



**Principals' Staff Committee  
Conference Call  
August 12, 2019**

**Final Actions and Decisions**

**Welcome and Introductions**

- The Principals' Staff Committee (PSC) thanked Nicki Kasi for her many years of service to the Chesapeake Bay watershed and the Commonwealth of Pennsylvania. Its members congratulated her on her upcoming retirement.
- The US Army Corps of Engineers, Norfolk District, raised the serious concern about the partnership's ability to achieve the Watershed Agreement's oyster goal of restoring 10 tributaries by 2025 due to significant funding shortages.

**2019 Executive Council Meeting**

- The Executive Council (EC) Meeting will be held on September 5, 2019 at Oxon Hill Manor, Oxon Hill, Md. The theme of the meeting will be, "Rising to the Challenge: Accelerating implementation to meet our shared watershed goals."
- EC members Governor Larry Hogan, Governor Ralph Northam and Delegate Tawanna Gaines have confirmed their attendance at the EC Meeting; whereas, Governor John Carney, Governor Andrew Cuomo, and Governor Thomas Wolf are unable to attend. The partners discussed whether EPA Administrator Andrew Wheeler would be able to attend the EC meeting; subsequently, his attendance has been confirmed.
  - Post meeting note: The partners discussed whether EPA Administrator Andrew Wheeler would be able to attend the EC meeting; subsequently, his attendance has been confirmed.
- The private lunch agenda will include reports from the advisory committees and the nomination and election of the EC chair. The public meeting agenda will include remarks from the EC members and designees, as well as a few invited speakers.

**EPA's Evaluation of the Final Phase III WIPS**

- Final Phase III Watershed Implementation Plans (WIPs) are due to EPA August 23. Jurisdictions may submit their final WIPs earlier than the deadline, but all WIPs will be posted to the EPA website on August 23. PSC Chair Grumbles urged jurisdictions to notify each other if they intend to submit their WIPs before the deadline.
- PSC Chair Grumbles also noted the intense interest around the Phase III WIPs and the importance of timely EPA review. He asked EPA to keep the PSC informed about the review, particularly if it takes more than two months. EPA will not, however, know the format or timeline of its review until after the final Phase III WIPs are received. EPA will keep the PSC informed of its progress on the reviews during the review process.

### Conowingo WIP Status Update

- EPA is in the process of negotiating three separate grants to develop distinct parts of the Conowingo Watershed Implementation Plan (CWIP): 1) development and implementation; 2) financing strategy; and 3) BMP tracking, verifying, and reporting. The grant workplans allow for up to six years for the development and implementation of the WIP as well as the BMP tracking, verifying and reporting work. The grant workplan for the development of the financing strategy may allow up to four years for its development.
- EPA issued pre-award costs which allows the grantees to begin work. EPA and the grantees expect to issue separate press releases once the awards are finalized (likely in early Fall).
- EPA asked the grantees to scale back their cost by 15 – 20 percent. After doing so, there remained a difference of approximately \$100,000 more than the \$500,000 EPA and the jurisdictions had planned for the award amount this year. EPA will make up the difference this year, but the jurisdictions will need to increase their contributions next year.
- Decision: Recognizing that the schedules are tight and require tightly synchronized interactions between the partners of the Chesapeake Bay Program and the grantees, the PSC agreed to a delivery date of March 13, 2020 for the draft CWIP and June 19, 2020 for the final CWIP. PSC members asked that every effort be made to ensure no further delay. The PSC further recognized that the stakeholder input phases of the CWIP process are critical to ensuring long-term success and asked EPA to work closely with the CWIP Steering Committee and the PSC to coordinate timely grantee/jurisdiction involvement in this effort.

### Phase III WIP Sediment Planning Targets

- Decision: The PSC approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets as set forth in the document recommended by the Management Board and modified by the PSC (attached).
- The approved process and timeline may be viewed on the August 12 PSC calendar page.

### Program Update

- Governor Hogan was elected Chair of the National Governors Association (NGA). The NGA agreed to infrastructure as a top priority, which includes green infrastructure and climate resiliency.

