

CAC Members Present: Paul Bruder, John Dawes, Matt Ehrhart, Greg Evans, Christy Everett, Dale Gardner, Verna Harrison, Jeff Holland, Paula Jasinski, Pat Levin, Joseph Maroon, Charlie Stek, Nikki Tinsley, and staff- Jessica Blackburn, Amy Robins and Megan Strawderman (intern).

Guests: Anthony Beery (Dairy and Poultry farmer), Carin Bisland (CBPO), Kristen Saacke Blunk (Headwaters, LLC, Ag Workgroup Co-Chair), Erik Curren (City of Staunton Councilman), Nick DiPasquale (CBPO), Mark Dubin (U of MD, Ag Workgroup Coordinator), Kevin Phillips (Dairy farmer), Ray “Buff” Showalter (Beef and Poultry farmer), Bobby Whitescarver (Whitescarver Natural Resources Management, LLC), and Tom Yeago (Lewis Creek Watershed Advisory Committee).

Meeting presentations and materials are located:

<http://www.chesapeakebay.net/S=0/calendar/event/22435/>

Thursday, February 19, 2015

CAC Chair Charlie Stek called the meeting to order at 11:00 a.m. providing a brief overview of the meeting’s objectives. CAC members and guests introduced themselves. Russ Baxter, Virginia Deputy Secretary for Natural Resources for the Chesapeake Bay was unable to attend the meeting.

CAC Business and Updates from CAC Members

November 2014 CAC Minutes approved (Jeff Holland first, Nikki Tinsley seconded).

CAC members provided updates. John Dawes reported a proposal in the president’s budget to link jobs with coalfield communities. He stated with full support of both Senators 100,000 acres in the bay watershed could be replanted in Pennsylvania. Matt Ehrhart stated that the riparian forest buffer task force initiative is coming to a close and the final report will be out within the month. Christy Everett the VA BMP cost share program is underfunded by \$16 million dollars but additional budget amendments are expected. Verna Harrison led a discussion about crediting practices in the Bay computer model and the TMDL mid-point assessment. She recommended CAC send a letter to the PSC expressing concerns about Bay Program expert panel meetings being closed to the public and how the existing Agriculture expert panel seems to be moving forward with over-crediting nutrient management plans in the Bay computer model even though the plans are not verified as implemented on the ground. Charlie Stek introduced a draft letter about a five mile shoreline restoration project and the request for consideration of public access from the water to the property. Conversation continued on Friday.

Working Lunch – CAC Priority – Stewardship: Local Restoration and Protection Efforts

Erik Curren, City of Staunton Councilman and Tom Yeago, Lewis Creek Watershed Advisory Council Member

Both presenters discussed local partnerships to address stormwater runoff and flooding. Councilman Curren expressed concerns for local water quality and community health associated with the proposed the new pipeline.

CAC Priority – Agriculture and Water Quality

Bobby Whitescarver, Whitescarver Natural Resources Management LLC

Bobby presented priority issues and challenges for Virginia agriculture, the key elements of a Nutrient Management Plan (NMP), and how Resource Management Plans (RMP) work in Virginia. Bobby noted that agriculture is the number one industry in Staunton and Virginia. He explained how phosphorous pollution from agriculture is affecting the Bay. He stated priority issues and challenges as 3-fold: accelerate BMP application, verification, and mismatched inputs with results (nutrient management). His recommendations include implementing a “State Buffer Task Force,” improving incentive packages for BMPs, increase funding (possibly through a land use tax), and creating a “two-tiered” land use tax system that incentivized good farming practices. He mentioned several dilemmas with winterfeed facilities and recommends tighter rules, 3rd party verification, and consequences for non-compliance. He stated that mismatched inputs with results are a major issue. He recommends improving manure transport and transformation, doing away with nutrient management credits all together, developing an incentive program for phosphorous extraction from soils, and the two-tiered land use tax system.

