

CHESAPEAKE BAY COMMISSION
SEPTEMBER 2015 MEETING MINUTES

The Chesapeake Bay Commission held its third quarterly meeting of 2015 on Thursday and Friday, September 10-11, 2015, in Alexandria, VA.

Commission members in attendance:

Secretary Mark Belton
Delegate David Bulova
Representative Garth Everett
Maryland Citizen Member Bernie Fowler
Delegate Barbara Frush
Delegate Tawanna Gaines
Representative Keith Gillespie
Senator Emmett Hanger
Delegate Scott Lingamfelter
Delegate Maggie McIntosh (didn't attend 1st day)
Senator Thomas "Mac" Middleton
Kristen Wolf – representing Secretary John Quigley
Representative Michael Sturla
Secretary Molly Ward
Rear Admiral Ricky Williamson – Cpt. Rios attended 1st day

Staff: Ann Swanson
Jen Donnelly
Ann Jennings
Bevin Buchheister
Marel King

Members not in attendance:

Senator Richard Alloway
PA Citizen Member, Warren Elliott
Senator Nancy King
Delegate Margaret Ransone
Virginia Citizen Member John Reynolds
Senator Frank Wagner
Senator Gene Yaw

Thursday, September 10, 2015

Call to Order, Welcome New Staff

At noon the members convened for working lunch and Chairman Lingamfelter introduced the CBC's new Virginia Director, Ann Jennings who served as the Virginia Director at the Chesapeake Bay Foundation for the past 11 years.

During the working lunch, Walter Boynton, PhD, a professor at the Chesapeake Bay Biological Lab gave a "Bay 101" presentation on nutrients and how they react in the Bay under

normal and impaired conditions. Boynton noted that low dissolved oxygen (hypoxia) in the Bay can further hinder nutrient reduction efforts. For phosphorus, under good conditions oxygen reacts with iron in the sediment making ferric hydroxide (rust) which has ability to hold phosphorus and retain it in sediment. When there is little oxygen in the water, the reaction that grabs phosphorus stops and phosphorus from sediment is released into the water. Boynton noted that hypoxia in the Bay forces fish and other living organisms to operate on 1/3 their normal oxygen level and that this is akin to humans operating on the summit of Mount Everest with no artificial air.

On a positive note, Boynton indicated that during drought years when less nutrients flow to the Bay we are seeing almost immediate improvements. It was noted during discussion that there is no silver bullet when it comes to nutrient reductions and that it will take efforts from all sectors.

Del. Lingamfelter said there was a need for this type of “Bay 101” presentation for the Virginia House of Delegates’ Agriculture, Chesapeake and Natural Resource Committee and that other states should consider providing one as well.

Approval of Minutes and Agenda

The meeting at the Courtyard Alexandria Pentagon South was called to order by Chairman Lingamfelter at 1:22 PM. Ann Swanson took roll call, and then the members unanimously approved the minutes of the May 7-8, 2015 CBC meeting and the agenda for this meeting. The Chairman provided an update on the Bay Program’s Executive Council (EC) meeting that took place on July 23rd at the U.S. National Arboretum. He noted that the EC approved a motion to send a letter to USDA Secretary Tom Vilsak to support livestock exclusion, passed a resolution for each state to accelerate riparian forest buffer restoration, and decided to hold an environmental finance summit noting that Ann Swanson will be appointed to its steering committee. The EC approved a motion to send a letter to Interior Secretary Sally Jewell conveying their support for the Rivers of the Chesapeake Project that is focused on acquisition of certain parcels near rivers in the Chesapeake Bay watershed.

Midpoint Assessment, Watershed Model, Verification

James Davis-Martin, Chesapeake Bay Coordinator VA DEQ and co-chair of the Bay Program’s Water Quality Goal Implementation Team, gave an overview of the Midpoint Assessment which is a process of “re-benchmarking” our work toward the TMDL goals and includes revising the modeling tools, enhancing verification, strengthening decision support tools, evaluating progress to determine if the partners have implemented practices that will achieve 60% of the required reductions, develop 2018-2019 milestones, develop phase III WIPS and update the TMDL.

