

**CAC Members Present:** Chante' Coleman, John Dawes, Andrew Der, Bill Dickinson, Matt Ehrhart (CAC Vice Chair), Bill Fink, Dale Gardener, Verna Harrison, Paula Jasinski (CAC Chair), Ann Jurczyk, Julie Lawson, Joe Maroon, Bill Matuszeski, Jorge Ribas, Charlie Stek, Kendall Tyree and CAC Staff Jessica Blackburn and Adam Bray

**Guests Present:** Rachel Felver, Liz Chudoba, Jim Edward, Kristen Saunders, Don Boucher, Caitlyn Johnstone, Laura Todd, Erin O'Grady, Queen Richardson, Darius Stanton, and Ann Swanson

**Meeting presentations and materials are located at:**

[https://www.chesapeakebay.net/what/event/citizens\\_advisory\\_committee\\_quarterly\\_meeting\\_february\\_2018](https://www.chesapeakebay.net/what/event/citizens_advisory_committee_quarterly_meeting_february_2018)

**Thursday, February 22, 2018- Chesapeake Bay Program Office, Fish Shack**

The CAC Chair, Paula Jasinski, called the meeting to order at 11:03 AM, followed by introductions.

Paula introduced the themes and topics of the meeting: to learn updates on water quality, stewardship and diversity, and BMP verification, and to set CAC's 2018 priority focus for meetings and recommendations.

The November 2017 CAC meeting minutes were approved with requested revisions by BMAT and those received via email from Joe.

Bill and Matt shared updates from a meeting of the PA's delegations of CAC and LGAC with PA DEP including their approach to local planning targets of an equal county division of pollution loads.

**Annapolis Environmental Priorities**

*Mayor Gavin Buckley, City of Annapolis*

The Mayor welcomed CAC to Annapolis and shared some of his personal background and history with the city. He expressed his belief in the importance of the Bay to the city of Annapolis and said that having the Chesapeake Bay Program Office (CBPO) stay in Annapolis is paramount. Senator Cardin is very optimistic about the CBPO remaining in the city and CAC can count on the city to make sure it happens.

As mayor, he is committed to environmental issues and is pushing an agenda that will better connect citizens to water and nature. He's working to save forestland along Crystal Spring and Forest Drive from development to create bike and nature trails. At City Dock, Mayor Buckley is working to create a flood mitigation plan and trash catchments to reduce the amount of pollution ending up in Ego Alley. In recent years, the nuisance flooding at City Dock has increased from 4 times to 40 times per year. He said his first piece of legislation is to pass 'no discharge zones' in Annapolis harbor and then to ease into other laws prohibiting plastic bags and straws.

Discussion: CAC members asked Mayor Buckley about his plans regarding sewers. Mayor Buckley acknowledged that he has a lot to learn and could benefit from groups like CAC giving him guidance. They also discussed a new Annapolis ordinance for having a zero net loss for trees. CAC asked the mayor about his

thoughts on paying for Combined Sewage Overflow (CSO) improvements. He said the future is in private/public partnerships and that he has been studying Newport News for ideas. He added that the greatest assets to Annapolis are history and water, but the water is also the greatest threat. Lastly, Mayor Buckley shared his vision for better connecting Annapolis residents – creating a cultural bike loop around the city, increasing sidewalks and getting people on bikes. These plans include creating affordable housing and de-stigmatizing lower income areas with community events like the color run.

Announcement: Before breaking for lunch, Paula shared with the group that Chris Karakul had to step down from CAC. CAC now needs two more DC appointments. CAC members asked if Chris' personal email could be shared so that members could contact him individually.

## **Lunch Break**

### **Highlights of the Bay Barometer**

*Rachel Felver, Director, Chesapeake Bay Program Communication Office, Alliance for the Chesapeake Bay*

Rachel shared the most recent Bay Barometer, an annual report on the watershed health and restoration that is aligned to the themes of the watershed agreement and covers twenty indicators. The audience is the Bay Program partners, students and teachers, and interested public. The Barometer highlights positive trends across the board – water quality standards, public access, SAV, pollution reduction, fish passage and blue crab abundance. Forty percent of the Bay watershed is meeting water quality standards, which is the highest it has been in 30 years. Rachel described their outreach efforts to get the Bay Barometer to the media and the lessons they have learned in the process, which included creating state-specific fact sheets and having back-up plans for press conferences.

