

Chesapeake Bay Program
Principals' Staff Committee Meeting
December 19-20, 2017
Cambridge, Maryland

Summary of Decisions and Actions¹

Partnership's Final Phase 6 Suite of Modeling Tools: What's Changed, the Implications, and Our Improved Models

DECISION: The Principals' Staff Committee adopted the Partnership's Phase 6 suite of modeling tools for finalizing the Phase III planning targets and for management application in the Phase III WIPs and two-year milestones through 2025.

Phase III WIP Planning Targets Methodology

ACTION: The Chesapeake Bay Program Office staff will continue to work with each of the seven Bay watershed jurisdictions to help them further understand the changes in geographic relative effectiveness between the Phase 5 and Phase 6 suite of modeling tools, particularly in those areas that previously weren't as effective in either nitrogen or phosphorus delivery under Phase 5.

ACTION: The Chesapeake Bay Program Office staff will relabel the relative effectiveness graphs for nitrogen and phosphorus to make it clear that these graphs do not reflect the highest pollutant loading areas, but just the effect a geographic area's pollutant loads has on dissolved oxygen concentrations in Chesapeake Bay due to nutrient delivery to those waters.

Proposed Draft Phase III Planning Targets – Part I

ACTION: The Chesapeake Bay Program Office staff will continue to help the seven Bay watershed jurisdictions explain to their local partners and stakeholder groups any differences between the Bay's assimilative capacity numbers and the Phase III WIP planning targets (i.e., although there might be a slight difference in the numbers between the Bay's assimilative capacity and the draft Phase III WIP planning targets, the Chesapeake Bay's water quality response is the same because the planning targets allocate the loads to more effective basins compared with the scenario that generates the Bay's assimilative capacity).

¹ The decisions and actions are listed in the order in which they were made during the two-day meeting.

Jurisdiction-specific Proposed Draft Phase III WIP Planning Targets

ACTION: The Chesapeake Bay Program Office staff will continue to work with each of the seven Bay watershed jurisdictions to address any concerns raised about their jurisdictions' draft Phase III WIP planning targets during the review period.

ACTION: The Partnership's Communication Office will work with each of the seven Bay watershed jurisdictions in helping communicate any changes of levels of effort to local partners and other stakeholder groups.

DECISION: There was general agreement by the Principals' Staff Committee that the individual jurisdictions will act on the Local Governmental Advisory Committee Chair's recommendation that the jurisdictions directly engage their local partners as the jurisdictions proceed forward with the review of the draft Phase III WIP planning targets during the 19-week review process.

ACTION: The Chesapeake Bay Program Office, in direct coordination with the Water Quality Goal Implementation Team and Local Governmental Advisory Committee, will develop training resources and compile a comprehensive list of technical support available to the jurisdictions in the January 2018 timeframe to assist the jurisdictions with engaging their local representatives in the review of the draft Phase III WIP planning targets, including the development of local planning goals.

Accounting for Growth Using 2025 Growth Projections

DECISION: Recognizing the projected 2025 growth loads presented during the December 19-20, 2017 meeting are draft and still subject to further review by the jurisdictions, the Principals' Staff Committee approved the Water Quality Goal Implementation Team's recommended use of 2025 projected conditions (based on the current zoning scenario) to account for growth in the development and implementation of the jurisdictions' Phase III Watershed Implementation Plans and two-year milestones.

DECISION: The Principals' Staff Committee approved the Water Quality Goal Implementation Team's proposed approach to continued Partnership accounting for growth into the future by:

- Updating the Partnership's projection of future growth every two years;
- Factoring these updated future projections into next round of the jurisdictions' two-year milestones;
- Factoring in future (every 4 years) updates to the Partnership's high resolution land use/cover data across the entire watershed; and

- Ensuring local partner review of the future growth forecasts with each 2-year update.

Conowingo Dam Infill: How Much, Who, How, and By When

DECISION: The Principals' Staff Committee recognized that reducing increased pollution as a result of the Conowingo infill and now near full capacity is an important issue for all Partnership members and as such, agreed to the concept to develop a separate Conowingo planning target with a separate Watershed Implementation Plan, and to pool resources to be applied by a third party (with Partnership oversight) in areas determined to have the most impact on Chesapeake Bay water quality as part of the plan.

ACTION: The Principals' Staff Committee also recognized that further information is needed about details on what the implementation plan will entail, including the process by which to pool resources (e.g., the allocation of future U.S. Environmental Protection Agency's Chesapeake Bay Implementation and Regulatory and Accountability Program grant funding to the seven Bay watershed jurisdictions); the role of public/private partnerships; funding sources supplemented by trading and banking; and a market for innovative reuse or beneficial use of dredged materials. Therefore, the Principals' Staff Committee agreed to review and provide feedback on the current draft Conowingo Watershed Implementation Plan Framework to the drafting committee (jurisdictional and EPA representatives) by January 16, 2018.