He noted that states need “Section 1619” agreements with USDA so they can access BMP implementation data and report those findings to the Bay Program. Some states have agreements but those agreements do not include the agencies that report data to the Bay Program because USDA will not share confidential data with state regulatory agencies. Members asked if there was a need for a policy fix at the federal level and Molly Ward indicated that the decision not to share with state regulatory agencies is a USDA policy decision. This is a time sensitive issue because jurisdictions need to submit data to the Bay Program by October 1, 2015.

Davis-Martin said that the decision support tools that are used to run BMP implementation scenarios like CAST, which covers the entire watershed, and BAYFAST, which is used for

federal facilities and municipalities, will be realigned to phase six of the model. Davis-Martin also referenced an upcoming STAC workshop on developing optimization tools for watershed implementation planning. Del. Bulova noted that the targets could change under the phase six model and asked when MS4 jurisdictions would be provided updated information so they could plan for the next round of MS4 permits in 2018.

- Action - Chairman Lingamfelter requested an update on Virginia's MS4 permits in the next Chairman's Updates.

Gary Shenk, the Integrated Analysis Coordinator for the EPA Chesapeake Bay Program Partnership, then briefed the members on the watershed model. He explained that the Bay model is a system of models including models of the watershed, airshed, land use, estuarine systems and tributaries, and they are all being updated for the 2017 midpoint assessment. Based on the Bay Program's Principal's Staff Committee input, Shenk indicated that they are working to better align the model with monitoring data, incorporate better input data from local partners, and make the models more transparent, more understandable, and better decision-support tools.

In response to a question from Rep. Everett, Shenk noted that the model takes into account geographic differences across the watershed. Del. Bulova raised the issue that states may use efficiencies for BMP's that differ from efficiencies used by EPA for crediting in the Bay model. Russ Baxter noted that VA has a long history of assigning efficiencies and may give different credit for certain practices. He noted that the Bay Program is working with states to align, in particular, trading programs with Bay Program BMP efficiencies.

- Action - Chairman Lingamfelter asked staff to monitor this BMP crediting reconciliation process.

Rich Batiuk, Associate Director for Science, Analysis and Implementation at the Bay Program, updated the members on BMP verification. Verification includes the initial inspection, follow up, and a BMP performance inspection to determine if BMPs are performing beyond their expected lifespans. There will be a two year ramp up period for states' verification programs from 2016-2017 and by 2018 each state's verification program must be operational. BMPs will not be credited after 2018 if they are not verified. Batiuk requested that the CBC help to communicate expectations since billions of dollars of investment go into BMPs and we need to be sure they are working. He noted that states may need additional resources to verify BMPs, and that states may need to adapt into the future and use strategies like remote sensing that could help verify more cost-effectively. Batiuk noted that a verification expert panel provided significant feedback on states' draft verification plans and revised plans are due by November 15th; EPA will approve plans by December 15th.

- Action – Chairman Lingamfelter requested further information of the essential components of the verification protocols.

Local Leadership

After a break, members heard from **Bob Hoyt**, Principal, Ecologix and **Georgia Sorenson**, Principal, Academy of Leadership about a report they prepared for the Bay Program that assessed local leadership programs. The report will be used by the Bay Program as it

develops steps for meeting a Bay Agreement outcome to increase the knowledge and capacity of local leaders to take conservation and Bay restoration actions.

The report advised the Bay Program to focus on elected officials, rather than staff, and engage those officials frequently. Peer-to-peer success stories could be very effective.

Chairman Lingamfelter noted that what local officials know may not be very accurate and that it is critical that they know what is called for under the WIP, how the WIP was developed, and how to communicate this effort to the people they serve. There should be inherent value in such a program for elected officials. It must help them do their job.

Hoyt covered three mechanisms to deliver a leadership program to local officials, including development of an umbrella organization that would coordinate existing groups, providing for state led programs, and issuance of state based RFPs.

