

# **Citizens Advisory Committee**

**Easton, MD**

**May 31 – June 1, 2012**

## **Draft Meeting Minutes**

**Members Present:** Bill Achor, Nancy Alexander, Elizabeth Burdick (PA Young Delegate), John Dawes (Vice Chair), Andrew Der, Jim Elliott, Christy Everett, Victor Funk, Verna Harrison, Stella Koch, Pat Levin, Bill Martin, Karen McJunkin, Angana Shah, Charlie Stek, Adam Thompson (VA Young Delegate), Nikki Tinsley (Chair), Victor Ukpolo, Neil Wilkie and staff – Jessica Blackburn and Anna Mathis

**Guests Present:** Jim Edward (EPA CBP), Natalie Gardner (STAC), Scott Hymes (MD DNR), Rick Keister (LGAC Coordinator), Jeremy Rothwell, Al Todd (Alliance for the Chesapeake Bay), Tom Wenz (EPA CBP), Julie Winters (EPA CBP), Hank Zygmunt (Resources Dynamics, Inc.)

Meeting Presentations can be found at: <http://www.chesapeakebay.net/calendar/event/17763/>

### **Thursday, May 31, 2012**

Chair Nikki Tinsley called the meeting to order at 11:05am. Nikki welcomed Victor Ukpolo, a new MD appointee. Members and guests introduced themselves.

#### **Citizen Engagement, Charlie Stek, CAC Member**

Charlie provided updates on strategies to engage citizens within the Chesapeake Bay watershed. He says that the central issue of the bay is people, and restoring the bay is about values. There are three ways to engage citizens: regulate, reward, and educate. He covered two education strategies. No Child Left Inside addresses formal education by authorizing funding to states that develop environmental literacy plans, such as MD's Partnership for Children in Nature. The No Child Left Inside Coalition is also championing for an Environmental Literacy Executive Order (EO). A federal EO would make environmental education a national priority, form a President's Council on Environmental Literacy, and establish an advisory committee.

The second education strategy focuses on informal education by providing public access to the bay and conserving lands for public use. Charlie noted that we reached the C2K (Chesapeake 20000 Agreement) goals for land conservation and were only 5% short for the public access goal. However, Charlie feels that the goals should have prioritized land acquisitions and focused on providing high quality outdoor recreation services at public access sites, instead of just boat ramps. The Chesapeake EO does have new goals, and there are additional efforts to expand the federal role, such as creating a Chesapeake Bay National Park.

Charlie believes that CAC can help by: supporting NCLI state literacy plans; commenting on the draft NPS public access plan; supporting recommendations of Conserving Chesapeake Landscapes report; and supporting expansion of the federal role, including adding Bureau of Land Management (BLM), Office of Surface Mines (OSM) and the US Department of Education (DOEd) to the federal agencies MOU agreement with the Bay Program. John Dawes commented that the recommendation of OSM integration with BLM was met with lots of pushback. Hopefully an agreement would clarify these federal agencies' roles. Pat suggested listing core values that drive people to the Bay. Jim Elliott and

Victor Ukpolo discussed the importance of getting teachers involved. Nikki suggested CAC send a letter in support of the Chesapeake landscape collaborative.

### **The Economics of Trading, Ann Swanson, Chesapeake Bay Commission**

The Chesapeake Bay Commission recently published a study on the Economics of Nutrient Trading. The purpose of the study is to investigate potential cost savings and estimate how savings are affected by different trading scenarios. Conservative market restrictions were set before running potential scenarios: agriculture baselines at TMDL WIP I levels; significant point sources baselines at anything above TMDL WLA or 2010 load; limit on pounds traded to help protect water quality; 2:1 trading ratio; 30% transaction costs; and max 25% retirement of farmlands. An optimization model, which seeks least cost BMPs first as available within the constraints, was used to run various scenarios according to geography and sources. Findings show a general increase in cost savings when going from in-basin trading to watershed-wide trading. In long-term offset-only trading scenarios, the potential cost saving for watershed-wide is much more than the in-basin and in-state options. Keys to successful trading program are verification, local water quality protection, and a measurable and enforceable cap. CAC commented that local watershed plans help to achieve the first 80% of goals. Then it is easy to argue for nutrient trading to achieve the last 20%.