Discussion: CAC members made the suggestion to send the Bay Barometer to members of Congress, something that the Bay Program does not currently do. They also suggested creating fact sheets for sub-watersheds in addition to just state-by-state. CAC discussed forest buffers and why progress seems to be lagging behind. Rachel explained that technical assistance, funding and public awareness are the biggest issues. CAC members brought up fruit and nut trees as a way to encourage tree plantings. Caitlyn Johnstone recommended having someone from the Forestry Workgroup come to speak to CAC at a future meeting because they are looking at fruit and nut trees as forest buffers to restore hunting grounds. Lastly, CAC discussed why toxins have the worst trend. Joe explained that toxins are more widespread than originally thought. Even though they are not currently being used in new things, they are still in the system from older things. Paula suggested it would be more effective if the public could see where there is contamination from toxics on a map. Kristen Saunders suggested that CAC link to STAC on the issues of toxics because STAC has identified toxics as a priority.

### **Citizen Monitoring Cooperative**

*Liz Chudoba, Water Quality Program Manager, Alliance for the Chesapeake Bay*

The Chesapeake Bay Monitoring Cooperative was set up as a cooperative agreement between the Chesapeake Bay Program (CBP) and the Alliance for the Chesapeake Bay in 2015. It is now a partnership of the Alliance, the Chesapeake Bay Program, Izaak, Walton League, ALLARM, and the UMD Center for Environmental Science. The partnership aims to provide technical, logistical and outreach support for the integration of volunteer-based and nontraditional water quality and benthic macro-invertebrate monitoring data into the CBP. The inclusion of non-traditional partner data paints a better picture of the watershed by including more areas than what traditional monitoring sites cover. Liz described the quality assurance project plans, reference manuals and the standard operating procedures (SOP's) put in place to ensure the data is compatible with traditional monitoring. The equipment used in the SOPs is the equipment most available and affordable to

volunteers so they are standardized with everyone using the same methodologies. Liz shared that they are partnering with the Chesapeake Environmental Communications to create an online map for data collection and monitoring. States will be able to download data by waterway and will be able to put the data into the Bay Program's system (<http://www.chesapeakemonitoringcoop.org>).

Discussion: CAC wanted to know what motivates and sustains volunteers and groups to want to do this kind of work. Liz explained that a lot of groups receive funding or grants to sustain programs and that the Alliance provides trainings. People become qualified and are required to show up at trainings and come back each year. The SOPs have reduced barriers to entry and streamlined the process. CAC was also curious about whether these groups monitor toxics. At this point, Liz said, they do not. After 2021, they may try to include toxics after there is a better foundation for monitoring in place.

### **Updates from Chesapeake Bay Program**

*Jim Edward, Acting Director, EPA Chesapeake Bay Program*

Jim provided an update on the EPA funding for the Bay Journal and the possibility of the Chesapeake Bay Program Office having to move. He said things are moving in a positive direction for both. CACs letters have made a difference and that responses to them are currently on hold. He will continue to serve as acting director for at least 6 more months. He then briefed CAC on the Principal Staff Committee (PSC) policy decisions. They adopted the Phase 6 suite of modeling tools, approved setting the Bay's assimilative capacity (how many nutrients can go into the bay and still have the bay be healthy) at a higher level as needed, approved the Water Quality Goal Implementation Team's recommendation to account for growth in the development of the Phase 3 WIPs, agreed to the concept of creating a separate watershed implementation plan for the Conowingo Dam, and agreed to incorporate climate change in the Phase 3 WIPs. The Conowingo WIP framework includes a 3<sup>rd</sup> party overview of BMPs. They will seek final approval of the Conowingo WIP by the end of March 2018 and it is estimated that it will cost \$1 million by each state per year.

