

CHESAPEAKE BAY PROGRAM WATER QUALITY GOAL IMPLEMENTATION TEAM

August 10, 2015 CONFERENCE CALL

Minutes

Summary of Action and Decision Items:

ACTION: Sally Claggett will share the Forestry Workgroup's report on the proposed loading rates for a tree canopy land uses with the WQGIT membership.

DECISION: The Tree Canopy expert panel and Forestry Workgroup will present a refined proposal for including distinct tree canopy land uses in the Phase 6 Watershed Model during a September WQGIT meeting.

ACTION: The statement of work for the Boat Pump-Out BMP panel will be adjusted to include an evaluation of all boat pump-outs in the Chesapeake Bay, not just those in no-discharge zones.

DECISION: The WQGIT did not approve the formation of a Boat Pump-Out Task Force, but did approve the formation of a BMP expert panel to evaluate Boat Pump-Outs and No Discharge Zones for crediting in the Phase 6 Watershed Model under the BMP Protocol process.

DECISION: The WQGIT approved, pending minor additional language, the proposed option 1 for the decision making process in the WQGIT Governance Protocol. The WQGIT will include a statement of intent that all members recognize timeline concerns and actively participate in consensus building with the timeline in mind, and the WQGIT will include a statement that allows the decision-making process to be reconsidered at any time.

ACTION: WQGIT members should submit nominations for at-large members to David and Lucinda prior to COB August 21.

ACTION: Consensus could not be reached on a method for addressing Erosion and Sediment Control on Extractive Lands in Phase 5.3.2 of the Watershed Model. The decision will be elevated to the Management Board.

Workgroup Updates

Land Use Workgroup (LUWG)

- The LUWG held a conference call on July 23rd, where they discussed the Phase 6 land use data gap filling method and local review periods.
- On August 27th there will be a face-to-face meeting to go over the Phase 6 land use methodology in detail. The meeting will be open to whoever would like to participate in the detailed discussion.
- September 24th will be the next regular LUWG call or meeting. Agenda items will include forecasting future land use, and the Land Use Methods and Metrics Outcome.

Agriculture Workgroup (AgWG)

- The AgWG held a joint conference call on July 16th with the Watershed Technical workgroup to discuss the Phase 5 Nutrient Management Panel report and the timeline for Partnership review and comment.
- Workgroup members approved Tom Fisher (UMCES) as the final member of the Phase 6 Nutrient Management Panel.
- Open session meetings for the Phase 6 Expert Panels have been scheduled in August and September. Presenters need to RSVP with Emma (egiese@chesapeakebay.net) to schedule their presentation at least 2 weeks ahead of each open session.
- A webinar to review the Phase 5 Nutrient Management Panel response to comments will be held on August 20th.
- The August AgWG conference call has been rescheduled to August 24th.

Urban Stormwater Workgroup (USWG)

- The next USWG meeting will be September 15th. States will provide updates on their fertilizer sales tracking methods.

Federal Facilities Workgroup (FFWG)

- The FFW is tracking the exchange of information among the federal agencies and the jurisdictions, which will result in the calculation of new targets. Letters were recently sent from both Shawn Garvin (EPA Region 3 Administrator) and Nick DiPasquale (EPA CBPO Director) to federal agency leaders reminding them of their obligations for planning and reporting BMPs to meet targets.
- FFW is also working on rolling out the on-line Facility Editor tool for updating the federal lands data layer to be used in the Phase 6 model; completing enhancements to BayFAST and preparing to support increased use by federal agencies through training, etc.; developing a strategy for expanding the reach of the FFW to additional federal agencies not currently engaged.

Forestry Workgroup (FWG)

- The FWG had a conference call in July to discuss Management Strategy Workplan development and review the newest changes made to the Forestry BMP Verification Guidance Document. Members also had a chance to share updates during a round robin.

Toxic Contaminants Workgroup (TCW)

- The TCW held a meeting with their Policy and Prevention subgroup on August 3rd to begin prioritizing tasks for the development of their workplan.
- The TCW will have their next full workgroup meeting on August 12th to continue workplan development.

