton  
Secretary John Quigley (only day 2)  
Virginia Citizen Member John Reynolds  
Representative Michael Sturla  
Senator Frank Wagner  
Secretary Molly Ward  
Senator Gene Yaw  
Rear Admiral Ricky Williamson/Cpt. Pat Rios

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

Members not in attendance:

Senator Richard Alloway  
Delegate Margaret Ransone

**THURSDAY, JANUARY 7, 2016**

**Call to Order**

The meeting at the Lowes Annapolis Hotel in Annapolis, 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 November 5-6, 2015 CBC meeting and the agenda for this meeting.

## **Chesapeake Bay Fisheries 101**

Edward D. Houde, Professor at the Maryland Center for Environmental Science Chesapeake Biological Laboratory, provided an overview of the Chesapeake Bay oyster, crab, menhaden and striped bass fisheries, detailing the status and prognosis of each and noted that the major concerns were habitat loss, water quality, climate change, and invasive species. A new concern, known for a long time in Germany and the UK, is endocrine disruptors since very small amounts can affect reproduction. In terms of policy, Houde suggested that CBC focus on ecosystem based management which relies on science and integrates the role of various species, habitat and water quality and requires inter-agency collaboration. Representative Sturla asked whether motor boats on the Bay that stir up silt would cause decline in fisheries.

## **What Tools can be used to Build a Better WIP?**

### **Part 1: Mapping Tools – USGS Interactive Maps**

Doug Moyer, Supervisory Hydrologist, USGS, showed members a new online tool that allows jurisdictions to visualize the nitrogen, phosphorus and sediment loads, hot spots and trends to better understand the effect of management approaches. The statistical load reduction information used to track the TMDL and the graphic portrayal of which actions are giving us “bang for the buck” will help inform the mid-point assessment and development of Phase III Watershed Implementation Plans (WIPs). Moyer noted that, world-wide, no other water quality data set rivals this one for the Chesapeake Bay. By the end of January this information will be available to the public and will be updated every two years. Senator Wagner requested that similar information on tidal areas be presented at a future meeting.

### **Part 2: Scenario Building Tools – BayFAST**

Olivia Devereux, President of Devereux Environmental Consulting, Inc., explained the BayFAST (Chesapeake Bay Facility Assessment Scenario Tool) tool which can be used by localities to rapidly develop and compare reduction scenarios to identify the most cost-effective mix of best management practices. Jurisdictions can use this tool to create the most cost effective scenarios for their WIPs which are due in June 2018. Chairman Lingamfelter said that local leaders need to understand there is a tool to tackle a fiscal analysis for the WIPs. Bay Program Director Nick DiPasquale said they will demonstrate the tools to localities. Lingamfelter asked, “Who is the lead system integrator for all of these tools?” and asked DiPasquale to provide the CBC with an answer at our next meeting. Members then broke into teams to conduct a test run of the BayFAST tool.

## **Scientific and Technical Advisory Committee (STAC)**

STAC Chair Dr. Lisa Wainger, with the University of Maryland, Chesapeake Biological Laboratory, discussed emerging issues including trends showing nitrogen decreasing and phosphorus increasing in the Bay, lag times in the Bay model and groundwater lag times, and the invasive catfish task force and their plans to reduce the spread.

Past STAC Chair Dr. Kirk Havens with the Virginia Institute of Marine Sciences presented STAC’s review of microbeads, undertaken at the CBC’s request. He cautioned lawmakers as they work on legislation to ban microbeads not to inhibit effective alternatives such as biodegradable plastics which are now used in cull rings for crab pots, so if a crab pot is lost it will not trap crabs forever. The federal “Microbead-Free Waters Act” passed in December does not allow for biodegradable plastics. It also is limited to microbeads in rinse-off cosmetics,

which is just one source of microplastics in the environment. He mentioned that shotgun shell wads are now plastic and can end up in marine environments through waterfowl hunting. One billion wads are used annually and are washing up on beaches. He is working to develop a biodegradable wad for shotgun shells with the College of William and Mary holding the patent. Delegate Bulova requested to remain engaged in bringing this new technology to the microbeads industry.

## **FRIDAY, JANUARY 7, 2016**

Chairman Lingamfelter called the meeting to order at 10:00 AM and asked Executive Director Ann Swanson to take roll call. Chairmen Lingamfelter then took a few minutes to honor Senator Bernie Fowler and explain that all three Delegations are sponsoring resolutions this session to honor Fowler for his 50 years of dedication to restoring the Patuxent River and the Bay. Delegate Lingamfelter said “There is no limit to what you can do if you don't care who gets the credit. Bernie brings depth, perspective, and memory, and we are working to see that his memory once again becomes reality. Great men and women inspire and work hard to achieve their dreams.” Senator Middleton noted his long affection for Fowler and said he was forever grateful for his mentorship. Delegate McIntosh said that Fowler is revered in Maryland and when Bernie testified over the years on big important bills, the bills passed.

