**Chesapeake Bay Program Update**

**Citizens’ Advisory Committee**

**November 30, 2012**

**CBPO Calendar**

Nov 28 Habitat GIT meeting (Shepherdstown, Wv.) Nov 16 NCEL and CB legislators (Annapolis, Md.) Nov 29-30 CAC meeting (Havre de Grace, Md.)

Dec (TBD) Healthy Watersheds GIT Meeting

Dec 2-4 Maryland Farm Bureau conf (OC, Md.) Dec 4 STAC meeting (Annapolis, Md.)

Dec 5 Principal Staff Committee meeting (TBD)

Dec 6-8 Fisheries GIT meeting (Port Isobel, Va.) Dec 10 Maintain Health Watersheds GIT Meeting Dec 12 Management Board conf call

Dec 13-14 LGAC meeting (Annapolis, Md.)

Dec 17(week of) Issue final 2013 EO Action Plan

**Program Updates**

**2013 Executive Order Action Plan**

The Chesapeake Federal Leadership Committee Designees (FLCD) plan to publish for public comment on Wednesday, November 14 their draft 2013 Action Plan The Action Plan as required by the Executive Order *Strategy for Protecting and Restoring the Chesapeake Bay*. The Action Plan lays out commitments for the current fiscal year from each of the federal agencies involved in restoration of the Bay. The draft plan will be available for comment through November 27 and the final report is anticipated to be released the week of December

17. The FLCD met on October 25 to discuss the draft Action Plan and its planned release. Contact: Jim Edward, 410-267-5705, [edward.james@epa.gov](mailto:edward.james@epa.gov)

**Draft Report on Extent and Seriousness of Toxic Contaminants**

A draft CBP Toxic Contaminants Report, developed by a STAR Action Team, was released for comment on October 22. Comments received by the end of the review period (November 9) are currently being considered and where appropriate integrated into the draft. For the remainder of November, the Action Team's editorial board will be finalizing the document including any necessary internal agency reviews and concurrences. A final report is expected in mid-December and a detailed briefing is being planned for the December MB meeting.

Contact: Greg Allen, 410-267-5746, [allen.greg@epa.gov](mailto:allen.greg@epa.gov)

**Draft Model Program for Onsite System Management in the Chesapeake Bay Watershed** On November 15, 2012, the Environmental Protection Agency (EPA) released for public comment a draft Model Program for Onsite System Management in the Chesapeake bay watershed. The comment period ends December 28, 2012.The draft document was developed to assist states in developing and implementing a model program for managing onsite systems with the goal of minimizing nitrogen impacts to the Chesapeake Bay. The document is intended to help address nutrient pollution in surface waters when such systems are not otherwise regulated under the National Pollution Discharge Elimination System (NPDES) program. The model program reflects EPA’s latest research and recommendations on the reduction of nitrogen pollution using different onsite system technologies. It does not establish any binding requirements, nor does it change or substitute for any legal requirements under which states and municipalities regulate onsite systems. Whether and to what extent a state or local government chooses to implement the recommendations contained in this document is a decision that is ultimately left up to the state or local government. Once it receives final internal review, the document will be posted on the CBP webpage at EO webpage at [http://executiveorder.chesapeakebay.net](http://executiveorder.chesapeakebay.net/).

**Endorsements Sought for Final Forest Restoration Strategy**

The US Forest Service (USFS) in collaboration with federal and state partners, jurisdiction representatives of CBP, and a broad group of other interested parties has finalized the Forest Restoration Strategy for the Chesapeake Bay watershed (originally presented to the MB during its August meeting). The Strategy focuses on restoring forest cover in targeted areas to improve ecosystem function and provide community benefits in targeted areas of the landscape such as urban forests, mine lands, contaminated lands, agro-forestry, and fish and wildlife habitat. The Forest Restoration Strategy is part of the Recover Habitat goal of the Strategy for Protecting and Restoring the Chesapeake Bay Watershed.

USFS is seeking final endorsement from the CBP Partners for the Forest Restoration Strategy. A letter to the Chesapeake Bay Program Principals’ Staff Committee members (which will include a link to the document) will be sent this week to request their endorsement, and use of the CBP logo in conjunction with the USFS logo. A signing ceremony is planned for December 5 in Washington DC. Once finalized, the document will be made available at <http://executiveorder.chesapeakebay.net/>. Contact: Sally Claggett, 410-267-5706, [sclaggett@fs.fed.us](mailto:sclaggett@fs.fed.us).”

