

SUMMARY
Urban Stormwater Workgroup (USWG)
Teleconference
April 15th, 2014
9:30AM to 12:30PM

www.chesapeakebay.net/calendar/event/21151/

SUMMARY OF DECISIONS & ACTION ITEMS

DECISION: The February minutes were approved as submitted.

DECISION: The Urban Filter Strips expert panel recommendations were approved for submission to the Watershed Technical workgroup.

DECISION: The shoreline management expert panel recommendations were approved for submission to the Watershed Technical Workgroup.

ACTION: USWG members should submit comments on the draft Phase 6 land uses to Norm Goulet (ngoulet@novaregion.org) and Jeremy Hanson (jhanson@chesapeakebay.net) by April 29th.

MINUTES

Welcome and Review of February Minutes

- Norm Goulet (Northern Virginia Regional Commission; USWG Chair) convened the call, welcomed participants and reviewed the agenda.
- Goulet called for comments or corrections to the February workgroup minutes; none were raised.
 - **DECISION:** The February minutes were approved as submitted.

Announcements

- Goulet noted the [Erosion and Sediment Control expert panel's report](#) was approved by the Water Quality Goal Implementation Team (WQGIT) on April 14th. He explained there were some modifications from the Watershed Technical Workgroup (WTWG) and WQGIT.
- Tom Schueler summarized the status of other ongoing expert panels:
 - The floating treatment wetlands panel is developing its recommendations.
 - A second draft of the Illicit Discharge Detection & Elimination expert panel report was shared with the panelists for their review.
 - The street sweeping panel is wrapping up its literature review phase and is beginning to develop its recommendations.
- Goulet noted the homeowner BMP crediting memo was approved by the WQGIT. There were concerns at the WTWG regarding the verification aspect.
 - Goulet asked for questions about any of the expert panels; none were raised.

- Goulet explained the BMP Verification Review Panel and BMP Verification Committee met at the beginning of April. The Review Panel and the Committee still consider the USWG's verification guidance as the model for other sectors. The biggest concern was in regards to one option for non-MS4 localities and the option for sub-sampling and applying results to other communities as described in the document. The guidance from the sectors will go up through the Partnership and up to the PSC in the fall timeframe. Next step is for states to incorporate the guidance as they enhance the programs. There is still a lot of work to be done on the Agriculture sector guidance.
- Schueler noted CSN has an outstanding survey for training needs. He and Cecilia Lane (CSN) will report to the USWG once full results are in. He appreciated everyone's responses to the survey thus far.
- Katherine Antos (EPA) explained this year there was an additional \$5 million in the CBP budget to assist local governments with implementation. The funds have to go through the states, so CBRAP and CBIG grants are the fastest vehicles to get the funds to the local governments. CBP is working on draft guidance for the grants with the states and are expediting the process to get the funds out as quickly as possible. Funds have to be spent on implementation. EPA is currently reviewing the 2013 progress in relation to the 2013 milestones, and also looking at the states' 2015 milestone commitments.
 - Goulet: is there any language that specifies those funds have to go to the locals and cannot be diverted to state programs?
 - Antos: Nothing in the current version, but can check the language. The intent is for all those funds to go to the local governments.
 - Joan Salvati (VA DEQ): Would the language also allow for Planning District Commissions or other regional entities to receive funds?
 - Antos: Yes. The definition for a "local entity" includes is a municipality, conservation district, or an entity that represents local governments. It also includes utilities.
- Schueler: CSN and the Center for Watershed Protection (CWP) are offering 24 webcasts this spring and summer on a variety of topics including advanced stormwater design.
 - The webcast schedule is available on the CSN website: <http://chesapeakestormwater.net/events/>
- Schueler noted that CSN received over 76 nominations for BUBBAs and are very pleased with the submissions. The winners for multiples categories will be announced at the Stormwater Retreat. CSN is exploring ways to secure funding for the contest in future years.
- Goulet asked for other announcements from the workgroup; none were raised.