Watershed Technical Workgroup (WTWG)

- The WTWG met jointly with the AgWG on July 16th in order to be briefed on the Nutrient Management expert panel report.
- The WTWG developed a memo on potential options for crediting erosion and sediment control practices on extractive lands. They could not reach consensus on a recommendation, and have passed the decision to the WQGIT.

Trading and Offsets Workgroup (TOWG)

- The TOWG met on July 15, and received briefings on the 2014-15 interim Milestones evaluations, the recent court ruling on the Bay TMDL, and the upcoming National Water Quality Trading Meeting.

Wastewater Treatment Workgroup (WWTWG)

- The WWTWG has conditionally approved a proposed approach for including loads from several new wastewater sources in the Phase 6 Modeling tools, but are awaiting further details before making a final decision.
- The WWTWG approved the Land Use Workgroup's proposed sewer and septic methodology for the Phase 6 Watershed Model.
- The WWTWG approved the scope of work and proposed membership for the boat pump-out in NDZs task force.

Welcome/Confirm Call Participants/Workgroup Updates – James Davis-Martin, Chair

Tree Canopy Land Use – Sally Claggett, USFS and Jeremy Hanson, VT

Decision Requested: The WQGIT was asked to approve of the formation of the Tree Canopy over Pervious (TCP) land use, the Tree Canopy over Impervious (TCI) land use, and the Tree Canopy over Turfgrass (TCT) land use.

- For more information please see the [presentation](#).

Discussion:

- Sally Claggett (USFS/CBPO): Back in March, the Forestry Workgroup submitted a loading rate best estimate for a tree canopy land use to the Modeling Workgroup. The urban tree canopy (UTC) expert panel is going to make a suggestion for how the loading rates might be refined, but I don't know the timing of that.
- Lee Currey (MDE): The expert panel started as a BMP expert panel, how was the decision made to move UTC from a BMP to a specific land use? Is that consistent with our criteria for setting other land use categories?
 - Claggett: The tree canopy over pervious and impervious have acres assigned to them and have unique loads, so there was no reason to treat them as BMPs because they have the unique loading rates which would be consistent with the rules for creating a separate land use.

- James Davis-Martin (Chair, VA DEQ): Can you explain the process by which the panel was redirected to focus on land uses?
 - Neely Law (CWP, UTC Panel Coordinator): We weren't really asked to refocus, but it was a natural evolution of our conversation. As an expert panel we were asking ourselves what the difference was between defining UTC as a land use versus a BMP, because either way, they draw from the same literature sources. One of our goals was to streamline and provide as much clarity as possible for what is tree canopy as a land use versus as a BMP.
- Davis-Martin: But we don't know how much lower the loading rate of the UTC land use would be compared to the loading rate of the underlying land use at this point?
 - Law: There is a placeholder loading rate approved by the Forestry Workgroup that is 25% less than the underlying land use, but it could be refined. It hasn't been completely vetted with the panel membership. We have begun those discussions, but we could provide our confidence that the tree canopy land use has a different hydrologic response if it is over pervious or impervious.
- Dave Montali (WV DEP): I am concerned about what we are being asked to approve today. We are behind the eight-ball on land uses for developing the Phase 6 Watershed Model. A vote of "yes" today means we are pursuing three new land uses?
- Claggett: Even back in the fall of 2014, the door was open to consider these as separate land uses, but we didn't have the UTC expert panel or the loading rates at that time.
- Norm Goulet (NVRC): I remember after the "peculiarities of perviousness" STAC workshop, there was the agreement that the possibility existed that we would need a tree canopy land use. It was kicked back to the Land Use Workgroup and the Forestry Workgroup because there were more information needs.
- Davis-Martin: At the October, 2014 WQGIT face-to-face meeting our goal was to finalize land uses. At that time, tree canopy was left on the list of potentials land uses to consider, but only a single tree canopy class. Now we are looking at that expanding to three. We also discussed the importance of finalizing those land uses by April, 2015. Then we extended it to June, 2015. Now we are in August saying we aren't necessarily any farther along. I have to share Dave's concerns.
- Goulet: There is also another issue. The current contractor for VA DEQ doesn't have tree canopy in its contract.
- Davis-Martin: The tree canopy over impervious (TCI) and the tree canopy over turfgrass (TCT) are new urban land classes. If we adopt these new urban land classes, we would want to report the history of BMPs through time not just on acres of urban, but on these land uses as well.
 - Goulet: We would also need to go back and tinker with the land use modeling numbers. It is nothing that can't be overcome. I am not saying we shouldn't have these land uses, but I don't know if we have enough time to get it in the Phase 6 Model.
 - Jeff Sweeney (EPA/CBPO): This is an urban classification, so all BMPs that involve stormwater management. These will be treated as part of that distribution.
 - Davis-Martin: Isn't that a decision the group has to make?