**New Study Shows Consumption of Contaminated Anacostia Fish**

A yearlong survey of anglers along the Anacostia River has confirmed that many fishermen are catching, sharing and consuming contaminated fish despite fishing advisories published by Maryland and Washington, D.C. for more than two decades. Research found that current advisories do not resonate among diverse anglers. Only 11 percent of fishermen had seen a sign or poster, and even fewer had received warning material with a fishing license or reviewed related information online. And English-only outreach is not effective among a population in which one-quarter speaks a language other than English at home. Research was conducted through hundreds of interviews along fishing “hotspots” and a community survey that canvassed the lower Anacostia watershed.

The survey which studied the social behavior of Anacostia anglers found that a complex set of factors is driving the sharing and consuming of locally caught and potentially contaminated fish: past experience and present beliefs, a lack of awareness of the health risks involved and an overriding desire to share their catch with those who might otherwise go hungry. The full report is available at: <http://www.anacostiaws.org/userfiles/file/AWS_angling_FINAL_web.pdf>

**Oral Arguments Heard in TMDL Lawsuit**

On Thursday, October 4, lawyers from the American Farm Bureau Federation and the National Association of Home Builders along with attorneys representing the U.S. Environmental Protection Agency presented their arguments of the pending lawsuit over the Chesapeake Bay pollution diet to the US District Court in Harrisburg, Pennsylvania. The farm groups and home builders asked the judge to block the Chesapeake Bay Total Maximum Daily Load (TMDL), arguing that it uses an erroneous model and infringes on state's rights. Attorneys for EPA argued that without strong federal oversight and threat of sanctions, states had repeatedly

missed their pollution-reduction goals over the past 30 years. Arguments went on for more than four hours. No specific time has been set for the judge to rule on the case.

Contact: Nicholas DiPasquale, 410-267-5710; [dipasquale.nicholas@epa.gov](mailto:dipasquale.nicholas@epa.gov)

**Second Complaint Filed Challenging Bay TMDL**

*Food and Water Watch & Friends of the Earth v. EPA***, Civil Action No. 1:12-cv-01639 (D. DC)**

On October 3, 2012, Food and Water Watch along with Friends of the Earth (“Plaintiffs”) filed a Complaint against EPA in federal District Court for the District of Columbia challenging EPA’s establishment of the total maximum daily loads (“Bay TMDL) for nutrients and sediment in the Chesapeake Bay and tidal waters. Plaintiffs challenge the “pollution trading provisions” of the Bay TMDL as a final action that exceeds EPA authority under the CWA. Plaintiffs seek relief under the Administrative Procedure Act (“APA”) providing for review of final agency actions such as the TMDL. Specifically, Plaintiffs allege (1) EPA exceeded its CWA authority insofar as the Bay TMDL provided “authorization” of any pollutant trading and/or offset program; (2) such authorization is “unlawful arbitrary and capricious” and (3) such authorization violates the notice and comment requirements under the APA. Plaintiffs request the Court to declare that “the trading provision of the TMDL are in violation of the CWA and are null and void.” Region 3 ORC is coordinating EPA’s defense with EPA’s Office of General Counsel and the Department of Justice Environmental Defense Section.

Contact: EPA Region III Attorneys – Christopher Day 215 814-2481

**Trading and Offsets Update**

EPA has developed a comprehensive workplan for its work on trading and offsets, which was developed in coordination with the Chesapeake Bay Program Trading and Offsets Workgroup.

A major component of our work is developing a series of technical memoranda to assist the Bay jurisdictions in implementing their action plans and strengthening their programs. The memoranda also will provide EPA and the jurisdictions with a framework for determining whether program elements meet expectations. The memoranda will be shared, as appropriate, with the jurisdictions and the Trading and Offsets Workgroup. A draft technical memo on Sector Growth Demonstrations was distributed for review to Bay jurisdictions and other stakeholders on November 16, 2012.

