
CAC Members Present: Bill Achor, Paul Bruder, John Dawes (Thurs.), Matt Ehrhart, Jim Elliott, Greg Evans, Christy Everett, Scott Fickbohm, Verna Harrison, Jeff Holland, Pat Levin, Joe Maroon, Bill Martin, Karen McJunkin, Dan Milstein, Jennifer Reed-Harry, Charlie Stek, Nikki Tinsley, Victor Ukpolo, Bob Wayland, Neil Wilkie and staff- Jessica Blackburn and Amy Robins

LGAC Members Present (Thursday only): David Dunmyer, Sheila Finlayson, Richard Gray (Chair), Penelope Gross, Sheila Noll, Emily Rice, Debbie Ritter, Ann Simonetti, John Thomas, James Wheeler, Robert Willey, Bruce Williams, and staff- Mary Gattis

Guests: Carin Bisland (CBP)(Thurs.), Pat Buckley (PA DEP), Matt Ellis (STAC staff)(Thurs), Natalie Gardner (STAC staff)(Fri), Scott Hymes (MD DNR), Rhonda Manning (PA DEP)(Thurs), All Todd (Alliance), Julie Winters (EPA)(Thurs.)

Speakers: Rich Batiuk (CBP)(Fri), Mike Bilek (Harry R. Hughes Center for Agro-Ecology), Monica Billig (University of Maryland Environmental Finance Center), Mark Bryer (The Nature Conservancy), Jim Edward (EPA CBP), Nancy Nunn (Harry R. Hughes Center for Agro-Ecology), Marc Ribaud (Economic Research Service, USDA), Sarah Taylor Rogers (Harry R. Hughes Center for Agro-Ecology)

Meeting presentations and material are located:

Thursday December 5, 2013

From 11am-Noon, CAC member, Joe Maroon conducted an orientation on the Chesapeake Bay watershed, the Bay Program and the issues for new CAC members and any CAC or LGAC members who wished to attend.

CAC Chair John Dawes called the meeting to order at 1:00pm. CAC, LGAC members and guests introduced themselves.

Chesapeake Bay Program (CBP) Updates

Jim Edward, Deputy Director, EPA Chesapeake Bay Program

Jim Edward reviewed past, current and possible future funding for the Chesapeake Bay Program. President Obama's budget requests for the program have increased, however, actual funding is approximately \$20 million dollars under the requested amount. The Bay Program is currently expecting to be working at 70% of its 2013 budget due to cutbacks. These cuts may affect the advisory committees.

Jim also reviewed the C2K Keystone Commitments and the New Bay Agreement. He provided an overview of the accomplishments of the C2K agreement's five goals, 22 topics, and 102 commitments (with dates and measures). As required by Congress every five years, CBP will be reporting on its commitments this coming year. Jim reviewed CBP's response to the CAC's and LGAC's letters regarding the new Bay Agreement.

Panel Discussion on Assessments of Capacity for Local Implementation

Maryland Local Government and Non-Profit Capacity Assessment

Nancy Nunn, Mike Bilek and Sarah Taylor Rogers, Harry R. Hughes Center for Agro-Ecology

The Town Creek Foundation asked Hughes Center for Agro-Ecology (The Center) to perform a capacity assessment of local governments as to their capabilities to develop and implement their watershed Implementation Plans to address Maryland's nutrient load reduction to the Bay. The Center interviewed 23 counties, the City of Baltimore, as well as some municipalities to determine what could make a difference with the success of that jurisdiction's WIP. The findings were compiled yielded to two basic areas: issues and needs.

- Issues expressed that were most common and expected: jurisdictions noted concern with technical support to be provided by the Maryland Department of the Environment; revisions to MAST (The Maryland Assessment and Scenario Tool allows users to provide inputs to the Chesapeake Bay Program computer models). MAST along with incorrect data was being used; best management practices and their efficiencies needed to be updated along with new best management practices needing to be added.
- Two additional concerns/issues appeared in the interviews that were not anticipated: matters of trust and matters of process. Matters of Trust involved clarification of the consequences, inconsistent participation on the part of State agencies and lack of State leadership in the form of feedback. Matters of Process included coordination of permits between State and Federal as well as capabilities of State agencies to review projects in a timely comprehensive manner.
- Some of the needs expressed were: periodic regional meetings to share successes and to learn latest from the state agencies and from each other; jurisdictions wanted an easy to use, online resource for all best management practices including their applicability, cost and nutrient reduction; the need for circuit rider assistance to help with grant writing and to help project implementation tying into the need for funding the WIPs.
- The following actions were proposed: technical webinars on process and tools, meeting involving the Secretaries of Agriculture, Environment, Natural Resources and Planning with the counties, one-on-one meeting with local governments and MDE staff, agreements with Environment and US Fish and Wildlife to help review project requests, and streamlining efforts on the part of the Corps of Engineers and Critical Area Commission as to project review.

