



MINUTES
September 24-25, 2015
National Conservation Training Center
Shepherdstown, WV

LGAC Members Present: Richard Baugh, Janine Burns, Diane Davis, Malcom Derk, Shelia Finlayson, Rick Gray, Larry Land, Leo Lutz, Brianne Nadeau, Kelly Porter, Ann Simonetti, John Thomas, Bob Willey, Bruce Williams and LGAC Staff - Mary Gattis and Amy Robins.

Speakers/Guests Present: Carin Bisland (CBPO), Jessica Blackburn (CAC Staff, Alliance for the Chesapeake Bay), Nick DiPasquale (CBPO), Shawn Garvin (EPA), Kelly Heffner (PA DEP), Renee Kelly (STAC), Rhonda Manning (PA DEP), Linda Miller (EPA), Elizabeth Nellums (NFWF), Reggie Parrish (CBPO), Matthew Pennington (WV DEP), Joan Salvati (VA DEQ), Ann Swanson (CBC), Al Todd (Alliance).

Meeting presentations and materials: <http://www.chesapeakebay.net/calendar/event/22709/>

Thursday, September 24, 2015

Call to Order, Introductions

Chair Janine Burns called the meeting to order at approximately 1:30 p.m. The members and guests introduced themselves.

Conversation with Shawn Garvin, Regional Administrator, U.S. EPA Region 3

Shawn Garvin, Regional Administrator

The Administrator reviewed recent activity related to the Watershed Agreement, management strategies and workplans. He highlighted the importance of leveraging resources for investment with green streets, green jobs, and green towns. He pointed out that legal challenges to the TMDL have been unsuccessful. Shawn commended Lancaster, PA and the work that LGAC member Mayor Gray has accomplished educating their citizens to see the multiple benefits (flood control, Stormwater, Water Quality) of their stormwater program. He would like to see a roadmap to transfer such successes to other localities. He recognizes that funding such projects can be tough with tightening budgets and priority levels from the public. He highlighted partnerships with NGOs and stated EPA is looking into other non-traditional partners like the faith based and business community to help leverage resources. He acknowledge that while it is less expensive to place BMPs on Agricultural lands, urban areas should not be overlooked. He also addressed trading as a useful tool; however, he noted the importance of baselines and verification to ensure the tool is not just a paper exercise. This will be discussed more at the upcoming Environmental Finance Symposium. He thanked the local government officials for helping provide land use data, which will help improve the Model.

Janine thanked Shawn and encouraged EPA to provide case studies of lessons learned so local government officials could learn from each other. Shawn highlighted that partnering with Department of Transportation to think of Green Infrastructure projects down the road could be a way to leverage funds. Diane Davis pointed out that D.C. leveraged working with the Stormwater Advisory Council and sister agencies to execute placement of curb cuts.

Janine asked about the Waters of U.S. – Clean Water Rule. Shawn stated it is moving forward in all states that were not a party to the lawsuit. None of the bay states signed on to the lawsuit so they are all now covered by the rule. Janine cited concern over the ditches. Shawn stated that the rule does not change any regulations. The intent is to clarify the rule and ensure uniformity in application. A public registry of all decisions will allow for tracking and ensuring uniformity across the country.

Larry asked if there was an Agricultural Advisory Committee within the Chesapeake Bay Program. Shawn explained there was no advisory committee, however, there is an Agriculture workgroup under the Water Quality Goal Implementation Team. Jessica Blackburn, Citizens' Advisory Committee (CAC) Coordinator, explained that CAC has representation on the committee from the agricultural industry. Several members and state representatives felt it could be useful. However, they acknowledged most farmers are too busy and surrogates would be on such a committee.