- Sweeney: We have always done it that way.
- Matt Johnston (UMD/CBPO): You can track BMPs on very specific Phase 6 land uses, but you aren't going to want to. You will have groups of land uses, in this case, pervious and impervious.
- Davis-Martin: So we are assuming the land use classes being treated by BMPs are distributed proportionately across all urban impervious. Our ability to track them should be part of our decision when we approve. If we don't have precision to track BMPs against a land use, maybe we shouldn't approve the land use.
- Sweeney: There is very little information out there on BMPs to tell you what land uses they are applied to. Our rule has always been that they are distributed proportionately across the relevant area. The tools are set up to put the BMP on a specific Model land use class, but if you don't know, the assumption is to distribute it proportionately.
- Montali: I don't know the answer to when we will have loading targets. If you pursue this direction, when will we have those loading targets and how does that line up with this year's version of the Model's needs?
 - Jeremy Hanson (VT/CBPO): The panel wasn't initially charged with looking at these land use issues because we knew it was going to be a timing concern. What I am suggesting is that we use the Forestry Workgroup's proposal of an urban tree canopy loading rate that is 25% lower than the underlying land use loading rate as a placeholder for the initial Model calibration. It is up to the Forestry Workgroup to come up with that in time. The panel will work with them, but they are focused on developing their BMP report. Neely and I will work closely with the panel and the Forestry Workgroup and Modeling Workgroup, but the workgroup chairs will have to decide how to handle it between now and the October calibration.
 - Claggett: My thought was when the Forestry Workgroup submitted loading rates in March, 2015 that we could go forward with that until we know something new from the panel.
 - Montali: Olivia Devereux had the tree canopy land use with acres and one loading rate, and at the time it was clear that the number she had wasn't right and that there was a need to break into more distinct land uses. I am just concerned, and want to check back to see where this is going, but I thought the direction was to pull back, not have the land use but to just deal with it with a BMP.
- Tanya Spano (MWCOG): I would also suggest that it is important to know what the difference is between breaking it out in different ways. Precision isn't always increasing our accuracy.
- Davis-Martin: Is the panel's work on a tree canopy BMP dependent upon the approval and inclusion of the tree canopy land uses?
 - Hanson: They were charged with evaluating tree canopy to quantify the overall water quality benefit. Whether that is captured in changes to the land use over time, or a typical BMP efficiency, I am not sure. We have been approaching it as a land use change BMP, but it is very complicated and I don't know if I have an answer.