ACTION: The drafting committee will address comments and forward the revised draft Conowingo Watershed Implementation Plan Framework to the Principals' Staff Committee for discussion and approval at their February 2018 meeting.

ACTION: The following next steps were proposed to the Principals' Staff Committee during the December 19-20, 2017 meeting and will be discussed further and confirmed during the February 2018 Principals' Staff Committee meeting:

- February 2018: Send letter from the Principals' Staff Committee to Exelon emphasizing the importance of their continued involvement in this effort to address the water quality impact from Conowingo Dam. Release a U.S. EPA Request for Proposals (RFP) for award of a cooperative agreement or contract to provide for a third party to facilitate the development and implementation of the Conowingo Watershed Implementation Plan.
- February - May 2018: All partners, including a representative from each of the seven Bay watershed jurisdictions, the Chesapeake Bay Commission, and the U.S. Environmental Protection Agency, work collaboratively to begin development of the Framework for the Conowingo Watershed Implementation Plan to include: 1) determining the fund manager; 2) assigning specific jurisdiction load reduction responsibilities, including shared resources; and 3) working with EPA and other federal partners on federal funding reallocations.

- May 2018: Determine the role of Exelon in plan implementation based on Maryland's decisions regarding 401 Water Quality Certification.
- June – Oct 2018: Select cooperative agreement/contract awardee based on the February 2018 RFP and, building on the decisions made between January and May 2018, the Partnership's oversight committee works with awardee to draft a Conowingo Watershed Implementation Plan. The plan will include local government and public engagement strategies, the identification of specific reduction practices and a timeline, funding sources, establishment of a fund manager, and the determination of any gaps and contingencies to address those gaps.
- October 2018: Begin utilization of any federal FY19 funding allocated to the implementation of the Conowingo Watershed Implementation Plan.
- October-November 2018: Carry out a 30 or 45-day public review and comment period on draft Conowingo Watershed Implementation Plan. Finalize the draft plan based on public comments.
- February 2019: Submit the final draft Conowingo Watershed Implementation Plan for Partnership review and comment.
- July 2019: Post the final Conowingo Watershed Implementation Plan on the Partnership's web site.
- October 2019: Begin full plan implementation utilizing funding allocated to the Conowingo Watershed Implementation Plan for federal fiscal year 2020.
- Annually: EPA will evaluate the effectiveness and progress of the Conowingo Watershed Implementation Plan, work with partners to pursue additional funding sources to help implement the plan, identify additional mitigation options, and adjust plan as necessary.
- Summer 2023: Reevaluate and make any necessary corrections based on implementation of the Conowingo Watershed Implementation Plan and any other factors.

Factoring Climate Change Considerations into the Phase III Watershed Implementation Plans

DECISION: The Principals' Staff Committee agreed to the following framework for addressing climate change impacts in the Phase III Watershed Implementation Plans (WIPs), recognizing that further information is needed from the Partnership's Modeling Workgroup and Climate Resiliency Workgroup on how the additional nutrient and sediment loads based on 2025 climate change conditions were derived, and the data and assumptions behind those calculations.

1. Incorporate Climate Change in the Phase III WIPs

- Include a narrative strategy in the Phase III WIPs that describes the state and local jurisdictions' current action plans and strategies to address climate change, as well as the jurisdiction-specific nutrient and sediment pollution loadings due to 2025 climate change conditions.

2. Understand the Science

- Address the uncertainty by documenting the current understanding of the science and identifying research gaps and needs.
- Develop an estimate of pollutant load changes (nitrogen, phosphorus, and sediment) due to 2025 climate change conditions.
- Develop a better understanding of BMP responses, including new or other emerging BMPs, to climate change conditions.
- In 2021, the Partnership will consider results of updated methods, techniques, and studies and revisit existing estimated loads due to climate change to determine if any updates to those load estimates are needed.
- Jurisdictions will be expected to account for additional nutrient and sediment pollutant loads due to 2025 climate change conditions in a Phase III WIP addendum and/or 2-year milestones beginning in 2022.

3. Incorporate into Milestones

- Starting with the 2022-2023 milestones, the Partnership will determine how climate change will impact the BMPs included in the WIPs and address these vulnerabilities in the two-year milestones.