Legislative Actions Needed – Feedback to Chesapeake Bay Commission on MS4 Challenges

Penny Gross and Mary Gattis gave a presentation on the challenges faced by MS4s at the September 2015 Chesapeake Bay Commission quarterly meeting. Penny made two recommendations regarding legislative actions needed to help local governments meet their obligations:

- 1) Adequate and appropriate staffing of state agencies is vital – to process MS4 permits, assess the effectiveness of plans to meet pollution reduction targets, review annual reports to ensure compliance, review plans for individual projects, etc.
- 2) Local Authority to fund programs must be maintained. Local Stormwater utility fee funding mechanisms are not entered into lightly and need to be protected and preserved. Local governments have vast experience financing infrastructure with utility fee revenue streams, and their authority and discretion to do so should be maintained and respected.

Larry Land affirmed concerns over stormwater fee exemptions. Ann Swanson stated that federal government will pay fees if the fee is deemed equitable. A fee is not considered equitable if states exempt specific entities, e.g. churches and schools. Concern was also cited over the smaller localities in Virginia being allowed to shift Stormwater inspections to the Commonwealth. Members feared that VA DEQ does not have adequate funding to provide support in a timely manner.

The Commission asked for additional input from LGAC regarding specific agency staffing needs. Members should discuss at jurisdiction meetings and submit any recommendations to Mary.

Follow-up:

*Jurisdiction delegations to discuss agency staffing gaps.
Provide CBC with additional input on agency staffing needs.*

LGAC's Role in Mid-Point Assessment and WIP3

Members briefly discussed what they remembered of LGAC's role during development of Phase I and II Watershed Implementation Plans, which included the production of two publications targeted to local officials (Our Waters, Our Towns: Case Studies and Local Government's Role in the Watershed Implementation Plans). They agreed that, in order to have a productive discussion about the appropriate role for LGAC during the Midpoint Assessment and

Phase III WIP development, a more in-depth presentation is needed. Joan Salvati (VA DEQ) highlighted the forums held by DEQ did during the development of Phase 1 and 2 WIPs. Carin Bisland stated that local government volunteers are needed to ground truth the land use data that will be feeding the Phase 6 Model. All members agreed that a heightened level of communication with local entities was needed.

Follow-up: Schedule presentation on MPA and Phase III WIP

Best Management Practices to Achieve Stream Health: The Role of Buffers and Barriers

Al Todd, Executive Director, Alliance for the Chesapeake Bay

Al reviewed a brief history of buffers and pointed out they are the 2nd most relied upon best management practice (BMP) to reduce nitrogen. According to the WIPs, the projected need is for an additional 185,000 acres of riparian buffer in the next decade. The Alliance, Farm Service Agency (FSA) and Natural Resource Conservation Service (NRCS) formed a task force to look at the current state of buffers. Pennsylvania has been most successful by engaging nongovernmental organizations to talk to farmers and landowners about installing buffers. Organizations like Stroud Water Research and the Alliance are employing creative strategies to stimulate buffer planting. Through the Healthy Streams Farm Stewardship program, the Alliance and Stroud provide \$4K in conservation vouchers for every acre of riparian forest buffer and stream fencing installed. These vouchers can be used to implement other BMPs on the farm. Al stated that the conservation community should be employing strategies like this that make it easier to say yes to buffers. In the past six months, the Alliance has installed 70 acres of riparian buffers. Stroud's work led to a 32-fold increase in CREP buffer enrollment among Amish farmers in Lancaster County.

Ann Swanson, Executive Director, Chesapeake Bay Commission

Ann provided a quick history of the Chesapeake Bay Commission, followed by a detailed overview of the Commission's recent report on livestock stream exclusion (Healthy Livestock, Healthy Streams: Policy Actions to Promote Livestock Exclusion). She explained a very simple Good, Better, Best approach to stream exclusion. Removing the livestock from the stream is good; fencing the livestock out, which has a higher credit in the Model, is better; and removing livestock, fencing, and planting a tree buffer is best. Virginia, Maryland, and Pennsylvania are heavily relying on stream exclusion to count for reductions towards their WIP targets. Plenty of farmers are willing to go the minimum recommended 35 feet or better of buffer area.

Kelly Heffner, Deputy Secretary, Water Management, PA DEP

Kelly agreed that wider the buffers are better for water quality but she pointed out that demanding wide buffers may result in no buffer at all. The Chesapeake Bay Program (CBP) developed credit in the Model for non-standard widths (Resource Improvement Credit). Buffer width averaging needs to be looked into more since federal programs do not have flexibility. Kelly requested that PA members that were aware of non-cost shared BMPs notify PA DEP so the BMP can be counted in the model.