Contact: Darrell Brown (410) 267-5716; [brown.darrell@epa.gov](mailto:brown.darrell@epa.gov)

**USGS Report on Sediment Reservoirs in Lower Susquehanna Reach Capacity**

A report released in late August by the U.S. Geological Survey (USGS) found that sediment reservoirs near the mouth of the Susquehanna River are filling up faster than researchers expected, posing a new obstacle for improving water quality in the Chesapeake Bay. As the holding areas behind the lower Susquehanna's three dams reach capacity, their ability to trap up-river sediment and the phosphorous wanes, and the sediment that is held grows more and more likely to flow out of the reservoirs and into the river.

The Susquehanna delivered more phosphorous and sediment into the Bay last year than it has in more than three decades of monitoring. The past 15 years have seen a 55 percent increase in phosphorous entering the Bay from the river and a 97 percent increase in sediment. And, while nitrogen flow has dropped, it shows a jump during large storms--like Tropical Storm Lee in 2011 or Hurricane Ivan in 2004--and the flooding that follows. A previous USGS report cited improvements in nutrient and sediment trends as a sign of improving Bay health. The USGS has seen significant reductions in nutrient and sediment concentrations upstream of the reservoirs, which reflect the positive impacts of conservation efforts in the Susquehanna watershed. But the filling reservoirs behind the Safe Harbor and Holtwood dams in Pennsylvania and the Conowingo Dam in Maryland overshadow the pollution reduction progress that is being made. For a copy of the report: <http://pubs.usgs.gov/sir/2012/5185/>

**National Park Service Funds Education, Employment and Environmental Access** The National Park Service (NPS) has given a financial boost to two dozen projects in the Chesapeake Bay watershed, putting $1.3 million toward education, employment and environmental access. The 24 projects that span four Bay states and the District of Columbia will bolster three NPS trails: the Chesapeake Bay Gateways and Watertrails Network, which connects more than 160 parks, museums, trails and more; the Star-Spangled Banner National Historic Trail; and the Captain John Smith Chesapeake National Historic Trail. The routes that form these latter trails offer teachers, students and families on-the-ground opportunities to experience the region’s land, water and history. By funding trail development, NPS is advancing public access goals set forth in the Strategy for Protecting and Restoring the Chesapeake Bay Watershed, which calls for the addition of 300 new public access sites where people might boat, swim, fish, observe wildlife, walk trails and strengthen their connection with the outdoors. For a full list of grant recipients, visit the Chesapeake Bay Gateways at: [http://www.baygateways.net](http://www.baygateways.net/).

**Conservation Innovation Grants Awards Announced**

On August 24, the U.S. Department of Agriculture (USDA) announced the award of $2.5 million to five Bay organizations to improve the infrastructure behind water quality trading markets. From better determining demand for credit to improving outreach to hundreds of eligible farmers, the planned improvements aim to benefit both the land and those who work it. Watershed recipients of Conservation Innovation Grants program funding include the Alliance for the Chesapeake Bay, the Chesapeake Bay Foundation, the Maryland Department of Agriculture, the Virginia Department of Conservation and Recreation and the Borough of Chambersburg, Pa. The Conservation Innovation Grants program is administered by the Natural Resources Conservation Service (NRCS). This year, an additional $23.5 million has been awarded to more than 50 recipients across the nation for innovative and conservation-minded agricultural practices, from improving soil health to increasing on-farm pollinator habitat. For more information: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/cig>

**Stormwater Climate Change Impacts Workshops**

EPA's Climate Change Research Program is collaborating with the Chesapeake Bay Program (CBP) and the U.S. Global Change Research Program (USGCRP) to assist local-level planners in considering climate change impacts in stormwater management decisions. EPA and CBP will host three two-day workshops this winter, one each in Maryland, Virginia, and Pennsylvania. Invited participants will include local-level (county- or city-level) planners and decision makers (e.g., land use planners, engineers, water managers, stormwater managers); local researchers investigating the impacts of climate and land use changes; and representatives of selected state and federal programs related to water quality. The workshops are for the purpose of: (1) exploring the impacts of climate and land-use change in the Chesapeake Bay watershed and the implications for precipitation-driven flooding, water quality, and stormwater management; (2) exploring stormwater adaptations to climate and land-use changes within specific counties, particularly green infrastructure or other low-impact development strategies; and (3) identifying information gaps and other barriers to implementation of green infrastructure or other low- impact development strategies to help control stormwater. Partners in this effort include the CBP Office, Local Government Advisory Committee, and the USGCRP.

