

**CHESAPEAKE BAY COMMISSION**  
**Annapolis, Maryland**  
**January 8, 2009**

The Chesapeake Bay Commission held its fourth quarterly meeting on Thursday, January 8, 2009, in Annapolis, Maryland.

The following Commission members and staff were in attendance:

Rear Admiral Mark Boensel  
Senator Mike Brubaker  
Secretary Preston Bryant  
Delegate John Cosgrove  
Representative Russ Fairchild  
MD Citizen Representative Bernie Fowler  
Senator Brian Frosh  
Secretary John Griffin  
Senator Emmett W. Hanger, Jr.  
Acting Secretary John Hanger  
Representative Arthur Hershey  
VA Citizen Representative Irvine Hill  
Delegate James Hubbard  
Delegate Lynwood Lewis  
Delegate Scott Lingamfelter  
Senator Thomas "Mac" Middleton  
Representative Mike Sturla  
Senator Mike Waugh  
PA Citizen Representative George Wolff  
Delegate John F. Wood, Jr.

Staff: Ann Pesiri Swanson  
Suzan Bulbulkaya  
Marel Raub  
Matt Mullin  
Paula Hose

Members not in attendance:

Delegate Virginia Clagett  
Senator Mary Margaret Whipple (proxy)

**MOTION**

Delegate John Cosgrove, Chairman of the Virginia Delegation, recognized that Commission Chairman Representative Art Hershey retired from the Pennsylvania General Assembly in November. Delegate Cosgrove called for motion that Representative Hershey complete his term

as CBC Chairman by chairing this, the forth quarterly meeting of the Commission. Maryland Chairman, Delegate John Wood, Jr., seconded the motion, which was adopted by all members.

## **WELCOME**

Chairman Art Hershey welcomed the members to the first quarterly meeting of the New Year and introduced the Commission's new member, Acting Secretary John Hanger (Pa.).

Chairman Hershey also congratulated Carolyn Neill on her retirement and expressed, on behalf of the full Commission, the pleasure it had been having her on the Commission.

Chairman Hershey also recalled that the November 2008 meeting was unfortunately cancelled and explained what a disappointment that was.

## **MEETING CALL TO ORDER**

The business meeting was called to order by Chairman Hershey at 10:00 A.M. Following roll call, the September 2008 meeting minutes and the agenda were adopted as proposed.

## **THE LATEST DEVELOPMENTS WITH LIVING RESOURCES**

### **PART I: OYSTERS**

Prior to the first series of presentations, Ann Swanson, Executive Director of the Commission, provided the members with the bottom line facts on the Oyster Environmental Impact Statement to better frame the information the speakers will be giving to the members.

Colonel Dionysios Anninos, District Commander, CENAO-DC, then began a presentation that discussed the findings and future decision making of the Draft Programmatic Environmental Impact Statement (PEIS) regarding the non-native Asian oyster (*C. areakensis*).

Colonel Anninos explained how the PEIS was the first attempt at "getting at the root of the issue." The PEIS, Colonel Anninos explained, delinks two important aspects of oyster restoration in the Chesapeake Bay, economic and environmental goals. Colonel Anninos explained that the PEIS does not pursue a recommendation, is not a permit-ready document, does not contain a particular alternative that will achieve the objectives of the PEIS, and it does not abandon the native oyster.

The Army Corps of Engineers, the lead Federal agency conducting the PEIS, received over 2,300 written comments and had received positive comments on all three options under the Alternative 8 – 8a, 8b, and 8c. Colonel Anninos also explained that they had not received any new data that would delay the PEIS process.

The April or May 2009 timeframe would be the expected date for the finalized document, which would be followed by a 30-day public comment period, and a final EIS is expected to be presented in June 2009.

Colonel Anninos's presentation was followed by one by Tommy Leggett, Oyster Farm Manager and Oyster Fisheries Scientist with the Chesapeake Bay Foundation who provided members with an overview of oysters and aquaculture.

Starting with a brief history of the oyster fishery in the Bay, oyster farming in Virginia and his work with the Chesapeake Bay Foundation in native oyster aquaculture, Mr. Leggett was able to explain in detail the general industry benefits and experiences with successful native oyster aquaculture.

## **PART II: BLUE CRABS**

Peyton Robertson, Director of the NOAA Chesapeake Bay Program Office, provided the members with the federal perspective of the Blue Crab Disaster Relief Fund. Specifically, Mr. Robertson presented detailed harvest numbers and other pertinent scientific data his office has compiled on the Chesapeake Bay blue crab fishery.

Frank Dawson, Assistant Secretary of MD Natural Resources and Jeff Corbin, Assistant Secretary of VA Natural Resources further explained each of the state's specific blue crab assistance plan as a result of the federal blue crab disaster relief fund.

