

CHESAPEAKE BAY COMMISSION  
Tangier, VA  
September 4-5, 2014

The Chesapeake Bay Commission held its second quarterly meeting of 2014 on Thursday, and Friday, September 4-5, 2014, in Tangier, VA.

The following Commission members and staff were in attendance:

Senator Richard Alloway  
Senator Mike Brubaker  
Delegate David Bulova  
Deputy Secretary Frank Dawson  
Pennsylvania Citizen Member Warren Elliott  
Maryland Citizen Member Bernie Fowler  
Representative Garth Everett  
Senator Emmett Hanger  
Delegate Scott Lingamfelter  
Senator Thomas "Mac" Middleton  
Representative Ron Miller  
Delegate Margaret Ransone (only Friday)  
Virginia Citizen Member John Reynolds  
Representative Michael Sturla  
Secretary Molly Ward  
Delegate John Wood  
Director Andy Zemba

Staff: Ann Swanson  
Jen Donnelly  
Jack Frye  
Bevin Buchheister  
Marel King

Members not in attendance:

Senator Brian Frosh  
Delegate James Hubbard  
Delegate Maggie McIntosh  
Admiral Dixon Smith  
Senator Frank Wagner

**Thursday, May 8, 2014**

The meeting at the Chesapeake Bay Foundation's Port Isobel Education Center was called to order by Chairman Ron Miller at 11:08 A.M. Following roll call, Chairman Miller welcomed new member Senator Richard Alloway and new staff member Jennifer Donnelly to their first meeting. Delegate Lingamfelter moved to approve the minutes of the May 8-9, 2014 Commission meeting as presented. Senator Middleton seconded the motion which was passed unanimously. Delegate Lingamfelter moved to approve the meeting agenda as presented.

Senator Middleton seconded the motion which was passed unanimously. The meeting location for September 2015 in Old Town Alexandria, Virginia was approved by consensus and Maryland's location for the November 2015 meeting still needs to be determined.

Kim Coble, Vice President for Environmental Protection & Restoration at the Chesapeake Bay Foundation (CBF) welcomed the CBC members and guests to CBF's Port Isobel Education Center and Megan Fink, CBF's Island Senior Manager, provided an orientation to Port Isobel.

Chairman Miller began by welcoming our first speaker, Sarah Bodor, Director of Education Outreach with the CBF. CBF's goal is to empower students with knowledge and broad understanding of how to analyze environmental issues. It works with local schools and teachers to develop curriculum that is tailored to local needs, issues and partners.

Because the *Chesapeake 2000* agreement had the "meaningful watershed experience" goal, states are working to improve their efforts and to further integrate environmental information into the classroom lessons. Maryland and Pennsylvania already have environmental education plans and Virginia just completed a thorough gap analysis. Ann also explained that the new Bay agreement outcome focuses on using the local school grounds for environmental education and expands the meaningful outdoor experience to elementary, middle and high school cycles.

Chairman Miller then introduced Bill Goldsborough, Fisheries Program Director and Chris Moore, Virginia Senior Scientist who presented a PowerPoint titled, "Crabs, Oysters & Striped Bass – Status and Management Actions."

Bill reviewed striped bass and oysters. The Bay produces the most striped bass making up 75% of the coast wide catch which is managed by the ASMFC in all states. The Bay fishery is made up of mostly males and younger fish and the coastal fishery is more female and older fish. The Bay conditions are not ideal and a disease called mycobacteriosis further stresses the fish. Spawning stock biomass has declined for 10 years and is near the overfished level, so ASMFC is acting to reverse this trend. Options that would impact both sport fishing and commercial fishing are out for public comment right now. There are no separate reference points for the Bay and the Bay is different from the coastal fishery. Technical folks are still working to set separate Bay reference points.

Oysters have had less than 10% mortality rate in the last three years. Aquaculture advances have made this possible but other factors have made this possible too. The new Bay agreement has set a goal of restoring 10 tributaries with oyster reefs by 2025. Challenges we are faced with include poor water quality, lack of oyster shell, uncertain future funding, different restoration approaches, and we need more 3-dimensional relief of reefs. Poaching is a growing problem.

Chris reviewed with us the blue crab's life cycle. Crab harvest is at its lowest on record. The number of females is way down, number of juveniles is up from 2013, total number of crabs about the same as 2013. To improve the outlook for blue crabs, the 2014 harvest will be reduced about 10%, and better harvest reporting is needed.

Chairman Miller recessed the meeting for lunch and the afternoon field activities on CBF's two Bay workboats for oyster dredging, crab potting and SAV scraping.

Upon our return to Port Isobel, Chairman Miller reconvened the meeting at 4:50 pm by introducing John Bull, Commissioner of Marine Resources with VMRC. He gave a presentation entitled, "Virginia Marine Police: Oyster Poaching Enforcement – Successes and Challenges." VMRC has 67 officers patrolling 10,000 miles of shoreline. VA oyster stocks have quadrupled and poaching has greatly increased. VMRC used to do 50-60 oyster-related summons but is now doing over 150. VMRC can revoke licenses, and can now take single offense to the commission. VMRC can only revoke for two years and if there is a repeat offense during the revocation period they can only reset the two year clock. Courts typically do not give any jail time. There is no authority to confiscate boats. The VA Seafood Council has tried to help educate judges along with CBF. Upon questioning, John indicated that a significant amount of oysters are being poached. There was consensus among the CBC that this issue needs to be fixed. Delegate Lingamfelter indicated that the VA Delegation would consider this issue and perhaps bring it to the attention of the VA Crime Commission. Ann reminded the CBC that the fee for bottom leasing in VA is \$1.50 and has not been increased since 1960.