Contact: Susan Julius, EPA, Global Change Research Program: 703-347-8619; [julius.susan@epa.gov](mailto:julius.susan@epa.gov)

**Chesapeake Bay Program Participation in RAE Conference**

The Chesapeake Bay Program’s efforts to restore the watershed were highlighted during the

2012 Restore America’s Estuaries Conference in Tampa, Fl., October 22-24. Jeff Corbin,

Senior Advisor to the Administrator for the Chesapeake Bay and Anacostia River participated on a panel discussing implementation of the Chesapeake Bay TMDL and CBP Deputy Director Jim Edward chaired a panel, made up of other CBP Federal Office Directors, on implementation of the Executive Order *Strategy for Protecting and Restoring the Chesapeake Bay*. In addition, information about CBP efforts was distributed at a conference booth and two posters depicting the Chesapeake Bay Program’s work on the TMDL and on the Partnership’s use of adaptive management were part of the conference poster session. Contact: Jim Edward, 410-267-5705, [edward.james@epa.gov](mailto:edward.james@epa.gov)

**CBP Goal Implementation Team Updates**

**GIT 1 – Sustainable Fisheries**

*The Sustainable Fisheries GIT focuses on advancing ecosystem-based fisheries management*

*by using science to make informed fishery management decisions that cross state boundaries.*

The Fisheries GIT’s next monthly Executive Committee meeting is scheduled for November 16th from 10:30am-12:30pm. At this meeting we will discuss the blue crab male conservation threshold, December meeting planning, research priorities, GIT goals, and the baywide oyster stock assessment’s terms of reference.

The Sustainable Fisheries Goal Implementation Team (Fisheries GIT) provides a forum for connecting science and policy across jurisdictions and the Chesapeake Bay ecosystem. The next full Fisheries GIT meeting will be December 6th-8th at Port Isobel of Tangier Island. We have designed an agenda to keep us moving forward on top priorities (oysters, blue crabs, fish, and land use) and provide opportunities for one-on-one and group interaction that includes both the unique local community and landscape. Below is a brief outline of the agenda.

 Historical Tangier Island Cultural Tour

 Fisheries GIT Updates Since June

 Tangier Island Stakeholder Listening Session

 Blue Crabs – Male Conservation Threshold, Commercial Accountability Project

 Invasive Catfish – Task Force Progress and Research Updates

 Forage Fish & Land Use

 Oysters – Latest Restoration Updates and an Analysis of Aquaculture

**GIT 2 – Habitat**

*The Habitat GIT is restoring a network of land and water habitats to afford a range of public* *benefits and to support priority species.*

The next Habitat GIT meeting will be November 28th at Cacapon State Park, West Virginia. The meeting will focus on a regulatory theme that will include presentations of specific case studies. Following the case study presentations, there will be a facilitated discussion portion with the goal of developing recommendations to decrease time spent getting permits for habitat restoration projects.

The aerial photography of the entire Bay for the 2012 SAV survey was completed to produce a baywide SAV coverage number for 2012. The hot spots for SAV growth in 2012 are the Susquehanna Flats, mid-bay islands from Tangier to Bloodsworth, the Mobjack Bay and Poquoson Flats.

The Habitat GIT has been working with STAR on the Brook Trout Indicator Task Group. The next conference call will be November 19th with a formal meeting in West Virginia on November 29th (day after the Habitat GIT meeting) with the Eastern Brook Trout Joint Venture in order to update the indicator by Dec 2012 deadline. The new science data compiled by Mark Hudy has been obtained and is currently being reviewed. Mark Hudy will present his data at the November 29th meeting to facilitate the development of the new indicator and engage researchers and state partners.

The Habitat GIT has been working with CBP and DNR communication teams to develop a Brook Trout Habitat Video Story. Filming has been completed in West Virginia with interviews from a landowner as well as a GIT representative. The purpose of the landowner interview is to engage a common audience by discussing fishing for brook trout as a cultural, cross- generational hobby, while the GIT representative interview provides the expertise on Brook Trout and why it is an excellent indicator of stream health. Video editing has been completed and the video will be posted on the CBP blog website and will be presented at the Fall GIT meeting in West Virginia.

