

**CHESAPEAKE BAY COMMISSION**  
**Baltimore, Maryland**  
**September 13-14, 2007**

The Chesapeake Bay Commission held its third quarterly meeting of 2007 on Thursday and Friday, September 13-14, in Baltimore, Maryland.

The following Commission members and staff were in attendance:

Senator Mike Brubaker  
Assistant Secretary Jeff Corbin  
Delegate John Cosgrove  
Assistant Secretary Frank Dawson  
Representative Russ Fairchild  
MD Citizen Representative Bernie Fowler  
Senator Brian Frosh  
Secretary John Griffin  
Senator Emmett W. Hanger, Jr.  
Representative Arthur Hershey  
VA Citizen Representative Irvine Hill  
Delegate James Hubbard  
Delegate Lynwood Lewis  
Senator Thomas Middleton  
Deputy Secretary Cathy Myers  
Senator Nick Rerras  
Rear Admiral Rick Ruehe  
Senator Mike Waugh  
Delegate Mike Weir, Jr.  
PA Citizen Representative George Wolff  
Delegate John F. Wood, Jr.

Staff: Ann Pesiri Swanson  
Suzan Bulbulkaya  
Marel Raub  
Pat Stuntz  
Paula Hose

Members not in attendance:

Representative Ed Staback  
Delegate Scott Lingamfelter

**Thursday, September 13, 2007**

MEETING LOCATION  
University of Maryland Center of Marine Biotechnology  
Baltimore Inner Harbor

## **MEETING CALL TO ORDER**

The business meeting was called to order by Chairman James Hubbard at 12:20 P.M. Following roll call, the May 2007 meeting minutes and the agenda were adopted as proposed. Delegate Hubbard introduced the Commission's newest member, Senator Thomas "Mac" Middleton (Md.).

## **IMPROVING UPON THE CHESAPEAKE BAY PROGRAM**

Jeff Lape, the Environmental Protection Agency's new Director of the Chesapeake Bay Program conveyed his plans for the reorganization of the program and his vision for the future. Mr. Lape explained that many similar themes arose during ongoing discussions with key partners, including academic, governmental and nongovernmental organizations. The Bay Program maintains an excellent grasp of the science and ecosystem status of the Bay. However, there is a mixed sense of urgency, impatience and optimism surrounding the status of the Bay's health and there is an essential need to focus and accelerate implementation. Many also believe that the program should improve its organizational effectiveness, communicate more effectively and expand and enhance the federal/state partnership. Some comments from the members included that federal regulatory oversight has been lacking in the watershed, the financial component remains to be addressed, and there should be a stricter federal mandate to establish and implement TMDLs in all tributaries throughout the Bay with more realistic goals.

There was also discussion concerning how to best target the limited amount of available funding to get the greatest environmental benefit. Key practices that deliver the most benefit have been identified in past Commission reports. Is there an opportunity for the program to take those practices to the next step by targeting the geographic areas that would produce the greatest benefit as well? Also, there was agreement that enhanced communication tailored to the local level and focused on protecting local creeks and rivers might be a more effective approach to reaching and motivating the public. With localities protecting their local water resources from pollution as the primary beneficiary, the Bay would benefit secondarily.

Mr. Lape also presented potential actions to accelerate and enhance implementation to achieve a restored Bay, including focusing on priorities, implementation, and new strategies for development. He reviewed the Strategic Implementation Plan and described the ongoing efforts to simplify and streamline the program organization to better align with a greater emphasis on implementation and results. Fundamental shifts may occur in how EPA resources are designated.

## **STOCKING AND AQUACULTURE: REPLENISHING NATURE IN AN URBAN SETTING**

Dr. Yonathan Zohar, Director of the Center of Marine Biotechnology welcomed the Commission to his facility and gave a presentation on the current research occurring on both finfish and shellfish at COMB. Dr. Zohar explained that COMB's mission is to protect and enhance marine and estuarine resources, and integrate research excellence with education, training, and economic development. COMB partners with Maryland DNR to restock shad, oysters and crabs in the

Bay. Their oyster research includes diagnostic tools for disease, developing disease resistant oysters, and conducting tests on the Asian oyster. Recently, COMB discovered that *c. Ariakensis* does in fact carry the disease dermo. It had been believed to be resistant to the disease.

Another large segment of operations at COMB is the blue crab hatchery. In 2006, 130,000 hatchery reared juvenile crabs were released into the Bay, which is the largest hatchery based tag, release and monitor study of crabs. Dr. Zohar explained that a combination of both replenishment and improved management measures (such as not only protecting hatcheries but also the well defined migration routes from nursery sites to spawning sanctuaries) is needed to maintain a blue crab population in the Bay. Also, producing soft shell crabs in aquaculture removes harvest pressure from the peeler fishery on the natural population of crabs. After Dr. Zohar's presentation, the members were given a private tour of the 162,000 square foot research center.

