

Minutes

CHESAPEAKE BAY COMMISSION
York, Pennsylvania
November 9-10, 2011

The Chesapeake Bay Commission held its third quarterly meeting on Wednesday and Thursday, November 9-10, 2011 in York, Pennsylvania.

The following Commission members and staff were in attendance:

Rear Admiral Townsend Alexander
Senator Mike Brubaker
Assistant Secretary Frank Dawson
PA Citizen Representative Warren Elliott
Representative Garth Everett
Senator Emmett W. Hanger, Jr.
Deputy Secretary John Hines
Delegate James Hubbard
Delegate Scott Lingamfelter
Delegate Maggie McIntosh
Senator Thomas "Mac" Middleton
Representative Ron Miller
Assistant Secretary Anthony Moore
VA Citizen Representative John Reynolds
Representative Mike Sturla
Senator Mike Waugh
Delegate John Wood, Jr.

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

Members not in attendance:

Delegate John Cosgrove
MD Citizen Representative Bernie Fowler
Senator Brian Frosh
Delegate Lynwood Lewis
Senator Mary Margaret Whipple

Wednesday, November 9

MEETING CALL TO ORDER

The Commission meeting in York, Pennsylvania, was called to order by Chairman Mike Brubaker at 1:00 P.M. Senator Mike Waugh and Representative Ron Miller welcomed the group to their districts.

Following roll call, the September meeting minutes and the agenda were adopted as proposed.

CHAIRMAN'S UPDATES:

Fertilizer Legislation

Senator Brubaker reported that an amendment to SB 1191 is being prepared for introduction in the Pennsylvania general assembly. Jack Frye reported that in Virginia, a draft report on slowly available nitrogen is expected soon.

Agricultural Certainty

Ann reported that since the Commission's September meeting, two regional meetings have taken place on the topic of "certainty" for agriculture under the TMDL. The concept of certainty has been advocated by the Commission for over a year, and Delaware Secretary of Agriculture Ed Kee has convened a group of state agency secretaries from across the watershed as well as the Commission and EPA to gauge interest in and define a potential certainty program for the region. On a regional scale, many questions remain to be answered. Virginia moved forward earlier this year by adopting legislation to create a certainty program, and is currently developing regulations under that law.

Chesapeake Bay Watershed Initiative

Senator Brubaker called the members' attention to a letter in their meeting packets. The original was sent from the three state Chairs of the Chesapeake Bay Commission to Senator Toomey (Pa.), a member of the Congressional "Super Committee," in support of the Chesapeake Bay Watershed Initiative.

US House Agriculture Committee Conservation, Energy, and Forestry Subcommittee Testimony

Senator Brubaker reported on his testimony before the U.S. House Agriculture Subcommittee on Conservation, Energy and Forestry on November 3, 2011. The subject was implementation of the Phase II Watershed Implementation Plan under the Chesapeake Bay TMDL. Senator Brubaker was part of a panel of witnesses that followed testimony of EPA Regional Administrator Shawn Garvin. A copy of the written testimony was presented to Commission members in their meeting packets.

ASMFC Action: Menhaden

Jack Frye reported that a vote on menhaden fisheries management by the Atlantic States Marine Fisheries Commission is expected today. Jack will provide an update to CBC members tomorrow morning.

ECONOMICS OF TRADING

Ann Swanson, Executive Director and Roy Hoagland, Consultant with Hope Impacts held a discussion with the members on the Commission's Economics of Trading project. A report on the Advisory Panel's recommendations and the status of the project was provided to the Commission.

Hoagland noted that the trading project has been an iterative process between staff, RTI International, and the Advisory Council, with many questions arising about the process and application of the analysis. The issues included the protection of local water quality in trading programs, the application of new technology such as manure to energy technology, and the difference between trades to reach a cap load and offsets to maintain the cap.

These questions have been resolved but they have added time to the project. Dr. George Van Houtven from RTI International will give an update to the Commission at our January meeting. The final report is now expected in

March. Ann reiterated that the primary purpose of the study is a comparative analysis of the cost of the TMDL with trading, and without trading, and due to the countless combination of reductions strategies that could be selected by states and locals to achieve TMDL reductions, the study may not be highly accurate as to the total cost of the TMDL.

