

**CHESAPEAKE BAY PROGRAM  
WATER QUALITY GOAL IMPLEMENTATION TEAM**

March 13<sup>th</sup>, 2017 CONFERENCE CALL

**Conference Call Phone Number:** 866-299-3188 **Code:** 267-985-6222

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**Summary of Actions and Decisions:**

**Decision:** The WQGIT discussed the proposed revisions to the Midpoint Assessment schedule and (1) recommended including a new row that directs the Partnership to re-evaluate the revised Midpoint Assessment schedule after the fatal flaw review is complete; (2) agreed to a 4-month review of the draft Phase III WIP planning targets; and (3) approved the revisions through July 2017.

**Decision:** The WQGIT approved extending the deadline for jurisdictions to submit updated 2014-2016 historical data from April 1<sup>st</sup> to September 1<sup>st</sup>. A memo will be sent from the WQGIT Chair to the jurisdictions to inform them of the new deadline.

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

Update on March 1 PSC and March 9 Management Board Meetings – James Davis-Martin, VA DEQ and Lucinda Power, EPA

Lucinda Power (EPA): Purpose of the PSC presentation was to discuss how climate change, Conowingo, accounting for growth affected the Phase III WIP planning targets and to notify the PSC of upcoming revisions to the Midpoint Assessment schedule. The PSC was very concerned about messaging for climate change and how to address it in the Phase III WIP. There was broad consensus that of the three issues, climate change is the least significant, as the other two issues are likely to have a bigger impact to levels of effort in the Phase III WIP process. The PSC requested incremental briefings on these three issues and their associated quantitative analyses. The PSC did express a concern with condensing the review time between the draft and final Phase III WIP planning targets.

*Discussion:*

- James Davis-Martin (VA DEQ): The intent here is to work our way up through the WQGIT, the Management Board, and the PSC. Materials from the PSC March 1 meeting are available on their calendar page:  
<http://www.chesapeakebay.net/calendar/event/24598/>; March 9<sup>th</sup> Management Board Meeting: <http://www.chesapeakebay.net/calendar/event/24393/>
- Davis-Martin: Two topics of interest were raised at the Management Board meeting on the 9<sup>th</sup>. The first topic was a 3<sup>rd</sup> party review of the Innovative Nutrient and Sediment Reduction program by NFWF, which included running BMP scenarios through CAST. The second topic was the new biennial review process for management strategies and

work plans for Chesapeake Bay Agreement outcomes. It's being developed as a 2-year schedule of targeted quarterly meetings with the Management Board on each of the 31 outcomes. It will include templates and expectations for reporting, but it's very much still in development.

- Power: The WQGIT's first meeting with the Management Board will be in May 2018.
- Davis-Martin: The WQGIT has several outcomes, plus workgroups, and several secondary outcomes, which means lots of opportunities to participate in quarterly meetings.
- Sarah Diebel (DoD): Do we have an item on the WQGIT schedule in the next several months about prep for these Management Board meetings? What do we present to the Management Board - WQGIT actions or individual partner actions towards our outcomes?
- Davis-Martin: The Management Board did discuss the question of the partners vs the partnership for reporting on this. Our 2017 and 2025 management outcomes can be managed pretty easily, which is why we're going up in 2018. The other outcome, the monitoring strategy, is what we need to discuss further. Sometime this year we will have to add that to the WQGIT schedule as an agenda topic.

Presentation on the new forest buffer and tree canopy websites from the Forestry Workgroup/USFS – Sally Claggett & Julie Mawhorter, USFS

Sally Claggett introduced two new websites on forest buffers ([www.chesapeakeforestbuffers.net](http://www.chesapeakeforestbuffers.net)) and tree canopies ([www.chesapeaketrees.net](http://www.chesapeaketrees.net)). They are interactive, linked to the Chesapeake Tree canopy group on Chesapeake Network. These are standalone sites from the Chesapeake Bay Program website.

*Discussion*

- Sally Claggett (USFS) urged members to distribute the website links widely to list serves and interested parties.
- Davis-Martin: Were these websites part of the work plans for the forestry and tree canopy groups?
  - Sally: I don't know about tree canopy, but for the Forestry Workgroup, this was part of our plan to do more outreach and to make forest buffer information more accessible for implementers and interested parties.
- Michael Korling (Clean Chesapeake Coalition): Do you discuss the role of leaf litter (tannins, sapropel) in water quality for forest buffers? Leaf litter can have negative impacts on water movement and oxygenation by creating a "black mayonnaise" like substance.
  - Claggett: Usually, leaf litter in watershed areas is a positive due to its habitat benefits.
  - Davis-Martin: We did identify that for additional research in urban settings. That's on our list of research needs.
  - Korling: I'll send you some additional research I have from the Northeast.