ACTION: The Partnership's Modeling Workgroup, working with the Climate Resiliency Workgroup, will develop and distribute a briefing package in advance of the Principals' Staff Committee's February 2018 meeting that will provide greater detail on how the additional nutrient and sediment loads due to 2025 climate change conditions were developed, and the data and assumptions behind those calculations.

Draft Phase III WIP Planning Targets – Part II

DECISION: The Principals' Staff Committee approved setting the Chesapeake Bay's assimilative capacity at a higher level, as needed, of nitrogen and phosphorus above 195 and 13.7 million pounds, respectively, which will still achieve Delaware, the District of Columbia, Maryland and Virginia's* applicable Chesapeake Bay water quality standards, including a 6 percent restoration variance for Maryland's CB4 deep channel segment.

*Excludes Virginia's tidal James River mainstem chlorophyll-a water quality standards

ACTION: Based on the revised draft Phase III WIP planning targets that provide an additional one million pounds of nitrogen and 100,000 pounds of phosphorus to New York, and an additional two million pounds of nitrogen to West Virginia, EPA, in coordination with the Partnership's Water Quality Goal Implementation Team and Modeling Workgroup, will conduct further analyses to determine the source(s) of those additional nitrogen and phosphorus pounds, and any impacts to the Bay's assimilative capacity.

ACTION: By the end of January 2018, EPA will present to the Principals' Staff Committee the following results:

- Additional scenario runs to determine the Bay's assimilative capacity based on the revised draft Phase III WIP planning targets (201.25 million pounds of nitrogen and 14.173 million pounds of phosphorus) listed below to determine what additional pounds of nitrogen and phosphorus may be available while still achieving a 6 percent restoration variance in Maryland's CB4 deep channel segment; and
- Determination if any additional pounds of nitrogen from implementation of Clean Air Act regulations are available.

ACTION: The Principals' Staff Committee will convene in mid-February to determine the Bay's assimilative capacity that will reflect agreed-upon results from these additional analyses.

DECISION: The Principals' Staff Committee approved the release of the draft nitrogen and phosphorus Phase III WIP planning targets listed below as the starting point for the Partnership's review process. The Principals' Staff Committee recognizes that these draft Phase III Planning Targets are subject to change based on the Partnership's review period and prior to finalizing the Phase III WIP planning targets in May 2018. The draft Phase III WIP planning targets for West Virginia and New York reflect the same adjustments provided during the establishment of the 2010 Chesapeake Bay TMDL allocations. The Principals' Staff Committee is committed to providing those same adjustments in the final Phase III WIP planning targets.

Draft Phase III Planning Targets*: Nitrogen

Jurisdiction	1985 Baseline	2013 Progress	Phase III Planning Target
NY	18.71	15.44	11.59
PA	122.41	99.28	73.18
MD	83.56	55.89	45.30
WV	8.73	8.06	8.35
DC	6.48	1.75	2.43
DE	6.97	6.59	4.59
VA	84.29	61.53	55.82
Basinwide	331.15	248.54	201.25

Units: millions of pounds

*Draft planning targets are subject to change as a result of the Partnership's review period to be completed in May 2018

Draft Phase III Planning Targets*: Phosphorus

Jurisdiction	1985 Baseline	2013 Progress	Phase III Planning Target
NY	1.198	0.710	0.606
PA	6.115	3.696	3.073
MD	7.419	3.919	3.604
WV	0.793	0.560	0.456
DC	0.090	0.062	0.130
DE	0.225	0.115	0.120
VA	13.545	6.345	6.186
Basinwide	29.384	15.408	14.173

Units: millions of pounds

*Draft planning targets are subject to change as a result of the Partnership's review period to be completed in May 2018

DECISION: The Principals' Staff Committee supports Maryland in moving forward with its water quality standards regulatory process consistent with Maryland and federal regulations to meet the Bay's assimilative capacity for nitrogen and phosphorus.

DECISION: The Principals' Staff Committee agreed to the development of Partnership communication messages for the public over the next four months, in time for the release of the final Phase III WIP planning targets in May 2018.

DECISION: The Principals' Staff Committee approved the Water Quality Goal Implementation Team's proposed process for the Partnership's review period of the draft Phase III WIP planning targets to be completed in May 2018, factoring in three additional weeks to the review period.

ACTION: The Chesapeake Bay Program Office staff will update the draft Phase III WIP planning target review schedule and the overall Midpoint Assessment schedule to reflect the agreed to additional three weeks added to the original four-month review process and distribute the updated schedule to the Principals' Staff Committee for final approval at their mid-February 2018 meeting following review by the Water Quality Goal Implementation Team.