- Davis-Martin: But in theory it could be an efficiency BMP treating an underlying land class?
 - Law: Correct.
- Davis-Martin: I will offer a suggested resolution: We resolve to support the panel as it evaluates the BMP, and we suspend the discussion of the inclusion of tree canopy as a land use. I think given the timing, that is our best solution at this point. Any opposition?
 - Claggett: As long as we credit existing canopy in some way, I don't see it being a big problem. But I don't see it the way some mappers would see it. I thought it was agreed that if we have unique loadings, we would have unique land uses in the Model.
- Sweeney: So this has been a category we have been considering and we have taken a crack at the calibration. Once you remove a land use, you can't really put it back in later. Urban tree canopy isn't really a BMP. What we want for the WIPs and TMDL are programs that are going to expand the amount of tree canopy. Those programs would be the BMP. There has been a net loss of canopy, and this approach would allow us to highlight that.
- Davis-Martin: We should not use our Watershed Model as a tool for tracking land use changes. I agree we need a mechanism to track changes in tree canopy, but I don't know if this is the way to do it.
 - Currey: I don't know if I agree with that statement. Land use changes are a significant input for the Watershed Model. I don't understand how if all of a sudden we report tree canopy, does that mean the tree planting BMP is still an option?
 - Claggett: On the surface they are pretty much the same. Tree planting would remain a BMP, but we are talking about how to account for the existing tree canopy on the landscape.
- Law: How would this decision impact data collection efforts to characterize tree canopy?
 - Davis-Martin: No impact in Virginia.
 - Sweeney: If there was no tree canopy land use there wouldn't be any need to collect that data for Phase 6, but we would do it anyway because there would be a need for it in future models.
- Currey: I think this really has an impact in urban areas. Does the Urban Stormwater Workgroup (USWG) have some perspective on how it would be best applied?
 - Goulet: The USWG hasn't seen any of this.
- Montali: I think it is clear we should not make a decision one way or another today. I don't think I am confident enough to say we can't include these tree canopy land uses.
- Davis-Martin: I could buy that if we had a timeline for when it would be ready to approve.
- Montali: If we can't get it done in this year's model, is it appropriate to change it in 2016?
- Currey: It concerns me that the USWG hasn't really seen this.

ACTION: Sally Claggett will share the Forestry Workgroup's report on the proposed loading rate for a tree canopy land use with the WQGIT membership.

- Davis-Martin: All we can do at this point is ask that the panel and workgroups please accelerate your work on this.
- Montali: Can we use the second meeting this month?
- Currey: Can we phrase it in a way that states that we want to account for it, but we don't know how. One concern is the modeling concern, the second is a process concern, and it seems necessary for the USWG to weigh in.
- Law: The expert panel recommendations will be based in-part on what information the CBP has available to characterize tree canopy. We are working as best we can to accommodate the needs, but we aren't at a point to make those recommendations.
- Davis-Martin: I have a hard time believing the issues for this land use class will be wrapped up by October 1. I would encourage us to reach a decision today to pursue tree canopy only as a BMP.
- Goulet: Would it make it easier to back off and have tree canopy as a single land use rather than three so we can at least get it into the model.
 - Claggett: I like that idea.
 - Currey: You mention needing three land uses because they have three distinct loading rates, so why would we lump them together?
 - Claggett: That would be for refining down the road.
- George Onyullo (DDOE): I say leave it as it is. I don't think we have enough information at this point to make a decision.
- Davis-Martin: So the decision is to leave it as-is as we await further information.
- Currey: My recommendation would be that we don't make the decision today because we are still lacking information. I think the concerns are now clear and I think they should have the opportunity to come back to us in a month with a refined proposal.

DECISION: The Tree Canopy expert panel and Forestry Workgroup will present a refined proposal for including distinct tree canopy land uses in the Phase 6 Watershed Model during a September WQGIT meeting.

Boat Pump-Out in No Discharge Zones – Tanya Spano, WWTWG Chair

Decision Requested: The WQGIT was asked to approve the scope of work and proposed membership for a task force to evaluate boat pump-out facilities in no-discharge zones for credit in the Phase 6 Watershed Model.

Discussion:

- Goulet: It is illegal for type 1 and 2 MSD's to discharge in a no discharge zone, but they are allowed to discharge in the Bay. Type 3 MSDs can't even be discharged in the Bay. The other aspect is that there is no tracking for type 1 and type 2 pump-outs.
 - Spano: In terms of data tracking, some places do not, but my understanding is that the Lyndhaven River has been tracking this information very closely.

- Goulet: I think the statement of work should be altered to say within the Chesapeake Bay proper, rather than restricting the practice to within no discharge zones.
- Davis-Martin: Maybe this could be broken into two different BMPs. The no-discharge zone is a regulatory action that prevents discharge from type 1 and 2 MSDs, so you have eliminated that discharge entirely.
 - Goulet: We tried to do that with the grey infrastructure expert panel and we were not allowed because the discharges were illicit.
- Davis-Martin: Would taking the regulatory requirement of having a no-discharge zone and crediting it be a reasonable BMP?
 - Jen Sincock (EPA R3): I don't know the answer, but we have proposed advisory members for the task force to help with these very questions.