The Mid-Atlantic Panel on Aquatic Invasive Species meeting was held in Raleigh, NC on November 7 with a focus on *Hydrilla* eradication programs. The SAV workgroup held a meeting on November 8 to revise their strategy document based on the 2011 STAC review.

**GIT 3 – Water Quality**

*The Water Quality GIT works to evaluate, focus and accelerates the implementation of practices, policies and programs that will restore water quality in the Chesapeake Bay and its tidal tributaries to conditions that support living resources and protect human health.*

On October 22-23, the Water Quality Goal Implementation Team (WQGIT) met in Carroll Valley, Pennsylvania to prioritize input from the WQGIT and Modeling Workgroups for the midpoint assessment of water quality progress, to be completed by 2017. As a result, the WQGIT and its Workgroups identified eight high and several other lower priorities for conducting the midpoint assessment, including assigning lead entities for each priority, and a schedule and process for moving forward. Today's Management Board agenda item on the midpoint assessment will discuss what the WQGIT proposes bringing forward to the PSC for their concurrence.

One of the driving considerations framing the discussion was if the priority addressed barriers to implementation. The WQGIT and its Workgroups agreed that the primary barrier to implementation is the need to enhance the credibility and understanding of CBP models among local stakeholders. As a result, the majority of the higher priorities relate to updating the data inputs to the CBP modeling tools and making the tools easier to understand and more consistent with monitoring data. The WQGIT also recommends revising the submission schedule for the Phase III WIPs so that they can take into account whether jurisdictions met the 60% by 2017 goal.

The WQGIT Workgroups have been tasked with developing work plans for each of the high and lower priorities, due to the WQGIT on December 3, 2012 and February 4, 2013, respectively. Many of the WQGIT Workgroups have already started working on these work plans and priorities, and recently a briefing was conducted for STAR at their November 5 meeting. As a result, STAR’s modeling workgroup will be working closely with the WQGIT as part of the midpoint assessment process.

Additionally, several of the Best Management Practice (BMP) Panels undertaken by the WQGIT Workgroups have been progressing in the urban, agriculture, wastewater, and forestry sectors. At their October 9 meeting, the WQGIT approved the urban retrofits and performance standards reports for crediting these BMPs. It is anticipated that BMP Panel reports for urban nutrient management and urban stream restoration will be submitted for WQGIT review and approval in the winter timeframe.

Finally, Bay jurisdictions are encouraged to start submitting their 2012 progress run data, as the NEIEN node is now open. As in the past, the CBP Modeling Team is ready to assist the jurisdictions with their data submissions.

**GIT 4 – Healthy Watersheds**

*The goal of the Maintain Healthy Watersheds GIT (GIT4) is to maintain local watershed health across a range of landscape contexts. GIT4 activities in 2012 include the following:*

The final version of the STAC Healthy Watersheds Workshop Report is expected to be released within the next week. In October and November the Goal Team's Coordinator and CRC Staffer met with all the states to discuss their priorities for GIT 4 2013 work planning. The GIT4 communications work group is going to have a conference call in November to create a list of work priorities and key messages for 2013. The December 10 Goal Team meeting will focus on 2013 work planning, including identification of measurable outcomes and adaptive management of activity planning. The Goal Team will be considering next steps to further develop and communicate identification and healthy watershed assessment capacities and other activities that the GIT can pursue in service to state and local healthy watershed identification and protection initiatives. The GIT 4 Strategy is to: 1) provide a forum for mutual learning and exploration of scientific and management issues, 2) develop information resources, including health and protection status tracking capabilities, and otherwise support communications in support of healthy watershed identification and protection, and 3) promote the science that supports better characterization of healthy watershed functional values. (Contacts: Mike Fritz, Goal Team Coordinator; Anna Stuart Burnett, Goal Team CRC Staffer).

**GIT 6 – Partnering and Leadership**

*The goal of the Enhance Partnering, Leadership, and Management GIT is to continually improve the governance and management of the CBP Partnership.*

Goal Team 6 will be updating the MB on current and upcoming priority work; including the next steps for GIT membership and development of the short-term decision making body for program alignment at the 11-14-12 Management Board meeting.