

**CHESAPEAKE BAY POLICY COMMITTEE**  
777 North Capitol Street, N.E.  
Washington, D.C. 20002

**DRAFT MINUTES OF MAY 20, 2005, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Barbara Favola, Arlington County, Vice Chair  
Penelope Gross, Fairfax County  
J Davis, Greenbelt  
Andy Fellows, College Park  
Uwe Kirste, Prince William County  
J.L. Hearn, WSSC  
Mohsin Siddique, DC-WASA

**Guests:**

Pat Stuntz, EPA Chesapeake Bay Commission

**Staff:**

Stuart Freudberg, DEP  
Ted Graham, DEP  
Steve Bieber, DEP  
Brian Rustia, DEP  
Tanya Spano, DEP  
Karl Berger, DEP

**1. Introductions and Announcements**

Vice Chair Barbara Favola called the meeting to order at 9:50 a.m. Ms. Favola noted that she had been asked to chair the meeting in Chair John Lovell's absence. She also noted that he had requested the committee take no action in his absence on the issue of trash in the Potomac that had been referred by the COG Board. She asked staff to briefly explain the issue and indicated the intention to explore the issue fully at the next committee meeting in July.

Ted Graham of COG staff reported that the Alice Ferguson Foundation had coordinated the signing in March of an agreement among six jurisdictions, including several COG members, to clean up trash in the Potomac River. When briefed on this development in May, the COG Board directed the CBPC to explore what COG can do to advance this goal.

Mr. Fellows asked if this issue was connected with plans for a trash summit meeting. Mr. Graham said that it was and that such a summit may be held in the spring of 2006 at Mt. Vernon.

**2. Approval of Meeting Summary for March 18, 2005**

The draft summary was approved.

### 3. Summary of State Legislative Sessions; Update on Federal Developments

Pat Stuntz, Maryland Director of the Chesapeake Bay Commission, provided a summary of legislative developments regarding Bay issues from the recently concluded general assembly sessions of the three Bay partner states.

In Maryland, she said, the General Assembly passed a bill calling for more research before non-native oysters are introduced on a wider scale into the Bay. The legislature also approved \$88 million in new funding for land preservation programs and also approved funding for several other agricultural initiatives. In Virginia, she said, the General Assembly approved a total of \$97.4 million in funding for the state's Water Quality Improvement Fund, which can be used for wastewater plant upgrades. The total represents a substantial increase from previous years, but it is not based on a dedicated revenue stream. The legislature also approved a bill establishing a nutrient trading program. In Pennsylvania, she said, the voters approved a bond issue of \$625 million to provide funds for a variety of environmental initiatives, including wastewater plant upgrades.

Mr. Bieber of COG staff noted several developments regarding federal funding for Bay efforts. He provided a handout summarizing the impact of the Bush administration's proposed fiscal 2006 budget on various Chesapeake Bay initiatives. The proposed budget would eliminate or reduce many of these programs, but the local Bay "delegation – comprised of congressmen from the various states in the Bay region – are working to restore this funding to fiscal 2005 levels. Mr. Bieber also noted that the Senate had recently voted not to eliminate a provision in the legislation to provide federal transportation funding that would require that states to spend money on stormwater mitigation efforts.

Ms. Stuntz noted that members of the Bay Commission met recently with the Bay delegation and that Sen. Paul Sarbanes of Maryland had requested they write letters in support of both the stormwater funding initiative and the restoration of federal funds for longstanding Bay programs. That prompted a committee discussion of whether COG should also express support for these funding initiatives. Ms. Gross moved that the committee direct staff to draft letters on these issues and confer with Chair Lovell on potential action, noting that there may be some sensitivity to a letter on the stormwater initiative because of concern about transportation funding.

**Action Item:** COG staff will draft a letter requesting continued federal funding for Bay programs in fiscal 2006 at the level established in fiscal 2005 and will draft a separate letter in support of the stormwater mitigation – provision in the federal transportation funding legislation. Staff will confer with the Chair about transmittal of these letters.

### 4. Update on Chesapeake Bay Financing Authority

Ms. Gross, one of two COG appointees to a Bay Program committee charged with developing the details for how to implant a regional financing authority for the Bay, as called for by the Chesapeake Bay Watershed Blue Ribbon Finance Panel, briefed the committee on discussions to date. She said the committee members had two actual meetings and participated in several conference calls since convening in March. It is scheduled to have one more meeting before submitting a report to the Chesapeake Executive Council in July. She noted the members are working their way through a number of issues and are focused on the structure for the authority, not how it will operate if and when it is actually formed.