CLEAN RIVERS MAKE A CLEAN BAY

The TMDL: Success demands a “local waters” scale

At a previous meeting, members expressed an interest in learning more about the work of river associations throughout the watershed. In response, today’s meeting featured presentations by representatives of six different local initiatives from throughout the member states. From Virginia: Eldon James of the Rappahannock River Basin Commission and Leslie Middleton with the Rivanna River Basin Commission. Maryland’s presentations were given by: Bob Parks of the Chester River Association and Halle Van der Gaag from Blue Water Baltimore. Pennsylvania was represented by Matt Royer of the Conewago Creek Initiative and Jake Romig, the York County Circuit Rider. Many projects mentioned by these groups were supported by the Small Watershed Grants, which CBC helped to establish

While the presentations highlighted differences in local priorities and challenges throughout the watershed, there were also common themes, such as the availability of local data and knowledge generated through local projects and the lack of funding to expand programs or increase implementation. In many cases, costs/benefits must be evaluated beyond direct project impacts.

At 5:15 p.m., Senator Brubaker recessed the meeting until 9:00 a.m. Thursday morning.

Thursday, November 10

After the breakfast delegation meetings, roll was called at 9 a.m.

Sen. Brubaker asked Frank Dawson to give an update on the previous days ASMFC decision to move the interim fishing mortality threshold to 15% and target to 30% (based on maximum spawning potential or MSP) with the goal of increasing abundance, spawning stock biomass, and menhaden availability as a forage species. The prior MSP was at 8%.

Chesapeake Bay Program Models: *The Path Forward*

STAC Review of the Agricultural Nutrient Policy Council Report

Dr. Donald Weller of the Smithsonian Environmental Research Center and Chair of the Chesapeake Bay Program’s Scientific and Technical Advisory Committee Review Panel presented the Panel’s evaluation of a report by the Agriculture Nutrient Policy Council comparing the Chesapeake Bay Watershed Model to the USDA Conservation Effects Assessment Project.

Three questions framed the review:

1. Is the comparison based on reasonable expectations?
2. Are the facts correct?
3. What activities can improve Chesapeake Bay modeling?

Dr. Weller noted that different models will produce different results, and that different models will also use different data and assumptions, depending on the purpose of the model. It is not always necessary to resolve these differences.

Senator Brubaker invited Commission members to submit additional questions for Dr. Weller to the Commission staff in writing by November 17.

Understanding the Changes and Implications for Phase II WIPs

Shawn Garvin, Regional Administrator, EPA Region 3 outlined the next steps for action under the Chesapeake Bay TMDL. Two revisions to the Chesapeake Bay Watershed Model regarding urban/suburban land use and nutrient management have led to changes in EPA's expectations under states' Phase II watershed implementation plans (WIPs). These changes acknowledge that the Model is most accurate at the larger basin scale and less accurate at a local scale.

In addition to development of the Phase II WIP, states will also be developing the next set of 2-year milestones for 2012-13. EPA is committed to adaptive management, including actions that will support adoption of new technology.

Senator Brubaker invited Commission members to also submit additional questions for R.A. Garvin to the Commission staff in writing by November 17.

PRECISION AGRICULTURE

Emerging Opportunities to Sustain Agriculture While Protecting Water Quality

Dr. John Fulton, Associate Professor and Extension Specialist in Biosystems Engineering at Auburn University presented an overview of precision agriculture technologies and their potential to improve on-farm conservation. He noted that precision agriculture is more than just technology; it is a management system to improve a farm's return on investment and preserve resources.

Precision agriculture technology can be a tool to enhance record-keeping and provide verification of practices, but government agencies do not widely recognize this data.

Commission members expressed concern over the issues related to implementation of "Light Squared" wireless broadband and conflicts with GPS radio frequencies. These issues are currently before the Federal Communications Commission.

Norm Widman, National Agronomist for the USDA Natural Resources Conservation Service, emphasized that precision agriculture technology is not nutrient management, but can be an important enhancement to nutrient management.

Senator Brubaker adjourned the meeting at 11:58 a.m.

The next meeting of the Chesapeake Bay Commission will be held at Loews Hotel in Annapolis, Maryland on January 5, 2012.