

Public Comment Listening Session and Management Board Meeting
March 13, 2014
Meeting Minutes

Attendance

Chesapeake Bay Program Partnership:

Nick DiPasquale, Management Chair/CBPO Director
Jim Edward, CBPO Deputy Director
Peyton Robertson, Fisheries Goal Team Chair
Kristin Saunders, Stewardship Goal Team Chair
Carin Bisland, Leadership/Management Goal Team Chair / CBPO Associate Director
Jennifer Pauer, West Virginia
Andy Zemba, Pennsylvania
Mike Slattery, Habitat Goal Team Chair
Mark Bryer, Healthy Watersheds Goal Team Chair
Ann Swanson, Chesapeake Bay Commission
Margaret Enloe, Communications Workgroup
Rich Batiuk, CBPO Associate Director
Tim Roberts, CBPO
Amy Handen, Stewardship Goal Team
Melissa Fagan, Chesapeake Research Consortium
Jeremy Hanson, Water Quality Goal Team
Chuck Hunt, Stewardship Goal Team Vice-Chair
Matt Fleming, Md
Mike Land, Communications Workgroup Chair
Greg Barranco, CBPO
Scott Phillips, USGS
Russ Baxter, Virginia
Greg Allen, Leadership/Management Goal Team
Mary Gattis, Local Government Advisory Committee
Ben Sears, New York
Suzanne Hall, EPA
Heather Cisar, USACE
Sarah Diebel, Navy
Jessica Blackburn, Citizens' Advisory Committee
Jackie Lendrum, New York
LJ Ingram, Chart LLC

Commenters:

Rebecca Ruggles, Md Environmental Health Network
Jeff Reagan,
Claudia Friedetzky, Md Sierra Club
Michael Helfrich, Lower Susquehanna Riverkeeper

Jill Witkowski, Choose Clean Water Coalition
West rode river keeper
Mike Lofton, AA Co. Public Water Access Committee
Gerald Winegrad, former senator
Alyce Ortuzar
Ruth Berlin, Md Pesticide Network
Ellen Moyer, former Mayor of Annapolis/LGAC Chair
Bob Gallagher, West Rhode Riverkeeper
Ray Sullivan, Save Your Annapolis Neck

Introduction

Nick DiPasquale, Management Board Chair, welcomes everyone to the meeting, takes attendance, and provides introductory remarks.

Public Comment Listening Session:

Jill Witkowski, Director of Choose Clean Water Coalition

The lack of commitment & accountability are fatal flaws, so Choose Clean Water Coalition cannot support this agreement. It needs measurable results, & firm accountability. The only commitments from the Clean Water Act Section 117 are the water quality goals, and it fails to address local waters. There is no mention of toxics, climate, or storm water. Add toxics, and address the “opt in opt out” issue.

Ruth Berlin, Md Pesticide Network

Fully implement Executive Order 13508 – toxics is a key element. The impact on living resources needs to be reduced. We are disturbed by the lack of inclusion in the goals.

The potential effects of contamination in wildlife and humans are extensive. Currently toxics are inadequately addressed. Monitoring data gaps exist. The agreement needs research and reduction goals for pesticides, toxics, and chemicals, and a clear aggressive strategy.

Claudia Friedetzky, Md Sierra Club

Include the term climate change. Explicitly articulate goals in relation to meeting climate adaptation. There have been extensive reports on climate change that address reasons why it should be included. In addition, there are policy reasons: Without climate change the agreement is inconsistent with the Executive Order and EPA’s regional climate adaptation plans. We need the Partnership to be a leader on this issue. The future of the bay depends on our ability to adapt and reduce green house gas emission. To suggest we can meet the challenge without climate goals is absurd. Moving to place where we can make a good faith effort requires goals.

Alyce Ortuzar, public citizen concerned about the bay, Montgomery Co. Watershed Steward.

Replacing turf grass that generate sediment w/ watershed friendly yard.

Tens of thousands of residents in Md are currently prohibited to replace turf with watershed friendly yards.