### **Chesapeake Bay Program Updates, Jim Edward, EPA CBP**

#### *Phase II Watershed Implementation Plan (WIP II) and Milestones Review*

EPA has reviewed the states' final Phase II WIPs. EPA will continue to provide ongoing oversight to monitor progress in all states and source sectors. There will be enhanced oversight in some sectors because the WIPs do not fully explain how these strategies will meet goals. These sectors are: PA & WV agriculture, PA trading, and VA stormwater. PA's stormwater program may require backstop action because there are some shortcomings and EPA is prepared to take steps to ensure progress continues. There is still no final WIP II from NY, so EPA may need to take a backstop action holding on to funding.

There have also been some issues with states not using all of their funding and EPA can't reallocate funds to other states. Verna asked for a future call to discuss more with Jim and deciding if CAC should put pressure on states to spend funds.

The EC Meeting will be on July 9<sup>th</sup>, where the milestones progress reports will be submitted to the council members.

EPA is still in the middle of the TMDL litigation process. They have until June 20<sup>th</sup> to file a reply brief which then goes to judge to decide whether or not to have oral arguments.

#### *Trading and Offsets Assessments and Workplan*

EPA conducted an assessment of the states' trading and offset programs. States are to review recommendations and adjust programs. EPA expects a fully effective offset program in place by December 2013, including adding milestones to address specific concerns by end of 2012 and common concerns by end of 2013. EPA has also developed a work plan, which includes: (1) addressing assessment findings, (2) oversight program with mechanisms including state reporting, NPDES permit review, and compliance assurance strategies review (3) program development and guidance by

developing a series of Technical Memoranda (TM) for jurisdictions such as baseline validation, protection of local water quality, ratios, MS4s, and verification, and (4) outreach, education, and integration. CAC thanked EPA for their focus and work on nutrient trading.

#### *Executive Order (EO)*

The FY 2011 Progress Report is the first EO progress report. FY2011 focused on setting a road map and collaboration among federal agencies to eliminate duplication of efforts. The report can be found here:

[http://executiveorder.chesapeakebay.net/file.axd?file=2012%2f4%2fChes\\_Bay\\_Progress\\_Report\\_2011\\_508\\_31Mar12.pdf](http://executiveorder.chesapeakebay.net/file.axd?file=2012%2f4%2fChes_Bay_Progress_Report_2011_508_31Mar12.pdf)

The FY2012 Action Plan is a mix of continuous and new initiatives to achieve EO goals. Highlights include continuous WIP II technical assistance, toxic contaminants report, GIS based land conservation priority system, Chesapeake Conservation Corp and climate change adaptation. \$420 million has been appropriated for FY 2012.

The 2012-2013 Two-year Milestones focus on four major goal areas: water quality, habitat, fish and wildlife, and land conservation and access.

#### **MD Watershed Assistance Collaborative, Brent McCloskey, MD Dept of Natural Resources**

The MD Watershed Assistance Collaborative was developed to address the need for additional staff and technical support on the local level. It is a consortium of MD state agencies, NGOs, and private partners to provide assistance to local governments to advance implementation projects. The following services are provided: a watershed assistance grant program for planning and design; financing strategies and stakeholder development focusing on how to finance over the long-term; regional watershed restoration specialists; a stormwater financing and outreach unit to help local governments create strategies for financing stormwater; and citizen engagement by developing Watershed Stewards Academies state-wide.

The Collaborative is targeting high-priority watersheds. In the future, the Collaborative also plans to offer technical trainings and workshops which focus on funding stormwater, engaging local officials, behavior change, and cost-effectiveness of BMPs. They will also work on business and communication strategy development, new websites, and expanding the stormwater financing and outreach unit to additional communities. Victor asked about helping governments train their staff on stormwater upgrades. The restoration specialists can work with them to get watershed plans up to speed.

#### **Easton Village Housing Community Tour, Karen McJunkin and Mike Burlbaugh, Elm Street Development**

Elm Street Development gave us a tour of their Easton Village Housing Community project on the Tred Avon River. The development is modeled after traditional communities in the area. Environmental amenities include 60% open space which also buffers the river, Delmarva fox squirrel habitat, marsh restoration, and re-forestation. There are 7,000 linear feet of shoreline, where there are 6 public access points and no private waterfront access. The majority of stormwater management is bioretention. All the stormwater is collected, so nothing goes into the river. Andrew noted that it is good that it is better than the pre-existing condition. The development cost was about 20 to 30% more than traditional development practices, but creates added value in the community and water quality.