### **Chairman's Updates**

- As a follow-up to the letter the CBC sent to USDA Secretary Vilsack, we will ask him to meet with the CBC in May.
- The Crediting Conservation Memo requested at the last meeting is the meeting packets.
- Ann Jennings reviewed the PMT/PI Report which examines MD, PA and VA tools and highlights what should be considered when revising phosphorus indexes. Senator Middleton said the PMT has been peer reviewed and is based on the best available science and that PA and VA should look at MD's science. Delegate Lingamfelter said he may sponsor a bill to have VA Tech review what MD did with the PMT. Senator Middleton mentioned that the concern over the impact of the new tool to farmers delayed implementation and a study was done to examine the impact. He will send the Beacon study to CBC members. MD also created a PMT advisory committee whose charge includes finding resources to manage excess manure.
- Ann Jennings gave an update on shoreline stabilization at Port Isobel adjacent to Tangier Island. She said the CBC asked USACE to consider Port Isobel as a dredge disposal site to help protect Tangier from erosion. The USACE has determined that Port Isobel would be an appropriate option for disposal of dredged material when dredging Tangier Island navigation channels.
- The mystery of the elk herd at the Army Defense Supply Center in Richmond was explained by Chairman Lingamfelter. When Bellwood Estate was given to the Army, they agreed to take care of the elk in perpetuity.

### **Legacy Sediments**

Joseph V. Sweeney, Chair of the Lancaster Farmland Trust, explained how new information is emerging about historic mill ponds and methods for nutrient and sediment remediation. BMPs

typically address preventing sediment from entering streams but legacy sediment is already present in the streams. It took him 60 days to remove sediment from a stream and replant the area. Maintenance is few hundred dollars. Restoring 7.5 acres removed 50,000 pounds of phosphorus. The USGS gage showed it cut sediment flow from site in half, and is capturing sediment from upstream. Members discussed whether this type of remediation is required before farmers can sell nutrient credits or would this practice generate credits. The CBC suggested the Bay Program assign a load to in-stream nutrient sources and group it with shoreline erosion. Stream restoration and legacy sediment removal are provided the same reduction credit, even though legacy sediment removal may result in more pollution reduction. CBC will ask STAC to assess the difference between stream restoration and legacy sediment removal. CBC will continue this discussion at a future meeting.

## **2016 General Assembly Sessions**

### **Delegation Report Outs**

Delegate Maggie McIntosh, Maryland Delegation Chair said they will sponsor the Fowler Resolution, Chesapeake Bay Awareness Week, and a bill to strengthen Program Open Space. The Delegation will consider two tax subtraction modification bills to help buy expensive manure hauling and spreading equipment and commercial fertilizer to replace manure.

Representative Garth Everett, Pennsylvania Delegation Chair said they will pursue the fertilizer bill, environmental compliance under Clean and Green, stormwater funding, and Growing Greener III funding.

Delegate Scott Lingamfelter, CBC and Virginia Delegation Chair, said the Virginia delegation would sponsor the Fowler resolution, Chesapeake Bay Awareness Week, request the funding increase for the CBC budget, some “house-keeping” legislation, and a PMT placeholder bill. Del. Bulova will sponsor a bill on sediment trading. Financing is their major focus to meet point source obligations through bonds and use the Water Quality Improvement Fund, \$ 61 million, for agriculture BMPs.

Senator Middleton proposed that the CBC inform the other Bay states about Chesapeake Bay Awareness Week resolutions and see if they will adopt it too. CBC voted unanimously to approve this proposal.

### **Administration Reports**

Maryland: Secretary Mark Belton mentioned the Program Open Space bill, a bill to increase greenhouse gas reductions to address climate change, nutrient trading regulations from MDA that prepare the state for cross sector nutrient trading. He noted that the 2010 Trust Fund, which is used to reduce nonpoint source pollution in the most cost effective way was funded at \$39.4 million which is record high funding.

Pennsylvania: Secretary John Quigley said they are working on the PA re-boot effort with strong support from PA CBC. The plan includes inspection of ten percent of farms annually; collecting data on voluntary BMPs for 30,000 farms to get credit for these practices; and improving record keeping by providing new software to every conservation district in the

watershed. Governor Wolf proposed Growing Greener III, funded at several hundred million, with a significant portion directed to agricultural BMPs. CBC staff and Secretary Redding built a great coalition for the RCPP grant. Quigley said PA will not hit their 2017 goals but they will hit their 2025 goals.

Virginia: Secretary Molly Ward mentioned Governor McAuliffe's proposal of \$140 for state park maintenance and acquisition and \$40 million for land conservation. Secretary Ward mentioned the recently released final report of Governor McAuliffe's Climate Change Commission. She also noted that Congressman Wittman is pursuing an independent evaluator for the Chesapeake Bay Program and \$11 million in federal funding will be available for land acquisition.

### **New Business**

John Reynolds noted that 2016 is the 100<sup>th</sup> anniversary of the creation of our national parks system. He noted some of the finest are in our three states and urged members to visit one.

### **Election of 2016 Officers**

Chairman [MD]: Sen. Thomas "Mac" Middleton

Vice Chair [PA]: Rep. Garth Everett

Vice Chair [VA]: Del. Scott Lingamfelter

Executive Committee members:

- Rep. Mike Sturla [PA]
- Del. Tawanna Gaines [MD]
- Sen. Frank Wagner [VA]

Chairman Lingamfelter asked for a motion, which was offered by Delegate McIntosh and seconded by Delegate Frush. Chairman Lingamfelter passed the gavel over to the 2016 Chairman, Senator Thomas "Mac" Middleton. In 2017, the Chairmanship of the CBC rotates to Pennsylvania.