Action item: Consideration of Urban Filter Strip (UFS) and Stream Buffer Upgrade (SBU) Expert Panel Report

- Neely Law (CWP) recalled the previous presentation in February and explained that some revisions were made in response to subsequent comments and discussion. She explained the comments were mainly for clarification.
 - View [her presentation](#) and [the full revised report \(Attachment B\)](#) for more details.
 - She reviewed new and revised language highlighted as red text in the slides.

- Ken Murin (PA DEP) thanked Law for the changes and the clarifications that were added into this version. The BMP Verification guidance is still working its way through the Partnership. Curious how the options in the report relate to the stormwater guidance.
 - Goulet noted the panel's options and the USWG's guidance is only guidance and the states ultimately define their own verification approach or methods.
 - Murin: Pennsylvania has the majority of the non-MS4 municipalities in the watershed, about 1000. We have made some strides in verification, but want to make sure this document does not create confusion about what is going on at larger scale.
- James Davis-Martin (VA DEQ): Paragraph about local reporting to the state. First sentence discusses submission to the state as an MS4 annual report but there are non-MS4 local areas that may wish to report. Also unclear about urban filter strips' connection to acres of performance standards in preceding years.
 - Goulet: Good points and that can be clarified.
- Goulet called for objections to submitting the recommendations to the WTWG; none were raised.
 - **DECISION:** The Urban Filter Strips expert panel recommendations were approved for submission to the Watershed Technical workgroup.

Action item: Consideration of the Shoreline Management Expert Panel Report

- Sadie Drescher (CWP-EPA CBPO) reviewed the outline of the presentation, reviewed the panel charge, recommendations, and qualifying conditions for the protocols [slides 1-30].
 - View [the presentation](#) and [the full panel report \(Attachment C\)](#) for more details.
- Lee Karrh (MD DNR) reviewed a MD project example applying the panel's recommended protocols [slide 31].
- Bill Stack (CWP-EPA CBPO) reviewed accountability mechanisms, unintended consequences, and discussed future research and management needs [slides 32-38].
- Jana Davis (Chesapeake Bay Trust) thanked Drescher and the rest of the panel for all their work and was glad to be a part of the panel process. She noted about 40% of the panel dissented on a couple issues as described in [Appendix L of the report](#). Some essential points of dissension include that not all sediment is bad and some sediment and erosion can benefit the ecosystem. You do not want to pave or armor the entire shoreline to prevent erosion. Another point of dissension is for installing "armor" such as bulkheads. A number of studies show that armor harms SAV, aquatic species, etc. Sediment may be prevented, but the Bay Program as a whole is bigger than just sediment or nutrients. The dissenting group felt that some of the revisions helped. The dissenting group is fine with protocols 2, 3, and 4, but protocol 1 provides the bulk of the sediment credit and the dissenting group is concerned that it may create a management shift toward implementing more armored shoreline practices that generate more harm than good.
- Salvati: Armored and living shorelines often seem to impact our mandated resource protection areas. Suggest adding some text that the installed practice is the minimum needed to address the erosion issue. That could help minimize any impact to the protection area.
 - Drescher noted some language in the report about not infringing on the resource protection areas.

