

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM

December 19, 2016

Meeting Summary

Meeting Materials: <http://www.chesapeakebay.net/calendar/event/24555>

Actions & Decisions:

Action: WQGIT members should submit their nominations for at-large WQGIT members to James Davis-Martin, Lucinda Power, and Lindsey Gordon. Existing at-larger WQGIT members can be re-nominated by themselves or by other WQGIT members.

Decision: The WQGIT approved the recommendations of the Local Planning Goals Task Force, with the understanding that there will be additional language added to the introduction referencing the appendix of dissenting comments and opinions.

Decision: The WQGIT approved the Oyster BMP Expert Panel's first incremental report.

Decision: The WQGIT approved the Wetlands BMP Expert Panel report.

Decision: The WQGIT approved the Animal Waste Management Systems BMP Expert Panel report.

Decision: The WQGIT approved the Phase 6 Conservation Tillage BMP Expert Panel report.

Decision: The WQGIT approved the Phase 6 Cover Crops BMP Expert Panel report.

Decision: The WQGIT agreed that based on the WQGIT Chair's review of the final version of Appendix A to the cover crops BMP Expert Panel report, if he determines the Appendix has the potential to change the credited efficiencies the WQGIT has already approved in the Panel report, the WQGIT will be asked to review and separately approved the revised Appendix A.

Decision: The WQGIT approved the Manure Incorporation/Injection BMP Expert Panel report.

Welcome/Confirm Call Participants/Workgroup Updates – James Davis-Martin, Chair

- Re-nominations for official voting membership will be brought before the WQGIT in January.

Action: WQGIT members should submit their nominations for at-large WQGIT members to James Davis-Martin, Lucinda Power, and Lindsey Gordon. Existing at-larger WQGIT members can be re-nominated by themselves or by other WQGIT members.

Local Planning Goals Task Force Recommendations – Joan Salvati and Lisa Schaefer, Task Force Co-Chairs

Discussion:

- Joan Salvati and Lisa Schaefer presented the Task Force’s [final recommendations](#), for WQGIT approval.
- Lisa Schaefer: We have adjusted our recommendations based on WQGIT discussion, to read that the Task Force recognizes the intent that local planning goals should be established by each jurisdiction at a scale below the state major river basin. Additionally, we recommend EPA develop specific language for the Phase III WIP expectations document to clarify the authority the jurisdictions have over their local planning goal development. Lastly, we included MS4s as one of the options for defining ‘local’.
- Joan Salvati: The Task Force dealt with the question of how to focus limited resources on Phase III WIP planning, and how local planning goals could help focus use of those resources.
- Davis-Martin: What’s the timeline for the Local Government Engagement Initiative completing their recommendations?
 - Mary Gattis: I was just working on the road map this morning, and I have a time blocked in for discussion on the local planning goals in February. This would include an extended discussion on local planning goals, how to develop them, and the messaging around targeting resources.
- Jim George: Is there going to be any kind of dissenting language or minority statements in the document? I know Appendix A was voted on last Friday – is there something replacing that?
 - Lisa Schaefer: We have a few outstanding comments that will replace the appendix with a new version. We’re still working with folks who had originally submitted comments.
- Sarah Diebel: I had a comment, but I haven’t heard back on the recommendations. I’m not sure if I missed something? Did you receive my comment?
 - Joan Salvati: I thought that we incorporated the DoD comments.
 - Sarah Diebel: I’m also wondering if these dissenting comments will be incorporated back into the original document, or whether they’ll remain separate.
 - Joan Salvati: I think they will remain separate. Dissenting opinions are important, and that’s why we sent them separately.
 - Sarah Diebel: Does the recommendations document reference that appendix?
 - Joan Salvati: No, but our email includes the document.
 - Sarah Diebel: I think it’s important to highlight those dissenting opinions in the recommendations document. If they won’t be included in the actual document themselves, then maybe a footnote should reference those opinions.
 - Beth McGee agreed with that recommendation.
- Tanya Spano: I agree with the previous discussion. Also, in terms of the final document, if this is to be “the” document – wasn’t there a response about EPA and their expectations for WIP III? The way this document is written, it’s still open, and I thought EPA had

responded. When I looked at this document, there's no acknowledgement of EPA's response to their expectations on the regulatory side regarding Phase III WIP expectations.