Stormwater Financing Study in Lancaster County, PA

Monica Billig, University of Maryland Environmental Finance Center (EFC)

The stormwater financing study's main drivers were (1) MS4 permit compliance/enforcement; (2) the need to develop baseline stormwater program cost estimates; and (3) the need to improve efficiency through collaboration. The study was sponsored by the Lancaster County Clean Water Consortium and funded by the National Fish & Wildlife Foundation's Local Government Capacity Building Initiative.

- EFC completed a variety of analyses to determine whether communities support a utility fee then help the community set up a pay-as-you-go-system where the general fund and stormwater utility are the only funding sources.
- This is accomplished by evaluating the existing program structure and current capacity along with identifying trends in funding; evaluating costs of future and existing activities; participating in community outreach; and developing a proposed budget and financing strategy to support the budget. Community outreach is an extremely important step in achieving the end goal.
- The initial assumption of the study was that the most important element would be developing cost estimates. The findings revealed that peer-to-peer exchange and information sharing was the most important. The initial assumption regarding the biggest challenge was unknown. The findings found

that existing data/baselines are unknown. Key components of successful stormwater programs include leadership, extensive targeted outreach, collaboration, and sound fiscal planning. Unfortunately, no cookie cutter plan is available. No two programs look the same, however, they all have creativity and hard work in common.

Tracking Healthy Waters Survey

Mark Bryer, The Nature Conservancy

Graduate students from the College of William and Mary surveyed local government staff in 23 Chesapeake Bay Watershed localities in Maryland, Pennsylvania and Virginia. Four categories of watershed protection tools were tested: watershed management; zoning ordinances; development management; and natural resources protections.

- While development management and natural resources protection policies were almost universally used, less than half of the policies categorized as watershed management and development were used.
- Stringency of enforcement varied. The most successful localities used mandates with incentives and advisory services. Community education and outreach geared towards action and awareness were used to create that success.
- The three states in the study varied greatly in approach to protecting healthy watersheds. A basic statistical analysis looking at the potential relationship between the various tools and watershed health demonstrated that only two categories appeared to have a significant relationship with watershed health: (1) Development management policies and (2) zoning ordinances showed statistically significant correlations with a proportion of good or excellent quality samples within a county. A larger study is needed to gain more than a cursory understanding of the interstate and intrastate trends.

Conversation Mapping: [YouTube Video](#)

CAC, LGAC and guests

The Local Capacity Assessments panel along with CAC and LGAC members created a list of the topics they felt important for successful local implementation. The list included: providing opportunities for jurisdictions to share lessons learned both successes and failures was needed; providing a variety of tools along with flexibility; keeping educational outreach local; and having a local champion..

From that list two themes (triggers) were selected: Preaching Beyond the Choir and Keeping Communication Local. The conversation mapping outcomes are: (1) Engaging the public is not necessarily converting them; (2) Use 'water words that work' to communicate effectively; (3) Flexibility to comprise when needed is important; (4) Reaching out to diverse grouping is important; (5) Build trust over time; (6) Involve schools at every level; (7) Engage the private sector; (8) Sound data is needed; (9) Collaboration with business and NGOs are needed; (10) Fund continues to be an issue.

Friday, December 6, 2013

The meeting was called to order by Vice Chair, Charlie Stek at 8:30am.