Al stated without aggressive efforts to restore riparian forest buffers, states will need to find other strategies to reduce nearly 3.5 million pounds of nitrogen and over 157,000 pounds of phosphorus. Over 37,000 acres of riparian forest buffers currently enrolled in CREP will expire by 2018 and will need to be re-enrolled. Grass buffers are 3 to 1 less likely to remain as buffers than forest buffers. Some flexibility in width is fine; however, making big public investment of tax dollars for marginal outcomes is not the way to go when the science tells us wider buffers are more protective of water quality. The 35' or better has fallen off over the last 6-8 years due to the 1) inconsistent funding, 2) lack of ownership, complicated convoluted administration, and 3) the price of corn.

Janine Burns highlight the letter in the meeting packets to Secretary Vilsack from the CBP Executive Council annual meeting regarding recommendations to improve livestock exclusion programs.

The panel identified several actions local governments can take to promote stream exclusion/buffers:

- Help get non-cost share BMPs reported: Pennsylvania has a system that is rolling out for non-cost share BMP to be reported. Virginia has collected all known BMPs on a master spreadsheet to help avoid duplication.
- Communicate with peers and constituents, particularly local farmers.
- Publicly recognize exemplary actions.
- Employ land use regulations that prevent loss of buffers during development. Use stream Overlays in zoning to identify.
- Host conservation district trainings.
- Employ consistent messaging about getting cows out of the stream. Billboards.
- Employ land use taxation policies that incentivize buffers. Need to consider varying authorities within different jurisdictions. Ann Swanson mentioned the CBP Goal Implementation Team (GIT) funded Forestland Retention Study in the Rappahannock watershed, which showed a \$124 million saving in stormwater costs resulting from protecting forest.
- Provide funding to leverage other funds. Elizabeth Nellums reminded everyone that NFWF funds are available for buffers and fencing.
- Use farmland preservation programs

Mayor Gray reminded everyone while agricultural buffers give a big bang for the buck to not forget about urban buffers.

Actions LGAC can take:

- Share stories about tax policy
- Host panels at conferences
- Engage farmers in forums with elected officials

*Follow-up: Schedule presentation on Forestland Retention Study.
Draft column on this issue for Bay Journal.*

Friday, September 25, 2015

Chair Janine Burns called the meeting to order at approximately 8:45 a.m.

Bay Program Updates

Carin Bisland, CBPO

Carin provided an overview of EPA funding through the National Fish and Wildlife Fund (NFWF) from 2008-2014, which totaled more than \$27 million. See NFWF website for project info. In FY14, EPA disbursed \$5 million for local implementation. Funds were to be used to help local entities reduce nitrogen, phosphorus, and sediment loads; expand regulatory and accountability capabilities; and conduct trainings requested by local entities. The funds were distributed the jurisdictions' through the Chesapeake Bay Regulatory and Accountability Program (CBRAP) and Chesapeake Bay Implementation Grants (CBIG) programs. See slides for specific program details.

Carin reported that the Bay Program's Land Use/Land Cover data is improving. The Bay Program has received local land use data from communities covering 75% of the population in the watershed. Land cover data is being developed by the Bay Program. The Bay Program needs LGAC help with identifying people to review and beta test data.

Carin reported that an Environmental Finance Symposium will be held in early Spring 2016. LGAC will have one representative on the Steering Committee. A Planning Team will assist the Environmental Finance Center with developing the agenda, identifying speakers, etc.

Rhonda Manning, PA DEP

Pennsylvania is developing a plan to "reboot" efforts related to the Chesapeake Bay. A report will be submitted to the Governor soon for his review/approval.

Joan Salvati, VA DEQ

Virginia is working with stakeholders to determine what, if any, changes need to be made to the stormwater programs. The Commonwealth is developing a BMP warehouse.