- Joan Salvati: The approach the Task Force took was that they explicitly discussed it in the expectations document. As Task Force members, we were concerned by getting into direct discussions and a lot of back and forth with EPA legal counsel.
- Tanya Spano: Instead of having to find that EPA response, there should be a way to somehow easily locate it in reference to this document.
- Joan Salvati: EPA hasn't responded yet, but last we heard they were working on language.
- Batiuk: At the December 13th PSC meeting, EPA was among the PSC members that agreed to the TF recommendation to incorporate the recommendations directly into the Phase III WIP expectations document. Our Regional Administrator will be distributing that document to his PSC colleagues later this afternoon, and we will be extending the review period. The language the Task Force requested has been included with similar language from our counselors.
- James Davis-Martin: The EPA Regional Administrator announced he would be releasing the expectations document on a revised timeline. The new draft final document will be released today, and there will be a very short comment period, so that the document can be released in final by January 16. The original schedule had the final document not being finalized until April.
- James Davis-Martin: Can I ask that you distribute that draft final document for comments to the WQGIT as well? I'd like to have this group that's involved with the implementation-planning process to be able to review.
- Batiuk: We will certainly welcome input from the WQGIT so we will distribute the final draft expectations document to the WQGIT.
- Mary Gattis: LGAC, as a PSC member, should also receive the expectations document as well. We plan to discuss the document with the Local Government Engagement Initiative on Wednesday morning. This will inform LGAC's comments on the expectations document.
- Dave Montali asked if the WQGIT should be approving the recommendations today.
 - Davis-Martin: Whether we approve this or not, the recommendations will be incorporated into the draft final expectations document that will be distributed later today.
- Beth McGee: I don't recall whether we recommended that the definition of local was specific to sectors at the WQGIT face to face meeting in October.
 - James Davis-Martin: I recall NY raising the question that their ag sector is administered as part of a state-wide program. EPA responded that it would meet their understanding.
 - Beth McGee: I could see it being different for the upstream jurisdictions.
 - Rich Batiuk: I think that was the discussion – for NY, all their streams and rivers converge at a single point on the Susquehanna River where the Partnership has a long term monitoring station. So for NY, like WV, its less important exactly

where they get their reductions just as long as the reductions are made. In MD, VA, DE and even DC, it's very important where the reductions are made given they need to meet their Bay water quality standards in each of the 92 Bay segments.

- James Davis-Martin: Right, but we hadn't talked about that more broadly than in response to that specific inquiry.
- Ann Jennings: Would it be possible to learn how the jurisdictions are scaling their local planning goals as they move into this? How are they working with their stakeholders, and what are their considerations? Just as an informational briefing.
 - James Davis-Martin: Certainly. I think in terms of timing, this wouldn't happen until middle of next year, as we move closer to the development and release of the Phase III planning targets.

Decision: The WQGIT approved the final recommendations of the Local Planning Goals Task Force, with the understanding that there will be additional language added to the introduction referencing the appendix containing members' dissenting comments and opinions.

Federal Agriculture Lands – Sarah Diebel, DoD

Discussion:

- Sarah Diebel presented [information](#) regarding the potential decision to break out and separately track loads from federal agricultural lands in the Phase 6 model.
- Sarah Diebel: There are two options: Option 1 would keep agricultural lands on federal facilities at the county scale (how things are implemented currently). DoD feels that the farmers on agricultural lands are reporting their information through the county conservation districts already. Option 2 would maintain the estimated federal crop and pasture acres within the federal agency type footprint as part of the model simulation for every scenario.
- Beth McGee: So are farmers mostly leasing federal lands?
 - Sarah Diebel: Yes, most of the lands are leased to farmers for land maintenance – it reduces the cost of maintenance for us.
- Dinorah Dalmasy: You would require historical data if you were to represent federal agricultural land in the Phase 6 model. If it goes to the counties, where does that historical data come from?
 - Sarah Diebel: It would all be maintained at the county scale, likely collected through the agricultural census.
 - Dinorah Dalmasy: It can't be separated out?
- Sarah Diebel: I do not think that separating agriculture out at the facility scale is defensible at this point in time.
- Lewis Linker: So all of the reporting, whether this is private or rented land, would go to the county reporting system? Response: Correct.
- James Davis-Martin: Traditionally, we've used ownership as the definition of the responsible party.

