

Minutes

**CHESAPEAKE BAY COMMISSION
Montross, Virginia
November 4-5, 2010**

The Chesapeake Bay Commission held its third quarterly meeting on Thursday and Friday, November 4-5, 2010 at Westmoreland State Park in Montross, Virginia.

The following Commission members and staff were in attendance:

Rear Admiral Mark Boensel
Senator Mike Brubaker
Delegate Virginia Clagett
Assistant Secretary Frank Dawson
Representative Russ Fairchild
MD Citizen Representative Bernie Fowler
Senator Brian Frosh
Senator Emmett W. Hanger, Jr.
Delegate James Hubbard
Delegate Scott Lingamfelter
Senator Thomas "Mac" Middleton
Assistant Secretary Anthony Moore
VA Citizen Representative John Reynolds
Senator Mike Waugh
Senator Mary Margaret Whipple
PA Citizen Representative George Wolff
Delegate John Wood, Jr.

Staff: Ann Pesiri Swanson
Bevin Buchheister
Suzan Bulbulkaya
Marel Raub
Paula Hose

Members not in attendance:

Delegate John Cosgrove
Secretary John Hanger
Delegate Lynwood Lewis
Representative Mike Sturla
Representative James Wansacz

THURSDAY, NOVEMBER 4, 2010

OPTIONAL TOUR

Members who arrived to the meeting early were given a tour of the Visitors Center and the recent shoreline erosion control project at Westmoreland State Park. The Park Visitor's center is LEED Gold Certified and the new stormwater controls contribute to the parks "green" standard.

During lunch Joe Elton, Director of Virginia State Parks welcomed the Commission members to Westmoreland State Park. David Johnson, Director of the Virginia Department of Conservation and Recreation provided an overview of his agency including State Parks and their latest policy initiatives.

MEETING CALL TO ORDER

The Commission meeting in Montross, Virginia, was called to order by Chairman Thomas "Mac" Middleton at 12:45 P.M. Former Virginia Delegate, Secretary of Virginia Natural Resources and Chesapeake Bay Commission member, W. Tayloe Murphy welcomed the members to the "Helen & Tayloe Murphy Hall."

Following roll call, the September meeting minutes and the agenda were adopted as proposed. Then former Chesapeake Bay Commission member, and local Delegate, Albert Pollard addressed the Commission.

CHAIRMAN'S UPDATES:

Next, Ann Swanson, Executive Director, provided an update on the OMEGA Project. The Commission sent a letter to the U.S. Secretary of Energy and the President's Director of the Office of Science and Technology Policy requesting their support of the OMEGA project and encouraging deployment in the Bay region. A memorandum of agreement is expected to be signed by the Department of the Navy and NASA stating they will work together to deploy Stage 3 of the project. The Commission will meet again with Senator Webb and Jonathan Trent when the federal agencies are ready to proceed.

In order to better understand the Bay model as the TMDL process continues, the Commission will send a letter to EPA requesting increased dialog with stakeholders and encouraging outreach sessions. Training sessions for the scenario builder used in the model would be beneficial for local governments, home builders, agriculture and other stakeholders to understand how pollution loads to the bay are counted in the model.

Bevin Buchheister, Maryland Director, presented her research on manure to energy projects throughout the three member states. This included current university research projects and operating and planned manure to energy projects. In Pennsylvania there are more than 50 digesters and net metering has contributed to their success. Because farms can sell electricity back to the power companies, some dairy farmers are making more from producing electricity from manure digesters than from the selling of milk.

The Commission chairman and vice-chairs sent a letter of support to Governor Rendell for the Gettysburg Energy and Nutrient Recover Facility. Having received a briefing on the facility at

their September meeting, the Commission requested the Governor also support this poultry litter to energy project, which will generate a renewable source of energy while reducing nutrient pollution.

Suzan Bulbulkaya, Virginia Director, gave an update of Blue Plains funding. Due to a stalemate in the Congress, funding bills had not yet been passed. Therefore Blue Plains is not expecting to get increased funds for upgrading their wastewater treatment plant or for correcting their Combined Sewer Overflows. The amount of funding available in the nation-wide State Revolving Loan Fund is expected to be less, thus Blue Plains' share (\$13 million in FY11) is expected to decrease as well. The Commission agreed to send a letter to President Obama requesting increased funding of \$51 million for Blue Plains be included in the President's FY12 Budget. This amount will cover 50 percent of the total CSO project costs for the year, with the remaining 50 percent to be covered by rate payers.