Mr. Dawson explained that Maryland was still negotiating the plan with NOAA and how much funding will get distributed to each specific of Maryland's plan. He explained that Maryland had about 6,000 commercial watermen, but only 1,800 were currently active. There is an effort to restructure the crab fishery, hopefully by the end of 2010. Under the Blue Crab Disaster Relief Fund, Maryland would be providing alternate employment for Maryland's watermen, including aquaculture training and education, aquaculture infrastructure grants, maritime heritage tourism opportunities, habitat restoration (such as oyster bars), and ghost pot retrieval.

Mr. Corbin explained how Virginia has created a three-year spending plan that includes removing excess harvesting effort because of overcapacity, alternate employment opportunities (similar to Maryland's), and improvement of science of management. Mr. Corbin offered some further specifics of the program, including how the State was paying participating watermen \$300 per day plus \$100 fuel expenses for approximately 50 days of work (48 days in the field and 2 days of training) to remove "ghost pots" from Virginia's waters.

## **NEW APPROACHES TO RESTORING WATER QUALITY**

### **PART I: ECONOMIC STIMULUS PACKAGE**

Chairman Hershey provided an overview of a special morning meeting of the Executive Committee and selected stakeholders to explore opportunities to take advantage of the Federal Economic Stimulus Package.

Ann Swanson provided further details of the morning meeting, and presented the proposed Economic Stimulus Resolution for consideration by the full Commission.

There were two proposed amendments to the draft resolution:

1. Describe the imperative nature of the Bay.
2. Look for investments that reduce future costs.

Representative Fairchild asked to include a *Whereas* clause that speaks to sustainable job creation.

There then was a motion made to accept the resolution with amendments, and it was seconded. The resolution was accepted.

## **PART II: NEW POLICIES**

### **2008 Chesapeake Executive Council Meeting**

Ann Swanson reviewed all topics discussed at the Chesapeake Executive Council meeting on November 20, 2008 in Washington, DC. Topics discussed included, nutrient reduction targets and setting interim milestones, tools for targeting community stewardship, reports from the Chesapeake Bay Program Advisory Committees, pursuing a TMDL that reflects a new deadline for reduction pollution, the establishment of an independent evaluator of the Chesapeake Bay Program, and the next-generation biofuels directive that resulted from the Commission's work on the topic.

Ann also announced the next meeting of the Executive Council would be in Mount Vernon, Virginia (Governor Kaine is the EC's Chairman in 2009), and was to be moved to mid-May, switching the traditional meeting time of fall for each year.

## **PART III: NEW MODEL**

### **Taking it Down to the local Level**

Mark Dubin, an Agricultural Technical Coordinator with the Chesapeake Bay Program Office & USDA-CREES Mid-Atlantic Water Program, University of Maryland, gave Commission members a history and overview of the new Phase 5.2 Watershed Model's capabilities. Among many things, the new version of the Bay model will allow for allocations of nutrient and sediment loadings at a smaller scale such as small watersheds as opposed to previous models which were limited to large river basin and state boundary scales.

Virginia Delegate Scott Lingamfelter asked Mr. Dubin how often the Bay Program obtained data to inform the model, and if the model was peer-reviewed. Both Mr. Dubin and Chesapeake Bay Program Director, Jeff Lape, answered that many members of the Bay Programs Scientific and Technical Advisory Committee and others in the Bay scientific community who express interest, review the accuracy of data used as well as the model itself.

## **PART IV: AGRICULTURE**

### **Strategic Delivery of Technical Assistance and Outreach**

Craig Derickson, Pennsylvania State Conservationist for the USDA Natural Resource Conservation Service, spoke about events leading up to the Chesapeake Bay provision in the 2008 Farm Bill and how there was a general consensus for utilizing the available funds in a targeted and strategic way. Mr. Derickson indicated that pilot watershed efforts in Pennsylvania and the larger Bay watershed would be a first step in getting the money on the ground.

## **ELECTION OF 2009 OFFICERS**

The following nominations were approved for 2009:

VA: Delegate John A. Cosgrove, Chair; Senator Mary Margaret Whipple, Vice-chair

PA: Senator Mike Brubaker, Chair; Representative Russ Fairchild, Vice-chair.

MD: Senator Thomas "Mac" Middleton, Chair; Delegate James Hubbard, Vice-chair

Delegate John Cosgrove was elected Commission Chairman for 2009.

**OUTGOING/INCOMINGCHAIR REMARKS**

Representative Hershey thanked the members for a successful year and said it was an honor and a privilege to serve as Chairman of the Commission. Delegate Cosgrove said he is looking forward to chairing the Commission in 2009. Some of his main priorities for the year will be to increase the Commission's presence in Chesapeake Bay discussion and policy; and to make a position and meaningful difference in the health of the Bay.

**ADJOURN**

The meeting was adjourned at 3:30 P.M.

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The next meeting of the Chesapeake Bay Commission  
will be held at the Washington Plaza Hotel  
in Washington, D.C. on May 7-8, 2009