- Jim George: In MD, I'm not aware of us making a distinction for ag loads associated with state lands that are leased, and this seems very analogous to that. I would guess that reporting is done through conservation districts through our Department of Agriculture. So it's being captured, just not associated. The landowner could theoretically change how they manage their land, but how would that change into the future?
 - James Davis-Martin: I think the federal lands, particularly ag lands, owned by federal agencies, are one of our easiest targets for reductions. And they're completely under state or federal control.
- Nicki Kasi: Why was this decision made in the first place?
 - Jeff Sweeney: We don't have any data below the county scale for agriculture. So if we assigned data to individual acres of agricultural land on federal facilities, it would likely not be correct.
- Sarah Diebel: We wanted to get some sort of developed/calculated load so we could understand what our share of the responsibility is. In option 1a, we would take that load, identify what needs to be done, and identify some of those plan BMPs in order to demonstrate that we were being proactive.
 - Nicki Kasi: How do we allocate to the feds without that being split out?
 - Sarah Diebel: The allocation would be more of a target, or a plan goal.
 - Nicki Kasi: But I'm still being held responsible for it?
 - Sarah Diebel: The state is ultimately responsible for achieving the waste load allocation, so if there are additional strategies in the WIPs that could help move ag forward, that would be something we could look at.
- Dave Montali: The way I understand option 1a, is that we can't have it as a separate land use in the model and do a separate load-based allocation, but we could use the CAST series of tools for the federal agencies to then foster reporting in the implementation of BMPs on their ag lands. Is that correct?
 - Sarah Diebel: Correct.
 - James Davis-Martin: But when you do that, you'd either be using that same county ag data as the basis for those target assignments, or you'd be relying on those federal agencies providing you the data on their agriculture.
 - Dave Montali: My question was whether the feds were doing anything to encourage farmers who lease the ag land to report to the ag census and report the practices they're implementing.
- Tanya Spano: It seems like option 1a is the right direction to go, but I would just suggest that it sounds like before one could get to any specificity, it would be helpful to understand for federal ag what the responsibilities of each major party would be under that scenario.
- Mark Dubin: The conservation practices that would be implemented would be done by the landowner, not be the renter - so this would be the federal agency in this case. So then how would a state track and report these practices implemented by a federal agency? You could pick them up through NRCS, but if it's through federal reporting programs, that information is very general. The states are concerned in the future when they want to go

out and verify practices. It would be a shame to lose those conservation practices because they couldn't be verified by a state agency afterwards.

- Sarah Diebel: If it's in a lease agreement that a farmer will implement a certain practice, then the onus is on the farmer. The farmer can be held responsible when farming on federally owned land. I also want to note that we don't know where the BMPs are, so tracking and verification is certainly an issue. I think the federal agencies could work towards understanding this, but I see it as an opportunity for growth. Through option 2, the federal agencies aren't trying to get out of their responsibility.
- Jim George: Do we have a sense of scale, here? In MD, we don't have a lot of ag on federal lands. What about PA and VA?
 - Sarah Diebel: For DoD, we only have 5,000 acres in the whole watershed.
 - Jim George: I think option 1a seems very reasonable. When it comes down to it, it's not usually local governments that are responsible. It's usually the state agencies working with farmers.
 - Jason Kepler: I understand the hesitation with double-counting here, and I agree with Mark that structural practices are probably through a contract with federal agencies directly. But there are many annual practices subject to state regulation, so that information is reported to us, and then to the CBP. Further, our conservation district offices work with those farmers on federal lands, and our verification team has started verifying some of these practices. If they're rolled into state allocations, we could certainly handle that. If there's an option to separate those loads out, then we could handle that too.
- Beth McGee: I would guess the Department of Interior and NPS and USFWS have a lot of ag lands on their properties. So in the FFWG, it's important that they're involved in reporting and in these discussions.
- Marian Norris: We have some acres that are leased, and they must report those acres to MDA. We were more comfortable with option 2, and weren't comfortable with crediting it as turf grass. We can work with option 1a.
- James Davis-Martin recommended the WQGIT table the decision until a later time.
- Tanya Spano requested clarification on the distinction between options 1 and 1a.