Bobby reiterated that elements of the NMP are too complicated. Farmers should be fertilizing crops only with what the crops need based on soil and fertilizer tests. He said that Resource Management Plans (RMPs) should be a way for farmers to have certainty that the regulations won’t get harder. He offered the following recommendations: RMP is to be developed with farmer by certified RMP a planner; the RMP is approved by (Soil and Water Conservation District (SWCD) or VA Department of Conservation and Recreation (DCR); implementation certified by reviewing authority or the DCR. The challenge is how to create ways that this is feasible.

Panel Discussion with Local Farmers

Dale Gardner, Waterstewardship Inc., CAC Member

Dale introduced the panel of farmers who are using many conservation practices as well as Nutrient Management Plans. Each panelist took 15 minutes for opening remarks to introduce themselves, talk about their farming operation, and share their insights on Nutrient Management Plans and riparian buffers.

Kevin Phillips, Dairy Farmer

Kevin Phillips is a fourth generation farmer. His land has been farmed since the 1800s. They own a large family operation that includes three dairy farms. Kevin said NMPs is based on outdated science. He worries about the future of his farm given all of the complicated regulations and the inefficiency of the NMPs. . While he believes in stream exclusion, he has had to allow the cows in his creeks so they can drink water when the water troughs freeze in the winter. He stated NMP’s process is very time consuming and he currently spends two days a month at government agencies to make sure he is in compliance. Kevin’s solution for the issues he brought up were to allow manure application to be based on the soil productivity testing and through testing yields.

Anthony Beery, Dairy and Poultry Farmer

Anthony Beery is a certified Nutrient Management Planner. His farm is a dairy, poultry, and crop farm with 300 dairy cows, 500 acres of crop (corn, alfalfa, soybean, and small grain), and 24,000 chickens. The BMPs he uses are confined feeding areas, long term manure storage, manure injection, transfer of poultry litter off farm, multi-species cover crops, short term rotation perennials, stream exclusion fencing, vegetative buffers next to creeks and ponds, precision equipment for manure, no till, and test plots to determine better nutrient management. Anthony stated that nutrient usage is difficult to predict and manage and that yield losses occur if nutrient availability is too constricted. He also echoed that NMPs are too complicated and oversimplified at the same time. Beery’s systematic approach to soil health is through nutrient management, because healthy soil sequesters nutrients and water. Beery exclaimed that there is no benefit in reducing nutrients if you need to utilize them to improve soil and grow crops. He suggests that nutrient losses can be stopped by addressing the bad actors, improving BMPs, and empowering 3rd party consultants. His solution to these issues is to focus on real nutrient management, not nutrient diets.

Ray Showalter, Beef and Poultry Farmer

Ray Showalter farms within the Muddy Creek Watershed. He owns a 200 acre farm that has been in his family since 1831. He installed a 28.5 kilowatt solar system, practices rotational grazing, no till, livestock stream exclusion, 12 acres of riparian buffers and 15+ years of nutrient management plans. Ray says that the science used in the NMPs is outdated and biological factors are not taken into account. The crops they plant now are genetically modified and can uptake more nutrients for a higher yield than what the science the NMPs are based on. He states that he feels the intentions behind the NMPs are good but the results are not. He states that knowing animal waste, crop uptake, and soil numbers is helpful. The challenges he faces with the NMPs are the rigidity and complication. He doesn't know what he will be planting for next 3 years in advance so he constantly has to go back to the NMP to make adjustments. He states that the science is obsolete and that riparian buffers are not one size fits all (i.e. crop land).

CAC members and farmers had an open discussion regarding incentives for riparian buffers. The farmers did not see any significant incentives for planting buffers. They highlighted that less proactive farmers be penalized based on lack of practices not size of the operation. Buff suggested the Bay be cleaned through the market place (i.e. public purchase of sustainably produced foods). Bad actors, peer pressure from other groups, a land use tax, and individual permits were all discussed by the panel and the CAC as possible solutions.