Frank Dawson, Deputy Secretary with Maryland Department of Natural Resources, gave us an overview of the Maryland Natural Resources Police (NRP), its history, violations, NRP's strategic plan and the introduction to new technology. Fishing without a license is the most frequent violation. In MD the previous system gave you points when you were caught in violation. Some people had yearly violations for 30 years straight. Now a lifetime license revocation is available. Fines are a big deterrent, and increase for repeat offenders, but are at the discretion of the judge. Since 2010 there have been 26 suspensions and 16 revocations. There has been pushback on the lifetime revocation and a legislative debate is expected this next session.

The force has 217 officers covering both the waterways and state parks. Improved technology is needed. One system is MLINE which uses radar and cameras to try to track watermen poaching. Information and tips from citizens are helpful, as are educated judges, lawyers and legislators. It was suggested that VA and MD agency leadership coordinate on the enforcement issues.

Martin Gary, Executive Secretary with the Potomac River Fisheries Commission, gave us an overview of the successes and challenges they are facing with fisheries enforcement. The PRFC strongly relies on VMRC and MDNR for enforcement. Size confusion is an issue for folks fishing in the Potomac due to the MD and VA state line. PRFC is not seeing large increases in harvest.

Peyton Robertson, Director of the NOAA Chesapeake Bay Program & Chairman of the Fisheries Goal Implementation Team, reported that NOAA funding support for oyster restoration has been good, but funding is always being reviewed. MD receives \$1 million, VA \$500,000 and the USACE \$5 million per year. Poaching pressure is threatening the potential of future dollars.

Jack Frye reported on a cooperative effort between Tangier Island and the Army Corps of Engineers to replenish the shoreline of Port Isobel. Satellite photos were used to show how the shoreline has been severely eroded over the past few decades.

Chairman Miller then had the honor of introducing Tangier Island's Mayor, James "Ooker" Eskridge. The mayor expressed his concerns about shoreline erosion and the reductions in crab catch. The watermen feel they are being regulated out of business, especially by the new early end to the crab season. Watermen need to be able to work because they have no other means to provide for their families.

Mayor Eskridge said while on the water this year he sees a Bay in trouble. There are weak and sick crabs, few rockfish and for the first time in 56 years no jellyfish this summer. Tangier Island's population is approximately 450 people with about 150 them being active watermen. Twenty years ago they had approximately 300 active watermen on the island.

The Chairman recessed the meeting at 6:15 PM.

### **Friday, September 5, 2014**

Following individual state Delegation Meetings and a brief Executive Committee meeting, Chairman Ron Miller called the meeting back to order at 9:15 am in Baker Hall on Port Isobel Island. He reported that the Executive Committee had just approved the Commission's FY14 audit report.

Ann Swanson and Kim Coble then jointly facilitated a discussion on several issues related to implementing the new Chesapeake Bay Watershed Agreement. The first issue was phosphorus. The Commission had a lengthy discussion at its May 2014 meeting about the negative progress on phosphorus reductions. The Commission is leading on several phosphorus-related activities, such as a stream exclusion initiative in Virginia, and the Phosphorus Management Tool discussions in Maryland. From our past work, the phosphorus detergent bans that were enacted across the watershed have reduced the phosphorus to the Bay by 28%. The consensus of the members was that the issues and actions are not being effectively communicated to the public. Senator Middleton asked whether phosphorus fertilizer was being recommended for corn, even on high-phosphorus soils. The staff will research that issue and reply to all members.

The second issue was verification of best management practices. It was noted by a few members that stormwater practices are especially difficult to track because of the difficulty in enforcing maintenance requirements.

Bevin Buchheister then described the process of developing Management Strategies for implementation of the new Bay Agreement. Virginia and Maryland intend to participate in management strategies for all of the Agreement's outcomes. Pennsylvania intends to participate in all of them except for the outcomes related to crabs, oysters and SAV. Senator Middleton moved to approve Resolution 14-1, as presented, stating that the Chesapeake Bay Commission

intends to participate in management strategies for all Agreement outcomes and specifying language that describes how the Commission would participate when it does not already have an action underway for that outcome. Senator Fowler seconded the motion which passed unanimously.

In response to questions raised at the May 2014 meeting, Marel King provided an overview of the three states that are new signatories to the Bay Agreement. Information describing the land area, population and load sources of Delaware, New York and West Virginia were provided. The Commission will continue to work with these states on common issues as we have in the past.

Finally, Ann presented a proposal for “Step 1” of an effort to develop a local leadership institute for the Bay region. The new Bay Agreement calls for enhanced education and involvement of local leaders, and Goal Implementation Team 6 will be overseeing this outcome. A proposal has been submitted by a team of three Bay education leaders to study existing programs, looking for best practices and gaps. GIT 6 has funding available for this initial study. The proposal would include the Commission as a project sponsor, giving the Commission a lead role in the project. During much discussion, several members expressed the importance of having Commission input into this study, because it appeared it would move forward regardless of which organization had the lead. Senator Hanger moved that the Commission sponsor the proposal. Delegate Bulova seconded the motion which passed.

The meeting adjourned at 11:00 am.