My yard has been destroyed many times by the county. The message we get is to continue using mowers & chemicals. I witnessed a die off of bees because of chemicals applied. Lawn & yard companies continue to promote turf and include dandelions & clover as weeds. This encourages chemicals & destroys food for pollinators. MS4 permits need to remove turf from every list of watershed friendly vegetation. Without eliminating turf grass from the recommended list, we are promoting new development with turf grass. The CBP won't achieve what you claim you want to achieve unless permits have effective parameters. Turf grass is the largest land mass in the watershed. I'd welcome the opportunity as a Watershed Steward to implement what we know.

Gerald Winegrad, former senator

Agreements in 1987 & 2000 were much more definitive. We put together 27 signers, more are signing on, on the Citizens Bay Agreement. The real climate change that's needed is in political climate. It is failing us. Everyone is doing a good job on the Bay. Can you name one municipality that is saying it isn't doing a good job? The Agreement is faulty:

There is no mention of the Bay's biggest source of pollution: agricultural pollution. It is also the most cost effective to clean up. There is no mention of storm water, or population growth, development, & sprawl. The previous agreement mentioned sprawl could undo all other efforts in the Bay.

Mike Lofton, AA Co. Public Water Access Committee

Who are we going to clean the bay up for? NPS says 98% shoreline closed to the public. There has been little progress because there are not enough advocates who have a personal passion about the Bay to change the political climate. Our focus right now is Anne Arundel County, which is a poster child for lousy bay access. There are only 2 boat ramps, and the only public beach is at sandy point. There is not a single public beach on 500 miles of shoreline.

The goal of 300 sites by 2025 would only be 25% growth over 15 years. That's not ambitious enough. You need to engage local governments. They are the people we're trying to get progress from. Lots of federal aid – I'd urge you to make a policy of conditioning aid. There are cases where public land was acquired, but it's closed off to the public. Engage local groups like ours – we're on the ground every day. You need plans and timelines that identify and commit resources to identified parties with a transparent reporting process.

Michael Helfrich, Lower Susquehanna Riverkeeper

I understand we're seeking consensus to decision making, however that's not what fixes the bay. Understanding science & applying it is what fixes waterways.

The agreement is a flawed attempt at trying to combine politics and science.

Several things are unaddressed: agricultural pollution sources, impervious surfaces, heating of local streams, fresh water fisheries, fish sexual mutations, support for needed funding & implementation, toxics, changing land use patterns due to fracking. Address the mix of chemicals that we don't yet understand. Talk about climate trends and weather patterns.

The outcomes fall short as soon as you include the words “discretion to participate.” That is exactly the opposite of agreement & commitment. Section 117 precludes such opt in / opt out clause in an agreement that would provide federal funding. Environmental justice - the Bay representatives don't reflect communities of behavior patterns that we want to change. Found outreach initiatives of people who look like them & allow them to participate in decision making patterns. The Executive Council needs to sign any changes to the goals and outcomes.

Rebecca Ruggles, Md Environmental Health Network

Reconsider proposed toxics outcome language that was rejected in the comments evaluated last summer. They seem reasonable, measured, and a minimum approach, but you all rejected it. There is a wide consensus among experts that there's a need for assessment of pesticides, very similar to the proposed language. There is little information on best practices to reduce pesticide delivery to the Bay, as well as little research on how pesticides are degraded & show up in the Bay. In Baltimore there is no TMDL that addresses toxics, except one that addresses mercury. Local TMDLs do not really cover the reduction of toxic contaminants. Reconsider & include a toxics goal in the agreement.

Bob Gallagher, West Rhode Riverkeeper

Several years ago a group of leading scientists around the Bay came together for the first time to voice a shared opinion – over the past years voluntary efforts failed and it's time to enforce tough mandatory efforts. Measures of this have been incorporated into the Citizens Bay Agreement. We support that. The best enforcer is the TMDL, which is now under legal attack by polluters - attackers supported by at least one of the signatories! Other signatories are content to leave it to EPA and private organizations to enforce the TMDL, while they look for ways to avoid it. Overall the new agreement creates an illusion of progress, giving the biggest polluters a free pass to keep polluting – the poultry people.

