

CAC Members Present: Paul Bruder, John Dawes, Andrew Der, Matt Ehrhart, Greg Evans, Christy Everett, William Fink, Dale Gardner, Verna Harrison, Paula Jasinski, Chris Karakul, Julie Lawson, Pat Levin, Joseph Maroon, Bill Matuszeski, Charlie Stek (CAC Chair), Nikki Tinsley, Bob Wayland, Neil Wilkie and CAC Staff Jessica Blackburn and Jennifer Starr.

Speakers/Guests Present: Rich Batiuk (Chesapeake Bay Program), Monica Billig (Alliance for the Chesapeake Bay), Karl Blankenship (Chesapeake Bay Journal), Harry Campbell (Chesapeake Bay Foundation), Bill Chain (Chesapeake Bay Foundation), Jim Edward (Chesapeake Bay Program), Mary Gattis, (Alliance for the Chesapeake Bay), Rick Gray (Mayor of Lancaster), Lucinda Power (Chesapeake Bay Program), Christopher Thompson (Lancaster County Conservation District), Al Todd (Alliance for the Chesapeake Bay), Tim Wheeler (Chesapeake Bay Journal), Julie Winters (Chesapeake Bay Program),

Meeting presentations and materials are located at: <http://www.chesapeakebay.net/calendar/event/23298/>

Wednesday, September 7, 2016

The CAC Chair, Charlie Stek, called the meeting to order at 11:00 a.m. The CAC members and guests introduced themselves.

Charlie opened the floor for discussion of the May 2016 Meeting Minutes and offered one edit. BMAT motioned for approval and Andrew seconded the motion. The minutes were approved as amended.

Charlie introduced the water quality meeting theme and objectives. Key decisions are coming up for the Bay Program around the TMDL, the midpoint assessment and the impact for the final phase of TMDL implementation.

Local Context, Water Quality, Culture and Community

Mayor Rick Gray, City of Lancaster, PA

Mayor Gray discussed efforts by the City to incorporate green infrastructure into local stormwater design. The City hired CH2MHill a number of years ago to develop a green program and now this program is used as a model for other communities. With a goal of public education and buy-in, the “Going Green” projects occurred in parks and intersections within the city, and captured community and media attention and support. A Citizens Advisory Panel actively participated in green project development. After five to six years of infrastructure projects that included green components, a stormwater fee was introduced and strongly supported within the community (only two people came to the City Council meeting to oppose it).

The City is in negotiation with Pennsylvania over its consent decree and has hired a lawyer with the goal of getting recognition for past green infrastructure projects. BMAT recommended looking at Washington DC’s stormwater credit program as a model. Joe and Mayor Gray talked about getting community support by emphasizing improvements to quality of life by improving the local environment. This has the added benefit of improving the Chesapeake Bay which is not a big focus for many in Pennsylvania. Verna brought up local area targets and there was discussion on the cost for meeting expected targets and where funding can come from. In Pennsylvania there is confusion over municipalities versus counties versus cities and the role each plays.

2017 CAC Meeting Dates

Jessica proposed 2017 CAC quarterly meeting dates. Members agreed to hold the May 2017 the same week as the Choose Clean Water Coalition Conference in Charlottesville, VA and just prior to the Chesapeake Watershed Forum in September 2017. February and November dates were also approved.

Understanding Policy Challenges and Decisions for Water Quality and the Bay TMDL

Rich Batiuk and Lucinda Power, EPA Chesapeake Bay Program

Rich and Lucinda co-presented and facilitated a lengthy and detailed discussion over setting the stage for the Midpoint Assessment, monitoring and trends, Phase 6 Modeling Tool Refinements, a preview of Jurisdiction's Midpoint Assessment Profiles, Phase III WIP Expectations and Local Area Targets.

Overall Rich says the watershed is improving and the good news is the system is responding. The Chesapeake Bay Program (CBP) focus is to work with partners to identify the challenges heading towards the mid-point assessment. Watershed water quality trends were presented and overall nutrient loads are decreasing and nitrogen and phosphorus loads are either flattening out or increasing. Other key findings are that stormwater sources are impacting tidal water and grass bed density and SAV species diversity are increasing but we are only half way to restoration goals bay wide.