### Attendance

<b>Cosmo Servidio</b> Dana Aunkst Jim Edward Carin Bisland Greg Barranco Lucinda Power Lew Linker Greg Allen	US Environmental Protection Agency
<b>Ann Swanson</b> Marel King Mark Hoffman	Chesapeake Bay Commission
<b>Ben Grumbles</b> Lee Currey Dinorah Dalmasy	MD Dept of the Environment

<b>Jeannie Haddaway-Riccio</b> Dave Goshorn	MD Dept of Natural Resources
<b>Robert McCord</b> Debbie Cornwell	MD Dept of Planning
Hans Schmidt	MD Dept of Agriculture
<b>Tommy Wells</b> Jeff Seltzer	DC Dept of the Environment
<b>Patrick McDonnell</b> Nicki Kasi	PA Dept of Environmental Protection
Karl Brown Greg Hostetter	PA Dept of Agriculture
Matthew Keefer	PA Dept of Conservation & Natural Resources
<b>Matt Strickler</b> Ann Jennings James Davis-Martin	VA Office of the Secretary of Natural Resources
David Paylor	VA Dept of Environmental Quality
<b>Bettina Ring</b> Greg Evans Brad Copenhaver	VA Secretary of Agriculture & Forestry
<b>Scott Mandirola</b> Teresa Koon	WV Dept of Environmental Protection
Joseph L. Hatton	WV Dept of Agriculture
<b>Shawn Garvin</b> Terry Deputy Britany Sturgis	DE Dept of Natural Resources & Environmental Control
<b>Michael Scuse</b> Kenny Bounds Chris Brosch	DE Dept of Agriculture
<b>James Tierney</b> Cassandra Davis	NY Dept of Environmental Conservation
Sean Corson	NOAA
Sally Claggett	USFS
Genevieve LaRouche	USFWS
Jon Meade	NPS
Scott Phillips	USGS
Genevieve LaRouche	USFWS
Amy Guise	USACE, Baltimore District
Susan Conner	USACE, Norfolk District

Sharon Baumann	DOD: Navy Region Mid-Atlantic Environmental Department
Matt Ehrhart	CAC
Ann Simonetti Jennifer Starr	LGAC
Andrew Miller	STAC
Laurel Abowd Chantal Madray	CRC
Rachel Felver	CBPO communications
Doug Austin	CBPO, CEE
Kristin Saunders	UMCES
Ridge Hall	Chesapeake Legal Alliance
Chris Pomeroy Ellen Egen	AquaLaw
Beth McGee	Chesapeake Bay Foundation

## **Management Board Recommendations for the Development of Phase III WIP Sediment Planning Targets**

### **Background**

The 2010 Chesapeake Bay Total Maximum Daily Load (Bay TMDL) was established to meet applicable water quality standards (WQS) in the Chesapeake Bay. Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) WQS. Excessive sediment fines (silts and clays) in the water column can reduce light to levels insufficient for SAV growth. The Bay TMDL's sediment allocations were established differently than those for nitrogen and phosphorus because of scientific and technical findings on the relative importance of nutrient loads compared to sediment loads in the impairment of SAV in tidal waters. As a result, the sediment targets developed for all phases of the Watershed Implementation Plans (WIPs) were formed on the basis of the sediment load delivered to the Bay associated with management actions taken to address nutrient planning targets.<sup>1</sup>

### **Development of Sediment Planning Targets in the Phase I and II WIPs**

In Phases I and II, the Chesapeake Bay Program (CBP) partnership found that a greater level of Best Management Practice (BMP) implementation was needed to meet the nutrient-based WQS, primarily for Deep Water and Deep Channel dissolved oxygen (DO), than was needed to meet the sediment-based water clarity/SAV WQS. This is because many of the BMPs implemented to achieve nutrient load targets, such as farm plans, cover crops, conservation tillage, and stream restoration, also remove considerable loads of sediment. In addition, we found that the water clarity/SAV WQS is generally more responsive to nutrient load reductions than it is to reduction of sediment loads. In Phase II, the CBP partnership estimated that full implementation of the Phase II WIPs would reduce the sediment loads to the Chesapeake Bay by about one third from 1985 loads, compared to a reduction of about one half for nitrogen and phosphorus over the same period.

