

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

The Chesapeake Bay Commission held its second quarterly meeting of 2013 on Thursday, and Friday, May 9-10, 2013, in Washington DC

The following Commission members and staff were in attendance:

Admiral Tim Alexander  
Patricia Buckley  
Deputy Secretary Frank Dawson  
PA Citizen Representative Warren Elliott  
Senator Brian Frosh  
Senator Emmett W. Hanger, Jr.  
Delegate James Hubbard  
Delegate Maggie McIntosh  
Senator Thomas "Mac" Middleton  
Representative Ronald Miller  
Assistant Secretary Anthony Moore  
VA Citizen Representative John Reynolds  
Representative Mike Sturla  
Senator Frank Wagner  
Delegate John F. Wood, Jr.

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

Members not in attendance:

Senator Mike Brubaker  
Delegate John Cosgrove  
Representative Garth Everett  
MD Citizen Representative Bernie Fowler  
Delegate Lynwood Lewis  
Delegate Scott Lingamfelter  
Senator Mike Waugh

**Thursday, May 9<sup>th</sup>**

The meeting was called to order by Chairman Maggie McIntosh at 10:00 A.M. Following roll call, Chairman McIntosh made three announcements regarding Commission membership: The addition of Acting Secretary Chris Abruzzo who replaced former Secretary Mike Krancer of the Pennsylvania Department of Environmental Protection and the promotion of Frank Dawson from Assistant Secretary to Deputy Secretary of the Maryland Department of Natural Resources. Former Deputy Secretary Joe Gill has been appointed Secretary to replace John Griffin who moved on to become Governor O'Malley's Chief of Staff. It was also announced that Rear Admiral Tim Alexander would be retiring. A new Navy Department of Defense Liaison had not yet been named.

Minutes from the January 2013 meeting and the May meeting agenda were adopted. Chairman McIntosh gave members a brief orientation and review of the agenda to focus the group on what would be covered during the two day meeting. Taking advantage of the meeting location in Washington, D.C., the

Commission members met with several influential federal partners who are each vital to the Bay restoration effort. Each of the federal partners shared their vision and plans for the coming year, followed by an informal discussion with Commission members designed to address concerns and foster a good working relationship.

First on the agenda was U.S. EPA Acting Administrator Bob Perciasepe, who spoke about the national significance of the Chesapeake restoration effort and thanked the CBC for our work on Anacostia restoration over many years. He called the CBC report on nutrient trading vitally important because we need to look at cost effectiveness, trading and green infrastructure. Ann outlined the CBC work on how to factor land conservation into the TMDL and asked Perciasepe if the CBC could meet with him or other EPA staff about this idea and he agreed.

Next, Sarah Bittleman, newly appointed Senior Agricultural Counselor to the EPA Administrator, spoke about her priorities for her new role. She has been speaking with EPA employees in each office- air, land and water- who all know about agricultural issues. She aims to create a more formalized network of agricultural advisors in each EPA region to improve communications.

The final partners to speak were Colonel J. Richard Jordan, III, Commander of the U.S. Army Corps of Engineers for the Baltimore District, and Amy Guise, Chief of the District's Planning Division, who spoke about the unique role of the Corps to plan, design, construct and provide technical services for restoration projects. CBC members agreed to send a letter to Senator Mikulski requesting expanded authority for the Corps for oyster restoration work, expanded authority under WRDA for the Corps to perform environmental restoration work, and for full funding to complete the Lower Susquehanna River Watershed Assessment which is evaluating options to address sediment behind the Conowingo Dam.

At the November Commission meeting on the Nanticoke, members focused on preserving the water quality of a river in a rural area through land conservation and increased agricultural BMP's. Since several Commission members represent more urban areas whose local waters are subject to stressors similar to those found on the Anacostia, the remainder of this day's meeting focused on how to restore a river that is surrounded by a built environment. Two panels delved into all aspects of stormwater and combined sewer overflows, and how to deal with stormwater in the public and private sector.

The first panel focused on lessons from the Anacostia River restoration. This panel was moderated by Frank Dawson as Chair of the Anacostia Restoration Partnership Steering Committee, and included Dr. Mohsin Siddique, Supervisor of Environmental Planning for DC Water; Donal Baron, Program Implementation Manager for DC Water; Bob Hoyt, Director of the Department of Environmental Protection for Montgomery County, MD; and Hamid Karimi, Deputy Director of the Natural Resources Administration, District of Columbia.

The Panel highlighted issues related to the scale of stormwater management needs in the Anacostia watershed, as well as the challenge of engaging citizens in the effort. They noted that federal facilities are still not complying with stormwater fee requirements.

The second Panel focused on new methods of financing wastewater and stormwater infrastructure. This Panel was moderated by Doug Siglin, Anacostia Consultant for the Federal City Council, and included Ryan Seiger, Counsel for the U.S. House Transportation and Infrastructure Committee's Subcommittee on Water Resources and the Environment; Annie Donovan, Senior Policy Advisor for the White House Council on Environmental Quality; Larry Coffman, Deputy Director of the Department of Environmental Protection in Prince George's County, MD; and Dan Nees, Senior Research Associate at the Center for Environmental Finance.

The panel focused on innovative partnerships between the public and private sector to design, build, operate and maintain stormwater facilities. These partnerships require a dedicated funding source and performance-based standards.

