

Members Present: Bill Achor (Thurs.), John Dawes (Chair), Andrew Der, Matt Ehrhart, Greg Evans, Christy Everett, Scott Fickbohm, Victor Funk (Thurs.), Verna Harrison (Fri.), Pat Levin, Joe Maroon, Bill Martin, Betsy Quant, Charlie Stek (Vice-Chair), Nikki Tinsley, Bob Wayland, and staff- Jessica Blackburn and Amy Robins

Guests: Pat Buckley (PA DEP), Matt Ellis (STAC staff), Scott Hymes (MD DNR), Rhonda Manning (PA DEP), Derek McDonald (DNR PA), Drew Siglin (Alliance), Julie Winters (CBP)

Meeting presentations and material are located:

<http://www.chesapeakebay.net/S=0/calendar/event/19068/>

Thursday, August 22, 2013

Chair John Dawes called the meeting to order at 11:00am. Members and guests introduced themselves. New CAC members Greg Evans and Bob Wayland were welcomed.

Chesapeake Bay Program (CBP) draft Bay Agreement Updates

Jim Edward, Deputy Director, EPA Chesapeake Bay Program

CBP views this agreement differently from past agreements because it provides more transparency with SMART (specific, measurable, attainable, realistic, and time-bound) Goals and Outcomes. The new agreement would be a 12 year agreement lining up with the 2025 TMDL deadline. The accomplishments from Chesapeake 2000 (C2K) will be made public. CBP will release a separate document showing how the comments from the first public comment period were addressed base on the broad topics.

The second public comment period will take place during the month of September. CAC members were informed that as an advisory committee they are not limited to commenting during the public period. As of 8/7/13, the Issues Resolution Committee has determine that the Conowingo Dam and Shale Fracking will not be included in this new agreement due to lack of support from jurisdictions. Climate change and land use will be addressed in the management strategies. There is varied level of support by the signatories for a Toxics goal. VA does not want Toxics in the Agreement at all. Currently, GIT 5 is not recommending a stewardship goal. The partners are aiming for a signed Agreement at the December 2013 Executive Council meeting.

The Farm Bill and Chesapeake Bay/Forest Buffers in the Watershed Implementation Plans

Denise Coleman, PA State Conservationist, NRCS

Since 2008, \$188 million was appropriated and an additional \$255 million was spent on working lands in the Chesapeake Bay watershed with The Farm Bill. Chesapeake Bay Watershed Initiative (CBWI) is a regional conservation partnership program with Regional Conservation Partnership Program (RCPP). The programs are designed to deliver projects that improve soil quality, water quantity and quality, or wildlife habitat and enables producers to enter into contracts.

Acre-based programs may cease with a new Farm Bill or if there is a continuing resolution of the federal budget. This would mean the sunset for programs like Conservation Reserve Enhancement Program (CREP), CBWI, and Wetland programs. Based on a postcard re-enrollment campaign with a

25% return rate had 60% of participants plan on re-enrolling. There is concern about future of the program. If the Farm Bill is not re-authorizing and the acreage based programs expire, the jurisdiction's Watershed Implementation Plans (WIPs) will have overestimated the implementation of pollution control from agricultural BMPs.

Jim Edward, Deputy Director, EPA Chesapeake Bay Program

Jim provided additional comments on Denise's presentation and reviewed several slides: 2009 Farm Bill Funding; BMPs the jurisdictions are relying on to achieve nitrogen loading goals; riparian forest buffers – past progress and future commitments; and TMDL/WIP target for forest buffers.

Land Studies Healthy Watershed Tour

Michael LaSala, Director of Product Development & Management, Land Studies

Land Studies led CAC on a three-hour field learning Healthy Watersheds Tour was that focused on Best Management Practices (BMPs), monitoring, and riparian buffers. The Tour showcased eight sites in the Lititz area including the 5-acre floodplain restoration project that Land Studies completed at the Landis Homes Retirement Community in 2012. The educational focus for the tour included regulatory compliance measures, resource management and protection strategies, improving community well-being, and providing economic value to stakeholders.