The conversation moved to the changing shape of watershed pollutant sources. The best reductions in nitrogen are coming from wastewater and Pennsylvania and New York have the most work to do to meet target levels for nitrogen reduction. Over 70% of nitrogen reductions must come from agriculture and 24% from urban stormwater. Regarding phosphorus loads, reductions include 64% wastewater and 36% from urban stormwater. Pennsylvania challenges include the need to reduce a total of 34 million pounds by 2025 and being responsible for 69% of remaining basin wide nitrogen load reductions by 2025. Agriculture is likely to be responsible for more than 80% of these nitrogen reductions and the technical assistance/compliance infrastructure and cost share funding is not in place to deliver the needed reductions.

John asked about the efforts for phosphorus reduction along the Eastern Shore and Verna questioned efforts to address increases in concentrated animal feeding operations. Rich responded there are no USGS monitoring stations along the Virginia Eastern Shore to capture data. Paula asked how climate change is being taken into account and Rich said a lot of data is coming in. Verna encouraged looking at septic problems in Maryland and Joe and Dale commented on the increase in poultry farming. Joe offered an example of Hampton Roads injecting effluent into groundwater to address subsidence and deal with high nutrient levels.

Phase 6 land use datasets will be delivered to the Watershed Modeling Team early December. The final Phase 6 model is expected June 2017 with the release of draft phase III WIP planning targets including many options for best management practices. The Local Area Targets Task Force is developing its report to raise awareness of local partners' contributions toward achieving the TMDL and expects a final recommendations report March-May 2017.

Engaging Locals in Phase III Watershed Implementation Plans

Panel Discussion with Rich Batiuk, Lucinda Power and Mary Gattis (LGAC Coordinator)

Lucinda talked about the helpfulness of CBP's one-on-one dialogues with each watershed state and the need for each state to develop their WIPs. Mary introduced the recently formed Local Government Engagement Initiative. This Initiative was approved by the Principle Staff Committee in May as a means to organize and develop a road map for local governments to meet the TMDL. A well-attended kick-off meeting occurred in June and funding has been provided by NFWF and the Town Creek Foundation. The Hatcher Group and Tetra Tech are providing technical assistance to develop an infrastructure to keep local government engaged.

Christy asked if states are supportive of this effort and Mary confirmed they are. BMAT questioned the role of the Initiative and local area targets and Lucinda said local jurisdictions will determine the feasibility of a target. Greg asked about unregulated communities for local engagement and Mary confirmed the effort will reach them as well. Joe stated local government does not want to deal with agriculture as it's outside of their jurisdiction

and Mary said there is a concerted effort to hold round tables to improve dialogue. Mary added the “trusted messengers” for the Initiative are municipal associations, professional associations and local government staff or elected officials. BMAT commented about the worry that local area targets will become a regulation and an effort needs to be made to ensure local governments that targets are not enforceable and they will be held harmless if the local targets are not met. Charlie offered changing the word “targets” to “expectations”. A discussion ensued to re-work the CAC Executive Council recommendation regarding local engagement. Mary asked CAC to keep the pressure on jurisdictions and to encourage the EC to engage citizen support to grow this effort. Christy and Lucinda discussed the helpfulness of a CAC letter to the Local Area Targets Task Force and the development of targets. CAC will provide advice and insights on the issue in their annual report of recommendations to the EC.

Thursday, September 8, 2016

Working Breakfast

The CAC Chair called the meeting to order at approximately 8:45 a.m.

A thank you and appreciation card was passed around for members to sign to send to Bill Martin for his years of service on CAC.

Charlie encouraged members to consider running for CAC office and to contact John, the nominations chair for CAC.

Joe and Charlie talked about the concerns of the recommendations from the draft report from the Environmental Finance Symposium.

De-Brief and Reflections

Charlie opened the floor to comments on yesterday’s discussion. Greg is hoping CAC can direct States to work together for a common goal since Pennsylvania has significant agriculture compliance issues. A suggestion was made to invite a USDA policy person to the next CAC meeting and encourage CBP to focus more of its efforts on agriculture. Questions were asked about any possible new technologies and there was committee interest to have a CAC meeting comprehensive look at the issue. Both John and Andrew noted Pennsylvania streams have no barriers for wandering cows and Charlie suggested STAC, LGAC and CAC all raise the agriculture issue and increase awareness of the policy and compliance implications especially for Pennsylvania and the Eastern Shore.