Onsite Attenuation BMP Panel Update – CBPO Modeling Representatives

Lewis Linker provided an [update](#) on the Onsite Attenuation BMP Expert Panel with regard to report approval and the spatial analysis of attenuation rate by LRSEG.

Discussion:

- James Davis-Martin: So this data isn't in the Beta 4 version of the watershed model yet?
 - Lewis Linker: This is brand new data, so it hasn't been incorporated yet.
- Jim George: These maps lead you to think there will be less septic load – is that correct?
 - Lewis Linker: It should read as a slightly higher load, so that overall the load is about the same, but it's being redistributed geographically.

- Tanya Spano: We have a WWTWG meeting tomorrow where Greg Busch will be presenting MDE's proposal. If MD is piloting this, then we can see if other states want to adopt this approach.
- Dave Montali: Just to clarify – this zone 4 attenuation display is new to me. Is that the small stream attenuation factor added on to the expert panel's work?
 - Lewis Linker: I think not – this is the riparian attenuation and the septic load goes into the small stream with other loads. The septic load is not directly shown here; it gets intercepted by riparian buffers. But I will check on this with my team.
- Norm Goulet: Could you also see if you're staying on top of the research that USGS is doing in Difficult Run – what they're finding with septic and tracing of N?
- Tanya Spano: I would ask Bay Program Office staff make this information available for the WWTWG meeting tomorrow.

Oyster BMP Expert Panel -- Julie Reichert, ORP, and Jeff Cornwell, UMCES

Discussion:

- Julie Reichert and Jeff Cornwell presented the first set of [final recommendations](#) from the Oyster BMP Expert Panel.
- Jim George: The top two practice categories say they use hatchery produced oysters – is that also assumed for practice D?
 - Julie Reichert: The goal for this practice is to recruit wild oysters, and doesn't deal with hatchery-produced oysters.
- Sarah Diebel: Could you go into more detail on the site-specific BMP crediting? It seems that the details in the various aquaculture are very specific in terms of crediting, so I'm wondering why there might be these site-specific estimates since it seems like you spent time developing these specific criteria.
 - Jeff Cornwell: There are certain ways a grower can enhance the mass of the tissue of the oysters they are growing, and there may be certain criteria that could get too specific for the growers. Our recommendations are designed to provide enough flexibility for reporting. A grower can depend on the default values provided in the Panel's report or they can follow the Panel's recommended procedures and develop their own operation specific relations between shell length and tissue biomass.
- McGee: How does the bay model handle aquaculture now?
 - Lewis Linker: We're working on it. We have a full-blown oyster representation through the dynamics of oysters that's fully developed, and we have the wild population represented. Now we will factor in the work of the Panel.
- Ann Jennings: In a number of instances, the expert panel appropriately punted some topics. How do we capture the remaining 'to-dos' when it comes to this BMP? Who is responsible for this?
 - Julie Reichert: I think you're referencing implementation and verification comments raised by the Panel members as well as commenters, and those have been put in a supplemental document with the report. I understand that if

jurisdictions are interested in implementing these BMPs, then they would have to develop the verification procedures.

- James Davis-Martin: Weren't the policy issues that are still pending related to the other categories of practices that are coming later?
 - Julie Reichert: There weren't really any policy issues related to this first report, but there are still implementation and verification issues that need to get worked out and agreed to by the Partnership's Management Board.
- Bill Ball asked why the technical appendix did not list the size ranges for reporting.
 - Matt Johnston: It was simplified to the mid-point of the range for the sake of reporting.

Decision: The WQGIT approved the Oyster BMP Expert Panel's first incremental report.

