

DRAFT Maryland Proposed Path Forward on CAST  
~~November 29, 2022~~January 12, 2023

Request: As a follow-up to the October 19, 2022 Management Board – WQGIT meeting, below is a draft statement for the partnership to consider as a means of determining a path forward to release CAST-21 and subsequent model updates. While the purpose of the October 19 meeting was not to resolve each of the three PSC decisions from their August 29, 2022 meeting, we believe that we are closer in agreement on those issues than we are apart. In an effort to move forward with this discussion and prevent further delegation of this unresolved issue to other groups, please review and consider the below for possible discussion and approval by the partnership.

Intent: The intent of the following agreement is;

1.. To reaffirm the partnership's commitment to being guided by the best science available in our pursuit of a restored Chesapeake Bay, while recognizing that the science is constantly evolving and that we must constantly adapt our efforts and workload to reflect our improved scientific understandings.

24. To acknowledge the Executive Council charge to the Principals' Staff Committee (PSC) to report back to the Executive Council at their 2023 annual meeting with recommendations on how to best address and integrate new science and restoration strategies leading up to 2025, and may lead to changes based on carrying out these activities.

2. Subject to any findings from Item 1., Tto reaffirm the partnership's commitment to being guided by the best science available in our pursuit of a restored Chesapeake Bay, while recognizing that the science is constantly evolving and that we must constantly adapt our efforts and workload to reflect our improved scientific understandings.

23. Subject to any findings from Item 1., To Tto reaffirm the jurisdictions' commitments between and now through 2025 to complete the amount of work by 2025that they previously committed to completing by 2025 when they submittedcontinue to implement their Phase 3 WIPs which were developed and evaluated by EPA based on as informed by the best science available at that time, and which were evaluated by EPA.

34. To recognize that, since the jurisdictions' Phase 3 WIPs were submitted, continued evolutions in the science and the identification of inadvertently omitted data have both resulted in additional loads and resulting additional work necessary to achieve our goal of a restored Chesapeake Bay. However, given the late date, it is unrealistic for the jurisdictions to adjust their strategies sufficiently beyond what they already committed to in their Phase 3 WIPs to accomplish that additional amount of work by 2025. Those "unaccounted additional, unallocated unaccounted loads", therefore, will not be ignored but will be addressed by the partnership after 2025. The amount of pounds of nutrients/ tons of

sediment in the “~~unaccounted~~ additional, ~~unaccounted~~ loads” is not determined at this time and will be calculated after the partnership has had the opportunity to explore and address concerns related to fertilizer loads in the modeling tools. Additionally, new scientific understandings from the STAC CESR Report, monitoring results, findings from the charge of the Executive Council and other appropriate information will be taken into consideration in calculating the “~~additional, unaccounted~~ additional loads” to be addressed after 2025.

5. To recognize that the inadvertent omission of AAPFCO fertilizer data from CAST-19 and its appropriate application in the model is a significant issue of concern ~~by some jurisdictions~~ that must be adequately addressed. This will include the development of a short-term, interim resolutions to fertilizer data concerns before moving forward with CAST-21, CAST-23 as well as long-term resolutions for Phase 7 model prior to incorporating it into release of CAST-23 and the development of a Phase 7 Model according to the workplan included to this agreement.

~~6.5.~~ To recognize that the revision of non-farm application rates proposed in CAST-21 using previously approved data sources and protocols has produced illogical results for multiple jurisdictions. As such, it ~~does may~~ not represent the best science available to guide partnership restoration pursuits. Prompt technical analysis ~~correction~~ is warranted and scientifically defensible mechanisms are available to adjust model updates protocols and resolve this issue in the short-term.

Partnership Agreement: In recognition of the partnership’s longstanding commitment to embrace the best science available in guiding our collaborative efforts to restore Chesapeake Bay, the Management Board makes the following recommendations to the Principals’ Staff Committee:

A. The partnership approve using CAST-21 ~~now~~ after revisions to address Intent #5 above and CAST-23 when appropriate as per the processes followed in previous CAST updates with the following conditions to address partnership concerns.

B. Understanding that jurisdictions cannot realistically adjust implementation in time to meet significant changes in load reductions represented by CAST-21 by 2025, we recommend that ~~jurisdictions be held accountable to meeting the nutrient and sediment load reductions that the jurisdictions previously committed to meeting by 2025 in their final Phase 3 WIPs and which were evaluated by EPA.~~ “Additional unaccounted additional loads” ~~will~~ be defined as loads identified after the planning targets were adopted in July 2018. ~~Specifically and that,~~ interim 2025 planning targets ~~will~~ be produced ~~by adding the change in the WIP scenario loads caused by model changes and data updates to the original Phase 3 planning targets.~~ Any additional loads reductions required to address increases that occurred due to the CAST19, and CAST21 ~~and 2025 Climate Change~~ will be addressed post 2025. We also recommend that The interim planning targets be reviewed after the release of CAST-23 to determine if additional changes using the same methodology will

change again between be required now and 2025 with the release of CAST-23 using the same methodology.

C. To ensure clarity and transparency, CBPO will calculate, and review with the jurisdictions and share with the partnership ~~share work with the partnership~~ jurisdictions the partnership the 2018 planning targets and what is currently identified to identify the as interim 2025 planning targets, including previously agreed to 2025 climate change loads, and “unaccounted additional unaccounted loads” between January 20, 2023 and April 30, 2023, with the understanding that the ~~additional-unaccounted~~ additional loads may change by 2025 with the release of CAST-23.

D. To be consistent with the EC charge to the PSC, ~~Over~~ the next two years, the MB will develop and recommend to the PSC a process and timeline for addressing how the “~~additional unaccounted~~ additional loads” are to be addressed after 2025. This process should include consideration of appropriate findings and recommendations from the STAC CESR Report, monitoring results, findings from the charge of the Executive Council and other appropriate information. STAC CESR report and results from the monitoring program. (Addresses PSC 8/29/22 Decision #1).

E. The MB charges the WQ GIT to work with other partnership groups as appropriate to:

1) Make a priority of resolving partnership concerns regarding the technical appropriateness of a) incorporation of AAPFCO fertilizer data within the model, and b) the modeling processes when the data is applied. Resolving these issues and reporting back to the MB with recommended actions should be a priority of the WQ GIT given the fact that the inadvertent omission of the AAPFCO fertilizer data and its resulting application in CAST-19 is a significant issue of special concern to the partnership. These issues should be addressed in accordance with the Fertilizer Action Plan for farm fertilizer attached work plan to partnership satisfaction prior to updating CAST-21, CAST-23 and the Phase 7 model. (Addresses PSC 8/29/22 Decision #2)

2) Make a priority of revising the protocols for incorporation of new AAPFCO nonfarm fertilizer data within the model to resolve non-representative and illogical model results and report back to the MB. This issue should be addressed to partnership satisfaction prior to finalization and use of CAST-21 (Addresses PSC 8/29/22 Decision #2)

3) Work with the Watershed Technical Workgroup and others as appropriate in the development of a policy for the partnership regarding safeguards, triggers, and protocols to prevent future data analysis variations and how they are applied. (Addresses PSC 8/29/22 Decision #3)

The WQ GIT will report back to the MB with recommendations on E1) ~~and E2), and E3)~~ above by  
INSERT DATE.

Subject to any findings from Item 1