Senator Middleton made a motion to have the Commission pursue the creation of a think tank to look at creative methods of stormwater financing. The motion was seconded by Senator Hanger and passed unanimously. The meeting adjourned at 4:00 P.M. Following adjournment, members traveled to Canal Street Park to participate in a walking tour of Capital Riverfront. Michael Stevens, Executive Director of Capitol Riverfront Business

Improvement District; Chris Vanarsdale, Executive Director of Canal Park Development Associates; and Brendan Shane of District Department of Environment described the steps taken to design and finance this project that developed large impervious areas into an attractive, functional urban park with underground stormwater retention and publicly-enjoyed water features.

Members returned to the hotel for dinner. Guest Speaker Mickey Fearn, Executive Professor of Practice with the North Carolina State University, spoke on discovering common ground; relevance, diversity and inclusion in the environmental movement.

### **Friday, May 10, 2013**

Members departed the hotel for a short walk to the Ansel Adams Gallery Boardroom located at the Wilderness Society for the second day of the meeting.

The meeting was called to order by Chairman Maggie McIntosh at 9:00 a.m. Following roll call, the members adopted the FY 2013 Budget as submitted. The 2014 Commission meeting dates and locations were also approved as follows: January 2, 2014, Annapolis, MD; May 8-9, 2014, Washington DC; September 4-5, 2014, Maryland; and November 6-7, 2014, Pennsylvania.

#### **Chairman's Update:**

Chairman McIntosh raised the question of whether to continue having May meetings in Washington D.C. Following discussion, members agreed to continue Washington as the May meeting location and invite Congressional attendance. She also reported on the successful introduction and passage of legislation in Maryland and Virginia in support of the Potomac River Fisheries Commission and the Virginia Marine Resources Commission. A letter was sent to the Federal Energy Regulatory Commission by Maryland and Pennsylvania Commission members concerning the importance of sediment issues addressed through the Conowingo Dam relicensing. She noted that some state financial support may be necessary to help with any large scale sediment removal efforts.

Ann Swanson, Executive Director, then presented information on the creation and history of the existing Bay Partnership and the current management structure of the Bay Program. Marel Raub, Pennsylvania Director, described the process underway to craft a new Bay Agreement to replace the agreement signed in 2000. Key issues under discussion include determining the major goal categories and outcomes and whether language will be specific enough to provide for measurable progress and added value. The actual process for approving and altering is still being refined. The timeline is short, with an Executive Council meeting with document signing anticipated by EPA during or before October 2013. Commission members will be kept informed as this process moves forward.

The members were then briefed on the status of a Commission report regarding the linkages between land conservation and water quality. Ann Swanson, Executive Director, and Jack Frye, Virginia Director, described the process followed and the four policy change options presented in the draft report and requested Commission approval for public release of the report. The Commission approved the release of the report but asked staff to first work with Pennsylvania and Virginia members to insure the final report language clearly stated that the potential policy changes warranted further discussion and evaluation.

The members then discussed recent and ongoing legislative actions across the member states. Senator Thomas "Mac" Middleton described details about the Maryland Ag Certainty legislation. He noted using Virginia's 2012 bill and developing regulations as a resource in developing Maryland's bill. Producer confidentiality was a concern of the agricultural community but also caused concerns with the environmental community. Senator Hanger mentioned Virginia's current efforts in developing the regulations for the Resource Management Plan Program. If Pennsylvania decides to pursue similar legislation, Commission members and staff will assist.

Bevin Buchheister, Maryland Director, reported that Maryland made a correction to their Fertilizer Bill and are moving forward on implementation. Jack Frye described the Virginia bill and work by DCR on draft

regulatory changes to the Soil and Water Conservation Board on June 6, 2013, to be followed by a regulatory change stakeholder committee and final regs before July 1, 2014. Representative Miller reported that there may be an opportunity to start moving a Pennsylvania turf fertilizer bill this session.

Marel then mentioned a number of bills that are being considered now by the PA General Assembly. Funding is a key question. Conservation District funding has been proposed to come entirely from the Marcellus shale fees instead of department line items. There is a bill (SB 351) that would give municipal authorities the authority to plan and manage stormwater facilities. Strategies to address endocrine disruptors are being considered. Representative Sturla announced that he is putting in a consumptive water use bill that will charge .01 of a cent per gallon used.

Senator Middleton reported that MD got the fertilizer bill through fairly easily with Scotts and nurserymen on board. Bevin reported that the Bay program has now established how they will credit reductions of N and P associated with urban nutrient management. Maryland is the only Bay state that meets the criteria to be credited with nitrogen reductions. Maryland will receive a blended reduction credit of 9% for lawns managed by commercial applicators and a 4.5% reduction credit for those managed by residents. States with legislation banning phosphorus in maintenance fertilizer, (MD and VA) will get an automatic 70% reduction credit because some phosphorus will still be applied in starter fertilizer. States without legislation will get an automatic 60% reduction credit due to industry phase outs. However, in 2017 the automatic credit will be phased out in favor of a more accurate method based on nutrient content in non-farm fertilizer sales data. Chairman McIntosh described her bill for creating additional non-motorized small boat access sites at bridges.

Prior to adjournment, Chairman McIntosh summarized the actions for the Commission staff to carry out as a result of this meeting. Actions included: keeping involved in Conowingo Dam FERC relicensing and sediment release issues; developing a proposal and seeking grant support for a stormwater financing policy project involving financing experts; finalizing the Crediting Conservation Report and rollout to public; following up on the implementation of agricultural certainty legislation; sending a letter to Senator Mulkulski and Congressman Shuster on U.S. Army Corps of Engineers funding to support oyster restoration through the Water Resources Development Act.

The meeting adjourned at 12:00 P.M.