Updates from the Chesapeake Bay Program's Agricultural Workgroup

Kristen Saacke Blunk, HeadWaters, LLC Field Liaison, Ag Workgroup Co-Chair

Mark Dubin, University of Maryland Agricultural Technical Coordinator, Ag Workgroup Coordinator

Mark and Kristen provided an overview of differences in Nutrient Management Plans in Virginia, Maryland and Pennsylvania as well as updating the group on recent meetings and decisions. Mark reviewed Maryland's NMP and stated that all farms of a certain size have to follow a current NMP. He stated that almost 98% of farmers have an NMP and violators are fine up to \$2,000 and lose cost-share assistance. Mark discussed Pennsylvania's animal operations and clean stream laws. He stated that the law requires all farms to have a manure management plan. Pennsylvania has three options for developing manure application rates through charts, worksheets, or the PA Phosphorous Index; charts being the easiest mode of development and the Phosphorous-Index being the most difficult. Mark also discussed EPA's concentrated animal feeding operations (CAFO) program in PA which regulates larger animal operations under a federal program. The program requires an operation permit, similar NMPs for PA concentrated animal operations (CAOs), manure application setbacks, in-field stacking limitation, and winter application scrutiny. In Virginia, programs like DEQ Virginia Pollution Abatement (VPA) permits, DEQ Poultry Waste Management permits, DEQ VPDES permits, DEQ Biosolids Regulations, DEQ Municipal Waste and Industrial Waste permits, DEQ Water Reclamation and Reuse Regulations, Chesapeake Bay Preservation Act, DCR Ag BMP Cost-Share Program, VA Ag BMP Income Tax Credit, VA Precision Nutrient and Pesticide Application Equipment Income Tax Credit require NMPs.

Kristen updated the committee on the Ag Workgroup's work. They have established an expert panel and are reviewing nutrient management credits in the Bay Model Version 5.3.2. Through frequent conference calls the workgroup is reviewing the separation of Nitrogen and Phosphorus benefits in Tiers 2 and 3 and re-evaluating literature for specific management practices for reduction efficiencies. CAC asked about the make-up of the expert panels and the protocols and charges that guide their development and work. The CAC Coordinator asked if the panel would be open for recommendations from the committee.

Chesapeake Bay Program Updates

Nick DiPasquale, EPA Chesapeake Bay Program Office Director

Nick reviewed highlights from the 2013-2014 Bay Barometer and provided a brief overview of general findings of the annual progress report.

He addressed the Choose Clean Water Coalition's February 12, 2015 letter to PSC Chair Secretary Ward that requested immediate access to the draft strategies and an extended timeframe to review the strategies.

He referenced the President signing the Chesapeake Bay Accountability & Recovery Act of 2014 into law that requires reporting on the funds expended on watershed restoration and the creation of an independent evaluator. Currently, there is no funding for an Independent Evaluator position.

Nick discussed the progress of gaps in meeting the Watershed Implementation Plans. He told the committee the top priority WIP implementation challenges included: Pennsylvania agriculture, Pennsylvania stormwater, Virginia agriculture, Delaware agriculture, and federal facilities. He stated that jurisdictions are falling below the desired riparian forest buffer installation rate. He also stated that there are large gaps between current annual progress and the States' WIP targets for riparian forest buffers.

The nutrient credit trading update included a schedule for issuance of trading technical memoranda and working to improve calibration between the CBP Watershed Model, Scenario Builder, and VAST, MAST, and CAST family of support tools.

Friday, February 20, 2015

The meeting was called to order by the Chair, Charlie Stek at 8:30 a.m.

General Overview of the Management Strategies

Carin Bisland, EPA, Chesapeake Bay Program

Carin reviewed the Watershed Agreement's four critical principles: transparency, accountability, reliability, and relevance. She stated that adaptive management will be used as the partnership moves forward with the Management Strategies. Management Strategies should be looking at items that need to be examined, what things are already being done, and how to determine whether or not an outcome is reached. It is important to remember that outcomes could be achieved without achieving the overall vision. Carin indicated that the EPA does not have a specific role in holding the partnership accountable in meeting Agreement goals. EPA's role is to coordinate the partnership's work. Even though EPA is helping to fund some of the work, so are the jurisdictions and other federal agencies. She said most of the agencies are involved in most of the Management Strategies.

Carin reviewed several Management Strategies that CAC has been following.