Best Management Practices (BMP) Verification

Rich Batiuk, Associate Director, EPA Chesapeake Bay Program

Rich addressed the CAC letters and CBP response and provided updates on the work of the BMP Verification Committees and Panel. CBP recognizes CAC's position that the status quo is unacceptable. The following Verification Tools have been provided by the Panel to the six workgroups, BMP Verification Committee and seven jurisdictions: BMP Verification Program Design Matrix;

Jurisdictional BMP Verification Program Development Decision Steps for Implementation; State Verification Protocol Components Checklist; and Panel's Comments on Workgroup's Protocols. The panel recommended the Partnership be transparent about addressing transparency, address life spans, and address double counting. EPA plans to audit programs to ensure the programs/BMPs are functioning properly. The audit program will allow for the BMP Verification Life Cycle to be used addressing life spans and double counting. Rich summarized progress from last spring and reviewed the proposed timeline for the remainder of this year and part of 2014.

Overview of Recent Scientific and Technological Advisory Committee (STAC) Reports

Marc Ribaud, STAC member, Economic Research Service, USDA

Critical Issues in Implementing a Trading Program in the Chesapeake Bay Watershed

Trading is to create a market. Point Source and Nonpoint Source trading requires many conditions and much oversight to provide expected benefits. Requiring locations to establish a baseline before they qualify to trade maybe wise, however, this may discourage farmers from participating. Trading should be considered a voluntary act for a regulatory need. Some recommendations to state agencies are:

- Focus on the economic benefits of trading
- Implement trading where conditions are right
- Validation: When possible, incentivize on-site validation of nonpoint source practices, either through inspections or water quality monitoring, if applicable.
- Alternative approaches may have a better chance of success.
- Build trust with the agricultural community.

Incorporating Lag Times into the Chesapeake Bay Program

Lag time the combination of three things: (1) Time required for practice(s) to produce the desired effect; (2) Time required for the effect to be delivered to water resource, and (3) Time required for the water body to respond to the effect.

STAC made a series of recommendations to the Chesapeake Bay Program on how to incorporate lag times into the clean-up effort, including: accounting for it in the computer model; enhancing monitoring; compiling a comprehensive local inventory of all agricultural and urban BMPs, including performance characteristics; revising existing trading programs to incorporate forward markets to efficiently allocate reductions over time; educating the public about setting realistic restoration expectations; and to assist local managers in more appropriate selection of control measures that will produce the desired short-term and long-term effects.

The implications of lag times: Since lag-times are associated with most agricultural BMPs, modeled results will not be consistent with water quality observations, and water quality standards and the TMDL reduction goals will not be met as soon as the computer model projects.

If lag-times are accounted for, and point source water quality permits must still be met annually, the economics driving the decision of point source permit holders, about whether to participate in nutrient trading or to install advanced treatment technology, will favor the advanced treatment technology.

Business Meeting

Nikki Tinsley, Chair of the Election Committee, presented the Election Memo for 2014 CAC Officers that was released on November 22, 2013. Additional nominations were requested; none came forward.

Nikki motioned and Neil Wilkie seconded the motion. Unanimous vote for John Dawes (Chair) and Charlie Stek (Vice-Chair).

The following proposed meeting dates were presented and approved pending a change later in the year to meet jointly with LGAC:

Feb 27-28

May 15-16

Aug 21-22

Nov 20-12

The August 2013 minutes were approved as submitted on motion by Greg Evans and seconded by Bob Wayland.

Discussion of 2014 priorities and interests including the following topics: Verification, Fracking, Conowingo Dam, Toxics, Nutrient Trading, Stormwater regulations, conversational mapping themes, public access points, CREP/Forest Buffers, Enforcement, Climate Change, Bay Agreement follow up, Forestry, Smart Growth, Environmental Education, Environmental Justice, Leadership training, and Land Conservation.

Members will be asked via email to elaborate on their ideas for 2014 priorities and CAC will continue the discussion at the next meeting in February.

Verna Harrison motioned that CAC voice support for the December 4, 2013 letter from the Chesapeake Bay Commission raising issues of governance during the EC meeting on December 12, 2013. Charlie Stek revised the motion due to limited Advisory Committee speaking time at the EC meeting that CAC write a letter in support of the addressing the issues of governance raised by the Chesapeake Bay Commission. The motion was seconded by Joe Maroon and unanimously passed.

Virginia and New York CAC delegations gave brief updates on recent legislative activity.

With no further business the meeting adjourned at 12:03pm.