Wetlands BMP Expert Panel – Jeremy Hanson, VT, Pam Mason, VIMS and Ralph Spagnolo, EPA

Discussion:

- Jeremy Hanson, VT, and Pam Mason, VIMS, presented the [final recommendations](#) from the Wetlands expert panel.
- Beth McGee: How do upland treatment acres compare to forest buffers?
 - Jeremy Hanson: Current forest buffers have different efficiency values depending on HGMR, but the upland acres are the same for each of those regions.
 - Beth McGee: That's another area where you could put in some acknowledgement of those differences. It seems to me they're similar, so I would be interested to know why they're not.
- Sarah Diebel: These BMPs and the land use classes are only for agriculture, correct?
 - Jeremy Hanson: That's how it was in Phase 5 and what we're suggesting for Phase 6.
 - Matt Johnston: The land use classes themselves stand alone as their own category regardless of how close they are to corn or turf. The BMP creating a wetland is typically an agricultural practice – you're converting agriculture land to wetlands.
 - Diebel: I would have like to have seen the scope be broadened, particularly for instances where we have an installation outside of the regulated community. So I would like to see an expansion on this BMP for the urban sector, particularly for unregulated developed areas.
 - Pam Mason: I agree with that comment, and don't think it would be a heavy lift to expand on our literature review through some future panel review.
 - Jeremy Hanson: And since we already need to convene an Expert Panel to address the other 3 categories of wetlands, maybe it's another point to add into their charge for consideration.

Decision: The WQGIT approved the Wetlands BMP Expert Panel report.

Animal Waste Management Systems BMP Expert Panel – Jeremy Hanson, VT and Shawn Hawkins, UT

Discussion:

- Jeremy Hanson and Shawn Hawkins presented the Animal Waste Management Systems Expert panel [final draft report](#).
- Tanya Spano: On the overall manure recoverability – most numbers are very high. There are a few with lower values – can you explain why that is?
 - Shawn Hawkins: We only considered manure recoverability for a short window of time, and that’s why you see this difference in overall recoverability and the confined manure recoverability.

Decision: The WQGIT approved the Animal Waste Management Systems BMP Expert Panel report.

Conservation Tillage BMP Expert Panel – Mark Dubin, UMD and Wade Thomason, VT

Discussion:

- Mark Dubin and Wade Thomason presented the Conservation Tillage Expert Panel’s [final draft report](#).
- James Davis-Martin: Is there a way, or did you consider, isolating the soil types that may be typically poorly draining in this analysis by HGMR?
 - Wade Thomason: I think our limiting factor here is the number of literature citations available.
 - Mark Dubin: In the previous Phase 5.3.2 panel, we really struggled with P values for minimum soil disturbance. So the panel gave it a neutral value because of that range. This panel tried to figure out how to use that wide range by subdividing it out geographically.
- Dubin: The Agriculture Workgroup took action on this report last Thursday and approved it with no amendments and 100% consensus.

Decision: The WQGIT approved the Phase 6 Conservation Tillage BMP Expert Panel report.

Cover Crops BMP Expert Panel – Mark Dubin, UMD and Ken Staver, UMD

Discussion:

- Ken Staver presented the Cover Crops Panel’s [final draft report](#).
- Beth McGee: I found some information citing the benefits of mixtures, and I think I pulled them from Wade’s report. Any additional insight there?
 - Ken Staver: The mixture studies, where there’s a direct measurement of changes in groundwater nitrate, or nitrate losses – we had to rely a lot on above-ground biomass data, which is not equivalent on N-losses.
 - Mark Dubin: We’ve provided a full response to this in the appendices of the report.
- Mark Dubin: The AgWG reviewed this report this morning, and approved it with 100% consensus. Work on completing Appendix A is still in process, however.

