

CAC Members Present: John Dawes, Matt Ehrhart, Jim Elliott (Thurs. only), Greg Evans, Jeff Holland, Pat Levin, Bill Martin, Jennifer Reed-Harry, Erica Rosenberg, Charlie Stek, Nikki Tinsley, Victor Ukpolo, Bob Wayland, Neil Wilkie and staff- Jessica Blackburn and Amy Robins

Guests: Pat Buckley, Mary Gattis (LGAC - Thurs.), Rhonda Manning (PA DEP), Glenn Parno (Commonwealth of PA), Scott Perry (PA DEP – Thurs.), Marel Raub King (CBC), Drew Siglin (Alliance – Thurs.), Kim Slaughter (Alliance- Thurs.), Suzanna Trevena (EPA), Julie Winters (EPA – Thurs.), Kristen Wolfe (PA DEP), Andy Zemba (PA DEP, Thurs.)

Meeting presentations and materials are located:

<http://www.chesapeakebay.net/S=0/calendar/event/21406/>

Thursday, August 21, 2014

CAC Chair John Dawes called the meeting to order at 11:05am. CAC members and guests introduced themselves.

Pennsylvania Updates

Kelly Heffner, Deputy Secretary of Pennsylvania Department of Environmental Protection

Kelly reviewed EPA's evaluation of Pennsylvania's 2012-2013 Milestone Progress. She discussed the need to keep the messaging positive as a way to keep engagement of the public and state employees strong. She reminded CAC that PA has 86,000 miles of streams and 44,000 farms and said PA DEP should consider using newer technologies like remote sensing to conduct monitoring, since they do not have the resources to visit every stream and farm regularly.

Kelly talked about the PA Farmer Showcase, a forum created for farmers to talk to each other about BMPs. She also mentioned the Regional Agricultural Watershed Assessment Program Initiative (RAWAPI) which would allow the farmer to access PA DEP funds through their local conservation district for a more streamlined process.

Q&A Session: Stormwater – PA needs to continue to find ways to unify stormwater management. In York, the regional MS4 communities came together and created a multi-township agreement of 45 townships in 17 days. Nutrient Trading – The number of permitted facilities using nutrient trading to come into compliance is slowly rising from 1 facility in 2009-2010 to 45 facilities in 2012-2013. Pennsylvania is serious about nutrient trading and put it into their regulations after an extensive public comment period, but the regulations were finalized before the Bay TMDL. Budget – Yes, PA can meet the clean-up goals with this current budget. Runoff & Fisheries – DEP is concerned about the findings of inter-sexed fish. A three year study has been undertaken. The data so far seems to link the occurrence of inter-sexed fish to pharmaceuticals as opposed to nutrient runoff from agriculture. DEP will issue the final study once it is completed.

Kelly concluded her talk by sharing the “Conewago Creek Initiative” video:

<http://www.conewagoinitiative.net/>.

Working Lunch – CAC Priority – Natural Landscapes Conservation; Forest Buffers

Al Todd, Executive Director, Alliance for the Chesapeake Bay

Al offered an overview of the history of riparian forest buffers in our region. The decline of implementation of forest buffers is the impetus for the Alliance's role in helping to coordinate state and local partners to discover barriers to program implementation and ways to solve them. There will be a final presentation of the initiative's findings and Management Strategy to the USDA Leadership and the Chesapeake Bay Program Executive Council scheduled for April-June of 2015.

CAC Priority – Emerging Issues in Natural Resource Extraction

Brook Lenker, Executive Director, FracTracker Alliance

Brook provided a brief introduction to the FracTracker Alliance and highlighted some of their work nationally and in the northeastern U.S. and PA. They partner with citizens, organizations and institutions in a quest for objective, helpful information to perpetuate awareness and support actions that protect public health, the environment, and socioeconomic well-being. Much impact in Pennsylvania and elsewhere is occurring on forest land causing fragmentation. Currently, on the national map there are 1.1 million active oil & gas wells.

There is a concern of the potential impact of sedimentation, spills, or water withdrawals on headwater streams - home to sensitive species like brook trout. Fluid used during the drilling process picks up components of the shale formation which may also contain low levels of naturally occurring radioactive elements (e.g. radium) and high concentrations of total dissolved solids (TDS). Approximately 80-90% of fluids are recycled for future hydraulic fracturing purposes. Some companies do not have the capacity to recycle to that degree because of expense and energy requirements. Data is also beginning to link well injections to earthquakes in some areas. FracTracker is currently working on a national map of injection wells.