Ray Sullivan, Save Your Annapolis Neck

There is no mention of storm water. This agreement should be more like the Citizens Bay Agreement. We are worse off today than we were 30 years ago. We've failed, you failed, we all have failed. The agreement lacks teeth. There are no developers, agricultural interests, chemical interests here because they know it's a useless agreement. It is no threat to them. Use the citizen's agreement.

Paul Slont, public citizen

I spent 35 years of a career on surface water quality. Oysters are no longer able to do the job they should be doing – they can't reproduce. We are down to 3/10 of 1% of the historic population. What do you expect oysters to do in that case? When grasses come back & algae are down, then we can allow harvesting. Prescription drugs are flushed down toilets. There are only 12 pharmacies that take them back, but people won't bother. I'm worried about the complex compounds that go right through water treatment processes. Add another level of treatment – activated carbon absorption. We have the money to pay for this, and we should add it. The goal should be to reach drinking water status.

There is no centralized data storage system I can go to and see what's happening on a particular river. Different research groups collect data & each put it in their own system.

Ellen Moyer, former Mayor of Annapolis

We have failed at engaging a majority of citizens in saving the Bay. We do not have an army of people who care and are invested. It takes a lot of community organization and nurturing.

LGAC suggested finding ways & encouraging locals to do things with citizens that were low cost , manageable, and affordable.

More regulation will push public kicking & screaming over every provision, & stalling. As long as community organizations & personal outreach is shelved, there will be no progress. I suggest you add a very active, well thought out outreach program that shows people low cost programs that excite & energize an army of volunteers.

Nick DiPasquale, Chair: Thank you for coming and sharing thoughts. Your comments will go to the Issues Resolution Committee and recommendations will be made to the Principals' Staff Committee. We do take them to heart. We'll be processing them over the next several months.

Management Board Meeting

Nick DiPasquale, Chair: I think we got some excellent comments today, and I think there's a lot of substance there... been going through a lot of the comments submitted. I think we'll have a lot to work from and have an improved agreement at the end of it.

Mike Slattery, GIT 2: I'm aware the IRC has a process to undertake comments – I'm wondering if it would be beneficial to spend a few minutes on how we might expect to take the comments. It could be worthwhile for us to discuss that.

Nick DiPasquale, Chair: we can tee it up at the end.

Mike Slattery, GIT 2: If there's no time it would be a meaningful conversation to have at some point.

Program Updates:

After the April Management Board call Md is hosting a blue fish extravaganza at Smallwood State Park to launch a new outreach campaign aimed at educating citizens on the effects of catfish. There will be a live catfish display, catfish tasting, and the reveal of new public information signs. We're inviting Management Board members to join us there.

Homeowner BMP Crediting –Half a dozen BMPs have been identified that can be installed in residential homes that are small reductions but could collectively contribute to reductions. We have a way of calculating nutrient & sediment reductions that result, and states could include in reports on annual basis. It's available to states if they choose to use it. University of Md extension developed a tracking tool & smart phone app.

We're trying to recognize those efforts in some way, and there is a suggestion that, if people thought this would be an incentive, they could use the CBPO logo for homes that go through the program & are certified.

Nick DiPasquale, Chair: Would we feel ok with the logo being used? It would have to be a certified program & meet protocols. Would we be willing to approve such an incentive? The recognition would be like NWF's certified wildlife habitat – homeowners get a sticker or sign for their lawn that says you're a river-friendly home.

Katherine Antos: It would be saying "if you so choose, you can put the logo on your recognition materials you're already developing."

Decision: MB members approved the use of the Chesapeake Bay Program logo on marketing materials for local governments' or organizations' homeowner BMP programs. The programs would need to meet the requirements of state progress reporting as well as satisfy the protocols or requirements established by the CBP.

Agreement Comments

Jim Edward, IRC Chair: The IRC had their first meeting to set ground rules and process. Technical comments will be highlighted in the comment registry for your GITs. We're looking for a quick turnaround from you since we have the PSC retreat in early April. It's a tight timeline, but we need your input to move through issues on the IRC. Partner comments can also come in through end of day 3/17, but states and other partners still have opportunity to comment. Send them to me & Lauren Taneyhill.