## **CLIMATE CHANGE AND THE CHESAPEAKE BAY**

Will Baker, President of the Chesapeake Bay Foundation, presented the Commission with the foundation's latest report, *Climate Change and the Chesapeake Bay: Challenges, Impacts and the Multiple Benefits of Agricultural Conservation Work.* Mr. Baker discussed the newest developments in the Bay states concerning Climate Change and stressed the role that agriculture can play in mitigating greenhouse gases. He said that together Maryland and Virginia use two times more energy than California. Many of the agricultural practices called for in the tributary strategies to benefit the Bay will also lead directly to reductions in greenhouse gases and help minimize the effects of rising sea level and higher temperatures.

Following Mr. Baker, the members were given a brief update on each state's gubernatorial Climate Change Initiative. Pennsylvania Deputy Secretary Cathy Curran-Myers reported on Governor Rendell's Energy Independence Strategy. Some of the state's initiatives to conserve energy and resources include avoiding the construction of new power plants to meet the increasing demand for electricity during peak hours of the day. There is a plan to spread out energy consumption during times of lesser demand. Also, Pennsylvania plans to produce one billion gallons of homegrown biofuels by 2017, keeping \$30 billion at home instead of sending it abroad.

Maryland Secretary John Griffin shared Governor O'Malley's Climate Change initiatives with the Commission. Mr. Griffin said that Maryland, with over 3,100 miles of coastline, is the third most vulnerable state to sea level rise- after Louisiana and Florida. With just a small rise in sea level, Maryland and much of the Eastern Shore could be dramatically impacted because they are so vulnerable. Maryland is a member of many regional climate change initiatives and has established a Commission on Climate Change and a Scientific and Technical Working Group to advise the Governor and the General Assembly on matters related to climate change. Mr. Griffin stressed the importance of federal legislation on this subject, especially addressing the fuel economy of cars. The proposed CAFE standards would save as much transportation fuel as the President's goal for biofuels production.

Virginia Assistant Secretary Jeff Corbin updated the Commission on Governor Kaine's recently released Virginia's Energy Plan. The plan calls for increased energy independence through expanded conservation and efficiency, and in-state energy production. It sets a target to reduce greenhouse gas emissions by 30 percent by 2025, to return to its year 2000 emission levels. From 1990-2004 Virginia's carbon dioxide emissions increased by 34%, which is twice the national average. The Governor recommends creating a Commission on Climate Change to make a comprehensive assessment of greenhouse gas issues and develop a plan for how to reach a greenhouse gas emission reduction goal.

## **BIOFUELS AND THE BAY**

As Mr. Baker noted, many of the traditionally used agricultural conservation practices are closely tied to solutions for climate change. Chairman Hubbard transitioned discussions on to the Commission's most recent report, *Biofuels and the Bay: Getting it Right to Benefit Farms, Forests, and the Chesapeake*, which was just released on September 5<sup>th</sup>. Concurrent with the report's release, the Commission launched a significant media campaign including press releases and op-ed's. The efforts of the campaign resulted in numerous newspaper articles about the report's findings, including front page coverage in the Baltimore Sun.

Bill Matuszeski, former director of the Chesapeake Bay Program, assisted the Commission in analyzing biofuels from a Chesapeake Bay perspective and in the report's production. He presented the final biofuels report to the members. Mr. Matuszeski explained the various mix of potential native grown biofuels and their economic and environmental implications. A number of regional recommendations from the report were discussed as possible solutions for mitigating the predicted increased nutrient and sediment pollution associated with added acreage of biofuel crops.

### **Friday, September 14, 2007**

MEETING LOCATION  
Engineer's Club  
Baltimore, Maryland

### **MEETING CALL TO ORDER**

The business meeting was called to order by Chairman James Hubbard at 9:15 A.M.

### **CHAIRMAN'S UPDATES**

#### **Federal Farm Bill**

- The final bill that was passed by the House contained just over \$100M/annually in new conservation dollars for the Bay region.
- Since that time, Executive Director Ann Swanson and Pennsylvania Director Marel Raub have been working on the Senate side and just last week Ann, Marel and Suzan Bulbulkaya, Virginia Director, met with the staff of all six of our U.S. Senators.
- The Senate is expected to mark up their version of the bill in early October.