Proposed Revisions to the Midpoint Assessment Timeline—Lucinda Power, EPA and James Davis-Martin, VA DEQ

Lucinda addressed comments received on the revised timeline and the WQGIT discussed the proposed timeline revisions.

*Discussion:*

- Power: Once the modeling team has the final input data, they can begin the Phase 6 model calibration, which can't be compressed more than two months. Fatal flaw review will begin June/July, including opportunities to run scenarios like E3 and No Action. The Phase 6 review strategy, including the fatal flaw review guidelines, will come before the WQGIT in April for approval. We added a month in August to resolve any fatal flaws. For final policy decisions on accounting for growth, Conowingo infill, and climate change, we are targeting a mid-late October PSC retreat. The PSC wants to compare the Phase III WIP planning targets with the quantitative analyses of these policy issues before making a final decision.
- Power: Comments I received from DE and PA cited the compressed review time for the draft Phase III WIP planning targets as a concern. The PSC also raised this concern at their March 1 meeting.
- Ted Tesler (PA DEP): The release of the draft Phase III WIP planning targets will be our first chance to share those numbers with our stakeholders and partners. We need a minimum of 4 months to do that Partnership review, not 2 months. Can we go past December 2017 on the release of the final Phase III WIP planning targets to allow for that review period, or could we shave additional time out of other pieces of the timeline?
  - Davis-Martin: To clarify, we're discussing the time between the release of the draft and final Phase III WIP planning targets.
  - Tanya Spano (MWCOG): I appreciate this table, but I would like more of a graphical representation rather than a list of dates. I think you need to address the uncertainties with the fatal flaw review, since right now you're assuming you only need a month to resolve any fatal flaws.
  - Power: Yes, but we're really squeezed for time. I don't know where we could get buffer time for the fatal flaw review beyond that one-month issue resolution.
  - Gary Shenk (USGS): One big time sink here involves running scenarios and progress runs. If we don't find any big issues in the fatal flaw review, then we can move forward with this schedule, but if we do find something big, we will have to go back and revise this schedule.
  - Spano: I just want to point out that this revised timeline is very conditional depending on what we find during the fatal flaw review. The Partnership might be setting itself up for problems since there's no buffer time on this schedule.

- Power: Good point, I'll make a note that this schedule is conditional on the fatal flaw review process.
  - Spano: I just wanted to note that the fatal flaw review process is a critical hinge point on this whole process.
- Mary Gattis (LGAC): I'm emailing a graphic out that illustrates the midpoint assessment and Phase III WIP timeline. We also have a graphic that can be edited as the timeline changes. I want to point out that there are a lot of holidays around that late fall-winter time frame when this schedule has reviews taking place. We don't want to be seen as trying to subvert public attention and feedback by releasing these draft Phase III WIP planning targets around the holidays.
- Bill Angstadt (Angstadt Consulting): On this timeline, when will the Phase 6 modeling documentation be available for Partnership review?
  - Power: Review of that documentation occurs during the fatal flaw review period.
  - Shenk: The fatal flaw review includes the review of the Phase 6 documentation, which we expect to have available on June 1<sup>st</sup> concurrent with the Phase 6 model release. Scenarios will be released in a couple weeks following June 1<sup>st</sup>.
  - Angstadt: Historically, documentation is released 1-2 months after calibration is complete.
  - Shenk: That was correct for previous models, but our plan for Phase 6 is to have everything available for review by June 1<sup>st</sup>.
- Dave Montali (WV DEP): I'm also concerned about the compression of time for reviewing the draft and final Phase III WIP planning targets. That review period used to be nine months, now it's barely two. What are the pros and cons to pushing the whole schedule back a few months to allow for that Partnership review? We need at least 4 months to review the Phase III WIP planning targets. That can accommodate the 2 month shift we have now, and allows for fatal flaw issue resolution.
- Power: Does anyone disagree with 4 months as a review period for the draft Phase III WIP planning targets?
  - No disagreement.
- Power: I'll need to coordinate with my EPA Philadelphia colleagues on moving the Phase III WIP deadlines. The items we can't compress any further are the model calibration and fatal flaw review, so we can't shave off any time from the schedule there.
  - Jeremy Hanson (VT): We could squeeze another couple weeks by shrinking the gap between the PSC retreat and release of the draft Phase III WIP planning targets.
  - Power: Originally, that two-week gap was designed to address any PSC comments before releasing the draft Phase III WIP planning targets.
  - Spano: Short-changing and getting a week here and there is risky. By July 31<sup>st</sup> when the fatal flaw review is done, then you will be able to see what's