Discussion: Some CAC members commended the Conowingo plans and encouraged the EPA to look at philanthropy to help fund the project. Other CAC members echoed the critiques from the states. The amount of money will have an impact on states and could affect staffing.

### **Updates from EPA Region 3**

*Cosmo Servidio, EPA Region 3 Administrator*

Cosmo Servidio has been Region 3 Administrator for four months. Prior to that, he ran the southeast regional office of the EPA in Pennsylvania. He told CAC that the Chesapeake Bay Program was a priority for him. He is optimistic that the budget will rise in Congress from the President's proposed budget. He said that the Bay Program office will need to move, but they are looking at having it remain in the Annapolis area and keeping the partners together. They are also taking a second look at the Bay Journal decision and he is encouraged about the direction it is going. He said they want to support states to make sure they are doing what they should be doing and that the EPA would intercede and correct when needed, but it would be duplicative to have EPA doing what the states are doing.

Discussion: CAC members asked Cosmo what area he thought was "the biggest bang for the buck" - where the most progress can be achieved over the next 4 years. Cosmo said that improving the partnership with the states and being able to answer questions and respond to assistance quickly. CAC members raised concerns about potential budget cuts and moving away from the progress that has been made thus far in the bay. He said the EPA needs to prioritize what they are supposed to do through the law (brownfields, clean water act, clean air act, etc) and to delegate the rest to the states. He referred to this as "cooperative federalism" and said that the

EPA would intercede if the States do not. CAC members asked how they can make the Administration realize that 90%+ people want environmental protections and Cosmo replied that there was a process in Congress on budgeting and that the EPA will follow the law. CAC questioned whether the EPA will continue to step in with enforcement if the state partners do not take action. Cosmo said that they would but that they would make sure they were in conversation with state partners before taking action. CAC members commented that States will not be able to make up for cuts to the Bay Program and other EPA programs because the States are already facing budgetary problems. There is clearly a role the EPA has and needs to continue to have.

### **Discussion with Maryland Secretary of the Environment**

*Ben Grumbles, MD Department of the Environment*

Ben spoke to CAC about upgrading and revising the Phase 2 WIPs and also filling in missing gaps. He said his priority is to work with local governments and counties over the coming months, and to tell county leaders that they are going to insist on local plans and goals to fill gaps in the Phase 2 WIPs for the 3<sup>rd</sup> Phase. He said that accountability and planning matters. On nutrient trading, Ben said that they can bring more partners to the table, but details are important to ensure that there are no areas unaccountable. They need to use trading as was intended in the 2010 Bay TMDL and to work with environmental community to respond to concerns on environmental hot spots.

Discussion: CAC asked Ben if there was a demand for nutrient trading in Maryland. Ben said that there is a robust demand for clean water and success for the TMDL and that there is an understanding that there needs to be more public funding and more partnerships in watershed restoration to succeed. CAC members suggested that there might be more demand if people know it is an option. CAC asked Ben his opinions on the Environmental Integrity Project report that said there needs to be more emphasis on enforcement of wastewater treatment plants and not pursuing nutrient trading. Ben said that their report was an interesting tactic and that nutrient trading regulations require extra time and work. People have strong opinions and maybe it is a good thing that opposing sides are not happy because it shows they still need to work through issues. He said there is clear legal authority for trading and that they need to convince stakeholders that it is a viable option and not wait until 2024 until they get creative and bring more partners to the table.

CAC asked about the permanent conversion of land to nutrient banks. Ben said that there has been no net loss of working farmland. There is a very strong debate and push back on permanent easements from farmers. CAC asked about the role of the Chesapeake Bay cabinet in environmental education. Ben said that it is one of their priorities and that they are discussing how to advance it. There has been a Green Classroom Executive Order by the governor in MD, literacy requirements in education and agricultural education, and a K-12 and boots on the ground focus to make sure there is a workforce. Ben said he chairs the state climate change commission – the healthy soils initiative, involves education and bringing more focus on leadership on adaptation and mitigation of greenhouse gasses by providing assistance.