ACTION: The statement of work will be adjusted to include all boat pump-outs in the Chesapeake Bay, not just those in no-discharge zones.

- Mary Searing (DDOE): We should also look into evaluating no-discharge zones beyond those approved by EPA, because the District has its own regulations on the books and many other jurisdictions have local regulations that are in place as well.
- Davis-Martin: The way this has been described implies that the result of this task force is to determine if including the practice is viable. Our BMP Protocol seems to call for the second part of this charge to be handled by an expert panel. Are we prepared to have this move forward through a non-BMP panel process?
 - Spano: The WWTWG's understanding was the expert panels were called into play when the loading efficiency needs to be defined. They felt this was a more straightforward question.
- Davis-Martin: My concern is that we have established a BMP Protocol. I have no problem if a task force makes early recommendations on the proof of concept before we empanel a group to work on this. However, because of all the things involved with BMP panels, if we allow a task force to exercise this process, it effectively dodges all of those components we just established in the BMP Protocol.
 - Spano: It is obviously up to the WQGIT to determine whether or not an expert panel is mechanistically the process that should be followed. We just wanted to float the concept. If the expert panel is the way to go, we will kick it back to the workgroup and line that up. It would help the people who bring these proposals forward to have a better understanding of the schedule and process for these expert panels.
- Jenny Tribo (HRPD): If this needs to be an expert panel, it should go forward as a panel now, rather than having a task force that leads to a panel. I think determining whether no-discharge zones should be credited should be part of their charge.
- Rich Batiuk (EPA/CBPO): I think James made some good points about the BMP Protocol process that we have been engaged in. Thank you Tanya for the proposal, but I think we should follow the BMP Protocols, so I support initiating the expert panel process.

- Davis-Martin: I think the scope and membership are already pretty much defined, so it would just be circulating the scope and panel membership for partnership approval.

DECISION: The WQGIT did not approve the formation of a Boat Pump-Out Task Force, but approved the formation of a BMP expert panel to evaluate Boat Pump-Outs and No Discharge Zones for crediting in the Phase 6 Watershed Model under the BMP Protocol process.

Governance Protocol

Decision Requested: WQGIT members were asked to approve the definition of membership under the WQGIT Governance Protocols.

Discussion:

- Marel King (CBC): The Bay Commission weighed in, in-favor of membership option 1, and we feel strongly about that. We are not interested in seeing two tiers of membership. If we are unable to achieve consensus, there is probably a reason to go to a higher level.
- Currey: How are the other GITs approaching this? Have you asked the Management Board for their input?
 - Davis-Martin: I have not had a chance to communicate with the other GIT chairs, but we are scheduled to meet on September 1. I have spoken to my Management Board member, as well as Nick DiPasquale, and neither were really ready to take a stand on the issue yet when I spoke to them. My personal view is that option 1 is more in line with what the Management Board envisioned when they set in place their new governance.
- Suzanne Trevena (EPA R3): EPA prefers option 2, not because we want to cut short the process of consensus, but we have a very short Midpoint Assessment schedule. Our main concern is if there are too many decisions that need to go to the Management Board it just further pushed out our schedule.
 - Davis-Martin: I understand that rationale.
- Montali: These options assume the at-large membership would be in disagreement, and the signatories would be in agreement. In theory, if it goes to the Management Board, the answer would likely be the same as if it was achieved using option 2.
 - Davis-Martin: I agree, it would just put us down the road another month. Let's keep in mind our current decision making process has been consensus-based and I would hope we wouldn't need to exercise this option regardless. Does anyone have alternatives that we could consider that would represent the middle ground?
 - King: I think Dave raised an excellent point.
- Beth McGee (CBF): I weighed in the last time we discussed this issue. I really think option 2 is sort of a hollow option because it is disingenuous. If you are a member, you should either be a full member, or not a member at all. The only other alternative is to go back to the old way where the signatories were the only members.
- Sincock: I want to reiterate Suzanne's point that this would only be used after considerable negotiation by all parties. We were thinking maybe we could use a trial

period where we go down the route of option 2 and see if we really need to use these options at all.