- The Urban Tree Canopy Management Strategy will provide technical assistance and training to local governments, develop funding partnerships, strengthen state incentive programs and policies, integrate planting in TMDL, and improve tracking.
- The Water Quality Management Strategy will implement WIPS, oversee accountability framework, annually improve tracking and reporting, and identify capacity for new incentives.
- The Citizen Stewardship Management Strategy will provide financial investment, build local capacity for effective stewardship programs, set priorities, facilitate collaboration, and provide communication.
- The Local Leadership Management Strategy includes peer to peer networking, success metrics, and improved knowledge management transferability.
- The Diversity Management Strategy involves outreach and communication, environmental justice, tracking and assessment, and professional engagement.
- The Management Strategies for Protected Lands; Public Access; Environmental Literacy; and Climate Resiliency are close to final drafts. Major changes are anticipated for the Climate Management Strategy that will go out for public input.

CAC Member asked who is responsible for the state task force for riparian buffers. In response to a question about the Riparian Buffer State Task Force work, Carin said that the USDA and state foresters are generally engaged. Carin said that there has been talk about establishing 2-year milestones for the Agreement Outcome workplans. CAC may want to consider this in their comments on the Management Strategies. Carin indicated local governments will be asked to be more involved in the Phase III Watershed Implementation Plans, which is the basis of the management strategy for the Water Quality goal.

CAC Business Meeting and Updates, continued from Thursday

CAC Members discussed conflicts of interest concerns on the expert panels and the process for vetting panel members. Some members felt that state agencies should not be on the expert panels because it could lead to recommendations that may be biased toward existing state procedures. Verna recommended CAC send a letter to the PSC recommending the expert panels have strong conflict of interest standards, the meetings be open to the public and that the public be allowed to comment on draft panel recommendations before they are finalized.

CAC agreed that they should get a legal opinion on whether the National Academy of Science's (NAS) protocols for expert panel deliberations applies to the Bay Program expert panels.

Charlie asked the Committee if they wanted to send a letter to the Navy recommending they include public access in their proposed restoration project in Annapolis. CAC agreed to send the letter as drafted.

Jessica relayed some of the new CAC deliverables in the upcoming cooperative agreement workplan between the Alliance and the EPA Chesapeake Bay Program. One is that the Bay Program is requesting CAC Members to submit their affiliations as a way to show who the CAC members are representing on the committee. Member decided that they want their affiliations to simply be their jurisdiction because they are on the committee representing citizen perspectives that are informed by their experience, but not officially the voice of any organizations.

CAC Priorities and Organizational Structure

CAC discussed priorities and how they may help review NFWF proposals. CAC suggested that the NFWF RFP have criteria that include some of the following items: s verification of existing practices. ; allowing for projects that get local officials on boat rides or field trips to learn about environmental issues; incorporating citizen engagement and outreach components into the grants; funding projects that focus on the 5 best homeowner practices for stormwater; giving priority to grants that serve underrepresented communities; focus on high priority land conservation; and tracking and assessing the broader ecological impact of grant investments. The CAC Chair and Coordinator will talk with NFWF to share ideas.

The CAC coordinator offered a proposed new CAC structure with 3 subcommittees that align with CAC priorities and some of the Agreement's Management Strategies. Task force groups can be created for issues not in the framework. The committee was asked to review the list of subcommittees and provide feedback.

. Charlie asked the members to review the CAC By-Laws and provide comment on whether it reflects how the committee operates. The Bay-Laws may need to be revised to reflect roles and responsibilities and decision making.

CAC members discussed CBP's request to provide them with a list of the member's organization and affiliations as a way to track CAC's outreach. The members decided it is more accurate to characterize their participation on the committee as being informed by their interests and experience, but not as official representatives of any organization. They asked that the Bay Program website be updated to show their jurisdiction rather than their affiliation or employer.

Meeting Wrap Up

Suggestions for CAC meeting agenda on May 21-22, 2014 in Harrisburg, Pennsylvania were given by members. It was noted that this would be the last meeting before drafting the recommendations for the annual Chesapeake Executive Council meeting.

With no further business, the meeting adjourned at 12:15 p.m.