CAC discussed the role of Exelon in the Conowingo Dam. Ben said that it requires a multipronged approach. He said that Maryland's position is to use their Water Quality Certificate. They are violating MD environmental laws above the dam and affecting drinking water. As a condition to get a certificate, they should show they are making an effort on fish passage, flow and water quality. Exelon's certificate is up for renewal in May. CAC asked Ben if dredging was underway and if they have learned anything. Ben said that the pilot project is supposed to start in June. The goal is to have funding, permitting and details before June. He said that they are looking into the beneficial reuse of dredged material (mine reclamation/shoring up land for sea level rise). He mentioned Poplar Island as an example.

### **Diversity, Equity and Inclusion Updates**

Chanté updated CAC on a project that the Choose Clean Water Coalition (CCWC) did with the Chesapeake Funders Network that brought CCWC partners together for a conversation about Diversity, Equity and Inclusion (DEI). The goal was to make DEI more intentional. They created a DEI toolkit, but partners wanted more and go beyond cultural competency training. She said that organizations have to look at DEI holistically in order to better reflect the communities they represent and serve. Different organizations have different needs, so how can they come up with a DEI plan that can work for everyone?

She described the [Expanding the Circle](#) report and the successful outcomes of the training with Blue Water Baltimore. Chanté told CAC that a survey was going out to all CCWC network and partners and that there would be a robust amount of information to share in May. The survey would gather information from organizations about how they define readiness, to what extent they are already implementing DEI, their capacity, needs and gaps, and what is the potential for future action.

Darius provided CAC with background information about the Diversity Workgroup, one of the newest workgroups at the Chesapeake Bay Program. He explained the diversity indicator that CBP established to track and assess the goal of 13% diversity. He briefed CAC on their fish consumption advisory flyer and the communication strategy for its release. CAC offered to review the flyer and give comments as well as advice about the flyer's distribution. Darius shared the goal of having DEI coordinators in state agencies. These would be positions created just for increasing DEI and would be part of the DEI workgroup.

Discussion: CAC asked how they are connecting education and outreach with the needs of the community. Darius gave the example of planting fruit trees instead of regular trees. It educates and meets the needs of the community. Julie Lawson said that DC schools are moving towards academies and might be interested in setting up an environmental justice academy. CAC discussed outreach events in DC – the Anacostia River festival that is focusing on the Latino community and how the Arboretum is partnering with schools for programs. Jessica asked Darius to keep CAC informed and involved in future cultural competency trainings and the Environmental Justice Screen mapping tool.

### **Friday, February 23, 2018- Annapolis Waterfront Hotel**

The CAC Chair called to order the meeting at 8:35 am.

#### **Business Meeting:**

CAC began with a recap of the previous day and CAC member's reflections. CAC discussed the Bay Barometer and how to make sure the public and legislators know that the Chesapeake Bay Program is making progress. Possible cuts to the program will affect everything and states cannot pick up the costs. Joe recommended that the Barometer be sent to members of Congress, but he was not sure where it should come from. Dale thought the Bay Barometer is good because it is visual, but it is too much for legislators. He recommended that the CBP create a shorter version with graphs that easily shows progress. Jorge suggested using social media to publicize the Bay Barometer. Joe also brought up the issue of toxins and suggested having STAC brief CAC on what they are doing in response to that issue. He also suggested that CAC revisit the forest buffer goal at a future meeting and why we are struggling to meet it. Bill M. said that we need to go at buffers in a way that is profitable for farmers. Andrew suggested focusing on Conowingo Dam, not only on Exelon but supporting the Conowingo WIP. Charlie said that CAC's principle focus should be that the CBP survives and that funding does not get eliminated. He suggested that we write a letter to the Executive Committee and cc members of Congress. He said that the trend in toxics is a major rationale for continuing to do what we are doing. Paula said that we need

to communicate that what we are doing is about more than just oysters and sea grass, it is tied into our economy and communities. Bill D. suggested we invite water utilities in to give a presentation on the monetized benefits of buffers for drinking water costs. Chanté expressed interest in how to reach people who have other barriers in life.