- Davis-Martin: As a group, it is all of our responsibilities to factor in the schedule when building consensus. I think these two options are essentially identical. I have a hard time believing there would be a time when we either couldn't reach consensus, or that the only dissention would come from the at-large members.
- Batiuk: In terms of the governance, it is within the purview of the GIT to make changes down the road if there is a need.
- Currey: Option 1 seems like the most efficient path forward.
- Davis-Martin: EPA R3, if we could reach consensus on option 1 and agree to come up with some additional language in our governance, or a statement of intent that all members recognize the schedule and actively participate in consensus building with that in mind, would that help?
 - Trevena: Yes, that would help. I also think we should include language about a trial period and being able to revisit the decision if it is not working.
- Davis-Martin: Do we have consensus on option 1 with some additional language on the schedule and the ability to revisit this process?
 - No dissenting comments were raised.

DECISION: The WQGIT approved the proposed option 1 for the decision making process in the Governance Protocol, pending additional language. The WQGIT will include a statement of intent that all members recognize timeline concerns and actively participate in consensus building with the timeline in mind, and a statement that allows the decision-making process to be reconsidered at any time.

- Davis-Martin: I ask that folks begin to think about nominations for at-large members, and that we send those in prior to our next meeting.

ACTION: WQGIT members should submit nominations for at-large members to David and Lucinda prior to COB August 21.

Extractive BMP in Phase 5.3.2 – Ted Tesler, PA DEP and Matt Johnston, UMD

Decision Requested: WQGIT members were asked to consider the WTWG recommendations and make a decision on how to address Erosion and Sediment Control on Extractive lands in Phase 5.3.2 of the Watershed Model.

Discussion:

- Davis-Martin: I have a few comments on each option. Option 1 leaves all jurisdictions except for West Virginia unable to reduce loads on active extractive lands. Option 2 more reasonably represents loads from permitted facilities but would violate the calibration of the Model. Option 3 I think is the most viable option because it allows for fully crediting the practices. This is an issue the WQGIT fully considered and sent down to the WTWG for their consideration, but they were unable to reach consensus for either of these options.

- Currey: To clarify on the violation of calibration – of these options, which of these represent real, on the ground changes from the time period of the calibration? The Modeling Workgroup raised the concern that if we go back and adjust historic implementation it becomes a paper exercise and the adjustments in loads will have to come from somewhere else. Some sector(s) would have to make up that difference.
- Batiuk: If we go for any of these options, are we violating what we called the WWTWG on? In other words, because this is an interim BMP that might be made a permanent BMP, are we getting into the territory of an expert panel? Or is this somehow different?
 - Davis-Martin: I would characterize option 3 as the only one that may require an expert panel. However, we did just approve an erosion and sediment control panel report on construction lands, which is what we used as the placeholder for extractive.
 - Montali: I would caution against an expert panel. This practice is not going to be used in the Phase 6 Model, so I don't see the need.
- Davis-Martin: Whatever decision we make here is one that will last for a few years. There will be no more extractive land use in the Phase 6 Model.
- Trevena: What is the timing for this? Is there even time to get an expert panel together? Maybe option 1 makes the most sense because if we are trying to look forward.
- Hoss Liaghat (PA DEP): There is not much confidence supporting the initial load from extractive lands. Secondly, just because this is not going to last forever, doesn't mean that we shouldn't address it now. The bottom line is in Pennsylvania, we rely on our permitting system.
- Montali: The problem with this whole issue is that the load from extractive lands is too high, but the actions taken through the permits don't represent changes on the ground. In West Virginia's WIP from day 1, we said we would claim the Abandoned Mine Reclamation BMP on extractive lands, because that is the way it is in reality. Maybe we were treated unfairly to our benefit, but I don't want a hit like you guys do. The issue is bigger than that opinion though.
 - Davis-Martin: I think there are distinctions between West Virginia continuing their current approach, where all of their planning has been based on that approach, and the other jurisdictions. No other jurisdiction had the foresight to do that.
- Ted Tesler (PA DEP): Would we be within our right to take West Virginia's approach?
 - Davis-Martin: Doing that as part of the 2015 milestones would be more confusing than not, but starting in the 2017 planning process would be reasonable. In summary, I suggest we recommend option 3 for use in 2015 progress reporting and option 2 through the 2017 milestones planning process.
- Currey: Would both of those options reflect true, on the ground implementation?
 - Liaghat: In Pennsylvania it does, because we rely on our permitting system which we believe reflects changes on the ground.
 - Davis-Martin: I think you could make a case that is does in Virginia too. I think representing the load appropriately is as-important in my eyes.