CAC Member Updates

John highlighted the restoration funding opportunities that would be made available to most of the Bay signatory states through the RECLAIM Act that provides funds from Coal Mine Reclamation.

Greg’s model project is meeting with great success.

Bill emphasized the Pennsylvania agriculture community is seeking clear guidance on what it needs to do.

The CAC members appreciated Joe’s Bay 101 session and would love to hear Agriculture 101, Stormwater 101 and Oysters 101 presentations.

Local Engagement with the Agricultural Community

Harry Campbell and Bill Chain, Chesapeake Bay Foundation, PA

Harry introduced Members to some statistics for Pennsylvania. Today one in five residents are over 60 years old; 44.5% of municipalities are operating with a deficit; annual unmet transportation needs total \$2.3 billion and water and wastewater capital needs are \$36.5 billion in the next 20 years. 18,000 miles of PA’s 83,000 miles of streams are considered impaired under the Clean Water Act. Agriculture and urban runoff are high sources of nitrogen and sediment and far behind goals to date to meet midpoint assessment levels. Farmers do

not understand the Bay Model and what the “ask” is from the CBP. Bill indicated that farmers are “price takers” not “price setters” and milk is at its lowest price in over 10 years. Because farmers cannot raise prices they opt to increase the number of cows, chickens etc. to meet financial needs and this leads to a watershed “swimming in nutrients.” The CBF has numerous restoration activities to help clean-up landowners’ streams and educate the community.

Dale mentioned the number of non-permitted farms in Pennsylvania and asked if they would be required to meet the Model. He also questioned state protocols and tools that do not address specific localized goals.

Chris Thompson, Lancaster County Conservation District

Chris introduced Lancaster County with its 944 square miles (68% of which is farmed) and 1400 miles of streams. He talked about the establishment of local soil conservation districts with locally elected officials to guide the programs. Pennsylvania recognized the importance of conservation and passed the Clean Streams Law in 1937. This Law was set to prevent further pollution of state waters and allowed for the ability to charge fees and permits. In 1945, the Conservation District Law was passed and designated Districts as the responsible parties. 2016 brought PA’s Chesapeake Bay Reboot, a 5 year plan to verify all farms have the required management tools to develop agriculture erosion and sedimentation control plans and manure management plans. For Lancaster County, this effort focuses on education and outreach, technical and financial assistance and the ability to measure success and employ effective enforcement.

Verna asked how the County utilizes resources for meeting targets and Chris commented they create local initiatives to address specifics.

Chesapeake Bay Program Updates

Jim Edward, Deputy Director, EPA Chesapeake Bay Program

Jim updated the Members on elements of the Chesapeake Bay Accountability and Recovery Act, the Diversity Workgroup activities, 2014-15 grant funding for local governments and small watershed and innovative nutrient and sediment grant funding for local entities.

Specifically, the Independent Evaluator selection by the Executive Council of either the EPA Science Advisory Board or the National Academy of Science is being weighed by factors including cost to programs, readiness and the perception of conflict of interest. Once selection is made, the Evaluator will spend the first 180 days identifying highest priority challenges and issues based on review of previous evaluations.

Preliminary results of the CBP demographic profile are being presented to Management Board. Over 750 were polled with a 40-50% response rate. Initial finds have 84% polled Caucasian, 50/50 men to women and only 3% of leadership positions by minorities. More detailed results will be provided at the next meeting. A comprehensive Bay Watershed Environmental Justice Screening tool is in development to assist CBP partners as they identify workplan implementation priorities in relation to the impact of these priorities on diverse Bay communities. A final plan for a Diversity, Equity and Inclusion Strategy is expected June 2017.

Innovative Nutrient and Sediment Reduction and Small Watershed Grants funding has supported projects including 2.8 million square feet of rain gardens, 1.7 million square feet of impervious surfaces removed, over 6500 acres of restored wetlands and almost 1700 miles of restored riparian forests. Environmental Finance Center funding has focused on local stormwater strategies, agriculture financing, and Local Capacity Building Initiative projects.

With no additional business, the meeting was adjourned at 11:50 a.m.