

Chesapeake Bay Commission Meeting

January 8, 2015

Policy Recommendations to Meet WIP Commitments

Regional

➤ **Forested Buffers:**

Send letter to USDA's Tom Vilsack supporting recommendations from the State Buffer Task Force on how to accelerate implementation of buffers (draft recommendations are expected in February, Final in June 2015). The letter should ask USDA to commit to specific metrics (e.g., acres of buffers, re-enrollment, dedicated funding for TA for NRCS and FSA).

Send letters to the appropriate state agency leads to encourage them to modify CREP agreements, per the Task Force recommendations, as well as implement other state-specific recommendations in an expedited fashion such that current efforts are not impeded.

➤ **Agricultural Funding:**

In order to deliver high priority conservation practices in high priority watersheds, support state programs that provide cost-share dollars for agricultural conservation practices, such as; VA's Natural Resources Commitment Fund, MD's Chesapeake and Coastal Bays Trust Fund and Agricultural Cost Share (MACS) Program, and PA's Growing Greener Program.

➤ **Phytase:**

Engage the poultry industry to ensure the Bay states will meet their 2017 and 2025 goals regarding use of phytase.

➤ **Accelerating Nonpoint Source Reductions:**

Evaluate the cost implications of securing additional reductions from the "traditional" point source community if reductions from agriculture and urban source sectors are not accelerating.

Expand USDA "Spotlight Watershed" approach, or similar effort in which federal, state, and local entities and resources are targeted, to the top 5 agriculturally impaired watersheds in each bay state.

Maryland

➤ **Improve Manure Management:**

Implement the PMT on order to reduce phosphorus losses from agricultural fields to nearby waterways. Do not support efforts to rescind or further delay the Phosphorus Management Tool.

Continue to fund manure to energy projects via the Animal Waste Technology Fund as a mechanism to have alternatives to land application of manure.

Continue to work with MEA to ensure that the funds from the Exelon/Constellation merger set aside for a 10 MW manure to energy project actually result in a project rather than being delivered as liquidated damages to the state, which can be used on any renewable energy project.

➤ **Improve Cover Crop Program:**

Alter Maryland's cost-share programs to increase multi-species cover crops and also convert acres of cropland to grazing. Multi-species cover crops can help add nitrogen to soil, lowering the need to purchase commercial fertilizer. Conversion to grazing is a long-term, more sustainable approach to nutrient reductions, and does not require an annual payment.

➤ **Increase Funding for Stormwater Program:**

Do not support efforts to weaken or repeal the 2012 Watershed Protection and Restoration Act that requires local municipalities with Clean Water Act permits to institute a fee to help pay for pollution reductions within their municipalities. Increase funds for state agency administration of Stormwater program to ensure permit compliance.

➤ **Forests and Forested Buffers:**

Amend the Forest Conservation Act to protect and replant more trees. Restructure existing cost-share programs to promote forested buffers over grassed buffers.

➤ **Develop Trading/Offset Program:**

Develop and implement Accounting for Growth Policy

Pennsylvania

➤ **Improve Compliance with Existing Agricultural Regulations:**

EPA moved PA into the "Backstop Action" level during their assessment review of the 2012/2013 Milestones because of PA's failure to make sufficient progress reducing pollution from agriculture. A large component of PA's pollution reduction strategy for agriculture is based on a compliance initiative detailed in the state WIPs. The goal of the effort is to assure farms are complying with existing regulations, in particular Chapter 102 Erosion & Sediment Control regulations, Chapter 91.36 relating to manure management.

In order to achieve meaningful compliance levels, however, a more ambitious and integrated effort that dramatically expands and accelerates outreach & education, technical & financial assistance, and compliance inspections and actions is required.

Funding for additional capacity for DEP, county conservation districts, and partners is necessary. Tied to that funding, require DEP to provide detailed annual reports on the number of outreach & educational visits per county, follow up compliance inspections, type of enforcement actions, if necessary, and resulting BMP implementation during reporting year.

Update Pennsylvania's Phosphorus Index to reflect gains in scientific understanding and the need for water quality protection from excessive application of agricultural fertilizers.

➤ **Improve Stream Exclusion Compliance:**

Rescind provision in existing Clean Streams Law that precludes regulations restricting livestock access to streams from being enacted.

➤ **Forested Buffers:**

Rescind the recent law that removed protection for forested buffers in waters of exceptional value.

PA Growing Greener –Modify program requirements to prioritize funding of efforts that accelerate achieving local and regional water quality regulations and commitments.

➤ **Comprehensive Stormwater Initiative:**

Undertake a comprehensive approach to addressing existing urban and suburban polluted runoff and achieve a net-zero change for new developments. Such an effort will require a thorough review of the existing approach of stormwater challenges and result in the updating of existing and passage of new regulations where necessary. This includes, but is not limited to, the existing regulatory construct, the sufficiency of outreach & education, technical and financial assistance, and compliance & enforcement, more integrated and cost-effective approaches, and limits on urban phosphorus and nitrogen in lawn fertilizer.

Virginia

➤ **Improve Agricultural Compliance:**

In order to ensure that Virginia is able to fully track best management practice implementation, particularly practices installed without cost share, call for inspection and reporting of best management practice implementation on farmland receiving local land use taxation benefits.

To best advise agriculture producers with water quality pollution problems, require that the Virginia Department of Agriculture and Consumer Services (VDACS) designate a Resource Management Plan as a required component of a Stewardship Plan prepared for Agriculture Stewardship Act "founded" complaints. Ensure that VDACS is provided sufficient resources to adequately enforce the Agricultural Stewardship Act.

The overwhelming signups for RMPs and stream fencing demonstrate that the agriculture community is "stepping up" the pace of implementation. The Commission should support adequate funding for the Natural Resource Commitment Fund in the budget for fiscal year 2016.

Recommend that the Virginia Soil and Water Conservation Board and Virginia Department of Conservation and Recreation continue 100 percent cost share for stream fencing and buffer restoration, utilizing a combination of state and federal funding, through fiscal year 2016.

To insure that limited public funding is directed toward under-utilized practices providing the greatest and most expeditious reductions, call upon the Virginia Department of Conservation and Recreation to "overhaul" the Virginia Agriculture BMP Cost Share Program.

➤ **Support Stormwater Compliance:**

Stay the course and do not support efforts to reduce the critical water quality and quantity controls provided through Virginia's Stormwater Management Program.