### **Updates on BMP Verification**

*Rich Batiuk, Associate Director of Science, EPA Chesapeake Bay Program*

Rich started by reflecting on the last 30 years on the job. He believes they have done an amazing job, especially given the huge population influx. He updated CAC about the 400+ different practices approved by the Partnership for tracking, verification and reporting and hundreds of new BMPs. He walked CAC members through the BMP verification life cycle. This spring the EPA will start getting the States ready for the final stage.

Discussion: CAC asked Rich if there is a role for citizens to do verification and would EPA accept that. Rich said yes as long as the citizens are trained. CAC recommended that the EPA should reach out to the states regarding state verification as soon as possible and not wait until the Spring. CAC learned that Rich will be retiring in July of 2018 and thanked him for his work by giving him a standing ovation.

### **Oyster BMP Expert Panel**

*Emily French, Oyster Recovery Partnership*

Emily updated CAC on the Oyster BMP Expert Panel's Draft Recommendations for the second incremental report. The framework was approved in the first report. The framework is important because these are the first shellfish BMPs being evaluated for use in meeting water quality goals in Chesapeake Bay. The second report will include complete recommendations for BMP approval where science supports the methodologies. The Oyster BMP Panel is recommending that: find the weight of oyster shells can be determined by measuring the size of the shell; that Nitrogen and Phosphorus content in the shells can be quantified; and that assimilation of nutrients in oyster shells that stay in the water is legal within the Clean Water Act. At this time, the panel decided it is not possible to determine how much reduction of Nitrogen and Phosphorus is associated with shell dissolution until more research is done and they can effectively understand it. They are also unable to determine whether it is possible to track shells from harvested oysters. Because of the research gap, they concluded that it is not possible to credit shell from harvested oysters at this time.

Discussion: CAC asked Emily about whether oysters that currently exist will be credited. She said that the panelists are not in agreement about this and are trying to figure it out. CAC expressed concern about there being a gap between the accurate amount of oysters in the water and what is being recorded. CAC members discussed how to verify oyster restoration practices – how can companies trade credits without a verification process? There was also concern about equity in verification processes across industries – farmers have to do a lot of work to comply with verification but oyster companies do not.

### **CAC Subcommittee Breakout Sessions and Priority Setting**

CAC members divided into subcommittees to discuss future CAC priorities and then reported back to the larger group. The Stewardship reported back about the importance of Environmental Education and getting State Educational Secretaries at the table. Environmental Education is low on the priority list for Education Secretaries because there are no real mandates or requirements. CAC members suggested connecting schools to parks and making outdoor education occur. Paula said that the Environmental Education Workgroup is currently looking for members. The subcommittee also saw the need to better connect citizens to the data about their local waterways and how it affects their fishing, swimming and drinking water; having information about

sub-watersheds and what they mean to the local community. They also suggested partnering with the faith community to explore what “stewardship means to me” and translating more of the Bay Program materials into Spanish.

The Water Quality, Ag and Fisheries Subcommittee highlighted the importance of verifying BMP implementation. It is important for States to understand the role of the EPA and how to work with counties. It was suggested that there could be a Memorandum of Understanding between state and agencies. The subcommittee also named the Farm Bill, citizen monitoring, soil health and the Conowingo Dam as important issues. The Land Use and Urban Stormwater Subcommittee highlighted the issues of toxics in stormwater, sediment removal, tree cover, credits for conserved land and proper redevelopment, and forest buffers. CAC members also raised the issue of the resiliency of stormwater BMPs.

CAC members believed that the current priority for CAC should be possible funding cuts and the role of the EPA and that DEI, the Conowingo WIP, toxics and climate change / sea level rise. CAC members also expressed interest in having members from New York and Delaware on the committee and suggested having someone come from New York to give a presentation. Chanté said that there are 8 member organizations apart of the Choose Clean Water Coalition.

With no further business, the CAC adjourned at 12:00pm.