### **Chesapeake Executive Council Meeting**

- The 2007 Chesapeake Executive Council meeting will be hosted by Maryland and has not yet been scheduled. The meeting will be held in a retreat setting and focus on the 2010 goals and how best to ramp up our implementation pace given the fact that we will be far from the achievement of our goals when we reach the deadline in just two years.

### **Chesapeake Bay Commission Executive Committee Meeting**

- The CBC Executive Committee met at the end of August to discuss a variety of issues that had arisen over the previous few months. Ann Swanson shared some of the key discussion items:
  - CBC Budget - Fiscal year '07 was reported to be \$58,000.00 under budget.
  - Maryland Director Position - Interviews are expected to occur in early October to fill the position.
  - CBC Meetings- The next CBC meeting is on November 8 & 9 in Sayre, PA. All members should have their travel arrangements for PA cleared through Paula by the end of September. In November 2008 the CBC is planning a meeting in Port Isobel, which is an island in the Chesapeake Bay near Tangier Island. The island is owned by CBF and used for educational purposes. It was also explained that the annual meeting rotation will switch to a 3 year rotation in 2009, resulting in each of the three member states hosting a two-day meeting two times every three years; once in September and once in November.

### **THE ROLE OF BLUE PLAINS IN BAY RESTORATION**

Chairman Hubbard launched the Blue Plains discussion with background information on the Commission's visits to Congress. One of the key Bay-related issues during the Congressional visits in May has been Blue Plains Wastewater Treatment Plant. The CBC has long agreed that the Commission should play a role in finding a solution to this regional challenge, as Blue Plains treats wastewater not only from DC but also MD and VA. Recently, Congress authorized \$30 million in funds for nutrient removal and \$35 million for correcting CSOs through the Water Resources Development Act. While this money has not yet been appropriated and it is nowhere near the funding required, it is a positive step forward and a sign that Congress recognizes their responsibility in helping to pay for wastewater treatment upgrades and sewer corrections in the nation's capitol. First, Suzan Bulbulkaya, Virginia Director, presented background information and basic facts on Blue Plains and discussed the importance of achieving nutrient upgrades at the largest wastewater treatment plant in the Bay. Next, a panel of experts followed to clarify the status of nutrient removal technology at Blue Plains and to instruct the Commission on what role they can take to help out. Mr. Jon Capacasa, Director of the Water Protection Division at the U.S. Environmental Protection Agency, briefed the members on the new permit limit for nitrogen and the expected timeline for compliance. Next, Mr. Jerry Johnson, Director of the District of Columbia Water and Sewer Authority, who previously addressed the Commission back in May 2005, updated members on the authority's accomplishments, future projects to meet the new permit limit and the associated costs. Finally, Mike Burke of U.S. Congressman Ben Cardin's office shared some ideas for Congressional opportunities that the Commission can actively support to increase Federal funding for Blue Plains. These include: continuing to meet with Baywide Congressional members, pushing Blue Plains as a state priority, getting letters of

support from elected officials, and focusing on increased appropriations through EPA, CWSRF, DC budget, ACOE budget, and the Energy and Water Bill.

The three presenters were then joined by three additional regional panel members for a discussion with members. The three panel members were: Bob Summers, Maryland Department of the Environment; Alan Pollock, Virginia Department of Environmental Quality; and Tanya Spano, Metropolitan Washington Council of Governments.

### **HOW IS THE BLUE CRAB DOING**

Peyton Robertson, Director of the NOAA Chesapeake Bay Office, gave the members a preview of the Chesapeake Bay Stock Assessment Committee's report on Blue Crabs, which is due to be released in October, 2007. Next year the 2008 report will be issued in spring to better assist resource managers in evaluating management options.

Mr. Robertson reported that the story line for 2007 does not look promising. The abundance of fishery size crabs remains low compared to historical levels. Recruitment was the second lowest since the survey began in 1989. Female spawning potential was below average. We are at a precariously low point. Given the current estimate of total abundance and the projected harvest for 2007, the predicted exploitation for 2007 could exceed the exploitation threshold. Mr. Robertson said that the report recommends that the management jurisdictions work with the multiple stakeholder groups to define goals for the fishery, develop a comprehensive management plan for achieving these goals, and implement the plan to assure sustainability of the resource. Mr. Robertson also described the ongoing partnerships NOAA has with Maryland and Virginia to assess the effects of derelict crab traps on the fishery. He closed by stressing the critical importance of continuing baywide monitoring of the blue crab stock to assess the impact of current management efforts.

### **ADJOURN**

The meeting was adjourned at 12:00 P.M.

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The next meeting of the Chesapeake Bay Commission  
will be held at the Best Western, Sayre, Pennsylvania  
on November 8 & 9 2007