

CHESAPEAKE BAY COMMISSION
Harrisburg, PA
September 4-5, 2008

The Chesapeake Bay Commission held its third quarterly meeting of 2008 on Thursday and Friday, September 4-5, in Harrisburg, Pennsylvania.

The following Commission members and staff were in attendance:

Senator Mike Brubaker
Secretary Preston Bryant
Delegate Virginia Clagett
Delegate John Cosgrove
Representative Russ Fairchild
Secretary John Griffin
Senator Emmett W. Hanger, Jr.
Representative Arthur Hershey
VA Citizen Representative Irvine Hill
Delegate James Hubbard
Deputy Secretary Cathy Myers
Representative Mike Sturla
Senator Mike Waugh
Senator Mary Margaret Whipple
PA Citizen Representative George Wolff
Delegate John F. Wood, Jr.

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

Members not in attendance:

MD Citizen Representative Bernie Fowler
Senator Brian Frosh
Delegate Lynwood Lewis
Delegate Scott Lingamfelter
Senator Thomas Middleton

Thursday, September 4, 2008

CHESAPEAKE BAY BIOFUELS SUMMIT
MEETING LOCATION
Hilton Harrisburg & Towers
Harrisburg, Pennsylvania

The Summit was chaired by Rep. Art Hershey, CBC Chairman. He called the Summit to order at 9:00 am. Following a brief welcome, he turned the Summit over to Ernie Shea of Natural Resources Solutions to moderate the program.

The morning session featured a presentation by Dr. Chris Somerville, Director of Energy Biosciences Institute at the University of California Berkeley, who spoke about the opportunities for significant nutrient and carbon benefits of certain biofuel feedstock crops.

Dr. Somerville was followed by Vice Admiral Dennis McGinn, retired US Navy and former Deputy Chief of Naval operations, Warfare Requirements and Programs, who spoke about the critical need for domestically-produced energy, including alternative sources of energy such as biofuel.

The morning session concluded with an overview of the process leading up to the Summit by Delegate Jim Hubbard, 2007 Commission Chairman and Chairman of the Biofuels Advisory Panel, and a summary of the Next-Generation Biofuels report and its recommendations by Bill Matuszeski, Project Consultant and Ann Swanson, CBC Executive Director.

The luncheon featured a keynote address by Chuck Leavell who is a renowned musician and the owner of Charlane Plantation in Georgia. Mr. Leavell's inspiring presentation focused on sustainability and its economic, environmental, and social benefits.

Lunch was followed by a press conference featuring representatives of the Commission, the Commonwealth of Pennsylvania, and members of the Biofuels Advisory Panel. Concurrent with the press conference, Summit attendees met by state to discuss the report's state recommendations and possible next steps.

The report's regional recommendations were discussed at a Regional Roundtable featuring the following panel members: Commissioner Patrick Hooker, NY state Dept. of Agriculture and Markets; Sharron Quisenberry, Ph.D., Dean, College of Agriculture and Life Sciences, Virginia Tech; Steve Walz, Governors Energy Advisor, VA Dept. of Mines, Minerals and Energy; John Quigley, Chief of Staff, PA Dept. of Conservation and Natural Resources; Secretary Dennis Wolff, PA Department of Agriculture; Secretary Michael Scuse, DE Department of Agriculture; and Patrick McMillan, Assistant Secretary, MD Department of Agriculture.

The Summit concluded with a presentation by Allen Rider, retired president of New Holland North America. Citing the environmental, economic, and national security themes heard throughout the day, Mr. Rider challenged the gathered leaders to take action in their states in the near future, so that the region could indeed be a national leader in the next-generation biofuels industry.

The Summit was adjourned by Chairman Hershey at 4:05 p.m.

Friday, September 5, 2008

MEETING LOCATION
Hilton Harrisburg & Towers
Harrisburg, Pennsylvania

MEETING CALL TO ORDER

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

CHAIRMAN'S UPDATES

Biofuels Summit

The consensus of the membership was that the Summit was a success, with informative speakers and productive discussion. The Commission members also expressed their thanks to the Biofuels Advisory Panel and the staff for their work on this project.

Pennsylvania Citizen Representative, George Wolff reminded members of the future opportunities for carbon sequestration that could add additional value to biofuel crops.

Blue Crabs

Due to historically low levels of blue crabs in the Bay and its tributaries, both Maryland and Virginia have put new regulations into place to cut the harvest of female crabs by 34%. Frank Dawson, Assistant Secretary for Maryland Department of Natural Resources and Jeff Corbin, Assistant Secretary for Virginia Natural Resources briefed the members on the latest developments and regulatory actions being taken regarding the blue crab.

In an effort to reduce harvest pressure on blue crabs and give them a chance to rebound, both Maryland and Virginia have put regulatory measures in place to reduce the 2008 harvest of female crabs by 34%. It is believed that this will lead to a projected increase of over 20 million female crabs left in the Bay to spawn.

As a result of the decline in the blue crab harvest, members of Congress, CBC and State officials petitioned the Secretary of Commerce to provide federal funds to Maryland and Virginia watermen due to the collapse of the fishery. As of the day of the meeting, the Secretary of Commerce had not yet made his determination as to the status of the fishery.

Farm Bill

With the finalization and passage of the 2008 Farm Bill over \$400 million new dollars in conservation funding are slated for the Bay watershed. Ann Swanson explained to members, however, that the President did not include any of the Bay's new money in his recent budget. The Commission will continue to follow this issue closely and continue to play a leadership role in securing the Bay funds.

TOTAL MAXIMUM DAILY LOAD: *How do we use it to our advantage?*

Executive Director Ann Swanson facilitated a panel dialogue to discuss the impending Chesapeake Bay Total Maximum Daily Load. Panel members included: Secretary John Griffin,

MD Natural Resources; Deputy Secretary Cathy Myers, PA Environmental Protection; Secretary Preston Bryant, VA Natural Resources; Jon Capacasa, US EPA; and Beth McGee, Chesapeake Bay Foundation.

The panel discussed how the TMDL could be used as a tool to help accelerate clean-up, as well as other issues surrounding the development of the TMDL including its content and implementation. Some panel members stressed the need for establishing a new timetable with an end point date as well as shorter term goals. Others stressed the importance of fully implementing the most effective programs and doing more of what is working. Keeping flexibility within the TMDL was also mentioned as a priority to enable adaptive management of cleanup actions that do not work. It is expected that reasonable assurance will be required from the states by EPA. However, the content of that reasonable assurance is under debate. EPA expects the TMDL will build on the cleanup progress that has been made to date and include an implementation plan for the tributary strategies and reasonable assurance that the plan will be put into practice within the established timeframe.

What happens if the states do not meet the new goals? Will there be consequences for not meeting the commitments? Should localities be given load allocations? EPA only has direct authority to regulate point sources, not non-point sources. One consequence of not meeting the goal could be that point sources would be required to upgrade wastewater treatment to the limit of technology. The Commission will stay on top of the development of the TMDL and will continue to work with all of the panel members on this very important issue.

NEW BUSINESS

Senator Brubaker mentioned that the Biofuels Summit was a good reminder of the importance of private industry in Bay restoration. Additionally, he has convened a Lancaster County Task Force to address issues related to Chesapeake Bay Tributary Strategy implementation. That group has high participation by private leaders, which is key to its success moving forward. He suggested that the Commission look for opportunities to involve the private sector in our efforts, and that they are a source of innovative and cost-effective ideas.

ADJOURN

The meeting was adjourned at 11:45 AM