realistic. Can we build in another period to revisit the schedule after the fatal flaw review is underway?

- Davis-Martin: Establishing a relative schedule might be a good idea, based on the time requirement for each task, then whatever the next decision point is would drive the schedule.
  - Spano concurred.
  - Tesler: I concur, and maybe if we can push the Phase III WIP deadlines to March or April 2019 that might also work.
- Davis-Martin: The time frame between mid-December 2017 and mid-August 2018 is wholly inadequate to do what needs to be done. How do you get from the state-basin planning targets to local planning goals in that time? That requires some work and some time to do. Just that will take us to the end of January 2018, and only then can you begin planning with local partners. My concern is that EPA's interim Phase III WIP expectations don't align with the schedule and that we're building a schedule to get it done, but not to get it done right.
- Ann Carkhuff (EPA): We will have to communicate these concerns up the chain, since I don't think we'll come to agreement here.
  - Davis-Martin: The document is open for discussion and modification. Let's focus on what we can make decisions on, i.e. the 4-month review period for the draft Phase III WIP planning targets, and make recommendations to the Management Board.
- Diebel: Are we saying that the three issues of Conowingo, climate change, and accounting for growth will not be considered as part of the fatal flaw review period?
  - Montali: It's not in the fatal flaw review period, but it will be important when the Partnership reviews the draft Phase III WIP planning targets.
  - Spano: I don't think these issues are going to wrap up neatly, which is why we need to revisit this schedule later on. We need some kind of plan to do that.
  - Davis-Martin: We can revisit the schedule anytime it's needed and recommend the schedule be adjusted anytime it's necessary.
- Angstadt: We need a resolution/compromise and discussion up to PSC to decide what we're going to do about these issues.
- Montali: We have agreement on the midpoint assessment schedule through July 31<sup>st</sup>. After that, things get uncertain since we can't predict how the rest will shape up.
- Davis-Martin: After the fatal flaw review, maybe we can accept that there are flaws which aren't necessarily fatal and we can move forward with some caveats. For example, some of the tools might not work reliably. On the schedule, can we agree we insert another row under August 30<sup>th</sup> with a note to reevaluate the schedule?
- Montali: What are the cons to letting the schedule bump back incrementally?
  - Davis-Martin: Releasing the Phase III WIP planning targets should be concurrent with the submission of the 2018-2019 milestones. There is some thought that in the absence of Phase III WIPs, jurisdictional implementation

will flounder and not having these WIPs completed by the end of December 2018 might cause some jurisdictions to lose momentum.

- Power: We did explore whether there is a legal requirement for the Phase III WIP deadlines and there is not. It's a Partnership goal but we're not legally on the hook for these deadlines.
- Montali: If this gets delayed too long, could we use Phase 5.3.2 for another cycle?
- Davis-Martin: It depends on what we find with Conowingo.
- Angstadt: There are a lot of novel things in the Phase 6 model, and we don't know if it's going to achieve what we want. There will be some real conversations about using these new tools.
- Spano: If there are inconsistencies with Phase 6, that's going to create a lot of problems for jurisdictions.
- Power: I'll revise the midpoint assessment schedule based on the feedback received today, and I'll present the revised schedule to the WQGIT during the April 10<sup>th</sup> conference call.
- Davis-Martin: I want to point out that the Phase 6 Watershed Model calibration will be ready for fatal flaw review starting June 1<sup>st</sup>, but the Phase 6 Water Quality Sediment Transport model won't be ready until a month later. Is that OK?
  - Spano: It's not great, but it's noted.