Rappahannock River Basin Commission

Eldon James, Executive Director, Rappahannock River Basin Commission (RRBC) then discussed the history of the RRBC and noted their work addresses both water quality and quantity issues. Chairman Lingamfelter emphasized that an important function of the RRBC is that it fosters trust between local officials and state legislators.

James also discussed the Bay Program funded project for valuing conservation of high value forest lands and providing for credit in the TMDL. This effort was spurred by the CBC white paper on how to credit land conservation in the TMDL. The RRBC is looking into what tools are needed by local governments to make decisions about retaining high value forest in the context of changing land uses. James noted that the RRBC forest conservation valuation study will be presented at the RRBC's summit on September 23rd, "Exploring Opportunities and Strategies for Chesapeake Bay Wellness."

The meeting was adjourned at 5:00 P.M.

Friday, September 11, 2014

Following breakfast meetings of each state Delegation, Chairman Lingamfelter reconvened the meeting at 9:22 AM. We started the day with a moment of silence to honor those who were lost on this date 14 years ago and to reflect on the profound impact it has had on our nation.

Stormwater Permits, Local Government Challenges

Jon Capacasa, Water Protection Division Director for EPA Region III, provided an overview of Municipal Separate Storm Sewer System (MS4) permits and the new or pending expectations placed on localities. He noted that significant reductions in nutrient and sediment pollution will be needed from the urban sector yet stormwater pollution continues to increase. EPA remains concerned with the slow pace of MS4 permit issuance.

Capacasa suggested that new financing tools and a greater emphasis on green infrastructure will be required to achieve the stormwater reductions. Del. Bulova indicated that, without final MS4 permits, localities face operating with significant uncertainty. Sen. Hanger emphasized the need for clear and understandable education materials on MS4s. Rep. Sturla called for more tree plantings to address runoff pollution.

- Action – Chairman Lingamfelter requested the list of localities that attended an EPA-sponsored training workshop held in spring 2015.

Penny Gross, Fairfax County Virginia Supervisor and member of the Local Government Advisory Committee (LGAC), provided the members with an experienced local government perspective on meeting the stormwater challenge. Along with **Mary Gattis**, LGAC Coordinator, Gross urged members to improve communication with local government officials and help those officials better align local water quality priorities with the Bay goals. She emphasized the critical need for funding to assist local governments with staffing and implementation and for retaining existing local government authorities. She suggested that localities would be concerned about monitoring requirements and face educating their citizens about the benefit of green infrastructure. Chairman Lingamfelter called upon LGAC to advise their delegation if there is a need for new authorities. Del. Bulova noted that allowing exemptions to stormwater utilities can place a local government at risk of losing participation by federal facilities.

Financing Stormwater Programs

Adam Ortiz, Director of the Prince George's County, Maryland, Department of the Environment, showcased the County's innovative approach to stormwater management. Ortiz described the County's efforts to utilize the new stormwater requirements and utility as a revitalization, job creation and economic opportunity. Ortiz showcased their efforts to partner with private property owners, schools, churches and the private sector. Prince George's County recently established a public private partnership with Corvias for construction and maintenance of stormwater infrastructure that should result in significant cost savings. Several members noted that the efforts in Prince George's County should serve as a model for other localities.

- Action – Chairman Lingamfelter requested that Ortiz present on the Prince George's model to Prince William County, Virginia.

John Rogers, Principal of Keystone Conservation Trust, discussed the economic benefits of conserving natural capital. Rogers presented findings on the value of natural systems, air quality, recreation, and property values in four Pennsylvania counties. These "return on environment" studies document the financial benefits through avoided costs, increased county revenues, business growth, and appreciated assets. In each county studied the value of natural capital was approximately \$1 billion.

New Business

Rep. Sturla noted that new data is available on the phenomenon of "legacy sediments" that accumulated behind historic mill dams. Chairman Lingamfelter suggested that this topic should be covered at a future CBC meeting.

Due to a large national conference being held in Washington, D.C. the same week as the CBC meeting in May 2016 that was creating significant competition for hotel rooms and meeting space, it was the consensus of the members to move that meeting to Bethesda, Md.

Following member updates and feedback, Chairman Lingamfelter adjourned the meeting at 12:15 PM.