- Johnston: I think the WQGIT would be going down a dangerous path with option 3 because it would set an interim BMP as automatically eligible for progress reporting. There are a lot of interim BMPs out there I don't want to go down this slope. If I could suggest another alternative, I suggest the WQGIT work with EPA and explain that we couldn't come to consensus and ask that they ignore the BMP in their programmatic evaluations until 2017. That is mentioned in the last 2 bullets of the memo we posted. That keeps our rules intact but asks EPA to communicate the practice a little differently.
 - Trevena: I struggled with option 3 for the same reason. I don't think we want to set that precedent.
- Liaghat: The way we look at it, we realize there may not be exact science to support that BMP, but a correctional step towards the initial incorrect loading encourages progress.
- Onyullo: The District does not have a dog in this fight, but process consistency is very important in this partnership. I reject option 3 because of that concern. Overall, Matt makes a very persuasive argument. Option 3 grossly violates the partnership's agreed upon rules.
- Montali: I like Matt's idea with the addition of the language not to use those when judging performance.
- Davis-Martin: I have heard cases for option 1 and option 2, and have heard objections for each of the options. I think Matt's bullets at the bottom of the memo are reasonable, however, EPA is not the only evaluator of progress. If extractive loads continue to be reported as part of the larger urban class, that would be problematic. Is there a way to reach consensus on this issue?
 - Tesler: Pennsylvania would be with you on that. The elimination of the interim BMP for programmatic evaluation is helpful, but the numeric load is also a problem.
 - Sweeney: In EPA's evaluation of where you are, they are not putting a lot of scrutiny on extractive lands. It does not generally influence what level of oversight the stormwater category is in. Although you are right that EPA is not the only evaluator.
- Goulet: The panel was very specifically opposed to using the erosion and sediment control on construction BMP and applying it on extractive lands and making it permanent.
- Davis-Martin: I don't think we can reach consensus and we will need to elevate this to the Management Board. I think this is the wrong message to send to the Management Board and the wrong type of issue for them to be considering, but given our recent governance change, that is the process. I request that my recommendation to use option 3 for 2015 progress and option 2 up until 2017 be passed along for Management Board consideration as well.

ACTION: Consensus could not be reached on a method for addressing Erosion and Sediment Control on Extractive lands in Phase 5.3.2 of the Watershed Model. The decision will be elevated to the Management Board.

Adjourn

List of Call Participants

Member Name	Affiliation
James Davis-Martin (Chair)	VA DEQ
Jenn Volk	U of Delaware
Lucinda Power (Coordinator)	EPA, CBPO
David Wood (Staff)	CRC
Karl Blankenship	Bay Journal
Marel King	CBC
Beth McGee	CBF
Neely Law	CWP
George Onyullo	DDOE
Mary Searing	DDOE
Sarah Bradbury	DDOE
Hassan Mirsajadi	DE DNREC
Rich Batiuk	EPA, CBPO
Jeff Sweeney	EPA, CBPO
Chris Day	EPA, R3
Jen Sincock	EPA, R3
Suzanne Trevena	EPA, R3
Ann Carkhuff	EPA, R3
Jenny Tribo	HRPDC
Ross Mandel	ICPRB
Bruce Michael	MD DNR
Lee Currey	MDE
Dinorah Dalmasy	MDE
Karl Berger	MWCOG
Tanya Spano	MWCOG
Norm Goulet	NVRC
Ben Sears	NY DEC
Ted Tesler	PA DEP
Hoss Liaghat	PA DEP
Matt Johnston	UMD
Sally Claggett	USFS
Lisa Ochsenhirt	V/MAMWA
Jeremy Hanson	VT, CBPO
Chris Brosch	VT, VA DCR
Teresa Koon	WV DEP
Dave Montali	WV DEP