Friday, August 23, 2013

Conowingo Dam Licensing Update

Michael Helfrich, Lower Susquehanna Riverkeeper

Michael thanked CAC for writing letter to FERC and EPA regarding the Conowingo Dam. After the letter was sent representatives began showing up to meetings and FERC will now be conducting an Environmental Impact Study instead of an Environmental Assessment leading to a more thorough impact of the operation. The Susquehanna Riverkeepers are following the study to ensure that impacts from the entire watershed are noted, including sediment; habitat and immigration routes for the American Eel and Shad.

Michael pointed out now is the time to intervene, if comments are not received by September 30, 2013 the next comment period will be in 46 years with the next re-issuing permit. He asked CAC to look into intervening as a committee by deadline. Exelon has requested an extension to December 2013. If approved, it should mean an extension for anyone wanting to file an intervention. It was noted more CAC discussion would be needed and the question was raised whether CAC would have standing to make an intervention.

Riparian Forest Buffer and Conservation Reserve Enhancement Program (CREP) Discussion

Opening Remarks

Rebecca Hanmer, Forestry Workgroup Chair, BMP Verification Committee

When the Chesapeake Bay watershed developed its ecology it had about 95% forest cover. Restoring the Bay without strong forest conservation efforts seems unlikely. Forest buffers retain and process nutrients, maintain stream temperature, sequester carbon, stabilize soil, remove air pollutants, create wildlife habitat and corridors and provide restoration opportunities along with beauty. In 2004, the State of the Chesapeake Forest report began mentioning fragmentation of forest ownership. In 2007, Bay partners adopted a goal of restoring 900 miles per year. That is not being achieved. The WIPs would require that to be more than 1000 miles per year restored.

Status and Trends

Eric Sprague, Director, Chesapeake Forest Program, Alliance for the Chesapeake Bay

The Chesapeake Bay watershed has 56% forest cover. Of that percent, 78% is on private lands, 14% state land, 6% federal land, and 2% local land. So much of the forest cover is owned by more than 900,000 small landowners, yet most of the public do not think of themselves as foresters. The average parcel size has decreased by 24% over the last 10 years with an increase of 25% more landowners.

Declining government budgets allow for little to no landowner outreach regarding forest cover. Free outreach tools are available like Forestry for the Bay. Forestry for the Bay is a watershed-wide voluntary membership program made up of small and medium sized forest landowners who are interested in actively conserving their woodlands or want to restore woods to their property. Members are able to access a wealth of information about local resources, incentive programs and technical assistance that can help care for a property and meet conservation goals. Conscious alignment of forest buffers with the WIP practices is highly valued for progress.

Bay Agreement Goal, BMP Verification, and the CREP Program

Julie Mawhorter, Natural Resource Specialist, US Forest Service

In 1996, Riparian Forest Buffer goal was to reach 2,010 miles by 2010. The goal was met in 2002. In 2003, long and short term goals were set: long term goal of 70% of riparian areas in forest and short term target of 10,000 miles (~900 miles/year) by 2010. The 2012 progress report has 7,764 miles reported. The draft new Bay Agreement language will stay the same.

The Urban Tree Canopy Goal directive progress is as follows: The goal is by 2020, 120 communities with commitments to tree canopy expansion: ~70 communities in nine counties to have assessments completed with 45 of them of set goals and 23 have implementation plans to meet to those goals. In the draft new Bay Agreement the forestry workgroup has been working on a draft acre goal (1 acre=100 trees) to expand the urban tree canopy by 2,400 by 2025.

Forest Conservation Goals are being included the Land Conservation Goal of the draft agreement restating the 2007 to directive to protect an additional 695,000 acres of forest from conversion, targeting forests in areas of highest water quality value.