Cynthia Dunn, Executive Director, Penn Future

Cynthia provided an overview of Penn Future as a watchdog group on issues impacting the environment and human health. Cynthia stated she believes that Pennsylvania has been playing catch up on information regarding shale gas extraction since the Commonwealth went full force into the industry without setting up stricter regulations. She stated she thinks the Severance Tax on drilling is needed to further protect the environment. She believes the drilling industry overreached regulations several times, like in the case of endangered species. Pennsylvanians have 14 million acres of protected lands- of that land, 22% is owned by the Commonwealth, but they do not own the mineral rights. However, the lands are not truly protected if they are being leased out for gas development. There are currently 5,000 violations of the 15,000 wells in PA. They believe there needs to be more than 83 inspectors going onsite to the well pads.

Q&A Session: Scott Perry of PA DEP helped answer questions. Penn Future believes the fines are not always consistent, but Scott indicated there is a schedule of fines based on duration of the violation along with history and environmental harm. PA DEP agreed that during 2008-2010 they were not as prepared for the influx of drilling, but now PA DEP has a good program.

CAC Priority –Emerging Issues in Nutrient Credit Trading

Kim Snell-Zarcone, Conservation Voters of PA and Peter Hughes, Red Barn Trading Company

Peter and Kim shared an interactive dialog with each other and the CAC members. Peter provided an overview of Red Barn Trading Company as an aggregator of Water Quality Nutrient Credits. Red Barn establishes if a farm is meeting the baseline, identifies credit generating BMPs above and beyond the baseline, and develops site specific credit proposals for non-point source pollution. Then working with PA DEP through the credit calculation process, Red Barn aggregates large amounts of credits for sale to point source polluters and contracts with point source polluters for credit delivery.

Kim pointed out that PA DEP is proposing nutrient credit trading baseline enhancements that would affect both point and non-point source credit generating activities and compliance with EPA requirements. The revisions are being made so that trading and the TMDL can be evaluated together. Kim reminded everyone that changing regulation in PA is tough. PA DEP has committed to September 2015 deadline for the revisions. There has been no public movement in a while possibly due to EPA stating they would release 11 technical memorandums within a year. Two years later, only six have been released with five in final review.

Peter pointed out that farms cannot bank credits for the future- all pollution reducing practices must happen within that water (calendar) year. Kelly Heffner points to Ohio as a showcase program but stated when the wastewater upgrades were completed there was little market for nutrient trading. Peter believes that trading will have future in PA. The conservation districts need to engage the counties in the Phase III WIPs to update the farm data.

CAC Priority –Stewardship through Environmental Education

Model My Watershed

Matt Ehrhart, CAC Member, Stroud Water Research Center

Wiki Watershed is funded by National Science Foundation education program. The program will house three tool sets: Model My Watershed, Monitor My Watershed, and Manage My Watershed. The modelling tool allows for visualization of stormwater runoff and water quality impacts using professional-grade models and real land-use, soil and topographic data. The monitoring tool will allow a web application to access, receive and share water resource monitoring data. Lastly, the management tool allows for a social networking program to develop a community focus on protection of freshwater resources and to engage informed citizens with policy-makers. At this time, only the runoff model is operational in southeast PA and northern Delaware. They are currently developing the water quality model and all of the functionality will be available in the Delaware River Basin by 2015.

Mobile Agriculture Education Science Lab

Tonya Wilbe, PA Friends of Agriculture

PA Friends of Agriculture is a foundation of the PA Farm Bureau. Six labs travel across Pennsylvania educating K-8th grade students about agriculture. Children learn to work cooperatively as they solve problems by: forming a hypothesis, collecting data, and drawing conclusions inside a 40-foot lab fully equipped with materials, lab stations, and a certified teacher to provide the agricultural curriculum. These are creative, hands-on experiential learning opportunities for school age children. Over 100,000 students were instructed in the Ag Labs this past school year with 80% of schools in 2012-2013 receiving financial support from the Foundation's donors. CAC members had a mini-lab session in the Mobile Lab where they completed an exercise designing their own farm and choosing the types and site locations of agricultural BMPs.

Friday, August 22, 2014

The meeting was called to order by Chair, John Dawes at 8:10am.