Through the Bay TMDL, the CBP partnership agreed for the Phase I WIPs, and subsequently at a June 2011 WQGIT meeting for the Phase II WIPs, that the primary emphasis in the WIPs should be on nutrient reduction BMPs, which by their nature of reducing both nutrient and sediment loads in the watershed also achieve the water clarity/SAV WQS.<sup>2</sup> This decision was further supported by research and findings

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<sup>1</sup> It is important to note that while all lines of evidence point toward nutrients playing a larger role in SAV recovery, there are detrimental effects of sediment on the clarity/SAV WQS and state-level regulatory frameworks of the tidal CBP States address the issue of sediment's detrimental effects on water clarity and SAV.

<sup>2</sup> Sediment in the watershed is already the subject of thousands of local sediment TMDLs in streams and rivers being implemented by the Chesapeake Bay Program partners. There are also many streams impaired for sediment for which TMDLs are yet to be completed.

in the Chesapeake (Gerbisz and Kemp, 2014; [Lefcheck et al., 2018](#)). Accordingly, the Phase II WIP sediment targets were calculated using estimated sediment load delivered to the Bay resulting from the BMPs that the jurisdictions planned to implement to meet the Phase II WIP nutrient targets. An additional 10% allowance was added to the calculated sediment target in each major basin-jurisdiction to account for the overall model uncertainties in the calculation of the sediment targets, including uncertainties in the estimated sediment reductions of the BMPs and overall uncertainties in sediment fate and transport in watershed streams and rivers.

### **Management Board Recommendations for Developing Phase III WIP Sediment Targets**

1. Use the same approach that was used to develop the Phase II WIP sediment targets.
2. Phase III WIP sediment targets will be calculated depending on whether a jurisdiction exceeded or missed its Phase III WIP nutrient targets.
3. 2025 climate change conditions will be removed in calculating the Phase III WIP sediment targets for those jurisdictions addressing those climate reductions in their Phase III WIPs.
4. Phase III WIP sediment targets will remain unchanged through 2025. However, the Principals' Staff Committee (PSC) reserves the right to revisit the sediment targets if necessary. For example, the sediment targets may need to be revised to reflect PSC decisions on how to address climate change starting in 2022.
5. Conowingo WIP sediment target will be calculated using the same method as the Phase III WIP sediment targets for the jurisdictions.

**The recommended approach for setting Phase III WIP sediment targets is to follow the same process used in the Phase II WIPs.** Specifically, Phase III WIP sediment targets will be calculated based on the jurisdictions' Phase III WIPs by quantifying the estimated sediment load delivered to the Chesapeake Bay using the Phase III WIP BMPs, including an additional 10% allowance. The sediment targets will then be appended to each jurisdiction's final Phase III WIP. The Conowingo WIP sediment target will be developed following the same approach that was used for the jurisdictions' Phase III WIP sediment targets. See Appendix A for more detailed information on this recommended process.

### **Proposed Schedule**

1. July 11, 2019 – Management Board review of June 10 WQGIT recommendations.
2. August 12, 2019 – PSC conference call to approve approach to setting Phase III WIP sediment targets.
3. August 23, 2019 – Final Phase III WIPs submitted by jurisdictions incorporating language\* explaining the development of sediment targets.
4. September 2019 – Final Phase III WIP sediment targets sent to the WQGIT and the Management Board for review and approval.
5. Late September 2019 – PSC meeting/call to approve final Phase III WIP sediment targets.
6. Mid-October 2019 – Final Phase III WIP sediment targets released by the CBP partnership and added by each jurisdiction to its final Phase III WIP as an addendum.

### **\*Proposed Language for Inclusion in the Final Phase III WIPs**

Sediment loads are managed in the Chesapeake Bay Total Maximum Daily Load to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality standards. Research has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to sediment load reductions. This is because algae fueled by nutrients can block as much, or more, light from reaching SAV as suspended sediments.

The Phase III WIP sediment targets will not affect the BMPs called for in the WIP and are not intended to be the driver for implementation moving forward. The sediment targets developed for the Phase III Watershed Implementation Plans (WIPs), as they have been for previous WIPs, will be formed on the basis of the sediment load delivered to the Chesapeake Bay associated with management actions taken to address the Phase III WIP nitrogen and phosphorus targets. In other words, the Best Management Practices (BMPs) that are identified in this WIP to meet the Phase III WIP nitrogen and phosphorus targets will be run through the Chesapeake Bay Program (CBP) partnership's Phase 6 suite of modeling tools, and the resulting sediment loads will form the basis for the Phase III WIP sediment targets. These sediment loads will be adjusted proportionally to account for any overshooting or undershooting of the Phase III WIP nitrogen and phosphorus targets. An additional 10% allowance will be added to the calculated Phase III WIP sediment target in each major basin.