Kristin Saudners, GIT 5: I noticed that in the most recent agreement there are some goals or outcomes listed under land conservation that didn't come from our GIT's process (land use). I don't know, given our current make up, if we're in a position to comment back, should comments be submitted on those things. Goes back to – even though GITs put forward goals & outcomes, there may be some that don't fall under that GIT really to work on.

Jim Edward, IRC Chair: In that specific instance... Md was the champion on land use, so we'd send that back to them. Climate change – we're not sure where that should go. There are specific recommendations for goals. We'll be deciding where those stragglers should go at the next IRC.

Peyton Robertson, GIT 1: How can we look at the overall agreement more broadly & is there a time to do that? It would be nice to have some other forum for broad discussion and input. More brains means more time, but also more creativity. How to do that in advance of PSC?

Nick DiPasquale, Chair: Md is looking at setting an Executive Council meeting date in mid June. We have about 8 weeks to get the job done. We need to triage this. Is it something we have to deal with now, or wait til after the agreement is signed and deal with it then?

Jim Edward, IRC Chair: At the April 10 Management Board call we could have a talk about the broader comments. We talked at the PSC about prioritizing comments –we have to pick out the ones we need them to make decisions on.

Mike Slattery, GIT 2: I appreciate the drive to get us to the point of having an effective Executive Council meeting & how short a time frame that is, but we have a habit of deciding on a time and rushing at an unreasonable pace to back ourselves out from that time, and then we don't adequately address people's interests. That's more a PSC issue – we don't even know how weighty or challenging the new issues are. Let's not determine now that there won't be things worthy of addressing and taking more time. Comments are making me think differently... acknowledging we took a lot of time getting to agreement on some things, but we should take a careful look at what is coming out of the comment process. If there are things we can address with triage, or address later after signing, or need to deal with things and take more time than available... I feel strongly about that because we often put ourselves in a position of having to do more work than is reasonable in short time frame.

Nick DiPasquale, Chair: We don't have the luxury of spending a lot of time deliberating on issues. We'll be putting ourselves in a difficult position if we don't have something acceptable for signature by June.

Mike Slattery, GIT 2: I appreciate the sense of urgency, and I'm not afraid of hard fast work. But sometimes there aren't as many hands as we need...

Peyton Robertson, GIT 1: Sometimes we chunk things up with dates where a group got together to do something. We need a better process for circulating new issues.

STAC Recommendations

Nick will be meeting with Kirk Havens & Carl Hershner on March 20th to process STAC's recommendations.

Action: CBP staff will send to the MB a comment registry that captures both the partner and stakeholder comments received during the January-March comment period.

Decision: The April Management Board call will be expanded to 3 hours to integrate a discussion about agreement comments received.

FY14 EPA CBP Budget: Draft Operating Plan

The plan is not set yet. This is only an overview.

This goes back to Ann Swanson's request to hear more about budgets & sharing budgets more openly. We have been very fortunate to get a pretty big bump up in our budget from \$54 million to \$70 million this year. An 80% increase is going to the states in the form of state grants, and to local governments.

Management Board Oversight of Management Strategies

The Management Board should make sure all outcomes are assigned to the appropriate groups (gits, other non-git groups), and should make sure there is cross-GIT collaboration.

Notifying & Including Stakeholders

Carin Bisland, GIT 6: I'm hearing a lot about transparency issues. What is the MB's role in that?

Peyton Robertson, GIT 1: I think this would work... GIT 1 develops management strategies, and at some point decides to seek stakeholder feedback, and conduct a vetting of management strategies at a full GIT meeting. We develop a spreadsheet of names & contact information of people who will be invited to participate. If someone isn't on it that should be, we'll add them... the more names the better. Whatever the strategy is for conducting that, the Management Board could be informed and raise a hand if there's an issue. STAC is now seeking to engage GIT Chairs on quarterly basis. The only concern is that if all Advisory Committees did that we'd be so stretched on meetings. It would be sensible to build on meetings... create a venue where strategies could be vetted through the GITs and Advisory Committees. And put the strategies on the web as an obvious way.