Ann Swanson and Pennsylvania Director Marel Raub briefed the Commission on their two-day tour of the Marcellus Shale region in Pennsylvania. It was recommended that staging areas be re-used to minimize disturbance in the forested areas. Also, closed loop systems for water re-use would be beneficial for water quantity and quality issues associated with fracking.

EXPLORING THE CBC ROLE IN THE TMDL PROCESS

J. Charles Fox, Senior Advisor to the Administrator of EPA gave the members insight into the TMDL process. He explained that EPA is continuing to meet with the states as they develop their final Watershed Implementation Plans by November 29, 2010. He stated that EPA is hopeful the states will submit plans that meet nutrient loadings and provide sufficient reasonable assurance. Increased federal money is not expected. However, in the past few years the Chesapeake Bay Program budget has increased, state grants have increased and the farm bill has increased funds for the Bay region. Mr. Fox stated that existing federal programs will be better directed at Bay water quality issues.

EXPLORING LEGISLATIVE OPPORTUNITIES EMERGING FROM THE WIPS

Members broke out into their state Delegations to explore legislative opportunities arising from the state action plans. They were asked to address actions that need to be taken in each of the states' watershed implementation plans. The states then reported out possible areas of action to the full Commission.

FRIDAY, NOVEMBER 5, 2010

LAND CONSERVATION REPORT

After the breakfast delegation meetings, roll call was at 9 a.m. The soon to be released Land Conservation Report was first up on the agenda. Ann Swanson presented a review of the making of the report, which began with a resolution at the May 2010 CBC meeting, just six months earlier. David O'Neill, President of the Chesapeake Conservancy, then shared the pertinent findings and policy recommendations contained in the report. Senator Middleton requested staff make sure the report clearly demonstrates that ownership of agricultural lands will likely soon change hands. The average age of farmers is increasing and as farmland is passed down to a new generation or sold off,

opportunities for conservation of agricultural landscapes will become more scarce. The report was then adopted by the Commission.

Next, Meredith Lathbury from Maryland, Cindy Dunn from Pennsylvania and Sarah Richardson from Virginia each presented brief descriptions of the land conservation programs that are working well in their states and the multiple benefits of land conservation. Connecting people with nature is a common theme throughout the states. Different financial incentives to engage private landowners include state dedicated funding sources, bonds and tax incentives.

The Commission agreed to release the report by the middle of December with a press conference. Legislative efforts to further land conservation in each state will be included in the press release.

JOHN SMITH NATIONAL HISTORIC WATER TRAIL

Virginia citizen member of the Commission, John Reynolds is also the Chairman of the National Park Service Advisory Council for the Captain John Smith Chesapeake National Historic Trail. Mr. Reynolds discussed the newly developed draft comprehensive management plan for the Trail and the preferred alternative. The management plan will focus on the Chesapeake Region as it was in the 17th century when Smith explored the Bay's waters, focusing on natural history of the region and its natural and cultural resources. The CBC agreed to send a letter to Secretary Salazar strongly in support of the preferred alternative. It was also suggested that the Boy Scouts of America could be a valuable resource in the development of the trail.

BMP TRACKING STRATEGY

Jeff Eisenberg, CEO of the National Association of Conservation Districts, discussed the joint project between the National Association of Conservation Districts and the Natural Resource Conservation Service to better track voluntary best management practice implementation in the Chesapeake Bay watershed. The agencies are working together to develop a uniform protocol to be used to ensure the Bay model accurately represents agriculture's contributions in reducing nutrient loadings to the Bay.

A meeting is scheduled for December 1st, where discussions will focus on developing verifiable guidelines for voluntary agricultural conservation practices that can be used across state lines and that will be counted in the Bay model. Farmers have expressed privacy concerns, while others have questioned the reliability of voluntary uninspected practices. The two agencies will work with the states to design a standardized system of accountability for tracking and reporting voluntary conservation practices with the goal of ensuring they are counted in the Bay model.

ADJOURN

The meeting adjourned at 12:00 P.M.

The next meeting of the Chesapeake Bay Commission will be held at the Maryland Senate Finance Committee Room in Annapolis, Maryland on January 6, 2011.