- Matt Johnston: The panel did a great job with this report. The AgWG also asked me to review whether we could simplify the technical appendix for this report, with the understanding that the report won't change, that the states won't change their historical reporting of the data, but that it could be implemented in the new year and still stick with the schedule. I will be coming back to the AgWG in January with this information.
 - Nicki Kasi: Does that mean the appendix comes to us later?
 - Matt Johnston: Correct. This appendix describes exactly what the efficiencies are and by land use – this is used primarily for reporting purposes.
 - Mark Dubin: We have this for Phase 5.3.2, but what this would do is to incorporate the new commodity and traditional with fall manure application values.
 - Rich Batiuk: The remaining changes to Appendix A doesn't change the numbers, it just gives direction to our state partners for navigating the large selection of cover crops.
 - Davis-Martin: And for reports in Phase 6, we have until September 2017 until we have to report progress for Phase 6. Until then, it's the historical record in the calibration that's in question – and I guess the data there is what it is.
 - Matt Johnston: I checked in with the jurisdictions last week to see how historical data reporting is going. Aside from cleaning up errors, I don't expect big resubmissions between now and 12/31.
 - Mark Dubin: From the AgWG perspective, they felt uncomfortable with making a decision in such a short time on how to structure the reporting for this BMP.
- James Davis-Martin: What's your intention for providing information back to the WQGIT on Appendix A?
 - Mark Dubin: The next AgWG meeting is 1/19, and once we reach consensus on a path forward we could come to the WQGIT after that.
 - Nicki Kasi: If the AgWG comes to consensus, do we really need to see it again?
 - James Davis-Martin: If it has the potential to change the credited efficiencies that we've approved in these panel reports, we need to see it. I understand it's not changing the reports, but how we model those practices. So what could happen is the group simulated a range of efficiency values under one new value in the model. In that case, we would want to see that again.
 - Kasi: If the AgWG and WTWG is comfortable with it, and if James looks at it and doesn't see any major changes, then I don't think we need to review again.

Decision: The WQGIT approved the Phase 6 Cover Crops BMP Expert Panel report.

Decision: The WQGIT agreed that based on the WQGIT Chair's review of the final version of Appendix A to the cover crops BMP Expert Panel report, if he determines the Appendix has the potential to change the credited efficiencies that the WQGIT has already approved in the Panel report, the WQGIT will be asked to review and separately approved the revised Appendix A.

Manure Incorporation/Injection BMP Expert Panel – Mark Dubin, UMD and Curt Dell, USDA/ARS

Discussion:

- Curt Dell presented the Manure Incorporation/Injection Panel’s [final draft report](#).
- James Davis-Martin: So both the low-disturbance and high-disturbance incorporation are eligible on both pasture and hay?
 - Curt Dell: Only in the establishment phase when you can use tillage-incorporation. Low-disturbance aerators have been used in pastures, so there are some procedures where you can go into an established pasture and use the aerator.
 - James Davis-Martin: That’s what I was trying to understand – if it’s supposed to be pasture with a forage cover, and you’ve tilled over everything then what you have left is no longer pasture.
 - Curt Dell: For that one time it would give them benefits, but hopefully they’d be smart enough not to tear up their pasture.

Decision: The WQGIT approved the Manure Incorporation/Injection BMP Expert Panel report.

Participants

Name	Affiliation
James Davis-Martin	VA DEQ, WQGIT Chair
Teresa Koon	WV DEP, WQGIT Vice-Chair
Lindsey Gordon	CRC, WQGIT Staffer
Rich Batiuk	EPA
John Schneider	DNREC
Sarah Bradbury	DC DOEE
Dinorah Dalmasy	MDE
Jim George	MDE
Paul Emmart	MDE
Nicki Kasi	PA DEP
Kristin Wolf	PA DEP
Jill Whitcomb	PA DEP
Joan Salvati	VA DEQ
Dave Montali	Tetra Tech
Sarah Latessa	NYS
Marel King	CBC
Ann Jennings	CBC
Ann Carkhuff	EPA
Suzanne Trevena	EPA
Jeff Sweeney	EPA
Ruth Izraeli	EPA
Kelly Gable	EPA
Jen Sincock	EPA
Chris Day	EPA
Jenn Volk	UD
Beth McGee	CBF
Bill Angstadt	Angstadt Consulting

Tanya Spano	MWCOG
Sarah Diebel	DoD
Mary Gattis	LGAC
Jessica Blackburn	CAC
Mark Dubin	UMD
Norm Goulet	NVRC
Alisha Mulkey	MDA
Jason Keppler	MDA
Lisa Schaefer	County Commissioners Assoc. of PA
KC Filippino	HRPDC
Karl Blankenship	Bay Journal
Marian Norris	NPS
Julie Reichert	Oyster Recovery Partnership
Bill Ball	CRC/STAC
Emilie Franke	NOAA
Jeremy Hanson	VT
Ken Staver	UMD
Matt Johnston	UMD
Renee Thompson	USGS
Paula Jasinski	CEC