The resulting final Phase III WIP sediment targets will be appended to this final Phase III WIP in October 2019, once they have been approved by the CBP partnership.

## Appendix A: Additional Information on Management Board Recommended Process for Developing the Phase III WIP Sediment Targets

Figure 1 is an example of the calculation of the Phase III WIP sediment targets. Assume a jurisdiction's state-basin nutrient targets of a hypothetical 50 million pounds of nitrogen and 5 million pounds of phosphorus has been achieved by its Phase III WIP. Using the Phase III WIP BMPs to calculate the associated pounds of sediment results in an estimated 1 million pounds of sediment delivered to the tidal Bay. Then a 10% allowance is applied to the Phase III WIP sediment target, which in this hypothetical case would be 100,000 pounds of sediment. Therefore, the total Phase III WIP sediment target would be an estimated 1.1 million pounds.

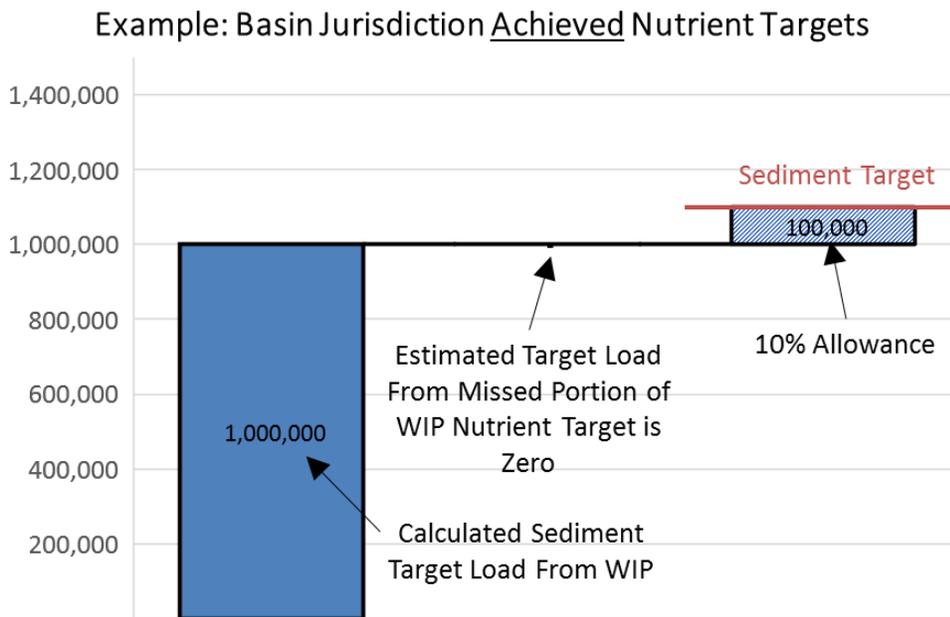


Figure 1. Estimated sediment target with 10% allowance when nutrient target is fully achieved. The solid blue is the portion of the sediment target calculated from the sediment delivered to tidal waters from the Phase III WIP BMPs and the striped blue bar is the 10% allowance. Units in pounds.

However, use of this approach depends on the jurisdictions' meeting their respective Phase III WIP state-basin targets for nutrients. If a jurisdiction fails to meet the nutrient targets, an adjustment to the sediment target load delivered to the tidal Chesapeake would be calculated based on the proportion of the missed nutrient load target. In all cases an additional 10% would be added to the calculated sediment target in each major state-basin- to allow for flexibility in implementation.

In an example using the same hypothetical partner's state-basin-, but in this case only 75% of their Phase III WIP nutrient targets of 50 million pounds of nitrogen and 5 million pounds of phosphorus was achieved, the calculated pounds of sediment delivered to the Bay would be higher than the former case

at 1,250,000 pounds because less BMPs in the watershed are allowing more sediment to be transported to the Bay (Figure 2).<sup>3</sup>