- Antos: We are building capability to include other information, such as cost and ecosystem services, into the Partnership's modeling tools such as CAST/MAST/VAST. One difficulty has been obtaining quantitative ecosystem services information. Where these shoreline practices affect other ecosystem services, it could be beneficial to have data to build into our decision support tools such as CAST/MAST/VAST to help better improve planning or decision making.
- Davis: This panel and the dissenting group sparked a discussion about how to engage other Goal Implementation Teams (GITs). The Habitat GIT is developing a set of recommendations to the WQGIT that will address these concerns. For example, notifying other GITs before panels are launched and if there are strong concerns for habitat or fishery reasons, then perhaps that given BMP may not move forward or the charge would be modified. There is currently no official way to engage the other GITs.
- Drescher noted that there were some comments received from MDE on the report; she thanked MDE for providing the comments.
- Debbie Cappacetti (MDE): The stream restoration protocol 1 does not allow credit for armoring or structure repair and requires a demonstration of an ecosystem benefit to earn credit. Wondering why this report allows some of those same armoring practices get credit in this report.
- Drescher: The armoring practices would not receive CB TMDL credit unless they were previously eroding and living shorelines were not possible at the site, per the basic qualifying conditions. This would occur in a very limited number of cases.
 - Stack: We did not reach full consensus on this, but the majority sensed that there would be very few of these projects in urban cases.
- Antos: the focus of the report seemed to be Maryland and Virginia, but could these credits also be used in tidal areas of DC or Delaware?
 - Drescher: Yes, we discussed that in the report and coordinated with those jurisdictions.
- Sarah Lane (MD DNR): Our concern is that the damage is already done and these (armored) projects have already been permitted and some of the concerns that have been raised will not be addressed in the near term. To clarify, these hardened shorelines can apply to other land uses such as forest or agriculture?
 - Stack: No. The armored practices could only receive credit in ultra-urban areas like ports.
 - Drescher: Right, only very limited conditions as noted in Table 7.
- Goulet: For example, if there is a failing bulkhead in a recreational marina, could a replacement bulkhead receive credit?
 - Davis: The logic would be that you only get credit if it is previously eroding. So you could not get credit for replacing a bulkhead with another bulkhead.
- Sarah Lane: Question about Table 7 (page 25, Attachment C). Revetment and breakwater systems are still technical hardened areas. Did the panel discuss how these practices would maybe create more hardened areas where we may not want them?
 - Drescher: We added the language about SAV just to reinforce that point.
 - Davis: From a habitat perspective the best thing is not to do anything with the shoreline. The reason for installing these armored practices should be infrastructure protection. If the landowner needs to protect their infrastructure from erosion, then they should use a living shoreline. Our concern is that now

these practices will be installed for water quality credit in the Model. Living and armored shorelines have negative impacts from the habitat perspective.

- Sarah Lane: Perhaps the infrastructure protection could be a qualifying condition.
- Goulet: Like the suggested approach and defining the qualifying conditions a little more clearly. Get the sense that there probably will not be consensus regardless of the qualifying conditions. The dissenting group appears to have some fundamental differences of opinion about the management and consequences of these practices.
 - Davis: That seems fair to say.
 - Jeff Halka (MD Geologic Survey): It really is a philosophical issue. Some dissenters felt we could never have enough qualifying conditions to make it acceptable. Shore erosion is a natural process. It is difficult to arrive at a resolution from the management perspective.
 - Steve Stewart (Baltimore County): From that perspective, stream erosion is also a natural process, but we have modified that process and made it worse through our own actions.
 - Salvati agreed with Stewart and reiterated the suggestion to minimize.
 - Salvati: From my perspective this raises a very important policy question.
- Goulet: There is a lot of great discussion and important points being made. The role of the USWG is to weigh in on the technical aspects of the panel's recommendations and we should focus on that. The larger policy or philosophical questions are the purview of the WQGIT, with the other GITs weighing in from their perspective. The philosophical issues are important, but propose that those are questions that need to be raised and answered at the WQGIT, or maybe even the Management Board if necessary to resolve cross-GIT issues. Are there questions with respect to technical nature of the BMP?
- Davis-Martin: back to table 7 row 2. Revetment and breakwater systems. Is there any credit for a revetment system alone?
 - Drescher: It means a revetment and/or breakwater system, so it could be one or both. Will edit the text to clarify this.
- Goulet: Not hearing any technical objections to the BMP report that would prevent it from moving forward.
- Sarah Lane: Based on MD DNR's discussions we are unable to support protocol 1, but support the other protocols. Feel that the qualifying conditions are a part of the charge.
- Schueler: If it moves forward we should clearly define the two options for decision by the WTWG or WQGIT: the report as written and the report as proposed by the dissenting members. Clearly this is a larger philosophical question that the WQGIT should consider.
- Salvati: is there a mechanism for flagging these issues as the report goes through the other workgroups?
 - Schueler: The policy issues are not the prerogative for the workgroup, but fall to the states to handle the policy aspects or decisions. Want to compliment Drescher, the panel, and the dissenters for being so thorough and compiling such an excellent report. Feel that from the USWG perspective the panel has met the charge and has laid out the options for the WQGIT.
- Goulet: With that, recommend submitting the report to the WTWG. He called for any further objections or comments; none were raised.