The meeting recessed for the day at 4:45pm.

### **Friday, June 1, 2012**

Nikki called the meeting to order at 8:30am.

#### **Choose Clean Water Coalition Updates, Hilary Harp Falk**

The Choose Clean Water Coalition's 2012 priorities are: ensuring effective implementation of TMDL and WIPs; improving urban stormwater policies; protecting communities from water pollution created by gas drilling; and defending against attempts to weaken legislative efforts for Bay watershed restoration. The 2012 Farm Bill is still being vetted through the House and Senate. It's looking like the best case scenario would be an extension of the current Farm Bill, but it is unsure if it would go through this year.

#### **Opportunities for Public/Private Partnerships, Joanne Throwe, Environmental Finance Center**

Joanne gave a presentation on Public Private Partnerships (P3). A P3 is an agreement between a public agency and a private sector entity where the skills and asset of both sectors share in delivering a service for use by the general public. These partnerships can reduce investor risk, optimize public and private finances, and pool together technical resources. One example is SAGE, a streetscape enhancement appearance green enhancement program that beautifies local streetscape and boosts community pride. It is donation-funding and municipality-managed.

#### **CBP Goal Implementation Team Decision Framework, Cark Hershner, VIMS**

CBP is working on implementing a decision making framework that supports adaptive management, provides transparency, and promotes programmatic accountability. Advisory committees are being asked to consider the current scope of activities and make recommendations on program goals. It would also be helpful to identify which goals could be achieved with the whole partnership working together or with jurisdictions and partners acting independently. Carl asked CAC to give input to be presented at the August Management Board meeting. Pat Levin suggested that we engage communities in new goals. Victor Ukpolo suggested that programs in urban communities should focus on human/social aspects of the system, such as education. The question of whether or not a mere update of C2K goals is good enough for the next agreement was raised. Charlie reiterated the need to engage citizens.

#### **Business Meeting and Committee Discussion**

Charlie Stek moved to approve the February 2012 meeting minutes. Neil seconded. The minutes were approved as submitted.

Members provided updates. Building off of the Easton Development tour, Andrew Der noted that in his work they are close to getting the first wetlands mitigation bank approved. Andrew offered to give a presentation on the process of getting a project like this approved.

It was suggested that CAC keep track of local implementation and/or WIP revisions. For the November meeting, members would like to invite jurisdictions to hear if there are changes to WIPs from public comments and see if they can share local plans.

Action Item: Jessica will email the Bay Funder's press release on the launch of Chesapeake Commons.

John Dawes has heard about research on the sediment loading impacts for dirt roads associated with fracking. He would like CAC to hear a presentation on this topic in September.

Adam Thompson suggested making citizen engagement a primary goal of CAC. Victor Ukpolo noted that this can tie into the WIPs and goal setting. For example, one goal would be to get a certain number of students to enroll in environmental programs each year.

The following are suggested items for the September meeting agenda:

- Panel on environmental education, including progress on state environmental literacy plans
- Discuss land conservation and public access
- Update on the Bay Program's activities for stewardship and education
- Briefing on the Bay program's new social science workgroup
- Discuss citizen values as a way to engage more of the public in restoration

Additional Action Items:

- Verna motioned to support Charlie's citizen engagement ideas. Charlie seconded the motion. CAC will send two letters noting that they have heard a presentation and would like to provide their input. One letter will be to the Secretary of the Interior on the landscape initiative. The other letter will comment on the draft public access plan.
- Suggestion for CAC to submit a press release on EC issues.
- Elizabeth will invite the environmental club and teachers to attend the Harrisburg meeting.
- Young Delegates were asked to report at the next meeting on how CAC can get younger people engaged.
- CAC VA delegation will talk with DEQ staff on spending CBRAP funding on piloting accountability and trading programs.
- John Dawes will look into how PA could spend their CBRAP funding.
- CAC will start a goals workgroup to discuss suggestions for CBP Goal Implementation Teams in preparation for a new Bay Program agreement.

Key verbal reports for the CAC Report to the Executive Council

- Accountability and verification for nutrient trading
- Values and how they are linked to citizen engagement in restoration
- Conowingo- cost of inaction

The next meeting will be in Harrisburg, PA on Sept 6-7, 2012. With no further business, the CAC meeting was adjourned at 12:00 pm.