Business Meeting

May 2015 Minutes were approved following a motion by Ann Simonetti and second by Sheila Finlayson.

Communications Subcommittee Report/Discussion (Sheila Finlayson, Chair)

Sheila reported on the Communications Subcommittee meeting which was held during the LGAC meeting recess.

- LGAC Members will continue to present at large conferences to disseminate important information to local governments. LGAC staff will create a google link for members to report presentations and volunteers hours. This link will not replace the reimbursement forms.
- The subcommittee will be revamping the LGAC powerpoint to include a brief overview of LGAC, Phase III WIP information, BMPs, Case Studies, and a resources page with active links.
- The CBP's Communications Workgroup has requested that LGAC review press releases throughout the year. Ruby Brabo (VA) and LGAC staff have been reviewing and commenting on them. Comments are geared towards increasing relevance and readability for local government.
- lgac@listserv.chesapeakebay.net Listserv - LGAC members can use this email to address the entire committee with information they would like to share.
- LGAC Staff briefed the CBP Communication Workgroup on "How to Communicate with Elected Officials". The information shared was from the June 2014 LGAC meeting in Harrisburg, PA.
- Please submit topics of interest to the LGAC Coordinator for the Bay Journal. Agreed that next submission will address Ag BMPs.
- LGAC press release will be drafted and edited during the meeting to be release afterwards.

Follow-up: Draft article on Stream Health BMPs for Bay Journal. Submit under Sheila's name.

Executive Committee Report (Chair, Janine Burns)

- Chair Janine Burns reported on her meeting with the EC Chair, Governor McAuliffe requesting enhanced communications.
- The Chesapeake Executive Council annual meeting was constructive and an overall positive event. Janine referred members to materials in packet from the EC meeting, including a letter to Secretary Vilsack; resolutions for the Environmental Finance Symposium and the Riparian Buffers; and a letter to Congress regarding the Rivers of the Chesapeake.
- She explained that she assumed a temporary position on the Steering Committee for the Environmental Finance Symposium to be held in Spring 2016. During an Executive Committee call, it was suggested that Penny Gross be the representative since she previously served on the Blue Ribbon Finance Panel. Janine confirmed that Penny is willing to serve if nominated. Bruce Williams nominated Penny to serve as LGAC's representative on the Steering Committee. The committee concurred. Janine said that an advisory group would be established if needed.

Follow-up: Notify Penny of appointment. Notify Nick DiPasquale that Penny will represent LGAC.

Delegation Reports

Bruce Williams (MD) stated that Adam Ortiz has been nominated to LGAC by MACo. Waiting for Governor to make the appointment. The delegation would also like to see field trips along the Chesapeake near Cambridge on the Eastern Shore. A MD liaison is needed.

Larry Land (VA) reported on behalf of the Virginia delegation since Ruby was not able to be present. He stated they are working with the state to streamline communications. He stressed now is a good time to move forward with Phase III WIP preparation since the governor's race will be taking place in 2017.

Diane Davis (DC) stated outreach to communities in the district is continuing. They are now including a flyer in water bills explaining different water quality improvement efforts. Brianne Nadeau (newly appointed to LGAC) stated she will work on identify someone to fill the remaining vacancy on LGAC.

Leo Lutz (PA) reported that the delegation was extremely pleased with the previous day's presentation and discussion. The delegation had a very productive meeting with DEP Secretary Quigley over the summer. The delegation would like to see more model ordinances regarding fencing and buffers if they are available. Joan Salvati (VA DEQ) stated VA does have model ordinances.

*Follow-up: Mary to contact Maryland regarding LGAC liaison.
Joan to provide model ordinances.*

Coordinator's Report (LGAC Coordinator, Mary Gattis)

Mary reported that the webinar about Chesapeake Bay websites, including Chesapeake STAT, will be held in the spring when the updates are expected to be complete.

Strategic Plan Review/Update

Chair Burns reported that the Strategic Plan will be reviewed at the next meeting.

The meeting adjourned at approximately 10:00 a.m. Several members attended the Chesapeake Watershed Forum and afternoon session on Local Leadership.