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#### Discussion of Phase 6 Scenarios and Data Request Memo - James Davis-Martin, VA DEQ, and Matt Johnston, UMD

The WQGIT will consider a new deadline for jurisdictions to submit historical data in order to support the development of a 2016 historical progress scenario, as per the 2016 Chesapeake Bay Program Grant Guidance. The current deadline for submission of this data is April 1<sup>st</sup>, but the WQGIT will be asked to consider whether this deadline should be shifted to account for the changing modeling timelines.

#### *Discussion:*

- Davis-Martin: There are issues with different BMPs and land uses between the old and new phases of the model, so they can't be easily translated from Phase 5 2013-2016 progress into Phase 6 progress. This is why jurisdictions are asked to resubmit data for the Phase 6 progress runs.
- Matt Johnston (UMD): The April 1<sup>st</sup> deadline was established when the fatal flaw review was scheduled for June 1<sup>st</sup> - July 31<sup>st</sup>, but the jurisdictions weren't able to get all the data in. We did get in 30 years of historical data which is commendable, but

we need more recent progress. The Watershed Technical Workgroup agreed on a Sept. 1<sup>st</sup> deadline at our last call. Does that work for the WQGIT?

- Montali: Would we still be able to have a WIP II scenario?
  - Johnston: Yes, we will be able to map Phase 5 to Phase 6.
  - Davis-Martin: What we should do is develop a memo from the WQGIT Chairs to the jurisdictions to let them know of the extension of the deadline from the Chesapeake Bay Program Grant Guidance.
    - Spano: Since the workgroups are a conduit for source sector loads, we ask that workgroups be copied on that memo as well. We can help address universal problems vs. individual state issues.
    - Davis-Martin: We will include Chairs and Coordinators of workgroups as well.
- Diebel: I'm wondering about the way states use historical data from federal agencies and whether that will be included in the Chesapeake Bay Program Grant Guidance.
  - Johnston: I'd have to double check with the jurisdictions.
  - Diebel: State templates we were provided with were in different phases—some were in Phase 5 and some were in Phase 6. What do we need to do to get you what you need?
  - Johnston: This will be an agenda item on the next Watershed Technical Workgroup meeting, so we can discuss at that meeting.
- Davis-Martin: Should this be an opportunity to update or change 2014-2016 progress or should it just be a simple translation?
  - Johnston: The former for sure. We want the best available data in this Phase 6 model, so some updates are required.

**Decision:** The WQGIT approved extending the deadline for jurisdictions to submit updated 2014-2016 historical data from April 1<sup>st</sup> to September 1<sup>st</sup>. A memo will be sent from the WQGIT Chair to the jurisdictions to inform them of the new deadline.

James Davis-Martin asked the WQGIT to submit agenda topics for upcoming WQGIT meetings.

- Davis-Martin: Sarah Diebel's idea of prepping for Management Board review sessions will be added to the planning calendar.
- The WQGIT meeting on March 27<sup>th</sup> is cancelled. The next WQGIT conference call will be on April 10<sup>th</sup>.

Adjourned

Participants:

James Davis-Martin, VA DEQ WQGIT Chair  
Teresa Koon, WVDEP WQGIT Vice-Chair  
Lucinda Power, EPA  
Michelle Williams, CRC  
Lindsey Gordon, CRC  
Hassan Mirjadi, DNREC  
George Onyullo, DC DOEE  
Dinorah Dalmasy, MDE  
Jim George, MDE  
Jason Keppler, MDA  
Sara Latessa, NYSDEC  
Ted Tesler, PA DEP  
Dave Montali, Tetra Tech/WV DEP  
Marel King, CBC  
Ann Jennings, CBC  
Ann Carkhuff, EPA  
Chris Day, EPA  
Kelly Gable, EPA  
Beth McGee, CBF  
Bill Angstadt, Angstadt Consulting  
Tanya Spano, MWCOG  
Sarah Diebel, DoD  
Mary Gattis, LGAC  
Zoe Johnson, NOAA  
Sally Claggett, USFS  
Joan Smedinghoff, CRC  
Jeremy Hanson, VT  
Michael Korling, Chesapeake Coalition  
Emily Dekar, USC  
Bruce Michael, MD DNR  
Joe Wood, CBF  
Ross Mandel, ICPRB  
KC Filippino, HRPDC  
Will Hunley, HRSD  
Heidi Bonnaffon, MWCOG  
Matt Johnston, UMD  
Emily Trentacoste, EPA  
Gary Shenk, USGS  
Norm Goulet, NVRC  
Paul Emmart, MDE