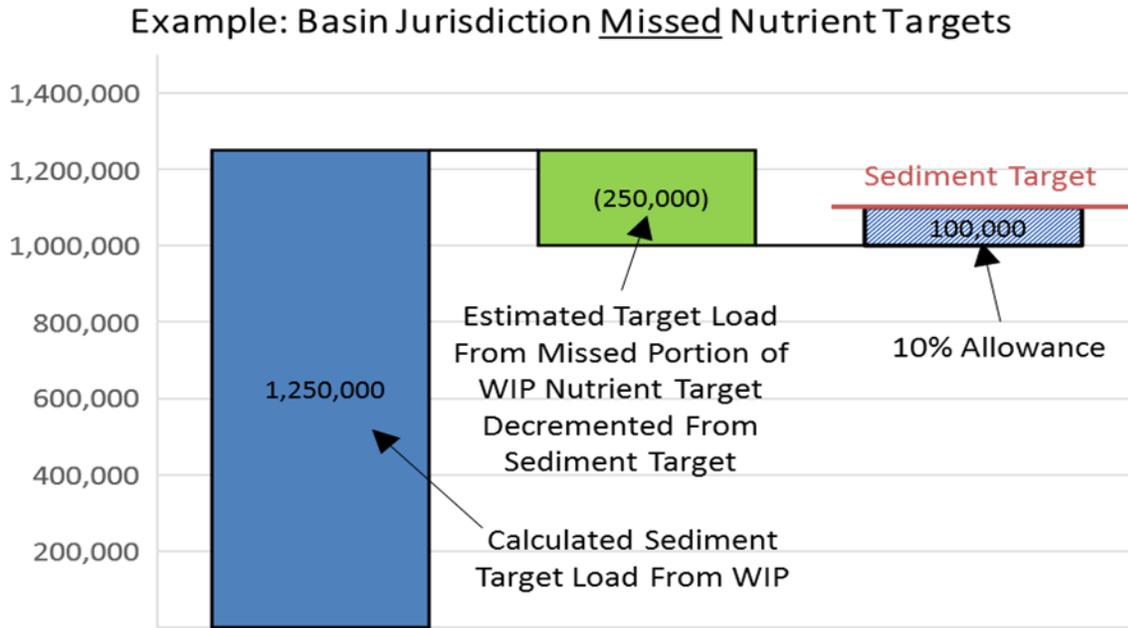


Figure 2. Estimated sediment target with 10% allowance under the hypothetical case of achieving only 75% of the nutrient target. The solid blue is the sediment target (delivered to tidal waters) calculated from the management practices in the Phase III WIP, the solid green bar is the portion of the decreased sediment loads delivered to the Bay based on the missed portion of the nutrient target, and the striped blue bar is the 10% allowance. Units in pounds.

An additional issue is a jurisdiction taking additional nutrient reductions beyond the Phase III WIP planning targets to ensure attainment of WQs despite future climate risk. The PSC has directed in their December 20, 2017 and March 3, 2018 meetings that jurisdictions 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. Bay jurisdictions may have voluntarily addressed the estimated

<sup>3</sup> Using the missing portion (25%) of the nutrient target to estimate the remaining portion of the sediment target that would not have been delivered to the Bay if the nutrient target was met results in 250,000 pounds of sediment removed from the estimated sediment loads delivered to the Bay from the underperforming WIP. The 1,250,000 pounds of reduced sediment load to the tidal Bay estimated from the underperforming WIP and the estimated 250,000 pounds removed from the sediment target because of the missed nutrient target are summed for an estimated 1 million pounds (1,000,000 pounds) of sediment removed from the tidal Bay. Then with the 10% allowance again applied, the sediment target allowance in this hypothetical case would be 100,000 pounds of sediment. Adding the calculated sediment load delivered to the Bay under the Phase III WIP and the 10% allowance results again in a calculated 1.1 million pound sediment target (1,100,000 pounds) for the hypothetical basin jurisdiction.

nutrient reductions for 2025 climate change conditions in their Phase III WIPs, but others may have simply addressed this issue narratively. This creates a potential imbalance in the development of the Phase III WIP sediment targets.

Therefore, the recommended approach is to remove any additional nutrient reductions over and above the Phase III WIP targets due to 2025 climate change conditions so that all the Phase III WIPs have the same starting point for their sediment targets.