- **DECISION:** The shoreline management expert panel recommendations were approved for submission to the Watershed Technical Workgroup.
- Goulet: With that we will work with Drescher and the panel to define the options as we move it to the WTWG and WQGIT.

Update on Urban Land Use and Loading for Phase 6 Model

- Karl noted a memo went out from the LUWG to the other workgroups with proposed land uses and land cover for the Phase 6 Watershed Model ([Attachment D](#)).
- Berger explained the goals and objectives for the STAC workshop “Peculiarities of Perviousness.” He reviewed the draft agenda for the workshop ([Attachment E](#)). The workshop will help build from the Tetra Tech literature review of existing data on urban land use loading rates ([Attachment F](#)).
- Schueler noted that once the steering committee finishes the report from the STAC workshop, Attachment F will serve as a technical supplement and a resource going forward. The exact process has not been fully laid out and perhaps at a future meeting it will be fully mapped out.
- Goulet noted that the LUWG asked for comments on the draft Phase 6 land uses by April 30th. If USWG members have comments they should send them to Norm and Jeremy by April 29th who will forward the USWG’s comments to the LUWG.
 - **ACTION:** USWG members should submit comments on the draft Phase 6 land uses to Norm Goulet (ngoulet@novaregion.org) and Jeremy Hanson (jhanson@chesapeakebay.net) by April 29th.

NFWF 2014 Bay Stewardship Fund RFP

- Schueler noted the RFP and other information about the Chesapeake Bay Stewardship Fund is available online through the [National Fish and Wildlife Foundation \(NFWF\) website](#). The deadline for proposals is May 15th. Jake Reilly (NFWF) was not on the call.

Other business

- Goulet asked for other updates or announcements; none were raised.
- Goulet thanked participants for their time and input.

Adjourned

Participants

<u>Name</u>	<u>Affiliation</u>
Norm Goulet, Chair	Northern Virginia Regional Commission
Tom Schueler, Coordinator	CSN
Jeremy Hanson, Staff	CRC, CBPO
Katherine Antos	EPA, CBPO
Karl Berger	MWCOG
Chris Brosch	Va Tech, VA DEQ
Greg Busch	MDE
Ted Brown	Biohabitats
Deb Cappuccitti	MDE
James Davis-Martin	VA DEQ
Sebastian Donner	WV DEP
Nathan Forand	Baltimore County
Jack Frye	CBC
Randy Greer	DE DNREC
Alana Hartman	WV DEP
Ruth Izraeli	EPA Region II
Bill Keeling	VA DEQ
Joe Kelly	PA DEP
Sarah Lane	MD DNR
Neely Law	CWP
Lew Linker	EPA CBPO
Hannah Martin	CRC, CBPO
Allissa Meyers	PA DEP
Ken Murin	PA DEP
Jennifer Orr	PA DEP
Robin Pellicano	MDE
Joan Salvati	VA DEQ
Ginny Snead	Louis Berger Group
Bill Stack	CWP
Steve Stewart	Baltimore County
Jeff Sweeney	EPA CBPO
Lilantha Tennekoon	LID Center
Jenny Tribo	HRPDC
Julie Winters	EPA, CBPO