One of the main issues, Ms. Gross noted, is that the committee has been repeatedly told by federal representatives that there will not be any federal financial contribution to such an authority, although the Blue Ribbon Panel's

recommendation called for the federal government to provide up to 80 percent of the authority's funds. Nevertheless, the committee continues to make progress on structural issues. The challenge, said Mr. Fellows, has been to anticipate what issues may be raised by the legislatures in the various states that would take part in the authority and to assume that the funding split will be something other than 80 percent federal and 20-percent state.

Mr. Graham noted the need to report back to the COG Board on developments, given previous Board policy and interest in the Blue Ribbon Panel recommendations. He noted that Ms. Gross was scheduled to update the Board on this issue in June, but that details of the committee's proposed structure were not likely to be finalized by then. Mr. Fellows said a briefing could still serve the purpose of raising member governments' comfort level with the eventual establishment of such an authority and could assure them that local government concerns are being heard.

#### **5. Approval of Fiscal Year 2006 Regional Water Fund Work Program and Budget**

Mr. Graham noted that the COG Board has directed through its passage of Resolution R17-05 that the committee assume oversight for the Regional Water Fund, a role previously held by the Environment and Public Works Directors Committee. He outlined the process by which staff had developed the proposed work program and budget for the fund in fiscal 2006 as well as how the funds fits into the overall structure of COG's environmental programs. Finally, he reviewed some of the priorities COG seeks to address in the proposed fiscal 2006 work program and a number of the key programs it would fund.

Mr. Graham also noted that COG has gotten a number of comments on what is a small item within the proposed budget, which would provide funds to maintain the Potomac River flow gauge at Little Falls operated by the U.S. Geological Survey. Approval of the work program and budget would insure that the gauge would continue to operate in the coming fiscal year. Both Ms. Gross and Ms. Davis said the public comments on this issue, which included letters published in the Washington Post, have blown the issue out of proportion, but they were supportive of COG continuing to fund the gauge in its work program.

Mr. Graham noted that the COG Board resolution would require a change in the bylaws to accommodate new members and to include the new budget role. The committee directed staff to draft these bylaws changes for the next meeting.

In discussing whether the committee could vote to approve the budget, Ms. Gross questioned whether a quorum existed under the existing bylaws of the committee. Mr. Siddique noted that DC-WASA was not prepared to support approval of the work program and budget at this point in time, which further complicated the issue of budget approval. Mr. Freudberg suggested that the committee could take action based on the sense of those present to recommend budget approval to the full committee. He said staff could then conduct a vote on the budget by sending ballots to the committee membership.

Members expressed some concern that in not taking final action on the budget that day, there would be more public criticism of COG on the stream flow gauge issue. Mr. Hearn noted that the managers of the Washington Aqueduct had expressed some willingness to fund the gauge if COG could not. However, Tanya Spano of COG staff later reported that the Aqueduct was not prepared to take any immediate action in this regard.

Upon a motion by Ms. Gross that was seconded by Mr. Fellows, the committee agreed to recommend to the full committee that it approve the draft work program and budget presented by staff. The committee voted in favor of this motion with the exception of Mr. Siddique, who abstained.

**Action Item:** COG staff will prepare a set of bylaws amendments for the July meeting. COG staff will prepare a mail ballot for approval of the Regional Water Fund work program and budget.

## **6. Updates on Committee Initiatives**

Karl Berger of COG staff noted that committee plans for the agricultural forum and tour in Frederick County are almost finalized and distributed a draft agenda. He asked for a confirmation of those intending to participate. Member discussed transportation arrangements. Ms. Davis urged committee members to attend, noting the priority that Chair Lovell has placed on the event.

Mr. Graham noted that the educational video is almost complete.

Mr. Berger indicated that staff had completed and Chair Lovell had signed a letter on stormwater outreach and education efforts in the region, as directed at the March meeting.

**Action Item:** Staff should send a further reminder to COG Board members urging them to participate in the Frederick County event.

## **7. New Business**

Ms. Gross noted another article critical of the Bay restoration effort was published in the June issue of *National Geographic* magazine. Mr. Freudberg suggested COG could try to engage the magazine's editors in a conversation about local efforts on behalf of the restoration program.

Ms. Gross also noted that the Potomac Watershed Roundtable will host its fourth annual forum on Aug. 12 on the Prince William campus of George Mason University. She also noted that she is serving, through her capacity as a member of the Bay Program's Local Government Advisory Committee, as a reviewer of Virginia applications to the small grants program of the National Fish and Wildlife Service.

## **8. Adjourn**

The meeting was adjourned at 11:35 a.m.