An example of partner's basin-jurisdiction exceeding the nutrient target in order to address future climate risk or growth is shown in Figure 3. In this case 125% of the nitrogen and phosphorus target was achieved, and the calculated pounds of sediment delivered to the Bay is lower than the case of achieving the nutrient targets shown in Figure 1. When there is an overshoot of the Phase III nutrient target the sediment target is too low because more BMPs in the watershed are allowing less sediment to be transported to the Bay. Using the overshoot portion (25%) of the nutrient target to estimate the remaining portion of the sediment target that would have been delivered to the Bay if the nutrient target was exactly met results in 250,000 pounds of sediment added to the estimated sediment target loads delivered to the Bay from the overperforming WIP.<sup>4</sup>

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<sup>4</sup> The 750,000 pounds of reduced sediment load to the tidal Bay estimated from the overperforming WIP and the estimated 250,000 pounds added to the sediment target because of the overshoot nutrient target are summed for an estimated 1 million pounds (1,000,000 pounds) of sediment removed from the tidal Bay. Then with the 10% allowance again applied, the sediment target allowance in this hypothetical case would again be 100,000 pounds of sediment. Adding the calculated reduction from BMPs and the 10% allowance results again in a calculated 1.1 million pound sediment target (1,100,000 pounds) for the hypothetical basin jurisdiction.

### Example: Basin Jurisdiction Exceeded Nutrient Targets

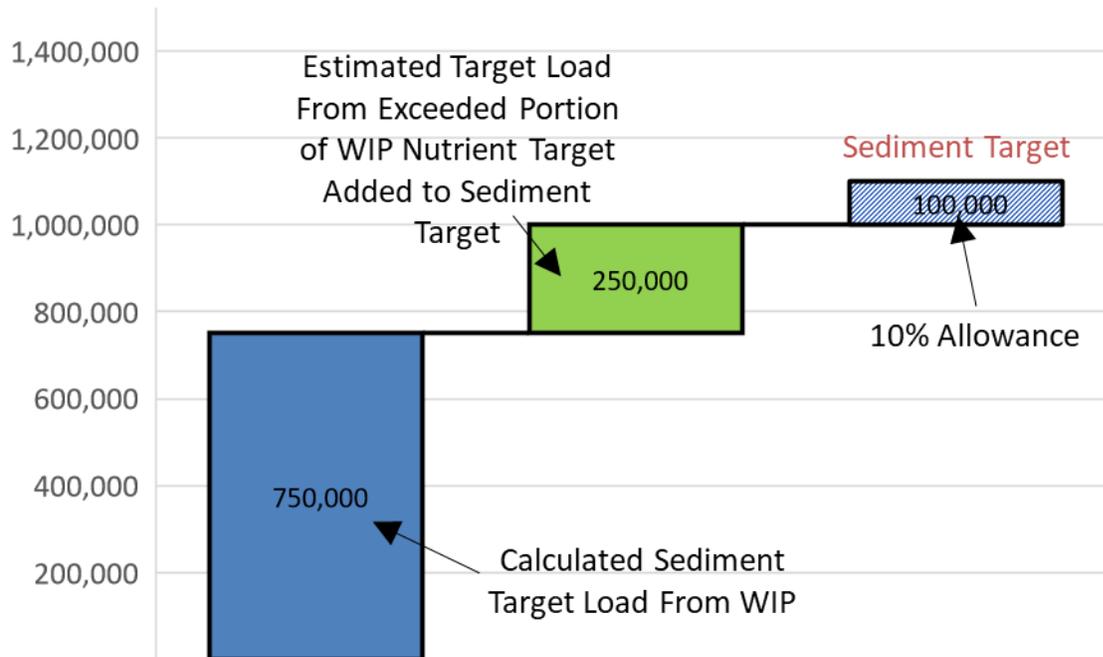


Figure 3. Estimated sediment target with 10% allowance under the hypothetical case of overshooting the nutrient target by 125%. The solid blue is the sediment target (delivered to tidal waters) calculated from the sediment reductions of the management practices in the Phase III WIP, the solid green bar is the portion of the increased sediment loads delivered to the Bay estimated by the overshoot portion of the nutrient target, and the striped blue bar is the 10% allowance. Units in pounds.

In all cases (Figures 1-3) the estimated sediment target is the same regardless of meeting, undershooting, or overshooting the Phase III nutrient targets.

A final issue for the Phase III WIP sediment targets is the Conowingo WIP, which will be finalized after the final Phase III WIPs. In this case, the Conowingo WIP sediment target would be developed by the process described above, once the BMPs are identified in the final Conowingo WIP.