Chesapeake Bay Program Updates

Jim Edward, Deputy Director, EPA Chesapeake Bay Program

Jim reviewed the 2012-2013 Milestones Progress and 2014-2015 Milestone Commitments to reduce nitrogen, phosphorus and sediment. The Chesapeake Bay Program partnership as a whole achieved the 2013 milestone

targets for nitrogen and phosphorus. Although the partnership collectively finished nearly 24 million pounds behind schedule for sediment, the reductions achieved keep them on track to meet the 2017 target. The Milestones show we are more than 5 million pounds ahead of schedule for nitrogen and more than 1 million pounds ahead of schedule for phosphorus reductions. Jim reviewed each of the jurisdiction's progress and highlighted sectors in each state that needed oversight by EPA.

CAC members discussed the Milestone's reported by federal facilities. Less than 100 of 1800 facilities in the Chesapeake Bay Watershed reported. CAC members agreed to learn more about the federal facilities and their work toward milestones and reporting and then may raise the issue and CAC's findings to the Chesapeake Bay Program Management Board/Principal Staff Committee.

Lastly, Jim provided a brief overview of the final Watershed Agreement.

Next Stage of the Bay Program Partnership

Frank Dawson, Deputy Secretary, Maryland Natural Resources

Frank had a discussion with CAC about how moving from the goal setting and planning phase to the implementation phase will help improve transparency/accountability, increase engagement of local governments, expand citizen outreach and participation, increase diversity within the program and with stakeholders, address environmental justice issues and expand participation and engagement with the Advisory Committees. As of Wednesday, August 20, 2014 all partners except West Virginia had signed the commitment letter. The partner chart (opt in/opt out) will be out on September 16, 2014 minus Delaware and New York. Management Strategies for the 29 outcomes are to be completed by June 2015.

CAC talked about what they can and cannot do in the next phase of the Watershed Agreement and in their role as advisory. CAC agreed that they were not equipped or funded to be a communication arm of the Chesapeake Bay Program.

CAC Subcommittee Break Out Sessions- CAC members divided into subcommittees.

Stewardship Subcommittee – Co-Chairman Victor Ukpolo and Neil Wilkie, Charlie Stek, Jeff Holland, Bob Wayland, Pat Levin, Bill Martin. Guests- Al Todd, Amy Robins

Chairman Ukpolo reviewed a two-fold approach through targeted invitations based on location and involvement in the Goal Implementation Teams (GITs). Inviting organizations or individuals to the CAC meetings will provide an introduction to the Chesapeake Bay Program (CBP). Those organizations or individuals can provide a one page report or article to be used on CBP's website. Using lunch for presentation time will broaden the CAC members' knowledge of on the ground efforts and not take away from already information packed meetings. Involvement in the GITs will allow for CAC to have a better understanding of the direction a goal/outcome is headed and why. This will also allow for CAC to be heard in the beginning of the process as opposed to the end.

Accountability Subcommittee – Chairwoman Verna Harrison, Nikki Tinsley, Matt Ehrhart, Jennifer Reed-Harry Verna motioned to send a letter to the Bay Program commending the work on BMP verification work, requesting a document from EPA on what has improved, and requesting that the last minute tetra tech model be reviewed by STAC. Greg seconded the motion. CAC unanimously approved sending the letter to the Management Board.

The subcommittee would like to take a more in-depth look at verification in the Management Strategies to utilize effective technology such as remote sensing. Research pilot projects that USDA funds could be used to explore the technologies. They suggest setting aside technology learning time during each meeting.

Natural Landscapes Conservation Subcommittee– Chairman Greg Evans, Erica Rosenberg, John Dawes. Guest – Rhonda Manning.

Scope of natural landscapes conservation covers forest buffers, land use, canopy, and protected lands. The subcommittee suggests they monitor the Forestry Goal Team’s work on Management Strategies and provide an independent voice or suggest participants that can.

CAC Business Meeting

The May 2014 meeting minutes were approved by Charlie Stek and seconded by Jeff Holland.

CAC Coordinator, Jessica Blackburn, reported the following members are no longer on the committee: Jim Elliott (PA), Bill Achor (PA), Angana Shah (DC), Dan Milstein (DC), and Scott Fickbohm (NY).

Officer elections for Chair and Vice Chair will take place at the next meeting. Nikki Tinsley will be in touch with the current Vice Chair. Please contact Nikki or Jessica if you are interested.

With no further business the meeting adjourned at 12:11pm.