Sally Claggett, Chesapeake Bay Program Coordinator, US Forest Service

CREP had been the tool to get buffers on agricultural lands paying farmers the most. However, the commodity prices for soybeans and corn has been on the rise for the past decade and competes with CREP enrollment. Verifying the baseline of existing forest buffers is challenging because it relies on CREP contract expiration and re-enrollment and survival rates using GIS that requires high resolution imagining that may not pick up narrow buffers. A new tool (Land Image Analyst) is being developed that will detect trees by satellite.

Challenges to the survival and maintenance of these buffers are inadequate herbicide use, heavy grass competition, damage by voles and deer and overall lack of maintenance. Early practitioners of CREP experienced many failed survival rates which has been a barrier to wider adoption of the practice. Help with FSA in recent years to provide cost-share for post-planting maintenance has increased success.

Outreach and technical assistance are recognized needs. With major uncertainty about the New Farm Bill no CREP programming existed from September 30, 2012 to May 15, 2013. The current Farm Bill extension is set to expire on Oct 1, 2013.

Perspectives on Local Level CREP Implementation

Matt Ehrhart, Director of the Watershed Restoration, Stroud Water Research Center, CAC Member

Statewide and regional issues are really local issues with technical assistant and outreach being the major challenges. CBP and Stroud Water Research Center did a lot of research on survival rates of buffers that lead to CREP paying for tube installation and herbicide application along with increase payments for maintenance.

Roles and Perspectives on CREP

Katrina Thompson, Management Analyst, USDA NRCS

Current CREP enrollment in PA: 24,884 acres, 3,859 contracts, with 6.5 acre average per contract. In 2013, 160 contracts will be expiring equaling ~1040 acres. From 2014-2016 approximately 667 contracts will expire equaling approximately 4,336 acres.

The postcard re-enrollment campaign revealed 40% of those contracts that are up for renewal will not be re-enrolling their buffers. Barriers to re-enrollment include: increased grain prices on till portion of a buffer; cost of maintaining buffer; rental rates have changed; small acre contracts lack a large enough annual payment; and incentive rates for new buffers are appealing but there are not incentive rates offered for re-enrollment. Postcards are sent out 2-3 years before a contract expires.

In the future NRCS would like to (funding dependent) to maintain partnership agreements to assist with technical work for CREP applicants and holders; provide training for Technical Service Providers, NRCS and FSA employees; provide revisions and update to the CREP website webmaster; do buffer visits with participants throughout the contract to assist with maintenance, encourage re-enrollment, and educate CREP participants about the value of buffers.

Business Meeting

The May 2013 minutes were approved as submitted on motion by Charlie Stek and seconded by Scott Fickbohm. CAC delegations gave updates on recent legislative activity.

Verna motioned that CAC temporarily table (but not withdrawal) CAC's recommendation that the Chesapeake Bay Program endorse the environmental literacy strategy as to see what environmental education goals are included in the draft Bay Agreement. After discussion of the motion, Bob Wayland seconded the motion and it was unanimously agreed CAC would inform the PSC of their decision.

Charlie suggested that a Two Year Accountability check-in point be part of CAC comments on the draft Bay Agreement. Through discussion, the committee compiled a ten point list of comments for the letter. Those points included: explicit progress reporting dates in the Bay Agreement to show the public some benchmarks; an accountability goal; reporting at the scale so that different localities levels can see and understand what is happening; stewardship goal; support for local leadership; toxics— PCB and mercury at a minimum; independent evaluation/verification; environmental literacy; climate change; and the Conowingo Dam and shale fracking. Joe motioned, Nikki seconded and it was unanimously agreed to draft a letter on CAC's comments on the draft Bay Agreement.

Members offered ideas for future speakers/topics for upcoming meetings: a FSA speaker to present the impact of executive order on FSA/NRCS; zoning and regulatory side on protecting forest buffers; FY15 priority watersheds for large conservation funding proposal; State Conservationists to discuss CREP programs; NOAA marine sanctuaries; creation of national forest in Maryland & Delaware; briefing on what EPA head quarters does with the money diverted from CBP EPA and how it compares to other watershed programs in the nation; local WIP implementation; presentation on recent reports from STAC.

With no further business the meeting adjourned at 1pm.