Kirk Havens, STAC: I want to clarify ... we're not asking them to attend quarterly meetings. We're looking for 45 minutes to an hour from their desk to engage them.

Carin Bisland, GIT 6: Peyton's idea is that the GITs put together a list of appropriate people, but vet them through the Advisory Committees and Management Board.

Carin Bisland, GIT 6: I'm trying to parse out... hearing that it's not so much about seeing the strategy when it's done, but there's a need to know when it's starting & be involved in the development process.

Nick DiPasquale, Chair: Each Advisory Committee could have a liaison that goes to each GIT meeting.

Matt Fleming, Md: The same process may not be used by all GITs.

Mike Land, Comm. WG: The Comm Workgroup has been talking that we don't have the capacity to do the outreach the PSC is asking for...

Kristin Saunders, GIT 5: Is there 1 place that CBP puts together email lists? To have 1 central outreach database. ...

One question I didn't see was how the Management Board can support the implementation of Management Strategies. A lot of it will take support of the MB to make it happen. Having GITs in a role of reporting up and getting slaughtered is not helpful to us.

Carin Bisland, GIT 6: I see that our role will be changing significantly over the next year. It's going to make our process go more smoothly, make people feel like we're more productive.

Ann Swanson, CBC: As the Management Strategies are developed, and policy gaps become obvious – where will those discussions take place? When implementation challenges become apparent – where will the problem solving happen?

Carin Bisland, GIT 6: I think both at the MB and GITs. At the GIT level we're talking about challenges within that goal area, but a lot of gaps will be broader.

Ann Swanson, CBC: We used to have major issue discussions that brought up major policy issues. Those issues fed ideas & information & the to do list at state general assemblies & federal congressional assembly... policy & budgets. I'm thinking about the groups that work on the policy making end of things. Because if you really want to affect change you need to be supporting it. And if those discussions don't happen here then the Management Board is not supporting that. It goes back to Kristin's question...

Carin Bisland, GIT 6: Is this the right thing to bring to the Management Board for continued consideration? And how quickly should we tee up these issues? Do it now to hit the ground running or do we have time?

Andy Zemba, Pa: I think the questions are right. Not sure of the timing. I would support this being on the next call so we can stay ahead of it.

Decision: MB members agreed they prefer to keep abreast of management strategy development over the course of the year with regular updates and discussions at each MB meeting to help ensure development stays on track and to cross-GIT collaboration.

ChesapeakeStat

Carin Bisland, GIT 6: We are re-looking at ChesapeakeStat to make sure it's useful to the oversight groups. A lot of issues have to do with the management strategies.

Kristin Newton, Director of Research & Content Strategies at LMD, presents slides on work done to date to evaluate & redevelop ChesapeakeStat.

Doreen Vetter, EPA: We appreciate getting feedback from all participants. We've learned a lot. Some we knew. It raised broader strategic issues that Kristin talked about. We had a plan of moving forward, but realized we needed to pause, digest, analyze, and put things together and bring back to GIT6. We see it as a Partnership product, and don't want to move forward without airing these questions. And for larger issues, trying to respond to tracking for the bay agreement, there are things we need to wait to happen before moving forward. I don't know what to provide to you until the CBP figures it out.

Scott Phillips, USGS: I think an interaction with STAR would be helpful since we work on indicator development.

Nick DiPasquale, Chair: And STAC will be working with the GITs on monitoring/performance measures to ultimately be in the management strategies & on the website.

Indicator Webpage Updates

Nita Sylvester presented the options for updates to the indicator webpages.

Several Management Board members preferred the "fall back" approach.

Decision: MB members approved the presented recommendations for updating the indicators web pages. Indicators will be listed both alphabetically and either topically or by activity. MB members also approved the alternative option for the "retired" oyster biomass and reef restoration indicators: the current page will be maintained with a revised title and introductory text; a video will be added; and a link to the Maryland and Virginia oyster surveys will also be added.